LEGISLATIVE JOURNAL

OF THE

STATE OF NEBRASKA

NINETIETH LEGISLATURE
FIRST SESSION

1987

Convened January 7, 1987 Adjourned May 29, 1987

LINCOLN, NEBRASKA

Compiled

Under the Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

OFFICERS OF THE LEGISLATURE

William E. Nichol, (Lt. Governor), President ..... Scottsbluff
William E. Barrett, Speaker ..... Lexington
Patrick J. O'Donnell, Clerk ..... Lincoln
Richard Brown, Assistant Clerk ..... Lincoln
Robert E. Palmer, Chaplain Coordinator ..... Lincoln
Lottie Henderson, Mail Room Supervisor ..... Lincoln
Carl E. Kamprath, Sergeant at Arms ..... Lincoln

EXECUTIVE BOARD

Bernice Labedz, Omaha ..... Chairperson
Richard Peterson, Norfolk ..... Vice Chairperson
William E. Barrett, Lexington ..... Speaker
Dennis Back, Kimball ..... Member-at-large
Ernie Chambers, Omaha ..... Member-at-large
Rex Haberman, Imperial ..... Member-at-large
Marge Higgins, Omaha ..... Member-at-large
R. Wiley Remmers, Auburn ..... Member-at-large
Loran Schmit, Bellwood ..... Member-at-large
Jerome Warner, Waverly ..... Ex officio member

REVISOR OF STATUTES
..... Joanne Pepperl

ENROLLMENT & REVIEW ATTORNEY
..... Mary Sommermeyer

FISCAL ANALYST
..... Michael Calvert

OMBUDSMAN
..... Marshall Lux

RESEARCH
..... Dick Hargesheimer

JOURNAL CLERKS
..... Vicki Buck
..... Margo Gerlach
..... Mary Rasmussen
..... Leona Shields

LEGISLATURE

MEMBERS

Dist.	Name	Address	Occupation	Counties
1	R. Wiley Remmers	Auburn	Farmer	Johnson, Nemaha, Otoe*, Pawnee, Richardson
2	Roger R. Wehrbein	Plattsmouth	Farmer	Cass, Otoe*
3	Emil E. Beyer, Jr.	Gretna	Real Estate Development and Investments	Douglas*, Sarpy*
4	Gary E. Hannibal	Omaha	Contractor	Douglas*
5	Bernice Labedz	Omaha	State Senator	Douglas*
6	Brad Ashford	Omaha	Attorney	Douglas*
7	Timothy J. Hall	Omaha	Development Director U.C.S.S. (United Catholic Social Services)	Douglas*
8	Vard Johnson	Omaha	Attorney	Douglas*
9	Marge Higgins	Omaha	Real Estate/ Investments	Douglas*
10	Carol McBride Pirsch	Omaha	Supervisor of Community Relations	Douglas*
11	Ernie Chambers	Omaha	Barber	Douglas*
12	Chris Abboud	Ralston	Attorney	Douglas*
13	Daniel C. Lynch	Omaha	Vice President Consumer Affairs, Blue Cross/ Blue Shield of NE	Douglas*
14	Ron Withem	Papillion	Executive Director MCAO	Sarpy*
15	Lowell C. Johnson	North Bend	Retired Engineer/ Farmer/Businessman	Dodge*

Dist.	Name	Address	Occupation	Counties
16	Frank Korshoj	Herman	Retail Lumberman	Burt, Cuming*, Thurston, Washington
17	Gerald A. Conway	Wayne	Professor, Consultant	Dakota, Dixon, Wayne*
18	Stan Schellpeper	Stanton	Farmer-Feeder	Colfax, Cuming*, Dodge*, Stanton
19	Elroy M. Hefner	Coleridge	Business Executive	Cedar, Knox, Pierce, Wayne*
20	Glenn A. Goodrich	Omaha	Electrical Contracting	Douglas*
21	Richard Peterson	Norfolk	Farmer/Beekeeper/ Businessman	Madison
22	Lee Rupp	Monroe	Public Relations/ Ag. Real Estate	Boone*, Nance, Platte*
23	Loran Schmit	Bellwood	Farmer	Butler, Platte*, Saunders
24	Scott Moore	Stromsburg	Farmer-State Senator	Polk*, Seward, York
25	Jerome Warner	Waverly	Livestock/Farming	Lancaster*
26	Donald Wesely	Lincoln	Businessman	Lancaster*
27	Bill Harris	Lincoln	Businessman	Lancaster*
28	James D. McFarland	Lincoln	Lawyer	Lancaster*
29	Shirley Marsh	Lincoln	Legislator	Lancaster*
30	Patricia S. Morehead	Beatrice	State Senator	Gage, Jefferson*
31	Jerry Chizek	Omaha	Manager, Public Affairs	Douglas*
32	George Coordsen	Hebron	Farmer	Fillmore, Jefferson*, Saline, Thayer
33	Jacklyn Smith	Hastings	Realtor	Adams
34	Rod Johnson	Sutton	Farmer	Clay, Hall*, Hamilton, Merrick, Polk*
35	Arlene Nelson	Grand Island	State Senator	Hall*
36	Lorraine Langford	Kearney	Homemaker-Grandmother	Buffalo*, Hall*
37	Jerry D. Miller	Davenport	Farmer-Agri Business	Buffalo*, Franklin, Kearney, Nuckolls, Webster

Dist.	Name	Address	Occupation	Counties
38	W. Owen Elmer	Indianola	Agri-Business	Frontier, Furnas, Gosper, Harlan, Lincoln*, Red Willow
39	William E. Barrett	Lexington	Real Estate/Insurance	Dawson, Phelps
40	Merton L. Dierks	Ewing	Veterinarian-Rancher	Antelope, Boone*, Boyd, Holt
41	Carson H. Rogers	Ord	Hog Farmer	Custer*, Garfield, Greeley, Hall*, Howard, Loup, Sherman, Valley, Wheeler
42	James E. Pappas	North Platte	Self-employed	Lincoln*
43	Howard A. Lamb	Anselmo	Rancher	Blaine, Brown, Cherry, Custer*, Hooker, Keya Paha, Logan, McPherson, Rock, Thomas
44	Rex Haberman	Imperial	State Senator/ Farm Management	Arthur, Chase, Deuel, Dundy, Grant, Hayes, Hitchcock, Keith, Lincoln*, Perkins
45	D. Paul Hartnett	Bellevue	College Professor	Sarpy*
46	David Landis	Lincoln	Teacher/State Senator	Lancaster*
47	Dennis Baack	Kimball	Farmer	Banner, Cheyenne, Garden, Kimball, Morrill, Scotts Bluff*
48	John L. Weihing	Gering	Professor Emeritus	Scotts Bluff*
49	Sandra K. Scofield	Chadron	Counselor/Consultant/ Farmer	Box Butte, Dawes, Sheridan, Sioux

Clerk

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

RULES OF THE NEBRASKA UNICAMERAL

TABLE OF CONTENTS

RULE 1--OFFICERS AND EMPLOYEES

A. Election of Officers 1
B. Presiding Officer 3
C. Speaker 5
D. Clerk of the Legislature 5
E. Other Offices 7

RULE 2--RULES OF PROCEDURE

Rules of Order 9
Suspension of Amendment 9
Privileges of the Floor 9
Discipline of Members 10

RULE 3--COMMITTEES

Appointment of Committees 13
Standing Committees 14
Select Committees 15
Special Committees 17
Reporting of Bills 20

RULE 4--RESOLUTIONS

Method of Adopting 27
Study Resolutions 27

RULE 5--BILLS--GENERAL PROVISIONS

Bill Drafter 29
Revisor Correctional Bills 30
Introduction of Bills 30
Fiscal Notes 32
Governor's Budget Bill 34
Withdrawal of Bills 35
Holding of Bills 35

RULE 6--BILLS--STAGES OF CONSIDERATION

Introduction 37
General File 37
Motions 37
E & R for Review 39
Select File 39
Motions 40
Final Reading 41
Motions 41
Governor's Veto 43

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 Health and Human Services
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 or during discussion of amendments or motions offered pursuant to Rule 6, Section 8.

(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. A committee's particular jurisdiction shall also include review of the budgets of agencies, boards, and commissions reasonably encompassed in its subject matter jurisdiction.

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

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

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

Sec. 2. Appointment of Committees. (a) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and three from District Number 1 consisting of legislative districts Numbers 1 through 3, 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
Health and Human Services	7 members
Judiciary	8 members
Miscellaneous Subjects	8 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.

The following standing committees of the Legislature shall become operative January 7, 1987.

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

RULE 3

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 Lieutenant Governor or Speaker and certified to by the Clerk as to the date of final passage.

Const. Art. III, Sec. 14.

Sec. 8. Reference to Committee. Resolutions other than those covered by Sections 2 and 3 of this rule shall 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. The provisions of this section shall not apply to resolutions considered as bills pursuant to Rule 4, Section 2.

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

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

RULE 5--BILLS--GENERAL PROVISIONS

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

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

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

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

Const. Art. III, Sec. 13.

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

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

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

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

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

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

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

RRS 49-804.

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

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

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

(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. Special committees created as a result of an interim study resolution and as authorized by the Executive Board shall be considered as separate committees for purposes of the limitations prescribed by this section. Bills introduced under Rule 5, Section 3(a) and bills introduced at the request of the Governor will not be included in the limitation.

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

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

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate 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 overridden by section, page, and line.

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

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

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

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

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

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

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

RULE 7--PROCEEDINGS AND MOTIONS

(A) Order of Business

Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., and adjourn not later than 1:00 p.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall 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 or recess has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion. A motion to adjourn or recess is not debatable.

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

RULE 8--APPROPRIATIONS PROCESS

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

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

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

Sec. 4. Standing Committee Appropriations Review. (a) Each standing committee may hold a budget request review hearing on the agency, board, and commission budgets reasonably encompassed in its subject matter jurisdiction. The chairperson of the standing committee shall coordinate the scheduling of such hearings with the Chairperson of the Appropriations Committee. The standing committee shall obtain a determination from the Executive Board that the budget to be reviewed is within its subject matter jurisdiction. It may make recommendations with regard to proposed appropriations to the Appropriations Committee.

(b) The chairperson of each committee may, when the budget review hearing on each agency, board, and commission is complete, submit a standing committee appropriations review statement which

shall contain, but need not be limited to, the following information:

(1) the identity of the agency, board, or commission budget reviewed,

(2) the date of the hearing,

(3) a list of all the individuals testifying with regard to the budget,

(4) a summary of requested and proposed changes to the original agency, board, or commission budget, and

(5) a summary and explanation of standing committee recommendations on the agency, board, or commission budget in such form as the standing committee deems appropriate.

(c) A copy of the proposed standing committee appropriations review statement shall be distributed to each committee member within five days after final committee action on the budget review hearing 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 standing committee appropriations review statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the Appropriations Bill on General File.

(d) A copy of the standing committee appropriations review statement and any minority statements submitted shall be distributed to each senator after filing one copy with the Appropriations Committee Chairperson and one with the Clerk of the Legislature. Distribution to senators shall be the responsibility of the Clerk of the Legislature.

(e) The Appropriations Committee shall review each standing committee appropriations review statement prior to final action by the Appropriations Committee and placement of the appropriations bills on General File, if such statement is received prior to final action on the permanent budget. The Appropriations Committee shall not be bound to adopt the recommendations in the standing committee appropriations review statement.

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

Sec. 5. Bills, Held on Final Reading. The report of the Appropriations Committee shall include a recommended dollar amount of the General Fund biennium appropriation which shall be allocated for

the funding of "A" bills, bills that result in the net reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriations bills as reported to General File by the Appropriations Committee. All "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; and all tax expenditure bills shall not be read on Final Reading until the appropriations bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriations bills on General File no later than the 70th legislative day in a 90 day session and the 40th legislative day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriations bills as introduced by the Governor. The appropriations bills shall be passed no later than the 80th legislative day in a 90 day session and the 50th legislative day in a 60 day session. The 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.

RULE 9--SPECIAL SESSIONS

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

Sec. 2. Convening of the Legislature. Pursuant to the directive contained in the proclamation issued by the Governor, either upon the concurrence of two-thirds of the members of the Legislature according to the procedure established by section 50-125 or upon the call of the Governor under the authority of Article IV, section 8, of the Nebraska Constitution, the Legislature shall convene in special session. The first item of business shall be the introduction of bills and resolutions, both of which shall be numbered consecutively beginning with the number one. Bills and resolutions offered by the Speaker at the request of the Governor or offered pursuant to the statement filed with the Secretary of State and agreed to by two-thirds of the members of the Legislature shall be introduced ahead of all other proposals. After introduction, all bills and resolutions shall be handled in the manner provided in this rule. Bills and resolutions shall be introduced only during the first three days of the session.

Sec. 3. Committee Hearings. Within one legislative day 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. Rules Controlling When Conflict Exists. When a conflict exists between the provisions of this rule and other provisions of the Rules of the Nebraska Legislature, the provisions of this rule shall apply.

MOTIONS

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

INDEX TO RULES

	Rule	Sec.
ADJOURNMENT		
Hour of, printed in Journal	1	18c
Motions	7	9
AMENDMENTS		
All printed in the Journal	1	18d
Germane	7	3d
Motions to amend	7	3b
On General File	6	3b
Specific	6	6
Standing committees, authority to recommend	3	16
APPOINTMENTS		
Governor, approval of	3	4e(ii)
APPROPRIATION BILLS		
Amendments to	6	3h
Introduction of	5	6f
Priority of consideration	1	16
APPROPRIATIONS		
Appropriations in excess of Governor's request	5	6k
Bill, setting tax rates	8	5
Bills, held on Final Reading	8	4
Chairperson, report on effect of line-item veto	6	14
Committee report	8	2
Governor's bills, introduction of	5	7
Purpose	8	1
Report, when required	8	3
Request of bill from committee, exceptions	3	19
Resolutions, considered as bill	4	2
ASSISTANT CLERK		
Duties of	1	19
BILL DRAFTER		
Committee amendments, duty to review	5	1
also	3	16
Correctional bills,		
Printing of	5	3a
Signing of	5	3a
Drafting bills after January 1, only for senators	5	1
Preparation of bills and amendments	5	1
also	3	16
Sections amended, compilation of	5	2c

INDEX TO RULES

	Rule	Sec.
BILL DRAFTING		
Enrollment and Review		
Legal services	3	4d(ii)
Review of bills	6	4
BILLS		
Amendatory form of	5	2c
Amendments		
General File	6	3b
Appropriation bills	6	3h
When printed in Journal	1	18d
Appropriation bills		
Correlation and combination of, standing committee authority	3	11
Designation of	5	2
Dividing into two or more bills, prohibited	5	12
Drafting service		
Enrollment and Review	3	4d
Engrossment of	5	9
Enrollment and Review		
Action which may be taken	6	4
Final Reading		
Emergency clause, votes required	6	10
Generally	6	7
Printing	6	7c
Fiscal note		
Preparation of	5	6
General File		
Fails to advance a third time	6	3i
Holdover of	5	13
Order and arrangement by Speaker	6	3c
Passing over when introducer present	6	3c
Governor's bill introduced by Speaker	5	7
Introducer		
Reading name of principal introducer	6	3a
Introduction of		
Day limitation	5	4
Limit number of	5	4d
Members willing to support	5	4
Signature of senators on bills	5	4
Special session	9	2

INDEX TO RULES

	Rule	Sec.
Priority of		
Appropriation bills	1	16
Public hearing, notice required	3	13
Reference to committee	3	4e
Objection to	6	2a
Request for bills held in committee	3	19
Request for held bills, special session	9	6
Section by section reading not required	6	3a
Signers on, additional	5	4
Signing upon passage		
Restriction on who may	1	7
Who authorized	1	13
Stages of consideration		
Generally	6	
Title		
Amendments to	7	3c
Reading title of bills	5	8
Veto by Governor		
Overriding, procedure	6	12
Reconsideration	7	7
Withdrawal of, notice required	3	13
Withdrawal of, procedure	5	11
CALL OF THE HOUSE		
Procedure	7	5
CHAPLAIN COORDINATOR		
Duties of	1	21
Election of	1	2
CLERK OF THE LEGISLATURE		
Assistant Clerk, duties of	1	19
Attesting to bills passed	1	13
Bills		
Amendments, reading, E & R when required	6	5g
Deliver to Reference Committee	6	1
Numbering of and reading	6	1
Communications, authority to read	1	17e
Distribution of material, when authorized	2	3f
Duties, generally	1	17
Fiscal notes	5	6d
Printing		
Bills from Executive Board	5	3b
Revisor correctional bills	5	3a

INDEX TO RULES

	Rule	Sec.
Record of all debate	1	18g
COMMITTEE ON COMMITTEES		
Chairperson, election of	1	1
Committee meetings, publication of schedule	3	6
Governor's appointments, hearing on	3	4e(ii)
Investigating committee	3	4g
Membership on, districts	3	2
Nomination of members for committees	3	2
Select committees, appointment of members	3	4
Vacancies of committee		
Temporary appointments	3	11
COMMITTEES (See also Standing Committees, Select Committees, and Special Committees)		
Attendance at, requirement of	2	4a
Executive sessions, press	3	15
Hearings, cancellation of	3	6
Introduction of bills		
After tenth day	5	4c
Investigations, appointment of members	3	4g
Minority report on bills reported	3	18
Select committees, defined	3	4
Smoking, restrictions	3	10
State officials, appearing before, when	3	14
Statement of committee required	3	18
Vacancies		
Appointments to	3	11
DEBATE		
Motion to cease debate, closing	7	4
DEPARTMENT HEADS		
Fiscal notes, duty to provide information	5	6c
ELECTRICAL ROLL CALL SYSTEM		
Call of the house		
Indicate presence on	7	5
EMERGENCY CLAUSE		
E & R amendment, authority to add	3	4d
Final Reading		
Vote required	6	10
Final Reading, stricken when not sufficient votes	6	10
Motion to reconsider to add	7	7

INDEX TO RULES

	Rule	Sec.
Return from Final Reading		
Vote required	6	8c
EMPLOYEES		
Hiring and salary, Executive Board	1	22
Report of, monthly	1	17c
ENGROSSMENT		
Bills		
Show new and stricken matter	5	9
ENROLLMENT AND REVIEW		
Advancement of bills to	6	4
Amendments		
Reading by Clerk, not required, when	6	5g
Title, authority to make	7	3c
Bills		
Advancement, vote required	6	4
Amendments, authority to submit	3	4d
Duties and authority	3	4d
Motion to return to General File	6	5
EXECUTIVE BOARD		
Employees, hire and determine salary	1	22
Reference Committee, shall constitute	3	4e
Reference of bills before session	5	3a
Reference of study resolution	4	3
Revisor of Statute correctional bills, introduction of	5	3b
EXECUTIVE SESSION		
Press, admission to, committees	3	15
FINAL READING		
Bills		
Appropriation	5	6g
also	8	4
Placing on Final Reading	6	7
Reading of bills at large	6	8
Machine vote required, when	7	2c
Members to remain in seats	2	3g
Question on Final Reading	6	9
Reconsideration motion		
Votes required	7	7c
Visitors on floor prohibited	2	3b

INDEX TO RULES

	Rule	Sec.
FISCAL ANALYST		
Fiscal Notes, duties associated therewith	5	6
Review of all bills	5	6
FLOOR DEBATE		
Verbatim record, preparation of	1	18g
GENERAL FILE		
Bills		
Advancement to E & R, vote required	6	4
Bracket, when	6	2b
Fail to advance a third time	6	3i
Clerk		
Introduction of bills, procedure	6	3a
Motion		
Enumeration of and votes required	6	
Place on General File notwithstanding committee action	3	17
Request bill from committee	3	19
Order of consideration	1	16
Reference Committee		
Placed directly on, when	3	4e
Resolutions referred to committee	4	8
GERMANE AMENDMENTS	7	3d
GOVERNOR		
Admission to legislative chamber	2	3c
Appointments by, hearings on	3	4e
Bills vetoed, reconsideration	6	11
Budget bill, introduction of	5	7
Department heads, appearance before committees	3	14
Introduction of bills		
After tenth legislative day	5	4c
Line-item veto of legislation, overriding	6	14
Messages from, privilege	7	1c
Messages, print in Journal	1	18b
Veto of legislation, overriding	6	12
IMMUNITY		
For words spoken during debate	2	9

INDEX TO RULES

	Rule	Sec.
INDEFINITELY POSTPONED		
Committee report, effect of	3	17
Request from committee, bill held	3	19
Special session	9	5
INTRODUCTION OF BILLS		
After tenth day	5	4c
Numbering, reading of title	6	1
Statement of Intent, required after tenth day	5	4c
JOURNAL		
Bound volumes, preparation of	1	18f
Contents	1	18b
Daily preparation of, by Clerk	1	18a
Distribution of for senators	1	18e
Notice of committee hearings	3	13
LEGISLATIVE CHAMBER		
Decorum, abusive language, prohibited	2	7b
Material, distribution of, restrictions	2	3f
Visitors to	2	3
What constitutes	2	3a
LEGISLATIVE COUNCIL		
Chairperson, election of	1	1
Executive Board		
Officers and employees, recommendations for	1	2
Vice Chairperson, election of	1	1
LEGISLATURE		
Call of the house		
Remain in seats	7	5
Legislative day, defined	7	1
Meeting time	7	1
Office space, supervision of	1	17d
Officers and employees		
Change compensation	5	10
Order of business	7	1b
Rules procedure		
Amendment	2	2
Matters not covered by	2	1
Session, limitation on,		
ninety days-sixty days	7	1a
Voting		
Machine votes, when called for	7	2b

INDEX TO RULES

	Rule	Sec.
LIEUTENANT GOVERNOR		
Presiding officer	1	5
Voting, tie	1	14
LOBBYISTS, REGISTERED		
Reports on	1	18h
MACHINE VOTE		
Any member may request	7	2b
MATERIAL		
Written or printed, distribution in the Legislative chamber	2	3f
MINORITY REPORT		
Submitted by committee, when	3	18
MOTION TO RECONSIDER		
Withdrawal of, unanimous consent required when	7	3a
MOTIONS		
Adjournment, order of	7	9
Bracket and unbracketing bills	6	3e
Division of a question	7	3e
General File, enumeration of	6	3
Indefinitely postponed		
Failure in attempt to raise from committee, effect	3	19c
General File, before reading	6	3f
Motions not covered	2	1
Postpone or postpone indefinitely, precedence	7	3a
Postpone to time certain	7	6
Precedent in, consideration of	7	3a
Reading of before vote taken	7	3a
Reconsideration		
Votes required	7	7c
Who may move	7	7a
Select File, enumeration of	6	5
Shall the debate cease		
Procedure for invoking	7	4
Seconded required by five or more members	7	4
Strike out and insert	7	3e
Strike the enacting clause		
Equivalent to	7	8
Precedence over motion to amend, forbidden	7	8

INDEX TO RULES

	Rule	Sec.
Withdrawal of, when permitted	7	3a
Writing, required when	7	3a
OATH		
Officers of Legislature	1	4
OFFICERS		
Election of each Legislature	1	1
Election of, votes required	1	3
Oath	1	4
Removal of, procedure	1	3
OFFICERS AND EMPLOYEES		
Assistant Clerk		
Duties of	1	19
Election of	1	2
Assistant Sergeant at Arms		
Duties of	1	20b
Election of	1	2
Chaplain Coordinator		
Duties of	1	21
Election of	1	2
Clerk		
Duties of	1	17
Election of	1	2
Compensation of, change	5	10
Sergeant at Arms		
Duties of	1	20
Election of	1	2
ORDER OF BUSINESS		
Enumeration of	7	1b
Governor's messages, privilege	7	1c
Special order	7	1d
Special session	9	2
OVERRULE RULING OF THE CHAIR		
Vote required	1	12
PERSONAL PRIVILEGE	2	11
PETITIONS AND MEMORIALS		
Order of business	7	1b
PRESIDENT		
Duties of		
Preserve decorum	1	11
Sign bills and resolutions	1	13
Overruling, vote required	1	12

INDEX TO RULES

	Rule	Sec.
Presiding officer, order of designation	1	6
Senators addressing the chair, procedure	2	7a
Signing bills and resolutions	1	13
PRESIDING OFFICER		
Alternate	1	8
Call of the house		
Authority to declare the call raised	7	5
Delegation of authority, order	1	6
Powers of	1	7
Voting, machine vote if in doubt	7	2b
PRESS		
Admission to chamber	2	3b
Admission to executive sessions	3	15
PRINTING		
Bills and resolutions	5	8
Final Reading bills	6	7c
Preprinting of bills, when authorized	5	3b
Revisors correctional bills	5	3a
PRIORITY BILLS	5	5
PUBLIC HEARINGS		
Notice of hearing, days required	3	13
Special session	9	3
QUORUM		
Absence of	1	10
Majority constitutes	1	9
Postpone the reconvening of		
Legislature, in absence of	1	16b
RECONSIDERATION		
Motion for, withdrawal of	7	3a
REFERENCE COMMITTEE		
Committee meetings, permission to suspend	3	6b
Delivery of bills to	6	1
Duties and powers	3	4e
Objection to reference, procedure	6	2a
Review of bill proposed for introduction	5	3b
Speaker re-refer bill changed by amendment	6	3h
Special session	9	3
RESOLUTIONS		
Adoption	4	5
Constitutional amendment	4	2
Engrossed, when	4	7

INDEX TO RULES

	Rule	Sec.
General provisions	4	
Lay over requirement	4	6
Motions to raise from committee	4	9
Printing	5	8
Referred to committee	4	8
Signing upon passage		
Restriction on who may	1	7
Who authorized	1	13
Study committees, proposed by review by Executive Board	4	3
Voting on, yeas and nays required	7	2c
Voting printed in Journal	1	18b
When considered as a bill	4	2
RETIREMENT SYSTEMS COMMITTEE		
Designation of, as special committee	3	5b
Jurisdiction and rules for operation	3	5c(ii)
RULES		
Amendments to	2	2
Matters not covered, procedure	2	1
Suspension of, vote required	2	2
Transgression of Rules by a member	2	8
RULES COMMITTEE		
Amendment to Rules, reference to	2	2
Designation of, as select committee	3	4
SELECT COMMITTEES		
Appointment of members to	3	2b
Definition of	3	4b
Designation of	3	4a
Enrollment and Review		
Chairperson of, privilege	3	4d
Duties	3	4d
SELECT FILE		
Amendments		
Enrollment and Review, prohibit other amendments	6	5
Vote required	6	5f
Bills		
Advancement to E & R for engrossment, when	6	4
Fail to advance a second time	6	5i
Return from Final Reading	6	8c
Motion, enumeration of	6	

INDEX TO RULES

	Rule	Sec.
SENATORS		
Absence of, excused, when	2	4a
Absent, explanation of vote	2	5
Addressing the chair, procedure	2	7a
Attendance at meetings, requirement	2	4a
Censure, excepted words	2	8
Exception to words spoken	2	9
Expulsion of, procedure	2	6
Families, admitted to floor, when	2	3d
Final Reading, remain in seats	2	3g
Immunity for words spoken	2	9
Personal privilege	2	11
Restriction on speaking	2	10
Signature on bills	5	4
Speaking on floor, limitation on length	2	10
Use of profanity prohibited	2	7b
Violation of Rules, restrictions on	2	8
Words excepted to	2	9
SERGEANT AT ARMS		
Compel presence of member	2	4b
Duties of	1	20
Election of	1	2
Supervision of, by Speaker	1	20c
SESSIONS		
Debate, limitations on, length	2	10
Immunity for words spoken during	2	9
Interruption of, prohibited	2	7b
Limitation on duration	7	1
Violation of Rules, objection to	2	8
SPEAKER		
Acting President, when	1	5
Bills		
New form, refer to committee	6	3g
Poor form, refer to committee	6	3h
Bills on General File, set order	6	3c
Committee membership, restricted	3	3b
Election of	1	1
Excuse members, authority to	2	4a
Postpone the reconvening of the Legislature	1	16b
Preside over Legislature	1	15

INDEX TO RULES

	Rule	Sec.
Privileged at any time	1	15
Reporting order of bills (agenda)	1	16
Security guards, supervision of	1	20c
Service on committee, temporary appointment	3	11
Signing bills and resolutions	1	13
SPECIAL COMMITTEES		
Designation of	3	5
Introduction of bills	5	4b
SPECIAL ORDER		
Order of bill not yet reached	7	1d
SPECIAL ORDER OF THE DAY		
Unfinished business	7	1d
SPECIAL SESSIONS		
Bill introduction, time limit	9	2
Bills held by committee	9	6
Committee hearings	9	3
Conflict between provisions	9	8
Convening	9	2
Indefinitely postponed bills and resolutions	9	5
Proposals not enacted	9	7
Purpose	9	1
Report to Legislature	9	4
STANDING COMMITTEES		
Appointment of members to	3	2b
Bills		
Attempt to put on General File, failure, effect	3	19c
Correlations of bills into lesser number	3	12
Recommit from Final Reading	6	8b
Twenty days, motions to place on General File	3	19b
Chairperson, selection by secret ballot	3	7a
Definition and enumeration of	3	3
Duration of membership	3	2c
Eight calendar days, duty to act	3	16b
Force bill to be placed on General File	3	19
Indefinitely postponed		
Motion to place on General File notwithstanding	3	17
Introduction of bills after tenth day	5	4c

INDEX TO RULES

	Rule	Sec.
Membership on, appointment to	3	2b
Nomination of members for	3	3
Number of members on each committee	3	3
Raise bill indefinitely postponed	3	17
Record of proceedings	3	18
Report from, required, when	3	16
Report to the Legislature		
Indefinitely postponed	3	17
On General File	3	17
Requirement of, contents	3	18
Resolutions		
Lay over requirement	4	6
Reference to	4	8
Speaker, not member of	3	3b
Time for meetings	3	6
Vice chairperson, designation by committee	3	7c
SUBPOENA PROCEDURE	3	20
SUSPENSION OF THE RULES		
Votes required	2	2
VACANCIES		
On committees, appointment to	3	11
VISITORS		
Legislative chamber, admission to	2	3
Notice to presiding officer	2	7b
VOTING		
Absent members, insert in Journal	2	5
Committees, action on bills	3	16
Expulsion of members	2	6
Lieutenant Governor, only when tie	1	14
Machine vote, decision announced, votes thereafter	7	2d
Machine votes, when required	7	2b
Question, form of	7	2a
Record or roll call vote, requested by member, when	7	2d
Resolutions, vote required	4	6
Voice vote, authorized when	7	2a
WITHDRAWAL OF BILLS		
Procedure, consent	5	11
Restriction on, when set for hearing	3	13

FIRST DAY - JANUARY 7, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 7, 1987

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Ninetieth 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 7, 1987, and was called to order by President McGinley.

PRAYER

The prayer was offered by Father Sam Boman, St. David's Episcopal Church, Lincoln, Nebraska.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska National Guard.

ROLL CALL

The roll was called and the following members were present:

Abboud, Chris	Elmer, W. Owen	Johnson, Rod
Ashford, Brad	Goodrich, Glenn A.	Johnson, Vard R.
Baack, Dennis	Haberman, Rex	Korshoj, Frank
Barrett, William E.	Hall, Timothy J.	Labedz, Bernice
Beyer, Emil E., Jr.	Hannibal, Gary E.	Lamb, Howard A.
Chambers, Ernie	Harris, Bill	Landis, David M.
Chizek, Jerry	Hartnett, D. Paul	Langford, Lorraine
Conway, Gerald A.	Hefner, Elroy M.	Lynch, Dan
Coordsen, George	Higgins, Marge	Marsh, Shirley
Dierks, Merton L.	Johnson, Lowell C.	McFarland, James

Miller, Jerry D.	Remmers, R. Wiley	Smith, Jacklyn J.
Moore, Scott	Rogers, Carson H.	Warner, Jerome
Morehead, Patricia S.	Rupp, Lee	Wehrbein, Roger R.
Nelson, Arlene	Schellpeper, Stan	Weihing, John L.
Pappas, James E.	Schmit, Loran	Wesely, Don
Peterson, Richard	Scofield, Sandra K.	Withem, Ron
Pirsch, Carol McBride		

MOTION - Adopt Rules

Mrs. Morehead moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 7, 1987.

Mr. Chambers offered the following amendment to the Morehead motion:

"except for Rule 3 Section 3 as amended by the 1986 Legislature (89th Legislature, 2nd Session). The provisions of Rule 3 Section 3 in effect on January 8, 1986 are to be in effect throughout such time as temporary rules are in place.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 39 ayes, 2 nays, and 8 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 12:

Baack	Hall	Johnson, R.	Moore	Remmers
Beyer	Harris	Labedz	Pappas	Schmit
Chambers	Higgins			

Voting in the negative, 37:

Abboud	Goodrich	Lamb	Morehead	Scofield
Ashford	Haberman	Landis	Nelson	Smith
Barrett	Hannibal	Langford	Peterson	Warner
Chizek	Hartnett	Lynch	Pirsch	Wehrbein
Conway	Hefner	Marsh	Rogers	Weihing
Coordsen	Johnson, L.	McFarland	Rupp	Wesely
Dierks	Johnson, V.	Miller	Schellpeper	Withem
Elmer	Korshoj			

Not voting, 0.

The Chambers amendment lost with 12 ayes, 37 nays, and 0 not voting.

The Morehead motion to adopt temporary rules prevailed with 45 ayes, 1 nay, and 3 present and not voting.

MOTION - Temporary Clerk and Sergeant at Arms

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

The motion prevailed.

MOTION - Committee on Credentials

Mr. Rupp 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, 1986.

The motion prevailed.

The Chair appointed Messrs. Hefner, Moore, L. Johnson, Lynch, and Pappas.

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 Ninetieth Legislature, First Session (Regular), 1987.

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 Ninetieth Legislature, First Session (Regular), 1987.

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

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

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

(SEAL) Allen J. Beermann, Secretary of State

DISTRICT	NAME	ELECTED
1	R. Wiley Remmers	November 6, 1984
2	Roger R. Wehrbein	November 4, 1986
3	Emil E. Beyer, Jr.	November 6, 1984
4	Gary Hannibal	November 4, 1986
5	Bernice Labedz	November 6, 1984
6	Brad Ashford	November 4, 1986
7	Tim Hall	November 6, 1984
8	Vard R. Johnson	November 4, 1986
9	Marge Higgins	November 6, 1984
10	Carol McBride Pirsch	November 4, 1986
11	Ernie Chambers	November 6, 1984
12	Chris Abboud	November 4, 1986
13	Daniel C. Lynch	November 6, 1984
14	Ron Withem	November 4, 1986
15	Lowell C. Johnson	November 6, 1984
16	Frank Korshoj	November 4, 1986
17	Gerald A. Conway	November 6, 1984
18	Stan Schellpeper	November 4, 1986
19	Elroy M. Hefner	November 6, 1984
20	Glenn A. Goodrich	November 4, 1986
21	Richard Peterson	November 6, 1984
22	Lee Rupp	November 4, 1986
23	Loran Schmit	November 6, 1984
24	Scott Moore	November 4, 1986
25	Jerome Warner	November 6, 1984
26	Don Wesely	November 4, 1986
27	Bill Harris	November 6, 1984
28	James D. McFarland	November 4, 1986
29	Shirley Marsh	November 6, 1984

30	Patricia S. Morehead	November 4, 1986
31	Jerry Chizek	November 6, 1984
32	George Coordsen	November 4, 1986
33	Jacklyn Smith	November 6, 1984
34	Rod Johnson	November 4, 1986
35	Arlene B. Nelson	November 6, 1984
36	Lorraine Langford	November 4, 1986
37	Jerry D. Miller	November 6, 1984
38	W. Owen Elmer	November 4, 1986
39	William E. Barrett	November 6, 1984
40	Merton L. Dierks	November 4, 1986
41	Carson Rogers	November 6, 1984
42	James E. Pappas	November 4, 1986
43	Howard Lamb	November 6, 1984
44	Rex S. Haberman	November 4, 1986
45	D. Paul Hartnett	November 6, 1984
46	David M. Landis	November 4, 1986
47	Dennis Baack	November 6, 1984
48	John L. Weihing	November 4, 1986
49	Sandra K. Scofield	November 6, 1984

Mr. Hefner 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 with 43 ayes, 0 nays, and 6 present and not voting.

MOTION - Escort Chief Justice

Mr. Harris 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 Mesdames Langford, Marsh, Messrs. Warner, Wesely, and Beyer to serve on said Committee.

EASE

The Legislature was at ease from 10:56 a.m. until 11:00 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.

Chris Abboud
Brad Ashford
George Coordsen
Merton L. Dierks
W. Owen Elmer
Glenn A. Goodrich
Rex S. Haberman
Gary Hannibal
Rod Johnson
Vard R. Johnson
Frank Korshoj
David M. Landis
Lorraine Langford
James D. McFarland
Scott Moore
Patricia S. Morehead
James E. Pappas
Carol McBride Pirsch
Lee Rupp
Stan Schellpeper
Roger R. Wehrbein
John L. Weihing
Don Wesely
Ron Withem

Subscribed in my presence and sworn to before me this seventh day of January, 1987.

(Signed) Norman Krivosha,
Chief Justice

The Committee escorted the Chief Justice from the Chamber.

MOTION - Election of Officers

Mr. Remmers moved that the following officers recommended by the Executive Board be approved for this Ninetieth Legislature, First Session:

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

The motion prevailed with 44 ayes, 0 nays, and 5 present and not voting.

MOTION - Election of Speaker

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

The motion prevailed.

Mr. Warner nominated Mr. Barrett.

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

The motion prevailed with 48 ayes, 0 nays, and 1 present and not voting.

Mr. Barrett was duly elected Speaker of the Legislature.

MOTION - Escort Chief Justice

Mr. Beyer moved that a Committee of five (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 officers of the Legislature.

The motion prevailed.

The President appointed Messrs. Miller, Hannibal, Haberman, Weihing, and Conway to serve on said Committee.

EASE

The Legislature was at ease from 11:15 a.m. until 11:20 a.m.

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

OFFICIAL 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. Barrett
Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard Brown
Sergeant at Arms	Carl E. Kamprath

The Committee escorted the Chief Justice from the Chamber.

MOTION - Committee on Committee Chairperson

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

The motion prevailed.

Mr. L. Johnson placed his name in nomination.

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

The motion prevailed with 49 ayes, 0 nays, and 0 not voting.

Mr. L. Johnson was duly elected Chairperson of the Committee on Committees.

MOTION - Chairperson of Executive Board

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

The motion prevailed.

Mrs. Marsh placed her name in nomination.

Mr. Lynch nominated Mrs. Labedz.

Mr. Hannibal placed his name in nomination.

Mr. Landis moved the nominations be closed.

The motion prevailed.

The Chair appointed Messrs. Conway, Korshoj, and Ms. Scofield as tellers.

Marsh	5
Labedz	27
Hannibal	16
	48

Mrs. Labedz was duly elected Chairperson of the Executive Board.

MOTION - Vice Chairperson of Executive Board

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

The motion prevailed.

Ms. Scofield placed her name in nomination.

Mr. Peterson placed his name in nomination.

Mrs. Pirsch moved the nominations be closed.

The motion prevailed.

The Chair appointed Messrs. Hall, Goodrich, and Dierks as tellers.

Scofield	21
Peterson	28
	49

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

MOTION - Executive Board Members

Mr. Lynch 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.

Mr. Schmit and Mr. Remmers were nominated from District 1.

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

Mr. Baack and Mr. Haberman were nominated from District 3.

Mr. Goodrich 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. V. Johnson 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
Landis
Morehead
Beyer

District 2
Lynch
Chizek
Hall

District 3
Rupp
Conway
Peterson

District 4
Pappas
Rogers
Haberman

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

The motion prevailed.

The Chair declared the nominees duly elected.

MOTION - Committee Chairpersons

Mr. Haberman moved to proceed to the election of the Committee Chairpersons, by secret ballot, in accordance with Rule 3, Sec. 7a.

The motion prevailed.

CHAIRPERSON - Agriculture

Mr. R. Johnson placed his name in nomination.

Mr. Miller moved to cease nominations and to cast a unanimous vote for Mr. R. Johnson.

The motion prevailed.

Mr. R. Johnson was duly elected Chairperson of Agriculture Committee.

CHAIRPERSON - Appropriations

Mr. Warner placed his name in nomination.

Mrs. Marsh 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 and Insurance

Mr. Goodrich placed his name in nomination.

Mr. V. Johnson nominated Mr. Landis.

Mr. Remmers placed his name in nomination.

Mr. Conway placed his name in nomination.

Mr. Hall moved the nominations be closed.

The motion prevailed.

The Chair appointed Messrs. Moore, Hartnett, and Mrs. Smith as tellers.

Goodrich	2
Landis	18
Remmers	18
Conway	11
	49

The Chair announced that a second ballot would be cast between Messrs. Landis, Remmers, and Conway.

The Chair appointed Mrs. Higgins, Messrs. Schmit, and Ashford as tellers.

Landis	21
Remmers	20
Conway	8
	49

The Chair announced that a third ballot would be cast between Messrs. Landis and Remmers.

The Chair appointed Messrs. Abboud, Schellpeper, and Mrs. Nelson as tellers.

Landis	23
Remmers	25
	48

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

CHAIRPERSON - Business and Labor

Mr. Hall placed his name in nomination.

Mr. Lynch moved the nominations be closed and to cast a unanimous vote for Mr. Hall.

The motion prevailed.

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

CHAIRPERSON - Education

Mr. Withem placed his name in nomination.

Mrs. Higgins moved the nominations be closed and to cast a unanimous vote for Mr. Withem.

The motion prevailed.

Mr. Withem was duly elected Chairperson of Education Committee.

CHAIRPERSON - General Affairs

Mrs. Morehead placed her name in nomination.

Mrs. Pirsch moved the nominations be closed and to cast a unanimous vote for Mrs. Morehead.

The motion prevailed.

Mrs. Morehead was duly elected Chairperson of General Affairs Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Mr. Rupp placed his name in nomination.

Mr. Chizek moved the nominations be closed and to cast a unanimous vote for Mr. Rupp.

The motion prevailed.

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

CHAIRPERSON - Health and Human Services

Mr. Wesely placed his name in nomination.

Mr. Pappas moved the nominations be closed and to cast a unanimous vote for Mr. Wesely.

The motion prevailed.

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

CHAIRPERSON - Judiciary

Mr. Schmit nominated Mr. Chambers.

Mr. Withem nominated Mr. Chizek.

Mr. Abboud placed his name in nomination.

Mrs. Pirsch placed her name in nomination.

Mr. Ashford moved the nominations be closed.

The motion prevailed.

The Chair appointed Messrs. Lamb, Baack, and Coordsen as tellers.

Chambers	19
Chizek	15
Abboud	12
Pirsch	2
	48

The Chair announced that a second ballot would be cast between Messrs. Chambers, Chizek, and Abboud.

The Chair appointed Messrs. Harris, Hall, and Wehrbein as tellers.

Chambers	20
Chizek	17
Abboud	12
	49

The Chair announced that a third ballot would be cast between Messrs. Chambers and Chizek.

The Chair appointed Messrs. Hannibal, Hefner, and Dierks as tellers.

Chambers	23
Chizek	25
	48

Mr. Chizek was duly elected Chairperson of Judiciary Committee.

CHAIRPERSON - Natural Resources

Mr. Rogers nominated Mr. Schmit.

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

The motion prevailed.

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

CHAIRPERSON - Revenue

Mr. V. Johnson placed his name in nomination.

Mr. Hefner placed his name in nomination.

Mr. Lynch moved the nominations be closed.

The motion prevailed.

The Chair appointed Messrs. Abboud, Rupp, and Elmer as tellers.

V. Johnson	29
Hefner	19
	48

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

CHAIRPERSON - Transportation

Mr. Lamb placed his name in nomination.

Mr. Beyer placed his name in nomination.

Mr. Wesely moved the nominations be closed.

The motion prevailed.

The Chair appointed Mesdames Morehead, Langford, and Ms. Scofield as tellers.

Lamb	30
Beyer	17
	47

Mr. Lamb was duly elected Chairperson of Transportation Committee.

CHAIRPERSON - Urban Affairs

Mr. Lynch nominated Mr. Hartnett.

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

The motion prevailed.

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

MOTION - Special and Select Committees

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

The motion prevailed.

CHAIRPERSON - Intergovernmental Cooperation

Mrs. Smith placed her name in nomination.

Mr. Rogers placed his name in nomination.

Mr. Hall moved the nominations be closed.

The motion prevailed.

The Chair appointed Messrs. Remmers, Moore, and Mrs. Labedz as tellers.

Smith	24
Rogers	21
	45

The Chair announced that a second ballot would be cast between Mrs. Smith and Mr. Rogers.

The Chair appointed Mesdames Higgins, Pirsch, and Mr. Korshoj as tellers.

Smith	25
Rogers	20
	45

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

CHAIRPERSON - Rules

Mr. Lynch placed his name in nomination.

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

The motion prevailed.

Mr. Lynch was duly elected Chairperson of Rules Committee.

CHAIRPERSON - Enrollment and Review

Mr. Hall nominated Mr. Moore.

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

The motion prevailed.

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

MOTION - Election Returns

Mrs. Nelson moved that a Committee of three (3) be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of 1986.

The motion prevailed.

The Chair appointed Messrs. L. Johnson, Weihing, and Mrs. Smith 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 7, 1987

Speaker of the Legislature
Ninetieth Legislature, First Session (Regular) 1987
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 the ninety-three counties of the State of Nebraska at the General Election held on November 4,

1986, for the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Members of the Public Service Commission, Regents of the University of Nebraska and Members of the State Board of Education; which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-4,110, R.S. Nebraska 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 each particular office enumerated. The certificate of the Secretary of State accompanies this list.

The original abstract sheets containing the tabulation of votes for these candidates for the ninety-three counties, covering the General Election of November 4, 1986, which constitutes a part of the official record of the State Board of Canvassers, are submitted for your examination.

Further, my report contains the abstracts of canvass from the ninety-three counties with reference to Constitutional Amendments and Referendum Measures. A certification of these returns is also attached.

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

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

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 offices of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Members of the Public Service Commission, Regents of the University of Nebraska and Members of the State Board of Education, receiving the highest number of votes cast at the General Election in the State of Nebraska held on November 4, 1986.

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

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

(SEAL) Allen J. Beermann, Secretary of State

GOVERNOR
Kay A. Orr

LIEUTENANT GOVERNOR
Bill Nichol

SECRETARY OF STATE
Allen J. Beermann

AUDITOR OF PUBLIC ACCOUNTS
Ray A. C. Johnson

STATE TREASURER
Frank Marsh

ATTORNEY GENERAL
Robert M. Spire

PUBLIC SERVICE COMMISSIONER
Eric Rasmussen (Fourth District)
Daniel G. Urwiller (Fifth District)

STATE BOARD OF EDUCATION
William Marshall III (Fifth District)
Russell W. Worthman (Sixth District)
Thelma L. Lang (Seventh District)
William C. Ramsey (Eighth District)

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

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 listing of the Constitutional Amendments proposed by the Eighty-ninth Legislature, First Session (Regular) and Eighty-ninth Legislature, Second Session (Regular) and Referendums Ordered by Petition of the People, Numbers 400 and 401, showing the number of votes cast for each at the General Election in the State of Nebraska held on November 4, 1986.

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

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

(SEAL) Allen J. Beermann, Secretary of State

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: 223,673

AGAINST: 228,808

CONSTITUTIONAL AMENDMENT TO PROVIDE CHANGES IN THE IMPEACHMENT PROCEDURE

FOR: 257,398

AGAINST: 173,281

REFERENDUM ORDERED BY PETITION OF THE PEOPLE NUMBER 400: SHALL LEGISLATIVE BILL NUMBER 662, ENACTED BY THE EIGHTY-NINTH LEGISLATURE OF THE STATE OF NEBRASKA, BE RETAINED: (School Consolidation and Financing)

FOR: 173,498

AGAINST: 344,445

REFERENDUM ORDERED BY PETITION OF THE PEOPLE NUMBER 401: SHALL SECTION ONE OF LEGISLATIVE BILL NUMBER 496, ENACTED BY THE EIGHTY-NINTH LEGISLATURE OF THE STATE OF NEBRASKA, BE RETAINED: (Seat Belt Law)

FOR:	266,944
AGAINST:	268,127

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

The motion prevailed.

The Secretary of State was escorted from the Chamber.

MOTION - Inaugural Ceremonies

Mr. R. Johnson moved to arrange to hold the inaugural ceremonies for the newly elected State officials on Thursday, January 8, 1987 at 2:00 p.m.

The motion prevailed.

ANNOUNCEMENT

Mrs. Labedz announced there will be an Executive Board meeting Thursday, January 8, 1987 at 9:00 a.m. in Room 2102.

RESOLUTION

LEGISLATIVE RESOLUTION 1.

Introduced by Warner, 25th District; Hartnett, 45th District; L. Johnson, 15th District.

WHEREAS, federal courts have ordered various petroleum producers to refund to consumers of petroleum products overcharges they made to the consumers on petroleum products sold during the period of time federal price controls on such products were in effect;

WHEREAS, these refunds have been allocated by the federal courts to the State of Nebraska on behalf of the petroleum consumers

within the state for distribution for energy conservation and restitutionary purposes;

WHEREAS, the Legislature acknowledges that through the federal court orders various restrictions and conditions have been placed on the allowable uses of these overcharge funds, including approval by the federal court or United States Department of Energy of proposed uses;

WHEREAS, although initial plans for uses of some of these overcharge funds have been submitted to the United States Department of Energy for approval, final approval and assurances have not yet been received from the department;

WHEREAS, the Legislature acknowledges the existence of time constraints on the state's determination of how these funds should be used and consequently the need for prompt completion by the state of this responsibility;

WHEREAS, the Legislature acknowledges that selection of the projects for which the overcharge funds may be used rests initially and primarily with the Governor and his or her designee;

WHEREAS, however, the Legislature as representatives of the people of the State of Nebraska has a legitimate interest in how the proposed uses of these overcharge funds would best benefit the public and provide restitution to petroleum consumers;

WHEREAS, the Legislature as sole appropriating authority of these funds in the state treasury has a legitimate interest in considering possible future fiscal impacts to the state that may result from proposed uses of these funds;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature has a responsibility to ensure that there is public accountability for determination of the uses of these energy overcharge funds;

2. That the Legislature respectfully requests that the Governor and Attorney General of the State of Nebraska not approve the disbursement of any of these energy overcharge funds until the Legislature has had an opportunity to promptly consider appropriate legislation to establish a procedure and policy for the state's determination and selection of the uses, and the Legislature's appropriation, of these funds.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mrs. Morehead asked unanimous consent to print the following proposed rule changes in the Journal. No objections. So ordered.

Move to amend Rule 3 as follows:
1. Strike Section 12(b)
2. Strike Section 13 and insert the following new language:
"Section 13. Each committee to whom bills, constitutional amendments and resolutions are referred, shall by a vote of three or more members of the committee, decide which bills, constitutional amendments and resolutions shall receive a public hearing. For all bills scheduled for public hearing, the committee shall provide at least seven calendar days notice after publication of the notice in the Legislative Journal. No bill having been set for public hearing shall be withdrawn nor the public hearing cancelled within seven calendar days of the date set for said public hearing. All bills, constitutional amendments and resolutions not receiving a public hearing shall be deemed to be indefinitely postponed. Each committee shall report to the Legislature by filing with the clerk a list of those bills, constitutional amendments and resolutions scheduled for public hearing no later than the 20th legislative day in odd numbered years and 15th legislative day in even numbered years.
3. Insert a new Section 14 as follows:
"Section 14. The primary introducer of a bill, constitutional amendment or resolution, or in the case of a committee bill, the committee chairperson, may file a motion to revive a bill which stands indefinitely postponed pursuant to Rule 3, Section 13. Such motion must be filed within two legislative days of the report of the committee as required by Section 13. This motion must then be disposed of within two legislative days after its filing. In order to be successful the motion shall require 15 votes. If 15 members vote to revive such a bill, constitutional amendment or resolution, then the committee to whom the bill, constitutional amendment or resolution was referred shall conduct a public hearing on said bill, constitutional amendment or resolution."
4. Renumber remaining sections found in Rule 3.

Amend Rule 7, Section 1, as follows:
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.

Mr. Hefner asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 5 Section 13 by striking all of its content and inserting:

Sec. 13 Holding of Bills.

Prior to the 90th legislative day in odd numbered years, each Senator and each Chairperson of those committees authorized to hold public hearings on bills, may designate one bill to be carried over for consideration during the next regular session of the Legislature. During the second regular session, those "carry-over" bills shall retain their positions at the same stage of consideration as each stood when the Legislature adjourned sine die during the first regular session. All bills not designated as a "carry-over" bill by either a Senator or Committee Chairperson shall be deemed to be indefinitely postponed at the conclusion of the regular session in odd-numbered years.

ADJOURNMENT

At 2:21 p.m., on a motion by Speaker Barrett, the Legislature adjourned until 10:00 a.m., Thursday, January 8, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - JANUARY 8, 1987

LEGISLATIVE JOURNAL

SECOND DAY - JANUARY 8, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 8, 1987

Pursuant to adjournment, the Legislature met at 10:02 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Kathy Lunau Rahorst, Hallam Congregational United Church of Christ, Hallam, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Lynch who was excused; and Messrs. V. Johnson and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the First Day was approved.

MOTION - Adopt Rules

Mr. McFarland moved to adopt the rules as now in our possession for today only, January 8, 1987.

The motion prevailed.

ANNOUNCEMENT

Mr. L. Johnson announced the Committee on Committees elected Mr. Conway as Vice Chairperson.

REPORT OF COMMITTEE ON COMMITTEES

Mr. L. Johnson, Chairperson of Committee on Committees, offered the following report:

Agriculture - R. Johnson, Chairperson

Chambers
Coordsen
Elmer
Hefner
Miller
Morehead
Weihing

Appropriations - Warner, Chairperson

Abboud
Hannibal
L. Johnson
Langford
Marsh
Moore
Scofield
Wehrbein

Banking, Commerce & Insurance - Remmers, Chairperson

Conway
Goodrich
Haberman
Harris
Lynch
Pappas
Schmit

Business & Labor - Hall, Chairperson

Chambers
Coordsen
Hefner
Korshoj
Miller
Weihing

Education - Withem, Chairperson

Baack
Chizek
V. Johnson
Landis
McFarland
Nelson
Peterson

General Affairs - Morehead, Chairperson

Dierks
Elmer
Hartnett
Higgins
R. Johnson
Labedz
Smith

Government, Military & Veterans Affairs - Rupp, Chairperson

Baack
Coordsen
Dierks
Higgins
Remmers
Smith
Withem

Health and Human Services - Wesely, Chairperson

Goodrich
Lamb
Lynch
Morehead
Pappas
Schellpeper

Judiciary - Chizek, Chairperson

Ashford
Chambers
Conway
Korshoj
McFarland
Nelson
Pirsch

Natural Resources - Schmit, Chairperson

Beyer
Elmer
Harris
Hall
R. Johnson
Labedz
Weihing

Revenue - V. Johnson, Chairperson

Haberman
Hartnett
Hefner
Landis
Miller
Peterson
Rogers

Transportation - Lamb, Chairperson

Ashford
Beyer
Pirsch
Rogers
Rupp
Schellpeper
Wesely

Urban Affairs - Hartnett, Chairperson

Dierks	Korshoj
Hall	Labedz
Higgins	Smith

Rules - Lynch, Chairperson

McFarland	Rogers
Moore	Withem

Intergovernmental Cooperation - Smith, Chairperson

Beyer	Pappas
Conway	Wesely

Laid over.

MESSAGE FROM THE GOVERNOR

December 11, 1986

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 Research and Development Authority requiring legislative confirmation.

Appointees:
Margaret Robinson, P.O. Box 1129, Norfolk, NE 68701, 371-1810, Term: 12/11/86 to 7/15/90, Succeeds: William Theisen, resigned.
David Stevens, 408 52nd Street, West Des Moines, IA 50265, Term: 12/11/86 to 7/15/88, Succeeds: Steven Levy, resigned.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY

Governor

RK/mr
cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Department of Economic Development

ATTORNEY GENERAL'S OPINIONS

Opinion No. 86081

DATE: December 8, 1986

SUBJECT: State Employees Appointment to State Agency Boards

REQUESTED BY: Senator Rex Haberman

WRITTEN BY: Robert M. Spire, Attorney General
Linda L. Willard, Assistant Attorney General

You have requested an opinion of this office regarding the constitutionality of proposed legislation prohibiting the appointment of persons to state agency boards when those persons are either employees or under contract with the particular state agency. We have determined that there is no constitutional problem with excluding state employees and those under contract with state agencies from appointment to state agency boards as long as it does not unreasonably restrict the Governor's right to appoint.

In Wittler v. Baumgartner, 180 Neb. 446, 144 N.W.2d 62 (1966), the Nebraska Supreme Court held:

> The right of the Legislature to prescribe reasonable qualifications of one to be appointed to office is not disputed. But the Legislature is prohibited by constitutional provision from appointing officers whose offices are created by law, either directly or indirectly. The provisions of the Act which limit the appointment of grid system directors by the Governor to a certain unnamed individual or to a limited few, is an encroachment by the Legislature upon the powers of the Governor and is void as violative of Article IV, section 10, of the Constitution of Nebraska.

As long as a prohibition on appointment of specific classes of individuals does not unduly restrict the field of individuals from whom the Governor may appoint, we see no constitutional problems with such a restriction. The Governor's right to appoint individuals

to offices and committees is in the Constitution of the State of Nebraska and in state statutes and the legislative role is to set the qualifications and, where required by the Constitution or state statute, to approve the Governor's appointment. The Legislature cannot make the appointments by so restricting the Governor's selection that he has no real choice in his selection. The Legislature cannot do indirectly what it cannot do directly. Gaffney v. State Department of Education, 192 Neb. 358, 220 N.W.2d 550 (1974). As long as the qualifications placed on an appointee do not unduly restrict the Governor's power of selection and appointment, they would not be unconstitutional.

Passage of the type of legislation you have suggested would necessarily require coordination with other statutes currently existing which require agency representation on the advisory board for the various state agencies.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

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

Opinion No. 87001

DATE: January 6, 1987

SUBJECT: Energy Overcharge Funds

REQUESTED BY: Senator Jerome Warner/Senator Lowell Johnson
Nebraska State Legislature - Appropriations Committee

WRITTEN BY: Robert M. Spire, Attorney General
A. Eugene Crump, Deputy Attorney General

You have requested our legal opinion on issues dealing with the receipt and use of monies received as the result of court awards in various energy overcharge cases. Specifically, you have asked about the Exxon, Stripper Well, and Diamond Shamrock cases.

These cases involve suits which were brought on behalf of consumers of petroleum products against various petroleum

producers for overcharges to the consumers in the 1970s. The federal courts awarded refunds and ordered distribution to the various states on behalf of individual consumers. Amounts paid to each state were based upon the apparent number of consumers within the state.

We respond to each of your questions individually.

I. Legislative Appropriations of the Overcharge Funds.

A. What is the status of these overcharge funds? Are they state funds or public funds? Are they trust funds?

Nebraska case law and the Nebraska statutes do not define either "state funds" or "public funds." In addition, these overcharge funds do not fit within commonly accepted statutory definitions of trust funds involving trust accounts, trust certificates or trust companies. As a result, the exact status of these overcharge funds is not clear.

However, the weight of authority from other jurisdictions indicates that the fact that monies are deposited within a state treasury does not in itself make them state funds. There also is authority which indicates that only monies raised by operation of some general state law become state funds. The Navajo Tribe v. Arizona Department of Administration, 111 Ariz. 279, 528 P.2d 623 (1975); 81A CJS States §224. There also is authority that federal money deposited in a state treasury pursuant to a federal grant program is held in trust for a specific purpose and retains its original legal character. Application of State ex rel. Department of Transportation, 646 P.2d 605 (Oklahoma 1982). Such custodial funds are not state monies. MacManus v. Love, 499 P.2d 609 (Colo. 1972).

On the basis of this general authority, we conclude that these overcharge funds did not become "state funds" simply because they were placed in the state treasury. Rather, these funds should be characterized as custodial funds held for a specific purpose. As such, these overcharge funds are not state monies.

These overcharge funds were labeled as the "Energy Overcharge Trust Fund" in the 1986 Appropriations Bill. (LB 1251, §87, 1986 Session). The labeling of these funds as a trust fund was apparently done as a matter of accounting procedure based upon practices of the legislative fiscal office. This does not make the overcharge funds trust funds within the definitions previously discussed.

B. What is the criteria for or definition of a "trust" fund held by the state?

The definitions of "trust" appear in the sections of the state statutes relating to trust accounts in general, trust certificates, or trust companies. There are no definitions of "trust" fund in the Nebraska statutes in relation to "state trust funds." The only reference to trust funds in relation to the funds held by the state appears to be in the

procedures and definitions in use by the legislative appropriations committee for purposes of labeling appropriated funds.

C. Is a legislative appropriation necessary for the expenditure or granting of these overcharge funds (or for any "trust" fund)? Yes, for the following reasons.

Article III, Section 25, of the Constitution of the State of Nebraska 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, . . ."

Also, Neb.Rev.Stat. §77-2406 (Reissue 1981) provides: " . . . No warrants shall be drawn for any claim until an appropriation shall have been made therefore. . . ." It is our opinion that a legislative appropriation is necessary for the expenditure or granting of the overcharge funds. LB 1251 of the 1986 legislative session indicates that the energy overcharge funds were appropriated to the Governor's Office as the "Energy Overcharge Trust Fund."

D. If a legislative appropriation is not necessary, may the Legislature still direct the use of these funds (consistent with the terms of the court order) by way of either appropriations or statutory directive?

As indicated above, it is our opinion that legislative appropriations are necessary before the funds may be expended. The terms of the court orders involved in this case do call for public input. If public input has been received on prior energy overcharge cases, it is not necessary that the state hold additional hearings. A series of public meetings was held across the state in the spring of 1986 requesting input from the public as to use of the energy funds. This would meet the requirements of the various court orders that require public input.

The Legislature may direct the use of these funds (consistent with the court order) to the same extent and in the same manner that it directs use of any other appropriated funds received from sources outside of general tax revenues and other fees associated with the general operation of state government.

The Legislature has plenary or absolute power over appropriations. It may make them upon such conditions and with such restrictions as it pleases within constitutional limits. There is one thing, however, which it cannot do, and this is inherent in Article II, section 1, Constitution of Nebraska. It cannot through the power of appropriation exercise or invade the constitutional rights and powers of the executive branch of government. It cannot administer the appropriation once it has been made. When the appropriation is made, its work is complete and the executive authority takes over to administer the appropriation to accomplish its purpose, subject to the limitations imposed.

State v. State Board of Equalization and Assessment, 185 Neb. 490, 499-500, 176 N.W.2d 920, 926 (1970).

II. State Energy Office Administration of Overcharge Funds.

A. The Exxon decree ordered that the Exxon funds not be used for administrative costs. When these funds are accepted by the state and distributed by the Energy Office, is the Legislature then obligated to appropriate out of state tax funds the necessary funds to pay any administrative costs the Energy Office may incur? No, for the following reasons.

The Legislature shall make all appropriations for the expenses of the government. The Constitution of the State of Nebraska, Article III, Section 22. Additional appropriations may be implied only from constitutional provisions. Additionally, Neb.Rev.Stat. §81-1601 provides in part: "The director {of the state Energy Office} may employ such assistance, professional staff, and other employees as may be deemed necessary to effectively carry out the provisions of sections 81-1601 to 81-1605 within such appropriations as the Legislature may provide."

The Energy Office does not have the power to commit the funds of the State of Nebraska beyond the amount already appropriated for salaries to hire additional staff in order to carry out the provisions of the Exxon energy overcharge funds. It would be within the power and discretion of the Legislature whether or not to appropriate additional funds to pay for any administrative costs which the Energy Office may incur in supervising these funds. Otherwise, the Energy Office would have to allocate those funds already appropriated to it or to be appropriated, in such a way as to absorb the administrative costs which may be incurred.

III. "Nebraska Energy Fund, Inc.".

A. What is the status of this corporation? Is it merely a private guarantee or could it be construed to be functioning as a part of state government?

The Nebraska Energy Fund, Inc., is incorporated under the Nebraska laws of incorporation as a private corporation. It will be seeking nonprofit status. As a private corporation, the Nebraska Energy Fund, Inc., would not be functioning as any part of the Nebraska state government but as a separate and distinct entity.

B. Once the overcharge money has been granted to this corporation, may a state agency, using either state tax funds or part of the Stripper Well funds retained by the state, use state resources to assist the corporation (such as by providing administrative or clerical support)?

Article XIII, Section 3 of the Nebraska Constitution, states, in pertinent part, "the credit of the state shall never be given or loaned

in aid of any individual, association or corporation, . . ." In essence, this constitutional provision states the fundamental principle that public monies may not be used for essentially private purposes. State ex rel. Beck v. City of York, 164 Neb. 223, 82 N.W.2d 269 (1957). Therefore, in the instance which you have described in this question, the legitimacy of the use of state resources to assist the private corporation would turn on whether the activities of the Nebraska Energy Fund, Inc. involve a public or a private purpose.

Before engaging in an analysis of the nature of the activities referenced in this question, we would note that we have previously indicated that Stripper Well settlement funds which were received by the state do not appear to be state funds or state monies since they were received in a custodial capacity by the state and not generated as a part of general state tax revenues. As a result, Stripper Well funds could be used for administrative costs of the Nebraska Energy Fund, Inc. to the extent that the federal court order awarding those funds to the State of Nebraska makes allowance for such administrative costs. Our opinion in this regard is supported by the case of Application of State ex rel. Department of Transportation, supra, where the Supreme Court of Oklahoma rejected the notion that federal funds deposited in the Oklahoma State Treasury became state funds subject to a provision of the Oklahoma Constitution which provided "the credit of the state shall not be given, pledged, or loaned to any individual, company, corporation, or association . . ."

The issue of whether state tax funds may be used to assist the Nebraska Energy Fund, Inc. presents a separate question. Recent cases from our Supreme Court have evidenced a somewhat more flexible interpretation of the public purpose doctrine in relation to the expenditure of state monies, and have indicated that the purpose involved in the use of state funds controls over the entities selected for the receipt of those funds. State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 283 N.W.2d 12 (1979); State ex rel. Douglas v. Thone, 204 Neb. 836, 286 N.W.2d 249 (1979). In particular, in the Nebraska Mortgage Finance Fund case, the court stated,

> What is a public purpose is primarily for the Legislature to determine. . . . Each case must be decided with reference to the object sought to be accomplished and to the degree and manner in which that object affects the public welfare. . . . It is the province of the Legislature to determine matters of policy and appropriate the public funds.

204 Neb. at 457-458, 283 N.W.2d at 21. We conclude that use of state monies to assist in the administrative costs of the Nebraska Energy

Fund, Inc. could constitute a proper public purpose. However, while these energy overcharge funds were appropriated to the Governor's Office as the "energy overcharge trust fund," there is no statement in the appropriation or in its legislative history as to the purpose of the funds, and no direction provided to the authorizing agency for the use of the funds. Consequently, since there was no statement of public purpose in connection with the appropriation of the overcharge monies, we conclude that use of state tax revenues to assist the Nebraska Energy Fund, Inc. in the distribution of overcharge monies would violate Article XIII, Section 3 of the Nebraska Constitution. Should the Legislature at some point choose to make a more complete statement of the public purpose in connection with the distribution of the oil overcharge monies, this constitutional concern could be removed.

C. If there is a certain amount of state involvement (such as administrative or clerical support) with the functioning of this corporation, is there any possibility of state liability for the corporation's actions? Or state liability to restore to the federal court or federal government any money which may be found to be used by the corporation contrary to the terms of the court order? The answer to both of these questions is yes.

State liability for actions of the corporation would be defined by Nebraska's Tort Liability Act, Neb.Rev.Stat. §81-8, 209 et.seq. (Reissue 1981). Therefore, the state's liability would be to the extent that an injury or loss was caused by the negligence of a state employee.

The federal court in each energy overcharge case has distributed the overcharge funds to the state for the benefit of the consumers within the state. The state is accountable to the court for any use or misuse of these funds. If the corporation were to misuse the energy overcharge funds, the court could still hold the state liable for the misuse and could demand repayment, stop further payments, or provide other appropriate sanctions against the state. However, if the corporation were involved with or responsible for the misuse of funds, the state would have a case against the corporation and possibly the members of its board for reimbursement of those funds lost or ordered to be repaid to the court.

IV. Article XIII, Section 3 of the Nebraska Constitution.

A. Are these overcharge funds subject to the restrictions on the expenditure of funds contained in the Nebraska Constitution, particularly Article XIII, Section 3?

As discussed above, Article XIII, Section 3 of the Nebraska Constitution prohibits extending the credit of the state to any private individual or corporation, or, in essence, prohibits the use of state

funds for essentially private purposes. As is also discussed above, we have concluded that the oil overcharge monies in the present case are not state funds in the general sense that they were accumulated by taxation for the general purposes of state government. Rather, the oil overcharge monies are more closely akin to federal funds or custodial funds which the state holds for consumers who were initially damaged by the overcharge. Since these oil overcharge monies do not appear to be state funds, it is our view that they are not subject to the restrictions on expenditure of funds contained in the Nebraska Constitution, particularly those contained in Article XIII, Section 3. However, because they have been placed in our state treasury, they are subject to those constitutional provisions dealing with appropriations and the issuance of warrants as were previously discussed.

B. If so, could the state's disbursement of these funds to the "Nebraska Energy Fund, Inc.," for the purpose of making loans to individuals be construed as violating Article XIII, Section 3?

As indicated above, it is our view that the oil overcharge monies are not subject to Article XIII, Section 3 of our state constitution.

C. If Article XIII, Section 3, is relevant, could there be possible constitutional problems if the state contracts with or otherwise is involved in a significant way with the "Nebraska Energy Fund, Inc." in its use of these overcharge funds to make loans to individuals--such as, if a state or state agency contracts with the corporation to approve a disbursement of funds by a corporation?

As noted above, we do not believe that Article XIII, Section 3 of our state constitution is relevant to the expenditure of the oil overcharge monies.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) A. Eugene Crump
Deputy Attorney General

AEC:DAC:jem
cc: Patrick J. O'Donnell
Clerk of the Legislature
1/01

Oil Overcharge Monies Explanatory Statement

Background Information

Nebraska has received approximately $21 million from several lawsuits for overcharges illegally made to Nebraska customers over 10 years ago. A federal court ordered these payments to Nebraska along with similar payments to other states. Because of the practical impossibility of identifying individual users who were overcharged the court did not reimburse users. Rather, it distributed the money to the states with the requirement that the states use the restitutionary money for energy purposes.

The money received by Nebraska is subject to the federal court requirement that the Governor use it for energy programs which meet detailed guidelines. These monies are being held in a separate state trust fund until used for the purposes ordered by the court.

The Governor has proposed programs for the use of these funds. One of these programs is a grant of $5 million to the Nebraska Energy Fund, Inc., a nonprofit private corporation which intends to contract with the Nebraska Department of Energy to provide energy conservation loans to individuals and other services.

Summary of Attorney General's Opinion on Legal Issues

The legal questions asked by the Governor, Senator Warner and others about these funds deal with the Nebraska Constitutional and statutory requirements for their use. In short, what are the legal procedures which must be followed in the actual expenditure of these funds?

Today my office has issued a detailed legal opinion answering certain specific legal questions asked by Senator Warner. These questions are most appropriate for the obvious reason that use and expenditure of these funds must be accomplished as provided by law. This means that there must be precise legal accountability for their use. In summary, here is what our legal opinion says:

1. The Nebraska Constitution prohibits the giving or lending of the credit of the state to aid private persons or associations. We conclude that these overcharge monies are not state funds subject to this constitutional prohibition. And so there is no constitutional barrier to the granting of these funds to the Nebraska Energy Fund, Inc.

2. No regular state funds (tax monies, for example) could be used for the Nebraska Energy Fund, Inc. unless the Legislature specifically determines that the Nebraska Energy Fund, Inc. serves a public purpose. The Legislature has not done this.

3. Although these are not normal state funds, they are held by the sate and so are subject to appropriation by legislative action. The Legislature has made the necessary appropriation to a separate fund

which can be distributed pursuant to the federal court order guidelines.

Related Legal Aspects

The federal court order requires prior court approval before overcharge monies actually are expended. This federal court approval is based upon approval by the federal Department of Energy. The federal Department of Energy has not yet given a final approval to the Nebraska Energy Fund, Inc.'s proposal. Thus, no funds should actually be transferred from the separate state fund to the Nebraska Energy Fund, Inc. until this approval is obtained (and the authenticity of such federal Department of Energy and court approval is approved by my office).

The legal questions here are complex. There are no easy answers. Reasonable people may differ with the legal conclusions reached in our opinion. The underlying factor is simply that of public accountability. This means (a) accountability of the State of Nebraska (through the office of the Governor) to expend the funds constructively in keeping with the federal court agreement, and (b) accountability of the State Constitutional Officers and Legislature to assure that the Nebraska Constitution and laws are followed precisely in administering the funds.

The Legislature may wish to review and consider the effectiveness of Nebraska laws concerning monies of this nature and related issues. If so, my office is available to assist the Legislature in any way the Legislature may request.

ROBERT M. SPIRE
(Signed) Attorney General

APPRECIATION

Received note of appreciation from the Richard Marvel 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 1986 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
North Platte	

Holtorf, Kovarik, Nuttleman & Ellison, P.C.	250.00
Twin Platte	
Nielsen & Birch Law Office	$9,452.00
Upper Niobrara-White	
None	

REPORTS

The following reports were received by the Legislature:

Statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar months of October and November, 1986 from the Nebraska Department of Roads in compliance with Section 66-476, R.S. Supp. 1980.

Minutes of the Board of Public Roads Classifications and Standards for October and November, 1986.

Report from the Department of Roads by the Game and Parks Commission, submitting a one year and five year plan of anticipated design, construction and improvement for all exterior access roads and interior service roads pursuant to Section 39-1390 R.R.S. 1943.

Copy of the State Erosion and Sediment Control Program designed to reduce soil erosion in Nebraska from the Natural Resources Commission in accordance with Section 2-4604, R.S. Supp., 1986, a part of the Erosion and Sediment Control Act (LB 474).

Semi-annual report from the Department of Environmental Control, showing the financial status of Program #518, Wastewater Construction Grants in accordance with Section 81-1533 Reissue Revised Statutes of Nebraska, 1943.

Annual report from the Nebraska Energy Office of the Weatherization Program.

Forty-fourth annual report from the Nebraska Workers' Compensation Court in accordance with Section 48-166, Reissue Revised Statutes of Nebraska, 1943, as amended by the Legislature, 1955.

Annual report from the Nebraska State Historical Society.

Letter from the Nebraska State Building Division regarding the proposed name change of the Nebraska State Office Building.

CEREMONIES

A presentation celebrating the 50th Anniversary of the Unicameral Legislature was given, and the following address, which was delivered to the first Unicameral Legislature by Senator George W. Norris on January 5, 1937, was read to the members.

ADDRESS BY SENATOR GEORGE W. NORRIS

Mr. President and Members of the Legislature:

I congratulate you on being members of the first unicameral legislature. The opportunities that will come to you officially to better the conditions of our people by the improvement of the legislative machinery are very great. Your work will attract the attention, not only of the people of our great commonwealth, but of the entire country. Upon you, and your work, will be focused the eyes of all students of government all over the nation.

Every professional lobbyist, every professional politician, and every representative of greed and monopoly is hoping and praying that your work will be a failure. Everything that special interests can do to embarrass you, and to misinterpret your action, will be attempted. On the other hand, every lover of his fellow man, every person who wants to place our State on a higher standard of efficiency, every person who is anxious to bring about improvement in our State affairs, every patriot who wants to place our government on a higher level for good, every lover of human liberty and equal justice, and every believer in the business administration of state affairs as distinguished from political machine control, is hoping, praying and believing that your official work will be crowned with unlimited success and to the satisfaction and approval of believers in good government everywhere.

The unicameral legislative amendment was adopted by an overwhelming majority of our people. The adoption of the amendment was opposed by lobbyists, by professional politicians of all parties, and by every person or corporation who expected to get an advantage, financial or otherwise, in securing the passage of legislation favorable to their ideas. Many honest people voted against the adoption of the amendment for one reason or another which appeared adequate and sufficient to them but all such people are

earnestly desiring that the new amendment be given a fair and honest test.

You are members of the first legislature of Nebraska to hold your positions without any partisan political obligation to any machine, to any boss, or to any alleged political leader. Your constituents do not expect perfection. They know that it is human to err but they do expect, and have the right to expect, absolute honesty, unlimited courage, and a reasonable degree of efficiency and wisdom. The people of Nebraska will not condemn you even if they do not agree with all of your official actions. We realize that honest men, patriotic men, and wise men do not always agree. In fact, disagreement on things which are not fundamental is an evidence of courage and independence. We expect an economical and efficient administration and, above all, an honest administration free from any partisan, bias, political prejudice, or improper motives.

You have an opportunity to render a service to your fellow citizens that no other legislature has ever had. I believe you will meet your responsibilities with courage and ability. From now on Nebraska has a right to expect a business administration. Your work will be watched to a greater extent than the work of any legislature in the past. When you carry out the theory and the principles of the new amendment, it will be easy to observe everything you do. Publicity to all your acts will help to reward the faithful and to punish those who do not follow the true spirit of the new amendment.

That your work may be successful and that it may receive the approval of all honest-minded citizens is not only my personal wish but I believe it is the hope and desire of a great majority of the loyal citizens of Nebraska.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-953, 2-954, 2-955, 2-958, 2-961, 2-962, 2-963, 2-964, 2-966, 2-2303, 2-2310, 2-2311, 2-2317, and 2-2318, Reissue Revised Statutes of Nebraska, 1943, and section 2-1221, Revised Statutes Supplement, 1986; to repeal obsolete statutes relating to an annual report of the State Board of Agriculture, a transfer of funds, racetrack messenger services, a transfer to the Nebraska Wheat Development, Utilization, and Marketing Board, a transfer to the Director of Economic

Development, a transfer to the Department of Economic Development, formation of natural resources districts, and the existence of watershed advisory groups; to harmonize provisions; and to repeal the original sections, and also sections 2-104, 2-105, 2-965, 2-2320, 2-2504.01, 2-2507, 2-3205, and 2-3258, Reissue Revised Statutes of Nebraska, 1943, and section 2-1221.01, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 2. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-112, 8-113, 8-114, 8-115, 8-121, 8-124, 8-128, 8-132, 8-185, 8-187, 8-190, 8-193, 8-197, 8-1,102, 8-1,103, 8-1,104, 8-1,116, 8-1,119, 8-1,120, and 21-2007, Reissue Revised Statutes of Nebraska, 1943, and section 8-126, Revised Statutes Supplement, 1986; to repeal obsolete statutes relating to a change in internal references and the substitution of names; to harmonize provisions; and to repeal the original sections, and also sections 8-1,122 and 8-1,132, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 3. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to public assistance; to amend sections 68-605 and 68-615, Reissue Revised Statutes of Nebraska, 1943; to repeal obsolete statutes relating to the release and discharge of certain claims and liens, an appropriation, and a duty of the Revisor of Statutes; to harmonize provisions; and to repeal the original sections, and also sections 68-215.14, 68-616, and 68-1521, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 4. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to transportation of hazardous materials; to repeal provisions which are governed by more recently enacted legislation; and to repeal sections 75-359 to 75-362, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 5. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to the Public Service Commission; to repeal an obsolete appropriation; and to repeal section 75-803, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 6. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2714 and 77-2730, Reissue Revised Statutes of Nebraska, 1943; to repeal an obsolete statute relating to an effective date and provisions during a transitional period; to harmonize provisions; and to repeal the original sections, and also section 77-27,124, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 7. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to the Department of Public Institutions; to repeal obsolete statutes relating to a transfer of duties from the Board of Control to the Department of Public Institutions on January 1, 1962; and to repeal sections 83-101.10 to 83-101.13, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 8. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to the Revisor of Statutes; to repeal obsolete statutes governing the substitution of certain names in the statutes; and to repeal sections 83-107.03, 83-107.04, and 83-108.03, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 9. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to the Division on Alcoholism and Drug Abuse; to repeal an obsolete statute relating to a transfer of duties from the Commission on Drugs to the Division on Alcoholism and Drug Abuse on July 19, 1980; and to repeal section 83-160.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 10. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to state institutions; to repeal an obsolete statute relating to a transfer of property on July 1, 1975, from the Nebraska Psychiatric Institute to the Board of Regents of the University of Nebraska; and to repeal section 83-305.04, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 11. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to the Department of Correctional Services; to repeal obsolete statutes relating to a transfer of duties from the Division of Corrections to the Department of Correctional Services and the substitution of related names; and to repeal sections 83-918 to 83-921, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 12. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to the Nebraska Commission on Law Enforcement and Criminal Justice; to repeal an obsolete statute relating to a transfer of property from the Department of Correctional Services to the Nebraska Commission on Law Enforcement and Criminal Justice; and to repeal section 83-924.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 13. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to the field house for the Department of Athletics of the University of Nebraska at Lincoln; to repeal an obsolete statute governing construction of the field house; and to repeal section 85-1,100, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 14. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to grain sales; to amend sections 88-501 and 88-523, Reissue Revised Statutes of Nebraska, 1943, and section 88-515, Revised Statutes Supplement, 1986; to repeal a statute which provides a penalty for a section which was repealed in 1985; to harmonize provisions; and to repeal the original sections, and also section 88-519, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 15. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to the State Treasurer; to repeal provisions authorizing interfund transfers which terminated July 1, 1984; and to repeal sections 84-609, 84-610, and 84-611, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 16. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-9,105, Revised Statutes Supplement, 1986; to eliminate a provision which provided for a uniform data system plan to be developed by September 1, 1977; to harmonize provisions; and to repeal the original section, and also section 85-914, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 17. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to insurance; to amend sections 44-149, 44-308, 44-313, 44-382 to 44-385, and 44-402.01, Reissue Revised Statutes of Nebraska, 1943, and section 44-359, Revised Statutes Supplement, 1986; to eliminate references to fraternal beneficiary associations and societies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 18. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to schools; to amend section 79-12,145, Revised Statutes Supplement, 1986; to eliminate an obsolete reference to the School Weatherization Fund; and to repeal the original section.

LEGISLATIVE BILL 19. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to administrative procedures; to amend sections 77-425, 77-507.02, 77-1336, and 81-1319, Reissue Revised Statutes of Nebraska, 1943; to correct a reference to the State Administrative Procedures Act; to correct references to the Administrative Procedures Act; and to repeal the original sections.

LEGISLATIVE BILL 20. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1804, 2-1810, 2-1825, 2-1826, 54-1503, 54-1505, 54-1509, and 54-1511, Reissue Revised Statutes of Nebraska, 1943; to change internal references; to delete a definition; to harmonize provisions; to eliminate obsolete references to payments made for destruction of certain animals; to harmonize provisions with former acts of the Legislature; and to repeal the original sections, and also sections 54-748, 54-1504, 54-1507, and 54-1507.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 21. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-140, 71-1107, and 71-1111, Reissue Revised Statutes of Nebraska, 1943; to replace references to the Nebraska Pharmacy Law; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 22. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-335, 60-335.01, and 60-1004, Reissue Revised Statutes of Nebraska, 1943; to correct references to repealed statutes; to harmonize provisions; to transfer a section; to delete obsolete provisions; and to repeal the original sections, and also sections 60-335.02 and 81-1012, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 23. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to public financing; to amend sections 70-625, 70-704, and 81-1607, Reissue Revised Statutes of Nebraska, 1943; to correct references to repealed statutes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 24. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to agriculture; to amend section 81-2,162.04, Reissue Revised Statutes of Nebraska, 1943; to eliminate a reference to the Nebraska Pesticides and Devices Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 25. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to agricultural experiment stations; to amend section 85-127, Reissue Revised Statutes of Nebraska, 1943; to change a reference to a fund to harmonize with another statute; and to repeal the original section.

LEGISLATIVE BILL 26. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-9,103, Revised Statutes Supplement, 1986; to change an internal reference; and to repeal the original section.

LEGISLATIVE BILL 27. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to securities; to amend section 8-1109, Reissue Revised Statutes of Nebraska, 1943; to correct an internal reference; and to repeal the original section.

LEGISLATIVE BILL 28. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-701, Reissue Revised Statutes of Nebraska, 1943; to change an internal reference; and to repeal the original section.

LEGISLATIVE BILL 29. By Executive Board: Marsh, 29th District, Vice Chairperson.

A BILL FOR AN ACT relating to the Nebraska Soil and Water Conservation Fund; to amend sections 2-1506 and 2-1547, Reissue Revised Statutes of Nebraska, 1943; to rename a fund with the same name; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 30. By Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to schools; to amend sections 79-1308.01 and 79-2644, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to repealed provisions; to provide powers and duties; to authorize certain investments; and to repeal the original sections.

LEGISLATIVE BILL 31. By Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to normal schools; to amend sections 21-624, 72-1249.02, 79-493, and 81-129, Reissue Revised Statutes of Nebraska, 1943; to change and eliminate references to reflect a change in terminology made in 1969; to eliminate a duty for the Revisor of Statutes relating to a substitution of terms; and to repeal the original sections, and also section 85-321, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 32. By Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to public lands and buildings; to amend section 81-815.52, Reissue Revised Statutes of Nebraska, 1943; to repeal obsolete provisions relating to the state office building in Lincoln, the downtown education center and office building in Omaha, and specific conveyances involving state agencies, boards, and commissions; to harmonize provisions; and to repeal the original section, and also sections 81-815.41 to 81-815.44, 81-1108.33 to 81-1108.35, 81-1108.44 to 81-1108.47, 90-201 to 90-208, 90-210 to 90-212, 90-217, and 90-226, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 33. By Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to appeals; to amend sections 25-1914, 25-1920, 25-1931, 29-2306, 29-2315.01, 29-2317, 31-433, 46-210, 46-568, and 59-823, Reissue Revised Statutes of Nebraska, 1943, and section 42-372, Revised Statutes Supplement, 1986; to harmonize appeal procedures with former acts of the Legislature; and to repeal the original sections.

LEGISLATIVE BILL 34. By Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1816, Reissue Revised Statutes of Nebraska, 1943; to change a reference to a section that was repealed in 1981; and to repeal the original section.

LEGISLATIVE BILL 35. By Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to child labor; to amend sections 48-302.01, 48-303, 48-307, 48-308, 48-311, and 48-313, Reissue Revised Statutes of Nebraska, 1943; to delete references to a repealed section; to harmonize penalty provisions by eliminating duplicative and inconsistent penalties; and to repeal the original sections.

LEGISLATIVE BILL 36. By Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to elevators; to amend sections 48-418, 48-418.07, 48-418.12, and 48-418.13, Reissue Revised Statutes of Nebraska, 1943; to rename a code; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 37. By Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to children; to amend section 43-512.03, Revised Statutes Supplement, 1986; to reinstate language enacted by Laws 1985, Second Special Session, LB 7, section 68, which was inadvertently omitted in the drafting of Laws 1986, LB 600, section 12; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 38. By Warner, 25th District; L. Johnson, 15th District.

A BILL FOR AN ACT relating to appropriations; to authorize the Nebraska Coordinating Commission for Postsecondary Education to provide matching funds; to appropriate funds; and to declare an emergency.

LEGISLATIVE BILL 39. By Warner, 25th District.

A BILL FOR AN ACT relating to rules of the road; to provide restrictions on the repositioning of fifth-wheel connection devices.

LEGISLATIVE BILL 40. By Goodrich, 20th District.

A BILL FOR AN ACT relating to real estate appraisers; to amend sections 81-8,280 and 81-8,283, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to provide continuing education requirements for real estate appraisers; to change provisions relating to license qualifications; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 41. By Smith, 33rd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-111, Reissue Revised Statutes of Nebraska, 1943; to provide for the issuance of a certificate of title without a fee in certain circumstances; and to repeal the original section.

LEGISLATIVE BILL 42. By Smith, 33rd District.

A BILL FOR AN ACT relating to care management services; to amend section 68-1008, Reissue Revised Statutes of Nebraska, 1943; to state intent; to require the establishment of care management units by area agencies on aging; to provide powers and duties; and to repeal the original section.

LEGISLATIVE BILL 43. By Haberman, 44th District.

A BILL FOR AN ACT relating to athletics; to define terms; and to provide an exemption from liability for sports volunteers and organizations as prescribed.

LEGISLATIVE BILL 44. By Haberman, 44th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Reissue Revised Statutes of Nebraska, 1943; to exempt repair parts and materials for farm machinery from sales and use taxes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 45. By Haberman, 44th District.

A BILL FOR AN ACT relating to revenue; to amend section 77-2704, Reissue Revised Statutes of Nebraska, 1943; to provide a

sales and use tax exemption for natural resources districts; and to repeal the original section.

LEGISLATIVE BILL 46. By Haberman, 44th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702, 77-2704, and 77-2704.01, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change a sales and use tax exemption on certain items as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 47. By Haberman, 44th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2262, Revised Statutes Supplement, 1986; to prohibit placement of certain probationers in nursing homes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 48. By Haberman, 44th District.

A BILL FOR AN ACT relating to liquors; to amend section 53-180.05, Revised Statutes Supplement, 1986; to dismiss charges against minors in possession of alcoholic liquors as prescribed; and to repeal the original section.

LEGISLATIVE BILL 49. By Haberman, 44th District.

A BILL FOR AN ACT relating to criminal procedure; to require county attorneys to prepare certain reports as prescribed.

LEGISLATIVE BILL 50. By Haberman, 44th District.

A BILL FOR AN ACT relating to state agencies; to prohibit appointments of certain persons to serve on state agency boards, commissions, committees, councils, or panels as prescribed.

LEGISLATIVE BILL 51. By Haberman, 44th District.

A BILL FOR AN ACT relating to the Legislature; to amend section 49-1482, Reissue Revised Statutes of Nebraska, 1943; to change a fee; and to repeal the original section.

LEGISLATIVE BILL 52. By Haberman, 44th District.

A BILL FOR AN ACT relating to independent boards and commissions; to amend section 81-822, Reissue Revised Statutes of Nebraska, 1943; to provide for the allocation of membership dues as prescribed; and to repeal the original section.

LEGISLATIVE BILL 53. By Haberman, 44th District.

A BILL FOR AN ACT relating to tobacco and cigarettes; to amend sections 28-1421, 28-1424, and 28-1425, Reissue Revised Statutes of Nebraska, 1943; to repeal provisions prohibiting the use of tobacco and cigarettes by persons under eighteen years of age; to repeal provisions prohibiting the purchase and sale of tobacco and cigarettes to or for persons under eighteen years of age; to harmonize provisions; and to repeal the original sections, and also sections 28-1418, 28-1419, and 28-1427, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 54. By Haberman, 44th District.

A BILL FOR AN ACT relating to tobacco and cigarettes; to amend sections 28-1418 and 28-1427, Reissue Revised Statutes of Nebraska, 1943; to increase the penalty for minors obtaining or using tobacco; and to repeal the original sections.

LEGISLATIVE BILL 55. By Haberman, 44th District.

A BILL FOR AN ACT relating to the County Purchasing Act; to amend section 23-3108, Revised Statutes Supplement, 1986; to authorize purchases by elected officials in certain counties as prescribed; and to repeal the original section.

LEGISLATIVE BILL 56. By Haberman, 44th District.

A BILL FOR AN ACT relating to insurance; to amend section 81-8,239.01, Revised Statutes Supplement, 1986; to provide for disability insurance for judges; to define terms; to provide duties for the Risk Manager as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 57. By Haberman, 44th District.

A BILL FOR AN ACT relating to retirement; to amend section 24-701, Revised Statutes Supplement, 1986; to provide for a cost-of-living adjustment for judge's retirement benefits; to harmonize

provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 58. By Haberman, 44th District.

A BILL FOR AN ACT relating to the judges' retirement system; to amend section 24-710, Revised Statutes Supplement, 1986; to change monthly benefit provisions; and to repeal the original section.

LEGISLATIVE BILL 59. By Haberman, 44th District.

A BILL FOR AN ACT relating to the Public Employees Retirement Board; to amend section 84-1501, Reissue Revised Statutes of Nebraska, 1943; to change the number and terms of the members; and to repeal the original section.

LEGISLATIVE BILL 60. By Haberman, 44th District.

A BILL FOR AN ACT relating to the County Employees Retirement Act; to amend sections 23-2315 and 23-2319, Revised Statutes Supplement, 1986; to change the voluntary retirement age; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 61. By Dierks, 40th District.

A BILL FOR AN ACT relating to schools; to amend section 79-406, Revised Statutes Supplement, 1984; to provide for attachment of territory to an adjoining school district as prescribed; and to repeal the original section.

LEGISLATIVE BILL 62. By McFarland, 28th District.

A BILL FOR AN ACT relating to franchises; to amend section 87-402, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; and to repeal the original section.

LEGISLATIVE BILL 63. By McFarland, 28th District.

A BILL FOR AN ACT relating to franchises; to amend section 87-402, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 64. By McFarland, 28th District.

A BILL FOR AN ACT relating to civil procedure; to amend sections 57-212.01, 60-420, and 77-1301.16, Reissue Revised Statutes of Nebraska, 1943, and section 25-217, Revised Statutes Supplement, 1986; to provide rules of procedure for pleadings, motions, orders, and proceedings; to provide pretrial procedures; to provide for joinder of parties, claims, and remedies; to repeal procedures pertaining to parties, certain proceedings, pleadings, motions, and orders; to harmonize provisions; to state applicability; to provide an operative date; to provide severability; and to repeal the original sections, and also sections 25-301 to 25-313, 25-315 to 25-331, 25-603, 25-801 to 25-824, 25-832 to 25-837, 25-842 to 25-856, 25-908 to 25-910, and 25-913 to 25-915, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 65. By McFarland, 28th District.

A BILL FOR AN ACT relating to athletics; to adopt the Athlete Agents Registration Act; to provide penalties; and to provide severability.

LEGISLATIVE BILL 66. By Landis, 46th District.

A BILL FOR AN ACT relating to the Community Development Assistance Act; to amend Laws 1984, LB 372, section 18; to change an operative date provision as prescribed; and to repeal the original section.

LEGISLATIVE BILL 67. By Morehead, 30th District.

A BILL FOR AN ACT relating to liability; to state intent; to define terms; and to provide immunity for directors, officers, and trustees of not-for-profit corporations.

LEGISLATIVE BILL 68. By Morehead, 30th District.

A BILL FOR AN ACT relating to milk; to amend section 2-3901, Revised Statutes Supplement, 1986; to change provisions relating to the regulation of milk; to redefine terms; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 69. By Morehead, 30th District.

A BILL FOR AN ACT relating to the State Electrical Board; to amend section 81-2104, Revised Statutes Supplement, 1986; to

provide powers; to provide an exception; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 70. By Lamb, 43rd District.

A BILL FOR AN ACT relating to schools; to amend section 79-1338, Reissue Revised Statutes of Nebraska, 1943; to change the calculation of the amount of equalization aid for school districts; and to repeal the original section.

LEGISLATIVE BILL 71. By Landis, 46th District; McFarland, 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 eliminate provisions relating to arbitration; 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 72. By Nelson, 35th District; Remmers, 1st District.

A BILL FOR AN ACT relating to smokeless tobacco products; to define terms; to provide for restriction of distribution as prescribed; to provide a duty for the Attorney General; and to provide a penalty.

LEGISLATIVE BILL 73. By Nelson, 35th District.

A BILL FOR AN ACT relating to loans; to define terms; and to provide a duty for lenders and secured parties.

LEGISLATIVE BILL 74. By Nelson, 35th District.

A BILL FOR AN ACT relating to public health and welfare; to provide duties regarding organ and tissue donation; and to provide an exemption from liability.

LEGISLATIVE BILL 75. By Landis, 46th District.

A BILL FOR AN ACT relating to film and television productions; to amend sections 60-301, 60-403.07, 66-602, and 77-2753, Reissue Revised Statutes of Nebraska, 1943; to provide for temporary licensing of motor vehicles as prescribed; to provide fees; to except

certain employers from withholding requirements; and to repeal the original sections.

LEGISLATIVE BILL 76. By Remmers, 1st District.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-5108, Reissue Revised Statutes of Nebraska, 1943; to authorize a licensed practical nurse to be a certified ambulance attendant; and to repeal the original section.

LEGISLATIVE BILL 77. By Hefner, 19th District.

A BILL FOR AN ACT relating to Small Claims Court; to amend section 24-524, Revised Statutes Supplement, 1986; to authorize the acknowledgment of claim forms by additional persons; and to repeal the original section.

LEGISLATIVE BILL 78. By Barrett, 39th District.

A BILL FOR AN ACT relating to insurance; to define terms; to provide a procedure for the investigation of fraudulent claims; to provide duties; to limit liability as prescribed; to provide for the confidentiality and release of certain information as prescribed; and to provide a penalty.

LEGISLATIVE BILL 79. By Barrett, 39th District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-669.22, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the assessment of points; and to repeal the original section.

LEGISLATIVE BILL 80. By Barrett, 39th District.

A BILL FOR AN ACT relating to all-terrain vehicles; to amend sections 60-301, 60-401, 60-501, and 60-2102, Reissue Revised Statutes of Nebraska, 1943; to define a term; to regulate the operation and equipping of all-terrain vehicles; to require notice of accidents; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 81. By Pappas, 42nd District; Hefner, 19th 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 payment for goods and services by state agencies; to require reports; and to repeal the original sections.

LEGISLATIVE BILL 82. By Pappas, 42nd District.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to provide that state patrol officers carry a radio as prescribed.

LEGISLATIVE BILL 83. By Pappas, 42nd District.

A BILL FOR AN ACT relating to food sales; to require a disclosure; to provide for inspections; and to authorize suspension or revocation of a permit.

LEGISLATIVE BILL 84. By Pappas, 42nd District.

A BILL FOR AN ACT relating to highways and bridges; to require the Department of Roads to post signs promoting historical state tourism events as prescribed.

LEGISLATIVE BILL 85. By Pappas, 42nd District.

A BILL FOR AN ACT relating to school funds; to amend section 79-1302, Reissue Revised Statutes of Nebraska, 1943, and section 79-1304, Revised Statutes Supplement, 1986; to change provisions relating to the apportionment and distribution of funds as prescribed; to eliminate a provision relating to reappraisement; and to repeal the original sections, and also section 79-1303, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 86. By Pappas, 42nd District; Withem, 14th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Reissue Revised Statutes of Nebraska, 1943; to define a term; to change property tax exemptions as prescribed; to delete a requirement for pawnbrokers; and to repeal the original section, and also section 77-1220, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 87. By Pappas, 42nd District; Chizek, 31st District.

A BILL FOR AN ACT relating to revenue and taxation; to eliminate a tax on pawnbrokers; to eliminate a penalty; and to repeal section 77-1220, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 88. By Landis, 46th District; Morehead, 30th District; Marsh, 29th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Rights of the Terminally Ill Act; to provide penalties; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 89. 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 powers and duties; to provide procedures; to prohibit reprisals and intentional misuse; and to repeal the original sections.

LEGISLATIVE BILL 90. By Scofield, 49th District; Withem, 14th District; Conway, 17th District; Rupp, 22nd District; Smith, 33rd District; McFarland, 28th District; Baack, 47th District; Hartnett, 45th District; Harris, 27th District; Pappas, 42nd District; Barrett, 39th District; Higgins, 9th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1917, Reissue Revised Statutes of Nebraska, 1943; to state intent; to authorize the taking of videotape depositions and in camera testimony of certain children as prescribed; to define a term; to provide for rules of procedure; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 91. By Conway, 17th District.

A BILL FOR AN ACT relating to infants; to amend sections 71-604.01, 71-604.03, and 71-604.04, Reissue Revised Statutes of Nebraska, 1943; to require screening for biotinidase deficiency; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 92. By Conway, 17th District.

A BILL FOR AN ACT relating to labor; to amend sections 48-1230 and 48-1231, Reissue Revised Statutes of Nebraska, 1943; to adopt the Commission Salesperson Payment Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 93. By Conway, 17th District.

A BILL FOR AN ACT relating to mailing requirements; to amend sections 17-149.01, 21-2035, 21-2046, 24-597, 25-840.01, 25-1591, 30-2427, 46-576, 46-654, 68-630, 72-312, 77-1736.11, 77-1832, 77-3311, 81-517, and 81-8,285, Reissue Revised Statutes of Nebraska, 1943, sections 8-1111, 12-802, 12-1116, 43-1505, 44-10,106, 46-1236, and 48-133, Revised Statutes Supplement, 1986, and section 6-108, Uniform Commercial Code; to authorize certain mailings to be made by certified mail; and to repeal the original sections.

LEGISLATIVE BILL 94. By Pappas, 42nd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Reissue Revised Statutes of Nebraska, 1943; to eliminate the exemption of food and food products from the sales and use tax; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 95. By Marsh, 29th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5701 to 71-5703, 71-5707, 71-5709 to 71-5711, and 71-5713, Reissue Revised Statutes of Nebraska, 1943; to change provisions of the Nebraska Clean Indoor Air Act; to define terms; to provide duties relating to public places; to provide for the development of employee smoking policies; to prohibit certain acts as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 96. By Higgins, 9th District.

A BILL FOR AN ACT relating to real estate; to amend sections 81-885.24 and 81-885.47, Revised Statutes Supplement, 1986; to require real estate brokers, associate brokers, salespersons, and subdividers to make a disclosure as prescribed; to provide penalties;

to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 97. By Higgins, 9th District.

A BILL FOR AN ACT relating to real estate; to amend sections 81-885.24 and 81-885.47, Revised Statutes Supplement, 1986; to require licensed real estate brokers, associate brokers, salespersons, and subdividers to make a disclosure as prescribed; to provide penalties; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 98. By Higgins, 9th District.

A BILL FOR AN ACT relating to real estate; to amend sections 81-885.24 and 81-885.47, Revised Statutes Supplement, 1986; to require real estate brokers, associate brokers, salespersons, and subdividers to make a disclosure as prescribed; to provide penalties; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 99. By Pappas, 42nd District.

A BILL FOR AN ACT relating to schools; to amend section 79-201, Revised Statutes Supplement, 1986; to restrict school term opening and closing dates; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 100. By Rogers, 41st 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 by certain landowners; to provide factors in determining such liability; to provide for court costs and attorney's fees as prescribed; to harmonize provisions; and to repeal the original section.

SPEAKER BARRETT PRESIDING

RESOLUTION

LEGISLATIVE RESOLUTION 2.

Introduced by Marsh, 29th District.

WHEREAS, the First Congress of the United States of America in New York, New York, on September 25, 1789, proposed an amendment to the Constitution of the United States by a resolution which reads as follows:

"RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following (Article) be proposed to the Legislatures of the several States,...which (Article), when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

"(An ARTICLE) in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article the second...No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."; and

WHEREAS, this amendment has been ratified by the legislatures of at least eighteen states in the years from 1789 through 1986; and

WHEREAS, this amendment may still be ratified by state legislatures as a result of the ruling in Coleman v. Miller, 307 U.S. 433 (1939), which held that Congress is the final arbiter on the question of whether too much time has elapsed between Congress' submission of an amendment and the most recent state legislature's ratification of the amendment if Congress did not specify a deadline on the amendment's consideration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

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

2. That copies of this resolution duly certified by the Secretary of State with the Great Seal of Nebraska attached thereto be sent to the Administrator of General Services, Washington, D.C.; the Archivist of the United States; both United States Senators from Nebraska; all three United States Representatives from Nebraska; and the Secretary of the United States Senate and the Clerk of the United States House of Representatives with the request that it be printed in full in the Congressional Record.

Referred to the Executive Board.

EASE

The Legislature was at ease from 11:00 a.m. until 11:30 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 101. By Rogers, 41st District.

A BILL FOR AN ACT relating to liens; to amend sections 9-403 and 9-414, Uniform Commercial Code; to define terms; to provide for agricultural production input liens as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 102. By Rogers, 41st District.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1804, 2-3311, 23-358 to 23-361, and 23-609, Reissue Revised Statutes of Nebraska, 1943, and sections 2-2309, 2-3407, 2-3622, 2-4011, and 54-2112, Revised Statutes Supplement, 1986; to provide powers and duties relating to animal damage control; to create a fund; to authorize certain agreements; to eliminate provisions relating to predator control aides; to harmonize provisions; and to repeal the original sections, and also sections 2-2901 to 2-2908, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 103. By Dierks, 40th District; Rogers, 41st District.

A BILL FOR AN ACT relating to livestock; to amend sections 2-3005, 2-3007, 54-1348, 54-1703, and 54-2001, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3918 and 54-1160, Revised Statutes Supplement, 1986; to adopt the State Livestock Health Act; to change provisions relating to the State Veterinarian and the Director of Agriculture; to eliminate the Bureau of Animal Industry; to harmonize provisions; and to repeal the original sections, and also sections 81-202 to 81-202.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 104. By Dierks, 40th District; Rogers, 41st 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 that certain animals shall be vaccinated for rabies as prescribed; to provide for enforcement; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 105. By Rupp, 22nd District.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-204 and 37-212, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to fees for certain permits as prescribed; to provide for the use of revenue from certain fees; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 106. By Rupp, 22nd District.

A BILL FOR AN ACT relating to schools; to amend section 79-603, Reissue Revised Statutes of Nebraska, 1943; to provide for certain Class I districts to merge with other Class I districts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 107. By Rupp, 22nd District.

A BILL FOR AN ACT relating to schools; to amend section 79-102.01, Reissue Revised Statutes of Nebraska, 1943; to provide an additional requirement for formation of Class VI school districts; and to repeal the original section.

LEGISLATIVE BILL 108. By Withem, 14th District; Haberman, 44th District; Hannibal, 4th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702, 77-2703, and 77-27,147, Revised Statutes of Nebraska, 1943; to eliminate the sales tax on utility services as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 109. By Withem, 14th District.

A BILL FOR AN ACT relating to deposit of public funds; to amend section 77-2351, Reissue Revised Statutes of Nebraska, 1943; to eliminate a requirement that funds be deposited in demand deposit accounts; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 110. 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 a prohibition on holding office in a political party; and to repeal the original section.

LEGISLATIVE BILL 111. By Withem, 14th District.

A BILL FOR AN ACT relating to jury lists; to amend section 25-1628, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to lists provided by the Department of Motor Vehicles; and to repeal the original section.

LEGISLATIVE BILL 112. By Wesely, 26th District.

A BILL FOR AN ACT relating to state institutions; to amend sections 83-1,147, 83-305.01 to 83-305.03, 83-376, 83-4,103, and 84-127, Reissue Revised Statutes of Nebraska, 1943, and section 85-1,111, Revised Statutes Supplement, 1986; to change provisions making reference to the Nebraska Psychiatric Institute as prescribed; to delete provisions relating to transferring of functions, records, files, and employees of the Nebraska Psychiatric Institute; to harmonize provisions; and to repeal the original sections, and also sections 83-305.04 and 83-305.05, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 113. By Landis, 46th District; Wesely, 26th District; Marsh, 29th District; Harris, 27th District; McFarland, 28th District; Warner, 25th District.

A BILL FOR AN ACT relating to insolvent financial institutions; to amend sections 8-1,106 and 8-1,107, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the allowance and classification of claims for deposits and exchange; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 114. By Landis, 46th District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to hazardous waste; to amend sections 81-1521.01 to 81-1521.03, 81-1521.05, and 81-1521.06, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1505.01, 81-1521.04, and 81-1532, Revised Statutes Supplement, 1986; to provide additional requirements and procedures related to the siting

of commercial hazardous waste management facilities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 115. By L. Johnson, 15th District.

A BILL FOR AN ACT relating to building and loan associations; to amend section 8-355, Revised Statutes Supplement, 1986; to change a date as prescribed; and to repeal the original section.

LEGISLATIVE BILL 116. By Morehead, 30th District; Schmit, 23rd District; Smith, 33rd District; Rogers, 41st District; Rupp, 22nd District; Ashford, 6th District; Remmers, 1st District; R. Johnson, 34th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,133 and 71-1,135.02, Reissue Revised Statutes of Nebraska, 1943; to eliminate a license requirement; to provide educational standards for license renewals; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 117. By Pirsch, 10th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-807 to 28-809, 28-811, and 28-813, Reissue Revised Statutes of Nebraska, 1943; to define a term; to change penalties as prescribed; to prohibit possession of certain materials as prescribed; to require reporting of information from certain individuals; to provide penalties; to harmonize provisions; and to repeal the original sections, and also section 28-812, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 118. By Pirsch, 10th District; Landis, 46th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-919, 28-921, and 29-1301, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1986; to define terms; to prohibit the intimidation of victims and witnesses of crime and others as prescribed; to provide penalties; to redefine an offense; to harmonize provisions; to change provisions relating to venue; and to repeal the original sections.

LEGISLATIVE BILL 119. By Pirsch, 10th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-119, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 120. By Pirsch, 10th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-519, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to criminal mischief; and to repeal the original section.

LEGISLATIVE BILL 121. By Pirsch, 10th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-518, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to theft; and to repeal the original section.

LEGISLATIVE BILL 122. By Pirsch, 10th District.

A BILL FOR AN ACT relating to criminal procedure; to authorize discovery by the prosecuting attorney before trial as prescribed.

LEGISLATIVE BILL 123. By Pirsch, 10th District.

A BILL FOR AN ACT relating to nonprofit sports programs; to define terms; and to provide immunity from civil damages as prescribed.

LEGISLATIVE BILL 124. By R. Johnson, 34th District; Rogers, 41st District; Hefner, 19th District; Scofield, 49th District; Baack, 47th District.

A BILL FOR AN ACT relating to natural resources districts; to adopt the Grasslands Protection Act.

LEGISLATIVE BILL 125. By Miller, 37th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2018.04 and 77-2018.05, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to inheritance tax deductions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 126. By Wesely, 26th District.

A BILL FOR AN ACT relating to health; to state intent; to define terms; to require reports of health care providers as prescribed; to provide powers and duties.

RESOLUTION

LEGISLATIVE RESOLUTION 3CA.

Introduced by Withem, 14th District.

A Resolution to propose an amendment to Article VIII, of the Constitution of Nebraska, by adding a new section 13 thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, of the Constitution of Nebraska, by adding a new section 13 thereto, which is hereby proposed by the Legislature:

CVIII-13 "The Legislature, notwithstanding any other provision in the Constitution, may, by general law and upon any terms, conditions, and restrictions it prescribes, authorize technical community college areas to incur indebtedness for the purpose of developing and carrying out job training programs for the employees of any new or expanding business when the establishment or expansion of such business will result in the creation of new jobs. A technical community college area may pledge for and apply to the payment of such indebtedness a portion of the taxes levied by all taxing bodies on the real and personal property of any business which has employees participating in such a training program. The taxes that may be so pledged and applied are those taxes levied on the assessed valuation of the property that is in excess of the assessed valuation of such property in the year immediately prior to the year in which the training program is commenced. Indebtedness incurred under this section shall not become a general obligation of any political subdivision.".

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 Legislature to allow technical community college areas to incur indebtedness for the purpose of developing and carrying out job training programs for the employees of new or expanding businesses and to pay such indebtedness with additional property taxes from new valuations on the property of any business which has employees participating in such job training 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.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 127. By Moore, 24th District; Lamb, 43rd District.

A BILL FOR AN ACT relating to schools; to amend section 79-548, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the adoption of the budget of a Class II school district; to eliminate a penalty; to harmonize provisions; and to repeal the original section, and also sections 79-704 and 79-704.01, Reissue Revised Statutes of Nebraska, 1943.

ANNOUNCEMENT

Mrs. Labedz announced the Executive Board will meet at 9:00 A.M., Friday, January 9, 1987 in Room 2102.

RECESS

At 11:36 a.m., on a motion by Mr. Weihing, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:45 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Lynch, and V. Johnson who were excused; and Mr. Abboud who was excused until he arrives.

PRESIDENT MCGINLEY PRESIDING

UNANIMOUS CONSENT - Print in Journal

Mrs. Morehead asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

I move to amend Rule 3, Section 3(a) to read as follows:

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

MESSAGE FROM THE SECRETARY OF STATE

January 8, 1987

Speaker of the Legislature
Ninetieth Legislature, First Session (Regular) 1987
State Capitol
Lincoln, Nebraska

Honorable Speaker:

We are submitting to you a certificate stating that the bonds and oaths for the following elected officials, for the terms beginning the eighth day of January, 1987, and ending on the first Thursday after

the first Tuesday in January, 1991, are on file in the office of Secretary of State:

Governor Kay A. Orr
Lieutenant Governor Bill Nichol
Auditor of Public Accounts Ray A. C. Johnson
State Treasurer Frank Marsh
Attorney General Robert M. Spire

The certificate further states that the required oaths are on file in the office of Secretary of State for:

Eric Rasmussen, Public Service Commissioner, District Four, term ending January 1993
Daniel G. Urwiller, Public Service Commissioner, District Five, Term ending January, 1993
Don Blank, Regent, University of Nebraska, District Six, term ending January, 1993
John W. Payne, Regent, University of Nebraska, District Seven, term ending January, 1993
William Marshall III, Member, State Board of Education, District Five
Russell W. Worthman, Member, State Board of Education, District Six
Thelma L. Lang, Member, State Board of Education, District Seven
William C. Ramsey, Member, State Board of Education, District Eight
D. Nick Caporale, Judge of Supreme Court, District Two
C. Thomas White, Judge of Supreme Court, District Three
John T. Grant, Judge of Supreme Court, District Four
Thomas M. Shanahan, Judge of Supreme Court, District Six
Michael P. Cavel, Judge of Nebraska Workers' Compensation Court
James P. Monen, Judge of Nebraska Workers' Compensation Court

(By law, the terms of the Nebraska Workers' Compensation Court begin January 8, 1987.

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

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that

Governor Kay A. Orr
Lieutenant Governor Bill Nichol
Auditor of Public Accounts Ray A. C. Johnson
State Treasurer Frank Marsh
Attorney General Robert M. Spire

have filled their bonds and oaths with the Secretary of State as required by law.

I further certify that the required oaths have been filed in the office of Secretary of State, as required by law, by Eric Rasmussen and Daniel G. Urwiller, Public Service Commissioners, Don Blank and John W. Payne, Regents of the University of Nebraska; William Marshall III, Russell W. Worthman, Thelma L. Lang and William C. Ramsey, Members of the State Board of Education; D. Nick Caporale, C. Thomas White, John T. Grant and Thomas M. Shanahan, Justices of the Supreme Court and Michael P. Cavel and James P. Monen, Judges of the Nebraska Workers' Compensation Court.

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

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

(SEAL) Allen J. Beermann, Secretary of State

INAUGURAL CEREMONIES

MOTION - Escort Committees

Mr. Chizek moved that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their oaths of office.

The motion prevailed.

Chief Justice Norman Krivosha administered the Oath of Office to the newly elected State officials.

Governor Orr delivered the following Inaugural Address:

Mr. Chief Justice, reverend clergy, Mr. Speaker, members of the Legislature, distinguished guests--my fellow Nebraskans:

I am more honored than I can adequately express, to assume office as the 36th governor of our state. I am filled with gratitude for the unique opportunity to serve the people of Nebraska at this time in our proud history. I take this oath with a deep sense of humility, and somber awareness of the heavy responsibility it imposes.

That oath is a covenant with the citizens of Nebraska. In exchange for the trust and the confidence you have reposed in me, I am bound to provide four years of leadership...honest, able and compassionate leadership. Citizens of Nebraska...I accept this covenant with pride and appreciation.

Today, I bring you a message of optimism, tempered with realism; a message of hope, leavened by pragmatism.

My optimism is based on an abiding faith in the inherent strength and resilience of Nebraska's people. It is based upon the twelve decades of our history as a state...a state carved out of the vast Louisiana Purchase...a state peopled by westward-facing travelers who crossed the Missouri River to settle along the overland routes of the Oregon and Mormon Trails.

Those were hardy people -- those pioneers -- and we are their rightful heirs, with a rich legacy of fortitude in the face of adversity, and self-confidence in our ability to manage and control our own destiny.

My optimism is based on the objective assessment of our strengths as a state, and as a people.

Consider this:

* Nebraska's per capita personal income of the past two years is the highest in our history.

* Unemployment statistics show the Nebraska jobless rate is two full percentage points below the national figure and, it is lower than it was one year ago.

* The consumer price index, or cost-of-living measurement, is three to six percent below the national average.

* Our children are among the best-educated in America.

* Our high school graduation rate of 86 percent, is the second highest in the nation--some 15 percentage points above the national average. Nebraska high school seniors scored six percent higher than the national average on their S-A-T college entrance tests and 15 percent better on their A-C-T tests.

* We enjoy excellent health care at a cost of about ten percent below the national average. The ratio of physicians to residents is well above the nation-wide average.

* One study even ranked Nebraska third among the 48 contiguous states for its general manufacturing climate.

* We enjoy a bountiful supply of inexpensive power. Only five states have lower average industrial power costs, making Nebraska rates 37 percent lower than those of the nation as a whole.

I could cite any number of additional advantages we enjoy and too often overlook. But most special of all are Nebraska's people, hard-working and resourceful, highly literate, industrious and dependable. It is because of them that the value-added rate per dollar of production payroll is twelve percent higher than the national average.

It is time that we confront our problems, not with reluctance, but with resolve...not with despair, but with daring.

It is time to apply to our own state what Franklin Delano Roosevelt said of wartime America:

"This great nation will endure, as it has endured...will revive, and will prosper."

And so too, will our state endure and prosper.

Yes..we have encountered economic difficulties, particularly on our farms and ranches. But if we recognize the substantial structural changes that have occurred in agriculture, and are willing to be a part of that change by adapting to it and working constructively toward the future, then we can secure the future.

Today, I want to address three principal concerns that I know we all share: quality education for our children, fairness in our tax system, and jobs for Nebraskans.

Yes, there will be other critical issues which will come before us. But these will be the areas in which many of our energies will be concentrated.

No aspect of state government is of more critical importance than the provision of a quality education to our young people. My purpose during the next four years will be to accord education at all levels the highest affordable priority of my administration.

Under our system, the state shares with local school districts the cost of providing education for elementary and secondary students. While the state, through its appropriations to the University of Nebraska, the state, and other colleges, bears the primary burden of post-secondary training.

In all, state government's support of education amounts to 47.3 percent of total state spending in this fiscal year. That's about three

times the amount expended on highways, social services, and state institutions combined.

So we have demonstrated a commitment; a financial commitment and a moral commitment to education.

But as we observed in the most recent special session of the Legislature, funding for many programs, including education, had to be reduced...and that is regrettable.

Even though those cuts were necessary, and while they do not in and of themselves, entirely solve the problems facing us for the coming fiscal year, they do help to alleviate them.

The challenge that confronts us in the coming weeks is to find a way to provide the necessary funds to improve the level of excellence now found in our public schools, while staying within available revenue resources.

We must discover how we can get more value for our educational dollar. A meaningful response to that issue will require the best efforts of educators, school board members, legislators and other taxpayers.

Nebraskans have told us many times that we must manage government without increasing their taxes. Elected officials throughout the state, were elected to office on a similar pledge. I, as your governor, promise that I will not raise taxes.

At the same time we must plan and budget our resources in a way that will avoid mid-year cuts in state appropriations. Such cuts are disruptive and inefficient at the local level, and perhaps even more so when applied to education. Moreover, they tend to send the wrong signals...signals that seem to say that we have somehow weakened in our commitment to our children and to our future.

We have heard over the past several years that state aid to education would bring about decreases in local property taxes. Yet the unhappy fact is that in the past increases in state aid have gone for increased spending -- not property tax relief. That's not a proud record of property tax relief, given the limits on the number of tax dollars which we can devote to education.

It may be time to consider whether there may be other resources available to us in the private sector. I believe this is an area well worth exploration and discussion. Many of the corporate citizens of our state have a keen interest in the education and training of our young people, and many private individuals share that interest.

We all know that personal and corporate contributions of time, talent, and money can be of significant help in supplementing the work of tax dollars.

This, then -- the fairness of our tax system -- is the second concern that I wish to address today, and it is one of the most pressing issues

confronting the legislature, as you begin your new session...to adjust the state individual income tax to accommodate the drastic changes enacted by the Congress in the Tax Reform Act of 1986.

That law, the most sweeping tax reform bill of the past 40 years, affects virtually every area of tax law. For individuals, it reduces federal taxes by an average 6.1 percent, cutting the top rate from 50 to 28 percent, while eliminating or reducing many deductions. Estimates by the Nebraska Department of Revenue show that unless we modify Nebraska's tax system, our income will automatically drop by as much as $24 million in the 1987-88 fiscal year, and by $36 million the following year.

Whatever adjustment is made in reaction to the change in the federal law, it must be crafted in such a way that the new system will produce substantially the same amount of revenue as the former method did, based on the old law.

Early in this session, I will present to the Legislature my own proposals for accomplishing the necessary adjustment. The changes that I propose to you will meet the following criteria:

* No additional tax dollars will be collected by the State of Nebraska.
* The system will be fair, stable and predictable.
* The system will retain the simplicity of Nebraska's current system.

Furthermore, I will veto any tax plan that does not meet those essential criteria.

I trust that the Legislature will address this matter expeditiously. Unless your action is prompt, the state will face a serious cash-flow problem in the early part of this calendar year. You may be assured that my staff and I will work cooperatively with you in the development of a sound and efficient tax policy... a policy which gives full credit to the elements of fairness, equity and stability.

A major focus of our attention over the next four years must be placed on how we can more effectively harness and direct Nebraska's efforts to provide jobs. This is the third and final concern that I will address today.

We must bring together the broad range of governmental activities, as well as the civic and community resources in this field, and to establish priorities, exchange technical know-how and develop integrated plans for the creation of new and better jobs for our people.

Each of these entities has a contribution to make, but they require strong leadership and direction. We need cooperation and coordination among our economic development organizations, tying together, for example:

The Nebraska Research and Development Authority, the Nebraska Business Development Center, the Nebraska Investment Finance Authority, the University of Nebraska and local chambers of commerce as well as other members of the development community.

Supplementing this coordination effort will be the Nebraska Job Creation Council, composed of individuals who have been successful in creating jobs.

To further this purpose, I propose to convene in the early spring an "economic summit" meeting, including leaders of business and labor. These, together with a broad range of those working in the field of economic development, will share information and expertise.

The aim of the summit conference will be to outline programs whose main thrust will be to yield sound, down-to-earth, practical results. We aren't looking for pie-in-the-sky proposals.

Too many states and communities have pursued such opportunities, only to discover that they paid a very high price, in terms of tax abatements and other incentives, for just such recruitment. Rather, we should be looking for common-sense solutions to the problems of job creation, including a tax policy which emphasizes assistance to local companies, particularly small business, which is our greatest source of job growth here in Nebraska.

In any appraisal and evaluation of our development efforts, we must take into account the rapidly-changing nature of our state's economy. Our's is an economy in a state of transition, characterized more and more as a service economy...less and less as a goods-producing one.

That is not to say that agriculture doesn't remain the basic industry of our state. In 1984, cash receipts from agricultural commodities produced in Nebraska, amounted to more than $7 billion, ranking it fourth among the fifty states.

What can be said though, is that Nebraska's economy is no longer the one-dimensional phenomenon that it was throughout most of the state's history. We now have a multi-faceted economy with strong and growing components in transportation and communications, utilities, finance and insurance. It is within these service fields that a great deal of economic opportunity lies...opportunities that can be realized by a properly-educated citizenry.

A further imperative for the creation of more and better jobs in our state is to make it possible for those young men and women graduating from our colleges and universities to remain in Nebraska, and to provide them with meaningful and rewarding careers. We must not delude ourselves into thinking that some of our graduates won't

seek their fortunes outside the state, but we can and we must do a better job of providing them with incentives to stay here.

We face many other challenges and opportunities in the months and years ahead. Today I have introduced you to the major agenda items for my administration. Within a few weeks I will deliver my budget message, including more details on these and other critical matters. I am absolutely convinced that with good will, tolerance, and a generous respect for each other's views, we can meet and overcome all obstacles.

My optimism rests upon the conviction that men and women dedicated to public service, as are the members of this legislature, possess not only the ability, but the will to fulfill their responsibilities to the citizens they serve.

I pledge to you my full cooperation. I invite and will welcome your suggestions as well as your criticisms. We must be able to put aside whatever divides us politically, in order to serve the greater good. Even when we disagree -- and disagree we will -- let's do it with civility and good humor.

Throughout our history, Nebraskans have been risk-takers. We have always reached for a new spirit, and sought a higher goal. Is there anyone among us who can say that we no longer possess that spirit?..that we have lost our nerve and are unworthy of the challenge? I think not. I believe that you share with me a vision...a vision of a better future. Not just in the years ahead, but for well into the twenty-first century.

I earnestly ask your help today, and the help of each citizen of this state, to bring that vision to reality. We can do it...you and I and the good people of Nebraska...by working together.

And we can do it, by the grace of the Almighty. I ask that you join with me in Harry Emerson Fosdick's prayer, taken from the stirring hymn, "God of Grace and God of Glory:"

"Grant us wisdom, grant us courage, for the facing of this hour. Grant us wisdom, grant us courage, for the living of these days."

Thank you.

The Governor, Chief Justice, associate Justices, newly elected state officials, Congressional delegation, and families were escorted from the Chamber.

ADJOURNMENT

At 2:53 p.m., on a motion by Mr. Wehrbein, the Legislature adjourned until 10:00 a.m., Friday, January 9, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 9, 1987

LEGISLATIVE JOURNAL

THIRD DAY - JANUARY 9, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 9, 1987

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Nichol presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Mr. Warner who was excused; and Messrs. Haberman, Hannibal, V. Johnson, Rupp, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Second Day was approved.

UNANIMOUS CONSENT - Member Excused

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

ANNOUNCEMENT

Mr. Withem announced there will be an executive session of the Education Committee January 13, 1987 in Room 2102.

ATTORNEY GENERAL'S OPINION

Opinion No. 87002

DATE: January 7, 1987

SUBJECT: Constitutionality of Requiring Payments in Lieu of Taxes by Cities and Villages Owning Real Property Outside Their Own County Used for Water Supply Purposes.

REQUESTED BY: Senator Emil E. Beyer, Jr.
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion concerning the constitutionality of legislation requiring cities and villages to make payments in lieu of taxes on real property located outside of their own county which is used for water supply purposes. Upon examination of this issue, it is our conclusion that imposing such a requirement by legislative act would be unconstitutional.

Article VIII, Section 2, of the Nebraska Constitution, provides, in pertinent part: "The property of the state and its governmental subdivisions shall be exempt from taxation." This constitutional provision exempts from taxation the property of all governmental subdivisions, including property owned by cities, villages, and municipalities. City of Omaha v. Douglas County, 96 Neb. 865, 148 N.W. 938 (1914) (municipally owned water works exempt from general state and county taxes); See, Platte Valley Public Power and Irrigation District v. County of Lincoln, 144 Neb. 584, 14 N.W.2d 202 (1944).

The plain language of Article VIII, Section 2, prohibits the imposition of any direct tax on property owned by governmental subdivisions of the State of Nebraska, which would include cities, villages, and municipalities. The question which remains is whether legislation may nevertheless be enacted to require such governmental subdivisions to make payments in lieu of taxes on real property owned under the circumstances previously described.

In analyzing this issue, we believe it is significant to note that the Nebraska Constitution contains a specific provision requiring public corporations and political subdivisions providing electricity to make payments in lieu of taxes on property held for such purpose. Neb. Const. Art. VIII, Section 11. The effect of this constitutional

provision was discussed by the Nebraska Supreme Court in Nebraska Public Power District v. Hershey School District, 207 Neb. 412, 299 N.W.2d 514 (1980). In this case, the court held that payments required by statute to be made by a public power district to offset the expense of educating the children of persons employed in the construction of electrical generating facilities constituted taxes or payments in lieu of taxes in addition to those payments authorized under the Constitution, and that the statute in question therefore violated the provisions of Article VIII, Section 11. In reaching this conclusion, the court discussed the historical background behind the adoption in 1958 of the payments "in lieu of taxes" mandated by Article VIII, Section 11, as follows:

> The original enabling act providing for the creation and operation of public power districts in Nebraska was enacted in 1933. Thereafter, protests arose over the loss of tax revenue which would be sustained by the state and its various governmental subdivisions if tax exempt public power districts acquired the taxable properties of privately owned electrical facilities. The Legislature then enacted statutes which required any public power district which acquired property of an existing privately owned utility to make payments "in lieu of taxes" to the various taxing entities in amounts equal to those paid by the private utility in the year immediately preceding the purchase or acquisition. Payments in lieu of taxes on real property purchased from other than a private utility were required on the same basis for the year of acquisition, but for subsequent years the appropriate county board of equalization was to determine the amount to be paid in lieu of taxes on such real estate "as equity and justice may require." See Neb.Rev.Stat. §§70-651 and 652 (Reissue 1985) (repealed 1959).
>
> In the years that followed, case law in Nebraska and elsewhere raised substantial questions as to whether mandatory payments in lieu of taxes constituted an indirect attempt to tax public property which was otherwise exempt from taxation under the Constitution. In order to settle the issues, an amendment to the Constitution was proposed and adopted in 1958. That is the amendment involved here.

(Emphasis added). Id. at 414-15, 299 N.W.2d at 516.

Robb v. Nielson, 71 Idaho 222, 229 P.2d 981 (1951), involved the constitutionality of a statute requiring payments in lieu of taxes on lands owned by the Idaho Fish and Game Department. Article VII, Section 4 of the Idaho Constitution, provided: "The property of the United States, except when taxation thereof is authorized by the United States, the state, counties, towns, cities, villages, school districts, and other municipal corporations and public libraries shall

be exempt from taxation." In holding the statute requiring payments in lieu of taxes unconstitutional, the court stated:

> Chapter 85 appears to be an effort to provide by indirection for taxation by the counties of state lands. It seeks to accomplish the same result as taxation.
> * * *
> What cannot be done directly because of constitutional restriction cannot be accomplished indirectly by legislation which accomplishes the same result.
> * * *
> Under our constitutional provisions, the legislature cannot, either directly or indirectly, tax or authorize the taxation of public property, or provide for the same result, and cannot waive the exemption provided for in the constitution and voluntarily pay taxes on public property.
> We are constrained to hold that said Chapter 85 indirectly provides for taxation of state lands by authorizing payments which accomplish the same result as taxation, and that it is void because of conflict with Article VII, Section 4 of the constitution.

Id. at 226, 228, 229 P.2d at 983, 984-85.

It is fundamental that the Legislature may not circumvent an express provision of the constitution by attempting to do indirectly what it may not do directly. Nebraska Public Power District v. Hershey School District, supra. Based on the historical background surrounding the adoption of Article VIII, Section 11, of our constitution, and the decision in Robb v. Nielson, supra, it is our opinion that legislation requiring cities or villages to make payments in lieu of taxes on real property owned by such entities would be viewed as an attempt to indirectly tax property of such governmental subdivisions, in contravention of the exemption from taxation of such property provided under Article VIII, Section 2. Any attempt to impose such a requirement should be accomplished by virtue of a constitutional amendment, similar in nature to the provisions of Article VIII, Section 11, rather than through the enactment of legislation.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB:jem
cc: Patrick J. O'Donnell
Clerk of the Legislature
2/06

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Dierks asked unanimous consent to have his name added as co-introducer to LB 127. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Ashford asked unanimous consent to have his name withdrawn as co-introducer to LB 116. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Ashford asked unanimous consent to have his name added as co-introducer to LB 114. No objections. So ordered.

Mr. Ashford asked unanimous consent to have his name added as co-introducer to LB 71. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1 through 120.

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	General File
29	General File
30	General File
31	General File
32	General File
33	General File
34	General File
35	General File
36	General File
37	General File
38	Appropriations
39	Transportation
40	Banking, Commerce and Insurance
41	Transportation
42	Health and Human Services
43	Judiciary
44	Revenue
45	Revenue
46	Revenue
47	Judiciary
48	General Affairs
49	Judiciary
50	Government, Military and Veterans Affairs
51	Government, Military and Veterans Affairs
52	Government, Military and Veterans Affairs
53	Judiciary
54	Judiciary
55	Government, Military and Veterans Affairs
56	Banking, Commerce and Insurance
57	Nebraska Retirement Systems
58	Nebraska Retirement Systems
59	Nebraska Retirement Systems
60	Nebraska Retirement Systems
61	Education
62	Banking, Commerce and Insurance

63	Banking, Commerce and Insurance
64	Judiciary
65	Judiciary
66	Revenue
67	Banking, Commerce and Insurance
68	Agriculture
69	General Affairs
70	Education
71	Judiciary
72	Judiciary
73	Banking, Commerce and Insurance
74	Health and Human Services
75	Transportation
76	Health and Human Services
77	Judiciary
78	Banking, Commerce and Insurance
79	Transportation
80	Transportation
81	Government, Military and Veterans Affairs
82	Government, Military and Veterans Affairs
83	Agriculture
84	Transportation
85	Education
86	Revenue
87	Revenue
88	Judiciary
89	Government, Military and Veterans Affairs
90	Judiciary
91	Health and Human Services
92	Business and Labor
93	Banking, Commerce and Insurance
94	Revenue
95	Health and Human Services
96	Banking, Commerce and Insurance
97	Banking, Commerce and Insurance
98	Banking, Commerce and Insurance
99	Education
100	Natural Resources
101	Banking, Commerce and Insurance
102	Agriculture
103	Agriculture
104	Agriculture
105	Natural Resources
106	Education

107 Education
108 Revenue
109 Banking, Commerce and Insurance
110 Government, Military and Veterans Affairs
111 Judiciary
112 Health and Human Services
113 Banking, Commerce and Insurance
114 Natural Resources
115 Banking, Commerce and Insurance
116 Health and Human Services
117 Judiciary
118 Judiciary
119 Judiciary
120 Judiciary

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

MOTION - Adopt Rules

Mr. Lynch moved to adopt the rules as now in our possession for today only, January 9, 1987.

The motion prevailed.

MOTION - Adopt Committee on Committees Report

Mr. L. Johnson renewed the Committee on Committees report found in the Journal on page 27 through 29.

Messrs. Lamb and Beyer offered the following amendment to the Committee on Committees Report:

Mr. Beyer from Natural Resources to Health and Human Services.
Mr. Lamb from Health and Human Services to Natural Resources.

The amendment prevailed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Messrs. Landis and Dierks offered the following amendment to the Committee on Committees Report to reflect these changes in responsibility:

Mr. Miller from Business and Labor to General Affairs.

Mr. Landis from Education to Business and Labor and Urban Affairs.
Mr. Dierks from General Affairs and Urban Affairs to Education.

The amendment prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Mrs. Morehead offered the following amendment to the Committee on Committees Report:
John Weihing to General Affairs.
Bernice Labedz to Business and Labor.

The amendment prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

The Committee on Committees report, as amended, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 128. By Miller, 37th District.

A BILL FOR AN ACT relating to schools; to amend sections 2-953, 32-421.01, 79-311, 79-317, and 79-320.01, Reissue Revised Statutes of Nebraska, 1943, and sections 32-308, 32-513, and 32-535, Revised Statutes Supplement, 1986; to provide for the appointment of county superintendents; to eliminate provisions relating to the election of county superintendents; to provide for contracts for services performed by county superintendents; and to repeal the original sections.

LEGISLATIVE BILL 129. By Pappas, 42nd District.

A BILL FOR AN ACT relating to elections; to require that certain election results be reported by precinct; and to require that such results be on deposit as prescribed.

LEGISLATIVE BILL 130. By Warner, 25th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.01, Reissue Revised Statutes of Nebraska, 1943; to

provide for the calculation of estimated excess funds and receipts based on a biennial budget; to eliminate definitions; and to repeal the original section.

LEGISLATIVE BILL 131. By Warner, 25th District.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend sections 84-612 and 84-613, Revised Statutes Supplement, 1986; to change certain dates relating to the transfer of funds as prescribed; to change a provision relating to the accrual of interest as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 132. By Warner, 25th District.

A BILL FOR AN ACT relating to the rules of the road; to amend section 39-6,180, Revised Statutes Supplement, 1986; to provide weight restrictions for certain axles; to define terms; and to repeal the original section.

LEGISLATIVE BILL 133. By Warner, 25th District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-606, Revised Statutes Supplement, 1986; to provide for certain exemptions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 134. By Barrett, 39th District.

A BILL FOR AN ACT relating to hospitals; to amend sections 23-343.01, 23-343.04, 23-343.05, 23-343.12, 23-343.16, 23-343.17, and 23-343.38, Reissue Revised Statutes of Nebraska, 1943, and section 49-14,103.01, Revised Statutes Supplement, 1986; to provide a power; to define a term; to redefine a term; to prohibit directors and trustees of hospital districts from having an interest in certain contracts as prescribed; to eliminate provisions relating to the contracting of certain professional services; to harmonize provisions; and to repeal the original sections, and also sections 23-343.09, 23-343.41, and 23-343.45, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 135. By Miller, 37th District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-615, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to pedestrian-control signals; and to repeal the original section.

LEGISLATIVE BILL 136. By Haberman, 44th District.

A BILL FOR AN ACT relating to real property; to amend section 76-238.01, Reissue Revised Statutes of Nebraska, 1943; to provide for the applicability of certain provisions to future advances as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 137. By Ashford, 6th District.

A BILL FOR AN ACT relating to corporations; to amend section 21-2004, Reissue Revised Statutes of Nebraska, 1943; to authorize the purchase of director's liability insurance as prescribed; and to repeal the original section.

LEGISLATIVE BILL 138. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-946.02, 2-952 to 2-954, 2-955, 2-957, 2-958, 2-960 to 2-963, and 2-966, Reissue Revised Statutes of Nebraska, 1943; to eliminate state participation in noxious weed control programs; to eliminate a fund; to harmonize provisions; to repeal the original sections, and also sections 2-964 and 2-965, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 139. By Abboud, 12th District.

A BILL FOR AN ACT relating to economic development; to adopt the Small Business Incubators Incentives Act; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 140. By Moore, 24th District.

A BILL FOR AN ACT relating to water resources; to amend sections 46-158, 46-218, 46-229.04, 46-235, 46-236, 46-238, 46-263, 46-273, 46-641, and 46-642, Reissue Revised Statutes of Nebraska, 1943, and section 46-229.03, 46-2,114, and 46-640, Revised Statutes Supplement, 1986; to eliminate a provision relating to the appointment of a superintendent of a ditch or canal; to eliminate certain provisions relating to the creation of certain water district subdivisions and water districts; to change provisions relating to water appropriations as prescribed; to change provisions relating to permits to withdraw ground water; to harmonize provisions; to

eliminate provisions relating to hogs in irrigation ditches; and to repeal the original sections, and also sections 46-222 to 46-224, 46-260, 46-279, 46-280, and 46-643, Reissue Revised Statutes of Nebraska, 1943.

MOTION - Adopt Permanent Rules

Mr. Lynch moved to adopt the permanent rules.

Mrs. Morehead renewed her pending proposed rule change found in the Journal on page 70.

The Morehead rule change was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Mrs. Morehead renewed her pending proposed rule change found in the Journal on page 24 to Rule 7, Section 1.

Mr. Haberman moved for a call of the house. The motion prevailed with 12 ayes, 3 nays, and 34 not voting.

The Chair declared the call raised.

The Morehead rule change was adopted with 35 ayes, 3 nays, 6 present and not voting, and 5 excused and not voting.

Mrs. Morehead renewed her pending proposed rule change found in the Journal on page 24 to Rule 3.

SPEAKER BARRETT PRESIDING

Mr. Lamb offered the following amendment to the proposed Morehead rule change:

Sec 14
Strike all language before "may"
Insert "any member of the Legislature"

Mr. Lamb withdrew his pending amendment.

Mr. Conway offered the following amendment to the proposed Morehead rule change:

Strike proposed amend to Rule 3 and amend to read:

All public hearings shall be completed by the 45th legislative day in odd numbered years and the 30th legislative day in even numbered years.

Mr. Conway withdrew his pending amendment.

The Morehead proposed rule change is pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 141. By Abboud, 12th District.

A BILL FOR AN ACT relating to economic development; to create the High Technology and Food Processing Commission; to provide for membership; to provide powers and duties; and to provide for certain investments and support.

LEGISLATIVE BILL 142. By Remmers, 1st District; Hall, 7th District.

A BILL FOR AN ACT relating to the Nebraska Commission for Special Education; to amend section 79-3204, Revised Statutes Supplement, 1986; to provide a date for dissolution as prescribed; and to repeal the original section.

LEGISLATIVE BILL 143. By Nelson, 35th District; Remmers, 1st District.

A BILL FOR AN ACT relating to revenue and taxation; to provide for a tax on tobacco products; to define terms; to provide duties; to provide for licensing as prescribed; to provide a penalty; and to declare an emergency.

LEGISLATIVE BILL 144. By Abboud, 12th District.

A BILL FOR AN ACT relating to state government; to adopt the Economy and Productivity in State Government Act; and to provide a termination date.

LEGISLATIVE BILL 145. By Weihing, 48th District.

A BILL FOR AN ACT relating to agriculture; to adopt the Dry Bean Resources Act; and to declare an emergency.

LEGISLATIVE BILL 146. By Schmit, 23rd District; Pappas, 42nd District; Moore, 24th District.

A BILL FOR AN ACT relating to water; to amend sections 46-233.01, 46-288, 46-290 to 46-292, 46-294, 46-613.01, 46-638, and 46-677, Reissue Revised Statutes of Nebraska, 1943, and sections 46-289 and 46-2,108, Revised Statutes Supplement, 1986; to state intent; to provide powers and duties for the Water Management Board; to change provisions relating to appropriations, transfers and uses of water; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 147. By Lynch, 13th District.

A BILL FOR AN ACT relating to schools; to amend section 79-531, Reissue Revised Statutes of Nebraska, 1943; to authorize certain school districts to enter into loan agreements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 148. By Schmit, 23rd District; Wesely, 26th District; Landis, 46th District.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3225, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3213, 2-3214, and 46-634.01, Revised Statutes Supplement, 1986; to change membership provisions for boards of directors; to change election provisions and subdistrict boundary procedures; to change the tax rate a natural resources district may levy; and to repeal the original sections.

LEGISLATIVE BILL 149. By Miller, 37th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-561, Reissue Revised Statutes of Nebraska, 1943; to require governmental agencies whose motor vehicles are involved in an accident to file a report as prescribed; and to repeal the original section.

LEGISLATIVE BILL 150. By Miller, 37th District.

A BILL FOR AN ACT relating to nongame and endangered species; to amend sections 37-431 and 37-435, Reissue Revised Statutes of

Nebraska, 1943, and section 2-15,111, Revised Statutes Supplement, 1986; to change consultation requirements; to define terms; to require notice and a meeting prior to the reestablishment of certain species; and to repeal the original sections.

LEGISLATIVE BILL 151. By Schmit, 23rd District; Pappas, 42nd District; Labedz, 5th District.

A BILL FOR AN ACT relating to water; to amend sections 46-233.01, 46-288, 46-290 to 46-292, 46-294, 46-613.01, 46-638, and 46-677, Reissue Revised Statutes of Nebraska, 1943, and sections 2-15,117, 46-289, and 46-2,108, Revised Statutes Supplement, 1986; to state intent; to provide powers and duties for the Water Management Board; to provide for the recovery of damages; to change the use of certain funds; to provide for an application for the sale and transfer of ground water as prescribed; to provide fees; to change provisions relating to appropriations, transfers, and uses of water; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 152. By Schmit, 23rd District.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-1501, 81-1511, 81-1512, 81-1516, 81-1519, 81-1520, 81-1521.02, 81-1521.05, 81-1521.06, and 81-1529, Reissue Revised Statutes of Nebraska, 1943, and section 81-1507, Revised Statutes Supplement, 1986; to change internal references to cite an act by name; to eliminate a provision relating to a program which was in effect until July 19, 1981; to eliminate a provision relating to the transfer in 1971 of records, equipment, funds, powers, and duties to the Department of Environmental Control; and to repeal the original sections, and also sections 81-1521.07 and 81-1530, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 153. By Pappas, 42nd District.

A BILL FOR AN ACT relating to railroads; to amend sections 74-5,102 and 74-5,103, Reissue Revised Statutes of Nebraska, 1943; to provide for inspection of certain trains as prescribed; to provide powers and duties; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 154. By Pappas, 42nd District.

A BILL FOR AN ACT relating to games and parks; to amend sections 37-720 to 37-726, Reissue Revised Statutes of Nebraska, 1943, and section 37-101, Revised Statutes Supplement, 1986; to define terms; to change provisions relating to raptors; to provide for the issuance of captive propagation licenses; to provide powers and duties; to provide a fee; to prohibit the transportation of raptors outside the state as prescribed; to prohibit the sale, barter, and purchase of raptors as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 155. By Pappas, 42nd District.

A BILL FOR AN ACT relating to aquaculture; to amend section 2-3804, Reissue Revised Statutes of Nebraska, 1943, and section 81-201, Revised Statutes Supplement, 1986; to define and redefine terms; to state intent; to require registration by persons engaged in aquaculture; to require a fee; to provide for rules and regulations; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 156. By McFarland, 28th District.

A BILL FOR AN ACT relating to trust deeds; to amend section 76-1003, Reissue Revised Statutes of Nebraska, 1943; to authorize a lawyers' professional corporation to serve as a trustee as prescribed; and to repeal the original section.

LEGISLATIVE BILL 157. By McFarland, 28th District.

A BILL FOR AN ACT relating to the University of Nebraska; to provide for tuition-free attendance for the children of university faculty and staff; and to provide rules and regulations.

LEGISLATIVE BILL 158. By McFarland, 28th District.

A BILL FOR AN ACT relating to education; to state intent; to establish a program for gifted students; to establish an institute; to establish a board; and to provide powers and duties.

LEGISLATIVE BILL 159. By McFarland, 28th District.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-1105 and 37-1107.01, Reissue Revised Statutes of Nebraska, 1943; to exempt certain residents from paying motor

vehicle entry permit fees to enter state parks as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 160. By Pappas, 42nd District.

A BILL FOR AN ACT relating to schools; to amend sections 79-1522.01 and 79-1529, Revised Statutes Supplement, 1986; to change a provision relating to the formula annuity retirement allowance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 161 By Elmer, 38th District.

A BILL FOR AN ACT relating to the State Highway Commission; to amend sections 39-1101 to 39-1103 and 39-1108, Reissue Revised Statutes of Nebraska, 1943; to provide for an additional member on the commission; to provide for an additional district; to change the number of members required for a quorum at the commission meetings; to delete provisions relating to reports; and to repeal the original sections, and also section 39-1109, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 162. By Abboud, 12th District; Ashford, 6th District.

A BILL FOR AN ACT relating to juvenile courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska, 1943; to increase the number of juvenile court judges as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 163. By Abboud, 12th District.

A BILL FOR AN ACT relating to investment; to adopt the Venture Capital Network Act; and to provide severability.

LEGISLATIVE BILL 164. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to grain warehouses; to amend section 75-902, Reissue Revised Statutes of Nebraska, 1943, and section 88-502.02, Revised Statutes Supplement, 1986; to adopt the Grain Warehouse Act; to eliminate provisions relating to public grain warehouses; to harmonize provisions; to provide penalties; and to repeal the original sections, and also sections 88-501, 88-505 to 88-512, 88-514, 88-516, 88-519, 88-523, and 88-524, Reissue Revised

Statutes of Nebraska, 1943, and sections 88-502, 88-502.01, 88-503, 88-504, 88-513, 88-515, and 88-517, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 165. By Baack, 47th District.

A BILL FOR AN ACT relating to infants; to authorize appointment of a surrogate parent as prescribed; to provide powers and duties; and to limit liability of surrogate parents.

LEGISLATIVE BILL 166. By Baack, 47th District.

A BILL FOR AN ACT relating to infants; to amend section 43-646, Reissue Revised Statutes of Nebraska, 1943; to change the age restriction for special education programs; to eliminate a duty of the State Department of Education; and to repeal the original section.

LEGISLATIVE BILL 167. By Ashford, 6th District; Hall, 7th District; Lynch, 13th District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-547, Reissue Revised Statutes of Nebraska, 1943; to provide for a referee to hear protests prior to the levy of special assessments by the city council; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 168. By Pappas, 42nd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2734.02 to 77-2734.05, 77-2734.10, 77-2734.11, 77-2770, and 77-2786, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions relating to taxation of unitary groups; to harmonize provisions; and to repeal the original sections, and also sections 77-2734.08 and 77-2734.09, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 169. By Nelson, 35th District; Smith, 33rd District.

A BILL FOR AN ACT relating to schools; to amend section 79-1307.01, Reissue Revised Statutes of Nebraska, 1943; to provide for county treasurers in certain counties to distribute school funds to school districts at least twice monthly; and to repeal the original section.

LEGISLATIVE BILL 170. By Wesely, 26th District; Barrett, 39th District; McFarland, 28th District; Marsh, 29th District; Lynch, 13th District.

A BILL FOR AN ACT relating to animals; to amend section 28-101, Revised Statutes Supplement, 1986; to prohibit certain acts relating to pitting an animal against another as prescribed; to define terms; to provide for duties of certain peace officers; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 171. By Lamb, 43rd District.

A BILL FOR AN ACT relating to permits to hunt and fish; to amend section 37-213, Reissue Revised Statutes of Nebraska, 1943; to allow holders of deer permits to hunt other wild animals; and to repeal the original section.

LEGISLATIVE BILL 172. 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.

RESOLUTION

LEGISLATIVE RESOLUTION 4CA.

Introduced by Chizek, 31st District; Ashford, 6th District; Hefner, 19th District; Pappas, 42nd District; Korshoj, 16th District; Pirsch, 10th District; Moore, 24th District; L. Johnson, 15th District.

A Resolution to propose an amendment to Article VIII, section 2, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 2, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CVIII-2 "The property of the state and its governmental subdivisions shall be exempt from taxation. The Legislature by

general law may exempt property owned by and used exclusively for agricultural and horticultural societies, and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user. The Legislature by general law may provide that any county in this state may, upon a majority vote of its county board or board of supervisors, exempt a portion of the value of any personal property or improvements on real property, owned by and exclusively used for financial gain or profit by a new or expanding business organization, association, or corporation, from any tax levied by any political subdivision within such county for a period not to exceed ten years. Household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects. The Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land. The Legislature by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation. The value of a home substantially contributed by the Veterans' Administration of the United States for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death of ~~his widow or her~~ the veteran's spouse or such spouse's remarriage. The Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments. The Legislature may classify personal property in such manner as it sees fit, and may exempt any of such classes, or may exempt all personal property from taxation. No property shall be exempt from taxation except as provided in the Constitution. The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by 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 Legislature to allow a county to exempt a portion of the value of personal property or

improvements on real property, when such property is owned by a new or expanding business, from taxation by any political subdivision within such county for not more than ten 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.

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. Moore and R. Johnson asked unanimous consent to have their names added as co-introducers to LB 102. No objections. So ordered.

Mr. Lynch asked unanimous consent to have his name added as co-introducer to LB 114. No objections. So ordered.

Mr. Lynch asked unanimous consent to have his name added as co-introducer to LB 99. No objections. So ordered.

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., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Warner who was excused; and Messrs. Chambers, Goodrich, V. Johnson, Rupp, Schellpeper, Mesdames Labedz, Marsh, Pirsch, and Ms. Scofield who were excused until they arrive.

SPEAKER BARRETT PRESIDING

ANNOUNCEMENTS

Mr. Hartnett announced the Urban Affairs Committee will hold an organizational meeting on Wednesday, January 14, 1987, a half-hour before the session begins, in Room 1019.

Mr. Lamb announced the Transportation Committee will meet immediately upon adjournment under the north balcony to elect a vice chairman.

MOTION - Adopt Permanent Rules

The Morehead pending rule change found in the Journal on page 24 to Rule 3 was renewed.

Mr. McFarland offered the following amendment to the pending Morehead rule change:

2. Strike Section 13 and insert the following new language:

"Section 13. Each committee to whom bills, constitutional amendments and resolutions are referred, shall by an affirmative vote of three or more members of the committee, designate which bills, constitutional amendments and resolutions shall receive a public hearing. All bills not receiving an affirmative vote of three or more members of the committee shall not receive a public hearing. For all bills scheduled for public hearing, the committee shall provide at least seven calendar days notice after publication of the notice in the Legislative Journal. No bill having been set for public hearing shall be withdrawn nor the public hearing cancelled within seven calendar days of the date set for said public hearing. All bills, constitutional amendments and resolutions not receiving a public hearing shall be deemed to be indefinitely postponed. Each committee shall report to the Legislature by filing with the clerk a list of those bills, constitutional amendments and resolutions scheduled for public hearing no later than the 20th legislative day in odd numbered years and 15th legislative day in even numbered years.

Mr. Harris 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. McFarland moved for a call of the house. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

The McFarland amendment lost with 13 ayes, 24 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mrs. Higgins offered the following amendment to the pending Morehead rule change:

Strike the Rules committee amendment and insert:

amend the rule that no bill shall receive more than 60 minutes hearing; the introducer has 10 to present it and 5 minutes to close; the public will be heard on the basis of rotating testimony for and against.

Mr. Harris 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 29 ayes, 0 nays, and 20 not voting.

The Higgins amendment lost with 3 ayes, 20 nays, 19 present and not voting, and 7 excused and not voting.

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.

The pending Morehead rule change lost with 5 ayes, 26 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Hefner renewed his pending proposed rule change found in the Journal on page 25.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Hefner rule change lost with 9 ayes, 21 nays, 13 present and not voting, and 6 excused and not voting.

Mr. Conway offered the following proposed rule change:

To amend Rule 3, Section 13 to add the following language:

"No standing committee shall hold any hearing on any proposed legislative bill after the 45th day of a regular session held in an

odd-numbered year or after the 30th day of a regular session held in an even-numbered year. This subsection shall not apply to the Appropriations Committee with respect to public hearings on appropriations bills."

Messrs. Peterson and Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

The Conway rule change lost with 4 ayes, 23 nays, 14 present and not voting, and 8 excused and not voting.

The Lynch motion to adopt permanent rules, as amended, was adopted with 30 ayes, 3 nays, 9 present and not voting, and 7 excused and not voting.

ANNOUNCEMENT

Mr. Wesely announced the Health and Human Services Committee elected Mr. Lynch as Vice Chairperson.

MESSAGES FROM THE GOVERNOR

January 9, 1987

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 requiring legislative confirmation.

Larry Bare, Director, Department of Administrative Services, 3020 William, Lincoln, Nebraska 68502, 489-9261. Term: January 8, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

January 9, 1987

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 requiring legislative confirmation.

Donald S. Leuenberger, Tax Commissioner, 5717 So. 25th Street, Lincoln, Nebraska 68512, 423-9256. Term: January 8, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

January 9, 1987

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 requiring legislative confirmation.

John C. Rochford, State Budget Administrator, 1165 So. 48th Street, Lincoln, Nebraska 68510, 488-4820. Term: January 8, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,

(Signed) KAY A. ORR
Governor

COMMUNICATION

January 8, 1987

Mr. Patrick O'Donnell
Clerk of the Legislature
Room 2018, State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Please advise members of the legislature that a surety bond for Allen J. Beermann, in the amount of $100,000 for the period January 8, 1987 to January 3, 1991, Allied Group Insurance Company, surety, was filed in this office on January 8, 1987.

Witness my hand and official seal this 8th day of January, 1987.

Sincerely,
(Signed) Larry Bare, Director
Administrative Services

BILLS ON FIRST READING

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

LEGISLATIVE BILL 173. By Pappas, 42nd District.

A BILL FOR AN ACT relating to health care; to eliminate the Nebraska Health Care Certificate of Need Act; and to repeal sections 71-5801 to 71-5813, 71-5815 to 71-5826, 71-5828 to 71-5838, 71-5840 to 71-5855, 71-5857 to 71-5870, and 71-5872, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 174. By Pappas, 42nd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-534, Reissue Revised Statutes of Nebraska, 1943, and section 60-570, Revised Statutes Supplement, 1986; to increase financial responsibility requirements as prescribed; to provide a penalty for cancellation of insurance as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 175. By Chizek, 31st District.

A BILL FOR AN ACT relating to private detectives; to amend section 71-3205, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the licensing of private detectives; and to repeal the original section.

LEGISLATIVE BILL 176. By Chizek, 31st District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-801, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to prostitution; and to repeal the original section.

LEGISLATIVE BILL 177. By Hall, 7th District; Withem, 14th District; Hartnett, 45th District; Ashford, 6th District; Chizek, 31st District, Labedz, 5th District; Lynch, 13th District; Goodrich, 20th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend section 14-1103.03, Reissue Revised Statutes of Nebraska, 1943; to provide powers relating to natural gas pipelines; and to repeal the original section.

LEGISLATIVE BILL 178. By Wesely, 26th District.

A BILL FOR AN ACT relating to school retirement; to amend sections 79-1558 and 79-1560, Reissue Revised Statutes of Nebraska, 1943; to provide for an increase in supplemental retirement benefits as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 179. By Hefner, 19th District; Barrett, 39th District; Peterson, 21st District.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Revised Statutes Supplement, 1986; to disqualify employees of Head Start agencies for benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 180. By Wesely, 26th District.

A BILL FOR AN ACT relating to automatic dialing-announcing devices; to amend section 87-302 and 87-307 to 87-311, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to a deceptive trade practice; to redefine and define terms; to change provisions relating to permits; to change provisions relating to agreements; to prohibit sequential dialing as prescribed; to provide powers; to provide for appeals; to provide for expiration of certain permits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 181. By Schmit, 23rd District; Moore, 24th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-807, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1986; to limit access to certain materials by minors; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 182. By Withem, 14th District.

A BILL FOR AN ACT relating to schools; to amend section 79-4,102, Revised Statutes Supplement, 1986; to delete provisions relating to reduction of certain high school tuition charges as prescribed; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 5CA.

Introduced by Abboud, 12th District.

A Resolution to propose an amendment to Article VIII of the Constitution of Nebraska by adding a new section 13 thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII of the Constitution of Nebraska by adding a new section 13 thereto, which is hereby proposed by the Legislature:

CVIII-13 "For the purpose of promoting economic development and bringing new business into the state, the county board of commissioners or supervisors of any county may, by the passage of

a resolution, initiate a vote of the electors of such county to exempt, either wholly or partially, for a period not exceeding five years, real property identified by the board which is situated within such county from taxation by the county or any political subdivision therein. Such real property tax exemption shall be effective if a majority of votes cast at such general or special election are in favor of such proposition.".

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 county board of commissioners or supervisors to grant a property tax exemption upon passage of a resolution by the board and approval of such exemption by a majority vote of the electors at a general or special election.

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 3:10 p.m., on a motion by Mr. Korshoj, the Legislature adjourned until 10:00 a.m., Tuesday, January 13, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 13, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 13, 1987

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Barrett 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. Pirsch who was excused; and Messrs. Hartnett, V. Johnson, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Third Day was approved.

SPEAKER'S ANNOUNCEMENT

Speaker Barrett announced the following schedule of recess days:
January 12, January 16, January 19, February 13, February 16, March 13, March 16, April 17, April 20, April 24, May 15, May 22, May 25.

ANNOUNCEMENT

Mr. Lamb announced the Transportation Committee elected Mr. Beyer as Vice Chairperson.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR 1 was 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 12, 1987. 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, Nebraska Independent Bankers' Association
Allan, Marilyn J. - Lincoln, NE, James E. Ryan, P.C.
Allan, Vernon A. - Scottsbluff, NE, American Association of Retired Persons
Andersen, Robert C. - Lincoln, NE, Nebraska Cooperative Council
Anderson Jr., Ferd E. - Lincoln, NE, American Consulting Engineers Council of Nebraska; Nebraska Society of Professional Engineers
Apking, Sharon A. - Alexandria, NE, Association of Nebraska Schools; Car & Truck Rental & Leasing Association
Ardoin, Kenneth A. - Dallas, TX, Pfizer Pharmaceuticals
Arfmann, William W. - Lincoln, NE, Nebraska Association of Public Employees
Arthur, Shirley A. - Lincoln, NE, Sullivan-Arthur & Associates
Ayres, Joseph Warren - Lincoln, NE, Nebraska Aviation Trades Association; Nebraska Society for Medical Technology; Nebraska Society for Respiratory Therapy; Nebraska Society of Radiologic Technologists
Bacon, Charles E. - Lincoln, NE, Nebraska Motor Carriers' Association
Baird, Holm, McEachen, Pedersen et al.
Bredthauer, Trudy Saunders - Omaha, NE, The Nebraska Methodist Hospital

Bartles, Bob - Lincoln, NE, Nebraska Association of Private Residential Facilities for Mental Retardation
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
Berkebile, John W. - Lincoln, NE, Christian Science Committee on Publication For Nebraska
Bernhard, Dee Ann - Schaumburg, IL, Alliance of American Insurers
Black, Tom - West Point, NE, Nebraska State Education Association
Boehmer, Edwin C. - Omaha, NE, Cornhusker Casualty Company
Bokemper, Duane - Lincoln, NE, American Legion, Dept. of Nebraska
Botsch, Barbara A. - Omaha, NE, Greater Omaha Chamber of Commerce
Boucher, Richard L. - Lincoln, NE, Nebraska County Attorneys Association
Bradley, Randall - Lincoln, NE, Nebraska Association of Naturopathic Physicians
Brandt, William B. - Lincoln, NE, Nebraska Bankers Association
Brown, Vincent D. - Lincoln, NE, American Petroleum Institute
Carmody, Patrick L. - Omaha, NE, United of Omaha Life Insurance Company
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
Cline, Williams, Wright, Johnson & Oldfather
Peterson, Alan E. - Lincoln, NE, Media of Nebraska
Collins, Richard E. - Omaha, NE, Pro-Law Association of Nebraska
Crosby, Guenzel, Davis, Kessner & Kuester
Guenzel, Robert C. - Lincoln, NE, Alliance of American Insurers; Nebraska Cooperative Council
Cunningham, James R. - Lincoln, NE, Nebraska Catholic Conference
Cutshall, Bruce A. - Lincoln, NE, Nebraska Academy of Family Physicians; Nebraska Association of Area Agencies on Aging; Nebraska Association of Resources Districts; 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; US Sprint
Davis, Jeanene C. - Lincoln, NE, Nebraska Realtors Association

Davis, Timothy P. - Lincoln, NE, Nebraska Cooperative Council
Deegan, Dr. John F. - Bellevue, NE, Bellevue Public School District
Dirrim, Delbert E. - Omaha, NE, Omaha Public Power District
Dobler, James B. - Lincoln, NE, Farmers Mutual Insurance Company of Nebraska
Edson, Dean E. - Lincoln, NE, Nebraska Farm Bureau Federation
Ellerbee, Don - Hastings, NE, Nebraska Funeral Directors Association; Nebraska Veterinary Medical Association
Enewold, Richard H. - Omaha, NE, AT&T Company
Erickson & Sederstrom
  Gordon, James E. - Lincoln, NE, DeHart & Darr Associates, Inc.; Nebraska State College System
  Kaplan, Howard - Omaha, NE, First Data Resources
  Thone, Charles - Lincoln, NE, Nebraska Municipal Power Pool; Nebraska State College System
Everson, Wullschleger, Sutter et al.
  Korslund, Paul - Lincoln, NE, Lower Big Blue Natural Resources District; Nebraska Shorthand Reporters Association
  Sharp, James G. - Lincoln, NE, Nebraska Shorthand Reporters Association
Fischer, Ralph J. - Beatrice, NE, General Agricultural Services, Ltd.
Fischer, Thomas B. - Lincoln, NE, FirsTier Bank, National Association, Lincoln
Folsom, Sallie - Grand Island, NE, Nebraska Republican Party
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
Frisk, Deanna M. - Omaha, NE, League of Women Voters of Nebraska
Garrison, Jerald R. - Lincoln, NE, Communications Workers of America
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
Goc, John J. - Lincoln, NE, City of Lincoln
Gubbels, Dale - Lincoln, NE, Nebraska State Recycling Association
Haessler, John - Lincoln, NE, Woodmen Accident and Life Company
Hall, Norma L. - Elmwood, NE, Women Involved in Farm Economics - W.I.F.E.

Hallstrom, Robert J. - Lincoln, NE, National Federation of Independent Business; Nebraska Bankers Association; Nebraska Pharmacists Association
Hamilton, James S. - Lincoln, NE, Nebraska Council on Alcohol & Drug Education, Inc.
Hansen, Phyllis G. - Omaha, NE, Nebraska Academy of Family Physicians
Hoke, C. J. - Grand Island, NE, Southern Nebraska Rural Public Power District
Hoke, Fred - Lincoln, NE, Nebraska Council of School Administrators
Hopkins, Julian H. - Lincoln, NE, Bankers Life Insurance Company of Nebraska
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 Associated General Contractors
Huggins, Stella - Omaha, NE, Nebraska Association of Trial Attorneys
Humpal, John E. - Omaha, NE, Blue Cross & Blue Shield of Nebraska
Hunzeker, Mark A. - Lincoln, NE, Insurance Federation of Nebraska; Metropolitan Life Insurance Company
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
Jensen, S. Michael - Blair, NE, Great Plains Communications, Inc.
Johnston, Paul R. - Lincoln, NE, Nebraska Livestock Feeders Association
Johnston, Thomas S. - Lincoln, NE, Nebraska Technical Community College Association
Jordison, John C. - Lincoln, NE, Nebraska Tax Research Council, Inc.
Kanzler, Leslie - Omaha, NE, Omaha Education Association
Keetle, Roger S. - Lincoln, NE, Nebraska Hospital Association
Kennedy, John W. - Omaha, NE, Central States Health & Life Company of Omaha
Kenny, Philip T. - Omaha, NE, Nebraska Railroad Association
King, Justin P. - Lincoln, NE, Nebraska Association of School Boards

King, Peggy L. - Lincoln, NE, Erickson & Sederstrom, P.C.
Kissel, Gordon - Lincoln, NE, Nebraska Association of Resources Districts
Koseluk, Alex - Omaha, NE, Nebraska Credit Union League, Inc.
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
Larson, Susan - Lincoln, NE, Nebraska Farm Bureau Federation
Lauerman, Meg - Lincoln, NE, Lincoln Public Schools
Lewis, William R. (Rudy) - Lincoln, NE, University of Nebraska
Lilley, Roy W. - Alliance, NE, Nebraska Stock Growers Association
Lineweber, Ray L. - Lincoln, NE, United Transportation Union
Lombardi, Richard/American Communications Group
Lombardi, Richard A. - Lincoln, NE, American Communications Group, Inc.; Nebraska Association of Community Mental Health Centers; Nebraska Association of Public Employees; Nebraska Association of Trial Attorneys; Nebraska Dental Assistants Association; Nebraska Society of Professional Psychologists; Nebraska State Fair Board; Nebraska State Student Association
Long, Donald P. - Holdrege, NE, Central NE Public Power & Irrigation District
Lostroh, Julia J. - Lincoln, NE, Nebraska Coalition for Life
Lynch, Joseph H. - Omaha, NE, First Data Resources, Inc.
Magnuson, Arnold L. - Lincoln, NE, Nebraska Society of Certified Public Accountants
Maliszewski, V. G. - North Platte, NE, Northwestern Bell Telephone Company
Mass, Ken E. - Omaha, NE, Nebraska State AFL-CIO
Matthies, Marcia L. - Lincoln, NE, Nebraska Health Care Association
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
McNeil, John P. - South Sioux City, NE, South Sioux City Area Chamber of Commerce
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, Nebraska Collectors Association

Miesbach, Neal L. - Omaha, NE, Professional Insurance Agents of Nebraska

Mihovk, Donald J. - Lincoln, NE, Northern Natural Gas Company, an Enron Company

Mills, Jack D. - Lincoln, NE, Nebraska Association of County Officials; Nebraska County Attorneys Association

Moeller, James E. - Lincoln, NE, Brotherhood of Locomotive Engineers State Legislative Board

Moody, Randall J. - Lincoln, NE, Lincoln International Brotherhood of Police Officers; Nebraska Library Association; Peoples Natural Gas Company

Morgan, David L. - Alvo, NE, Nebraska EMS Instructor/Coordinator Society

Morgan, Karen - Alvo, NE, Nebraska Emergency Medical Technician Association

Morrison, Marvin D. - Lincoln, NE, Communications Workers of America

Morrissey, Spencer W. - Tecumseh, NE, Brotherhood of Maintenance of Way Employees

Moylan, James H. - Omaha, NE, Douglas County, Nebraska; Nebraska Licensed Beverage Association; Nebraska Lodging Association

Mueller Jr., Raymond H. - Lincoln, NE, Nebraska Council on Vocational Education

Mueller, William J./Knudsen, Berkheimer, et al.

Mueller, William J. - Lincoln, NE, American Express Company; AT&T Company; First Commerce Bancshares, Inc.; First Data Resources, Inc.; IDS Financial Services, Inc.; Nebraska Academy of Physicians Assistants; Nebraska Association of Fluid Milk Processors; Nebraska Farmer Company; Nebraska Hearing Aid Association; Nebraska State Bar Association; Nebraska State Pest Control Association; Nebraska Wholesale Suppliers Association; Printing Industries of the Midlands, Inc.; PACE Membership Warehouse; The Western Sugar Company

Neidig, Bryce P. - Lincoln, NE, Nebraska Farm Bureau Federation

Newell, David R. - Omaha, NE, Papio Natural Resources District

Nicholls, Edward C. - Omaha, NE, Nebraska Credit Union League, Inc.

Noren, Charles F. - Hickman, NE, Independent Insurance Agents of Nebraska; Lincoln Firefighters Association #644; Nebraska Professional Firefighters Association; Nebraska Technical Community College Association

Nowka, Trent P. - Lincoln, NE, Nebraska Farm Bureau Federation

O'Hara & Associates, Inc. - Lincoln, NE, Bethphage Mission, Inc.; Blue Flame Gas Association; Columbus City Schools; Enron Corporation; Finocchiaro Wine Company, Inc.; First National Bank of Omaha; Grand Island Public Schools; Martin Luther Home, Inc.; Nebraska Association of Trial Attorneys; Nebraska Chapter of National Society for Children & Adults with Autism; Nebraska Dental Association; Nebraska Soft Drink Association; North Platte School District; Omaha Public Power District; Pioneer Hi-Bred International, Inc.; Plains Bingo & Fundraising; Scottsbluff Public Schools

O'Hara, Paul V. - Lincoln, NE, O'Hara & Associates, Inc.

O'Neill, John F. - Lincoln, NE, Lincoln Mutual Life Insurance Company

Oberg, Jon H. - Lincoln, NE, Association of Independent Colleges & Universities of Nebraska, Inc.

Obst, Robert E. - Grand Island, NE, Northwestern Bell Telephone Company

Orton, Leroy W. - Lincoln, NE, Better Nebraska Association; Nebraska Water Resources Association; Nebraska Well Drillers Association

Osland, Norman - Lincoln, NE, Nebraska Telephone Association

Pack, Mary M. - Lincoln, NE, Radcliffe, Walter/Tews & Radcliffe

Parker, David R. - Lincoln, NE, Nebraska Independent Telephone Association; Project Justice, Inc.

Peters, William E. - Lincoln, NE, Burlington Northern Inc. & Subsidiaries; The Tobacco Institute

Pierson, Darwin R. - McCook, 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, Jerry - Omaha, NE, City of Omaha

Preston, James N. - Lincoln, NE, Nebraska Motor Carriers' Association

Prettyman, Keith A. - Lincoln, NE, Woodmen Accident and Life Company

Quick, Gerald D. - Council Bluffs, IA, Peoples Natural Gas 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 School of Commerce; Lincoln Telephone & Telegraph Company;

Media of Nebraska; Motion Picture Association of America, Inc.; Motorcycle Industry Council; Nebraska Association of Correctional Employees; Nebraska Auto & Truck Salvage, Inc.; Nebraska Cable Communications Association; Nebraska Financial Services Association; Nebraska Health Care Association; Nebraska Manufactured Housing Institute, Inc.; Nebraska Occupational Therapy Association; Nebraska Pyrotechnics Association; Nebraska Realtors Association; Nebraska Securities Industry Association; Nebraska Society of Certified Public Accountants; Nebraska State Cemetery Association; Omni Dental Associates, Inc.; R. J. Reynolds Tobacco Company; Regency Dental Center, P. C.; Safeway Stores, Inc.; Shaeffer, J. Murry; Shearson Lehman Brothers Inc./Chiles Heider Division; The Acreage; The Wine Institute

Raglin, James H. - Lincoln, NE, Nebraska Press Advertising Service

Rasmussen, Dennis - Lincoln, NE, Bankers Life of Nebraska; Farm Credit Banks of Omaha; Great Plains Communications, Inc.; Iowa/Nebraska Farm Equipment Association, Inc.; Nebraska Association of Physical Therapists; Nebraska Land Improvement Contractors Association; Nebraska LP-Gas Association; Nebraska Petroleum Marketers, Inc.

Rasmussen, Steve - Lincoln, NE, Rasmussen-Legislative Consultants

Remington, S. June - Lincoln, NE, Nebraska Council of School Administrators

Rex, L. Lynn - Lincoln, NE, League of Nebraska Municipalities

Richey, Pat - Lincoln, NE, Nebraska State Education Association

Robertson, Bryan P. - Lincoln, NE, Associated Students of the University of Nebraska (ASUN)

Robinson, J. J. - Lincoln, NE, American Consulting Engineers Council of Nebraska

Rogge, Robert R. - Lincoln, NE, Lincoln Education Association

Rohn, Linda L. - Lincoln, NE, Lincoln Public Schools

Ross, Karen Barrett - Lincoln, NE, Nebraska Rural Electric Association

Ruth, Larry L./Knudsen, Berkheimer, et al.

Ruth, Larry L. - Lincoln, NE, American Express Company; AT&T Company; First Commerce Bancshares, Inc.; First Data Resources, Inc.; IDS Financial Services, Inc.; Nebraska Academy of Physicians Assistants; Nebraska Association of Fluid Milk Processors; Nebraska Farmer Company; Nebraska Hearing Aid Association; Nebraska State Bar Association; Nebraska State Pest Control Association; Nebraska Wholesale Suppliers Association; Printing Industries of the Midlands, Inc.; PACE Membership Warehouse; The Western Sugar Company

Ryan, Beth - Omaha, NE, Nebraska Railroad Association
Ryan, James E. - Lincoln, NE, FirsTier, Inc.; Friends of Higher Education; Governors of the Knights of Ak-Sar-Ben; Health Future Foundation; Nebraska Association of Candy & Tobacco Distributors; Nebraska Beer Wholesalers Association; Nebraska Motor Carriers' Association; Nebraska Optometric Association; Nebraska Public Power District; Nebraska Wholesale Liquor Distributors Association; Northwestern Bell Telephone Company; Norwest Bank - Nebraska, N.A.; Police Officers' Association of Nebraska; Project Justice, Inc.; 3M
Sak, Mary Ann - Lincoln, NE, Nebraska Nurses' Association
Sanne, Richard D. - Lincoln, NE, Nebraska Grain & Feed Dealers Association
Scarpello, Sam M. - Omaha, NE, Nebraska State Electrical Council
Schafer, Edwin C. - Omaha, NE, Nebraska Broadcasters Association
Schellpeper, William L. - Lincoln, NE, Nebraska Medical Association
Schimek, Herbert H. - Lincoln, NE, Nebraska State Education Association
Schoenrock, Robert L - Lincoln, NE, Brotherhood of Maintenance of Way Employees
Scott, Richard - Lincoln, NE, Nebraska Sheriffs' Association
Sedlacek, Ronald J. - Lincoln, NE, Nebraska Association of Commerce & Industry; Nebraska Bankers Association
Seline, Kathleen D. - Omaha, NE, Creighton University
Selzer, Robert S. - Lincoln, NE, Nebraska Rural Electric Association
Shaeffer & Watermeier, P.C.
Shaeffer, J. Murry - Lincoln, NE, State Troopers Association of Nebraska
Shafer, Peg - Lincoln, NE, Lincoln Education Association
Short, Frank H. - Lincoln, NE, Veterans of Foreign Wars, Dept. of Nebraska
Shuler, James O. - Omaha, NE, Central States Health & Life Company of Omaha
Sibley, Stan - Omaha, NE, Omaha Public Schools
Sieck, Harold F. - Pleasant Dale, NE, Nebraska State Grange
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
Siemsen, Kelly K. - Lincoln, NE, Bankers Life Insurance Company of Nebraska

Simon, Ray - Omaha, NE, American Association of University Professors, University of Nebraska at Omaha; Nebraska Association of Public Employees
Snyder, Patricia C. - Lincoln, NE, Nebraska Health Care Association
Spitz, Clarence E. - Lincoln, NE, Omaha Public Power District
Squire, DeCourcy - Lincoln, NE, Nebraskans Against the Death Penalty
Sterner, Julie A. - Lincoln, NE, American Communications Group, Inc.
Stone, Fred R. - Lincoln, NE, Retail Merchants Association of Nebraska Inc.
Sturner, Peter C. & Associates
Sturner, Barbara A. - Lincoln, NE, Sturner, Peter C. & Associates
Sturner, Peter C. - Lincoln, NE, Nebraska Association of Professional Investigators; Nebraska State Volunteer Firefighters Association
Sullivan-Arthur & Associates - Lincoln, NE, Cornhusker State Restaurant Association; Nebraska Chiropractic Physicians Association; Nebraska Educational Service Units Association; Nebraska Rural Community Schools Association; Nebraskans for our Visually Handicapped Children
Sullivan, John L. - Lincoln, NE, Sullivan-Arthur & Associates
Sullivan, Patrick H. - Lincoln, NE, Mid-America Lumbermens Association
Suttle, Deborah S. - Omaha, NE, Omaha Council of Parent & Teachers Association/PTSA
Swartz, Jack - Lincoln, NE, Nebraska Association of Commerce & Industry
Taylor, John G.. - Lincoln, NE, Nebraska Civil Liberties Union
Thomas, Arnold R. - Lincoln, NE, Nebraska Hospital Association
Thompson II, John R. - Omaha, NE, Communications Workers of America
Todd Jr., A. Loy - Lincoln, NE, National Association of Theater Owners of Nebraska; Nebraska Financial Services Association; Nebraska Manufactured Housing Institute, Inc.
Turbes, Susan M. - Minneapolis, MN, Minnegasco, Inc.
Ullstrom, Galen F. - Omaha, NE, Mutual of Omaha Insurance Company
Urdahl, Michael - Blair, NE, Great Plains Communications, Inc.
Vickers, Tom - Lincoln, NE, Noren, Charles F.; Sierra Club
Vodvarka, Dan - Lincoln, NE, Nebraska Association of Commerce & Industry
Volmer, Lee H. - Omaha, NE, Chilton Credit Reporting

Vuchetich, Patrick J. - Lincoln, NE, Nebraska Association of County Officials
Watson, Carol S. - Lincoln, NE, Bankers Life Insurance Company of Nebraska
Watters, George L. - Lincoln, NE, Nebraska Petroleum Marketers, Inc.
Wheeler, Stuart L. - Hastings, NE, K N Energy, Inc.
White, Mary - Lincoln, NE, Nebraska Bankers Association
Willey, Bobby T. - Lincoln, NE, Farmers Insurance Group of Companies
Willis, Larry F. - Lincoln, NE, Nebraska Vocational Association
Wilson, Stanley F. - Lincoln, NE, Nebraska New Car & Truck Dealers Association
Wilson, William A. - Lincoln, NE, Bankers Life Insurance Company of Nebraska
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

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 121 through 172, and legislative resolutions 2, 3, and 4.

LB	Committee
121	Judiciary
122	Judiciary
123	Judiciary
124	Natural Resources
125	Revenue
126	Health and Human Services
127	Education
128	Education
129	Government, Military and Veterans Affairs
130	Appropriations
131	Appropriations
132	Transportation
133	Transportation
134	Health and Human Services
135	Transportation

136	Banking, Commerce and Insurance
137	Banking, Commerce and Insurance
138	Agriculture
139	Banking, Commerce and Insurance
140	Natural Resources
141	Banking, Commerce and Insurance
142	Education
143	Revenue
144	Government, Military and Veterans Affairs
145	Agriculture
146	Natural Resources
147	Education
148	Natural Resources
149	Transportation
150	Natural Resources
151	Natural Resources
152	Natural Resources
153	Transportation
154	Natural Resources
155	Agriculture
156	Banking, Commerce and Insurance
157	Education
158	Education
159	Natural Resources
160	Nebraska Retirement Systems
161	Transportation
162	Judiciary
163	Banking, Commerce and Insurance
164	Agriculture
165	Education
166	Education
167	Urban Affairs
168	Revenue
169	Education
170	Judiciary
171	Natural Resources
172	Judiciary

LR	**Committee**
2	Government, Military and Veterans Affairs
3	Education
4	Revenue

(Signed) Bernice Labedz, Chairperson

Legislative Council
Executive Board

BILLS ON FIRST READING

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

LEGISLATIVE BILL 183. By Warner, 25th District.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend sections 23-1608, 79-2210.04, and 84-304, Revised Statutes Supplement, 1986; to require annual audits as prescribed; to provide for payment of the cost of audits; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 184. By Warner, 25th District.

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

LEGISLATIVE BILL 185. By Haberman, 44th District.

A BILL FOR AN ACT relating to sales and use tax; to amend sections 77-2702 and 77-2704, Reissue Revised Statutes of Nebraska, 1943; to provide an exemption for farm tractors and implements of husbandry; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 186. By Korshoj, 16th District.

A BILL FOR AN ACT relating to corporations; to amend sections 21-2012 and 21-2217, Reissue Revised Statutes of Nebraska, 1943; to change a date; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 187. By Barrett, 39th District.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-120 and 48-162, Revised Statutes Supplement, 1986; to provide for the establishment of a medical services fee schedule; to provide a fee; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 188. By Scofield, 49th District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1402, 49-1403, and 49-14,123, Reissue Revised Statutes of Nebraska, 1943, and section 49-1401, Revised Statutes Supplement, 1986; to state legislative findings; to require certain disclosures; to provide certain rights; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 189. By Scofield, 49th District.

A BILL FOR AN ACT relating to public meetings and public hearings; to amend sections 84-911 to 84-913, Reissue Revised Statutes of Nebraska, 1943, and sections 84-907 and 84-1411, Revised Statutes Supplement, 1986; to provide for the location of certain meetings and hearings; and to repeal the original sections.

LEGISLATIVE BILL 190. By Scofield, 49th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-2050 to 71-2052, 71-6009, and 71-6038, Reissue Revised Statutes of Nebraska, 1943; to redefine care staff member; to require training in oxygen administration; and to repeal the original sections.

LEGISLATIVE BILL 191. By Pappas, 42nd District.

A BILL FOR AN ACT relating to liability; to prohibit certain settlements or releases of liability by an injured person; and to restrict the use of certain statements as evidence in certain cases.

LEGISLATIVE BILL 192. By Pappas, 42nd District.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1007 and 16-1013, Reissue Revised Statutes of Nebraska, 1943; to permit certain police officers to receive pension benefits in a lump sum; and to repeal the original sections.

LEGISLATIVE BILL 193. By Pappas, 42nd District.

A BILL FOR AN ACT relating to railroads; to require a flagperson with certain trains as prescribed; to provide a penalty; and to provide powers and duties.

LEGISLATIVE BILL 194. By Goodrich, 20th District.

A BILL FOR AN ACT relating to judges' retirement; to amend sections 24-701, 24-708, 24-709, and 24-710, Revised Statutes Supplement, 1986; to redefine terms; to allow early retirement; to provide retirement benefits; and to repeal the original sections.

LEGISLATIVE BILL 195. By Goodrich, 20th District.

A BILL FOR AN ACT relating to mental health; to amend sections 71-5002, 71-5004, 71-5009, 71-5027, and 83-1,143.06, Reissue Revised Statutes of Nebraska, 1943; to provide for the creation of additional mental health and mental retardation regions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 196. By Goodrich, 20th District.

A BILL FOR AN ACT relating to interest rates and loans; 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 197. By Goodrich, 20th District.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1986; to revise the power of credit unions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 198. By McFarland, 28th District.

A BILL FOR AN ACT relating to the county personnel system; to amend sections 23-2520, 23-2521, and 23-2522, Reissue Revised Statutes of Nebraska, 1943; to provide for the appointment of an additional personnel policy board member as prescribed; to provide for additional powers for the personnel policy board as prescribed; to provide appeal procedures as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 199. By Education Committee: Withem, 14th District, Chairperson; Baack, 47th District; Chizek, 31st District; V. Johnson, 8th District; McFarland, 28th District.

A BILL FOR AN ACT relating to schools; to amend section 79-2504, Reissue Revised Statutes of Nebraska, 1943; to provide for representation on a commission as prescribed; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 6CA.

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 NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 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:

CIII-10 "~~Beginning with the year 1975, regular~~ Regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held ~~shall not exceed ninety 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, shall ~~and~~ be the judge of the election, returns, and qualifications of its members, and 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 that legislative sessions shall not exceed sixty legislative days.

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 200. By Education Committee: Withem, 14th District, Chairperson; Baack, 47th District; Chizek, 31st District; V. Johnson, 8th District; McFarland, 28th District.

A BILL FOR AN ACT relating to schools; to amend section 79-490, Revised Statutes Supplement, 1986; to authorize school-provided transportation for certain students at a fee; and to repeal the original section.

LEGISLATIVE BILL 201. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 71-4402, 81-217.29 to 81-217.31, 81-2,162.01, 81-2,162.22, and 89-1,101, Reissue Revised Statutes of Nebraska, 1943; to harmonize certain provisions of the Nebraska Commercial Fertilizer and Soil Conditioner Act; to change a penalty provision; to harmonize provisions; to eliminate a provision relating to the distribution of donated food; and to repeal the original sections, and also section 81-217.32, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 202. By Harris, 27th District; McFarland, 28th District; Warner, 25th District; Marsh, 29th District; Wesely, 26th District; Landis, 46th District.

A BILL FOR AN ACT relating to corporations; to eliminate the Nebraska Depository Institution Guaranty Corporation Act; and to repeal sections 21-17,127 to 21-17,145, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 203. By Wesely, 26th District.

A BILL FOR AN ACT relating to insurance; to eliminate provisions relating to open enrollment for health maintenance organizations; and to repeal sections 44-3255, 44-3256, and 44-3257, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 204. By Beyer, 3rd District.

A BILL FOR AN ACT relating to revenue; to amend section 77-2703, Reissue Revised Statutes of Nebraska, 1943; to change the procedure for payment of sales tax on motor vehicles as prescribed; to provide duties for the county clerks as prescribed; and to repeal the original section.

LEGISLATIVE BILL 205. By Beyer, 3rd District; Hartnett, 45th District; Withem, 14th District.

A BILL FOR AN ACT relating to cities and villages; to require cities and villages to make payments in lieu of taxes on certain real property acquired for water supply purposes.

LEGISLATIVE BILL 206. By Hefner, 19th District; Conway, 17th District; Rupp, 22nd District.

A BILL FOR AN ACT relating to controlled shooting areas; to amend sections 37-901, 37-903, and 37-907, Reissue Revised Statutes of Nebraska, 1943; to change the size of controlled shooting areas as prescribed; to change controlled shooting area license fees and the expiration date for such licenses as prescribed; to change a date for a closed hunting season as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 207. By Withem, 14th District.

A BILL FOR AN ACT relating to juveniles; to authorize the suspension of certain juveniles' driving privileges as prescribed.

LEGISLATIVE BILL 208. By Landis, 46th District; Elmer, 38th District; Warner, 25th District.

A BILL FOR AN ACT relating to cigarettes; to repeal the Unfair Cigarette Sales Act; and to repeal sections 59-1501 to 59-1518, Reissue Revised Statutes of Nebraska, 1943.

GENERAL FILE

LEGISLATIVE BILL 1. 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 2. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 3. Title read. Considered.

Advanced to E & R for Review with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 4. 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.

LEGISLATIVE BILL 5. 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 6. 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 7. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 8. Title read. Considered.

Advanced to E & R for Review with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 9. Title read. Considered.

Advanced to E & R for Review with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 10. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 11. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 12. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 13. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 14. 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 15. 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 16. 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 17. 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 18. 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 19. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 20. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 21. 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 22. Title read. Considered.

Advanced to E & R for Review with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 23. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 24. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 25. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 26. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 27. 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 28. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 29. 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 30. 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 31. 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 32. 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 33. 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 34. 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 35. 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 36. 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 37. 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.

ANNOUNCEMENTS

Mrs. Labedz announced the Executive Board will meet January 14, 1987 in Room 1517 at 9:00 a.m.

Mr. Withem announced the Education Committee elected Mr. Baack as Vice Chairperson.

Mr. R. Johnson announced the Agriculture Committee will hold an Executive Session on Wednesday, January 14, 1987, at 9:00 a.m., in Room 1520.

NOTICE OF COMMITTEE HEARINGS
Education

LB 127	Tuesday, January 20, 1987	1:30 p.m.
LB 147	Tuesday, January 20, 1987	1:30 p.m.
LB 165	Tuesday, January 20, 1987	1:30 p.m.
LB 166	Tuesday, January 20, 1987	1:30 p.m.

(Signed) Ron Withem, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 209. By Remmers, 1st District; Moore, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,119, Reissue Revised Statutes of Nebraska, 1943; to require additional information on the income tax form as prescribed; and to repeal the original section.

LEGISLATIVE BILL 210. By Remmers, 1st District; Moore, 24th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-1368 and 79-1369, Reissue Revised Statutes of Nebraska, 1943, and sections 79-490, 79-4,102, 79-4,160, and 79-12,145, Revised Statutes Supplement, 1986; to adopt the Public Education Income Tax Act; to provide operative dates; to eliminate the School Foundation and Equalization Act; to harmonize provisions; 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 79-1331 and 79-1332.01 to 79-1333.02, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 211. By Miller, 37th District; Langford, 36th District.

A BILL FOR AN ACT relating to contracts; to amend sections 23-315, 23-342, 31-118, 31-355, 39-820, 39-825, 52-118, and 52-118.01, Reissue Revised Statutes of Nebraska, 1943; to authorize persons awarded county construction or repair contracts to furnish a cash deposit, certified check, or performance bond as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 212. By Hall, 7th District.

A BILL FOR AN ACT relating to schools; to amend section 79-4,207, Revised Statutes Supplement, 1986; to change a time limit relating to asbestos removal; and to repeal the original section.

LEGISLATIVE BILL 213. By Conway, 17th District.

A BILL FOR AN ACT relating to securities; to amend section 8-1109, Reissue Revised Statutes of Nebraska, 1943; to specify conditions which are grounds for issuance of certain stop orders pertaining to registration statements to register securities; and to repeal the original section.

LEGISLATIVE BILL 214. By Conway, 17th District.

A BILL FOR AN ACT relating to financial planning; to amend sections 69-1201 to 69-1205, 69-1209, and 69-1212 to 69-1215, Reissue Revised Statutes of Nebraska, 1943; to regulate the financial planning business; to define and redefine terms; to provide exceptions; to provide disclosure requirements; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 215. By Withem, 14th District.

A BILL FOR AN ACT relating to real estate taxation; to amend sections 77-1813, 77-1837, and 77-1902, Reissue Revised Statutes of Nebraska, 1943; to change the return date for tax sales; to authorize foreclosure of tax sale certificates and deeds as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 216. By Ashford, 6th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 39-653, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to signal light requirements on certain motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 217. By Education Committee: Withem, 14th District, Chairperson; Baack, 47th District; Chizek, 31st District; V. Johnson, 8th District; McFarland, 28th District.

A BILL FOR AN ACT relating to schools; to provide authorization for a contingency fund to cover losses for certain school districts as prescribed.

LEGISLATIVE BILL 218. By Wesely, 26th District; Remmers, 1st District; Harris, 27th District; Marsh, 29th District; McFarland, 28th 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 219. By Morehead, 30th District.

A BILL FOR AN ACT relating to liquors; to amend sections 53-123.04, 53-123.05, 53-124.11, 53-130, 53-135, 53-135.01, 53-138.01, 53-144, 53-174, 53-175, and 53-1,117, Reissue Revised Statutes of Nebraska, 1943, and sections 53-103, 53-117.04, 53-123.12, 53-124, 53-131, 53-133, 53-134, 53-164.01, and 53-168, Revised Statutes Supplement, 1986; to change provisions relating to the license year; to provide appeals from certain actions; to redefine terms; to permit retailers to sell to retailers as prescribed; to change provisions relating to a certain fund; to change provisions relating to the placement of certain fees; to change fees as prescribed; to provide fines as prescribed; to provide for the nonissuance of a license as prescribed; to change the time for certain hearings; to change provisions relating to certain renewal notices; to change provisions relating to certain taxes; to change provisions relating to certain unlawful acts; to change provisions relating to near beer; to harmonize provisions; to eliminate a prohibition on certain credit sales; to repeal the original sections, and also section 53-183, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 220. By Morehead, 30th District; Harris, 27th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-1620, Revised Statutes Supplement, 1986; to authorize optional insurance coverage as prescribed; and to repeal the original section.

LEGISLATIVE BILL 221. By Haberman, 44th District.

A BILL FOR AN ACT relating to libel and slander; to amend section 25-839, Reissue Revised Statutes of Nebraska, 1943; to provide a pleading requirement; to change the burden of proof; to eliminate provisions relating to truth as a defense and the effect of actual malice; and to repeal the original section, and also section 25-840, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 222. By Ashford, 6th District; Nelson, 35th District; Baack, 47th District.

A BILL FOR AN ACT relating to nonprofit sports programs; to state intent; to define terms; to provide immunity as prescribed; and to provide exceptions.

LEGISLATIVE BILL 223. By Warner, 25th District; Nelson, 35th District.

A BILL FOR AN ACT relating to fees and salaries; to amend section 33-117, Reissue Revised Statutes of Nebraska, 1943; to change sheriffs' fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 224. By Transportation Committee: Lamb, 43rd District, Chairperson; Beyer, 3rd District; Rogers, 41st District; Rupp, 22nd District; Schellpeper, 18th District; Wesely, 26th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-6,127, 39-6,135, 39-6,138, 39-6,139, 39-6,156, 39-6,159, 39-6,160, 39-6,163, 39-6,164, 60-301, 60-310, 60-325, 60-330, 60-332, 60-334, 60-407, and 66-602, Reissue Revised Statutes of Nebraska, 1943; to eliminate approval requirements concerning lights, sirens, reflectors, safety glass, warning devices, and other equipment; to define and redefine terms; to eliminate definitions; to change the delinquency date for certain registrations; to change registration fees and requirements for certain trailers; to harmonize provisions; and to repeal the original sections, and also sections 39-6,143 to 39-6,146, 39-6,157, 39-6,158, 39-6,167, and 39-6,168, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 225. By Ashford, 6th District; McFarland, 28th District; V. Johnson, 8th District; Abboud, 12th District.

A BILL FOR AN ACT relating to civil procedure; to provide for summary jury trial procedures.

LEGISLATIVE BILL 226. By Wesely, 26th District.

A BILL FOR AN ACT relating to amusement rides; to adopt the Nebraska Amusement Ride Act.

LEGISLATIVE BILL 227. By Wesely, 26th District.

A BILL FOR AN ACT relating to construction; to adopt the Building Construction Act; and to provide severability.

LEGISLATIVE BILL 228. By L. Johnson, 15th District.

A BILL FOR AN ACT relating to courts; to amend sections 24-523, 24-525, and 24-536, Reissue Revised Statutes of Nebraska, 1943; to permit an attorney to appear in Small Claim Court as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 229. By Wesely, 26th District; 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; to create a committee; and to provide an operative date.

LEGISLATIVE BILL 230. By V. Johnson, 8th District; Hall, 7th District.

A BILL FOR AN ACT relating to funds; to amend section 39-2215, Revised Statutes Supplement, 1986; to create a fund; to change provisions relating to transfers from the Highway Trust Fund; to provide duties; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 231. By Langford, 36th District.

A BILL FOR AN ACT relating to elections; to amend sections 32-210.01 and 32-403, Reissue Revised Statutes of Nebraska, 1943; to increase the rate of compensation for certain officials; and to repeal the original sections.

LEGISLATIVE BILL 232. By Schmit, 23rd District; Warner, 25th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-2820 to 79-2821, Revised Statutes Supplement, 1986; to change provisions relating to private vocational educational institutions; to authorize the granting of certain degrees, diplomas, and certificates as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 233. By Morehead, 30th District; Rupp, 22nd District.

A BILL FOR AN ACT relating to public lands; to amend section 72-607, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to jurisdiction ceded to the United States; and to repeal the original section.

LEGISLATIVE BILL 234. By Lynch, 13th District.

A BILL FOR AN ACT relating to teachers; to amend section 79-1254.10, Revised Statutes Supplement, 1986; to provide for preparation time for teachers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 235. By Lamb, 43rd District; Remmers, 1st District; Dierks, 40th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-328 and 79-1247.02, Revised Statutes Supplement, 1986; to change powers and duties of the State Board of Education; to provide certain accreditation standards for high schools; to define terms; and to repeal the original sections.

LEGISLATIVE BILL 236. By Wehrbein, 2nd District.

A BILL FOR AN ACT relating to eminent domain; to amend sections 76-705, 76-720, and 76-723, Reissue Revised Statutes of Nebraska, 1943; to change the procedure for claiming damages in certain cases; to change provisions authorizing the assessment of fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 237. By Moore, 24th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-148, Revised Statutes Supplement, 1986; to provide for the purchase of investment company shares by banks as prescribed; to provide a power; and to repeal the original section.

LEGISLATIVE BILL 238. By Schmit, 23rd District.

A BILL FOR AN ACT relating to electric companies; to amend section 70-408, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to charges for electrical energy as prescribed; and to repeal the original section.

LEGISLATIVE BILL 239. By Landis, 46th District; Barrett, 39th District; Peterson, 21st District; Beyer, 3rd District.

A BILL FOR AN ACT relating to foster care; to amend sections 43-1302 and 43-1304, Reissue Revised Statutes of Nebraska, 1943, and section 43-1301, Revised Statutes Supplement, 1986; to define terms; to change the membership on the foster care review boards; and to repeal the original sections.

LEGISLATIVE BILL 240. By Schmit, 23rd District; Pappas, 42nd 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, 1986; to define terms; to change provisions relating to bank holding companies; and to repeal the original sections.

LEGISLATIVE BILL 241. By Conway, 17th District.

A BILL FOR AN ACT relating to postdated checks; to amend sections 3-114 and 4-401, Uniform Commercial Code; to provide for bank liability for early payment of postdated checks; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 242. By Rupp, 22nd District.

A BILL FOR AN ACT relating to garnishment; to amend sections 25-1501, 25-1552, 25-1558, 25-1560, and 25-1562, Reissue Revised Statutes of Nebraska, 1943, and sections 24-540 and 33-106, Revised Statutes Supplement, 1986; to provide procedures for post-judgment garnishment as prescribed; to change a provision relating to executions; to limit the garnishment of earnings as prescribed; to provide a fee; to eliminate a provision relating to garnishments in aid of execution; to harmonize provisions; and to repeal the original sections, and also section 25-1056, Reissue Revised Statutes of Nebraska, 1943.

RESOLUTIONS

LEGISLATIVE RESOLUTION 7CA.

Introduced by R. Johnson, 34th 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 NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 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:

CIII-7 "At the general election to be held in November~~,~~ 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years~~,~~ and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When ~~; 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~~ eight hundred dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~said~~ such salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by 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 increase the salary of a state senator from four hundred dollars per month to eight hundred dollars per month.

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 8CA.

Introduced by Beyer, 3rd District; Hartnett, 45th District; Withem, 14th District.

A Resolution to propose an amendment to Article VIII of the Constitution of Nebraska by adding a new section 13 thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 there shal 1 be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII of the Constitution of Nebraska, by adding a new section 13 thereto, which is hereby proposed by the Legislature:

CVIII-13 "The Legislature may provide by law that each city or village which acquires or has acquired real property outside of the county in which such city or village is located for water supply purposes shall annually make payments in lieu of taxes to the county within which the real property or any portion is located. Such payments in lieu of taxes shall be determined with regard to the use which such real property has or had at the time of acquisition and without regard to any value which such real property might have for other purposes or uses.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by 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 authorizing the Legislature to require payments in lieu of taxes to counties by cities and villages for certain real property acquired for water supply 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 9.

Introduced by Baack, 47th District.

WHEREAS, Art Henrickson of Kimball, Nebraska has invested much time and money into the restoration of the historical marker designating the points where the states of Nebraska, Wyoming, and Colorado meet; and

WHEREAS, the original historical marker was erected in 1869, listing only the territory of Colorado; and

WHEREAS, Mr. Henrickson has contacted the Governors of the three states for their permission and has asked the U.S. Naval Observatory in Washington D.C. for their assistance in marking the longitude; and

WHEREAS, Mr. Henrickson restored the deteriorating original stone marker by making a new stone base composed of different colored stones from each of three states. He has also engraved the marker with the correct latitude and longitude.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature extend their appreciation to Art Henrickson for his interest and work in restoring the historical marker that designates the official corner of the states of Nebraska, Wyoming, and Colorado.

2. That a copy of this resolution be presented to Art Henrickson.

Laid over.

LEGISLATIVE RESOLUTION 10CA.

Introduced by Baack, 47th District; Conway, 17th District.

A Resolution to propose an amendment to Article XII, section 8, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XII, section 8, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CXII-8 "~~That Article XII of the Constitution of the State of Nebraska be amended by adding a new section numbered 8 and subsections as numbered, notwithstanding any other provisions of this Constitution.~~

~~Sec. 8.~~ (1) ~~No~~ Notwithstanding any other provision of this constitution, 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.

Corporation shall mean any corporation organized under the laws of any state of the United States or any country or any partnership of which such corporation is a partner.

Farming or ranching shall mean (i) the cultivation of land for the production of agricultural crops, fruit, or other horticultural products, or (ii) the ownership, keeping, or feeding of animals for the production of livestock or livestock products.

Syndicate shall mean any limited partnership organized under the laws of any state of the United States or any country, other than limited partnerships in which the partners are 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 according to the rules of civil law, or their spouses, at least one of whom is a person residing on or actively engaged in the day to day labor and management of the farm or ranch, and none of whom are nonresident aliens. This shall not include general partnerships.

These restrictions shall not apply to:

(A) A family farm or ranch corporation. Family farm or ranch corporation shall mean a corporation engaged in farming or ranching or the ownership of agricultural land, 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 according to the rules of civil law, or their spouses, at least one of whom is a person residing on or actively engaged in the day to day labor and management of the farm or ranch and none of whose stockholders are ~~non-resident~~ nonresident aliens and none of whose stockholders are corporations or partnerships, unless all of the stockholders or partners of such entities are persons related within the fourth degree of kindred to the majority of stockholders in the family farm corporation.

These restrictions shall not apply to:

(B) ~~Non-profit~~ Nonprofit corporations.

These restrictions shall not apply to:

(C) Nebraska Indian tribal corporations.

These restrictions shall not apply to:

(D) Agricultural land, which, as of ~~the effective date of this Act~~ November 29, 1982, is being farmed or ranched, or which is owned or leased, or in which there is a legal or beneficial interest in title directly or indirectly owned, acquired, or obtained by a corporation or syndicate, so long as such land or other interest in title shall be held in continuous ownership or under continuous lease by the same such corporation or syndicate, and including such additional ownership or leasehold as is reasonably necessary to meet the requirements of pollution control regulations. For the purposes of this exemption, land purchased on a contract signed as of ~~the effective date of this amendment~~ November 29, 1982, shall be considered as owned on ~~the effective date of this amendment~~ such date.

These restrictions shall not apply to:

(E) A farm or ranch operated for research or experimental purposes, if any commercial sales from such farm or ranch are only incidental to the research or experimental objectives of the corporation or syndicate.

These restrictions shall not apply to:

(F) Agricultural land operated by a corporation for the purpose of raising poultry.

These restrictions shall not apply to:

(G) Land leased by alfalfa processors for the production of alfalfa.

These restrictions shall not apply to:

(H) Agricultural land operated for the purpose of growing seed, nursery plants, or sod.

These restrictions shall not apply to:

(I) Mineral rights on agricultural land.

These restrictions shall not apply to:

(J) Agricultural land acquired or leased by a corporation or syndicate for immediate or potential use for nonfarming or nonranching purposes. A corporation or syndicate may hold such agricultural land in such acreage as may be necessary to its nonfarm or nonranch business operation, but pending the development of such agricultural land for nonfarm or nonranch purposes, not to exceed a period of five years, such land may not be used for farming or ranching except under lease to a family farm or ranch corporation or a ~~non-syndicate~~ nonsyndicate and ~~non-corporate~~ noncorporate farm or ranch.

These restrictions shall not apply to:

(K) Agricultural lands or livestock 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. Any lands so acquired shall be disposed of within a period of ~~five~~ eight years and 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~~ nonsyndicate and ~~non-corporate~~ noncorporate farm or ranch.

These restrictions shall not apply to:

(L) A bona fide encumbrance taken for purposes of security.

These restrictions shall not apply to:

(M) Custom spraying, fertilizing, or harvesting.

These restrictions shall not apply to:

(N) Livestock futures contracts, livestock purchased for slaughter, or livestock purchased and resold within two weeks.

These restrictions shall not apply to:

(O) Any activities by a trust company or trust department of a financial institution that result in a nonbeneficial interest being held by such company or institution.

If a family farm corporation, which has qualified under all the requirements of a family farm or ranch corporation, ceases to meet the defined criteria, it shall have fifty years, if the ownership of the majority of the stock of such corporation continues to be held by persons related to one another within the fourth degree of kindred or their spouses, and their landholdings are not increased, to either ~~re-qualify~~ requalify as a family farm corporation or dissolve and return to personal ownership.

The Secretary of State shall monitor corporate and syndicate agricultural land purchases and corporate and syndicate farming and ranching operations, and notify the Attorney General of any possible violations. If the Attorney General has reason to believe that a corporation or syndicate is violating this ~~amendment~~ section, he or she shall commence an action in district court to enjoin any pending illegal land purchase, or livestock operation, or to force divestiture of land held in violation of this ~~amendment~~ section. The court shall order any land held in violation of this ~~amendment~~ section to be divested within two years. If land so ordered by the court has not been divested within two years, the court shall declare the land escheated to the State of Nebraska.

If the Secretary of State or Attorney General fails to perform his or her duties as directed by this ~~amendment~~ section, Nebraska

citizens and entities shall have standing in district court to seek enforcement.

The Nebraska Legislature may enact, by general law, further restrictions prohibiting certain agricultural operations that the legislature deems contrary to the intent of this section.".

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 provisions relating to agricultural land by increasing the length of time certain ownership is allowed and excepting certain interests of trust companies and departments from ownership restrictions.

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 243. By Abboud, 12th District; Ashford, 6th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 81-1836, Revised Statutes Supplement, 1986; to adopt the Proceeds of Stories of Felons Act; to harmonize provisions; and to repeal the original section.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Schmit asked unanimous consent to have his name added as co-introducer to LB 103. No objections. So ordered.

Mr. Baack asked unanimous consent to have his name added as co-introducer to LB 145. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

LB 40	Tuesday, January 20, 1987	1:30 p.m.
LB 67	Tuesday, January 20, 1987	1:30 p.m.
LB 78	Tuesday, January 20, 1987	1:30 p.m.

(Signed) R. W. Remmers, Chairperson

VISITORS

Visitors to the Chamber were 16 sixth grade students and teacher from Sacred Heart School, Lincoln.

ADJOURNMENT

At 11:56 a.m., on a motion by Mrs. Langford, the Legislature adjourned until 10:00 a.m., Wednesday, January 14, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - JANUARY 14, 1987

LEGISLATIVE JOURNAL

FIFTH DAY - JANUARY 14, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 14, 1987

Pursuant to adjournment, the Legislature met at 10:02 a.m., President 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. V. Johnson, Lynch, McFarland, Schmit, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourth Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 173 through 234, legislative resolutions 5 through 8, and the following Governor appointments.

LB	Committee
173	Health and Human Services
174	Banking, Commerce and Insurance
175	Government, Military and Veterans Affairs
176	Judiciary

177	Urban Affairs
178	Nebraska Retirement Systems
179	Business and Labor
180	General Affairs
181	Judiciary
182	Education
183	Appropriations
184	Appropriations
185	Revenue
186	Banking, Commerce and Insurance
187	Business and Labor
188	Government, Military and Veterans Affairs
189	Government, Military and Veterans Affairs
190	Health and Human Services
191	Banking, Commerce and Insurance
192	Nebraska Retirement Systems
193	Transportation
194	Nebraska Retirement Systems
195	Health and Human Services
196	Banking, Commerce and Insurance
197	Banking, Commerce and Insurance
198	Government, Military and Veterans Affairs
199	Education
200	Education
201	Agriculture
202	Banking, Commerce and Insurance
203	Banking, Commerce and Insurance
204	Revenue
205	Revenue
206	Natural Resources
207	Transportation
208	General Affairs
209	Revenue
210	Revenue
211	Government, Military and Veterans Affairs
212	Education
213	Banking, Commerce and Insurance
214	Banking, Commerce and Insurance
215	Revenue
216	Transportation
217	Education
218	Appropriations
219	General Affairs
220	Banking, Commerce and Insurance

221	Judiciary
222	Judiciary
223	Government, Military and Veterans Affairs
224	Transportation
225	Judiciary
226	Business and Labor
227	Health and Human Services
228	Judiciary
229	Health and Human Services
230	Appropriations
231	Government, Military and Veterans Affairs
232	Education
233	Natural Resources
234	Education

LR	**Committee**
5	Revenue
6	Government, Military and Veterans Affairs
7	Government, Military and Veterans Affairs
8	Revenue

Government, Military and Veterans Affairs

Larry Bare - Director, Department of Administrative Services

Revenue

Donald S. Leuenberger - Tax Commissioner

Banking, Commerce and Insurance

Margaret Robinson - Research and Development Authority
David Stevens - Research and Development Authority

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENTS

Mr. Warner announced the Appropriations Committee elected Mr. L. Johnson as Vice Chairperson.

Mr. Chizek announced the Judiciary Committee will hold an Executive Session on Thursday, January 15 at 9:30 a.m. in Room 1113.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Ashford asked unanimous consent to have his name added as co-introducer to LB 163. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 244. By Schmit, 23rd District; Moore, 24th District; Dierks, 40th District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to reports; to amend sections 2-3321, 2-3632, and 2-4017, Reissue Revised Statutes of Nebraska, 1943, and section 2-2309, Revised Statutes Supplement, 1986; to require certain boards to present oral reports to the Agriculture Committee of the Legislature; and to repeal the original sections.

LEGISLATIVE BILL 245. By Warner, 25th District; Marsh, 29th District; Moore, 24th District; Hannibal, 4th District; Langford, 36th District; Scofield, 49th District; Rogers, 41st District; Lamb, 43rd District; Dierks, 40th District; L. Johnson, 15th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to appropriations; to authorize an appropriation for replacement of a television tower and antenna; and to declare an emergency.

LEGISLATIVE BILL 246. By Schellpeper, 18th District.

A BILL FOR AN ACT relating to deposit and investment of public funds; to amend section 77-2353.01, Reissue Revised Statutes of Nebraska, 1943; to authorize certain additional investments by public power districts; and to repeal the original section.

LEGISLATIVE BILL 247. By Abboud, 12th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715, 77-2734.03, and 77-2786, Reissue Revised Statutes of Nebraska, 1943; to adopt the Capital Companies Tax Credit Act;

to provide for tax credits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 248. By Withem, 14th District.

A BILL FOR AN ACT relating to nursing homes; to amend section 71-6038, Reissue Revised Statutes of Nebraska, 1943; to redefine a term as prescribed; and to repeal the original section.

LEGISLATIVE BILL 249. By Withem, 14th District.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-2023, Reissue Revised Statutes of Nebraska, 1943; to require the disclosure of all owners, partners, board members, and persons with financial interests in certain health care institutions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 250. By Withem, 14th District.

A BILL FOR AN ACT relating to nursing homes; to amend section 71-6024, Reissue Revised Statues of Nebraska, 1943; to change a provision relating to nursing home inspections as prescribed; and to repeal the original section.

LEGISLATIVE BILL 251. By Withem, 14th District.

A BILL FOR AN ACT relating to elections; to amend section 32-445.01, Reissue Revised Statutes of Nebraska, 1943; to change the hours of polls; and to repeal the original section.

LEGISLATIVE BILL 252. By Barrett, 39th District.

A BILL FOR AN ACT relating to claims against the state; to amend sections 77-2205, 81-8,209, 81-8,210, 81-8,213 to 81-8,215, 81-8,216 to 81-8,218, 81-8,220 to 81-8,223, 81-8,225, 81-8,226, 81-8,228 to 81-8,232, 81-8,236, and 84-309, Reissue Revised Statutes of Nebraska, 1943, and sections 25-213, 81-8,211, 81-8,212, 81-8,215.01, 81-8,219, 81-8,224, 81-8,227, 81-8,239, and 81-8,239.03, Revised Statutes Supplement, 1986; to change internal references; to change provisions relating to actions and claims against the State of Nebraska; to change an appeal procedure; to eliminate an obsolete provision; and to repeal the original sections, and also sections 81-8,234 and 84-310, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 253. By Barrett, 39th District.

A BILL FOR AN ACT relating to rules of administrative agencies; to amend sections 84-903, 84-905, 84-909 to 84-916, 84-918, and 84-919, Reissue Revised Statutes of Nebraska, 1943, and sections 84-901, 84-902, 84-905.01, 84-906, 84-906.05, 84-907, 84-907.01, 84-908, and 84-917, Revised Statutes Supplement, 1986; to define and redefine terms; to change a standard of review by the Supreme Court as prescribed; to provide a named act for Chapter 84, article 9; to harmonize provisions; to provide duties for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 254. By Peterson, 21st District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-611, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the offense of issuing a bad check; and to repeal the original section.

LEGISLATIVE BILL 255. By Wesely, 26th District.

A BILL FOR AN ACT relating to assistance to the aged, blind, or disabled; to amend section 68-1007, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the determination of need for such assistance; and to repeal the original section.

LEGISLATIVE BILL 256. By Wesely, 26th District.

A BILL FOR AN ACT relating to health care; to adopt the Nebraska Health Care Information Act; and to provide severability.

LEGISLATIVE BILL 257. By Wesely, 26th District.

A BILL FOR AN ACT relating to mental health commitment and release; to amend sections 83-1020, 83-1028, and 83-1039, Reissue Revised Statutes of Nebraska, 1943; to provide that a mentally ill dangerous person can not be placed in jail pending commitment; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 258. By Hannibal, 4th District.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend section 23-2420, Revised Statutes Supplement,

1986; to provide procedures for suits against employees of political subdivisions; to provide time limitations on such suits; to provide maximum amounts of recovery; to harmonize provisions; to provide severability; to repeal the original section; and to declare an emergency.

ANNOUNCEMENT

Mrs. Morehead announced the General Affairs Committee elected Mrs. Smith as Vice Chairperson.

RESOLUTION

LEGISLATIVE RESOLUTION 9. Read. Considered.

SPEAKER BARRETT PRESIDING

LR 9 was adopted with 30 ayes, 0 nays, and 19 not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 259. By Morehead, 30th District.

A BILL FOR AN ACT relating to intermediate care facilities for the mentally retarded; to amend sections 71-2017.01 and 71-2041.01, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions concerning when references to such facilities will be void; and to repeal the original sections, and also section 71-2017.05, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 260. By Pappas, 42nd District.

A BILL FOR AN ACT relating to group insurance; to amend section 44-1620, Revised Statutes Supplement, 1986; to provide optional health insurance coverage for certain state employees; and to repeal the original section.

LEGISLATIVE BILL 261. By Haberman, 44th District.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-824, Reissue Revised Statutes of Nebraska, 1943; to provide for attorney's fees and costs in frivolous actions as prescribed; to provide

criteria for the awarding of such fees and costs; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 262. By Peterson, 21st District.

A BILL FOR AN ACT relating to obscenity; to amend sections 28-807; 28-811, 28-814 to 28-816, 28-820 to 28-826, and 28-828, Reissue Revised Statutes of Nebraska, 1943; to eliminate a restriction on local regulation of obscenity; to harmonize provisions; and to repeal the original sections, and also section 28-829, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 263. By Lynch, 13th District; Conway, 17th District.

A BILL FOR AN ACT relating to zoning changes; to amend sections 14-418 and 16-901, Reissue Revised Statutes of Nebraska, 1943, and section 15-902, Revised Statutes Supplement, 1986; to restrict zoning changes as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 264. By Lynch, 13th District.

A BILL FOR AN ACT relating to public health and welfare; to require devices on certain plumbing fixtures; to provide a duty to inspect; to provide a penalty; and to harmonize provisions.

LEGISLATIVE BILL 265. By Conway, 17th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-2205, 79-2208, and 79-2209, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to services provided by educational service units; to change provisions relating to use of tax revenue levied by educational service units as prescribed; to provide for rules and regulations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 266. By Peterson, 21st District.

A BILL FOR AN ACT relating to insurance; to amend section 44-4113, Reissue Revised Statutes of Nebraska, 1943; to provide for notification of insured of the right of selection of health providers as prescribed; and to repeal the original section.

EASE

The Legislature was at ease from 10:27 a.m. until 10:36 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 267. By Goodrich, 20th District; Hefner, 19th District; Chizek, 31st District; Elmer, 38th District; Peterson, 21st District; Harris, 27th District; Wesely, 26th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-27,186, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to refunds of sales and use taxes on manufacturing and processing equipment; to redefine a term; to eliminate certain definitions; to harmonize provisions; to repeal the original sections, and also section 77-27,185, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 268. By Chizek, 31st District; Pirsch, 10th District; Korshoj, 16th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-669.15, 39-669.17, 39-669.18, and 39-6,122, Reissue Revised Statutes of Nebraska, 1943, and sections 39-669.08 and 39-669.16, Revised Statutes Supplement, 1986; to state intent; to provide for impounding and revocation of certain operator's licenses and driving permits; to provide for administrative hearing procedures; to provide for a hardship permit; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 269. By Chizek, 31st District; Pirsch, 10th District; Korshoj, 16th District.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend section 60-1001.01, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions relating to location of red lights on motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 270. By Chizek, 31st District; Ashford, 6th District; Korshoj, 16th District; Hefner, 19th District.

A BILL FOR AN ACT relating to the Employment Expansion and Investment Act; to amend section 77-27,188, Reissue Revised Statutes of Nebraska, 1943; to increase a tax credit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 271. By Chizek, 31st District; Pirsch, 10th District; Lynch, 13th District; Conway, 17th District.

A BILL FOR AN ACT relating to the Jail Standards Board; to amend sections 83-4,124, 83-4,126 to 83-4,128, and 83-4,131 to 83-4,134, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to standards for criminal detention facilities implemented by the board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 272. By Wesely, 26th District; Hall, 7th District.

A BILL FOR AN ACT relating to labor; to amend section 48-609, Revised Statutes Supplement, 1986; to change a provision relating to employees under the Employment Security Law as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 273. By Pirsch, 10th District; Marsh, 29th District; Chizek, 31st District.

A BILL FOR AN ACT relating to drugs and narcotics; to amend sections 27-504, 28-401, 28-411, 28-414, 28-417, 28-418, and 71-148, Reissue Revised Statutes of Nebraska, 1943; to provide an exception to the physician-patient privilege; to provide immunity as prescribed; to redefine a term; to change provisions relating to records for certain drugs; to change provisions relating to prescription requirements; to change provisions relating to certain unlawful acts; to make certain acts relating to drugs illegal; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 274. By Landis, 46th District; Hall, 7th District; Coordsen, 32nd District.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Revised Statutes Supplement, 1986; to provide that certain remuneration shall be considered wages; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 275. By Landis, 46th District; Hall, 7th District; Coordsen, 32nd District.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-652, Revised Statutes Supplement, 1986; to provide for the reinstatement of an employer's experience account as prescribed; and to repeal the original section.

LEGISLATIVE BILL 276. By Landis, 46th District; Hall, 7th District.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Revised Statutes Supplement, 1986; to change provisions relating to disqualification for benefits; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 277. By Landis, 46th District; Hall, 7th District.

A BILL FOR AN ACT relating to the Employment Security Law; to eliminate a provision relating to immunity of certain witnesses; and to repeal section 48-615, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 278. By Landis, 46th District; Hall, 7th District.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-606, Revised Statutes Supplement, 1986; to provide a schedule of fees for services; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 279. By Schmit, 23rd District.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-1309 and 66-1318, Reissue Revised Statutes of Nebraska, 1943; to provide an exemption from a provision relating to refunds; to eliminate a restriction relating to ethanol plants; and to repeal the original sections.

LEGISLATIVE BILL 280. By Schmit, 23rd District.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the County Revenue Act.

LEGISLATIVE BILL 281. By Withem, 14th District.

A BILL FOR AN ACT relating to schools; to amend section 79-1338, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the calculation of equalization aid; and to repeal the original section.

ANNOUNCEMENT

Mr. Withem announced the Education Committee will receive the Final Report and recommendations of the Educational Service Unit Planning Committee at 1:30 p.m. in Room 1517 on January 20 prior to the public hearing of the Education Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 282. By Pappas, 42nd District.

A BILL FOR AN ACT relating to medical assistance; to amend sections 23-343.47 and 23-343.74, Reissue Revised Statutes of Nebraska, 1943; to require publication of financial statements by certain facilities as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 283. By Withem, 14th District; Chizek, 31st District.

A BILL FOR AN ACT relating to schools; to amend sections 79-1335, 79-1336, 79-1343, and 79-1344, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the requirements for equalization aid; to change provisions relating to funds received by schools from the School Foundation and Equalization Fund; to eliminate a provision relating to foundation and incentive aid; and to repeal the original sections, and also section 79-1344.01, Reissue Revised Statutes of Nebraska, 1943.

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 87	Wednesday, January 21, 1987	1:30 p.m.
LB 94	Wednesday, January 21, 1987	1:30 p.m.
LB 125	Wednesday, January 21, 1987	1:30 p.m.
LB 66	Wednesday, January 21, 1987	1:30 p.m.

(Signed) V. Johnson, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Hannibal asked unanimous consent to have his name added as co-introducer to LB 74. No objections. So ordered.

Mr. Elmer asked unanimous consent to have his name added as co-introducer to LB 124. No objections. So ordered.

Mr. Korshoj asked unanimous consent to have his name added as co-introducer to LB 114. No objections. So ordered.

ANNOUNCEMENTS

Mr. Rupp announced the Government, Military and Veterans Affairs Committee elected Mr. Baack as Vice Chairperson.

Mr. R. Johnson announced the Agriculture Committee elected Mr. Miller as Vice Chairperson.

ADJOURNMENT

At 10:55 a.m., on a motion by Mr. Dierks, the Legislature adjourned until 10:00 a.m., Thursday, January 15, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 15, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 15, 1987

Pursuant to adjournment, the Legislature met at 10:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Senator Miller.

ROLL CALL

The roll was called and all members were present except Messrs. Haberman, L. Johnson, V. Johnson, Remmers, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifth Day was approved.

EXECUTIVE BOARD REPORT

The Executive Board of the Legislative Council has nominated and elected the following senators to these Special Committees:
Education Commission of the States
Ron Withem - Chairperson
Dennis Baack
Ernie Chambers
Merton Dierks

Building Maintenance Committee
Marge Higgins - Chairperson

Lowell Johnson
Frank Korshoj
Richard Peterson
Lee Rupp
Jerome Warner

Telecommunications Committee
Ernie Chambers - Chairperson
Dennis Baack
William E. Barrett
Rex Haberman
Marge Higgins
Richard Peterson
R. Wiley Remmers
Loran Schmit

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS
Business and Labor

274	Monday, January 26, 1987	1:30 p.m.
275	Monday, January 26, 1987	1:30 p.m.
276	Monday, January 26, 1987	1:30 p.m.
277	Monday, January 26, 1987	1:30 p.m.
278	Monday, January 26, 1987	1:30 p.m.

(Signed) Timothy Hall, Chairperson

ANNOUNCEMENTS

Mr. Remmers announced the Banking, Commerce and Insurance Committee elected Mr. Pappas as Vice Chairperson.

Mr. Hartnett announced the Urban Affairs Committee elected Mrs. Higgins as Vice Chairperson.

MOTION - Withdraw LB 268

Mr. Chizek moved to withdraw LB 268.

Laid over.

ANNOUNCEMENT

Mr. V. Johnson announced the Revenue Committee elected Mr. Hefner as Vice Chairperson.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1. Placed on Select File as amended.
E & R amendment to LB 1:
AM5005
1. On page 7, line 7; page 10, line 23; page 20, line 22; and page 25, line 20, strike the comma and show as stricken.

LEGISLATIVE BILL 2. Placed on Select File.
LEGISLATIVE BILL 3. Placed on Select File.
LEGISLATIVE BILL 4. Placed on Select File.
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.
LEGISLATIVE BILL 11. Placed on Select File.
LEGISLATIVE BILL 12. Placed on Select File.
LEGISLATIVE BILL 13. Placed on Select File.

LEGISLATIVE BILL 14. Placed on Select File as amended.
E & R amendment to LB 14:
AM5003
1. On page 3, line 6, insert "all" after "(3)".

LEGISLATIVE BILL 15. Placed on Select File.

LEGISLATIVE BILL 16. Placed on Select File as amended.
E & R amendment to LB 16:
AM5004
1. On page 2, line 14, strike "commission" and insert "Legislature".

LEGISLATIVE BILL 17. Placed on Select File.
LEGISLATIVE BILL 18. Placed on Select File.

LEGISLATIVE BILL 19. Placed on Select File as amended.
E & R amendment to LB 19:
AM5006
1. On page 5, line 10, strike the comma and show as stricken.

LEGISLATIVE BILL 20. Placed on Select File.

(Signed) Scott Moore, Chairperson

ANNOUNCEMENT

Mr. Schmit announced the Natural Resources Committee elected Mr. Lamb as Vice Chairperson.

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 146	Thursday, January 22, 1987	1:30 p.m.
LB 151	Thursday, January 22, 1987	1:30 p.m.
LB 152	Friday, January 23, 1987	1:30 p.m.
LB 154	Friday, January 23, 1987	1:30 p.m.
LB 159	Friday, January 23, 1987	1:30 p.m.
LB 171	Friday, January 23, 1987	1:30 p.m.

(Signed) Loran Schmit, Chairperson

ANNOUNCEMENT

Mr. Lynch announced the Rules Committee elected Mr. Rogers as Vice 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 14, 1987. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Blount, Thomas - Omaha, Nebraska Association of Cosmetology Schools
Cline, Williams, Wright, Johnson & Oldfather
Buntain, David R. - Lincoln, Nebraska Medical Association
Crosby, Guenzel, Davis, Kessner & Kuester
Crosby, Robert B. - Lincoln, Alliance of American Insurers; Better Nebraska Association
Cutshall, Bruce A. - Lincoln, Radcliffe, Walter/Tews & Radcliffe
DeCamp, John W. - Lincoln, Nebraska Association of Trial Attorneys
Hall, Larry M. - Lincoln, Nebraska Farmers Union
Kelley, Michael - Omaha, Horsemen's Benevolent Protective Association
Ketelsen, Roger G. - Lincoln, Independent Insurance Agents of Nebraska
Linenberger, Stephen J. - Lincoln, Nebraska State Student Association
Litjen, Thomas R. - Omaha, Governors of the Knights of Ak-Sar-Ben; Lincoln Liberty Life
Moors, H. Jack - Lincoln, Anheuser-Busch Company; Nebraska Corn Growers Association; Norwest Nebraska
Nelson & Harding
Shultz, Jack L. - Lincoln, MCI Telecommunications Corporation
Radcliffe, Walter/Tews & Radcliffe
Radcliffe, Walter H. - Lincoln, Metropolitan Life
Skochdopole, Robert A. - Omaha, Governors of the Knights of Ak-Sar-Ben; Lincoln Liberty Life

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 9.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Ashford asked unanimous consent to have his name added as co-introducer to LB 74. No objections. So ordered.

EXECUTIVE BOARD REPORT

Pursuant to Executive Board action on January 15, 1987, Marshall Lux has been recommended for reappointment to a six-year term as the Public Counsel (Ombudsman) for the State of Nebraska.

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENT

Mr. Chizek announced the Judiciary Committee elected Mr. McFarland as Vice Chairperson.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 176 Thursday, January 22, 1987 1:30 p.m.

(Signed) Jerry Chizek, Chairperson

ANNOUNCEMENT

Mr. R. Johnson announced the Agriculture Committee will hold an Executive Session on Tuesday, January 20, 1987, at 1:30 p.m. The meeting will be held in hearing room 1520.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 284. By Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Peterson, 21st District; Rogers, 41st District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01 and 77-2734.02, Reissue Revised Statutes of Nebraska, 1943; to change individual and corporate income tax rates as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 285. By Lynch, 13th District.

A BILL FOR AN ACT relating to schools; to amend section 79-4,155, Reissue Revised Statutes of Nebraska, 1943; to define terms for the purpose of granting to technical community colleges the power to indemnify and purchase liability insurance as prescribed; and to repeal the original section.

LEGISLATIVE BILL 286. By Warner, 25th District; Coordsen, 32nd District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-685, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to hunting or trapping certain animals on portions of a highway; and to repeal the original section.

LEGISLATIVE BILL 287. By Warner, 25th District.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2702, Reissue Revised Statutes of Nebraska, 1943; to redefine certain terms; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 288. By Revenue Committee: V. Johnson, 8th District, Chairperson; Haberman, 44th District; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Peterson, 21st District; Rogers, 41st District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3501, 77-3502, 77-3504, 77-3505, 77-3507 to 77-3511, 77-3513, 77-3514, 77-3516, 77-3517, 77-3519, 77-3520, 77-3523, 77-3526, and 77-3529, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the homestead exemption; to define and redefine terms; to provide conditions for eligibility for the exemption; to change the amount of the exemption; to provide for filing of an application; to eliminate certain provisions relating to the homestead exemption; to provide an operative date; to repeal the original sections, and also sections 77-3518 and 77-3525, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 289. By Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Miller, 37th District; Peterson, 21st District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 66-445, 66-447, 66-452, and 66-461, Reissue Revised Statutes

of Nebraska, 1943, and sections 39-847.01 and 39-2215, Revised Statutes Supplement, 1986; to provide for the transfer of money to the State Aid Bridge Fund; to change a provision relating to the allocation of money from the Highway Trust Fund; to define and redefine terms; to change provisions relating to tax credit gasoline; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 290. By Hefner, 19th District.

A BILL FOR AN ACT relating to employment security; to amend section 48-649, Revised Statutes Supplement, 1986; to change the computation of the contribution rate of employers; and to repeal the original section.

LEGISLATIVE BILL 291. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to warehouses; to define terms; to provide powers and duties for the Public Service Commission; to require warehouse licenses; to provide for security and fees; to provide for warehouse receipts and registration; to provide a penalty; to eliminate former provisions relating to warehouses; and to repeal sections 88-402, 88-403, and 88-405 to 88-408, Reissue Revised Statutes of Nebraska, 1943, and sections 88-401 and 88-404, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 292. By Hall, 7th District.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-121.01, Revised Statutes Supplement, 1986; to provide for an increase in the maximum weekly income benefit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 293. By Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Peterson, 21st District; Rogers, 41st District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-27,185, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide a sales and use tax exemption for certain machinery and equipment as prescribed; to harmonize provisions; to eliminate a provision relating to a refund of sales and use tax; to provide an operative date; and to repeal the

original sections, and also section 77-27,186, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 294. By Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Peterson, 21st District; Rogers, 41st District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2715, 77-2721, 77-2730, 77-2732, 77-2733, 77-2734.02, 77-2762, 77-2766, 77-2775, and 77-2786, Reissue Revised Statutes of Nebraska, 1943; to change the rate and method of determining individual and corporate income tax as prescribed; to harmonize provisions; to eliminate provisions relating to individual income tax calculations; to provide a duty for the Revisor of Statutes; to provide an operative date; and to repeal the original sections, and also sections 77-2701.01 and 77-2719, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 295. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to gambling; to amend sections 9-201, 9-203, 9-211, 9-214, 9-216, 9-218, 9-222, 9-226 to 9-231, 9-233, 9-234, 9-239, 9-241, 9-244, 9-246, 9-247, 9-253, 9-254, 9-257 to 9-259, 9-261, 9-262, 9-301, 9-303, 9-309, 9-316, 9-320, 9-322 to 9-325, 9-328, 9-329, 9-331 to 9-333, 9-335, 9-336, 9-338, 9-340, 9-342, 9-343, 9-346, 9-348, 9-349, 9-352, 9-401, 9-408, 9-411, 9-415, 9-418, 9-419 to 9-422, 9-425 to 9-428, 9-431, 9-434, 9-504, and 9-601, Revised Statutes Supplement, 1986; to define and redefine terms; to provide powers and duties for the Department of Revenue; to eliminate provisions relating to rehearing procedures; to provide hearing procedures; to eliminate local taxing authority; to change the state tax rate on gambling; to require licenses relating to gambling premises; to provide limits on certain prizes as prescribed; to require certain accounting procedures and reports; to require confidentiality of reports and information; to provide penalties; to require pickle card operators' licenses; to prohibit certain conflicts of interest; to change provisions relating to permits for special lotteries and raffles; to eliminate a definition; to provide operative dates; to repeal the original sections, and also section 9-224, Revised Statutes Supplement, 1986; and to declare an emergency.

LEGISLATIVE BILL 296. By Abboud, 12th District.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2315, 24-708, 79-1521, 84-1317, and 85-606, Revised Statutes Supplement, 1986; to eliminate provisions relating to mandatory retirement; to harmonize provisions; and to repeal the original sections, and also section 79-1057, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 297. By McFarland, 28th District; Harris, 27th District; Wesely, 26th District; Warner, 25th District; Landis, 46th District; Marsh, 29th District.

A BILL FOR AN ACT relating to financial institutions; to state intent; to provide reimbursement for certain depositors as prescribed; and to appropriate funds.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 235 through 284, legislative resolutions 1 and 10, and the rereferral of legislative bills 67 and 180.

LB	Committee
67	Judiciary
180	Transportation
235	Education
236	Judiciary
237	Banking, Commerce and Insurance
238	Natural Resources
239	Health and Human Services
240	Banking, Commerce and Insurance
241	Banking, Commerce and Insurance
242	Judiciary
243	Judiciary
244	Agriculture
245	Appropriations
246	Natural Resources
247	Revenue
248	Health and Human Services
249	Health and Human Services
250	Health and Human Services
251	Government, Military and Veterans Affairs
252	Business and Labor
253	Government, Military and Veterans Affairs
254	Judiciary

255	Health and Human Services
256	Health and Human Services
257	Health and Human Services
258	Judiciary
259	Health and Human Services
260	Banking, Commerce and Insurance
261	Judiciary
262	Judiciary
263	Urban Affairs
264	Health and Human Services
265	Education
266	Banking, Commerce and Insurance
267	Revenue
268	Transportation
269	Government, Military and Veterans Affairs
270	Revenue
271	Government, Military and Veterans Affairs
272	Business and Labor
273	Judiciary
274	Business and Labor
275	Business and Labor
276	Business and Labor
277	Business and Labor
278	Business and Labor
279	Natural Resources
280	Revenue
281	Education
282	Health and Human Services
283	Education
284	Revenue

LR	**Committee**
1	Appropriations
10	Agriculture

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

MOTION - Suspend Rules

Mrs. Labedz moved to suspend the rules, Rule 3, Section 13 and cancel the public hearing on LB 67.

The motion to suspend the rules prevailed with 34 ayes, 3 nays, and 12 present and not voting.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 67	Tuesday, January 20, 1987 (canceled)	1:30 p.m.
LB 101	Monday, January 26, 1987	1:30 p.m.
LB 109	Monday, January 26, 1987	1:30 p.m.
LB 115	Monday, January 26, 1987	1:30 p.m.
LB 137	Monday, January 26, 1987	1:30 p.m.
LB 113	Monday, January 26, 1987	1:30 p.m.
LB 62	Tuesday, January 27, 1987	1:30 p.m.
LB 63	Tuesday, January 27, 1987	1:30 p.m.
LB 93	Tuesday, January 27, 1987	1:30 p.m.
LB 73	Tuesday, January 27, 1987	1:30 p.m.
LB 136	Tuesday, January 27, 1987	1:30 p.m.

(Signed) R. W. Remmers, Chairperson

Education

LB 169	Monday, January 26, 1987	1:30 p.m.
LB 142	Monday, January 26, 1987	1:30 p.m.
LB 157	Monday, January 26, 1987	1:30 p.m.
LB 158	Monday, January 26, 1987	1:30 p.m.
LB 106	Tuesday, January 27, 1987	1:30 p.m.
LB 107	Tuesday, January 27, 1987	1:30 p.m.
LB 61	Tuesday, January 27, 1987	1:30 p.m.
LR 3	Tuesday, January 27, 1987	1:30 p.m.
LB 199	Monday, February 2, 1987	1:30 p.m.
LB 200	Monday, February 2, 1987	1:30 p.m.
LB 217	Monday, February 2, 1987	1:30 p.m.
LB 99	Tuesday, February 3, 1987	1:30 p.m.

(Signed) Ron Withem, Chairperson

General Affairs

LB 69	Monday, January 26, 1987	1:30 p.m.
LB 208	Monday, January 26, 1987	1:30 p.m.

(Signed) Patricia S. Morehead, Chairperson

Transportation

LB 39	Monday, January 26, 1987	1:30 p.m.
LB 79	Monday, January 26, 1987	1:30 p.m.
LB 132	Monday, January 26, 1987	1:30 p.m.
LB 133	Monday, January 26, 1987	1:30 p.m.
LB 41	Tuesday, January 27, 1987	1:30 p.m.
LB 75	Tuesday, January 27, 1987	1:30 p.m.
LB 84	Tuesday, January 27, 1987	1:30 p.m.
LB 149	Tuesday, January 27, 1987	1:30 p.m.
LB 161	Tuesday, January 27, 1987	1:30 p.m.

(Signed) Howard Lamb, Chairperson

Appropriations

LR 1	Thursday, January 22, 1987	3:00 p.m.

(Signed) Jerome Warner, Chairperson

Revenue

LB 284	Thursday, January 22, 1987	1:30 p.m.
Governor Appointment Don Leuenberger - Tax Commissioner	Thursday, January 22, 1987	1:30 p.m.

(Signed) Vard R. Johnson, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 298. By Goodrich, 20th District.

A BILL FOR AN ACT relating to schools; to amend section 79-1044, Reissue Revised Statutes of Nebraska, 1943, and sections

79-1032, 79-1041, 79-1045, 79-1048, and 79-1049, Revised Statutes Supplement, 1986; to provide for retirement contributions for prior service as prescribed; to redefine terms; to eliminate a restriction on membership; to change provisions relating to prior service contributions as prescribed; to eliminate a provision relating to compulsory retirement; to harmonize provisions; to repeal the original sections, and also section 79-1057, Revised Statutes Supplement, 1986; and to declare an emergency.

LEGISLATIVE BILL 299. By Peterson, 21st District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-1010, Reissue Revised Statutes of Nebraska, 1943; to provide an exception for the placement of certain mail boxes and mail box supports; and to repeal the original section.

LEGISLATIVE BILL 300. By Peterson, 21st District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-412, Reissue Revised Statutes of Nebraska, 1943, and section 60-403, Revised Statutes Supplement, 1986; to provide for the use of certain information as prescribed; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 301. By Conway, 17th District.

A BILL FOR AN ACT relating to adoption; to authorize agreements relating to the exchange of information in certain adoptions; and to provide powers and duties.

LEGISLATIVE BILL 302. By Rogers, 41st District.

A BILL FOR AN ACT relating to insurance; to amend section 77-912, Reissue Revised Statutes of Nebraska, 1943, and sections 13-203, 13-206, 13-207, 44-2407, 44-2716, and 44-4233, Revised Statutes Supplement, 1986; to change provisions relating to premium and related retaliatory taxes; to provide an exception to the disposition of certain funds; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 303. By Hartnett, 45th District.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend section 81-523, Reissue Revised Statutes of Nebraska, 1943; to

change the tax rate on fire insurance companies as prescribed; and to repeal the original section.

LEGISLATIVE BILL 304. By Hefner, 19th District.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2702, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 305. By Hartnett, 45th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-110, 60-111, 60-112, 60-113, 60-315, 60-318, 60-344, 77-1238, 77-1240, 77-1240.01, 77-1240.03, 77-1241.09, and 77-2703, Reissue Revised Statutes of Nebraska, 1943, and sections 60-106, 60-115, and 60-302, Revised Statutes Supplement, 1986; to change provisions relating to application for certificates of title as prescribed; to provide duties for the Department of Motor Vehicles as prescribed; to create a fund; to harmonize provisions; to eliminate and change provisions relating to the taxation of certain fleet vehicles; to provide an operative date; and to repeal the original sections, and also sections 77-1241 and 77-1241.02 to 77-1241.04 and 77-1241.06 to 77-1241.08, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 306. By Remmers, 1st District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-1703 and 45-139, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to insurance sold with loans or other credit transactions; and to repeal the original sections.

LEGISLATIVE BILL 307. By Beyer, 3rd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1307, Revised Statutes Supplement, 1986; to provide for the detention of certain overweight vehicles as prescribed; to require a bond; and to repeal the original section.

LEGISLATIVE BILL 308. By Nelson, 35th District.

A BILL FOR AN ACT relating to the State Employees Retirement Act; to amend sections 84-1319, 84-1320, and 84-1321, Revised Statutes Supplement, 1986; to change provisions relating to the

deferment of certain annuity payments as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 309. By Wesely, 26th District.

A BILL FOR AN ACT relating to trade secrets; to adopt the Trade Secrets Act.

LEGISLATIVE BILL 310. By Lynch, 13th District.

A BILL FOR AN ACT relating to teachers; to amend section 79-1240, Reissue Revised Statutes of Nebraska, 1943; to provide requirements for the employment of teachers; to provide for liability for failure to meet such requirements; and to repeal the original section.

LEGISLATIVE BILL 311. By Warner, 25th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-115, 60-302, and 60-409, Revised Statutes Supplement, 1986; to adopt the Vehicle Information and Registration System Act; to provide fees; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 312. By Warner, 25th District; Scofield, 49th District.

A BILL FOR AN ACT relating to government; to adopt the Intergovernmental Data Communications Act.

LEGISLATIVE BILL 313. By Rogers, 41st District; Lamb, 43rd District.

A BILL FOR AN ACT relating to coroners; to amend section 23-1801, Reissue Revised Statutes of Nebraska, 1943; to change the fee paid a juror as prescribed; and to repeal the original section.

LEGISLATIVE BILL 314. By Rogers, 41st District.

A BILL FOR AN ACT relating to petroleum products lien; to amend section 52-903, Reissue Revised Statutes of Nebraska, 1943; to change the time in which foreclosures are to be instituted; and to repeal the original section.

LEGISLATIVE BILL 315. By Rogers, 41st District.

A BILL FOR AN ACT relating to government buildings; to provide certain construction requirements as prescribed.

LEGISLATIVE BILL 316. By Wesely, 26th District; Marsh, 29th District.

A BILL FOR AN ACT relating to schools; to amend section 79-4,180, Revised Statutes Supplement, 1986; to change provisions relating to student discipline; and to repeal the original section.

LEGISLATIVE BILL 317. By Marsh, 29th District.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-1106, Reissue Revised Statutes of Nebraska, 1943; to provide for variances for zoning regulations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 318. By Peterson, 21st District; Hefner, 19th District.

A BILL FOR AN ACT relating to capital punishment; to amend section 29-2523, Reissue Revised Statutes of Nebraska, 1943; to provide additional aggravating circumstances as prescribed; and to repeal the original section.

LEGISLATIVE BILL 319. By Wesely, 26th District; Lynch, 13th District.

A BILL FOR AN ACT relating to the Comprehensive Health Insurance Pool Act; to amend section 44-4222, Revised Statutes Supplement, 1986; to delete a limitation on certain premiums; and to repeal the original section.

LEGISLATIVE BILL 320. By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-5009, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to funding of certain programs, services, and facilities as prescribed; and to repeal the original section.

ANNOUNCEMENT

Mr. Hall announced the Business and Labor Committee elected Mr. Landis as Vice Chairperson.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LR 2	Thursday, January 22, 1987	1:30 p.m.
LB 110	Thursday, January 22, 1987	1:30 p.m.
LB 198	Thursday, January 22, 1987	1:30 p.m.
LB 81	Friday, January 23, 1987	1:30 p.m.
LB 82	Friday, January 23, 1987	1:30 p.m.
LB 129	Friday, January 23, 1987	1:30 p.m.

(Signed) Lee Rupp, Chairperson

MOTION - Rerefer LB 67

Mrs. Morehead moved to rerefer LB 67 from Judiciary to Banking, Commerce and Insurance Committee.

Laid over.

ANNOUNCEMENT

Mr. Haberman announced the Nebraska Retirement Systems Committee elected Mrs. Marsh as Vice Chairperson.

MOTION - Rerefer LB 72

Mrs. Nelson moved to have LB 72 referenced from Committee on Judiciary to Committee on Health and Human Services.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 321. By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Residential and Community Living Mental Health Services Incentive Act.

LEGISLATIVE BILL 322. By Wesely, 26th District.

A BILL FOR AN ACT relating to the Department of Public Institutions; to amend sections 83-210.01 and 83-210.03 to 83-212, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide for contracts for certain vending facility operations; to provide an exemption; to change provisions relating to the licensing of blind vendors; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 323. By Wesely, 26th District; Hannibal, 4th District; Abboud, 12th District; Hefner, 19th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,189, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 324. By Schmit, 23rd District.

A BILL FOR AN ACT relating to municipal cooperative financing; to amend sections 18-2409 and 18-2410, Reissue Revised Statutes of Nebraska, 1943, and sections 18-2438 and 84-1412, Revised Statutes Supplement, 1986; to redefine terms; to authorize meetings outside of the state; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 325. By Schmit, 23rd District.

A BILL FOR AN ACT relating to agricultural commodities; to define a term; to provide for testing as prescribed; to provide for payment of costs; to prohibit the offering for sale or storage of certain commodities; to provide penalties; to state intent; and to provide powers.

LEGISLATIVE BILL 326. By Lamb, 43rd District; R. Johnson, 34th District; Dierks, 40th District; Moore, 24th District.

A BILL FOR AN ACT relating to schools; to eliminate restrictions on the creation of new school districts; and to repeal sections 79-102.01 and 79-102.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 327. By Lamb, 43rd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1420, Reissue Revised Statutes of Nebraska, 1943; to provide for the termination of franchises for the sale of motor vehicles as prescribed; and to repeal the original section.

LEGISLATIVE BILL 328. By Abboud, 12th District.

A BILL FOR AN ACT relating to infants; to require applicants for and recipients of aid to dependent children to participate in certain programs as prescribed; to create job training and job search programs; to provide for failure to participate in such programs; to provide powers and duties; and to create a council.

ANNOUNCEMENT

Mrs. Labedz announced there will be an Executive Board meeting, Tuesday, January 20, 1987, at 9:00 a.m., in Room 1517.

RESOLUTION

LEGISLATIVE RESOLUTION 11CA.

Introduced by Lynch, 13th District.

A Resolution to propose an amendment to Article VIII, section 12, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 12, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CVIII-12 "For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without

regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed ~~fifteen~~ thirty years, on the assessed valuation of the property in the project area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by 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 finance provisions relating to the redevelopment of substandard or blighted property by changing the period of time certain tax rates will remain constant from fifteen to thirty 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.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 329. By Education Committee: Withem, 14th District, Chairperson; Baack, 47th District; Chizek, 31st District; Dierks, 40th District; V. Johnson, 8th District; McFarland, 28th District; Nelson, 35th District; Peterson, 21st District.

A BILL FOR AN ACT relating to technical community colleges; to amend section 79-2648, Reissue Revised Statutes of Nebraska, 1943, and section 79-2637, Revised Statutes Supplement, 1986; to authorize the issuance of bonds; to provide for the use of revenue from such

bonds; to provide procedures; to eliminate certain bond provisions; to harmonize provisions; and to repeal the original sections, and also sections 79-1438.04 and 79-1438.06 to 79-1438.12, Reissue Revised Statutes of Nebraska, 1943, and section 79-1438.05, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 330. By Haberman, 44th District.

A BILL FOR AN ACT relating to proof of financial responsibility; to amend sections 60-529 and 60-533, Reissue Revised Statutes of Nebraska, 1943, and section 60-302, Revised Statutes Supplement, 1986; to authorize coverage by certain foreign insurance carriers as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 331. By Lynch, 13th District.

A BILL FOR AN ACT relating to schools; to amend section 79-1111, Reissue Revised Statutes of Nebraska, 1943, and sections 79-805 and 79-810, Revised Statutes Supplement, 1986; to delete provisions requiring publication of allowed claims budgeted in certain school districts as prescribed; to delete criminal provisions for failing to publish such budgeted claims; to change provisions relating to certain school district reports to the county board as prescribed; to harmonize provisions; and to repeal the original sections, and also sections 79-552, 79-703, 79-703.01, and 79-806, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 332. By Conway, 17th District; Pirsch, 10th District; Hannibal, 4th District; Goodrich, 20th District; Abboud, 12th District.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-815 and 8-821, Reissue Revised Statutes of Nebraska, 1943, and sections 8-1511 to 8-1513, Revised Statutes Supplement, 1986; to define and redefine terms; to provide for fees for loan service costs as prescribed; to provide for the acquisition of newly established banks by thrift institutions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 333. By Higgins, 9th District; Rupp, 22nd District; Nelson, 35th District; Hall, 7th District; Korshoj, 16th District; Peterson, 21st District; Smith, 33rd District; Chizek, 31st District; Rogers, 41st District; Conway, 17th District; Ashford, 6th District; Labedz, 5th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2262, Revised Statutes Supplement, 1986; to state intent; to prohibit the placement of convicted felons in nursing homes or veterans' homes as a condition of probation; to provide severability; and to repeal the original section.

ADJOURNMENT

At 11:22 a.m., on a motion by Mr. Schellpeper, the Legislature adjourned until 10:00 a.m., Tuesday, January 20, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - JANUARY 20, 1987

LEGISLATIVE JOURNAL

SEVENTH DAY - JANUARY 20, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 20, 1987

Pursuant to adjournment, the Legislature met at 10:02 a.m., President 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. McFarland who was excused; and Messrs. Haberman, R. Johnson, V. Johnson, Landis, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixth Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 285 through 333, legislative resolution 11, and the rereferral of legislative bill 196.

LB	Committee
196	Revenue
285	Education
286	Transportation
287	Revenue

288	Revenue
289	Revenue
290	Business and Labor
291	Agriculture
292	Business and Labor
293	Revenue
294	Revenue
295	General Affairs
296	Nebraska Retirement Systems
297	Appropriations
298	Nebraska Retirement Systems
299	Transportation
300	Transportation
301	Health and Human Services
302	Banking, Commerce and Insurance
303	Revenue
304	Revenue
305	Transportation
306	Banking, Commerce and Insurance
307	Transportation
308	Nebraska Retirement Systems
309	Judiciary
310	Education
311	Transportation
312	Government, Military and Veterans Affairs
313	Judiciary
314	Agriculture
315	Government, Military and Veterans Affairs
316	Education
317	Urban Affairs
318	Judiciary
319	Banking, Commerce and Insurance
320	Health and Human Services
321	Health and Human Services
322	Health and Human Services
323	Revenue
324	Urban Affairs
325	Agriculture
326	Education
327	Transportation
328	Health and Human Services
329	Education
330	Transportation
331	Education

332 Banking, Commerce and Insurance
333 Judiciary

LR	Committee
11	Revenue

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 21. Placed on Select File.

LEGISLATIVE BILL 22. Placed on Select File as amended.
E & R amendment to LB 22:
AM5008

1. On page 3, line 10, strike the first comma and insert "and" and strike the second comma; and in line 11 strike the comma.

LEGISLATIVE BILL 23. Placed on Select File.

LEGISLATIVE BILL 24. Placed on Select File as amended.
E & R amendment to LB 24:
AM5009

1. On page 3, lines 9 and 14, before "sections" insert "this section and" and strike ", 81-2,162.04,".

LEGISLATIVE BILL 25. Placed on Select File.
LEGISLATIVE BILL 26. Placed on Select File.
LEGISLATIVE BILL 27. Placed on Select File.
LEGISLATIVE BILL 28. Placed on Select File.

LEGISLATIVE BILL 29. Placed on Select File as amended.
E & R amendment to LB 29:
AM5010

1. On page 3, line 7, before "Natural" insert "Nebraska".

LEGISLATIVE BILL 30. Placed on Select File as amended.
E & R amendment to LB 30:

AM5007

1. On page 7, line 3, strike "of" and show as stricken.

LEGISLATIVE BILL 31. Placed on Select File as amended.
E & R amendments to LB 31:
AM5011

1. Insert the following new section:

"Sec. 5. Any money in the Normal School Endowment Fund on the effective date of this act shall on such date be transferred to the State College Endowment Fund.".

2. On page 1, line 5, after the semicolon insert "to provide for a transfer of funds;".

3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 32. Placed on Select File as amended.
E & R amendments to LB 32:
AM5012

1. On page 1, line 2, strike "section" and insert "sections" and before the comma insert "and 81-1108.15" and in line 8 after the semicolon insert "to eliminate certain funds;".

2. Insert the following new section:

"Sec. 2. That section 81-1108.15, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1108.15. The division shall have the primary functions and responsibilities of statewide facilities planning, facilities construction, and facilities administration and shall adopt and promulgate rules and regulations to carry out ~~the provisions of~~ this section.

(1) Facilities planning shall include the following responsibilities and duties:

(a) To maintain utilization records of all state-owned and occupied facilities;

(b) To coordinate comprehensive capital facilities planning;

(c) To define and review program statements based on space utilization standards;

(d) To prepare or review planning and construction documents;

(e) To develop and maintain time-cost schedules for capital construction projects;

(f) To assist the Governor and the Legislative Fiscal Analyst in the preparation of the capital construction budget recommendations; and

(g) To maintain a complete inventory of all state-owned or occupied sites and structures and to review the proposals for naming such sites and structures.

(2) Facilities construction shall include the following powers and duties:

(a) To maintain close contact with and inspections of each project so as to assure execution of time-cost schedules and efficient contract performance if such project's total design and construction cost is more than fifty thousand dollars;

(b) To perform final acceptance inspections and evaluations; and

(c) To coordinate all change or modification orders and progress payment orders.

(3) Facilities administration shall include the following powers and duties:

(a) To serve as state leasing administrator or agent;

(b) To provide or assure adequate administration, maintenance, repairs, custodial duties, and security to all buildings and grounds owned or leased by the State of Nebraska;

(c) To procure, manage, and assign office space;

(d) To be responsible for adequate parking;

(e) To perform all maintenance, repairs, and custodial duties necessary to properly maintain the capitol and grounds, Governor's Mansion and grounds, state laboratory and grounds, state parking, and all properties adjacent to the capitol grounds owned or leased by the State of Nebraska;

(f) To report monthly time-cost data on projects to the Governor and the Clerk of the Legislature;

(g) To administer the State Emergency Capital Construction Contingency Fund; ~~, the State Office Building Fund, and the Downtown Education Center and Office Rental Fund;~~

(h) To submit status reports to the Governor and the Legislative Fiscal Analyst after each quarter of a construction project is completed detailing change orders and expenditures to date. Such reports shall be required on all projects costing five hundred thousand dollars or more and on such other projects as may be designated by the division; and

(i) To submit a final report on each project to the Governor and the Legislative Fiscal Analyst. Such report shall include, but not be limited to, a comparison of final costs and appropriations made for the project, change orders, and modifications, and whether the construction complied with the related approved program statement. Such reports shall be required on all projects costing five hundred thousand dollars or more and on such other projects as may be designated by the division.

Each member of the Legislature shall receive a copy of the reports required by subdivisions (3)(f), (h), and (i) of this section by making a request for them to the administrator. The information on such reports shall be submitted to the division by the agency responsible for the project.".

3. On page 3, line 19, strike "section" and insert "sections" and before the comma insert "and 81-1108.15".

4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 33. Placed on Select File.
LEGISLATIVE BILL 34. Placed on Select File.

LEGISLATIVE BILL 35. Placed on Select File as amended.
E & R amendment to LB 35:
AM5013

1. On page 7, line 8, strike the first comma and show as stricken.

LEGISLATIVE BILL 36. Placed on Select File.
LEGISLATIVE BILL 37. Placed on Select File.

(Signed) Scott Moore, Chairperson

REPORTS

The following reports were submitted to the Legislature:

Report from the Nebraska Department of Environmental Control and Nebraska Environmental Control Council of alternative funding mechanisms for water quality related programs and activities pursuant to LB 894A (The Special Protection Area Act) by the 89th session.

Fourth biennial report from the Nebraska Power Review Board.

Biennial report from the State Treasurer pursuant to Statute 84-602 R.R.S.

Audit reports from the Auditor of Public Accounts for the following: Board of Examiners for Landscape Architects, Abstracters Board of Examiners, Department of Administrative Services, Department of Agriculture, Department on Aging, Department of Game and Parks Commission, Department of Health, Department of Environmental Control, Department of Insurance, Department of Education, Nebraska Educational Telecommunications Commission, Nebraska Liquor Control Commission, and Military Department.

Statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar month of December, 1986.

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 1987 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Little Blue	
Shoemaker & Witt	1,819.52
Crosby, Guenzel, Davis, Kessner & Keuster	48.67
Lower Big Blue	
Everson, Wullschleger, Sutter, Sharp, Korslund & Willet	2,801.98
Lower Elkhorn	

Jewell, Gatz & Collins	1,800.00
Nelson-Harding	929.58
Lower Niobrara	
John Peebles	909.20
Cline, Williams, Johnson, Wright, Oldfather	6,419.81
Crosby, Guenzel, Davis, Kessner, Kuester	5,011.59
Lower Platte North	
Sidner, Svoboda, Schilke, Wiseman, Thomsen & Holtorf	37,906.68
Middle Republican	
Fred J. Schroeder, Jr.	1,135.00
Natural Resources Commission	
None	
Nemaha	
Steve Seglin	3,659.68
Morrissey & Morrissey	168.75
Joe Stehlik	24.00
South Platte	
Van Steenberg, Myers, & Burke	1,936.81
Tri-Basin	
Anderson, Strasburger & Klein	2,174.32
Upper Loup	
None	

MESSAGES FROM THE GOVERNOR

January 13, 1987

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 requiring legislative confirmation:

Ray H. Hogrefe, Director-State Engineer, 2030 Devonshire, Lincoln, NE 68506, 483-1190. Term: January 8, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

January 14, 1987

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 requiring legislative confirmation:

Colonel Harold W. LeGrande, Superintendent of the Nebraska State Patrol, 5924 Rolling Hills Blvd., Lincoln, NE 68512, 423-9767. Term: January 8, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:m
Enclosures

January 14, 1987

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 requiring legislative confirmation:

Frank Gunter, Director, Department of Correctional Services, West Van Dorn and Folsom Streets, P. O. Box 94661, Lincoln, Nebraska 68509, 471-2654. Term: January 8, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

January 14, 1987

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 requiring legislative confirmation:

John W. Neuberger, Director, Nebraska State Energy Office, 906 No. 145th Circle, Omaha, Nebraska 68154, 498-0508. Term: January 8, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LB 217. No objections. So ordered.

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LB 199. No objections. So ordered.

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LB 200. No objections. So ordered.

MOTION - Ombudsman Appointment

Mrs. Labedz moved the appointment of Marshall Lux as Public Counsel (Ombudsman), and asks that the Legislature vote its approval as required by Section 81-8,241. A two-thirds vote is required.

The motion prevailed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1. E & R amendment, AM5005, found in the Journal on page 163 for the Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 2. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 3. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 4. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 5. 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. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 11. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 12. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 13. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 14. E & R amendment, AM5003, found in the Journal on page 163 for the Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 15. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 16. E & R amendment, AM5004, found in the Journal on page 163 for the Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 17. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 18. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 19. E & R amendment, AM5006, found in the Journal on page 164 for the Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 20. Advanced to E & R for Engrossment.

MOTION - Withdraw LB 268

Mr. Chizek renewed his pending motion found in the Journal on page 162 to withdraw LB 268.

The motion prevailed with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

MOTION - Rerefer LB 67

Mrs. Morehead renewed her pending motion found in the Journal on page 178 to rerefer LB 67 from Judiciary to Banking, Commerce and Insurance.

Mrs. Morehead withdrew her pending motion to rerefer LB 67.

MOTION - Rerefer LB 72

Mrs. Nelson renewed her pending motion found in the Journal on page 178 to have LB 72 referenced from Committee on Judiciary to Committee on Health and Human Services.

The motion to rerefer prevailed with 29 ayes, 0 nays, 18 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 334. By Landis, 46th District.

A BILL FOR AN ACT relating to elections; to amend sections 32-1401, 32-1402, and 32-1405 to 32-1407, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to provide for the recall of members of the Legislature; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 335. By Landis, 46th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-371, Reissue Revised Statutes of Nebraska, 1943, and section 44-1089, Revised Statutes Supplement, 1986; to exempt policy benefits from legal process as prescribed; to change the amount of the exemption; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 336. By Marsh, 29th 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 337. By Pappas, 42nd District.

A BILL FOR AN ACT relating to business trusts; to adopt the Business Trust Act.

LEGISLATIVE BILL 338. By Pappas, 42nd District.

A BILL FOR AN ACT relating to schools; to amend sections 79-490 and 79-492, Revised Statutes Supplement, 1986; to change provisions relating to transportation allowances; and to repeal the original sections.

LEGISLATIVE BILL 339. By Pappas, 42nd District.

A BILL FOR AN ACT relating to railroads; to amend section 74-5,100, Reissue Revised Statutes of Nebraska, 1943; to require cabooses as prescribed; and to repeal the original section.

LEGISLATIVE BILL 340. By Pappas, 42nd District.

A BILL FOR AN ACT relating to Nebraska Visitors' Development Act; to amend section 81-1258, Reissue Revised Statutes of Nebraska, 1943; to provide for the use of the proceeds of occupancy taxes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 341. By Pappas, 42nd District.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-106, Revised Statutes Supplement, 1986; to provide workers' compensation coverage for farm and ranch laborers; and to repeal the original section.

LEGISLATIVE BILL 342. By Pappas, 42nd District.

A BILL FOR AN ACT relating to political campaigns; to amend section 49-1474.01, Reissue Revised Statutes of Nebraska, 1943, and section 49-1401, Revised Statutes Supplement, 1986; to prohibit the use of yard signs as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 343. By Warner, 25th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,158 and 77-27,159, Reissue Revised Statutes of Nebraska, 1943; to change the meeting times of the Nebraska Economic Forecasting Advisory Board; to provide for additional meeting times; to provide additional powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 344. By Smith, 33rd District.

A BILL FOR AN ACT relating to employment; to adopt the Farm Labor Contractors Act; and to provide penalties.

LEGISLATIVE BILL 345. By Lamb, 43rd District.

A BILL FOR AN ACT relating to public power districts; to amend section 70-625, Reissue Revised Statutes of Nebraska, 1943; to provide public power districts with additional powers relating to telecommunications; and to repeal the original section.

LEGISLATIVE BILL 346. By Moore, 24th District.

A BILL FOR AN ACT relating to liquors; to prohibit the possession or transportation of alcoholic liquors as prescribed.

LEGISLATIVE BILL 347. By Hartnett, 45th District.

A BILL FOR AN ACT relating to Nebraska rules of the road; to amend sections 39-660, 39-661, and 79-488.03, Reissue Revised Statutes of Nebraska, 1943; to permit the passing of parked school buses as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 348. By Hartnett, 45th District.

A BILL FOR AN ACT relating to schools; to amend section 79-488.06, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to pupil transportation vehicle operator's permits; to provide a fee; and to repeal the original section.

LEGISLATIVE BILL 349. By Lynch, 13th District.

A BILL FOR AN ACT relating to employee wages; to create a fund; to state intent; to provide for payment of certain wages as prescribed.

LEGISLATIVE BILL 350. By Lynch, 13th District.

A BILL FOR AN ACT relating to prescription drugs; to adopt the Mail Service Prescription Drug Act; and to provide severability.

LEGISLATIVE BILL 351. By Lynch, 13th District.

A BILL FOR AN ACT relating to city planning; to amend sections 14-373, 14-401, and 14-403, Reissue Revised Statutes of Nebraska, 1943, and section 14-402, Revised Statutes Supplement, 1986; to restrict development of certain areas as prescribed; to provide factors to determine areas that are environmentally sensitive; to provide powers and duties to city councils relating to zoning; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 352. By Abboud, 12th District; Landis, 46th District.

A BILL FOR AN ACT relating to administrative procedures; to amend sections 1-149, 2-960, 2-1035, 2-1822, 2-2433, 2-3107, 2-3204, 3-140, 3-405, 8-1013, 8-1119, 20-142, 21-1983, 24-313, 25-1937,

28-433, 31-1022, 32-706, 32-707, 39-2111, 39-2121, 43-666, 43-707, 44-111.01, 44-127.09, 44-127.10, 44-127.19, 44-133, 44-134, 44-222.02, 44-224.09, 44-238, 44-352, 44-360, 44-367, 44-368, 44-386.07, 44-511, 44-512, 44-626, 44-711, 44-751, 44-752, 44-766, 44-1212, 44-1441, 44-1485, 44-1530, 44-1531, 44-1713, 44-2312, 44-2851, 44-2913, 44-3010, 44-3278, 44-3283, 44-3720, 44-4027, 45-150, 45-350, 45-605, 45-616, 46-236, 46-528, 46-669, 46-685, 46-805, 48-416, 48-641, 48-644, 48-1120, 49-14,131, 54-1170, 54-1706, 54-1707, 54-1905, 57-605, 57-913, 59-1516, 60-409.11, 60-420, 60-503, 60-1415, 60-1435, 68-1034, 69-1320, 70-806, 70-807, 71-159, 71-161.07, 71-161.16, 71-1,104.05, 71-1,107.23, 71-1,147.12, 71-1,147.31, 71-1,165, 71-235, 71-1335, 71-1567, 71-1725, 71-1761, 71-1916, 71-2027, 71-2045.02, 71-2506, 71-2719, 71-2817, 71-3211, 71-3505, 71-3507, 71-4609, 71-4626, 71-4630, 71-4631, 71-4712, 71-5113, 71-5303, 71-5517, 71-5866, 71-5907, 71-6031, 71-6310, 71-6314, 72-224.03, 72-240.19, 76-552, 76-908, 76-1212, 77-202.07, 77-378, 77-393, 77-425, 77-612, 77-911, 77-1239.01, 77-1301.16, 77-1775, 77-2407, 77-27,127, 77-27,153, 77-27,170, 77-27,182, 79-1544, 79-2838, 81-502.04, 81-829.43, 81-885.30, 81-8,139.01, 81-8,285, 81-1319, 81-1509, 81-1513, 81-1931, 83-374, 83-4,109, 83-1131, 83-1133, and 84-919, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3938, 8-1,135, 8-1506, 9-229, 9-325, 9-421, 21-328, 44-10,107, 44-2406, 44-2710, 44-3110, 46-674.15, 46-1146, 46-1237, 48-638, 48-640, 48-650, 48-660.01, 53-1,116, 54-861, 60-124, 81-8,202, 81-15,107, 81-15,112, 81-15,122, 81-1832, 83-109, and 84-917, Revised Statutes Supplement, 1986; to change procedures for appeals from agencies; to harmonize provisions; and to repeal the original sections, and also sections 44-127.11, 45-151, 45-152, 71-161, 77-394, and 79-2839 to 79-2840, Reissue Revised Statutes of Nebraska, 1943, and section 48-639, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 353. By Chambers, 11th District.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend sections 48-115, 81-1835, and 83-183.01, Revised Statutes Supplement, 1986; to provide workers' compensation coverage for certain inmates; to permit distribution of inmates' wages as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 354. By Chambers, 11th District.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend section 81-161.03, Revised Statutes Supplement,

1986; to provide for direct purchases of supplies and materials as prescribed; and to repeal the original section.

LEGISLATIVE BILL 355. By Chambers, 11th District.

A BILL FOR AN ACT relating to juvenile offenders; to amend sections 29-1001, 43-281, 43-286, 43-287, 83-1,105, and 83-4,101, Reissue Revised Statutes of Nebraska, 1943, and sections 43-251 and 43-254, Revised Statutes Supplement, 1986; to limit placement and commitment of juvenile offenders; to provide exceptions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 356. By Elmer, 38th District; Langford, 36th District.

A BILL FOR AN ACT relating to water rights; to amend section 46-229.04, Reissue Revised Statutes of Nebraska, 1943; to change considerations in the adjudication of water rights; and to repeal the original section.

LEGISLATIVE BILL 357. By Withem, 14th District.

A BILL FOR AN ACT relating to elections; to amend 32-503.01, Reissue Revised Statutes of Nebraska, 1943; to change a filing deadline; and to repeal the original section.

LEGISLATIVE BILL 358. By Withem, 14th District.

A BILL FOR AN ACT relating to state party conventions; to amend section 32-554, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to representation at state conventions; and to repeal the original section.

LEGISLATIVE BILL 359. By Withem, 14th District.

A BILL FOR AN ACT relating to eminent domain; to amend section 25-2501, Reissue Revised Statutes of Nebraska, 1943; to provide an exemption from eminent domain procedures for school districts; to eliminate certain notice and hearing provisions; and to repeal the original section, and also section 25-2505, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 360. By Chizek, 31st District; Hefner, 19th District.

A BILL FOR AN ACT relating to public lettings; to amend sections 73-101.01 and 73-101.02, Reissue Revised Statutes of Nebraska, 1943; to change the preference allowed to resident bidders; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 361. By Chizek, 31st District; Korshoj, 16th District.

A BILL FOR AN ACT relating to law enforcement; to amend sections 23-1701.01, 81-1414, 81-1439, and 81-1443, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1401 and 81-1429, Revised Statutes Supplement, 1986; to change continuing education requirements for sheriffs; to provide continuing education requirements for law enforcement officers; to redefine a term; to change training requirements for law enforcement officers; to increase a certain fee; to change requirements relating to law enforcement reserve officers; and to repeal the original sections.

LEGISLATIVE BILL 362. By Chizek, 31st District; Korshoj, 16th District.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1410, Reissue Revised Statutes of Nebraska, 1943; to change training center admission requirements; and to repeal the original section.

LEGISLATIVE BILL 363. By Landis, 46th District.

A BILL FOR AN ACT relating to civil procedure; to provide for the granting or denying of motions for new trials on the issue of damages as prescribed.

LEGISLATIVE BILL 364. By Landis, 46th District.

A BILL FOR AN ACT relating to mobile home parks; to amend sections 71-4621 to 71-4624, 71-4627, 71-4628, 71-4630, and 71-4634, Reissue Revised Statutes of Nebraska, 1943; to define a term; to require a certificate of competency for mobile home park operators; to provide application requirements; to provide a continuing education requirement; to change provisions relating to fees and inspections; to provide forms and records requirements; to provide a requirement for local authorities; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 59	Wednesday, January 28, 1987	12:00 p.m.
LB 60	Wednesday, January 28, 1987	12:00 p.m.

(Signed) Rex Haberman, Chairperson

Agriculture

LB 138	Tuesday, January 27, 1987	1:30 p.m.
LB 201	Tuesday, January 27, 1987	1:30 p.m.
LB 291	Tuesday, January 27, 1987	1:30 p.m.
LB 164	Tuesday, January 27, 1987	1:30 p.m.

(Signed) Rod Johnson, Chairperson

Urban Affairs

LB 167	Tuesday, January 27, 1987	1:30 p.m.
LB 177	Tuesday, January 27, 1987	1:30 p.m.
LB 317	Tuesday, January 27, 1987	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

SPEAKER BARRETT PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 365. By Landis, 46th District.

A BILL FOR AN ACT relating to the Petroleum Products and Hazardous Substances Storage and Handling Act; to amend section 81-15,119, Revised Statutes Supplement, 1986; to redefine a term; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 366. By Landis, 46th District.

A BILL FOR AN ACT relating to taxation; to amend sections 77-1362, 77-1364, and 77-1365, Reissue Revised Statutes of Nebraska, 1943; to add certain provisions relating to the computation

of the formula to value agricultural and horticultural lands as prescribed; to provide for additional powers for the Tax Commissioner relating to agricultural and horticultural lands as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 367. By Baack, 47th District.

A BILL FOR AN ACT relating to handicapped children; to amend sections 43-606, 43-607, 43-611.01, 43-617 to 43-619, 43-625, 43-642, 43-646, 43-646.01, 43-646.03, 43-646.06, 43-646.09, 43-647, 43-647.01, 43-650, 43-651, 43-653, 43-660, 43-664 to 43-666, 43-669 to 43-677, 43-679, 43-680, 79-1369, 79-1903, 79-1911, and 79-2003, Reissue Revised Statutes of Nebraska, 1943, sections 43-605 to 43-605.03, 43-607.02, 43-611, 43-626, 43-626.01, 43-641, 43-643, 43-646.02, 43-646.08, 43-649, 43-661 to 43-662.01, 79-4,102, 79-2213, and 83-382, Revised Statutes Supplement, 1986, and section 43-648, Revised Statutes Supplement, 1986, as amended by section 2, Legislative Bill 2, Eighty-ninth Legislature, Fourth Special Session, 1986; to adopt the Special Education Act; to eliminate certain provisions relating to handicapped children; to harmonize provisions; and to repeal the original sections, and also sections 43-601, 43-602, 43-607.01, 43-608, 43-610.01, 43-616.03, 43-622, 43-623, 43-624, 43-629, 43-630, 43-632, 43-640, 43-645, 43-646.04, 43-646.05, 43-646.07, 43-646.10, 43-667, 43-668, 43-678, 79-203, 79-204, and 79-318, Reissue Revised Statutes of Nebraska, 1943, and sections 43-620, 43-621, 43-627.01, and 43-631, Revised Statutes Supplement, 1986, and section 43-604, Revised Statutes Supplement, 1986, as amended by section 1, Legislative Bill 2, Eighty-ninth Legislature, Fourth Special Session, 1986.

LEGISLATIVE BILL 368. By Higgins, 9th District.

A BILL FOR AN ACT relating to housing; to amend section 71-1536, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to termination of certain tenancies as prescribed; and to repeal the original section.

LEGISLATIVE BILL 369. By Urban Affairs Committee: Hartnett, 45th District, Chairperson; Hall, 7th District; Korshoj, 16th District; Labedz, 5th District; Landis, 46th District; Smith, 33rd District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-366, Reissue Revised Statutes of Nebraska, 1943;

to permit certain cities to provide replacement property in eminent domain cases; and to repeal the original section.

LEGISLATIVE BILL 370. By Conway, 17th District.

A BILL FOR AN ACT relating to courts; to amend sections 24-530 to 24-532, 29-424, 29-2206, 29-2702, 29-2708, 29-2709, 77-2326.01 to 77-2326.04, and 77-2326.07 to 77-2326.09, Reissue Revised Statutes of Nebraska, 1943, and sections 24-532.01, 29-2412, and 33-126.05, Revised Statutes Supplement, 1986; to authorize the use of credit cards for money due the county courts; to change provisions relating to the handling of money received by and due certain courts; to change provisions relating to citations; to authorize the payment of costs in installments; to provide a fee; to change a fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 371. By Conway, 17th District.

A BILL FOR AN ACT relating to postsecondary education; to adopt the Work-Study Act; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 372. By Conway, 17th District.

A BILL FOR AN ACT relating to adoption; to amend sections 43-107, 43-119, 43-129, and 71-626.01, Reissue Revised Statutes of Nebraska, 1943, and sections 43-109 and 43-113, Revised Statutes Supplement, 1986; to provide duties; to require medical histories as prescribed; to provide certain forms; to provide access to certain information as prescribed; to provide procedures; to correct an internal reference; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 373. By Schmit, 23rd District; Pappas, 42nd District.

A BILL FOR AN ACT relating to insurance guaranty associations; to amend sections 44-2401, 44-2403, and 44-2410, Reissue Revised Statutes of Nebraska, 1943, and sections 44-2404, 44-2406, and 44-2407, Revised Statutes Supplement, 1986; to state intent; to define and redefine terms; to provide for payment of certain claims; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 374. By Harris, 27th District.

A BILL FOR AN ACT relating to the Department of Correctional Services; to authorize the sale and conveyance of certain property.

LEGISLATIVE BILL 375. By Harris, 27th 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, 1986; to define terms; to change provisions relating to bank holding companies as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 376. By Hall, 7th District; Remmers, 1st District.

A BILL FOR AN ACT relating to hearing impaired persons; to state intent; to define terms; to provide interpreters for hearing impaired persons in certain proceedings as prescribed; to provide procedures; to eliminate certain provisions relating to interpreters; and to repeal sections 25-2401 to 25-2406, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 377. By Hall, 7th District.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-669.07 and 39-669.08, Revised Statutes Supplement, 1986; to change provisions relating to driving while intoxicated and implied consent; to change the method of determining penalties as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 378. By Hall, 7th District.

A BILL FOR AN ACT relating to gambling; to amend section 9-244, Revised Statutes Supplement, 1986; to change limitations on bingo occasions; and to repeal the original section.

LEGISLATIVE BILL 379. By Rupp, 22nd District; Hefner, 19th District; Haberman, 44th District; Dierks, 40th District.

A BILL FOR AN ACT relating to game and fur farming; to amend section 37-713, Revised Statutes Supplement, 1986; to provide an exception to keeping certain animals in captivity; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 380. By Schmit, 23rd District.

A BILL FOR AN ACT relating to telecommunications; to amend sections 75-109, 75-128, 75-604, and 75-609, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to provide for certain exchange services as prescribed; to provide powers and duties for the Public Service Commission; to provide for classification of certain telecommunications services; to exempt certain activities from regulation; to provide for discontinuation of services; to require a report; to change a provision relating to a hearing; to provide for rate regulation; to eliminate provisions relating to regulation of telecommunications companies; to provide severability; to repeal the original sections, and also sections 86-801 to 86-811, Revised Statutes Supplement, 1986; and to declare an emergency.

LEGISLATIVE BILL 381. By Schmit, 23rd District.

A BILL FOR AN ACT relating to telecommunications; to amend sections 75-109, 75-604, and 75-609, Reissue Revised Statutes of Nebraska, 1943; to eliminate certain provisions relating to the deregulation of telecommunications as prescribed; to change provisions relating to rates; to harmonize provisions; and to repeal the original sections, and also sections 86-801 to 86-811, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 382. By Schmit, 23rd District.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-802, 86-809, and 86-811, Revised Statutes Supplement, 1986; to eliminate the certificate of convenience and necessity requirement for new telecommunications service or facilities; to harmonize provisions; and to repeal the original sections, and also section 75-604, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 383. By Health and Human Services Committee: Wesely, 26th District, Chairperson; Beyer, 3rd District; Goodrich, 20th District; Lynch, 13th District; Morehead, 30th District; Pappas, 42nd District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5301 to 71-5303, 71-5306, 71-5309, 71-5310, and 71-5313, Reissue Revised Statutes of Nebraska, 1943; to change provisions of the Nebraska Safe Drinking Water Act; to define a term; to prohibit the use of certain materials in public water systems

as prescribed; to provide exceptions; to authorize testing of water supplies; to provide powers and duties; to provide a fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 384. By Health and Human Services Committee: Wesely, 26th District, Chairperson; Beyer, 3rd District; Goodrich, 20th District; Lynch, 13th District; Morehead, 30th District; Pappas, 42nd District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to the Nebraska Regulation of Health Professions Act; to amend section 71-6230, Reissue Revised Statutes of Nebraska, 1943; to extend the termination date of such act; and to repeal the original section.

LEGISLATIVE BILL 385. By Health and Human Services Committee: Wesely, 26th District, Chairperson; Beyer, 3rd District; Goodrich, 20th District; Lynch, 13th District; Morehead, 30th District; Pappas, 42nd District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to public health and welfare; to provide for testing for metabolic diseases; to provide fees; to provide powers and duties for the Department of Health; to provide for a registry; to provide for enforcement; to provide a penalty; to eliminate provisions for screenings as prescribed; and to repeal sections 71-604.01, 71-604.03, and 71-604.04, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 386. By Health and Human Services Committee: Wesely, 26th District, Chairperson; Beyer, 3rd District; Goodrich, 20th District; Lynch, 13th District; Morehead, 30th District; Pappas, 42nd District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to the care of children; to amend sections 71-1901 to 71-1903, 71-1907, and 71-1912, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to eliminate provisions relating to child care centers; to authorize investigation of certain household members; to change a statutory reference; and to repeal the original sections.

LEGISLATIVE BILL 387. By Wesely, 26th District.

A BILL FOR AN ACT relating to health and wellness; to adopt the State Employee Wellness Act.

LEGISLATIVE BILL 388. By Wesely, 26th District.

A BILL FOR AN ACT relating to the hearing impaired; to amend sections 71-4720, 71-4721, 71-4724, 71-4725, and 71-4728, Reissue Revised Statutes of Nebraska, 1943; to change membership provisions for the Commission for the Hearing Impaired; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 389. By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1701 and 71-1702, Reissue Revised Statutes of Nebraska, 1943; to authorize certain political subdivisions and the Department of Health to provide nursing and home health care services as prescribed; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 390. By Wesely, 26th District.

A BILL FOR AN ACT relating to the Radiation Control Act; to amend sections 71-3501 to 71-3505, 71-3507 to 71-3511, and 71-3513 to 71-3519, Reissue Revised Statutes of Nebraska, 1943; to restate intent; to define and redefine terms; to change provisions relating to duties of the Director and Department of Health; to change fees; to provide for rules and regulations; to provide for licenses; to change registration provisions; to provide for copies and inspection of records; to provide for the transfer of title to certain property; to provide for the acquisition and disposal of real property; to provide fees; to change provisions relating to certain agreements; to provide for public hearings; to provide for an impact analysis of certain activities; to provide for enforcement; to eliminate an exemption; to harmonize provisions; and to repeal the original sections, and also section 71-3512, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 391. By Scofield, 49th District.

A BILL FOR AN ACT relating to disasters; to amend section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, and section 81-829.42, Revised Statutes Supplement, 1986; to create a fund; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 392. By Miller, 37th District; Coordsen, 32nd District; Schellpeper, 18th District; Baack, 47th District; Nelson, 35th

District; Rogers, 41st District; Haberman, 44th District; Chambers, 11th District; Smith, 33rd District; Wesely, 26th District; Moore, 24th District; Elmer, 38th District; Weihing, 48th District; Hefner, 19th District; Dierks, 40th District; Korshoj, 16th District; Lynch, 13th District; Remmers, 1st District; Scofield, 49th District.

A BILL FOR AN ACT relating to social services; to amend section 68-701, Reissue Revised Statutes of Nebraska, 1943; to require a branch office in counties as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 393. By Rogers, 41st District.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-404, Uniform Commercial Code; to provide for substitution of collateral as prescribed; and to repeal the original section.

LEGISLATIVE BILL 394. By Pirsch, 10th District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend sections 14-208, 14-217.01, and 14-217.02, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the filling of a vacancy in the office of mayor and council as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 395. By General Affairs Committee: Morehead, 30th District, Chairperson; Elmer, 38th District; Hartnett, 45th District; Higgins, 9th District; R. Johnson, 34th District; Smith, 33rd District; Weihing, 48th District.

A BILL FOR AN ACT relating to liquors; to amend section 53-102, Revised Statutes Supplement, 1986; to require supervision of the sale, service, and consumption of alcoholic liquors as prescribed; and to repeal the original section.

LEGISLATIVE BILL 396. By General Affairs Committee: Morehead, 30th District, Chairperson; Elmer, 38th District; Hartnett, 45th District; Miller, 37th District; Smith, 33rd District; Weihing, 48th District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-130 and 53-135, Reissue Revised Statutes of Nebraska, 1943, and sections 53-131 and 53-132, Revised Statutes Supplement, 1986; to require certain information on applications for

and renewals of liquor licenses as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 397. By Coordsen, 32nd District; Pappas, 42nd District; Higgins, 9th District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3,124, 44-1432, and 44-1434, Reissue Revised Statutes of Nebraska, 1943; to provide for enforcement for filing certain insurance reports as prescribed; to provide for rules and regulations; to provide a duty for the Department of Insurance; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 398. By Landis, 46th District; Remmers, 1st District; Lynch, 13th District; Haberman, 44th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to insurance; to amend sections 23-2413 and 81-8,231, Reissue Revised Statutes of Nebraska, 1943, and sections 48-128, 48-144.02, 48-144.04, 48-146, 48-146.02, 48-162.02, and 48-178.01, Revised Statutes Supplement, 1986; to adopt the Intergovernmental Risk Management Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 399. By Lynch, 13th District.

A BILL FOR AN ACT relating to insurance; to define a term; and to provide immunity for acts relating to reporting fraud.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. R. Johnson asked unanimous consent to have his name added as co-introducer to LB 344. No objections. So ordered.

Mrs. Labedz asked unanimous consent to have her name added as co-introducer to LBs 274, 275, 276, 277, and 278. No objections. So ordered.

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LB 344. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 12.

Introduced by Marsh, 29th District.

WHEREAS, the 1986 University of Nebraska-Lincoln volleyball team placed second in the NCAA Division I and were champions in the NCAA Mideast Division I, finishing in the NCAA Top Ten Teams for the fifth consecutive year and winning their eleventh consecutive Big Eight Championship; and

WHEREAS, Coach Terry Pettit was voted National Coach of the Year, Mideast Coach of the Year, and Big Eight Coach of the Year; and

WHEREAS, Seniors Tisha Delaney, Enid Schonewise, and Karen Dahlgren and their teammates and Coach Terry Pettit and his staff should be congratulated on their individual accomplishments and strong team effort.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Tisha Delaney, Enid Schonewise, Karen Dahlgren and their teammates on their outstanding accomplishments during this volleyball season.

2. That the Legislature commends Coach Terry Pettit and the University of Nebraska-Lincoln volleyball team for their hard work, dedication, and effort which they displayed all year.

3. That a copy of this resolution be sent to Coach Terry Pettit and the University of Nebraska-Lincoln volleyball team.

Laid over.

LEGISLATIVE RESOLUTION 13.

Introduced by Miller, 37th District.

WHEREAS, the Legislature recognizes the existence of numerous railroad crossings in our communities; and

WHEREAS, the crossings are utilized by our school children and other constituents on a daily basis; and

WHEREAS, there have been recent tragedies at railroad crossings that have directly involved school children.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature encourages school districts to provide railroad safety information each semester and to promote railroad safety throughout the school year.

2. That a copy of this resolution duly certified by the Secretary of State be sent to Mr. and Mrs. Russell Schroeder, Michael and Scott, of Davenport, Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 14.

Introduced by Schmit, 23rd District; Abboud, 12th District; Ashford, 6th District; Beyer, 3rd District; Chizek, 31st District; Conway, 17th District; Coordsen, 32nd District; Dierks, 40th District; Goodrich, 20th District; Hall, 7th District; Hannibal, 4th District; Harris, 27th District; Hefner, 19th District; Higgins, 9th District; L. Johnson, 15th District; R. Johnson, 34th District; Korshoj, 16th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Langford, 36th District; Lynch, 13th District; Marsh, 29th District; Miller, 37th District; Moore, 24th District; Nelson, 35th District; Pappas, 42nd District; Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rogers, 41st District; Rupp, 22nd District; Schellpeper, 18th District; Scofield, 49th District; Wehrbein, 2nd District; Weihing, 48th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, Ernie W. Swanson of Ceresco, Nebraska, former president and founder of Ernie's Home Furnishings Center, passed away on January 7, 1987; and

WHEREAS, Ernie Swanson started with a small grocery store in Ceresco in 1948, and expanded the business into one of the largest home furnishing centers in the midwest; and

WHEREAS, Ernie Swanson not only possessed a keen sense of business but also a genuine interest and concern for his customers, employees, and community; and

WHEREAS, while we mourn the passing of Ernie Swanson, we can take heart in the knowledge that his memory will live on through his many unselfish contributions to the University of Nebraska, the Village of Ceresco, and the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature extend deepest sympathy to the family of Ernie Swanson.

2. That Ernie Swanson's accomplishments and many years of service are worthy and deserving of recognition by this Legislature.

3. That a copy of this resolution be presented to the family of Ernie Swanson.

Laid over.

MOTION - Rerefer LB 104

Messrs. Dierks, Wesely, R. Johnson, and Rogers moved to rerefer LB 104 from the Agriculture Committee to the Health and Human Services Committee.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 400. By Schmit, 23rd District; Weihing, 48th District; Hefner, 19th District; Elmer, 38th District; Dierks, 40th District; Korshoj, 16th District; Coordsen, 32nd District; Langford, 36th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to the official language; to state intent; to provide that the English language is the official language of Nebraska; and to provide for enforcement.

LEGISLATIVE BILL 401. By Schmit, 23rd District; Hefner, 19th District; Dierks, 40th District; Korshoj, 16th District.

A BILL FOR AN ACT relating to fuel additives; to require testing of certain fuel additives as prescribed; and to provide a penalty.

LEGISLATIVE BILL 402. By Schmit, 23rd District; Wehrbein, 2nd District; Remmers, 1st District.

A BILL FOR AN ACT relating to health education; to amend section 79-1270, Revised Statutes Supplement, 1986; to provide criteria for drug education courses; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 403. By L. Johnson, 15th District; Hannibal, 4th District; Goodrich, 20th District; Ashford, 6th District; Hall, 7th District; Labedz, 5th 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 accounts as prescribed; and to repeal the original section.

ADJOURNMENT

At 11:45 a.m., on a motion by Mr. Ashford, the Legislature adjourned until 10:00 a.m., Wednesday, January 21, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - JANUARY 21, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 21, 1987

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Reverend Kenneth E. Franzen, Lutheran Pastor, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. V. Johnson, Rupp, and Mrs. Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventh Day was approved.

UNANIMOUS CONSENT - Print in Journal

President Nichol asked unanimous consent to print the following letter in the Journal. No objections. So ordered.

The White House
Washington

December 24, 1986

I am delighted to send greetings to all who have gathered for the Inauguration of Kay Orr as Governor of Nebraska. I would be remiss if I did not note the historic significance of this event. Kay Orr is the first Republican woman to be sworn in as governor of this or any state of our great nation.

In recent years, Americans have acquired a renewed appreciation of the importance of State and local governments. After decades of looking to Washington for resources and direction, our people have learned anew that government, closer to home, is less cumbersome and more responsive to their needs and aspirations. The people of Nebraska have always had a strong appreciation for our traditions of independence and self-governance, and the Inauguration you celebrate marks the determination of your State to move forward on these principles to achieve new heights of prosperity and opportunity for all of your citizens.

The people of Nebraska could not have selected a more capable individual for these challenging times than Kay Orr. Kay has shown herself to be a leader of vision and courage, who places the interests and well-being of the people of Nebraska, first and foremost.

Nancy joins me in sending our warm congratulations, and in wishing Kay and the State of Nebraska great success in the days ahead.

(Signed) Ronald Reagan

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 253	Wednesday, January 28, 1987	1:30 p.m.
LB 211	Wednesday, January 28, 1987	1:30 p.m.
LB 144	Wednesday, January 28, 1987	1:30 p.m.
LB 188	Thursday, January 29, 1987	1:30 p.m.
LB 189	Thursday, January 29, 1987	1:30 p.m.
LB 223	Thursday, January 29, 1987	1:30 p.m.
LB 175	Friday, January 30, 1987	1:30 p.m.
LB 231	Friday, January 30, 1987	1:30 p.m.
LB 251	Friday, January 30, 1987	1:30 p.m.

(Signed) Lee Rupp, Chairperson

Appropriations

LB 130	Wednesday, January 28, 1987	4:00 p.m.
LB 131	Wednesday, January 28, 1987	4:00 p.m.
LB 184	Wednesday, January 28, 1987	4:00 p.m.

(Signed) Jerome Warner, Chairperson

Revenue

LB 289	Wednesday, January 28, 1987	1:30 p.m.
LB 303	Wednesday, January 28, 1987	1:30 p.m.
LB 205	Wednesday, January 28, 1987	1:30 p.m.
LR 8CA	Wednesday, January 28, 1987	1:30 p.m.
LR 11CA	Wednesday, January 28, 1987	1:30 p.m.

(Signed) Vard R. Johnson, Chairperson

Natural Resources

LB 105	Wednesday, January 28, 1987	1:30 p.m.
LB 150	Wednesday, January 28, 1987	1:30 p.m.
LB 206	Wednesday, January 28, 1987	1:30 p.m.
LB 233	Wednesday, January 28, 1987	1:30 p.m.

(Signed) Loran Schmit, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 334 through 379 and 383 through 403.

LB	Committee
334	Government, Military and Veterans Affairs
335	Banking, Commerce and Insurance
336	Nebraska Retirement Systems
337	Banking, Commerce and Insurance
338	Education
339	Transportation
340	Banking, Commerce and Insurance
341	Business and Labor
342	Government, Military and Veterans Affairs
343	Revenue
344	Business and Labor

345 Natural Resources
346 General Affairs
347 Transportation
348 Education
349 Business and Labor
350 Health and Human Services
351 Urban Affairs
352 Government, Military and Veterans Affairs
353 Business and Labor
354 Government, Military and Veterans Affairs
355 Judiciary
356 Natural Resources
357 Government, Military and Veterans Affairs
358 Government, Military and Veterans Affairs
359 Education
360 Government, Military and Veterans Affairs
361 Government, Military and Veterans Affairs
362 Government, Military and Veterans Affairs
363 Judiciary
364 Health and Human Services
365 Natural Resources
366 Revenue
367 Education
368 Urban Affairs
369 Urban Affairs
370 Judiciary
371 Education
372 Health and Human Services
373 Banking, Commerce and Insurance
374 Government, Military and Veterans Affairs
375 Banking, Commerce and Insurance
376 Judiciary
377 Transportation
378 General Affairs
379 Natural Resources
383 Natural Resources
384 Health and Human Services
385 Health and Human Services
386 Health and Human Services
387 Health and Human Services
388 Government, Military and Veterans Affairs
389 Health and Human Services
390 Health and Human Services
391 Appropriations

392 Health and Human Services
393 Banking, Commerce and Insurance
394 Urban Affairs
395 General Affairs
396 General Affairs
397 Banking, Commerce and Insurance
398 Banking, Commerce and Insurance
399 Banking, Commerce and Insurance
400 Education
401 Natural Resources
402 Education
403 Banking, Commerce and Insurance

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Weihing asked unanimous consent to have his name added as co-introducer to LB 376. No objections. So ordered.

Mr. Ashford asked unanimous consent to have his name added as co-introducer to LB 352. No objections. So ordered.

Mr. Barrett asked unanimous consent to have his name added as co-introducer to LB 330. No objections. So ordered.

Mr. Barrett asked unanimous consent to have his name added as co-introducer to LB 399. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 12. Read. Considered.

Mrs. Morehead and Mr. Landis asked unanimous consent to have their names added as co-introducer to LR 12. No objections. So ordered.

LR 12 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 13. Read. Considered.

LR 13 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 14. Read. Considered.

Mr. Warner asked unanimous consent to have his name added as co-introducer to LR 14. No objections. So ordered.

LR 14 was adopted with 30 ayes, 0 nays, and 19 not voting.

MOTION - Withdraw LB 51

Mr. Haberman moved to withdraw LB 51 (Increase filing fees for registered lobbyists).

Laid over.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 77	Wednesday, January 28, 1987	1:30 p.m.
LB 228	Wednesday, January 28, 1987	1:30 p.m.
LB 225	Wednesday, January 28, 1987	1:30 p.m.
LB 243	Wednesday, January 28, 1987	1:30 p.m.
LB 47	Thursday, January 29, 1987	1:30 p.m.
LB 333	Thursday, January 29, 1987	1:30 p.m.
LB 43	Friday, January 30, 1987	1:30 p.m.
LB 123	Friday, January 30, 1987	1:30 p.m.
LB 222	Friday, January 30, 1987	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

SELECT FILE

LEGISLATIVE BILL 21. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 22. E & R amendment, AM5008, found in the Journal on page 186 for the Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 23. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 24. E & R amendment, AM5009, found in the Journal on page 186 for the Seventh Day was adopted.

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. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 28. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 29. E & R amendment, AM5010, found in the Journal on page 186 for the Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 30. E & R amendment, AM5007, found in the Journal on page 186 for the Seventh Day was adopted.

Mr. Warner offered the following amendment:
AM0010

1. On page 3, line 3, strike "board", show as stricken, and insert "technical community college system or its areas, campuses, or boards"; in line 4 after "79-2662" insert "and 85-917 to 85-967 and any other provision of law"; in line 8 strike "to insure compliance with", show as stricken, and insert an underscored semicolon; and strike beginning with "sections" in line 8 through line 10 and show the old matter as stricken.

The Warner amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 31. E & R amendments, AM5011, found in the Journal on page 187 for the Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 32. E & R amendments, AM5012, found in the Journal on page 187 for the Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 33. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 34. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 35. E & R amendment, AM5013, found in the Journal on page 189 for the Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 36. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 37. Advanced to E & R for Engrossment.

MOTION - Rerefer LB 104

Messrs. Dierks, Wesely, R. Johnson, and Rogers renewed their pending motion found in the Journal on page 213 to rerefer LB 104 from the Agriculture Committee to the Health and Human Services Committee.

The motion to rerefer prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 404. By Abboud, 12th District.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-669.07, 39-669.08, and 39-669.11, Revised Statutes Supplement, 1986; to change a provision relating to the performance of a chemical analyses as prescribed; to change provisions relating to implied consent as prescribed; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 405. By Scofield, 49th District.

A BILL FOR AN ACT relating to recreation liability; to amend sections 37-1003, 37-1005, and 37-1008, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the liability of persons who charge for entrance to land; and to repeal the original sections.

LEGISLATIVE BILL 406. By Scofield, 49th District.

A BILL FOR AN ACT relating to liability; to amend section 27-504, Reissue Revised Statutes of Nebraska, 1943; to define a term; to limit the liability of service providers as prescribed; to specify when a duty exists; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 407. By Scofield, 49th District.

A BILL FOR AN ACT relating to revenue; to amend sections 77-501, 77-506, 77-507.01, 77-508, 77-1358, 77-1362, 77-1364, 77-1368, 77-1503.01, and 77-1514, Reissue Revised Statutes of Nebraska, 1943; to change the method of computing valuation of agricultural and horticultural land as prescribed; to provide a limit on valuation of agricultural and horticultural land as prescribed; to provide for agricultural and horticultural land valuation boards; to define terms; to provide powers and duties; to provide appeal procedures; to abolish the Agricultural Land Valuation Advisory Board; to harmonize provisions; and to repeal the original sections, and also sections 77-1366 and 77-1367, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 408. By Harris, 27th District; Landis, 46th District; Warner, 25th District; Marsh, 29th District; McFarland, 28th District.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-1017, Reissue Revised Statutes of Nebraska, 1943, and sections 15-1001.01, 15-1007.02, 15-1007.05, and 15-1013.02, Revised Statutes Supplement, 1986; to change provisions relating to pensions; to change certain benefits as prescribed; to authorize creation of retirement committees; to provide powers and duties; to harmonize provisions; and to repeal the original sections, and also section 15-1016, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 409. By Harris, 27th District; Landis, 46th District; McFarland, 28th District.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-1004, Reissue Revised Statutes of Nebraska, 1943, and sections 15-1001, 15-1002, 15-1005 to 15-1007, 15-1007.02, 15-1013.01, and 15-1013.02, Revised Statutes Supplement, 1986; to change provisions relating to pensions; to change age requirements; to change benefit amounts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 410. By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5801, 71-5834, 71-5836, 71-5838, 71-5842, 71-5844, 71-5844.01, 71-5849, 71-5858, 71-5859, and 71-5867, Reissue Revised Statutes of Nebraska, 1943; 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 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 71-5866, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 411. By Baack, 47th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-345, Reissue Revised Statutes of Nebraska, 1943; to provide a registration fee for well-servicing equipment; to define a term; and to repeal the original section.

LEGISLATIVE BILL 412. By Baack, 47th District.

A BILL FOR AN ACT relating to public power districts; to amend section 70-625, Reissue Revised Statutes of Nebraska, 1943; to authorize the provision and sale of certain services and equipment as prescribed; and to repeal the original section.

LEGISLATIVE BILL 413. By Baack, 47th District.

A BILL FOR AN ACT relating to special education; to amend sections 43-604 and 43-648, Revised Statutes Supplement, 1986, as amended by sections 1 and 2, respectively, Legislative Bill 2, Eighty-ninth Legislature, Fourth Special Session, 1986; to redefine terms; to change reimbursement provisions; to repeal the original sections, and also section 3, Legislative Bill 2, Eighty-ninth Legislature, Fourth Special Session, 1986; and to declare an emergency.

LEGISLATIVE BILL 414. By Lamb, 43rd District; R. Johnson, 34th District; Rogers, 41st District; Dierks, 40th District.

A BILL FOR AN ACT relating to schools; to amend sections 77-27,119, 79-1330, 79-1335, 79-1336, and 79-1344, Reissue Revised Statutes of Nebraska, 1943; to provide a requirement for the proper filing of an income tax return; to provide duties for the Tax Commissioner; to change calculations for equalization aid as prescribed; to delete obsolete language; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 415. By Lamb, 43rd District.

A BILL FOR AN ACT relating to the Interlocal Cooperation Act; to amend sections 23-2201 to 23-2206, Reissue Revised Statutes of Nebraska, 1943; to state intent; to redefine terms; to authorize the creation of regional park authorities; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 416. By Withem, 14th District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3601 and 44-3611, Reissue Revised Statutes of Nebraska, 1943; to restate intent to include long-term care insurance policies; to provide requirements for such policies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 417. By Withem, 14th District.

A BILL FOR AN ACT relating to school districts; to amend section 79-408, Reissue Revised Statutes of Nebraska, 1943, and sections 79-420 and 79-1247.02, Revised Statutes Supplement, 1986; to change provisions relating to annexation; to require an annual report of certain waivers of dissolution; to require accreditation as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 418. By Withem, 14th District.

A BILL FOR AN ACT relating to medical assistance; to amend sections 28-705, 28-706, 68-150, 68-214, 68-716, 68-1026, and 68-1509, Reissue Revised Statutes of Nebraska, 1943; to define terms; to authorize reservation of income for a spouse; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 419. By Withem, 14th District.

A BILL FOR AN ACT relating to medical assistance; to amend sections 28-705, 28-706, 68-150, 68-214, 68-716, 68-1026, and 68-1509, Reissue Revised Statutes of Nebraska, 1943; to define terms; to authorize reservation of assets for a spouse; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 420. By Abboud, 12th District; Pappas, 42nd District; Ashford, 6th District; Hefner, 19th District; Elmer, 38th District; Weihing, 48th District; Hartnett, 45th District; Conway, 17th District; Baack, 47th District; Moore, 24th District; Langford, 36th District; Wehrbein, 2nd District; Hannibal, 4th District; Warner, 25th District; Peterson, 21st District.

A BILL FOR AN ACT relating to taxation; to adopt the Tax Delinquency Amnesty Act; and to repeal section 77-362.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 421. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1213, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to Nebraska-bred horses; to increase a limit on a fee; and to repeal the original section.

LEGISLATIVE BILL 422. By Lynch, 13th District; Conway, 17th District.

A BILL FOR AN ACT relating to zoning; to amend sections 14-418, 14-419, 15-905, 16-901, 18-1306, 23-114, and 23-373, Reissue Revised Statutes of Nebraska, 1943, and section 15-902, Revised Statutes Supplement, 1986; to limit the zoning jurisdiction of cities and villages as prescribed; to expand the zoning jurisdiction of counties as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 423. By Hefner, 19th District.

A BILL FOR AN ACT relating to interest rates; to amend section 45-104.01, Reissue Revised Statutes of Nebraska, 1943; to change the rate on certain delinquent taxes and special assessments; and to repeal the original section.

LEGISLATIVE BILL 424. By Hefner, 19th District.

A BILL FOR AN ACT relating to schools; to amend section 79-444, Revised Statutes Supplement, 1986; to change the dates for minimum age requirements for kindergarten and first grade; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 425. By Conway, 17th District.

A BILL FOR AN ACT relating to litigation; to amend sections 21-2056, 25-222, 25-1221.01, 25-1333, 35-107, and 44-2828, Reissue Revised Statutes of Nebraska, 1943, and section 25-213, Revised Statutes Supplement, 1986; to state intent; to define terms; to award costs for frivolous pleadings and suits as prescribed; to change provisions relating to the limitation of actions as prescribed; to change provisions relating to collateral source; to provide for the limitation of director liability; to limit the liability of persons providing volunteer services and assistance and accountants; to limit the awarding of damages as prescribed; to provide for several liability as prescribed; to eliminate certain provisions relating to pleadings; to eliminate a provision relating to collection of damages for bodily injury; to harmonize provisions; to provide severability; to repeal the original sections, and also sections 25-823, 25-824, 25-1336, and 44-2819, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 426. By Scofield, 49th District; Hefner, 19th District; Schellpeper, 18th District; L. Johnson, 15th District; Korshoj, 16th District; Peterson, 21st District; Weihing, 48th District.

A BILL FOR AN ACT relating to the Low-level Radioactive Waste Disposal Act; to amend sections 81-1578 to 81-1580, 81-1588, 81-1590, 81-1592, and 81-1599 to 81-15,107, Revised Statutes Supplement, 1986; to state intent; to provide for the invalidity of the act; to define and redefine terms; to provide powers and duties; to change provisions relating to licenses as prescribed; to require legislative approval for certain actions; to require certain hearings; to create a committee; to repeal the original sections; and to declare an emergency.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 427. By Scofield, 49th District; Hefner, 19th District; Schellpeper, 18th District; Weihing, 48th District; L. Johnson, 15th District; Korshoj, 16th District; Peterson, 21st District.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend section 81-1578, Revised Statutes Supplement, 1986; to provide for withdrawal from a compact as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 428. By Lynch, 13th District.

A BILL FOR AN ACT relating to motor vehicles; 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 429. By Lynch, 13th District.

A BILL FOR AN ACT relating to construction; to amend section 39-810, Reissue Revised Statutes of Nebraska, 1943, and section 81-855, Revised Statutes Supplement, 1986; to change a provision relating to the letting of certain county construction contracts; to change a provision relating to the supervision of construction by an architect or engineer as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 430. By Hall, 7th District.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-662, 39-666, and 39-669.26, Reissue Revised Statutes of Nebraska, 1943; to raise speed limits as prescribed; to change provisions relating to penalties for exceeding the speed limit on certain highways; to harmonize provisions; and to repeal the original sections, and also section 39-662.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 431. By Goodrich, 20th District.

A BILL FOR AN ACT relating to the Nebraska Educational Facilities Authority; to amend sections 79-2905 and 79-2907, Reissue Revised Statutes of Nebraska, 1943, and section 79-2901, Revised Statutes Supplement, 1986; to include short-term operating deficits in legislative findings and a definition; to redefine a term to include library books; and to repeal the original sections.

LEGISLATIVE BILL 432. By Warner, 25th District; L. Johnson, 15th District; Marsh, 29th District; Moore, 24th District; Wehrbein, 2nd District; Scofield, 49th District; Langford, 36th District; Abboud, 12th District; Hannibal, 4th District.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1986, LB 1251, section 87; to state intent; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 433. By Labedz, 5th District.

A BILL FOR AN ACT relating to employment security; to amend sections 48-601, 48-624, 48-627, and 48-669, Revised Statutes Supplement, 1986; to change provisions relating to weekly benefit amounts; to change benefit eligibility requirements; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 434. By Rogers, 41st District; Lamb, 43rd District.

A BILL FOR AN ACT relating to schools; to amend section 79-1335, Reissue Revised Statutes of Nebraska, 1943; to decrease the property tax levy required for eligibility for equalization aid; and to repeal the original section.

LEGISLATIVE BILL 435. By Rogers, 41st District.

A BILL FOR AN ACT relating to schools; to amend section 79-4,154, Revised Statutes Supplement, 1986; to provide for the refinancing of certain agreements without elections; and to repeal the original section.

LEGISLATIVE BILL 436. By Government, Military and Veterans Affairs Committee: Rupp, 22nd District, Chairperson; Baack, 47th District; Coordsen, 32nd District; Dierks, 40th District; Remmers, 1st District.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend section 85-505.01, Revised Statutes Supplement, 1986; to change provisions relating to the tuition assistance program; and to repeal the original section.

LEGISLATIVE BILL 437. By Langford, 36th District.

A BILL FOR AN ACT relating to interest; to amend section 45-104.01, Reissue Revised Statutes of Nebraska, 1943; to change the rate of interest on delinquent taxes and assessments as prescribed; and to declare an emergency.

LEGISLATIVE BILL 438. By Chizek, 31st District; Korshoj, 16th District.

A BILL FOR AN ACT relating to sheriffs; to amend sections 33-117, 57-916, 81-8,285, 84-805, and 84-806, Reissue Revised Statutes of Nebraska, 1943; to change sheriffs' fees as prescribed; to permit an employee of the sheriff's department to serve certain writs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 439. By Chizek, 31st District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to the military; to amend section 55-161, Reissue Revised Statutes of Nebraska, 1943; to provide employment benefits for private sector officers and employees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 440. By L. Johnson, 15th District; Weihing, 48th District; Conway, 17th District; Moore, 24th District; Hartnett, 45th District; Remmers, 1st District; Peterson, 21st District; Rupp, 22nd District; Morehead, 30th District.

A BILL FOR AN ACT relating to public funds; to amend sections 16-715, 17-720, 77-2328, and 77-2329, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to depositories of public funds; to require security as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 441. By L. Johnson, 15th District; Weihing, 48th District; Hartnett, 45th District; Remmers, 1st District; Peterson, 21st District; Morehead, 30th District; Rupp, 22nd District.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-702, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the maximum amount of tax which may be levied; and to repeal the original section.

LEGISLATIVE BILL 442. By Peterson, 21st District; Scofield, 49th District; Barrett, 39th District; Hefner, 19th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to emergency medical services; to amend section 71-5102, Reissue Revised Statutes of Nebraska, 1943; to define certified ambulance attendant; and to repeal the original section.

LEGISLATIVE BILL 443. By Withem, 14th District.

A BILL FOR AN ACT relating to schools; to amend section 79-426.05, Reissue Revised Statutes of Nebraska, 1943; to change the membership provisions relating to county reorganization committees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 444. By Withem, 14th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-426.15 and 79-426.16, Reissue Revised Statutes of Nebraska, 1943, and sections 79-402 and 79-402.06, Revised Statutes Supplement, 1986; to provide approval requirements for creation and change of boundaries of school districts; to harmonize provisions; to change provisions relating to the special election for the plan of school reorganization; and to repeal the original sections.

LEGISLATIVE BILL 445. By Schmit, 23rd District.

A BILL FOR AN ACT relating to chemigation; to amend section 46-1128, Revised Statutes Supplement, 1986; to eliminate a power relating to certain training sessions; and to repeal the original section.

LEGISLATIVE BILL 446. By Labedz, 5th District.

A BILL FOR AN ACT relating to employment security; to amend sections 48-624 and 48-669, Revised Statutes Supplement, 1986; to change the weekly benefit amount; to provide for the computation of certain weekly benefit amounts; and to repeal the original sections.

LEGISLATIVE BILL 447. By Pappas, 42nd District; Wesely, 26th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,144, Revised Statutes Supplement, 1986; to change an

administrative fee; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 448. By Schmit, 23rd District.

A BILL FOR AN ACT relating to taxation; to amend section 77-2715, Reissue Revised Statutes of Nebraska, 1943; to impose a surcharge on income from certain investments as prescribed; to define a term; and to repeal the original section.

LEGISLATIVE BILL 449. By Appropriations Committee: Warner, 25th District, Chairperson; Abboud, 12th District; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Marsh, 29th District; Moore, 24th District; Scofield, 49th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to appropriations; to make deficiency appropriations; to authorize certain expenditures; to make certain appropriations; and to declare an emergency.

LEGISLATIVE BILL 450. By Scofield, 49th District; Dierks, 40th District.

A BILL FOR AN ACT relating to brands and marks; to amend sections 54-101, 54-104.01, 54-105, 54-112, 54-132, 54-143, 54-147, 54-162, and 54-1183 to 54-1185, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change reinstatement and transfer provisions for expired brands; to provide charges and procedures for copies of certain documents; to change provisions relating to a fund; to change provisions relating to certain brands; to provide for a permit and fees; to provide for inspections and reinspections in certain cases; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 451. By Wesely, 26th District; McFarland, 28th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-915, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1986; to define terms; to change provisions relating to perjury; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 452. By Wesely, 26th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-915, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to perjury; and to repeal the original section.

LEGISLATIVE BILL 453. By Banking, Commerce and Insurance Committee: Remmers, 1st District, Chairperson; Conway, 17th District; Harris, 27th District; Lynch, 13th District; Pappas, 42nd District; Schmit, 23rd District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-140, Revised Statutes Supplement, 1986; to change provisions governing certain loans; to define a term; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 454. By Banking, Commerce and Insurance Committee: Remmers, 1st District, Chairperson; Conway, 17th District; Haberman, 44th District; Harris, 27th District; Lynch, 13th District; Pappas, 42nd District; Schmit, 23rd District.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-101, 8-902, 8-1201, and 8-1202, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to provide a restriction on bank holding companies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 455. By Smith, 33rd District.

A BILL FOR AN ACT relating to technical community colleges; to amend section 79-2650.07, Revised Statutes Supplement, 1986; to change a provision relating to a tax levy for capital construction as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 456. By Smith, 33rd District.

A BILL FOR AN ACT relating to the Department on Aging Advisory Committee; to amend sections 68-1101 and 68-1103, Reissue Revised Statutes of Nebraska, 1943; to provide for additional members as prescribed; to provide for additional districts; to change the number of yearly meetings; and to repeal the original sections, and also section 68-1102, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 457. By Schmit, 23rd District; Hefner, 19th District.

A BILL FOR AN ACT relating to highways; to amend sections 39-2201, 39-2203, and 39-2222 to 39-2224, Reissue Revised Statutes of Nebraska, 1943; to provide for the issuance of additional bonds; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 458. By Schmit, 23rd District.

A BILL FOR AN ACT relating to agriculture; to amend sections 66-1301, 66-1303, 66-1305 to 66-1307, 66-1309, 66-1313, 66-1315 to 66-1317, 66-1319 to 66-1323, and 66-1325, Reissue Revised Statutes of Nebraska, 1943, and sections 2-4724 and 58-239.01, Revised Statutes Supplement, 1986; to provide powers and duties for the Agricultural Revitalization Authority; to eliminate the Ethanol Authority and Development Board; to harmonize provisions; to transfer books, property, and records; to provide an operative date; to provide for severability; to repeal the original sections, and also section 66-1304, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 459. By Health and Human Services Committee: Wesely, 26th District, Chairperson; Beyer, 3rd District; Goodrich, 20th District; Lynch, 13th District; Morehead, 30th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to health care; to amend sections 71-2017, 71-2017.01, 71-2017.03, 71-2020, and 71-2024, Reissue Revised Statutes of Nebraska, 1943, and section 81-502, Revised Statutes Supplement, 1986; to change and eliminate provisions relating to waiver of certain rules, regulations, and standards; to provide for intermediate care facilities instead of three categories; to change provisions relating to the Director of Nursing Services; to harmonize provisions; and to repeal the original sections, and also sections 71-2024.01 and 71-2024.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 460. By Rogers, 41st District.

A BILL FOR AN ACT relating to ambulance attendants; to amend sections 71-5102, 71-5109, 71-5111, 71-5113, 71-5115, and 71-5116, Reissue Revised Statutes of Nebraska, 1943; to define a term; to

change certification requirements; to limit the liability of emergency medical technicians-ambulance; to provide for denial, nonrenewal, suspension, and revocation of certificates; to change how certain members of the Board of Ambulance Advisors are appointed; and to repeal the original sections.

LEGISLATIVE BILL 461. By Business and Labor Committee: Hall, 7th District, Chairperson; Coordsen, 32nd District; Hefner, 19th District; Labedz, 5th District; Landis, 46th District.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-625, Revised Statutes Supplement, 1986; to provide for the adjustment of federally funded extended benefits; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 462. By Business and Labor Committee: Hall, 7th District, Chairperson; Coordsen, 32nd District; Hefner, 19th District; Labedz, 5th District; Landis, 46th District.

A BILL FOR AN ACT relating to boiler inspection; to amend sections 48-701 to 48-710, 48-712 to 48-714, and 48-714.02 to 48-718, Reissue Revised Statues of Nebraska, 1943; to adopt the Boiler Inspection Act; and to repeal the original sections, and also section 48-714.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 463. By Wesely, 26th District; Smith, 33rd District; Marsh, 29th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-710 to 28-713, 28-715, 28-726, 71-2052, and 71-6039, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1986; to adopt the Adult Protective Service Act; to provide a penalty; to eliminate a penalty; to harmonize provisions; to repeal the original sections, and also section 28-708, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 464. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to bingo; to amend section 9-239, Revised Statutes Supplement, 1986; to change the rate of taxation as prescribed; to eliminate a tax imposed by municipalities; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 465. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to revenue and taxation; to prohibit the county board of equalization from changing a property valuation as prescribed; to eliminate certain provisions relating to changing property valuations by the county board of equalization; and to repeal sections 77-1503.01, 77-1506.02, and 77-1506.03, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 466. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to medical assistance; to amend sections 68-104, 68-126, and 77-1601, Reissue Revised Statutes of Nebraska, 1943; to authorize the county board to contract for medical services as prescribed; to require the county to be responsible for payment of medical services provided to the poor; to provide for state contribution to the county for payment of medical services to the poor; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 467. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1208.01 and 2-1208.04, Revised Statutes Supplement, 1986; to change the tax on parimutuel wagering as prescribed; to provide a credit for capital improvements and maintenance; to change a provision relating to contributions to the Track Distribution Fund; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 468. By Wesely, 26th District.

A BILL FOR AN ACT relating to liquors; to amend section 53-103, Revised Statutes Supplement, 1986; to define a term; and to repeal the original section.

LEGISLATIVE BILL 469. By Business and Labor Committee: Hall, 7th District, Chairperson; Korshoj, 16th District; Labedz, 5th District; Landis, 46th District.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-627, Revised Statutes Supplement, 1986; to change provisions relating to eligibility for unemployment benefits; and to repeal the original section.

LEGISLATIVE BILL 470. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Reissue Revised Statutes of Nebraska, 1943; to change the distribution of certain tax proceeds as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 471. By Hall, 7th District; Hartnett, 45th District; V. Johnson, 8th District; Labedz, 5th District; Higgins, 9th District; Lynch, 13th District.

A BILL FOR AN ACT relating to the metropolitan transit authority; to amend sections 14-1805 and 14-1821, Revised Statutes Supplement, 1986; to change tax levy provisions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 472. By Health and Human Services Committee: Wesely, 26th District, Chairperson; Beyer, 3rd District; Lynch, 13th District; Morehead, 30th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to care of children; to amend sections 71-1910 and 71-1915, Reissue Revised Statutes of Nebraska, 1943; to provide for information concerning immunization; to provide for reports and audits of such reports; to provide powers and duties for the Department of Social Services and the Department of Health; to provide for rules and regulations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 473. By Health and Human Services Committee: Wesely, 26th District, Chairperson; Beyer, 3rd District; Lynch, 13th District; Morehead, 30th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 44-2848, 71-101, 71-108, 71-111, 71-112.03, 71-113, 71-114, 71-115.01, 71-116, 71-118, 71-125, 71-138, 71-147, 71-149, 71-162, 71-195, 71-198, 71-1,107.23, 71-1,132.07, 71-1,132.14, 71-1,136,03, 71-1,147.09, 71-1,158, 71-1,175, 71-1,178, 71-1,183, 71-1,195.02, 71-1327, 71-1329, 71-1330, 71-1333, 71-2610, 71-2701, 71-2703, 71-2715, 71-2815, 71-2819, 71-3705, 71-3706, 71-4701, 71-4706 to 71-4708, 71-5504, 71-5519, 71-6104, 71-6108, 71-6112, and 71-6115, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the appointment and removal of board

members; to redefine a term; to change provisions relating to records; to provide for rules and regulations; to change examination provisions; to change disciplinary action provisions; to provide for and change fees; to change provisions relating to supervisors; to provide for standards for pharmacists; to prohibit certain acts by animal technicians; to change provisions relating to funeral establishments and funeral directors; to change provisions relating to expenses and compensation; to change provisions relating to occupational therapists; to eliminate a provision relating to the appointment of investigators; to eliminate a requirement for examiners; to change internal references; to harmonize provisions; and to repeal the original sections, and also sections 71-112.04 to 71-112.06, 71-115, 71-115.02 to 71-115.04, 71-124.01, 71-1,156, 71-1,159, and 71-1,166, Reissue Revised Statutes of Nebraska, 1943.

RESOLUTION

LEGISLATIVE RESOLUTION 15CA.

Introduced by V. Johnson, 8th 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 NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 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:

CIII-24 "The Legislature shall not authorize any game of chance, nor any lottery, or gift enterprise ~~where~~ when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket, or requires an expenditure of substantial effort or time, except ~~:~~ ~~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, wherever run, either within or without the state, by the

parimutuel or certificate method, when such wagering is conducted ~~by licensees~~ within ~~the~~ a licensed race track enclosure ~~at~~ or at other licensed locations outside such race track enclosure by a licensee who also conducts 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, except that ~~;~~ ~~PROVIDED,~~ bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by 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 wagering by the parimutuel or certificate method on horse races run either within or without the state if such wagering is conducted at a licensed race track or at other licensed locations.

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 474. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to labor; to amend section 48-1203, Reissue Revised Statutes of Nebraska, 1943; to increase the minimum wage rate; to eliminate a provision authorizing reduction of the minimum wage; and to repeal the original section, and also section 48-1204, Reissue Revised Statutes of Nebraska, 1943.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Baack asked unanimous consent to have his name added as co-introducer to LB 435. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 112	Wednesday, January 28, 1987	1:30 p.m.
LB 227	Wednesday, January 28, 1987	1:30 p.m.
LB 264	Wednesday, January 28, 1987	1:30 p.m.
LB 384	Wednesday, January 28, 1987	1:30 p.m.
LB 392	Wednesday, January 28, 1987	1:30 p.m.
LB 134	Thursday, January 29, 1987	1:30 p.m.
LB 255	Thursday, January 29, 1987	1:30 p.m.
LB 239	Thursday, January 29, 1987	1:30 p.m.
LB 386	Thursday, January 29, 1987	1:30 p.m.
LB 387	Thursday, January 29, 1987	1:30 p.m.
LB 91	Friday, January 30, 1987	1:30 p.m.
LB 385	Friday, January 30, 1987	1:30 p.m.

(Signed) Don Wesely, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 475. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to power of attorneys and other forms; to adopt the Nebraska Short Form Act; to define terms; and to provide for certain standard forms and expressions.

LEGISLATIVE BILL 476. By Moore, 24th District.

A BILL FOR AN ACT relating to peace officers; to prohibit a quota on citations and other memorandums as prescribed.

MOTION - Withdraw LB 204

Mr. Beyer moved to withdraw LB 204.

Laid over.

VISITORS

Visitors to the Chamber were Edwin and Vera Prauner of Fremont; and Jim and Matt Weyer of Barneston.

ADJOURNMENT

At 11:50 a.m., on a motion by Mr. Elmer, the Legislature adjourned until 10:00 a.m., Thursday, January 22, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY - JANUARY 22, 1987

LEGISLATIVE JOURNAL

NINTH DAY - JANUARY 22, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 22, 1987

Pursuant to adjournment, the Legislature met at 10:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Senator L. Johnson.

ROLL CALL

The roll was called and all members were present except Messrs. Haberman and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 87008

DATE: January 16, 1987

SUBJECT: Constitutionality of proposed legislation which would prohibit a court from sentencing a defendant convicted of a felony to serve a term of probation or imprisonment in a municipal or county owned intermediate care facility or a state owned Veteran's Home.

REQUESTED BY: Senator Marge Higgins

WRITTEN BY: Lynne R. Fritz, Assistant Attorney General

You have requested the opinion of this office regarding the constitutionality of certain proposed legislation which provides as follows:

> An individual convicted of a felony, under §§28-101 to 28-1348 of the Nebraska Criminal Code, shall not be ordered to serve a sentence of probation or imprisonment, under any circumstances, in a municipal or county owned intermediate care facility, or a state owned Veterans' Home operated by the Department of Public Institutions.

Pursuant to Neb.Rev.Stat. §28-105 (Reissue 1985), sentences to imprisonment upon conviction of a felony are served in institutions under the jurisdiction of the Department of Correctional Services unless the sentence is less than one year in which case the term of imprisonment may under some circumstances be served in the county jail. Pursuant to Neb.Rev.Stat. §83-1380 (Reissue 1981), and consistent with Eighth Amendment guarantees, the Department of Correctional Services may transfer a prisoner to health care facilities when medically necessary, however the proposed legislation which solely addresses sentencing orders would not, in our opinion, modify this grant of authority. Thus, the proposed legislation would appear to have no effect on sentences to imprisonment currently imposed for adult felony convictions.

However, Neb.Rev.Stat. §29-2260 (Cum.Supp. 1986) authorizes a court to withhold a sentence of imprisonment under specified circumstances and impose instead a sentence to probation. Further, Neb.Rev.Stat. §29-2262 (Cum.Supp. 1986) enumerates conditions which the court may in its discretion attach to the grant of probation to try to insure that the offender will lead a law abiding life. One such condition which may be imposed is a requirement that the offender" . . .undergo medical or psychiatric treatment and to enter and remain in a specified institution for such purpose." Neb.Rev.Stat. §29-2262(e) (Cum.Supp. 1986). The above quoted proposed legislation would withdraw the named institutions as possible location for court ordered treatment as a condition of a felony probationary period.

It is well established in this jurisdiction that the legislature is clothed with the power of defining crimes and fixing their punishment; and its discretion in this respect, exercised within constitutional limits, is not subject to review by the courts. State v. Stratton, 220 Neb. 854, 374 N.W.2d 31 (1985); State ex rel Nelson v. Smith, 114 Neb. 653, 209 N.W. 328 (1926). The nature and scope

of penal sanctions, including conditions of probation, are for determination by the Legislature; a court has no power to impose a condition of probation which is not authorized by statute. State v. Nuss, 190 Neb. 755, 212 N.W.2d 565 (1973).

Because of the broad legislative authority to determine the penalties which attach upon conviction of a felony, we perceive no constitutional impediment to the proposed legislation on its face. We do, however, have reservations about the proposed legislation as applied in a hypothetical situation involving an indigent defendant who may be an appropriate candidate for probation but for the potential unavailability of an adequate treatment facility. While our court has recognized that no defendant is entitled to probation as a matter of law, there is a long line of cases which prohibit discriminatory treatment based solely on a defendant's indigency as violative of the equal protection clause. Griffin v. Illinois, 351 U.S. 12 (1955); State v. Goodpasture, 215 Neb. 341, 347, 338 N.W.2d 446 (1983).

In summary, it is our opinion that the legislature may generally limit the institutions to which a court may order a felon for treatment as a condition of probation, unless as applied in a particular factual situation said limitation operates to discriminate on the basis of indigency.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Lynne R. Fritz
Assistant Attorney General

LRF/kb

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 100	Thursday, January 29, 1987	1:30 p.m.
LB 140	Thursday, January 29, 1987	1:30 p.m.
LB 148	Thursday, January 29, 1987	1:30 p.m.
LB 345	Friday, January 30, 1987	1:30 p.m.
LB 356	Friday, January 30, 1987	1:30 p.m.
LB 365	Friday, January 30, 1987	1:30 p.m.
LB 379	Friday, January 30, 1987	1:30 p.m.
LB 383	Friday, January 30, 1987	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Education

LB 329	Monday, February 2, 1987	1:30 p.m.
LB 285	Tuesday, February 3, 1987	1:30 p.m.
LB 212	Tuesday, February 3, 1987	1:30 p.m.
LB 371	Tuesday, February 3, 1987	1:30 p.m.

(Signed) Ron Withem, Chairperson

ANNOUNCEMENT

Speaker Barrett announced that a meeting of the committee chairpersons will be held on Friday, January 23, 1987 at 8:30 a.m. in Room 2102.

MESSAGES FROM THE GOVERNOR

January 16, 1987

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 requiring legislative confirmation:

> John Michael Jess, Director of the Department of Water Resources, 1803 Saybrook Lane, Lincoln, Nebraska 68512, 423-6502. Term: January 8, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

January 16, 1987

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 requiring legislative confirmation:

Dr. Gregg F. Wright, Director, State Department of Health, 2820 Jackson Drive, Lincoln, Nebraska 68502, 423-7914. Term: January 8, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

January 20, 1987

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 requiring legislative confirmation:

Wallace M. Barnett, Jr., Nebraska State Fire Marshal, 2836 No. 36th Street, Lincoln, Nebraska 68504, 466-9066. Term: January 8, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

January 20, 1987

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 requiring legislative confirmation:

Betsy Palmer, Director of the Department of Aging, 7440 Briarhurst Circle, Lincoln, Nebraska 68506, 483-5072. Term: January 8, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

January 20, 1987

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 requiring legislative confirmation:

Steve Torrence, Director of the Nebraska Department of Personnel, 2526 Worthington Avenue, Lincoln, Nebraska 68502, 476-0846. Term: January 8, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

January 20, 1987

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 requiring legislative confirmation:

Wilbert H. "Wag" Wagner, Director of the Department of Veterans' Affairs, 1301 Lincoln Mall, Lincoln, Nebraska 68508 474-5586. Term: January 8, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

January 21, 1987

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 requiring legislative confirmation:

Cynthia H. Milligan, Director of the Department of Banking and Finance, 1201 Lincoln Mall, Suite 102, Lincoln, Nebraska

68508, 475-5100. Term: February 2, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 40. Placed on General File as amended.
Standing Committee amendment to LB 40:
AM0009

1. Insert the following new section:

"Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) R. W. Remmers, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 12, LR 13, and LR 14.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 404 through 424, 426 through 476, legislative resolution 15, and the rereferral of legislative bills 139 and 302.

LB	Committee
139	Revenue
302	Revenue
404	Transportation
405	Judiciary
406	Judiciary
407	Revenue
408	Nebraska Retirement Systems
409	Nebraska Retirement Systems

410 Health and Human Services
411 Transportation
412 Natural Resources
413 Education
414 Revenue
415 Government, Military and Veterans Affairs
416 Banking, Commerce and Insurance
417 Education
418 Health and Human Services
419 Health and Human Services
420 Revenue
421 General Affairs
422 Urban Affairs
423 Revenue
424 Education
426 Natural Resources
427 Natural Resources
428 Transportation
429 Transportation
430 Transportation
431 Education
432 Appropriations
433 Business and Labor
434 Revenue
435 Education
436 Government, Military and Veterans Affairs
437 Revenue
438 Government, Military and Veterans Affairs
439 Government, Military and Veterans Affairs
440 Banking, Commerce and Insurance
441 Revenue
442 Health and Human Services
443 Education
444 Education
445 Natural Resources
446 Business and Labor
447 Revenue
448 Revenue
449 Appropriations
450 Agriculture
451 Judiciary
452 Judiciary
453 Banking, Commerce and Insurance
454 Banking, Commerce and Insurance

455	Education
456	Government, Military and Veterans Affairs
457	Revenue
458	Agriculture
459	Health and Human Services
460	Health and Human Services
461	Business and Labor
462	Business and Labor
463	Judiciary
464	Revenue
465	Revenue
466	Health and Human Services
467	Revenue
468	General Affairs
469	Business and Labor
470	Revenue
471	Revenue
472	Health and Human Services
473	Health and Human Services
474	Business and Labor
475	Judiciary
476	Government, Military and Veterans Affairs

LR	**Committee**
15	General Affairs

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 430. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 344. No objections. So ordered.

Mr. Lynch asked unanimous consent to have his name added as co-introducer to LB 418. No objections. So ordered.

Mr. Lynch asked unanimous consent to have his name added as co-introducer to LB 419. No objections. So ordered.

Mr. Moore asked unanimous consent to have his name added as co-introducer to LB 457. No objections. So ordered.

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LB 425. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. McFarland asked unanimous consent to print the following amendment to LB 157 in the Journal. No objections. So ordered.

AM0008

1. Strike the original section and insert the following new sections.

"Section 1. There is hereby created a University Employee Tuition Remission Fund. All money accruing to the fund is hereby appropriated to the Board of Regents of the University of Nebraska and shall be used exclusively to fund a program of tuition remission for dependent children of full-time employees of the university, and the Board of Regents shall make expenditures from the fund for such purpose. 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. The Board of Regents of the University of Nebraska shall establish a program of tuition remission for dependent children of full-time university employees. The program shall (1) be available to each dependent child of any full-time member of the professional staff of the University of Nebraska, as defined by the bylaws of the Board of Regents, who has been so employed for at least five consecutive years and (2) provide to each eligible child remission of tuition for not more than one hundred twenty credit hours at any campus or program of the university.

Sec. 3. The Board of Regents may adopt and promulgate rules and regulations to carry out the program prescribed in sections 1 and 2 of this act.".

Mr. McFarland asked unanimous consent to print the following amendment to LB 158 in the Journal. No objections. So ordered.

Strike the original sections and insert the following:

Section 1. As used in this act, unless the context otherwise requires:

(1) Academy shall mean the Unicameral Scholars Academy;

(2) Advisory board shall mean the advisory board for the Unicameral Scholars Academy;

(3) Commissioner shall mean the Commissioner of Education; and

(4) Department shall mean the State Department of Education

Sec. 2. The Unicameral Scholars Academy is hereby established for the purpose of administering and operating a public, residential, coeducational school to be held in the summer for high school students in this state who are gifted children as described in section 79-339.

Sec. 3. (1) The department shall operate the academy in accordance with the guidelines established by the advisory board and in consideration of the recommendations made by the advisory board under section 5 of this act.

(2) The department shall have the power to:

(a) Employ personnel necessary to operate the academy;

(b) Select the students who will attend the academy;

(c) Hire the faculty for the academy;

(d) Enter into contracts with institutions of higher education or other similar entities for establishing the location or locations of the academy;

(e) Determine the courses that are to be offered at the academy site; and

(f) Take any other action necessary to operate the academy under this act.

Sec. 4. (1) An advisory board to the academy is hereby created. The advisory board shall consist of (a) the commissioner, the director of gifted education of the department, the chairperson of the Nebraska Coordinating Commission for Postsecondary Education; and the chairperson of the Education Committee of the

Legislature, all of whom shall be ex officio members, (b) two classroom teachers, one public school administrator, two parents of students of a public high school, and two former students of the academy or, in the case of the initial appointments, two students of a public or private high school, all of whom shall be appointed by the commissioner, and (c) two representatives of public postsecondary institutions in the state, one representative of a private postsecondary institution in the state, and two representatives of business or industry in the state, all of whom shall be appointed by the Governor.

(2) Of the members initially appointed, three appointees of the commissioners other than the student members shall be designated to serve two-year terms, two appointees of the Governor shall be designated to serve two-year terms, and the two students shall serve two year-terms and all other appointees shall serve four-year terms. At the expiration of the term of an initial member, the successor shall be appointed for a term ending July 1 of the fourth year following appointment. Vacancies shall be filled for the unexpired term of the member creating the vacancy.

(3) The commissioner shall designate one member to serve as chairperson of the advisory board.

(4) The appointed members of the board shall be reimbursed for actual and necessary expenses as provided in section 84-306.01 to 84.306.05 for state employees.

Sec. 5. (1) The advisory board shall establish guidelines for the department concerning:

(a) The criteria for admission to the academy; which shall include, but not be limited to, consideration of the student's intellectual abilities and potential and his or her personal characteristics;

(b) The selection of students based upon a county's student population with the goal of gathering a diverse student body representing as many high schools in the state as possible. The selection process shall include a process for peer and self-nomination for students wishing to apply for selection to the academy; and

(c) The procedures for evaluating the academy.

(2) The advisory board may make

recommendations to the department concerning the following:

(a) The curriculum to be offered at the academy;

(b) The location or locations for the operation of the academy;

(c) The length of time during the summer that the academy is to be operational; and

(d) Any other matter that the advisory board determines to be pertinent to the operation of the academy.

Sec. 6. The academy shall provide free tuition, room, and board to students accepted to attend the program. The academy shall admit at least two hundred students each year who are rising seniors who attend a public or private school in the state. For purposes of this section, rising senior shall mean graduated juniors.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 477. By Withem, 14th District.

A BILL FOR AN ACT relating to the register of deeds; to provide a requirement for instruments recorded with the register of deeds; to provide powers and fees; and to provide an operative date.

LEGISLATIVE BILL 478. By Withem, 14th District.

A BILL FOR AN ACT relating to grand juries; to amend section 29-1401.01, Reissue Revised Statutes of Nebraska, 1943; to require printed names on grand jury petitions; and to repeal the original section.

LEGISLATIVE BILL 479. By Withem, 14th District; Barrett, 39th District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1474.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certain political material as prescribed; and to repeal the original section.

LEGISLATIVE BILL 480. By Withem, 14th District; Barrett, 39th District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1413, 49-1445, 49-1454, 49-1462, 49-1463, and 49-1479, Reissue Revised Statutes of Nebraska, 1943, and section 49-1401, Revised Statutes Supplement, 1986; to define and redefine a term; to provide for certain duties of intermediaries or agents of earmarked contributions as prescribed; to provide a penalty; to change provisions relating to campaign statements as prescribed; to change late filing fees as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 481. By Withem, 14th District.

A BILL FOR AN ACT relating to standard codes; to amend section 18-132, Revised Statutes Supplement, 1986; to provide penalties for violations of standard code licensing provisions; and to repeal the original section.

LEGISLATIVE BILL 482. By Withem, 14th District.

A BILL FOR AN ACT relating to teachers; to amend section 79-1247.05, Revised Statutes Supplement, 1986; to adopt the Career Teacher Incentive Act; to change provisions relating to teacher certification; and to repeal the original section.

LEGISLATIVE BILL 483. By Wehrbein, 2nd District.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-922, Revised Statutes Supplement, 1986; to change the required number of codes filed for public use as prescribed; and to repeal the original section.

LEGISLATIVE BILL 484. By Langford, 36th District.

A BILL FOR AN ACT relating to courts; to amend section 24-503, Revised Statutes Supplement, 1986; to change the composition of the county judge districts; and to repeal the original section.

LEGISLATIVE BILL 485. By Schellpeper, 18th District.

A BILL FOR AN ACT relating to the Commission on Rural Health Manpower; to amend sections 71-5602, 71-5603, 71-5607, 71-5608, 71-5612, and 71-5629, Reissue Revised Statutes of Nebraska, 1943; to change membership provisions for the commission; to eliminate the Nebraska Health Manpower Referral Service; to change provisions for meetings; to provide for the administration of certain projects; to provide for rules and regulations; to provide for fees; to extend a termination date; to change financial assistance limitations for medical students as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 486. By Schellpeper, 18th District.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1208.01, Revised Statutes Supplement, 1986; to change the parimutuel tax; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 487. By Coordsen, 32nd District.

A BILL FOR AN ACT relating to rules of administrative agencies; to amend section 84-907, Revised Statutes Supplement, 1986; to change notice requirements for rule adoption, amendment, or repeal; and to repeal the original section.

LEGISLATIVE BILL 488. By L. Johnson, 15th District; Hannibal, 4th District; Goodrich, 20th District; Labedz, 5th District.

A BILL FOR AN ACT relating to financial institutions; to state legislative findings; to provide for the deposit of funds of the state and political subdivisions in certain financial institutions; and to provide severability.

LEGISLATIVE BILL 489. By Goodrich, 20th District.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2101, Revised Statutes Supplement, 1986; to require identification of certain vehicles as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 490. By Landis, 46th District.

A BILL FOR AN ACT relating to liquors; to amend section 53-124.11, Reissue Revised Statutes of Nebraska, 1943, and section

53-103, Revised Statutes Supplement, 1986; to authorize catering by retail licensees as prescribed; to provide notice; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 491. By Landis, 46th District.

A BILL FOR AN ACT relating to state employees; to amend sections 44-1620.01, 44-1621, 44-1622, 44-1623, 44-1626, 44-1629, 81-1307, 81-1311, 81-1316, 81-1318, 81-1355, 81-1356, 81-1359, 81-1360, 81-1361, 81-1367, and 81-1368, Reissue Revised Statutes of Nebraska, 1943, and sections 44-1620, 44-1627, and 81-1302, Revised Statutes Supplement, 1986; to change provisions relating to optional health and other special insurance coverages as prescribed; to authorize the Department of Personnel to assist the Risk Manager; to define and redefine terms; to provide a duty for the Director of Personnel; to provide for certain employee rights as prescribed; to change a provision relating to agency responsibilities; to change provisions relating to the State Personnel Board; to authorize certain persons to be exempt from the State Personnel System; to change provisions relating to the state's Affirmative Action Program; to provide duties for the Affirmative Action Administrator; to change provisions relating to agency affirmative action plans; to eliminate provisions relating to group health insurance; to harmonize provisions; and to repeal the original sections, and also sections 44-1633 to 44-1638, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 492. By Nelson, 35th District; Hannibal, 4th District; Chizek, 31st District; L. Johnson, 15th District; Elmer, 38th District; Pirsch, 10th District; Conway, 17th District; Hefner, 19th District.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-111, Revised Statutes Supplement, 1986; to restrict the liability of professional architects, professional engineers, and land surveyors as prescribed; and to repeal the original section.

LEGISLATIVE BILL 493. By Pappas, 42nd District.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend section 81-2026, Revised Statutes Supplement, 1986; to provide for certain disability benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 494. By Lynch, 13th District.

A BILL FOR AN ACT relating to public lettings; to amend section 73-101, Reissue Revised Statutes of Nebraska, 1943; to require separate bid specifications as prescribed; and to repeal the original section.

LEGISLATIVE BILL 495. By Lynch, 13th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-4216, Revised Statutes Supplement, 1986; to change provisions relating to board members for the Comprehensive Health Insurance Pool; and to repeal the original section.

LEGISLATIVE BILL 496. By Haberman, 44th District.

A BILL FOR AN ACT relating to railroads; to amend section 74-1320, Reissue Revised Statutes of Nebraska, 1943; to increase the rate of excise tax as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 497. By Haberman, 44th District.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1115, Reissue Revised Statutes of Nebraska, 1943; to provide additional subpoena power as prescribed; and to repeal the original section.

LEGISLATIVE BILL 498. By Haberman, 44th District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-379 and 44-1525, Revised Statutes Supplement, 1986; to provide for cancellation of certain insurance policies if loss of reinsurance affects the insurer as prescribed; to provide for notice prior to renewal of certain policies as prescribed; to declare certain acts to be unfair competition and trade practices; and to repeal the original sections.

LEGISLATIVE BILL 499. By Wesely, 26th District.

A BILL FOR AN ACT relating to mental health services; to amend section 83-1046, Reissue Revised Statutes of Nebraska, 1943; to provide for a review hearing as prescribed; and to repeal the original section.

LEGISLATIVE BILL 500. By Wesely, 26th District.

A BILL FOR AN ACT relating to paupers and public assistance; to adopt the State Assistance for the Medically Indigent Act.

LEGISLATIVE BILL 501. By Scofield, 49th District.

A BILL FOR AN ACT relating to the Department of Environmental Control; to amend sections 81-1504, 81-1505, 81-1505.01, and 81-1532, Revised Statutes Supplement, 1986; to authorize the collection of certain fees and costs as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 502. By Scofield, 49th District.

A BILL FOR AN ACT relating to labor; to state intent; to prohibit certain actions if the amount of alcohol is below a certain amount; and to provide a penalty.

LEGISLATIVE BILL 503. By Beyer, 3rd District.

A BILL FOR AN ACT relating to motor vehicles; to adopt the Vehicle Inspection Act.

LEGISLATIVE BILL 504. By Beyer, 3rd District.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-666, 39-6,131, and 39-6,136, Reissue Revised Statutes of Nebraska, 1943, and section 39-602, Revised Statutes Supplement, 1986; to change provisions relating to tire requirements; to prohibit certain acts; to provide for requirement of windshields; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 505. By Pappas, 42nd 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, Revised Statutes Supplement, 1986; to state intent; to define a term; to provide licensing requirements for farm breweries; to provide duties; to provide fees; to provide a tax; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 506. By Health and Human Services Committee: Wesely, 26th District, Chairperson; Beyer, 3rd District;

Lynch, 13th District; Morehead, 30th District; Pappas, 42nd District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Community Public Health Services Act.

LEGISLATIVE BILL 507. By Miller, 37th District.

A BILL FOR AN ACT relating to grain; to amend sections 75-901 to 75-903, and 75-907 to 75-909, Reissue Revised Statutes of Nebraska, 1943; to rename an act; to define and redefine terms; to change provisions relating to licensure requirements for grain dealers; to provide for suspension or revocation of a license; to provide additional violations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 508. By Miller, 37th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-101, 77-204, 77-371, 77-378, 77-401, 77-408 to 77-410, 77-412, 77-429, 77-501 to 77-503, 77-505, 77-506, 77-507.01, 77-508, 77-508.01, 77-509, 77-510, 77-511, 77-802, 77-1201, 77-1202, 77-1209, 77-1209.02, 77-1209.03, 77-1219, 77-1229, 77-1301, 77-1301.06, 77-1301.08, 77-1301.12, 77-1301.15, 77-1301.16, 77-1303, 77-1318, 77-1320.04, 77-1502, 77-1503.01, 77-1504, 77-1506.02, 77-1507, and 77-1514, Reissue Revised Statutes of Nebraska, 1943; to define terms; to eliminate obsolete language; to change, eliminate, and provide duties as prescribed; to change provisions relating to violations of revenue laws; to change provisions relating to State Board of Equalization and Assessment meetings, duties, hearings, and appeals as prescribed; to change provisions relating to assessment and appraisal of real property as prescribed; to change provisions relating to exemptions as prescribed; to eliminate provisions relating to reassessment of certain property; to eliminate a duty of the county assessor to examine personal property returns; to eliminate a hearing before the State Board of Equalization and Assessment; to eliminate a provision relating to school lands; to eliminate provisions relating to the listing and assessment of personal property; to eliminate provisions relating to home rule charter cities; to eliminate provisions relating to tangible property; to harmonize provisions; and to repeal the original sections, and also sections 77-387 to 77-396, 77-402, 77-411, 77-504, 77-507, 77-507.02, 77-1207, 77-1217, 77-1218, 77-1228, 77-1301.09 to 77-1301.11, 77-1320.02, 77-1320.03,

77-1320.05, 77-1320.06, 77-1328, 77-1503, and 77-1506, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 509. By Hefner, 19th District; Conway, 17th District; Korshoj, 16th District.

A BILL FOR AN ACT relating to courts; to amend section 24-503, Revised Statutes Supplement, 1986; to change the composition of the county judge districts; and to repeal the original section.

LEGISLATIVE BILL 510. By Hefner, 19th District.

A BILL FOR AN ACT relating to retail farm implements; to amend section 69-1501, Reissue Revised Statutes of Nebraska, 1943; to provide a payment date for returned farm implements, machinery, or attachments or repair parts therefor; to provide an interest rate for delinquent payments; and to repeal the original section.

LEGISLATIVE BILL 511. By Executive Board Committee: Labedz, 5th District, Chairperson; Baack, 47th District; Barrett, 39th District; Chambers, 11th District; Haberman, 44th District; Higgins, 9th District; Peterson, 21st District; Remmers, 1st District; Schmit, 23rd District; Warner, 25th District.

A BILL FOR AN ACT relating to the Legislature; to eliminate the Telecommunications Committee of the Legislature; and to repeal sections 50-424 and 50-425, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 512. By Lynch, 13th District.

A BILL FOR AN ACT relating to crimes and punishments; to eliminate provisions relating to the illegal solicitation of funds; and to repeal sections 28-1440 to 28-1449, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 513. By Abboud, 12th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715 and 77-2734.03, Reissue Revised Statutes of Nebraska, 1943; to adopt the Agricultural Products Development Act; to provide for income tax credits as prescribed; and to repeal the original sections.

UNANIMOUS CONSENT - Print in Journal

Mr. McFarland asked unanimous consent to print the following amendment to LB 157 in the Journal. No objections. So ordered.

Strike the original sections and insert the following:

Section 1. There is hereby created a University Employee Tuition Remission Refund. All money accruing to this fund is hereby appropriated to the Board of Regents of the University of Nebraska and shall be used exclusively to fund a program of tuition remission to dependent children of full-time employees of the University and the Board of Regents is authorized to make expenditures from the fund for this purpose.

Section 2. The Board of Regents of the University of Nebraska shall establish a program of tuition remission for dependent children of full-time University employees. The program shall:

(1) Be available to each dependent child of any full-time employee of the University of Nebraska who has been so employed for at least five consecutive years;

(2) Provide to each eligible child remission of tuition for not more than 120 credit hours at any campus or program of the University of Nebraska.

Section 3. The Board of Regents may adopt and promulgate rules and regulations to carry out this program.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 471	Thursday, January 29, 1987	1:30 p.m.
LB 304	Thursday, January 29, 1987	1:30 p.m.
LB 302	Thursday, January 29, 1987	1:30 p.m.
LB 215	Thursday, January 29, 1987	1:30 p.m.

(Signed) Vard R. Johnson, Chairperson

Appropriations

LB 245	Thursday, January 29, 1987	3:00 p.m.
LB 449	Thursday, January 29, 1987	3:00 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 514. By Landis, 46th District; Warner, 25th District.

A BILL FOR AN ACT relating to insurance; to adopt the Risk Retention Act.

LEGISLATIVE BILL 515. By Abboud, 12th District.

A BILL FOR AN ACT relating to fire protection districts; to amend section 31-766, Reissue Revised Statutes of Nebraska, 1943; to provide continued jurisdiction by a fire district over certain annexed territory; and to repeal the original section.

UNANIMOUS CONSENT - Members Excused

Messrs. Coordsen and Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

MR. L. JOHNSON PRESIDING

MOTION - Withdraw LB 51

Mr. Haberman renewed his pending motion found in the Journal on page 220 to withdraw LB 51.

The motion prevailed with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

MOTION - Withdraw LB 204

Mr. Beyer renewed his pending motion found in the Journal on page 240 to withdraw LB 204.

The motion prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 516. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to hazardous materials; to adopt the Hazardous Materials Disclosure Act; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 517. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to public health and welfare; to state intent; to define terms; to establish the Adolescent Pregnancy Prevention and Services Program; to create a board; to provide for grants and the use of such grants; to require schools to provide certain programs and services; to create an advisory committee; and to provide duties.

LEGISLATIVE BILL 518. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to infants; to amend section 43-512, Revised Statutes Supplement, 1986; to increase aid to dependent children as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 519. By Wesely, 26th District; Chizek, 31st District; Ashford, 6th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to labor; to amend section 48-816, Revised Statutes Supplement, 1986; to change a provision relating to membership in a bargaining unit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 520. By McFarland, 28th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-402.09, 79-426.19, 79-511, and 79-12,104, Reissue Revised Statutes of Nebraska, 1943, and section 79-12,105, Revised Statutes Supplement, 1986; to require organization of reorganized and new school districts as prescribed; to redefine a term; to change a provision relating to termination of contracts by reorganized school districts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 521. By McFarland, 28th District.

A BILL FOR AN ACT relating to teachers; to amend section 79-1254.05, Reissue Revised Statutes of Nebraska, 1943, and section 79-1254.06, Revised Statutes Supplement, 1986; to provide procedures and requirements for implementing a reduction in force and changes in educational programs as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 522. By Abboud, 12th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-102 and 60-114, Reissue Revised Statutes of Nebraska, 1943; to require a certificate of title for all cabin trailers; to change the mobile home certificate of title forms as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 523. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 66-401, 66-418.03, 66-419, 66-420, 66-431, 66-432, 66-637, 77-2701, 77-2702 to 77-2704, 77-2708, 77-2711, 77-2714, 77-2715, 77-2717, 77-2734.01, 77-2761, 77-2768, 77-2772, 77-2773, 77-27,180, 77-27,183, and 77-3902 to 77-3905, Reissue Revised Statutes of Nebraska, 1943; to change penalty provisions relating to the reporting and collection of motor fuel taxes as prescribed; to define and redefine terms; to change certain collection provisions; to change certain exemptions, to change a provision relating to the filing of returns, and to change an enforcement provision relating to sales and use taxes as prescribed; to provide an income tax credit; to change a provision relating to returns filed by trusts, small business corporations, and certain other persons and businesses as prescribed; to change provisions relating to income tax records; to change a provision relating to setoffs as prescribed; to change provisions relating to acquisition of a tax lien, fees, and actions to collect delinquencies; to provide additional refund procedures; to authorize the use of electronic filing and electronic fund transfers; to create a fund; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 524. By Ashford, 6th District.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend section 48-810, Reissue Revised Statutes of

Nebraska, 1943, and section 48-816, Revised Statutes Supplement, 1986; to eliminate restrictions on commission powers and duties relating to teachers; to provide for mediation or factfinding as prescribed; to eliminate certain provisions relating to teacher negotiating organizations; to repeal the original sections, and also sections 79-1287 to 79-1295, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 525. By Hartnett, 45th District; Withem, 14th District.

A BILL FOR AN ACT relating to clerks of the district court; to amend section 43-512.05, Revised Statutes Supplement, 1986; to change provisions relating to child and spousal support payments; to change a provision relating to distribution of reimbursement and incentive funds; and to repeal the original section.

LEGISLATIVE BILL 526. By Marsh, 29th District.

A BILL FOR AN ACT relating to the Department of Correctional Services; to authorize the sale and conveyance of certain property; to provide for the disposition of the proceeds of sale; and to create a fund.

LEGISLATIVE BILL 527. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to rehabilitation services; to amend sections 79-1447 to 79-1449, 79-1452, and 83-210.01 to 83-211, Reissue Revised Statutes of Nebraska, 1943, and section 79-1451, Revised Statutes Supplement, 1986; to name an act; to define terms; to transfer powers and duties relating to services for the blind and partially sighted from the Department of Public Institutions to the Division of Rehabilitation Services; to create an advisory committee; to harmonize provisions; to eliminate an appeal procedure, a committee, and a definition; and to repeal the original sections, and also sections 83-211.01 to 83-212, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 528. By Hefner, 19th District; Coordsen, 32nd District; Lamb, 43rd District; Elmer, 38th District; Peterson, 21st District.

A BILL FOR AN ACT relating to labor; to amend sections 48-224 and 79-12,101, Reissue Revised Statutes of Nebraska, 1943; to

prohibit certain withholding and deductions from wages and salaries as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 529. By Education Committee: Withem, 14th District, Chairperson; Baack, 47th District; Chizek, 31st District; Dierks, 40th District; Nelson, 35th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-4,140.04 to 79-4,140.08, 79-1247.05, 79-1247.06, and 79-1247.09, Revised Statutes Supplement, 1986; to authorize the implementation of certain programs when funds are appropriated by the Legislature; to change provisions relating to teacher certification as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 530. By Remmers, 1st District.

A BILL FOR AN ACT relating to credit unions; to amend section 21-1777, Revised Statutes Supplement, 1986; to change procedures for the closure of credit unions; and to repeal the original section.

LEGISLATIVE BILL 531. By Remmers, 1st District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-1502, Revised Statutes Supplement, 1986; to change provisions relating to acquisitions of shares in certain institutions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 532. By Remmers, 1st District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-148, Revised Statutes Supplement, 1986; to change provisions relating to the use of capital stock as collateral; and to repeal the original section.

LEGISLATIVE BILL 533. By Schmit, 23rd District.

A BILL FOR AN ACT relating to environmental protection; and to adopt the Wastewater Treatment Operator Certification Act.

LEGISLATIVE BILL 534. By Smith, 33rd District; Lynch, 13th District; Pappas, 42nd District; Rupp, 22nd District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Ionizing Radiation Licensing Act; and to provide severability.

LEGISLATIVE BILL 535. By Pirsch, 10th District.

A BILL FOR AN ACT relating to crime victims and witnesses; to amend sections 23-1201, 29-119, 29-1901, and 81-1848, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to consultations regarding plea agreements; to change provisions relating to writs of subpoena and notices to appear; to provide additional rights for victims and witnesses as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 536. By Pirsch, 10th District; Ashford, 6th District.

A BILL FOR AN ACT relating to shoplifting; to amend sections 24-523 and 30-2613, Reissue Revised Statutes of Nebraska, 1943; to provide a cause of action for shoplifting; to provide liability as prescribed; to provide that certain claims are unassignable; to define terms; to provide an exception to the number of claims permissible in Small Claims Court; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 537. By Dierks, 40th District; Rupp, 22nd District; Conway, 17th District; Remmers, 1st District.

A BILL FOR AN ACT relating to drugs and narcotics; to amend section 28-401, Reissue Revised Statutes of Nebraska, 1943; to define controlled substance analogue; and to repeal the original section.

LEGISLATIVE BILL 538. By Beyer, 3rd District; Hartnett, 45th District.

A BILL FOR AN ACT relating to schools; to amend section 79-488, Revised Statutes Supplement, 1986; to change provisions relating to the inspection of pupil transportation vehicles as prescribed; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 539. By Rupp, 22nd District.

A BILL FOR AN ACT relating to state government; to authorize payment of conference expenses as prescribed.

LEGISLATIVE BILL 540. By Rupp, 22nd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-407, Reissue Revised Statutes of Nebraska, 1943; to provide for an additional learner's permit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 541. By Hall, 7th District.

A BILL FOR AN ACT relating to drainage districts; to amend section 31-409, Reissue Revised Statutes of Nebraska, 1943; to provide for elections of a new board of directors upon petition; and to repeal the original section.

LEGISLATIVE BILL 542. By Hall, 7th District.

A BILL FOR AN ACT relating to infants; to amend section 43-512, Revised Statutes Supplement, 1986; to increase aid to dependent children as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 543. By Wesely, 26th District; Peterson, 21st District.

A BILL FOR AN ACT relating to the Nebraska Cosmetology Act; to amend sections 71-351, 71-365, 71-374, 71-382, 71-384, 71-387, 71-390, 71-3,102, 71-3,103, 71-3,105, 71-3,106, 71-3,107, 71-3,108, 71-3,109, 71-3,112, 71-3,141, 71-3,168, 71-3,171, and 71-3,178, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change a provision relating to qualifications of board members, fees, use of a fund, licensure, examinations, registration, renewal of licenses, continuing education, operating requirements of a school of cosmetology, investigations, and disciplinary actions; and to repeal the original sections.

LEGISLATIVE BILL 544. By Wesely, 26th District.

A BILL FOR AN ACT relating to food donations; to eliminate a labeling requirement and a penalty; and to repeal section 81-217.30, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 545. By Rupp, 22nd District; Lynch, 13th District; Chizek, 31st District; Wesely, 26th District.

A BILL FOR AN ACT relating to the personnel system; to amend section 81-1302, Revised Statutes Supplement, 1986; to state intent; to define terms; to provide for increases in pay to state employees as prescribed; to provide merit increases as prescribed; to change a definition; and to repeal the original section.

LEGISLATIVE BILL 546. By Smith, 33rd District; Nelson, 35th District; R. Johnson, 34th District; Lamb, 43rd District; Baack, 47th District; Conway, 17th District; Remmers, 1st District; Scofield, 49th District; L. Johnson, 15th District.

A BILL FOR AN ACT relating to cities and villages; to provide the power to tax, assess, and collect for certain utility services as prescribed.

LEGISLATIVE BILL 547. By Conway, 17th District; Baack, 47th District.

A BILL FOR AN ACT relating to corporations; to restrict corporate ownership of farm or ranching operations; and to provide an operative date.

LEGISLATIVE BILL 548. By Goodrich, 20th District; Hefner, 19th District.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-120 and 48-162.01, Revised Statutes Supplement, 1986; to provide for a second medical opinion for certain medical procedures as prescribed; to provide for work-hardening as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 549. By Haberman, 44th District.

A BILL FOR AN ACT relating to the Public Employees Retirement Board; to amend sections 79-1503, 79-1509, 79-1520, 79-1523, 79-1545, 79-1546, 81-2019, 84-1504, and 84-1510, Reissue Revised Statutes of Nebraska, 1943, and sections 24-704, 79-1501, 79-1512, 79-1521 to 79-1522.01, 79-1528, 79-1529, 84-1332, and 84-1503, Revised Statutes Supplement, 1986; to change provisions of the school retirement system; to define and redefine terms; to provide for credit for years of service for certain employees; to provide duties for the Public Employees Retirement Board; to provide a deferred compensation program for county employees as prescribed; to change

provisions relating to administrative services agreements; to eliminate an age requirement, a procedure for investment of funds, and a transfer of assets provision; to repeal the original sections, and also sections 79-1509.04 and 79-1555, Reissue Revised Statutes of Nebraska, 1943, and sections 81-2022 and 84-1309.01, Revised Statutes Supplement, 1986; and to declare an emergency.

LEGISLATIVE BILL 550. By General Affairs Committee: Morehead, 30th District, Chairperson; Hartnett, 45th District; R. Johnson, 34th District; Miller, 37th District; Smith, 33rd District.

A BILL FOR AN ACT relating to liquors; to amend sections 53-131, 53-133, 53-134, and 53-160, Revised Statutes Supplement, 1986; to provide a power to the Nebraska Liquor Control Commission as prescribed; to authorize an increase in an occupation tax as prescribed; to change a hearing date requirement; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 551. By Goodrich, 20th District.

A BILL FOR AN ACT relating to school retirement; to amend section 79-1501, Revised Statutes Supplement, 1986; to provide credit for prior service for certain members as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 552. By V. Johnson, 8th District; Marsh, 29th District.

A BILL FOR AN ACT relating to dentistry; to amend sections 71-101 and 71-183.02, Reissue Revised Statutes of Nebraska, 1943; to provide for the delegation of duties to dental assistants; to provide for rules and regulations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 553. By Schmit, 23rd District.

A BILL FOR AN ACT relating to liens; to provide for liability for persons who refuse to endorse checks and other instruments as prescribed.

LEGISLATIVE BILL 554. By Pirsch, 10th District.

A BILL FOR AN ACT relating to fees; to amend section 33-139.01, Revised Statutes Supplement, 1986; to change a provision relating to witness fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 555. By Conway, 17th District.

A BILL FOR AN ACT relating to the Nebraska Accountability and Disclosure Commission; to amend sections 49-1447, 49-1449, 49-1450, 49-1462, 49-1484, 49-14,118, and 49-14,123, Reissue Revised Statutes of Nebraska, 1943; to eliminate the commission's enforcement duties as prescribed; to harmonize provisions; and to repeal the original sections, and also sections 49-1446.03, 49-1451, 49-1463, and 49-14,124 to 49-14,126, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 556. By Miller, 37th District; Morehead, 30th District; Lynch, 13th District.

A BILL FOR AN ACT relating to persons with mental retardation; to state intent; to define terms; to provide a duty for certain facilities contingent upon certain transfers; to provide notice as prescribed; to authorize certain contracts as prescribed; to provide duties relating to certain contracts; to provide that federal funding may replace state funding; to provide the number of transfers which can be authorized; to provide duties for the Department of Social Services; to provide the dates for transfers; to provide duties for providers; to require budgets and payments to conform with a certain model; to provide a reclassification of funds as prescribed; to require the Director of Public Institutions to take certain actions relating to funding; to require a report; to provide for rules and regulations; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 557. By Hall, 7th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-101, 71-102, 71-107, 71-110, 71-112, 71-113, 71-131, 71-148, and 71-162, Reissue Revised Statutes of Nebraska, 1943, and section 33-150, Revised Statutes Supplement, 1986; to state intent; to define terms; to provide for the certification of nutritionists; to create a fund; to create a board; to require fees; to provide continuing education requirements; to provide powers and duties for the Department of Health; to harmonize provisions; to provide severability; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 16CA.

Introduced by Wesely, 26th District; Pappas, 42nd District.

A Resolution to propose an amendment to Article IV, sections 1 and 28, and to add a new section 29 to Article IV, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article IV, sections 1 and 28, and to add a new section 29 to Article IV, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CIV-1 "The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, ~~Auditor of Public Accounts,~~ Treasurer, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish.

The Governor, Lieutenant Governor, Attorney General, Secretary of State, ~~Auditor of Public Accounts~~ and the Treasurer shall be chosen at the general election held in November~~,~~ 1974~~,~~ and in each alternate even-numbered year thereafter, for a term of four years and until their successors shall be elected and qualified. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor nominated by the same party. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he or she was elected. The records, books, and papers of all executive officers shall be kept at the seat of government, and such officers, excepting the Lieutenant Governor and members of boards and commissions when the board or commission is the head of an executive department, shall reside there during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law. The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to

the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments."

CIV-28 "A Tax Commissioner shall be appointed by the Governor with the advice and consent of the ~~Senate~~ Legislature. He or she shall have jurisdiction over the administration of the revenue laws of the state~~,~~ and together with the Governor, Secretary of State, ~~State Auditor~~ and State Treasurer, shall have power to review and equalize assessments of property for taxation within the state. He or she shall have such other powers and perform such other duties as the Legislature may provide. His or her term of office and compensation shall be as provided by law."

CIV-29 "The Legislature shall provide a method for the examination of the accounts and expenditures of all state agencies and offices and for the auditing or investigating of the receipts, disbursements, and application of public funds.".

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 eliminate the Auditor of Public Accounts as a constitutional officer, to eliminate references to the Auditor of Public Accounts, and to provide that the Legislature shall be responsible for auditing 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 17CA.

Introduced by Wesely, 26th 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 NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 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:

CIII-10 " ~~Beginning with the year 1975, regular~~ Regular sessions of the Legislature shall be held ~~annually, commencing~~ for ninety and sixty days on an alternating basis. Beginning December 1, 1988, 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 at 10 a.m. on the first Wednesday after the first Monday in January of each even-numbered year. Commencing in 1988 the terms of the members of the Legislature shall commence on the first day of the regular ninety-day legislative session and, notwithstanding the provisions of Article III, section 7, of this Constitution of Nebraska, 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 ~~; the~~ Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor ~~shall be~~ is absent, incapacitated, or ~~shall act~~ acts as Governor. No member shall be expelled except by a vote of two-thirds of all members elected 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~~ is guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person ~~shall persist~~ persists in such disorderly or contemptuous behavior.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by 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 will convene in regular ninety-day sessions, the date on which the terms of members will commence, and the date on which the terms of certain members will terminate.

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 18CA.

Introduced by Rupp, 22nd District.

A Resolution to propose an amendment to Article III, sections 7 and 10, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, sections 7 and 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CIII-7 "At the general election to be held in November~~,~~ 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years, and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When ~~; 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. No member shall serve more than three consecutive full terms as a member of the Legislature. Each member of the Legislature shall receive a salary

of not to exceed ~~four hundred~~ one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~said~~ such salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem."

CIII-10 "Beginning with the year 1975, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ~~ninety~~ sixty 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, and 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:

"Constitutional amendment to restrict members of the Legislature to three consecutive full terms, to increase the salary for members of the Legislature, and to provide that regular sessions of the Legislature be sixty days in length.

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-Introducers

Mr. Pappas asked unanimous consent to have his name added as co-introducer to LB 344. No objections. So ordered.

Mr. Weihing asked unanimous consent to have his name added as co-introducer to LB 344. No objections. So ordered.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 127. Placed on General File as amended.
Standing Committee amendments to LB 127:
AM0011

1. Insert the following new section:

"Section 1. That section 79-432, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-432. The aggregate school tax levied for general school purposes in Class I, II, III, and VI school districts shall be without restriction. In school districts of the first ~~and second classes~~ class, except for taxes levied to pay principal and interest on bonds issued by the school district as to which taxes there shall be no limitation, no levy shall be made in excess of forty-two cents on each one hundred dollars upon the actual value of all the taxable property in such ~~districts~~ district, except intangible property, unless the proposition to make such increased levy has been approved by fifty-five per cent of the electors present and voting thereon at an election or special meeting called for such purpose or at an annual meeting when notice thereof shall have been given for at least fifteen days previous to such meeting or election by copies thereof posted in three public places within the district to the qualified voters thereof. If fifty-five

per cent of the votes cast at such election or meeting shall be for the proposed increased levy, the board may make the levy in such amount as may be named in the election notice.".

2. On page 2, line 8, strike "section" and insert "sections 79-432 and".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 147. Placed on General File as amended.
Standing Committee amendment to LB 147:
AM0012

1. On page 3, line 6, after "districts" insert "of all classes".

(Signed) Ron Withem, Chairperson

VISITORS

Visitors to the Chamber were Suzanne Klein from Omaha; George J. Buglewicz and James McGee from Omaha; and 22 students and teacher from Dorchester.

ADJOURNMENT

At 12:17 p.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 10:00 a.m., Friday, January 23, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

TENTH DAY - JANUARY 23, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 23, 1987

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Senator Wehrbein.

ROLL CALL

The roll was called and all members were present except Mr. V. Johnson and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 229, line 4, correct spelling of "Langford".
The Journal for the Eighth Day was approved as corrected.
The Journal for the Ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10.

(Signed) Scott Moore, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 425 and 477 through 540.

LB	Committee
425	Judiciary
477	Government, Military and Veterans Affairs
478	Judiciary
479	Government, Military and Veterans Affairs
480	Government, Military and Veterans Affairs
481	Urban Affairs
482	Education
483	Urban Affairs
484	Judiciary
485	Health and Human Services
486	Revenue
487	Government, Military and Veterans Affairs
488	Banking, Commerce and Insurance
489	General Affairs
490	General Affairs
491	Government, Military and Veterans Affairs
492	Judiciary
493	Nebraska Retirement Systems
494	Government, Military and Veterans Affairs
495	Banking, Commerce and Insurance
496	Revenue
497	Banking, Commerce and Insurance
498	Banking, Commerce and Insurance
499	Health and Human Services
500	Health and Human Services
501	Natural Resources
502	Judiciary
503	Transportation
504	Transportation
505	General Affairs
506	Health and Human Services
507	Agriculture
508	Revenue
509	Judiciary
510	Banking, Commerce and Insurance
511	General Affairs
512	Judiciary
513	Revenue
514	Banking, Commerce and Insurance

515 Urban Affairs
516 Business and Labor
517 Health and Human Services
518 Health and Human Services
519 Business and Labor
520 Education
521 Education
522 Transportation
523 Revenue
524 Business and Labor
525 Judiciary
526 Government, Military and Veterans Affairs
527 Education
528 Business and Labor
529 Education
530 Banking, Commerce and Insurance
531 Banking, Commerce and Insurance
532 Banking, Commerce and Insurance
533 Natural Resources
534 Health and Human Services
535 Judiciary
536 Judiciary
537 Judiciary
538 Education
539 Government, Military and Veterans Affairs
540 Transportation

Banking, Commerce and Insurance

Cynthia H. Milligan - Director, Department of Banking and Finance

Government, Military and Veterans Affairs

Col. Harold W. LeGrande - Supt. of the Nebraska State Patrol
Frank Gunter - Director, Department of Correctional Services
Wilbert H. "Wag" Wagner - Director, Department of Veterans' Affairs
Steve Torrence - Director, Nebraska Department of Personnel
Wallace M. Barnett, Jr. - Nebraska State Fire Marshal

Health and Human Services

Dr. Gregg F. Wright - Director, State Department of Health

Betsy Palmer - Director, Department of Aging

Natural Resources

John W. Neuberger - Director, Nebraska State Energy Office
John Michael Jess - Director, Department of Water Resources

Transportation

Ray H. Hogrefe - Director, State Engineer

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

Governor Appointment Monday January 26, 1987 1:30 p.m.
Cynthia Hardin Milligan - Director of Banking and Finance

(Signed) R. W. Remmers, Chairperson

Natural Resources

LB 345 Friday, January 30, 1987 (cancelled) 1:30 p.m.

(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 January 22, 1987. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Behrens, Galen L. - Adams, Nebraska Rural Letter Carriers Association
Bligh, Robert A. - Lincoln, Nebraska School Boards Council of School Attorneys

Bocskor, Nancy Leah - Lincoln, Nebraska Republican Party
Collins, David W. - Lincoln, Associated Builders and Contractors/Cornhusker Chapter
Coyne, Brian D. - Lincoln, Nebraska Democratic State Central Committee
Crosby, Guenzel, Davis, Kessner & Kuester
Crosby, Robert B. - Lincoln, First Federal Savings & Loan Association of Lincoln; Nebraska Cooperative Council
Cutshall, Bruce A. - Lincoln, Moors, H. Jack & Associates
Daehling, Nancy H. - Lincoln, American Communications Group, Inc.
Dankert, Eugene W. - Lincoln, Citizens Against Pornography
DeCamp, John W. - Lincoln, Nebraska League of Savings Institutions
Erickson & Sederstrom
Thone, Charles - Lincoln, DeHart & Darr Associates, Inc.; First Data Resources; Iowa Beef Processors; Medco Containment; Nebraska Rural Water Association; Nebraska Telephone Association
Everson, Wullschleger, Sutter et al.
Korslund, Paul - Lincoln, Beatrice Chamber of Commerce, Inc.; Nebraska Collectors Association, Inc.
Sharp, James G. - Lincoln, Nebraska Collectors Association, Inc.
Graham, M. J. - Lincoln, American Association of Retired Persons
Hansen, JoAnn - Lincoln, Nebraska Public Power District
Hanson, Kyle - Kearney, Kearney State College, Student Senate
Hill, Richard L. - Lincoln, Nebraska State Association of Life Underwriters
Kerr, Karren A. - Omaha, League of Women Voters of Nebraska
Kunz, David N. - Lincoln, Nebraska Optometric Association; Nebraska State Association of Life Underwriters
Nelson, Richard P. - Lincoln, Citizens Against Pornography
Noren, Charles F. - Hickman, Excel Merchandise and Novelty Company; Nebraska Motorcycle Dealers Association
Rall, Frank - Lincoln, Nebraska Public Power District
Rasmussen, Dennis - Lincoln, Precision Lens Crafters, Inc.
Schaaf, Terry R. - Lincoln, James E. Ryan, P.C.
Schroeder, Robert C. - Lincoln, Alcoholism Council of Nebraska
Smith, Alvin T. - Lincoln, Nebraska Water Resources Association
Smith, Dwayne G. - Columbus, Loup River Public Power District
Sturner, Peter C. & Associates
Sturner, Peter C. - Lincoln, Southwest Rural Fire District
Sullivan-Arthur & Associates - Lincoln, Justice for Nebraska Hearing Impaired

Weems, Doug - Lincoln, Nebraskans Against the Death Penalty
Wylie, William M. - Elgin, Nebraska Insurance Information Service

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Morehead asked unanimous consent to have her name added as co-introducer to LB 272. No objections. So ordered.

Mrs. Morehead asked unanimous consent to have her name added as co-introducer to LB 90. No objections. So ordered.

Mr. Weihing asked unanimous consent to have his name added as co-introducer to LB 169. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 558. By Remmers, 1st District.

A BILL FOR AN ACT relating to the Department of Banking and Finance; to amend section 60-1001, Reissue Revised Statutes of Nebraska, 1943; to authorize the use of motor vehicles without certain lettering for examination purposes; and to repeal the original section.

LEGISLATIVE BILL 559. By Remmers, 1st District.

A BILL FOR AN ACT relating to industrial loan and investment companies; to amend section 8-403.05, Reissue Revised Statutes of Nebraska, 1943; to change requirements for surety bonds; and to repeal the original sections.

LEGISLATIVE BILL 560. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1208.01 and 2-1208.04, Revised Statutes Supplement, 1986; to change the tax on parimutuel wagering as prescribed; to provide a credit for capital improvements and maintenance; to change a provision relating to contributions to the Track Distribution Fund; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 561. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to agriculture; to provide for the establishment of an agriculture promotion and development program; and to provide powers and duties for the Department of Agriculture.

LEGISLATIVE BILL 562. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to sales and use tax; to amend sections 77-2701, 77-2702, and 77-2704, Reissue Revised Statutes of Nebraska, 1943; to provide an exemption for farm machinery and equipment and replacement parts; to provide for a refund of certain sales and use taxes; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 563. By Schmit, 23rd District.

A BILL FOR AN ACT relating to revenue and taxation; to provide a tax on commissions and fees as prescribed; and to provide for enforcement.

LEGISLATIVE BILL 564. By Schmit, 23rd District.

A BILL FOR AN ACT relating to the Supreme Court; to amend section 24-201.01, Revised Statutes Supplement, 1986; to change provisions relating to salary as prescribed; and to repeal the original section.

LEGISLATIVE BILL 565. By Schmit, 23rd District.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1508, Revised Statutes Supplement, 1986; to increase a civil penalty; and to repeal the original section.

LEGISLATIVE BILL 566. By Schmit, 23rd District.

A BILL FOR AN ACT relating to water; to amend section 46-236, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1503.01, 2-1587, and 2-15,117, Revised Statutes Supplement, 1986; to provide water use fees; to create funds; to provide for distribution of the fees; to provide for water quality monitoring; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 567. By Schmit, 23rd District.

A BILL FOR AN ACT relating to water resources; to eliminate a provision relating to membership on a river basin commission; and to repeal section 46-901, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 568. By Schmit, 23rd District.

A BILL FOR AN ACT relating to water resources; to repeal the Lower Niobrara River and Ponca Creek Compact; and to repeal Laws 1961, c. 288, sec. 1, p. 836.

LEGISLATIVE BILL 569. By Judiciary Committee: Ashford, 6th District; Conway, 17th District; Korshoj, 16th District; Nelson, 35th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to child support payments; to amend section 43-358.02, Revised Statutes Supplement, 1986; to change provisions relating to the interest rate on delinquent payments; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 570. By Judiciary Committee: Chizek, 31st District, Chairperson; Ashford, 6th District; Korshoj, 16th District; Nelson, 35th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to support; to amend sections 43-512.03, 43-512.07, 43-1701, 43-1718 to 43-1720, 43-1723, 43-1727, and 43-1734, Revised Statutes Supplement, 1986; to provide duties for county attorneys and authorized attorneys; to change provisions relating to the assignment of support rights as a result of aid to dependent children payments; to change provisions relating to income withholding for child support; to provide a penalty; to authorize the release of information regarding delinquent support; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 571. By Judiciary Committee: Chizek, 31st District, Chairperson; Ashford, 6th District; Chambers, 11th District; Conway, 17th District; Nelson, 35th District.

A BILL FOR AN ACT relating to the Supreme Court; to eliminate a requirement that court rules be revised in January of each odd-numbered year; and to repeal section 24-210, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 572. By Judiciary Committee: Chizek, 31st District, Chairperson; Ashford, 6th District; Chambers, 11th District; Conway, 17th District; Korshoj, 16th District; Nelson, 35th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to laws; to amend sections 49-507, 49-508, 49-509, and 85-176, Reissue Revised Statutes of Nebraska, 1943, and sections 49-617 and 49-707, Revised Statutes Supplement, 1986; to change provisions relating to the sale, distribution, and disposition of session laws, journals, and statutes; and to repeal the original sections.

LEGISLATIVE BILL 573. By Judiciary Committee: Chizek, 31st District, Chairperson; Ashford, 6th District; Chambers, 11th District; Conway, 17th District; Korshoj, 16th District; Nelson, 35th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to child support; to amend sections 42-347, 43-512, and 43-1704, Revised Statutes Supplement, 1986; to redefine the term authorized attorney; to harmonize provisions; to eliminate a cash fund; and to repeal the original sections, and also section 84-218, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 574. By Haberman, 44th District.

A BILL FOR AN ACT relating to colleges and universities; to state intent; to authorize the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges to establish a voluntary tenure settlement program as prescribed; to provide policies and requirements; and to provide for costs.

LEGISLATIVE BILL 575. By Haberman, 44th District.

A BILL FOR AN ACT relating to banking and finance; to adopt the Commodity Code.

LEGISLATIVE BILL 576. By Haberman, 44th District.

A BILL FOR AN ACT relating to fiduciaries; to permit investment in investment companies and investment trusts as prescribed.

LEGISLATIVE BILL 577. By Haberman, 44th District.

A BILL FOR AN ACT relating to fiduciaries; to authorize certain investments as prescribed; to authorize a fee for such investments; and to provide that compliance fulfills certain obligations.

LEGISLATIVE BILL 578. By Haberman, 44th District.

A BILL FOR AN ACT relating to the school retirement system; to amend sections 79-1522.01 and 79-1531, Revised Statutes Supplement, 1986; to change provisions relating to funds and transfer of funds as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 579. By Weihing, 48th District.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-671, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to liability; to provide for an offset; and to repeal the original section.

LEGISLATIVE BILL 580. By Labedz, 5th District; Morehead, 30th District; Pappas, 42nd District; Elmer, 38th District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-1636 to 44-1638, Reissue Revised Statutes of Nebraska, 1943; to provide for optional continuation of health insurance for certain spouses, children, and retired employees; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 581. By Scofield, 49th District; Baack, 47th District.

A BILL FOR AN ACT relating to educational telecommunications; to authorize teacher training programs to include training in certain communications technologies in their academic programs as prescribed.

LEGISLATIVE BILL 582. By Lynch, 13th District.

A BILL FOR AN ACT relating to employment; to state intent; to define a term; and to provide requirements relating to the conducting of chemical tests on employees.

LEGISLATIVE BILL 583. By Lynch, 13th District.

A BILL FOR AN ACT relating to revenue and taxation; to provide for the designation of a political party contribution on certain income tax returns; and to define a term.

LEGISLATIVE BILL 584. By Hannibal, 4th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202 and 77-907, Reissue Revised Statutes of Nebraska, 1943; to exempt annuity contracts from taxation as prescribed; to redefine a term; to repeal the original sections; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS

Nebraska Retirement Systems

LB 296	Monday, February 2, 1987	12:00 p.m.
LB 336	Monday, February 2, 1987	12:00 p.m.
LB 194	Monday, February 2, 1987	12:00 p.m.

(Signed) Rex Haberman, Chairperson

General Affairs

LB 48	Monday, February 2, 1987	1:30 p.m.
LB 346	Monday, February 2, 1987	1:30 p.m.
LB 396	Monday, February 2, 1987	1:30 p.m.

(Signed) Pat Morehead, Chairperson

ANNOUNCEMENT

President Nichol announced today is Senator Haberman's birthday.

EASE

The Legislature was at ease from 10:20 a.m. until 10:45 a.m.

SPEAKER BARRETT PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 585. By Hannibal, 4th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2734.05 and 77-2734.14, Reissue Revised Statutes of Nebraska, 1943; to change the determination of taxable income by a unitary business as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 586. By Withem, 14th District.

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

LEGISLATIVE BILL 587. By Withem, 14th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Revised Statutes Supplement, 1986; to provide for elections by mail-in ballot; and to repeal the original section.

LEGISLATIVE BILL 588. By Withem, 14th District.

A BILL FOR AN ACT relating to elections; to provide for selection of delegates to county conventions by precinct caucus.

LEGISLATIVE BILL 589. By Withem, 14th District.

A BILL FOR AN ACT relating to child support; to amend sections 42-364.05 and 42-7,101, Reissue Revised Statutes of Nebraska, 1943; to provide jurisdiction as prescribed; to change provisions relating to the registration of foreign support orders; and to repeal the original sections.

LEGISLATIVE BILL 590. By Withem, 14th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-706, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to criminal nonsupport; and to repeal the original section.

LEGISLATIVE BILL 591. By Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Peterson, 21st District.

A BILL FOR AN ACT relating to personal property taxation; to amend section 77-202.46, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to earthmoving equipment; and to repeal the original section.

LEGISLATIVE BILL 592. By Hefner, 19th District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1455, Reissue Revised Statutes of Nebraska, 1943, and section 49-1401, Revised Statutes Supplement, 1986; to limit certain campaign contributions as prescribed; to provide for the disclosure of certain contributors; to provide penalties; to eliminate a provision relating to campaign statements filed by political party committees; to harmonize provisions; and to repeal the original sections, and also section 49-1457, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 593. By Lamb, 43rd District.

A BILL FOR AN ACT relating to cable television; to permit certain municipalities to own, operate, or lease a cable television system.

LEGISLATIVE BILL 594. By Lamb, 43rd District.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-4603, 2-4605, 2-4608, 2-4610, and 2-4612, Revised Statutes Supplement, 1986; to redefine a term; to change provisions relating to erosion and sediment control; to provide powers and duties; to authorize the use of certain practices as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 595. By Withem, 14th District.

A BILL FOR AN ACT relating to schools; to amend section 79-801, Revised Statutes supplement, 1986; to eliminate a consideration relating to serving annexed territory; and to repeal the original section.

LEGISLATIVE BILL 596. By Lynch, 13th District.

A BILL FOR AN ACT relating to schools; to amend sections 17-601.01, 17-601.02, 17-603, 22-408, 32-4,147, 32-504, 32-524, 32-1403, 77-407, 77-27,140, 79-102, 79-106, 79-205, 79-207 to 79-210, 79-422, 79-424, 79-425.01, 79-432, 79-443, 79-451, 79-458, 79-466, 79-469, 79-470, 79-4,153, 79-519, 79-521, 79-541, 79-542, 79-546, 79-548, 79-548.01, 79-802, 79-1002, 79-1247.11, 79-1306, 79-1308.01, 79-1310, 79-1334, 79-1335, 79-1705, and 79-2212, Reissue Revised Statutes of Nebraska, 1943, and sections 32-308, 79-101, 79-211, 79-445, 79-464, 79-490, 79-492, 79-516.04, 79-520, 79-547.02, 79-801, 79-12,111, 79-1333, 79-1522.01, and 79-2102, Revised Statutes Supplement, 1986; to adopt the School Improvement Act; to provide for three classes of school districts; to eliminate Class I, Class II, and Class VI school districts; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 10-704, 43-606, 43-608, 79-102.01, 79-102.02, 79-311, 79-311.10 to 79-320.01, 79-401, 79-402.03 to 79-402.05, 79-402.07 to 79-402.12, 79-403.01 to 79-403.04, 79-407 to 79-419, 79-423, 79-426 to 79-426.19, 79-426.22 to 79-426.26, 79-436, 79-437, 79-465, 79-478 to 79-486, 79-488.04, 79-493 to 79-499, 79-4,101, 79-4,103 to 79-4,105, 79-4,106.01 to 79-4,106.05, 79-501 to 79-504, 79-505 to 79-512, 79-516.01, 79-537, 79-543, 79-550, 79-550.01, 79-552, 79-601 to 79-604, 79-703 to 79-704.01, 79-706, 79-801.01, 79-801.02, 79-803.12, 79-1101, 79-1103.02, 79-1103.03, 79-1103.05 to 79-1107, 79-1109 to 79-1112, 79-12,104, 79-12,106, 79-1305, and 79-2301 to 79-2317, Reissue Revised Statutes of Nebraska, 1943, sections 79-403, 79-406, and 79-701, Revised Statutes Supplement, 1984, and sections 79-402, 79-402.06, 79-420, 79-4,100, 79-4,102, 79-512.01, 79-1103, 79-1108, and 79-12,105, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 597. By Lynch, 13th District.

A BILL FOR AN ACT relating to hunting and shooting; to amend sections 28-522, 28-1335, 37-501, and 37-510, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to criminal trespass; to prohibit using a rifle as prescribed; to prohibit shooting from certain highways; to prohibit certain acts; and to repeal the original sections.

LEGISLATIVE BILL 598. By Lynch, 13th District.

A BILL FOR AN ACT relating to parking; to amend sections 18-1737 to 18-1738.01, 18-1740, 60-311.14, and 72-1105, Reissue Revised Statutes of Nebraska, 1943, and sections 18-1736 and

18-1739, Revised Statutes Supplement, 1986; to change provisions for handicapped or disabled parking; to change provisions for certain permits and license plates; to provide for a report of certain complaints; to change provisions for spaces in parking lots; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 599. By Lynch, 13th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to children; to adopt the Missing Children Identification Act.

LEGISLATIVE BILL 600. By Higgins, 9th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Reissue Revised Statutes of Nebraska, 1943; to impose a luxury tax on certain items as prescribed; to provide an exception; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 601. By Miller, 37th District.

A BILL FOR AN ACT relating to county courts; to amend sections 72-240.14, 76-706, 76-710, 76-711, 76-712, 76-715.01, 76-723, and 77-2019, Reissue Revised Statutes of Nebraska, 1943, and section 24-519, Revised Statutes Supplement, 1986; to change requirements for issuance of certain warrants by clerk magistrates; to provide powers to clerk magistrates relating to garnishment proceedings and the appointment of certain appraisers; to change certain condemnation procedures; and to repeal the original sections.

LEGISLATIVE BILL 602. By Abboud, 12th District.

A BILL FOR AN ACT relating to purchasing; to amend sections 23-3104 and 23-3105, Revised Statutes Supplement, 1986; to redefine terms; to change a provision relating to the employment of a purchasing agent as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 603. By Chizek, 31st District.

A BILL FOR AN ACT relating to the Board of Parole; to amend sections 83-189 to 83-191 and 83-196, Reissue Revised Statutes of Nebraska, 1943; to eliminate the two part-time positions on the Board of Parole; to harmonize provisions; to provide for a quorum;

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

LEGISLATIVE BILL 604. By Dierks, 40th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-102, Reissue Revised Statutes of Nebraska, 1943; to require a certificate of title for all cabin trailers; and to repeal the original section.

LEGISLATIVE BILL 605. By Hefner, 19th District; Korshoj, 16th District; Coordsen, 32nd District.

A BILL FOR AN ACT relating to employment security; to amend section 48-627, Revised Statutes Supplement, 1986; to change certain eligibility requirements; and to repeal the original section.

LEGISLATIVE BILL 606. By Ashford, 6th District.

A BILL FOR AN ACT relating to crimes and penalties; to amend section 28-511, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to theft; and to repeal the original section.

LEGISLATIVE BILL 607. By Hartnett, 45th District.

A BILL FOR AN ACT relating to fire companies and firefighters; to amend section 35-108, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to group life insurance; and to repeal the original section.

LEGISLATIVE BILL 608. By Korshoj, 16th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-116, Reissue Revised Statutes of Nebraska, 1943; to change offenses relating to certificates of title; and to repeal the original section.

LEGISLATIVE BILL 609. By Moore, 24th District.

A BILL FOR AN ACT relating to postsecondary education; to state intent; to create a grant program; to provide powers and duties; to create a fund; and to provide for the transfer of certain appropriations.

LEGISLATIVE BILL 610. By Schmit, 23rd District.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2311, 2-3623, 2-4012, and 66-1308, Reissue Revised Statutes of Nebraska, 1943; to eliminate exemptions of certain agricultural products from excise tax and fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 611. By Pappas, 42nd District.

A BILL FOR AN ACT relating to railroads; to adopt the Railroad Inspection Act.

LEGISLATIVE BILL 612. By Pappas, 42nd District.

A BILL FOR AN ACT relating to human burial sites; to adopt the Unmarked Human Burial and Skeletal Remains Protection Act.

STANDING COMMITTEE REPORTS

Revenue

The Committee on Revenue desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Don Leuenberger - Tax Commissioner

Voting aye: Senators Haberman, Hartnett, Hefner, Landis, Miller, Peterson, Rogers, and V. Johnson.

LEGISLATIVE BILL 66. Placed on General File.
LEGISLATIVE BILL 87. Placed on General File.
LEGISLATIVE BILL 125. Placed on General File.

LEGISLATIVE BILL 94. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

Judiciary

LEGISLATIVE BILL 176. Placed on General File.

(Signed) Jerry Chizek, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 613. By Pappas, 42nd District; Schellpeper, 18th District; Landis, 46th District; Baack, 47th District.

A BILL FOR AN ACT relating to beverage containers; to adopt the Beverage Container Refund Act.

LEGISLATIVE BILL 614. By Pappas, 42nd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-303, Revised Statutes Supplement, 1986; to change provisions relating to requirements for registration of motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 615. By Pappas, 42nd District.

A BILL FOR AN ACT relating to financial institutions; to amend section 8-101, Reissue Revised Statutes of Nebraska, 1943, and section 8-157, Revised Statutes Supplement, 1986; to define and redefine terms; to change provisions relating to electronic funds transfers and electronic terminals; to provide powers and duties for the Director of Banking and Finance; to provide for enforcement; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 616. By Morehead, 30th District.

A BILL FOR AN ACT relating to school contracts; to authorize contracts for nonteaching services as prescribed; to exempt such contracts from certain provisions of law; and to declare an emergency.

LEGISLATIVE BILL 617. By McFarland, 28th District.

A BILL FOR AN ACT relating to consumer protection; to amend sections 59-1601, 59-1606 to 59-1608, 59-1609 to 59-1611, 59-1614 to 59-1616, 59-1622, and 59-1623, Reissue Revised Statutes of Nebraska, 1943, and section 59-1617, Revised Statutes Supplement, 1986; to define and redefine terms; to state intent; to provide for rules and regulations; to change provisions relating to unfair competition; to provide for applications as prescribed; to change investigatory procedures; to provide a civil penalty; to harmonize provisions; and

to repeal the original sections, and also sections 59-1608.01 and 59-1608.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 618. By Hartnett, 45th District.

A BILL FOR AN ACT relating to rural and suburban fire protection districts; to amend sections 35-513.01 and 35-514, Reissue Revised Statutes of Nebraska, 1943, and section 35-508, Revised Statutes Supplement, 1986; to authorize certain contracts as prescribed; to prohibit certain property from being included in a district as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 619. By Hartnett, 45th District.

A BILL FOR AN ACT relating to inspection warrants; to amend section 29-831, Reissue Revised Statutes of Nebraska, 1943; to redefine a term to include certain fire district officers; and to repeal the original section.

LEGISLATIVE BILL 620. By Hartnett, 45th District.

A BILL FOR AN ACT relating to emergency assistance; to amend sections 35-107, 71-5111, 71-5511, and 71-5513, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to immunity for providing certain services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 621. By Hartnett, 45th District.

A BILL FOR AN ACT relating to public docks; to adopt the Public Docks Act; to eliminate existing provisions relating to docks; and to repeal sections 18-701 to 18-716, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 622. By Hartnett, 45th District.

A BILL FOR AN ACT relating to bonds; to amend section 10-613, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the issuance of refunding bonds by certain districts, cities, and villages as prescribed; and to repeal the original section.

LEGISLATIVE BILL 623. By Hartnett, 45th District.

A BILL FOR AN ACT relating to bonds; to authorize the issuance of refunding bonds by certain districts; to eliminate provisions on refunding bonds; and to repeal sections 10-613 and 10-614, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 624. By Hartnett, 45th District.

A BILL FOR AN ACT relating to special education; to amend section 43-627.01, Revised Statutes Supplement, 1986; to provide for minimum caseloads as prescribed; to provide for reduction of certain reimbursements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 625. By Hartnett, 45th District.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-503, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to certain votes of the city council; and to repeal the original section.

LEGISLATIVE BILL 626. By Hartnett, 45th District.

A BILL FOR AN ACT relating to monuments; to amend section 80-201, Reissue Revised Statutes of Nebraska, 1943; to authorize the erection of memorials to persons who served in the Korean and Viet Nam conflicts; and to repeal the original section.

LEGISLATIVE BILL 627. By Hartnett, 45th District.

A BILL FOR AN ACT relating to oil and gas severance tax; to amend sections 57-705 and 79-12,145, Revised Statutes Supplement, 1986; to create the Homestead Exemption Fund; to change provisions relating to the disposition of the tax; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 628. By Hartnett, 45th District.

A BILL FOR AN ACT relating to liquors; to amend section 53-160.01, Revised Statutes Supplement, 1986; to change a provision relating to exemptions from liquor excise taxes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 629. By Hartnett, 45th District.

A BILL FOR AN ACT relating to fish; to amend section 37-503.05, Reissue Revised Statutes of Nebraska, 1943; to provide for the removal of fish from privately owned ponds as prescribed; and to repeal the original section.

LEGISLATIVE BILL 630. By Hartnett, 45th District.

A BILL FOR AN ACT relating to dogs; to amend sections 54-608 to 54-611 and 54-613, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to dogs running at large and other offenses; and to repeal the original sections.

LEGISLATIVE BILL 631. By Hartnett, 45th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715 and 77-2734.03, Reissue Revised Statutes of Nebraska, 1943; to provide a tax credit for certain charitable contributions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 632. By Hartnett, 45th District.

A BILL FOR AN ACT relating to highway funds; to amend sections 39-2201, 39-2203, 39-2205, 39-2209, 39-2211 to 39-2214, 39-2216, 39-2217, 39-2219, 39-2221, 39-2222, 39-2224, 39-2226, 66-424, and 66-473, Reissue Revised Statutes of Nebraska, 1943, and section 39-2215, Revised Statutes Supplement, 1986; to define a term; to create the Highway Improvement Bond Fund; to authorize the issuance of bonds as prescribed; to change the disposition of funds received pursuant to the Nebraska Highway Bond Act; to change provisions relating to the distribution of the Highway Cash Fund; to change provisions relating to the receipt of revenue from the motor fuel excise tax as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 633. By Scofield, 49th District.

A BILL FOR AN ACT relating to the uranium severance tax; to amend sections 57-1201 to 57-1204, 57-1206, 57-1207, 57-1212, and 57-1213, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions relating to liability for and payment and collection of the severance tax as prescribed; to change lien provisions; to provide powers and duties; to provide penalties; to create funds; to require the Tax Commissioner to assist in valuing certain real property; to eliminate a provision relating to the

authority of the Tax Commissioner to bring an action to collect the tax; to create a study advisory group; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 57-1209, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 634. By Scofield, 49th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Reissue Revised Statutes of Nebraska, 1943; to impose a tax on the sale or rental of certain videotapes, the sale of records and albums, and the sale of certain tickets; to create a fund and provide for its use; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 635. By Scofield, 49th District; Moore, 24th District; Marsh, 29th District; Morehead, 30th District; Warner, 25th District; Higgins, 9th District; Smith, 33rd District; Hall, 7th District; Barrett, 39th District.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-248, 43-284, and 43-1315, Reissue Revised Statutes of Nebraska, 1943, and section 43-254, Revised Statutes Supplement, 1986; to define a term; to provide for a written court order in cases of continued detention as prescribed; to change provisions relating to dispositional orders regarding certain juveniles; to change a provision relating to foster care review; and to repeal the original sections.

LEGISLATIVE BILL 636. By Scofield, 49th District; Moore, 24th District; Marsh, 29th District; Morehead, 30th District; Warner, 25th District; Hall, 7th District; Barrett, 39th District; Smith, 33rd District.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-255 and 43-275, Reissue Revised Statutes of Nebraska, 1943, and section 43-250, Revised Statutes Supplement, 1986; to change provisions relating to the temporary detention and custody of juveniles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 637. By Scofield, 49th District; Landis, 46th District; Wesely, 26th District; Moore, 24th District; Marsh 29th District; Morehead, 30th District; Hall, 7th District; Higgins, 9th District; Smith 33rd District; Barrett, 39th District; Withem, 14th District; Warner, 25th District.

A BILL FOR AN ACT relating to children; to state intent; to adopt a family policy; to provide guidelines for certain service providers; and to require a report.

NOTICE OF COMMITTEE HEARINGS
Transportation

LB 311	Monday, February 2, 1987	1:30 p.m.
LB 305	Monday, February 2, 1987	1:30 p.m.
LB 216	Monday, February 2, 1987	1:30 p.m.
LB 135	Monday, February 2, 1987	1:30 p.m.
LB 299	Tuesday, February 3, 1987	1:30 p.m.
LB 327	Tuesday, February 3, 1987	1:30 p.m.
LB 347	Tuesday, February 3, 1987	1:30 p.m.
LB 80	Tuesday, February 3, 1987	1:30 p.m.

(Signed) Howard Lamb, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Peterson 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 638. By Scofield, 49th District; Landis, 46th District; Moore, 24th District; Marsh, 29th District; Withem, 14th District; Higgins, 9th District; Hall, 7th District; Smith, 33rd District; Barrett, 39th District, Morehead, 30th District; Warner, 25th District.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-284, 43-286, 43-290, and 43-2,101, Reissue Revised Statutes of Nebraska, 1943, and sections 43-245, 43-254, and 43-258, Revised Statutes Supplement, 1986; to redefine a term; to require parental payments and use of insurance for certain expenses; to specify powers and jurisdiction of the juvenile court; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 639. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to solid waste; to require the assessment and classification of solid waste disposal sites as prescribed; to define terms; and to declare an emergency.

LEGISLATIVE BILL 640. By Remmers, 1st District.

A BILL FOR AN ACT relating to liens; to provide a duty for the Secretary of State; and to provide for lists reflecting certain statutory liens to be mailed to subscribers as prescribed.

LEGISLATIVE BILL 641. By Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to eliminate provisions relating to microwave communications facilities; and to repeal sections 70-1021 and 70-1022, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 642. By Remmers, 1st District.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-602 and 8-816, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to fees for services provided by the Department of Banking and Finance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 643. By Lynch, 13th District.

A BILL FOR AN ACT relating to maternal and child health; to define terms; to provide for the creation and administration of certain programs; to provide for acceptance of federal funds; to provide powers and duties; to provide penalties for violations; to provide for enforcement; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 644. By Baack, 47th District; Scofield, 49th District; Lamb, 43rd District.

A BILL FOR AN ACT relating to schools; to amend section 79-1338, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,102, Revised Statutes Supplement, 1986; to change calculations relating to nonresident tuition; to change a provision relating to the School Foundation and Equalization Fund; and to repeal the original sections.

LEGISLATIVE BILL 645. By Peterson, 21st District; Smith, 33rd District; Elmer, 38th District; Korshoj, 16th District; Beyer, 3rd District; Remmers, 1st District; R. Johnson, 34th District; Pirsch, 10th District; Lamb, 43rd District; Pappas, 42nd District.

A BILL FOR AN ACT relating to game and parks; to amend sections 81-101, 81-807, 81-809, 81-810, 81-811, and 81-814, Reissue Revised Statutes of Nebraska, 1943, and sections 37-101 and 81-102, Revised Statutes Supplement, 1986; to eliminate the Game and Parks Commission and the secretary of the commission; to create the Department of Game and Parks and the position of Director of Game and Parks; to provide powers and duties; to harmonize provisions; and to repeal the original sections, and also sections 81-801, 81-801.01, 81-802, 81-803.01, and 81-804, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 646. By Marsh, 29th District.

A BILL FOR AN ACT relating to public buildings; to amend section 72-1119, Reissue Revised Statutes of Nebraska, 1943; to provide for the enforcement of building and fire code regulations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 647. By Nelson, 35th District; Wesely, 26th District.

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

LEGISLATIVE BILL 648. By Wesely, 26th District.

A BILL FOR AN ACT relating to the Capitol Mural Commission; to provide for an artwork competition; and to appropriate funds.

LEGISLATIVE BILL 649. By Miller, 37th District; Smith, 33rd District; Conway, 17th District.

A BILL FOR AN ACT relating to educational service units; to amend sections 32-4,101, 32-4,104, 79-2201.01, 79-2202, 79-2203, 79-2203.02, 79-2203.03, 79-2204, 79-2204.01, and 79-2208, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide for regional educational service unit reorganization committees; to provide powers and duties to the State Board of Education; to provide for a State Educational Service Unit Reorganization

Committee as prescribed; to change provisions relating to membership as prescribed; to delete obsolete language; to provide for change of boundaries; to provide powers and duties for the regional and state educational service unit reorganization committees; to harmonize provisions; and to repeal the original sections, and also section 79-2202.02, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 650. By Haberman, 44th District.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1108.01, Reissue Revised Statutes of Nebraska, 1943; to provide a penalty for violations; to provide for the disposition of the penalty as prescribed; and to repeal the original section.

LEGISLATIVE BILL 651. By Rupp, 22nd District.

A BILL FOR AN ACT relating to cities of the second class; to define terms; to establish a retirement system for police officers in cities of the second class; to authorize a levy; and to provide an operative date.

LEGISLATIVE BILL 652. By Withem, 14th District.

A BILL FOR AN ACT relating to elections; to amend sections 14-217.01, 19-405, 19-406, 19-3023, 32-210.01, 32-216.02, 32-403, 32-433, 32-491, 32-4,152, 32-503.01, 32-504, and 32-1402, Reissue Revised Statutes of Nebraska, 1943, and sections 10-703.01, 32-216, and 32-223, Revised Statutes Supplement, 1986; to change provisions relating to voting on issuance of certain bonds; to change dates for the publication or posting of sample ballots; to provide for the time and place the mayor of a city of the metropolitan class takes office; to change certain filing dates; to change a filing fee; to permit clerks of election to sign ballots; to provide the polling place of and authorize a transfer of registration by certain voters; to change certain registration forms; to authorize certain write-in votes to be counted and listed together; to change provisions relating to the filling of certain vacancies; to provide for recall of elected county officers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 653. By Baack, 47th District.

A BILL FOR AN ACT relating to the Radiation Control Act; to amend sections 71-3501 to 71-3503, 71-3505, 71-3512, 71-3514,

71-3517, and 71-3519, Reissue Revised Statutes of Nebraska, 1943; to provide for the establishment of requirements for the education and training of persons operating X-ray systems as prescribed; to define terms; to provide qualifications; to provide rules and regulations; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 654. By Pappas, 42nd District; Labedz, 5th 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 655. By Goodrich, 20th District.

A BILL FOR AN ACT relating to Nebraska State Patrol; to provide a cost-of-living adjustment for retirement benefits as prescribed.

LEGISLATIVE BILL 656. By Goodrich, 20th District.

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 85-105, 85-121, and 85-1,104, Reissue Revised Statutes of Nebraska, 1943; to change an authorization for disposal of certain property; to change provisions relating to the School of Technical Agriculture at Curtis; to eliminate provisions relating to chemurgy; to eliminate the Chemurgy Fund; to repeal the original sections, and also sections 85-156 to 85-161, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 657. By Goodrich, 20th District.

A BILL FOR AN ACT relating to real property; to amend sections 76-107, 76-122, and 76-2,104, Reissue Revised Statutes of Nebraska, 1943; to provide a limitation on the duration of certain future interests as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 658. By Schmit, 23rd District; Harris, 27th District; Nelson, 35th District; Miller, 37th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-1301 to 66-1304, 66-1306, and 66-1307, Reissue Revised Statutes of Nebraska, 1943, and section 58-239, Revised Statutes Supplement, 1986; to eliminate certain financing authority as prescribed; to eliminate a definition; to change the membership of a board; to provide a duty to the Department of Economic Development; to eliminate provisions relating to a tax; to create funds; to provide for the transfer of funds; to provide a surcharge on electricity as prescribed; to require establishment of ethanol facilities as prescribed; to require filing of a plan; to state intent; to prohibit the sale of fuel without ethanol as prescribed; to provide a penalty; and to repeal the original sections, and also sections 66-1308 to 66-1314 and 66-1317 to 66-1325, Reissue Revised Statutes of Nebraska, 1943, and section 58-239.01, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 659. By Hall, 7th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01, 77-2702, and 77-2703, Reissue Revised Statutes of Nebraska, 1943; to decrease the income tax rate; to provide a sales tax on services; to provide exceptions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 660. By Hall, 7th District.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-121.01 and 48-1,110, Revised Statutes Supplement, 1986; to provide for maximum and minimum weekly benefits; to provide for adjustments as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 661. By Landis, 46th District; Hefner, 19th District; Barrett, 39th District; Warner, 25th District; Hall, 7th District; Labedz, 5th District; Hannibal, 4th District; Scofield, 49th District; McFarland, 28th District; Wesely, 26th District; L. Johnson, 15th District; Marsh, 29th District.

A BILL FOR AN ACT relating to state employees; to amend sections 48-810, 48-811, 48-813, 48-817, and 48-818, Reissue Revised Statutes of Nebraska, 1943, and sections 48-816, 48-837, 48-838, and 48-842, Revised Statutes Supplement, 1986; to adopt the State Employees Collective Bargaining Act; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 662. By Hannibal, 4th District.

A BILL FOR AN ACT relating to building and loan associations; to amend section 8-355, Revised Statutes Supplement, 1986; to change a date as prescribed; to permit operation of state-chartered building and loan associations in other states as prescribed; to provide powers; and to repeal the original section.

LEGISLATIVE BILL 663. By Withem, 14th District.

A BILL FOR AN ACT relating to natural gas; to amend section 18-414, Revised Statutes Supplement, 1986; to provide duties for suppliers of natural gas to municipalities; to change a provision relating to rate increases; to provide for filing of certain rate increase information as prescribed; and to repeal the original section, and also section 18-415, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 664. By Schmit, 23rd District; Rogers, 41st District; Morehead, 30th District; Chambers, 11th District.

A BILL FOR AN ACT relating to agriculture; to adopt the Farm Mediation Act; to provide a termination date; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 665. By Korshoj, 16th District; Conway, 17th District; Ashford, 6th District; Nelson, 35th District; Chambers, 11th District; Chizek, 31st District.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2703 and 29-2709, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions related to recognizances to keep the peace; to authorize the waiver of certain costs; to eliminate provisions relating to the naming of witnesses on warrants of commitment; and to repeal the original sections, and also sections 29-511, 29-512, and 29-2205, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 666. By Chizek, 31st District.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1403, Revised Statutes Supplement, 1986; to change provisions relating to revocation of certain certificates; and to repeal the original section.

LEGISLATIVE BILL 667. By Pappas, 42nd District; Hall, 7th District.

A BILL FOR AN ACT relating to contracts; to adopt the Domestic Products Procurement Act.

LEGISLATIVE BILL 668. By Goodrich, 20th District.

A BILL FOR AN ACT relating to mental retardation; to amend section 83-1,142, Revised Statutes Supplement, 1986; to provide powers and duties for the director of the office of mental retardation relating to authorization and approval of services for the mentally retarded as prescribed; to provide additional powers and duties for each mental retardation region as prescribed; and to repeal the original section.

LEGISLATIVE BILL 669. By Chambers, 11th District.

A BILL FOR AN ACT relating to infants; to amend section 43-512, Revised Statutes Supplement, 1986; to change the amount of monthly assistance as prescribed; and to repeal the original section.

LEGISLATIVE BILL 670. By Chambers, 11th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2262.01, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain persons from acting as undercover agents or employees of a law enforcement agency as prescribed; and to repeal the original section.

LEGISLATIVE BILL 671. By Chambers, 11th District.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1208.01, Revised Statutes Supplement, 1986; to change provisions relating to the reporting of the tax on parimutuel wagering; and to repeal the original section.

LEGISLATIVE BILL 672. By Chambers, 11th District.

A BILL FOR AN ACT relating to parole; to amend sections 83-1,110 and 83-1,112, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to parole hearings; and to repeal the original sections.

LEGISLATIVE BILL 673. 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 674. By Chambers, 11th District.

A BILL FOR AN ACT relating to surrogate parenthood contracts; to declare such contracts void and to provide rights and obligations; and to define a term.

LEGISLATIVE BILL 675. By Chambers, 11th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 24-342, 28-105, 28-303, 29-2020, 83-1,107, and 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943, and section 29-3205, Revised Statutes Supplement, 1986; to eliminate the death penalty; to eliminate certain special procedures in homicide cases; to provide a penalty; to provide for applicability to prior convictions; to provide parole and discharge limitations; to harmonize provisions; and to repeal the original sections, and also sections 28-105.01, 29-2519 to 29-2525, 29-2527, 29-2528, 29-2532 to 29-2536, 29-2538, 29-2539, 29-2542 to 29-2546, and 83-1,132, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2537, 29-2540, and 29-2541, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 676. By Chambers, 11th District.

A BILL FOR AN ACT relating to grand juries; to amend section 29-1401, Reissue Revised Statutes of Nebraska, 1943; to require notification of the county coroner of certain deaths; to provide a penalty; to provide powers and duties for the county coroner; to require the calling of a grand jury as prescribed; and to repeal the original section.

LEGISLATIVE BILL 677. By Chambers, 11th District.

A BILL FOR AN ACT relating to private security services; to adopt the Private Security Services Act.

LEGISLATIVE BILL 678. By Urban Affairs Committee: Hartnett, 45th District, Chairperson; Hall, 7th District; Higgins, 9th District; Korshoj, 16th District; Labedz, 5th District; Landis, 46th District.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1413, Reissue Revised Statutes of Nebraska, 1943, and section 84-1411, Revised Statutes Supplement, 1986; to change provisions relating to agenda and voting requirements; and to repeal the original sections.

LEGISLATIVE BILL 679. By Urban Affairs Committee: Hartnett, 45th District, Chairperson; Hall, 7th District; Higgins, 9th District; Korshoj, 16th District; Labedz, 5th District; Landis, 46th District.

A BILL FOR AN ACT relating to municipal improvements; to amend sections 19-2427 to 19-2429, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to improvement districts as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 680. By Urban Affairs Committee: Hartnett, 45th District, Chairperson; Hall, 7th District; Korshoj, 16th District; Labedz, 5th District; Landis, 46th District.

A BILL FOR AN ACT relating to liens; to amend sections 52-118 to 52-118.02, Reissue Revised Statutes of Nebraska, 1943; to provide for acceptance of additional types of security for public construction projects as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 681. By Harris, 27th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-903, Revised Statutes Supplement, 1986; to change provisions relating to bank holding companies; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 682. By Pappas, 42nd District.

A BILL FOR AN ACT relating to schools; to amend sections 79-201, 79-328, and 79-1701, Revised Statutes Supplement, 1986; to change provisions relating to the State Board of Education's powers and duties; to change provisions relating to private, denominational, or parochial schools as prescribed; to eliminate a penalty provision; to

eliminate a provision relating to college admission; to harmonize provisions; and to repeal the original sections, and also sections 79-1701.01 and 85-607, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 683. By Warner, 25th District; Moore, 24th District; Scofield, 49th District; Hannibal, 4th District; Abboud, 12th District; Hartnett, 45th District; Langford, 36th District; Marsh, 29th District; Wehrbein, 2nd District; L. Johnson, 15th District.

A BILL FOR AN ACT relating to the State Energy Office; to create the Nebraska Energy Settlement Fund; to provide for a plan for disbursements from the fund; to provide guidelines for projects; to provide for reports; to provide exceptions; and to declare an emergency.

LEGISLATIVE BILL 684. By L. Johnson, 15th District; Warner, 25th District; Moore, 24th District.

A BILL FOR AN ACT relating to tractor engine testing; to amend sections 2-2701, 2-2702, and 2-2703, Revised Statutes Supplement, 1986; to eliminate provisions relating to the Organization for Economic Cooperation and Development as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 685. By L. Johnson, 15th District; Warner, 25th District.

A BILL FOR AN ACT relating to the Board of Regents; to authorize the Board of Regents to reduce or close certain schools or programs as prescribed; and to declare an emergency.

LEGISLATIVE BILL 686. By Wesely, 26th District; Marsh, 29th District; Harris, 27th District.

A BILL FOR AN ACT relating to appropriations; to appropriate money to the Receiver of Commonwealth Savings Company, insolvent, as prescribed.

LEGISLATIVE BILL 687. By Urban Affairs Committee: Hartnett, 45th District, Chairperson; Hall, 7th District; Korshoj, 16th District; Labedz, 5th District; Landis, 46th District.

A BILL FOR AN ACT relating to natural gas; to amend sections 18-414 and 59-1617, Revised Statutes Supplement, 1986; to adopt the

Municipal Gas Regulatory Act; to change a provision relating to rate regulation; to harmonize provisions; to provide severability; and to repeal the original sections, and also section 18-415, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 688. By Education Committee: Withem, 14th District, Chairperson; Baack, 47th District; Chizek, 31st District; Dierks, 40th District; McFarland, 28th District; Nelson, 35th District; Peterson, 21st District; and Miller, 37th District; Conway, 17th District; Smith, 33rd District.

A BILL FOR AN ACT relating to schools; to amend section 79-2205, Reissue Revised Statutes of Nebraska, 1943, and sections 49-14,103.01, 79-328, and 79-2201, Revised Statutes Supplement, 1986; to state intent; to provide a role and mission statement for educational service units; to redefine a term; to provide for conflicts of interest relating to contracts and employment for educational service unit officials and board members as prescribed; to provide for additional rules and regulations by the State Board of Education; and to repeal the original sections.

LEGISLATIVE BILL 689. By Labedz, 5th District; Hall, 7th 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, Revised Statutes Supplement, 1986; to provide for employment driving permits as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 690. By Weihing, 48th District.

A BILL FOR AN ACT relating to driving while intoxicated; to permit detention of certain drivers as prescribed.

LEGISLATIVE BILL 691. By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Chemically Impaired Professional Act.

LEGISLATIVE BILL 692. By Wesely, 26th District; Withem, 14th District; Hartnett, 45th District; Ashford, 6th District; Lynch, 13th District; Chizek, 31st District.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1521.02, Reissue Revised Statutes of Nebraska, 1943, and sections 60-302 and 81-1528, Revised Statutes Supplement, 1986; to adopt the Solid Waste Management Act; to eliminate provisions relating to solid waste disposal and other similar facilities; to repeal the Nebraska Litter Reduction and Recycling Act; to eliminate a fund; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections, and also sections 19-2101 to 19-2107, 19-2111 to 19-2113, 19-4101 to 19-4121, 23-379 to 23-381, 81-1516, 81-1517, 81-1519, 81-1520, 81-1534 to 81-1552, 81-1554 to 81-1558, 81-1560 to 81-1560.03, 81-1562, 81-1563, and 81-1565, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1518, 81-1553, 81-1559, 81-1561, and 81-1566, Revised Statutes Supplement, 1986; and to declare an emergency.

LEGISLATIVE BILL 693. By Wesely, 26th District.

A BILL FOR AN ACT relating to nursing home administrators; to amend sections 71-2041.01, 71-2042, 71-2045.01 to 71-2045.03, and 71-2045.05 to 71-2045.07, Reissue Revised Statutes of Nebraska, 1943; to define terms; to change provisions for licensing nursing home administrators; to change continuing education requirements; to provide for examinations, inactive licenses, preceptors, and administrators-in-training; and to repeal the original sections.

LEGISLATIVE BILL 694. By Wesely, 26th District.

A BILL FOR AN ACT relating to nursing homes; to amend sections 71-2024, 71-2033, 71-2034, and 71-2036 to 71-2038, Reissue Revised Statutes of Nebraska, 1943; to provide for rules and regulations for nursing homes; to change provisions relating to membership on the Nursing Home Advisory Council; to change provisions relating to council meetings, expenses, powers, and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 695. By Miller, 37th District.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1019, Reissue Revised Statutes of Nebraska, 1943; to exclude certain services from payment of medical assistance; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 696. By Conway, 17th District; Beyer, 3rd District; Hefner, 19th 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 697. By Pirsch, 10th District.

A BILL FOR AN ACT relating to mental health records; to amend section 83-109, Revised Statutes Supplement, 1986; to state intent; to define terms; to provide access to certain records as prescribed; to provide disclosure as prescribed; and to repeal the original section.

LEGISLATIVE BILL 698. By Pirsch, 10th District.

A BILL FOR AN ACT relating to criminal justice; to amend section 81-1429, Revised Statutes Supplement, 1986; to create a fund; to provide powers and duties; to change a fee; to provide for disposition of the fee; and to repeal the original section.

LEGISLATIVE BILL 699. By Smith, 33rd District; Higgins, 9th District.

A BILL FOR AN ACT relating to health care facilities; to define terms; to provide for certification of swing-bed hospitals; to provide duties for the Department of Health; and to provide requirements for operation.

LEGISLATIVE BILL 700. By Goodrich, 20th District; Remmers, 1st District; Schmit, 23rd District; Conway, 17th District.

A BILL FOR AN ACT relating to the Nebraska Property and Liability Insurance Guaranty Association Act; to amend sections 44-2403 and 44-2418, Reissue Revised Statutes of Nebraska, 1943, and section 44-2407, Revised Statutes Supplement, 1986; to redefine a term; to change provisions relating to powers and duties of the association; to provide for the collection of claims for unearned premiums as prescribed; to provide duties for the Director of Insurance; to provide a procedure; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 701. By Schmit, 23rd District; Hartnett, 45th District; Conway, 17th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3906, Reissue Revised Statutes of Nebraska, 1943; to provide for a tax on marijuana, controlled substances, bookmaking, and gambling devices; to define terms; to provide powers and duties for the Tax Commissioner and Department of Revenue relating to the collection and enforcement of such tax as prescribed; to harmonize provisions; to provide penalties; to provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 702. By Pappas, 42nd District; Haberman, 44th 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, 1986; to define and redefine terms; to change provisions relating to bank holding companies; and to repeal the original sections.

LEGISLATIVE BILL 703. By Pappas, 42nd District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-602, Reissue Revised Statutes of Nebraska, 1943, and sections 8-157 and 8-903, Revised Statutes Supplement, 1986; to remove certain limitations from the establishment of branch banks as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 704. By Schellpeper, 18th District.

A BILL FOR AN ACT relating to recreational roads; to amend sections 39-1390 and 39-1391, Reissue Revised Statutes of Nebraska, 1943; to provide for improvement of roads on the Nebraska State Fairgrounds; to provide an additional requirement for a plan as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 705. By Schmit, 23rd District; Withem, 14th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to the public power industry; to state intent; and to require a study of the public power industry as prescribed.

LEGISLATIVE BILL 706. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to environmental protection; to amend section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, and section 81-1569, Revised Statutes Supplement, 1986; to adopt the Environmental Response and Liability Act; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 707. By Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Authority Act; to amend section 58-242, Reissue Revised Statutes of Nebraska, 1943, and section 58-239, Revised Statutes Supplement, 1986; to change certain powers as prescribed; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 708. By Schmit, 23rd District.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1207, Revised Statutes Supplement, 1986; to state intent; to provide for wagering on simulcast of races; to define terms; to provide for licensing; to provide for wagering at simulcast events; and to repeal the original section.

LEGISLATIVE BILL 709. By Schmit, 23rd District.

A BILL FOR AN ACT relating to liquor; to amend section 53-175, Reissue Revised Statutes of Nebraska, 1943, and section 53-168, Revised Statutes Supplement, 1986; to eliminate certain provisions relating to credit; to change a provision relating to the purchase of alcoholic liquors as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 710. By Schmit, 23rd District.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the County Revenue Act.

LEGISLATIVE BILL 711. By Hefner, 19th District.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend section 48-818, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to findings and orders of the commission; and to repeal the original section.

LEGISLATIVE BILL 712. By Conway, 17th District; Ashford, 6th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-311.06, Reissue Revised Statutes of Nebraska, 1943, and section 44-309, Revised Statutes Supplement, 1986; to authorize certain investments by insurance companies as prescribed; to increase a limit on investments as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 713. By Lynch, 13th District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-320 and 44-371, Reissue Revised Statutes of Nebraska, 1943; to permit certain transactions involving officers of domestic insurance companies as prescribed; to change provisions relating to the exemption of certain proceeds and benefits as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 714. By Lynch, 13th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska, 1943; to adopt the Individual Long-Term Care Account Act; to provide an adjustment to taxable income; and to repeal the original section.

LEGISLATIVE BILL 715. Landis, 46th District.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-106, Reissue Revised Statutes of Nebraska, 1943; to provide for approval of certain plats; and to repeal the original section.

LEGISLATIVE BILL 716. By Hall, 7th District; Rupp, 22nd District.

A BILL FOR AN ACT relating to elections; to amend sections 32-702, 32-703, 32-704, 32-706, and 32-713, Reissue Revised Statutes of Nebraska, 1943, and sections 32-221, 32-705, and 60-403, Revised Statutes Supplement, 1986; to change provisions relating to the distribution of forms for voter registration by mail; to change qualifications and requirements of initiative and referendum petition signers and circulators; to change provisions relating to petitions; to change a provision relating to placing an issue on the ballot; to provide for additional information on operators' licenses application forms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 717. By Harris, 27th District.

A BILL FOR AN ACT relating to fairgrounds; to amend sections 2-125 to 2-127, Reissue Revised Statutes of Nebraska, 1943, and section 2-128, Revised Statutes Supplement, 1986; to authorize certain improvements for the Nebraska State Fairgrounds; to provide for financing such improvements as prescribed; to change a provision relating to an appropriation; and to repeal the original sections.

LEGISLATIVE BILL 718. By Ashford, 6th District.

A BILL FOR AN ACT relating to the Industrial Relations Act; to amend sections 48-801.01 and 48-837, Revised Statutes Supplement, 1986; to provide an expedited process for certain actions heard before the commission; to eliminate certain limitations on the jurisdiction of the commission; to harmonize provisions; to repeal the original sections, and also sections 48-840 to 48-842, Revised Statutes Supplement, 1986; and to declare an emergency.

LEGISLATIVE BILL 719. By Barrett, 39th District; Scofield, 49th District; Chizek, 31st District; Conway, 17th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to children; to amend sections 30-2309, 42-784, 42-788, 43-104.07, 43-106.01, 43-107, 43-108, 43-110, 43-112, 43-115, 43-117, 43-118, 43-1202, 71-628, 71-630, 71-640.01, and 71-640.02, Reissue Revised Statutes of Nebraska, 1943, and sections 42-371, 43-101, 43-111.01, 43-113, 43-147, 43-247, 43-512.02, 43-512.03, 43-512.05, 43-512.10, 43-1301, 43-1503, 43-1717, 43-1742, 43-1802, and 84-218, Revised Statutes Supplement, 1986; to adopt the Nebraska Parentage Act; to adopt the Nebraska Adoption Act; to eliminate certain provisions relating to paternity determinations and adoption; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections, and also sections 43-102.01, 43-104.02 to 43-104.05, 43-105, 43-106, 43-116, 43-1401 to 42-1405, 43-1407 to 43-1410, and 43-1413 to 43-1418, Reissue Revised Statutes of Nebraska, 1943, and sections 43-102, 43-103, 43-104, 43-104.06, 43-109, 43-111, 43-1406, 43-1411, and 43-1412, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 720. By Hall, 7th District; Landis, 46th District; Labedz, 5th District.

A BILL FOR AN ACT relating to labor; to amend section 48-604, Revised Statutes Supplement, 1986; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 721. By Smith, 33rd District; Hartnett, 45th District; Remmers, 1st District; Weihing, 48th District.

A BILL FOR AN ACT relating to cities and villages; to provide for the creation of special improvement districts.

LEGISLATIVE BILL 722. By Baack, 47th District.

A BILL FOR AN ACT relating to liens; to require written consent in order for certain liens to be valid and enforceable; to provide an exception; and to declare an emergency.

LEGISLATIVE BILL 723. By Schmit, 23rd District; Elmer, 38th District.

A BILL FOR AN ACT relating to propane; to adopt the Propane Safety Act.

LEGISLATIVE BILL 724. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to gambling; to amend sections 28-602, 60-1001, 81-146, and 81-1316, Reissue Revised Statutes of Nebraska, 1943, and sections 2-219, 9-204, 9-312, 9-402, 9-411, 9-415, 9-422, 9-502, 9-507, 9-509, 9-607, 14-102, 15-258, 16-226, 17-120, 17-207, 28-1101, 28-1105, and 28-1113, Revised Statutes Supplement, 1986; to adopt the Nebraska State Lottery Act; to redefine forgery; to provide exemptions; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 725. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to liquors; to amend sections 53-103 and 53-160, Revised Statutes Supplement, 1986; to define a term; to impose a tax on spirits coolers; and to repeal the original sections.

LEGISLATIVE BILL 726. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-402.03, 79-402.07, 79-402.09, 79-402.11, 79-426.07, 79-426.08, 79-426.22, and 79-12,104, Reissue Revised Statutes of Nebraska,

1943, and section 79-702.06, Revised Statutes Supplement, 1986; to state intent; to require the state reorganization committee to compile guidelines for reorganization; to require the merger of school districts as prescribed; to harmonize provisions; to eliminate certain provisions relating to the formation of new school districts; to provide operative dates; and to repeal the original sections, and also section 79-415, Reissue Revised Statutes of Nebraska, 1943, and section 79-402, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 727. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to insurance; to state intent; to require certain insurers to pay for tests as prescribed; and to provide a penalty.

LEGISLATIVE BILL 728. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to insurance; to eliminate legal expense insurance; and to provide a termination date.

LEGISLATIVE BILL 729. By Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Peterson, 21st District; Rogers, 41st District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Reissue Revised Statutes of Nebraska, 1943; to remove the sales and use tax exemption from candy and certain beverages as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 730. By Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Landis, 46th District; Peterson, 21st District; Rogers, 41st District.

A BILL FOR AN ACT relating to tobacco; to amend sections 59-1502, 77-2602, and 77-2602.03, Reissue Revised Statutes of Nebraska, 1943; to adopt the Tobacco Products Tax Act; to redefine a term; to increase the cigarette tax; to change provisions relating to applicability of cigarette tax increases; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 731. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to wages; to amend section 48-1230, Reissue Revised Statutes of Nebraska, 1943; to provide for certain wages to be the same as prescribed; and to repeal the original section.

LEGISLATIVE BILL 732. By V. Johnson, 8th District; Hall, 7th District.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Weight-distance Tax Act; to provide penalties; and to declare an emergency.

LEGISLATIVE BILL 733. By L. Johnson, 15th District.

A BILL FOR AN ACT relating to museums; to state intent; to designate a railroad museum; and to declare an emergency.

LEGISLATIVE BILL 734. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-150, Reissue Revised Statutes of Nebraska, 1943; to provide for the computation of additions to certain rates of tax; and to repeal the original section.

LEGISLATIVE BILL 735. By Schmit, 23rd District; Warner, 25th District; Lamb, 43rd District; Labedz, 5th District.

A BILL FOR AN ACT relating to interest rates; to amend sections 8-435, 45-101.02, 45-101.03, 45-137, and 45-138, Reissue Revised Statutes of Nebraska, 1943, and section 8-820, Revised Statutes Supplement, 1986; to change the maximum rate of interest on loans and credit cards as prescribed; to eliminate certain exemptions from the limits; to harmonize provisions; and to repeal the original sections, and also section 45-101.04, Revised Statutes Supplement, 1986.

LEGISLATIVE BILL 736. By Scofield, 49th District; Landis, 46th District; Morehead, 30th District; Hefner, 19th District; Withem, 14th District; Wesely, 26th District; Chizek, 31st District; Conway, 17th District; Nelson, 35th District.

A BILL FOR AN ACT relating to economic development; to amend section 81-1201.14, Revised Statutes Supplement, 1986; to adopt the Business Partnership Act; to provide a power; and to repeal the original section.

LEGISLATIVE BILL 737. By Moore, 24th District; Wesely, 26th District; Morehead, 30th District; Baack, 47th District.

A BILL FOR AN ACT relating to agriculture; to state intent; to create a poultry development and assistance program.

LEGISLATIVE BILL 738. By Landis, 46th District; Morehead, 30th District; Hefner, 19th District; R. Johnson, 34th District; Scofield, 49th District; Wesely, 26th District; Baack, 47th District; Conway, 17th District; Withem, 14th District; Korshoj, 16th District.

A BILL FOR AN ACT relating to agriculture; to adopt the Nebraska Agriculture Act.

LEGISLATIVE BILL 739. By Landis, 46th District; Morehead, 30th District; Conway, 17th District; Moore, 24th District; R. Johnson, 34th District; Wesely, 26th District; Baack, 47th District; Withem, 14th District; Chizek, 31st District; Korshoj, 16th District.

A BILL FOR AN ACT relating to agriculture; to state intent; to provide for the creation of an agricultural development strategy and program.

LEGISLATIVE BILL 740. By Landis, 46th District; Morehead, 30th District; Hefner, 19th District; Moore, 24th District; Withem, 14th District; Conway, 17th District; Wesely, 26th District; Chizek, 31st District.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1201.16 and 81-1201.18, Revised Statutes Supplement, 1986; to provide powers and duties; to change a provision relating to community development block grants; and to repeal the original sections.

LEGISLATIVE BILL 741. By Landis, 46th District; Morehead, 30th District; Hefner, 19th District; Moore, 24th District; Nelson, 35th District; Conway, 17th District; Wesely, 26th District; Withem, 14th District; Chizek, 31st District; Korshoj, 16th District.

A BILL FOR AN ACT relating to tourism; to amend sections 39-634.01 and 39-634.02, Reissue Revised Statutes of Nebraska, 1943, and section 81-1201.13, Revised Statutes Supplement, 1986; to adopt the Tourism Development Act; to create a council; to provide duties;

to change provisions relating to certain informational signs on state roads as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 742. By Landis, 46th District; Hefner, 19th District; Withem, 14th District; Moore, 24th District; Wesely, 26th District; Morehead, 30th District; Conway, 17th District; Chizek, 31st District.

A BILL FOR AN ACT relating to economic development; to adopt the Cooperative Development Act of 1987.

LEGISLATIVE BILL 743. By Landis, 46th District; Morehead, 30th District; Conway, 17th District; Wesely, 26th District, Withem, 14th District; Chizek, 31st District; Korshoj, 16th District.

A BILL FOR AN ACT relating to economic development; to amend section 81-1201.15, Revised Statutes Supplement, 1986; to provide powers and duties; and to repeal the original section.

LEGISLATIVE BILL 744. By Landis, 46th District; Morehead, 30th District; Hefner, 19th District; Chizek, 31st District; Wesely, 26th District; Withem, 14th District; Conway, 17th District; Korshoj, 16th District.

A BILL FOR AN ACT relating to economic development; to provide for job training as prescribed.

LEGISLATIVE BILL 745. By Landis, 46th District; Morehead, 30th District; Hefner, 19th District; Conway, 17th District; Wesely, 26th District; Withem, 14th District; Nelson, 35th District; Chizek, 31st District.

A BILL FOR AN ACT relating to risk capital; to state intent; to define terms; and to provide powers and duties.

LEGISLATIVE BILL 746. By Morehead, 30th District; Chizek, 31st District; Wesely, 26th District; Nelson, 35th District; Conway, 17th District; Withem, 14th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715 and 77-2734.03, Reissue Revised Statutes of Nebraska, 1943; to adopt the Venture Capital Company Act; to provide a tax credit for investments in certain businesses as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 747. By Morehead, 30th District; Hefner, 19th District; Conway, 17th District; Wesely, 26th District; Withem, 14th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715 and 77-2734.03, Reissue Revised Statutes of Nebraska, 1943; to provide a credit for certain investments as prescribed; to define a term; and to repeal the original sections.

LEGISLATIVE BILL 748. By Wesely, 26th District.

A BILL FOR AN ACT relating to economic development; to adopt the Economic Development Act; to state intent; and to provide powers and duties for various departments.

LEGISLATIVE BILL 749. By Harris, 27th District.

A BILL FOR AN ACT relating to economic development; to amend sections 58-209.01, 58-219, 66-452, 72-1263, 77-2704, 77-2708, 77-2715, 77-2734.03, 77-2734.04, and 77-2734.07, Reissue Revised Statutes of Nebraska, 1943, and section 81-1201.11, Revised Statutes Supplement, 1986; to adopt the Enterprise Zone Demonstration Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 750. By Wesely, 26th District; Chambers, 11th District.

A BILL FOR AN ACT relating to capital punishment; to amend section 71-148, Reissue Revised Statutes of Nebraska, 1943, and sections 29-1822 and 29-2537, Revised Statutes Supplement, 1986; to change provisions relating to the sentence of a mentally incompetent person; to include certain care or treatment as unprofessional conduct as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 751. By Schmit, 23rd District; Baack, 47th District.

A BILL FOR AN ACT relating to fuels; to amend section 66-1307, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define a term; to provide for the sale of certain fuels as prescribed; to change a provision relating to the use of a fund; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 752. By Conway, 17th District; Baack, 47th District.

A BILL FOR AN ACT relating to weeds; to amend section 18-1719, Reissue Revised Statutes of Nebraska, 1943; to provide for the destruction and removal of weeds, worthless vegetation, and unsightly debris by certain political subdivisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 753. By Schmit, 23rd District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-141, Revised Statutes Supplement, 1986; to provide for the acquisition of certain federal bonds and certificates by banks; and to repeal the original section.

LEGISLATIVE BILL 754. By Schmit, 23rd District.

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3508, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the homestead exemption for disabled persons; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 755. By Schmit, 23rd District.

A BILL FOR AN ACT relating to agriculture; to amend section 2-3311, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3622, 2-4011, and 54-2112, Revised Statutes Supplement, 1986; to require certain boards to enter into contracts for coordinating industry promotion; and to repeal the original sections.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 110. Placed on General File.

LEGISLATIVE RESOLUTION 2. Placed on General File.

(Signed) Lee Rupp, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 19

The following changes, required to be reported for publication in the Journal, have been made:
ER0104
1. On page 1, line 5, "Procedures" has been struck and "Procedure" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

BILLS ON FIRST READING

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

LEGISLATIVE BILL 756. By Haberman, 44th District; Rogers, 41st District; Moore, 24th District.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 39-6,181, Revised Statutes Supplement, 1986; to change provisions relating to overweight vehicles hauling grain and other farm products; and to repeal the original section.

LEGISLATIVE BILL 757. By Chambers, 11th District.

A BILL FOR AN ACT relating to gambling; to amend sections 2-219, 28-1101, 28-1105, and 28-1113, Revised Statutes Supplement, 1986; to adopt the Sports Wagering Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 758. 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 759. By Pappas, 42nd District.

A BILL FOR AN ACT relating to the State Tort Claims Act; to amend section 81-8,235, Revised Statutes Supplement, 1986; to limit the amount recoverable from claims as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 760. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-101, 71-102, 71-107, 71-110, 71-112, 71-113, and 71-162, Reissue Revised Statutes of Nebraska, 1943, and section 33-150, Revised Statutes Supplement, 1986; to state intent; to define terms; to provide for licensing certain persons for the practice of clinical laboratory technology as prescribed; to create a fund; to provide educational requirements; to provide powers and duties for the Department of Health; to require fees; to create a board; to provide for continuing education requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 761. By Schmit, 23rd District; R. Johnson, 34th District; Lamb, 43rd District; Pappas, 42nd District; Rupp, 22nd District.

A BILL FOR AN ACT relating to electricity; to require the installation of main electrical disconnects as prescribed; and to define terms.

RESOLUTIONS

LEGISLATIVE RESOLUTION 19CA.

Introduced by Remmers, 1st District; Morehead, 30th District; Scofield, 49th District; Baack, 47th District; Moore, 24th District; Dierks, 40th District; Weihing, 48th District; Pappas, 42nd District; V. Johnson, 8th District.

A Resolution to propose an amendment to Article VII, sections 2, 3, and 4, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for

approval the following amendment to Article VII, sections 2, 3, and 4, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

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

CVII-3 "The State Board of Education shall be composed of eight members~~,~~ who shall be elected from eight districts of substantially equal population as provided by the Legislature. Their term of office shall be for four years each. Their duties and powers shall be prescribed by the Legislature, and they shall receive no compensation, but shall be reimbursed their actual expense incurred in the performance of their duties. The members of the State Board of Education shall ~~not be actively engaged in the educational profession and they shall~~ be elected on a nonpartisan ballot."

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

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 for the appointment of the Commissioner of Education by the Governor subject to the approval of the Legislature, to provide that the State Board of Education will be an advisory body to the Commissioner of Education, and to change qualifications for membership on the State Board of Education.

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 Hartnett, 45th District.

A Resolution to propose an 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 NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 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 thereto, which is hereby proposed by the Legislature:

CXV-19 "No money derived from sales or use taxes imposed by the state on motor vehicles, trailers, or semitrailers and used by the state or from fees, excises, or license fees imposed and used by the state relating to the registration, ownership, operation, or use of vehicles on the public highways, roads, or streets or to fuels used for the propulsion of such vehicles shall be expended for other than the cost of administering laws under which such money is derived, statutory refunds and adjustments provided therein, payment of highway obligations including highway construction bonds authorized by Article XIII, section 1, and the cost of construction, reconstruction, maintenance, and repair of public highways and bridges and county, city, township, and village roads, streets, off-street public parking owned by a municipality, and bridges. This section shall not apply to money derived from motor vehicle operators' license fees.".

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 net proceeds from highway use taxes, including motor vehicle license fees, motor vehicle fuel taxes, and motor vehicle sales or use taxes imposed by the state shall be used only for the purpose of construction, reconstruction, repair, and maintenance of highways, streets, roads, and bridges and payment of highway obligations,

including highway construction bonds authorized by Article XIII, section 1.

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 21CA.

Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Hall, 7th District; Korshoj, 16th District; Labedz, 5th District; Landis, 46th District.

A Resolution to propose an amendment to Article XIII, section 2, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XIII, section 2, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CXIII-2 "Notwithstanding any other provision in the Constitution, the Legislature may authorize any county, or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this section, shall be subject

to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof. The Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate from its general fund such sums of money as may be deemed necessary for an economic or industrial development project or program, subject to approval by a majority vote of the qualified electors of such city or village voting upon the question.".

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 empower the Legislature to authorize incorporated cities and villages to use their general fund for economic and industrial development with voter approval.

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 22CA.

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 NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 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:

CIII-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.

After January 1, 1989, if the Legislature requires that any new program or service be provided by any municipality, county, or other political subdivision or if the Legislature requires the expansion of or a change in any existing program or service, which creation, expansion, or change will result in an increased expenditure of funds by the affected political subdivision, the Legislature shall appropriate the necessary funds for the benefit of the affected political subdivision each and every year during which the program or service is required to continue, except that if any municipality, county, or other political subdivision requests the Legislature to create, expand, or change any program or service, the Legislature shall not be required to appropriate the funds necessary to fund the created, expanded, or changed program or service.

After January 1, 1989, if 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, expanded, or changed programs and services provided by political subdivisions and for revenue lost by political subdivisions due to tax exemptions or reduced taxing allowance or 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.

LEGISLATIVE RESOLUTION 23CA.

Introduced by Hall, 7th District.

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 NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 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:

CVII-10 "(1) The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts as herein provided and, pursuant to subsection (2) of this section, 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.

(2) The University of Nebraska, with its three campuses, serves the educational needs of thousands of people who have chosen the university to continue their education. It is the duty of the university and the desire of its administration to meet the needs of its students by providing the best education within the most positive environment possible. The student members of the Board of Regents appointed

pursuant to subsection (1) of this section provide the elected regents with direct access to the university's campuses and are in a position to have first-hand knowledge of the students' most urgent needs. Although the student members are not elected, do not serve six-year terms, and do not each have a vote on matters presented to the Board of Regents, the student members do represent a constituency of students on their campuses and in their positions as students and student leaders warrant a vote on matters affecting their constituency. Each year the student members of the Board of Regents shall choose, by majority vote, one of such student members to serve as a voting member of the board, except that no university campus shall be represented by a voting student member more than once every three years.

(3) 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.".

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 each year a student member of the Board of Regents shall be entitled to vote on matters voted upon by the Board of Regents.

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 24.

Introduced by Withem, 14th District.

WHEREAS, A Nation Prepared: Teachers for the 21st Century, also known as the Carnegie Report, endorses the idea of a national board for professional teaching standards; and

WHEREAS, such national standards should be incorporated into state standards and with the full involvement of the state's teachers; and

WHEREAS, Time For Results, the Governors' 1991 Report on Education, calls for the creation of a national board to define teacher standards with a membership majority being teachers, elected by their peers; and

WHEREAS, the Governors' 1991 Report on Education refers to a national board of professional teacher standards as an opportunity to strengthen the quality of their profession and thus the same improved quality would be found in a state board of professional standards; and

WHEREAS, education is defined as a profession in section 79-1280, and educators should have authority over who enters and who is retained in the profession as do the members of other professions; and

WHEREAS, the Center for the Study of the Teaching Profession at the Rand Corporation in Washington, D.C. advocates that each state should create a board for professional teaching standards because regulation of a profession by itself achieves results for society that cannot be achieved in any other way; and

WHEREAS, a Spring 1986 Gallup Poll indicates that the public would like to see teachers actively involved in the state boards that certify teachers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the necessity of providing quality teachers to insure quality education.

2. That the Legislature's Education Committee conduct an interim study on the possible creation of an autonomous state standards and practices board for Nebraska's classroom teachers and school administrators.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 25.

Introduced by Lynch, 13th District; Higgins, 9th District; Chizek, 31st District; Hannibal, 4th District; Hartnett, 45th District; Ashford, 6th District; Hall, 7th District; Withem, 14th District; Beyer, 3rd District; Pirsch, 10th District; Goodrich, 20th District; V. Johnson, 8th District; Labedz, 5th District; Abboud, 12th District.

WHEREAS, Nebraska Consolidated Mills began as a Nebraska corporation on September 29, 1919; and

WHEREAS, On February 25, 1971, Nebraska Consolidated Mills incorporated in Nebraska under the name of Conagra, Inc.; and

WHEREAS, Conagra, as a major employer, has over seventy business locations in Nebraska which include commodity brokerage offices, grain elevators, fertilizer distributors, pesticide and herbicide distributors, farm supply stores, fabric stores, flour mills, meat distribution centers, beef and pork slaughtering plants, and veterinary supply companies; and

WHEREAS, the corporate headquarters of Conagra has always been located in Nebraska; and

WHEREAS, Conagra now has thirty-four thousand employees, two thousand four hundred of whom are in Nebraska; and

WHEREAS, if Conagra decides to locate its research and development facility for food products in a state other than Nebraska, the company's headquarters may be relocated to another state; and

WHEREAS, relocation of Conagra's company headquarters could result in the loss of jobs for six hundred seventy Nebraskans; and

WHEREAS, the location of Conagra's research and development facility for food products in Nebraska would create four hundred thirty-eight new jobs in our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature encourages Conagra, Inc. to locate its research and development plant for food products in Nebraska.

2. That the Legislature pledges its continued cooperation with Conagra, Inc., its Chairman of the Board and Chief Executive Officer, Mike Harper, and its Presidents and Chief Operating Officers, George Doering, Philip Fletcher, and R.S. Morrison.

3. That a copy of this resolution be sent to Conagra's Board of Directors, in care of Mike Harper, Chairman of the Board.

Laid over.

MR. BEYER PRESIDING

UNANIMOUS CONSENT - Add Co-Introducers

Mesdames Higgins, Nelson, Messrs. Rogers, Moore, Korshoj, Coordsen, Schellpeper, Peterson, and Chizek asked unanimous consent to have their names added as co-introducers to LB 376. No objections. So ordered.

Mr. Warner asked unanimous consent to have his name added as co-introducer to LB 554. No objections. So ordered.

Mr. Hartnett asked unanimous consent to have his name added as co-introducer to LB 551. No objections. So ordered.

Mrs. Pirsch asked unanimous consent to have her name added as co-introducer to LB 197. No objections. So ordered.

Mrs. Pirsch asked unanimous consent to have her name added as co-introducer to LB 425. No objections. So ordered.

Mr. Schmit asked unanimous consent to have his name added as co-introducer to LB 328. No objections. So ordered.

Mr. Hall asked unanimous consent to have his name added as co-introducer to LB 344. No objections. So ordered.

Mr. Hannibal asked unanimous consent to have his name added as co-introducer to LB 123 and LB 222. No objections. So ordered.

Mr. Korshoj asked unanimous consent to have his name added as co-introducer to LB 492. No objections. So ordered.

ADJOURNMENT

At 1:54 p.m., on a motion by Mr. Wesely, the Legislature adjourned until 9:00 a.m., Monday, January 26, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 26, 1987

LEGISLATIVE JOURNAL

ELEVENTH DAY - JANUARY 26, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 26, 1987

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Barrett 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. Abboud, Conway, Hefner, R. Johnson, V. Johnson, Lynch, McFarland, Miller, Rogers, Rupp, Wehrbein, Wesely, Mesdames Higgins, Pirsch, and Ms. Scofield who were excused until they arrive.

PRESIDENT NICHOL PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the Tenth Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 541 through 650, legislative resolutions 16, 17, and 18, and the rereferral of legislative bills 414 and 434.

LB	Committee

414 Education
434 Education
541 Natural Resources
542 Health and Human Services
543 Health and Human Services
544 Agriculture
545 Government, Military and Veterans Affairs
546 Urban Affairs
547 Agriculture
548 Business and Labor
549 Nebraska Retirement Systems
550 General Affairs
551 Nebraska Retirement Systems
552 Health and Human Services
553 Judiciary
554 Judiciary
555 Government, Military and Veterans Affairs
556 Health and Human Services
557 Health and Human Services
558 Banking, Commerce and Insurance
559 Banking, Commerce and Insurance
560 Revenue
561 Agriculture
562 Revenue
563 Revenue
564 Judiciary
565 Natural Resources
566 Natural Resources
567 Natural Resources
568 Natural Resources
569 Judiciary
570 Judiciary
571 Judiciary
572 Judiciary
573 Judiciary
574 Nebraska Retirement Systems
575 Banking, Commerce and Insurance
576 Banking, Commerce and Insurance
577 Banking, Commerce and Insurance
578 Nebraska Retirement Systems
579 Natural Resources
580 Banking, Commerce and Insurance
581 Education
582 Judiciary

583 Revenue
584 Revenue
585 Revenue
586 Government, Military and Veterans Affairs
587 Urban Affairs
588 Government, Military and Veterans Affairs
589 Judiciary
590 Judiciary
591 Revenue
592 Government, Military and Veterans Affairs
593 Transportation
594 Natural Resources
595 Education
596 Education
597 Natural Resources
598 Urban Affairs
599 Health and Human Services
600 Revenue
601 Judiciary
602 Government, Military and Veterans Affairs
603 Judiciary
604 Transportation
605 Business and Labor
606 Judiciary
607 Banking, Commerce and Insurance
608 Transportation
609 Education
610 Agriculture
611 Transportation
612 Government, Military and Veterans Affairs
613 Natural Resources
614 Transportation
615 Banking, Commerce and Insurance
616 Education
617 Judiciary
618 Government, Military and Veterans Affairs
619 Judiciary
620 Health and Human Services
621 Urban Affairs
622 Urban Affairs
623 Urban Affairs
624 Education
625 Urban Affairs
626 Government, Military and Veterans Affairs

627 Revenue
628 General Affairs
629 Natural Resources
630 Urban Affairs
631 Revenue
632 Revenue
633 Revenue
634 Revenue
635 Judiciary
636 Judiciary
637 Health and Human Services
638 Judiciary
639 Natural Resources
640 Banking, Commerce and Insurance
641 Natural Resources
642 Banking, Commerce and Insurance
643 Health and Human Services
644 Education
645 Natural Resources
646 General Affairs
647 Education
648 Appropriations
649 Education
650 Banking, Commerce and Insurance

LR **Committee**
16 Government, Military and Veterans Affairs
17 Government, Military and Veterans Affairs
18 Government, Military and Veterans Affairs

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

ATTORNEY GENERAL'S OPINION

Opinion No. 87009

DATE: January 23, 1987

SUBJECT: Constitutionality of LB Request No. 784.

REQUESTED BY: Senator Timothy J. Hall
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion regarding the constitutionality of proposed legislation which would create a sales tax on services and, in addition, would include a reduction in the state individual and corporate income tax rates. Your specific question concerns whether such legislation would violate the constitutional requirement that "No bill shall contain more than one subject." Neb.Const., Art. III, Section 14.

The Nebraska Supreme Court has adopted a liberal construction with respect to this constitutional requirement. In Midwest Popcorn Co. v. Johnson, 152 Neb. 867, 872, 43 N.W.2d 174, 178 (1950), the court stated:

> An act, no matter how comprehensive, is valid as containing but one subject if a single main purpose is within its purview and nothing is included within it except that which is naturally connected with and incidental to that main purpose.

The legislation in question relates to the broad subject of "revenue and taxation". The amendments proposed under the bill are all clearly related to and are naturally connected with the subject of revenue and taxation, as they relate to proposed changes in the sales and income tax statutes. In passing, we note that, when the Nebraska Revenue Act of 1967 was adopted, the original sales and income tax provisions enacted were combined within the same legislation. 1967 Neb.Laws., c.487, LB 377.

On the basis of the foregoing, it is our opinion that the proposed legislation does not contain more than one subject and, therefore, does not violate Article III, Section 14 of the Nebraska Constitution.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB:jem

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

3/03

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 1987 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Central Platte	
Cook, Kopf & Doyle, P.C.	14,987.58
Baylor, Evnen, Curtiss, Grimit & Witt	10,218.95
Shamberg, Wolf & Bush	225.67
Lewis and Clark	
None	
Lower Platte South	
Crosby, Guenzel, Davis, Kessner & Kuester	25,088.49
Lower Republican	
McKelvie & McNally	10.00
Middle Niobrara	
None	
Papio	
Taylor, Hornstein, Peters & Kluver	39,404.89
Wilson, Elser, Maskowitz, Edelman & Dicker	14,064.20
David Newell	350.00
Twin Platte	
Nielsen & Birch	9,452.00
Upper Big Blue	
Crosby, Guenzel, Davis, Kessner & Kuester	10,929.96
Upper Republican	
Terry Savage	868.50

REPORTS

Received report from Nebraska Investment Finance Authority of the office buildings financed under the Nebraska Investment Finance Authority Act pursuant to Subdivision (4) of Section 58-219 Revised Statutes of Nebraska.

Received lists of South Africa related investments as of December 31, 1986 pursuant to 72-1273 (3) and 72-1274 (2) from the Investment Council.

MOTION - Withdraw LB 595

Mr. Withem moved to withdraw LB 595.

Laid over.

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 187	Monday, February 2, 1987	1:30 p.m.
LB 341	Monday, February 2, 1987	1:30 p.m.
LB 353	Monday, February 2, 1987	1:30 p.m.
LB 548	Monday, February 2, 1987	1:30 p.m.
LB 292	Monday, February 2, 1987	1:30 p.m.

(Signed) Tim Hall, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 26.

Introduced by Elmer, 38th District.

WHEREAS, the year 1987 is the centennial year of Stamford, Nebraska; and

WHEREAS, the residents of Stamford deserve special recognition for the contributions they and their forebears have made to the history and settlement of Nebraska; and

WHEREAS, the village has suffered fires, floods, and other hardships over the last one hundred years, but the same spirit which guided the early settlers to Stamford has encouraged others to stay; and

WHEREAS, the community will begin their centennial celebration activities on January 31, 1987.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature acknowledges the contributions and efforts of those residents, both past and present, who labored and aspired to make Stamford successful.

2. That the Legislature extends its best wishes to the residents of Stamford who will carry on the positive traditions and heritage of the village and who are currently pausing from their busy lives to commemorate this special occasion.

3. That a copy of this resolution be sent to the chairperson of the board of trustees of the village of Stamford, Nebraska.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 40. Title read. Considered.

Standing Committee amendment, AM0009, found in the Journal on page 249 for the Ninth Day was adopted with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

Messrs. Barrett and Lamb offered the following amendment:
Page 2, line 20, strike eighteen insert twelve

The Barrett-Lamb amendment was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 127. Title read. Considered.

Standing Committee amendments, AM0011, found in the Journal on page 279 for the Ninth Day were adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 37 ayes, 0 nays, 3 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 66. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 87. Title read. Considered.

Mr. Peterson and Ms. Scofield asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 5 nays, 13 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 40A. By Goodrich, 20th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 40, Ninetieth Legislature, First Session, 1987.

NOTICE OF COMMITTEE HEARINGS

Education

LB 329	Monday, February 2, 1987 (cancelled)	1:30 p.m.
LB 329	Tuesday, February 3, 1987 (reset)	1:30 p.m.
LB 212	Tuesday, February 3, 1987 (cancelled)	1:30 p.m.
LB 212	Monday, February 2, 1987 (reset)	1:30 p.m.

(Signed) Ron Withem, Chairperson

Banking, Commerce and Insurance

Governor Appointments Monday, February 2, 1987 1:30 p.m.
Margaret Robinson - Research and Development Authority
David Stevens - Research and Development Authority

LB 399	Monday, February 2, 1987	1:30 p.m.
LB 398	Monday, February 2, 1987	1:30 p.m.
LB 197	Tuesday, February 3, 1987	1:30 p.m.
LB 156	Tuesday, February 3, 1987	1:30 p.m.
LB 96	Tuesday, February 3, 1987	1:30 p.m.

LB 97	Tuesday, February 3, 1987	1:30 p.m.
LB 98	Tuesday, February 3, 1987	1:30 p.m.
LB 202	Tuesday, February 3, 1987	1:30 p.m.

(Signed) R. W. Remmers, Chairperson

MOTION - Withdraw LB 168

Mr. Pappas moved to withdraw LB 168.

Laid over.

MOTION - Withdraw LB 756

Mr. Haberman moved to withdraw LB 756.

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 25. Read. Considered.

LR 25 was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 147. Title read. Considered.

Standing Committee amendment, AM0012, found in the Journal on page 280 for the Ninth Day was adopted with 32 ayes, 0 nays, 13 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.

Advanced to E & R for Review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 125. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 176. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 110. Title read. Considered.

Mr. Haberman offered the following amendment:
Insert the following new section:
Any employee violating this statute shall be dismissed or removed from the office they hold.
Renumber the remaining sections.

The Haberman 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 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 2. Read. Considered.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Abboud 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 25 ayes, 0 nays, and 24 not voting.

Mrs. Higgins moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Advanced to E & R for Review with 28 ayes, 13 nays, 4 present and not voting, and 4 excused and not voting.

MOTION - Suspend Rules

Mr. R. Johnson moved to suspend the rules, Rule 3, Section 13 to permit holding a hearing on LB 610 on January 27, 1987.

The Chair declared the call raised.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

The motion to suspend the rules prevailed with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARING
Agriculture

LB 610 Tuesday, January 27, 1987 1:30 p.m.

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 82. Indefinitely postponed.

(Signed) Lee Rupp, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 302 in the Journal. No objections. So ordered.

AM0022

1. Insert the following new section:

"Sec. 4. That section 44-142, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-142. Every agent who places, effects, or delivers any insurance or insurance policy, as provided in sections 44-139 to 44-142, 44-145, and 44-147 to 44-147.06, shall annually, on or before February 15 in each year, make and file with the Department of Insurance a verified statement upon a form prescribed by the department, which shall exhibit the true amount of all such business transacted during the year ending on December 31 next preceding the making thereof. The

agent shall, at the time such statement is submitted, pay to the department ~~the tax on such business in the same manner as other foreign companies~~ a tax of three per cent on the total gross amount of direct writing premiums received by the agent on such business and the fire insurance tax prescribed in section 81-523. In no event shall such taxes be determined on a retaliatory basis pursuant to section 44-150.

For purposes of this section, unless the context otherwise requires, direct writing and premiums shall be as defined in section 77-907.".

2. On page 14, line 12, strike "section" and insert "sections 44-142 and".

3. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 29

The following changes, required to be reported for publication in the Journal, have been made:
ER0106

1. On page 1, line 5, "as another fund" has been inserted after "name".

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Hall asked unanimous consent to have his name added as co-introducer to LB 760. No objections. So ordered.

Mrs. Morehead asked unanimous consent to have her name added as co-introducer to LB 75. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Moore's mother, June Moore, from Stromsburg; and Jan Olson from York and Lou Bergen from Henderson.

ADJOURNMENT

At 11:49 a.m., on a motion by Mr. Moore, the Legislature adjourned until 10:00 a.m., Tuesday, January 27, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - JANUARY 27, 1987

LEGISLATIVE JOURNAL

TWELFTH DAY - JANUARY 27, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 27, 1987

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Norman F. Brooks from Lincoln.

ROLL CALL

The roll was called and all members were present except Messrs. Conway, Hartnett, V. Johnson, Schellpeper, Schmit, Warner, Mesdames Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eleventh Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 651 through 735, 737 through 739, 750 through 761, and legislative resolutions 19 through 23.

LB	Committee
651	Nebraska Retirement Systems
652	Government, Military and Veterans Affairs
653	Health and Human Services
654	Transportation
655	Nebraska Retirement Systems

656 Education
657 Judiciary
658 Natural Resources
659 Revenue
660 Business and Labor
661 Business and Labor
662 Banking, Commerce and Insurance
663 Urban Affairs
664 Banking, Commerce and Insurance
665 Judiciary
666 Government, Military and Veterans Affairs
667 Government, Military and Veterans Affairs
668 Health and Human Services
669 Health and Human Services
670 Judiciary
671 Revenue
672 Judiciary
673 Judiciary
674 Judiciary
675 Judiciary
676 Judiciary
677 Government, Military and Veterans Affairs
678 Government, Military and Veterans Affairs
679 Urban Affairs
680 Government, Military and Veterans Affairs
681 Banking, Commerce and Insurance
682 Education
683 Appropriations
684 Agriculture
685 Education
686 Appropriations
687 Urban Affairs
688 Education
689 Transportation
690 Government, Military and Veterans Affairs
691 Health and Human Services
692 Natural Resources
693 Health and Human Services
694 Health and Human Services
695 Health and Human Services
696 Business and Labor
697 Health and Human Services
698 Appropriations
699 Health and Human Services

700 Banking, Commerce and Insurance
701 Revenue
702 Banking, Commerce and Insurance
703 Banking, Commerce and Insurance
704 Natural Resources
705 Natural Resources
706 Natural Resources
707 Banking, Commerce and Insurance
708 General Affairs
709 General Affairs
710 Revenue
711 Business and Labor
712 Banking, Commerce and Insurance
713 Banking, Commerce and Insurance
714 Revenue
715 Urban Affairs
716 Government, Military and Veterans Affairs
717 Appropriations
718 Business and Labor
719 Judiciary
720 Business and Labor
721 Urban Affairs
722 Judiciary
723 Natural Resources
724 General Affairs
725 Revenue
726 Education
727 Banking, Commerce and Insurance
728 Banking, Commerce and Insurance
729 Revenue
730 Revenue
731 Business and Labor
732 Revenue
733 General Affairs
734 Revenue
735 Banking, Commerce and Insurance
737 Agriculture
738 Agriculture
739 Agriculture
750 Judiciary
751 Natural Resources
752 Urban Affairs
753 Banking, Commerce and Insurance
754 Revenue

755 Agriculture
756 Transportation
757 General Affairs
758 Banking, Commerce and Insurance
759 Judiciary
760 Health and Human Services
761 Natural Resources

LR Committee
19 Education
20 Revenue
21 Urban Affairs
22 Appropriations
23 Education

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 31, 32, 33, 34, 35, 36, and 37.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 32

The following changes, required to be reported for publication in the Journal, have been made:
ER0105
1. On page 1, line 10, "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 35

The following changes, required to be reported for publication in the Journal, have been made:
ER0107
1. On page 6, line 21, "officers" has been struck, shown as stricken, and "persons" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 157. Indefinitely postponed.
LEGISLATIVE BILL 166. Indefinitely postponed.
LEGISLATIVE BILL 169. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

General Affairs

LEGISLATIVE BILL 69. Placed on General File.

LEGISLATIVE BILL 208. Indefinitely postponed.

(Signed) Patricia S. Morehead, Chairperson

Natural Resources

LEGISLATIVE BILL 152. Placed on General File.

LEGISLATIVE BILL 154. Placed on General File as amended.
Standing Committee amendment to LB 154:
AM0032

1. On page 2, line 14, after "elk," insert "mountain sheep,".

LEGISLATIVE BILL 171. Placed on General File as amended.
Standing Committee amendment to LB 171:
AM0031

1. On page 4, line 12, strike the first "or", show as stricken, and insert an underscored comma, after "rifle" insert an underscored comma, and after the second "or" insert ".22 rimfire".

LEGISLATIVE BILL 159. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 25.

MOTION - Approve Appointment

Mr. Hefner moved the adoption of the report of the Revenue Committee for the following Governor appointment found in the Journal on page 297: Don Leuenberger - Tax Commissioner.

Voting in the affirmative, 34:

Abboud	Elmer	Hefner	Lynch	Rogers
Baack	Goodrich	Johnson, L.	Marsh	Smith
Barrett	Haberman	Johnson, R.	Miller	Wehrbein
Beyer	Hall	Korshoj	Moore	Weihing
Chizek	Hannibal	Lamb	Morehead	Wesely
Coordsen	Harris	Landis	Peterson	Withem
Dierks	Hartnett	Langford	Remmers	

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Conway	Labedz	Nelson	Rupp
Chambers	Higgins	McFarland	Pappas	Scofield

Excused and not voting, 5:

Johnson, V.	Pirsch	Schellpeper	Schmit	Warner

This appointment was confirmed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 26. Read. Considered.

LR 26 was adopted with 39 ayes, 0 nays, and 10 not voting.

MOTION - Withdraw LB 595

Mr. Withem renewed his pending motion found in the Journal on page 346 to withdraw LB 595.

The motion to withdraw prevailed with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

MOTION - Withdraw LB 756

Mr. Haberman renewed his pending motion found in the Journal on page 349 to withdraw LB 756.

The motion to withdraw prevailed with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

MOTION - Withdraw LB 168

Mr. Pappas renewed his pending motion found in the Journal on page 349 to withdraw LB 168.

The motion to withdraw prevailed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

MOTION - Suspend Rules

Mr. Hall moved to suspend Rule 3-13 so that LB 660 may be heard by the Business and Labor Committee on February 2nd at 1:30 PM in Hearing Room 1019 of the State Capitol.

The motion to suspend the rules prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 660	Monday, February 2, 1987	1:30 p.m.

(Signed) Timothy Hall, Chairperson

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 79. Placed on General File.

(Signed) Howard Lamb, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 40. Placed on Select File as amended.
E & R amendments to LB 40:
AM5015

1. On page 1, line 8, strike "and"; and in line 9 after "sections" insert "; and to declare an emergency".

2. On page 7, line 10, strike "will", show as stricken, and insert "shall".

LEGISLATIVE BILL 127. Placed on Select File as amended.
E & R amendments to LB 127:
AM5014

1. On page 1, line 1, strike "section" and insert "sections 79-432 and"; in line 4 after the semicolon insert "to eliminate a vote requirement;"; and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 66. Placed on Select File.
LEGISLATIVE BILL 87. Placed on Select File.

LEGISLATIVE BILL 147. Placed on Select File as amended.
E & R amendments to LB 147:
AM5016

1. On page 1, line 3, strike "certain".

2. On page 2, line 4, strike "79-531." and show as stricken and strike "School", show as stricken, and insert "Class IV and V school"; and in line 23 after the comma insert "Class IV and V".

LEGISLATIVE BILL 125. Placed on Select File.
LEGISLATIVE BILL 176. Placed on Select File.

LEGISLATIVE BILL 110. Placed on Select File as amended.
E & R amendments to LB 110:
AM5017

1. In lieu of the Haberman amendment adopted January 26, 1987, on page 2, line 12, after the period insert "Any employee violating this section shall be dismissed or removed from the office which he or she holds.".

2. On page 1, line 4, after the semicolon insert "to provide for the dismissal or removal of

8 employees as prescribed;".

LEGISLATIVE RESOLUTION 2. Placed on Select File.

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 109. Placed on General File.
LEGISLATIVE BILL 115. Placed on General File.
LEGISLATIVE BILL 137. Placed on General File.

(Signed) R. W. Remmers, Chairperson

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 appointment be confirmed by the Legislature and suggests a record vote.

Cynthia Hardin Milligan - Director of Banking and Finance

Voting aye: Senators Conway, Goodrich, Haberman, Harris, Lynch, Pappas, Schmit and Remmers. Voting nay: None. Absent: None.

(Signed) R. W. Remmers, Chairperson

NOTICE OF COMMITTEE HEARING
Agriculture

LB 103	Tuesday, February 3, 1987	1:30 p.m.
LB 547	Tuesday, February 3, 1987	1:30 p.m.
LB 561	Tuesday, February 3, 1987	1:30 p.m.
LR 10CA	Tuesday, February 3, 1987	1:30 p.m.

(Signed) Rod Johnson, Chairperson

Urban Affairs

LB 483	Tuesday, February 3, 1987	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

VISITORS

Visitors to the Chamber were 14 students and teacher from Clearwater High School; and 8 members of Red Willow County Fair Board.

ADJOURNMENT

At 10:36 a.m., on a motion by Mr. Beyer, the Legislature adjourned until 9:00 a.m., Wednesday, January 28, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 28, 1987

LEGISLATIVE JOURNAL

THIRTEENTH DAY - JANUARY 28, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 28, 1987

Pursuant to adjournment, the Legislature met at 9:05 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Terry Cain, Newman United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hartnett who was excused; and Messrs. Baack, Haberman, Hall, V. Johnson, Landis, Schmit, Warner, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twelfth Day was approved.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 61. Placed on General File.
LEGISLATIVE BILL 106. Placed on General File.

LEGISLATIVE BILL 142. Placed on General File as amended.
Standing Committee amendment to LB 142:
AM0040
1 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 158. Placed on General File as amended.
Standing Committee amendments to LB 158:
AM0042

1. Strike the original sections and insert the following new sections:

"Section 1. As used in this act, unless the context otherwise requires:

(1) Academy shall mean the Unicameral Scholars Academy;

(2) Advisory board shall mean the advisory board for the Unicameral Scholars Academy;

(3) Commissioner shall mean the Commissioner of Education; and

(4) Department shall mean the State Department of Education.

Sec. 2. The Unicameral Scholars Academy is hereby established for the purpose of administering and operating a public, residential, coeducational school to be held in the summer for high school students in this state who are gifted children as described in section 79-339.

Sec. 3. (1) The department shall operate the academy in accordance with the guidelines established by the advisory board and in consideration of the recommendations made by the advisory board under section 5 of this act.

(2) The department shall have the power to:

(a) Employ personnel necessary to operate the academy;

(b) Select the students who will attend the academy;

(c) Hire the faculty for the academy;

(d) Enter into contracts with institutions of higher education or other similar entities for establishing the location or locations of the academy;

(e) Determine the courses that are to be offered at the academy site; and

(f) Take any other action necessary to operate the academy under this act.

Sec. 4. (1) An advisory board to the academy

is hereby created. The advisory board shall consist of (a) the commissioner, the director of gifted education of the department, the chairperson of the Nebraska Coordinating Commission for Postsecondary Education; and the chairperson of the Education Committee of the Legislature, all of whom shall be ex officio members, (b) two classroom teachers, one public school administrator, two parents of students of a public high school, and two former students of the academy or, in the case of the initial appointments, two students of a public or private high school, all of whom shall be appointed by the commissioner, and (c) two representatives of public postsecondary institutions in the state, one representative of a private postsecondary institution in the state, and two representatives of business or industry in the state, all of whom shall be appointed by the Governor.

(2) Of the members initially appointed, three appointees of the commissioners other than the student members shall be designated to serve two-year terms, two appointees of the Governor shall be designated to serve two-year terms, and the two students shall serve two year-terms and all other appointees shall serve four-year terms. At the expiration of the term of an initial member, the successor shall be appointed for a term ending July 1 of the fourth year following appointment. Vacancies shall be filled for the unexpired term of the member creating the vacancy.

(3) The commissioner shall designate one member to serve as chairperson of the advisory board.

(4) The appointed members of the board shall be reimbursed for actual and necessary expenses as provided in section 84-306.01 to 84-306.05 for state employees.

Sec. 5. (1) The advisory board shall establish guidelines for the department concerning:

(a) The criteria for admission to the academy; which shall include, but not be limited to, consideration of the student's intellectual abilities and potential and his or her personal characteristics;

(b) The selection of students based upon a county's student population with the goal of gathering a diverse student body representing as many high schools in the state as possible. The selection process shall

include a process for peer and self-nomination for students wishing to apply for selection to the academy; and

(c) The procedures for evaluating the academy.

(2) The advisory board may make recommendations to the department concerning the following:

(a) The curriculum to be offered at the academy;

(b) The location or locations for the operation of the academy;

(c) The length of time during the summer that the academy is to be operational; and

(d) Any other matter that the advisory board determines to be pertinent to the operation of the academy.

Sec. 6. The academy shall provide free tuition, room, and board to students accepted to attend the program. The academy shall admit at least two hundred students each year who are rising seniors who attend a public or private school in the state. For purposes of this section, rising senior shall mean graduated juniors.".

(Signed) Ron Withem, Chairperson

Agriculture

LEGISLATIVE BILL 610. Placed on General File as amended.
Standing Committee amendment to LB 610:
AM0055

1. 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.".

(Signed) Rod Johnson, Chairperson

NOTICE OF COMMITTEE HEARINGS

Education

LB 331	Monday, February 9, 1987	1:30 p.m.
LB 431	Monday, February 9, 1987	1:30 p.m.
LB 359	Monday, February 9, 1987	1:30 p.m.

LB 581	Monday, February 9, 1987	1:30 p.m.
LB 527	Monday, February 9, 1987	1:30 p.m.
LB 326	Tuesday, February 10, 1987	1:30 p.m.
LB 417	Tuesday, February 10, 1987	1:30 p.m.
LB 596	Tuesday, February 10, 1987	1:30 p.m.

(Signed) Ron Withem, Chairperson

Appropriations

LB 432	Wednesday, February 4, 1987	3:00 p.m.
LB 683	Wednesday, February 4, 1987	3:00 p.m.

(Signed) Jerome Warner, Chairperson

Government, Military and Veterans Affairs

Governor Appointments Col. H. LeGrande Frank Gunter	Wednesday, February 4, 1987	1:30 p.m.
LB 342	Wednesday, February 4, 1987	1:30 p.m.
LB 50	Wednesday, February 4, 1987	1:30 p.m.
LB 89	Wednesday, February 4, 1987	1:30 p.m.
LB 491	Wednesday, February 4, 1987	1:30 p.m.
Governor Appointments Wilbert Wagner Steve Torrence Wally Barnett	Thursday, February 5, 1987	1:30 p.m.
LB 487	Thursday, February 5, 1987	1:30 p.m.
LB 526	Thursday, February 5, 1987	1:30 p.m.
LB 354	Thursday, February 5, 1987	1:30 p.m.
LB 374	Thursday, February 5, 1987	1:30 p.m.

(Signed) Lee Rupp, Chairperson

Nebraska Retirement Systems

LB 551	Wednesday, February 4, 1987	12:00 p.m.
LB 178	Wednesday, February 4, 1987	12:00 p.m.

(Signed) Rex Haberman, Chairperson

Natural Resources

Governor Appointments Wednesday, February 4, 1987 1:30 p.m.
John Neuberger - Director, Nebraska Policy Research/Energy Office
J. Michael Jess - Director, Department of Water Resources

LB 501	Wednesday, February 4, 1987	1:30 p.m.
LB 704	Wednesday, February 4, 1987	1:30 p.m.
LB 723	Wednesday, February 4, 1987	1:30 p.m.
LB 114	Thursday, February 5, 1987	1:30 p.m.
LB 533	Thursday, February 5, 1987	1:30 p.m.
LB 565	Thursday, February 5, 1987	1:30 p.m.
LB 639	Thursday, February 5, 1987	1:30 p.m.
LB 597	Friday, February 6, 1987	1:30 p.m.
LB 629	Friday, February 6, 1987	1:30 p.m.
LB 645	Friday, February 6, 1987	1:30 p.m.

(Signed) Loran Schmit, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 26.

MOTION - Approve Appointments

Mr. Remmers moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointment found in the Journal on page 362: Cynthia Hardin Milligan - Director, Banking and Finance.

Voting in the affirmative, 34:

Abboud	Goodrich	Langford	Nelson	Schellpeper
Ashford	Hannibal	Lynch	Pappas	Scofield
Beyer	Higgins	Marsh	Peterson	Smith
Conway	Johnson, L.	McFarland	Pirsch	Warner
Coordsen	Korshoj	Miller	Remmers	Wehrbein
Dierks	Labedz	Moore	Rogers	Withem
Elmer	Lamb	Morehead	Rupp	

Voting in the negative, 0.

Present and not voting, 7:

Barrett	Chizek	Hefner	Johnson, R.	Weihing
Chambers	Harris			

Excused and not voting, 8:

Baack	Hall	Johnson, V.	Schmit	Wesely
Haberman	Hartnett	Landis		

This appointment was confirmed with 34 ayes 0 nays, 7 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 3.

A BILL FOR AN ACT relating to public assistance; to amend sections 68-605 and 68-615, Reissue Revised Statutes of Nebraska, 1943; to repeal obsolete statutes relating to the release and discharge of certain claims and liens, an appropriation, and a duty of the Revisor of Statutes; to harmonize provisions; and to repeal the original sections, and also sections 68-215.14, 68-616, and 68-1521, 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	Dierks	Higgins	Marsh	Pirsch
Ashford	Elmer	Johnson, L.	McFarland	Remmers
Barrett	Goodrich	Johnson, R.	Miller	Rogers
Beyer	Haberman	Korshoj	Moore	Rupp
Chambers	Hall	Labedz	Morehead	Schellpeper
Chizek	Hannibal	Lamb	Nelson	Scofield
Conway	Harris	Langford	Pappas	Smith
Coordsen	Hefner	Lynch	Peterson	Warner

Wehrbein	Weihing	Withem		

Voting in the negative 0.

Excused and not voting, 6:

Baack	Johnson, V.	Landis	Schmit	Wesely
Hartnett				

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 transportation of hazardous materials; to repeal provisions which are governed by more recently enacted legislation; and to repeal sections 75-359 to 75-362, 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	Elmer	Johnson, R.	Moore	Rupp
Ashford	Goodrich	Korshoj	Morehead	Schellpeper
Barrett	Haberman	Labedz	Nelson	Scofield
Beyer	Hall	Lamb	Pappas	Smith
Chambers	Hannibal	Langford	Peterson	Warner
Chizek	Harris	Lynch	Pirsch	Wehrbein
Conway	Hefner	Marsh	Remmers	Weihing
Coordsen	Higgins	McFarland	Rogers	Withem
Dierks	Johnson, L.	Miller		

Voting in the negative, 0.

Excused and not voting, 6:

Baack	Johnson, V.	Landis	Schmit	Wesely
Hartnett				

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 Public Service Commission; to repeal an obsolete appropriation; and to repeal section 75-803, 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	Elmer	Johnson, R.	Moore	Rupp
Ashford	Goodrich	Korshoj	Morehead	Schellpeper
Barrett	Haberman	Labedz	Nelson	Scofield
Beyer	Hall	Lamb	Pappas	Smith
Chambers	Hannibal	Langford	Peterson	Warner
Chizek	Harris	Lynch	Pirsch	Wehrbein
Conway	Hefner	Marsh	Remmers	Weihing
Coordsen	Higgins	McFarland	Rogers	Withem
Dierks	Johnson, L.	Miller		

Voting in the negative, 0.

Excused and not voting, 6:

Baack	Johnson, V.	Landis	Schmit	Wesely
Hartnett				

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 revenue and taxation; to amend sections 77-2714 and 77-2730, Reissue Revised Statutes of Nebraska, 1943; to repeal an obsolete statute relating to an effective date and provisions during a transitional period; to harmonize provisions; and to repeal the original sections, and also section 77-27,124, 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	Elmer	Johnson, R.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Morehead	Scofield
Barrett	Haberman	Labedz	Nelson	Smith
Beyer	Hall	Lamb	Pappas	Warner
Chambers	Hannibal	Langford	Peterson	Wehrbein
Chizek	Harris	Lynch	Pirsch	Weihing
Conway	Hefner	Marsh	Remmers	Wesely
Coordsen	Higgins	McFarland	Rogers	Withem
Dierks	Johnson, L.	Miller	Rupp	

Voting in the negative, 0.

Excused and not voting, 5:

Baack	Hartnett	Johnson, V.	Landis	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 Department of Public Institutions; to repeal obsolete statutes relating to a transfer of duties from the Board of Control to the Department of Public Institutions on January 1, 1962; and to repeal sections 83-101.10 to 83-101.13, 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	Chizek	Goodrich	Hefner	Labedz
Ashford	Conway	Haberman	Higgins	Lamb
Barrett	Coordsen	Hall	Johnson, L.	Langford
Beyer	Dierks	Hannibal	Johnson, R.	Lynch
Chambers	Elmer	Harris	Korshoj	Marsh

McFarland	Nelson	Remmers	Scofield	Weihing
Miller	Pappas	Rogers	Smith	Wesely
Moore	Peterson	Rupp	Warner	Withem
Morehead	Pirsch	Schellpeper	Wehrbein	

Voting in the negative, 0.

Excused and not voting, 5:

Baack	Hartnett	Johnson, V.	Landis	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 Revisor of Statutes; to repeal obsolete statutes governing the substitution of certain names in the statutes; and to repeal sections 83-107.03, 83-107.04, and 83-108.03, 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, 44:

Abboud	Elmer	Johnson, R.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Morehead	Scofield
Barrett	Haberman	Labedz	Nelson	Smith
Beyer	Hall	Lamb	Pappas	Warner
Chambers	Hannibal	Langford	Peterson	Wehrbein
Chizek	Harris	Lynch	Pirsch	Weihing
Conway	Hefner	Marsh	Remmers	Wesely
Coordsen	Higgins	McFarland	Rogers	Withem
Dierks	Johnson, L.	Miller	Rupp	

Voting in the negative, 0.

Excused and not voting, 5:

Baack	Hartnett	Johnson, V.	Landis	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 9.

A BILL FOR AN ACT relating to the Division on Alcoholism and Drug Abuse; to repeal an obsolete statute relating to a transfer of duties from the Commission on Drugs to the Division on Alcoholism and Drug Abuse on July 19, 1980; and to repeal section 83-160.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Elmer	Johnson, R.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Morehead	Scofield
Barrett	Haberman	Labedz	Nelson	Smith
Beyer	Hall	Lamb	Pappas	Warner
Chambers	Hannibal	Langford	Peterson	Wehrbein
Chizek	Harris	Lynch	Pirsch	Weihing
Conway	Hefner	Marsh	Remmers	Wesely
Coordsen	Higgins	McFarland	Rogers	Withem
Dierks	Johnson, L.	Miller	Rupp	

Voting in the negative, 0.

Excused and not voting, 5:

Baack	Hartnett	Johnson, V.	Landis	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 state institutions; to repeal an obsolete statute relating to a transfer of property on July 1, 1975, from the Nebraska Psychiatric Institute to the Board of Regents of

the University of Nebraska; and to repeal section 83-305.04, 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, 44:

Abboud	Elmer	Johnson, R.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Morehead	Scofield
Barrett	Haberman	Labedz	Nelson	Smith
Beyer	Hall	Lamb	Pappas	Warner
Chambers	Hannibal	Langford	Peterson	Wehrbein
Chizek	Harris	Lynch	Pirsch	Weihing
Conway	Hefner	Marsh	Remmers	Wesely
Coordsen	Higgins	McFarland	Rogers	Withem
Dierks	Johnson, L.	Miller	Rupp	

Voting in the negative, 0.

Excused and not voting, 5:

Baack	Hartnett	Johnson, V.	Landis	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 the Department of Correctional Services; to repeal obsolete statutes relating to a transfer of duties from the Division of Corrections to the Department of Correctional Services and the substitution of related names; and to repeal sections 83-918 to 83-921, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Chambers	Conway	Dierks
Ashford	Beyer	Chizek	Coordsen	Elmer

Goodrich	Johnson, L.	Marsh	Peterson	Smith
Haberman	Johnson, R.	McFarland	Pirsch	Warner
Hall	Korshoj	Miller	Remmers	Wehrbein
Hannibal	Labedz	Moore	Rogers	Weihing
Harris	Lamb	Morehead	Rupp	Wesely
Hefner	Langford	Nelson	Schellpeper	Withem
Higgins	Lynch	Pappas	Scofield	

Voting in the negative, 0.

Excused and not voting, 5:

Baack	Hartnett	Johnson, V.	Landis	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 the Nebraska Commission on Law Enforcement and Criminal Justice; to repeal an obsolete statute relating to a transfer of property from the Department of Correctional Services to the Nebraska Commission on Law Enforcement and Criminal Justice; and to repeal section 83-924.01, 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	Goodrich	Korshoj	Morehead	Schellpeper
Ashford	Haberman	Labedz	Nelson	Scofield
Barrett	Hall	Lamb	Pappas	Smith
Beyer	Hannibal	Langford	Peterson	Warner
Chizek	Harris	Lynch	Pirsch	Wehrbein
Conway	Hefner	Marsh	Remmers	Weihing
Coordsen	Higgins	McFarland	Rogers	Wesely
Dierks	Johnson, L.	Miller	Rupp	Withem
Elmer	Johnson, R.	Moore		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Baack	Hartnett	Johnson, V.	Landis	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 field house for the Department of Athletics of the University of Nebraska at Lincoln; to repeal an obsolete statute governing construction of the field house; and to repeal section 85-1,100, 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	Goodrich	Korshoj	Moore	Schellpeper
Ashford	Haberman	Labedz	Morehead	Scofield
Barrett	Hall	Lamb	Nelson	Smith
Beyer	Hannibal	Landis	Pappas	Warner
Chizek	Harris	Langford	Peterson	Wehrbein
Conway	Hefner	Lynch	Pirsch	Weihing
Coordsen	Higgins	Marsh	Remmers	Wesely
Dierks	Johnson, L.	McFarland	Rogers	Withem
Elmer	Johnson, R.	Miller	Rupp	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Baack	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 the State Treasurer; to repeal provisions authorizing interfund transfers which terminated July 1, 1984; and to repeal sections 84-609, 84-610, and 84-611, Revised Statutes Supplement, 1986.

Whereupon the 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	Goodrich	Korshoj	Moore	Schellpeper
Ashford	Haberman	Labedz	Morehead	Scofield
Barrett	Hall	Lamb	Nelson	Smith
Beyer	Hannibal	Landis	Pappas	Warner
Chizek	Harris	Langford	Peterson	Wehrbein
Conway	Hefner	Lynch	Pirsch	Weihing
Coordsen	Higgins	Marsh	Remmers	Wesely
Dierks	Johnson, L.	McFarland	Rogers	Withem
Elmer	Johnson, R.	Miller	Rupp	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Baack	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 postsecondary education; to amend section 85-9,105, Revised Statutes Supplement, 1986; to eliminate a provision which provided for a uniform data system plan

to be developed by September 1, 1977; to harmonize provisions; and to repeal the original section, and also section 85-914, 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	Goodrich	Labedz	Morehead	Schellpeper
Ashford	Haberman	Lamb	Nelson	Scofield
Barrett	Hall	Landis	Pappas	Smith
Beyer	Hannibal	Langford	Peterson	Warner
Chizek	Harris	Lynch	Pirsch	Wehrbein
Conway	Hefner	Marsh	Remmers	Weihing
Coordsen	Johnson, L.	McFarland	Rogers	Wesely
Dierks	Johnson, R.	Miller	Rupp	Withem
Elmer	Korshoj	Moore		

Voting in the negative, 0.

Present and not voting, 2:

Chambers Higgins

Excused and not voting, 4:

Baack 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 schools; to amend section 79-12,145, Revised Statutes Supplement, 1986; to eliminate an obsolete reference to the School Weatherization Fund; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Goodrich	Korshoj	Moore	Schellpeper
Ashford	Haberman	Labedz	Morehead	Scofield
Barrett	Hall	Lamb	Nelson	Smith
Beyer	Hannibal	Landis	Pappas	Warner
Chizek	Harris	Langford	Peterson	Wehrbein
Conway	Hefner	Lynch	Pirsch	Weihing
Coordsen	Higgins	Marsh	Remmers	Wesely
Dierks	Johnson, L.	McFarland	Rogers	Withem
Elmer	Johnson, R.	Miller	Rupp	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Baack	Hartnett	Johnson, V.	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 40. E & R amendments, AM5015, found in the Journal on page 361 for the Twelfth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 127. E & R amendment, AM5014, found in the Journal on page 361 for the Twelfth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 66. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 87. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 147. E & R amendments, AM5016, found in the Journal on page 361 for the Twelfth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 125. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 176. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 110. E & R amendments, AM5017, found in the Journal on page 361 for the Twelfth Day were adopted.

Mr. Withem offered the following amendment:
AM0049

1. Strike the Haberman amendment found on page 350 of the Journal.

2. On page 2, line 12, after the period insert "Any employee violating this section shall be subject to disciplinary action under the rules and regulations adopted and promulgated pursuant to sections 81-1301 to 81-1335. Such disciplinary action may include demotion, dismissal, reduction of salary, or suspension.".

The Withem amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE RESOLUTION 2. Mr. Chambers moved to indefinitely postpone.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, and 18.

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE RESOLUTION 2. The Chambers pending motion to indefinitely postpone was renewed.

PRESIDENT NICHOL PRESIDING

Mr. Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 17:

Baack	Hannibal	Langford	Miller	Warner
Chambers	Higgins	Lynch	Morehead	Wesely
Coordsen	Johnson, R.	McFarland	Pappas	Withem
Hall	Landis			

Voting in the negative, 23:

Ashford	Haberman	Lamb	Pirsch	Schellpeper
Barrett	Harris	Marsh	Remmers	Smith
Beyer	Hefner	Moore	Rogers	Wehrbein
Dierks	Johnson, L.	Nelson	Rupp	Weihing
Elmer	Korshoj	Peterson		

Present and not voting, 5:

Chizek	Conway	Goodrich	Labedz	Scofield

Excused and not voting, 4:

Abboud	Hartnett	Johnson, V.	Schmit

The Chambers motion lost with 17 ayes, 23 nays, 5 present and not voting, and 4 excused and not voting.

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.

Ms. Scofield 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 17 ayes, 0 nays, and 32 not voting.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Mr. Hall requested a machine vote on the advancement of the resolution.

Mrs. Marsh requested a record vote on the advancement of the resolution.

Voting in the affirmative, 18:

Ashford	Goodrich	Johnson, L.	Marsh	Pirsch
Barrett	Haberman	Johnson, V.	Moore	Wehrbein
Beyer	Harris	Korshoj	Peterson	Weihing
Elmer	Hefner	Lamb		

Voting in the negative, 26:

Baack	Hall	Landis	Morehead	Rupp
Chambers	Hannibal	Langford	Nelson	Smith
Chizek	Higgins	Lynch	Pappas	Warner
Conway	Johnson, R.	McFarland	Remmers	Wesely
Coordsen	Labedz	Miller	Rogers	Withem
Dierks				

Present and not voting, 1:

Schellpeper

Excused and not voting, 4:

Abboud	Hartnett	Schmit	Scofield

Failed to advance to E & R for Engrossment with 18 ayes, 26 nays, 1 present and not voting, and 4 excused and not voting.

Mrs. Marsh moved to indefinitely postpone LR 2.

The motion to indefinitely postpone prevailed with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Haberman and Lynch asked unanimous consent to be excused. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 28, 1987, at 10:55 a.m., were the following bills: 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, and 18.

(Signed) Pam Moravec, Enrolling Clerk

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 196	Wednesday, February 4, 1987	1:30 p.m.
LB 423	Wednesday, February 4, 1987	1:30 p.m.
LB 437	Wednesday, February 4, 1987	1:30 p.m.
LB 523	Wednesday, February 4, 1987	1:30 p.m.
LB 441	Wednesday, February 4, 1987	1:30 p.m.
LB 508	Thursday, February 5, 1987	1:30 p.m.
LB 730	Thursday, February 5, 1987	1:30 p.m.
LB 143	Thursday, February 5, 1987	1:30 p.m.
LB 725	Thursday, February 5, 1987	1:30 p.m.
LB 447	Thursday, February 5, 1987	1:30 p.m.

(Signed) Vard R. Johnson, Chairperson

Judiciary

LB 170	Wednesday, February 4, 1987	1:30 p.m.
LB 67	Wednesday, February 4, 1987	1:30 p.m.
LB 258	Wednesday, February 4, 1987	1:30 p.m.
LB 759	Wednesday, February 4, 1987	1:30 p.m.
LB 236	Wednesday, February 4, 1987	1:30 p.m.
LB 313	Thursday, February 5, 1987	1:30 p.m.
LB 254	Thursday, February 5, 1987	1:30 p.m.
LB 572	Thursday, February 5, 1987	1:30 p.m.
LB 665	Thursday, February 5, 1987	1:30 p.m.
LB 619	Thursday, February 5, 1987	1:30 p.m.
LB 554	Thursday, February 5, 1987	1:30 p.m.
LB 71	Thursday, February 5, 1987	1:30 p.m.
LB 262	Friday, February 6, 1987	1:30 p.m.
LB 181	Friday, February 6, 1987	1:30 p.m.
LB 117	Friday, February 6, 1987	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 736 and 740 through 749.

LB	Committee
736	Government, Military and Veterans Affairs
740	Government, Military and Veterans Affairs
741	Banking, Commerce and Insurance
742	Government, Military and Veterans Affairs
743	Government, Military and Veterans Affairs
744	Government, Military and Veterans Affairs
745	Banking, Commerce and Insurance
746	Revenue
747	Revenue
748	Government, Military and Veterans Affairs
749	Banking, Commerce and Insurance

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 275. Placed on General File.
LEGISLATIVE BILL 277. Placed on General File.

LEGISLATIVE BILL 276. Placed on General File as amended.
Standing Committee amendment to LB 276:
AM0036

1. On page 7, lines 5 and 6, strike the new matter; and in lines 8 and 9 reinstate the stricken matter.

LEGISLATIVE BILL 278. Placed on General File as amended.
Standing Committee amendment to LB 278:
AM0035

1. On page 3, line 13, strike "for" and insert "to recover the cost of"; and after line 19 insert the following new subsection:

"(3) Nothing in this section shall be

construed to allow the department to charge any fee for making a claim for unemployment benefits or receiving assistance from the Nebraska Job Service.".

(Signed) Tim Hall, Chairperson

Agriculture

LEGISLATIVE BILL 291. Placed on General File.

LEGISLATIVE BILL 201. Placed on General File as amended.
Standing Committee amendments to LB 201:
AM0057

1. Insert the following new section:

"Sec. 5. That section 81-2,162.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,162.04. (1) Any packaged soil conditioner distributed in this state, except ~~custom blended~~ custom-blended products, shall have placed on or affixed to the package a label stating clearly and conspicuously ~~the~~ (a) the net weight or measure of the product, (b) the information required by subdivisions ~~(c) and (d) of subsection (1)~~ (1)(c) and (1)(d) of section 81-2,162.03, (c) the total percentage of the active ingredients in the soil conditioner, (d) the identification and percentage of each individual active ingredient, (e) the total percentage of the inactive ingredients, (f) the identification and percentage of each individual inactive ingredient which comprises more than two per cent of the entire soil conditioner, and (g) under a category entitled other inactive ingredients, the total percentage of the remaining inactive ingredients which individually do not comprise two per cent or more of the soil conditioner.

(2) If any soil conditioner is distributed in bulk, a written or printed statement of the weight and the information required by subdivisions (c) and (d) of subsection (1) of section 81-2,162.03 and by subdivisions (c) through (g) of subsection (1) of this section shall accompany delivery and be supplied to the purchaser.

(3) Whenever a soil conditioner is so comprised as to be recognized by a name commonly

understood by ordinary individuals, such name shall be prominently and conspicuously displayed on the label.

(4) Notwithstanding any other provision of ~~this act~~ the Nebraska Commercial Fertilizer and Soil Conditioner Act, any soil conditioner which is also a pesticide, labeled in conformance with ~~the Nebraska Pesticides and Devices Act~~ sections 2-2601 to 2-2621, shall be deemed to be labeled in conformance with ~~this~~ such act.".

2. On page 5, line 2, after "81-2,162.01," insert "81-2,162.04,".

3. Renumber remaining sections accordingly.

(Signed) Rod Johnson, Chairperson

Transportation

LEGISLATIVE BILL 161. Placed on General File.

LEGISLATIVE BILL 39. Placed on General File as amended.
Standing Committee amendment to LB 39:
AM0037

1. On page 2, line 5, strike "loaded" and insert "carrying cargo".

LEGISLATIVE BILL 133. Placed on General File as amended.
Standing Committee amendment to LB 133:
AM0038

1. On page 2, in lines 5 and 6 and 17 and 18, strike the new matter and reinstate the stricken matter; and in lines 5 and 17 after the reinstated "39-6,122" insert "and 39-6,177".

(Signed) Howard Lamb, Chairperson

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 229	Wednesday, February 4, 1987	1:30 p.m.
LB 472	Wednesday, February 4, 1987	1:30 p.m.
LB 506	Wednesday, February 4, 1987	1:30 p.m.
LB 643	Wednesday, February 4, 1987	1:30 p.m.

LB 389	Thursday, February 5, 1987	1:30 p.m.
LB 473	Thursday, February 5, 1987	1:30 p.m.
LB 485	Thursday, February 5, 1987	1:30 p.m.
LB 543	Thursday, February 5, 1987	1:30 p.m.
LB 74	Friday, February 6, 1987	1:30 p.m.
LB 322	Friday, February 6, 1987	1:30 p.m.
LB 459	Friday, February 6, 1987	1:30 p.m.

(Signed) Don Wesely, Chairperson

GENERAL FILE

LEGISLATIVE BILL 69. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 154. Title read. Considered.

Standing Committee amendment, AM0032, found in the Journal on page 358 for the Twelfth Day was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 2 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 171. Title read. Considered.

Standing Committee amendment, AM0031, found in the Journal on page 358 for the Twelfth Day was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 79. 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. Peterson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 109. Title read. Considered.

SPEAKER BARRETT PRESIDING

Advanced to E & R for Review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 115. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 137. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 132. Placed on General File as amended.
Standing Committee amendment to LB 132:
AM0039
1 1. On page 8, line 6, strike "or more".

(Signed) Howard Lamb, Chairperson

VISITORS

Visitors to the Chamber were Mr. and Mrs. Ray Grabenstein from Eustis; 26 students and teacher from Hordville; Helen Barringer from San Diego, California; and 20 students and teacher from Lincoln East High School.

ADJOURNMENT

At 11:54 a.m., on a motion by Mr. Weihing, the Legislature adjourned until 9:00 a.m., Thursday, January 29, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY - JANUARY 29, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 29, 1987

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Senator Dierks.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Baack, Chambers, Conway, Haberman, Harris, R. Johnson, V. Johnson, Landis, Moore, Wesely, Mesdames Higgins, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirteenth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 87010

DATE: January 26, 1987

SUBJECT: State Chartered Savings and Loan Associations

REQUESTED BY: Senator Gary E. Hannibal

WRITTEN BY: Robert M. Spire, Attorney General

LeRoy W. Sievers, Assistant Attorney General

QUESTION: Is legislation necessary for state chartered savings and loan associations to operate in states other than Nebraska?
CONCLUSION: No.

In your letter you attached the draft of proposed legislation which would have the effect of allowing state chartered savings and loan associations to operate in states outside of Nebraska. You asked if current law prohibits such institutions from operating in other states and if not, is the proposed legislation necessary.

> Neb.Rev.Stat. §8-355 (Cum.Supp. 1986) provides in part: Notwithstanding any of the provisions of Chapter 8, article 3, or any other Nebraska statute, any association incorporated under the laws of the State of Nebraska and organized under the provisions of such article shall have all the rights, powers, privileges, benefits, and immunities which may be exercised as of July 17, 1986, by a federal savings and loan association doing business in Nebraska. . . .

As of July 17, 1986, federal savings and loan associations doing business in Nebraska were permitted to operate outside of Nebraska if they met certain qualifications. Such operation was authorized by 12 U.S.C. §1464(r) and 12 C.F.R. Part 556.5(a)(3)(i)(a)(1). Moreover, no specific prohibition is apparent in the statutes governing state chartered savings and loan associations. However, in order to operate outside of Nebraska such institutions would have to comply with any applicable federal and/or the laws of the other state in which it seeks to operate. Also, the association would also have to obtain permission from the Nebraska Department of Banking and Finance to operate in another state. This is required whether the association seeks to operate a branch, merge, acquire another financial institution, or in some other manner operate in another state.

In First Federal Savings and Loan Association v. Department of Banking, 187 Neb. 562, 192 N.W.2d 736 (1971), the Nebraska Supreme Court determined that opening a branch of state chartered savings and loan required a due process opportunity for notice and hearing and that the institution meet the criteria for the opening of an institution of that type. This requirement existed despite the lack of specific language to that effect in the statutes because:

> We hold that a reasonable interpretation of §8-331, R.R.S. 1943, and other statutes dealing with regulation and control of savings and loan associations necessarily implies the power of the Department of Banking to approve or disapprove the establishment and operation of branch offices of savings and loan associations chartered and operating under the laws of this State.

> We also hold that legislative standards for the granting of an application for initial establishment of a savings and loan association operation under §8-331 R.R.S. 1943, also apply to an application to establish a branch office.

Id. at 566-7. The supreme court has thus indicated that the Department of Banking and Finance's implied authority to require an application is based upon the legislative intent to protect the public and guard against economically destructive competition. That intent would not disappear simply because the branch happened to be located outside of Nebraska. The harm to state chartered savings and loan associations and the public that the legislature has sought to prevent could occur if a state chartered savings and loan sought to operate in a location outside of Nebraska. Therefore, by analogy from the reasoning used by the court in the above-mentioned case, the savings and loan would need to obtain permission from the Department of Banking and Finance to operate outside of Nebraska and would only be entitled to do so if it could demonstrate compliance with the statutes authorizing an initial establishment.

However, just as there was no need for a specific statute authorizing branch operations, there is no need for a specific statute authorizing operation outside of Nebraska so long as state chartered savings and loan associations comply with current statutes designed to protect the public and guard against economically destructive competition.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) LeRoy W. Sievers
Assistant Attorney General

LWS:kmw
cc: Patrick J. O'Donnell
Clerk of the Legislature

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 380, 381, and 382.

LB	Committee
380	Natural Resources
381	Natural Resources
382	Natural Resources

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 149. Placed on General File.

LEGISLATIVE BILL 41. Placed on General File as amended.
Standing Committee amendments to LB 41:
AM0054

1. On page 2, strike beginning with "If" in line 23 through "the" in line 25.

2. On page 3, strike beginning with "surviving" in line 1 through the underscored period in line 4 and insert "If the prior certificate of title issued for such motor vehicle provided for joint ownership with right of survivorship, a new certificate of title shall be issued to a subsequent purchaser upon the assignment of the prior certificate of title by the surviving owner and presentation of satisfactory proof of death of the deceased owner.".

(Signed) Howard Lamb, Chairperson

MOTION - Rerefer LBs 380, 381, and 382

Mr. Lamb moved to rerefer LB 380, LB 381, and LB 382 from the Committee on Natural Resources to the Committee on Transportation.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 152. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 61. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 106. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 142. Title read. Considered.

Standing Committee amendment, AM0040, found in the Journal on page 364 for the Thirteenth Day was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 93. Placed on General File.
LEGISLATIVE BILL 136. Placed on General File.

(Signed) R. W. Remmers, Chairperson

NOTICE OF COMMITTEE HEARINGS
Education

LR 19CA	Tuesday, February 17, 1987	1:30 p.m.
LR 23CA	Tuesday, February 17, 1987	1:30 p.m.
LB 443	Tuesday, February 17, 1987	1:30 p.m.
LB 444	Tuesday, February 17, 1987	1:30 p.m.
LB 424	Tuesday, February 17, 1987	1:30 p.m.
LB 281	Monday, February 23, 1987	1:30 p.m.
LB 283	Monday, February 23, 1987	1:30 p.m.
LB 414	Monday, February 23, 1987	1:30 p.m.
LB 434	Monday, February 23, 1987	1:30 p.m.
LB 647	Monday, February 23, 1987	1:30 p.m.
LB 234	Tuesday, February 24, 1987	1:30 p.m.
LB 310	Tuesday, February 24, 1987	1:30 p.m.
LB 616	Tuesday, February 24, 1987	1:30 p.m.

LB 529	Tuesday, February 24, 1987	1:30 p.m.
LB 482	Tuesday, February 24, 1987	1:30 p.m.
LB 235	Tuesday, February 24, 1987	1:30 p.m.
LB 367	Monday, March 2, 1987	1:30 p.m.
LB 413	Monday, March 2, 1987	1:30 p.m.
LB 624	Monday, March 2, 1987	1:30 p.m.
LB 338	Monday, March 2, 1987	1:30 p.m.
LB 348	Monday, March 2, 1987	1:30 p.m.
LB 538	Monday, March 2, 1987	1:30 p.m.
LB 726	Tuesday, March 3, 1987	1:30 p.m.
LB 182	Tuesday, March 3, 1987	1:30 p.m.
LB 644	Tuesday, March 3, 1987	1:30 p.m.
LB 400	Tuesday, March 3, 1987	1:30 p.m.
LB 609	Monday, March 9, 1987	1:30 p.m.
LB 656	Monday, March 9, 1987	1:30 p.m.
LB 685	Monday, March 9, 1987	1:30 p.m.
LB 232	Monday, March 9, 1987	1:30 p.m.
LB 455	Monday, March 9, 1987	1:30 p.m.
LB 128	Tuesday, March 10, 1987	1:30 p.m.
LB 265	Tuesday, March 10, 1987	1:30 p.m.
LB 649	Tuesday, March 10, 1987	1:30 p.m.
LB 688	Tuesday, March 10, 1987	1:30 p.m.
LB 682	Tuesday, March 17, 1987	1:30 p.m.
LB 520	Tuesday, March 17, 1987	1:30 p.m.
LB 521	Tuesday, March 17, 1987	1:30 p.m.
LB 435	Tuesday, March 17, 1987	1:30 p.m.

(Signed) Ron Withem, Chairperson

GENERAL FILE

LEGISLATIVE BILL 610. Title read. Considered.

Standing Committee amendment, AM0055, found in the Journal on page 367 for the Thirteenth Day was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 291. 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 201. Title read. Considered.

Standing Committee amendments, AM0057, found in the Journal on page 387 for the Thirteenth Day were adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 161. Title read. Considered.

Mr. Landis offered the following amendment:
In the original bill on Pg. 2 line 16 strike "five" and reinsert "4".

The Landis amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 39. Title read. Considered.

Standing Committee amendment, AM0037, found in the Journal on page 388 for the Thirteenth Day was 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, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 133. Title read. Considered.

Standing Committee amendment, AM0038, found in the Journal on page 388 for the Thirteenth Day 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 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 275. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 73. Indefinitely postponed.

(Signed) R. W. Remmers, Chairperson

MOTION - Withdraw LB 669

Mr. Chambers moved to withdraw LB 669.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 69. Placed on Select File as amended.
E & R amendment to LB 69:
AM5018

1. On page 1, strike beginning with "provide" in line 3 through "exception" in line 4 and insert "change provisions relating to the National Electrical Code".

LEGISLATIVE BILL 154. Placed on Select File as amended.
E & R amendments to LB 154:
AM5019

1. On page 1, line 1, strike "games" and insert "game"; in line 5 after "define" insert "and redefine" and after the second "to" insert "possession of"; in line 6 after "of" insert "falconry and"; and in line 8 strike "a fee" and insert "fees".

2. On page 5, line 3, after "years" insert "of age".

3. On page 6, line 8, strike "and" and insert an underscored comma; and in line 9 after "issuance"

insert an underscored comma.

4. On page 7, line 1, strike "or" and after "purchase" insert an underscored comma; in line 7 strike "the" and insert "any"; in line 8 strike the first "or" and after "purchase" insert an underscored comma; and in line 23 strike "the provisions of" and show as stricken.

5. On page 8, line 17, after "of" insert "a"; and in lines 23 and 24 reinstate the stricken comma.

6. On page 9, line 13, reinstate the stricken comma and strike "delivery", show as stricken, and insert "deliver".

7. On page 10, line 6, strike the second comma and show as stricken; and in line 23 after "he" insert "or she".

8. On page 11, line 6, strike "section" and insert "sections" and strike "sections".

LEGISLATIVE BILL 171. Placed on Select File as amended.
E & R amendment to LB 171:
AM5020

1. On page 1, strike beginning with "allow" in line 3 through "other" in line 4 and insert "change provisions relating to the hunting of".

(Signed) Scott Moore, Chairperson

GENERAL FILE

LEGISLATIVE BILL 277. 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 276. Title read. Considered.

Standing Committee amendment, AM0036, found in the Journal on page 386 for the Thirteenth 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 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Ms. Scofield and Mr. Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 278. Title read. Considered.

Standing Committee amendment, AM0035, found in the Journal on page 386 for the Thirteenth 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 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 132. Title read. Considered.

Mr. Baack asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment, AM0039, found in the Journal on page 390 for the Thirteenth Day 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 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 40, 66, 87, 110, and 127.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 110

The following changes, required to be reported for publication in the Journal, have been made:
ER0108
1. E & R amendment, AM5017, adopted January 28, 1987, has been struck.
2. On page 1, line 4, after the semicolon "to provide for disciplinary action for certain violations;" has been inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 27.

Introduced by Landis, 46th District; Moore, 24th District; Coordsen, 32nd District; Marsh, 29th District; Nelson, 35th District; Smith, 33rd District; Elmer, 38th District; Ashford, 6th District.

WHEREAS, the First Congress of the United States of America in New York, New York, on September 25, 1789, proposed an amendment to the Constitution of the United States by a resolution which reads as follows:

"RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following (Article) be proposed to the Legislatures of the several States,...which (Article), when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

"(An ARTICLE) in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article the second...No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."; and

WHEREAS, this amendment has been ratified by the legislatures of at least eighteen states in the years from 1789 through 1986; and

WHEREAS, the Legislature believes that the concept of this amendment has merit but does not believe that it should be a part of the Constitution of the United States of America; and

WHEREAS, adopting similar language in statute form is the preferable method of providing a restriction on the compensation of senators and representatives.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature urges the Congress of the United States to pass a statute providing that no law which varies the compensation for the services of the senators and representatives shall take effect until an election of representatives has intervened.

2. That copies of this resolution be sent to Nebraska's elected representatives in the United States Senate and the House of Representatives.

3. That copies of this resolution also be sent to the Secretary of the United States Senate and the Clerk of the United States House of Representatives with the request that it be printed in full in the Congressional Record.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 125, 147, and 176.

(Signed) Scott Moore, Chairperson

NOTICE OF COMMITTEE HEARING
General Affairs

LB 468	Monday, February 9, 1987	1:30 p.m.
LB 490	Monday, February 9, 1987	1:30 p.m.
LB 505	Monday, February 9, 1987	1:30 p.m.
LB 550	Monday, February 9, 1987	1:30 p.m.
LB 709	Monday, February 9, 1987	1:30 p.m.

(Signed) Patricia S. Morehead, Chairperson

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 177. Placed on General File.
LEGISLATIVE BILL 317. Placed on General File.

LEGISLATIVE BILL 167. Placed on General File as amended.
Standing Committee amendment to LB 167:
AM0052

1. On page 3, strike beginning with "The" in line 7 through the underscored period in line 9.

(Signed) D. Paul Hartnett, Chairperson

VISITORS

Visitors to the Chamber were former Senator Merle Von Minden; and a group of students and teachers from Eagle Elementary School.

ADJOURNMENT

At 11:08 a.m., on a motion by Mr. Beyer, the Legislature adjourned until 9:00 a.m., Friday, January 30, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY - JANUARY 30, 1987

LEGISLATIVE JOURNAL

FIFTEENTH DAY - JANUARY 30, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 30, 1987

Pursuant to adjournment, the Legislature met at 9:01 a.m., President 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. Abboud, Chambers, Conway, Hall, McFarland, and Miller who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 79. Placed on Select File.
LEGISLATIVE BILL 109. Placed on Select File.
LEGISLATIVE BILL 115. Placed on Select File.

LEGISLATIVE BILL 137. Placed on Select File as amended.
E & R amendment to LB 137:
AM5021
1. On page 5, line 15, after the third comma

2 insert "or".

(Signed) Scott Moore, Chairperson

NOTICE OF COMMITTEE HEARINGS
Education

LB 316	Tuesday, February 17, 1987	1:30 p.m.
LB 70	Monday, February 23, 1987	1:30 p.m.
LB 402	Tuesday, March 17, 1987	1:30 p.m.
LB 85	Tuesday, March 17, 1987	1:30 p.m.

(Signed) Ron Withem, Chairperson

ANNOUNCEMENTS

Mrs. Higgins announced the Building Maintenance Committee elected Mr. Rupp as Vice Chairperson.

Mrs. Smith announced the Intergovernmental Cooperation Committee elected Mr. Conway as Vice Chairperson.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bills 380, 381, and 382.

LB	Committee
380	Transportation
381	Transportation
382	Transportation

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-953, 2-954, 2-955, 2-958, 2-961, 2-962, 2-963, 2-964, 2-966, 2-2303, 2-2310, 2-2311, 2-2317, and 2-2318, Reissue Revised Statutes of Nebraska, 1943, and section 2-1221, Revised Statutes Supplement, 1986; to repeal obsolete statutes relating to an annual report of the State Board of Agriculture, a transfer of funds, racetrack messenger services, a transfer to the Nebraska Wheat Development, Utilization, and Marketing Board, a transfer to the Director of Economic Development, a transfer to the Department of Economic Development, formation of natural resources districts, and the existence of watershed advisory groups; to harmonize provisions; and to repeal the original sections, and also sections 2-104, 2-105, 2-965, 2-2320, 2-2504.01, 2-2507, 2-3205, and 2-3258, Reissue Revised Statutes of Nebraska, 1943, and section 2-1221.01, Revised Statutes Supplement, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Ashford	Haberman	Korshoj	Morehead	Schmit
Baack	Hannibal	Labedz	Nelson	Scofield
Barrett	Harris	Lamb	Pappas	Smith
Beyer	Hartnett	Landis	Peterson	Warner
Chizek	Hefner	Langford	Pirsch	Wehrbein
Coordsen	Higgins	Lynch	Remmers	Weihing
Dierks	Johnson, L.	Marsh	Rogers	Wesely
Elmer	Johnson, R.	McFarland	Rupp	Withem
Goodrich	Johnson, V.	Moore	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 5:

Abboud	Chambers	Conway	Hall	Miller

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 banks and banking; to amend sections 8-112, 8-113, 8-114, 8-115, 8-121, 8-124, 8-128, 8-132, 8-185, 8-187, 8-190, 8-193, 8-197, 8-1,102, 8-1,103, 8-1,104, 8-1,116, 8-1,119, 8-1,120, and 21-2007, Reissue Revised Statutes of Nebraska, 1943, and section 8-126, Revised Statutes Supplement, 1986; to repeal obsolete statutes relating to a change in internal references and the substitution of names; to harmonize provisions; and to repeal the original sections, and also sections 8-1,122 and 8-1,132, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goodrich	Johnson, V.	Moore	Schellpeper
Ashford	Haberman	Korshoj	Morehead	Schmit
Baack	Hannibal	Labedz	Nelson	Scofield
Barrett	Harris	Lamb	Pappas	Smith
Beyer	Hartnett	Landis	Peterson	Warner
Chambers	Hefner	Langford	Pirsch	Wehrbein
Chizek	Higgins	Lynch	Remmers	Weihing
Coordsen	Johnson, L.	Marsh	Rogers	Wesely
Dierks	Johnson, R.	McFarland	Rupp	Withem
Elmer				

Voting in the negative, 0.

Excused and not voting, 3:

Conway	Hall	Miller

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 grain sales; to amend sections 88-501 and 88-523, Reissue Revised Statutes of Nebraska, 1943, and section 88-515, Revised Statutes Supplement, 1986; to repeal a statute which provides a penalty for a section which was repealed in 1985; to harmonize provisions; and to repeal the original sections, and also section 88-519, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goodrich	Johnson, V.	Moore	Schellpeper
Ashford	Haberman	Korshoj	Morehead	Schmit
Baack	Hannibal	Labedz	Nelson	Scofield
Barrett	Harris	Lamb	Pappas	Smith
Beyer	Hartnett	Landis	Peterson	Warner
Chambers	Hefner	Langford	Pirsch	Wehrbein
Chizek	Higgins	Lynch	Remmers	Weihing
Coordsen	Johnson, L.	Marsh	Rogers	Wesely
Dierks	Johnson, R.	McFarland	Rupp	Withem
Elmer				

Voting in the negative, 0.

Excused and not voting, 3:

Conway	Hall	Miller

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 insurance; to amend sections 44-149, 44-308, 44-313, 44-382 to 44-385, and 44-402.01, Reissue Revised Statutes of Nebraska, 1943, and section 44-359, Revised Statutes Supplement, 1986; to eliminate references to fraternal beneficiary associations and societies; 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	Baack	Beyer	Chizek	Dierks
Ashford	Barrett	Chambers	Coordsen	Elmer

Goodrich	Johnson, R.	Marsh	Peterson	Scofield
Haberman	Johnson, V.	McFarland	Pirsch	Smith
Hannibal	Korshoj	Miller	Remmers	Warner
Harris	Labedz	Moore	Rogers	Wehrbein
Hartnett	Lamb	Morehead	Rupp	Weihing
Hefner	Landis	Nelson	Schellpeper	Wesely
Higgins	Langford	Pappas	Schmit	Withem
Johnson, L.	Lynch			

Voting in the negative, 0.

Excused and not voting, 2:

Conway Hall

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 administrative procedures; to amend sections 77-425, 77-507.02, 77-1336, and 81-1319, Reissue Revised Statutes of Nebraska, 1943; to correct a reference to the State Administrative Procedure Act; to correct references to the Administrative Procedures 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, 47:

Abboud	Goodrich	Korshoj	Moore	Schellpeper
Ashford	Haberman	Labedz	Morehead	Schmit
Baack	Hannibal	Lamb	Nelson	Scofield
Barrett	Harris	Landis	Pappas	Smith
Beyer	Hartnett	Langford	Peterson	Warner
Chambers	Hefner	Lynch	Pirsch	Wehrbein
Chizek	Higgins	Marsh	Remmers	Weihing
Coordsen	Johnson, L.	McFarland	Rogers	Wesely
Dierks	Johnson, R.	Miller	Rupp	Withem
Elmer	Johnson, V.			

Voting in the negative, 0.

Excused and not voting, 2:

Conway Hall

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 20.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1804, 2-1810, 2-1825, 2-1826, 54-1503, 54-1505, 54-1509, and 54-1511, Reissue Revised Statutes of Nebraska, 1943; to change internal references; to delete a definition; to harmonize provisions; to eliminate obsolete references to payments made for destruction of certain animals; to harmonize provisions with former acts of the Legislature; and to repeal the original sections, and also sections 54-748, 54-1504, 54-1507, and 54-1507.01, 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, 46:

Abboud	Goodrich	Johnson, V.	Miller	Schellpeper
Ashford	Haberman	Korshoj	Moore	Schmit
Baack	Hannibal	Labedz	Morehead	Scofield
Barrett	Harris	Lamb	Nelson	Smith
Beyer	Hartnett	Landis	Pappas	Warner
Chambers	Hefner	Langford	Peterson	Wehrbein
Chizek	Higgins	Lynch	Pirsch	Weihing
Coordsen	Johnson, L.	Marsh	Remmers	Wesely
Dierks	Johnson, R.	McFarland	Rupp	Withem
Elmer				

Voting in the negative, 0.

Excused and not voting, 3:

Conway Hall Rogers

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 public health and welfare; to amend sections 71-140, 71-1107, and 71-1111, Reissue Revised Statutes of Nebraska, 1943; to replace references to the Nebraska Pharmacy Law; 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	Goodrich	Johnson, V.	Miller	Schellpeper
Ashford	Haberman	Korshoj	Moore	Schmit
Baack	Hannibal	Labedz	Morehead	Scofield
Barrett	Harris	Lamb	Nelson	Smith
Beyer	Hartnett	Landis	Pappas	Warner
Chambers	Hefner	Langford	Peterson	Wehrbein
Chizek	Higgins	Lynch	Pirsch	Weihing
Coordsen	Johnson, L.	Marsh	Remmers	Wesely
Dierks	Johnson, R.	McFarland	Rupp	Withem
Elmer				

Voting in the negative, 0.

Excused and not voting, 3:

Conway Hall Rogers

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 motor vehicles; to amend sections 60-335, 60-335.01, and 60-1004, Reissue Revised Statutes of Nebraska, 1943; to correct references to repealed statutes; to

harmonize provisions; to transfer a section; to delete obsolete provisions; and to repeal the original sections, and also sections 60-335.02 and 81-1012, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goodrich	Johnson, V.	Miller	Schellpeper
Ashford	Haberman	Korshoj	Moore	Schmit
Baack	Hannibal	Labedz	Morehead	Scofield
Barrett	Harris	Lamb	Nelson	Smith
Beyer	Hartnett	Landis	Pappas	Warner
Chambers	Hefner	Langford	Peterson	Wehrbein
Chizek	Higgins	Lynch	Pirsch	Weihing
Coordsen	Johnson, L.	Marsh	Remmers	Wesely
Dierks	Johnson, R.	McFarland	Rupp	Withem
Elmer				

Voting in the negative, 0.

Excused and not voting, 3:

Conway	Hall	Rogers

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 public financing; to amend sections 70-625, 70-704, and 81-1607, Reissue Revised Statutes of Nebraska, 1943; to correct references to repealed statutes; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Ashford	Baack	Barrett	Beyer

Chambers	Harris	Lamb	Morehead	Schmit
Chizek	Hartnett	Landis	Nelson	Scofield
Conway	Hefner	Langford	Pappas	Smith
Coordsen	Higgins	Lynch	Peterson	Warner
Dierks	Johnson, L.	Marsh	Pirsch	Wehrbein
Elmer	Johnson, R.	McFarland	Remmers	Weihing
Goodrich	Johnson, V.	Miller	Rupp	Wesely
Haberman	Korshoj	Moore	Schellpeper	Withem
Hannibal	Labedz			

Voting in the negative, 0.

Excused and not voting, 2:

Hall Rogers

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 agriculture; to amend section 81-2,162.04, Reissue Revised Statutes of Nebraska, 1943; to eliminate a reference to the Nebraska Pesticides and Devices Act; 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, 46:

Abboud	Elmer	Johnson, R.	Miller	Schellpeper
Ashford	Goodrich	Johnson, V.	Moore	Schmit
Baack	Haberman	Labedz	Morehead	Scofield
Barrett	Hannibal	Lamb	Nelson	Smith
Beyer	Harris	Landis	Pappas	Warner
Chambers	Hartnett	Langford	Peterson	Wehrbein
Chizek	Hefner	Lynch	Pirsch	Weihing
Conway	Higgins	Marsh	Remmers	Wesely
Coordsen	Johnson, L.	McFarland	Rupp	Withem
Dierks				

Voting in the negative, 0.

Present and not voting, 1:

Korshoj

Excused and not voting, 2:

Hall Rogers

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 agricultural experiment stations; to amend section 85-127, Reissue Revised Statutes of Nebraska, 1943; to change a reference to a fund to harmonize with another 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, 47:

Abboud	Elmer	Johnson, V.	Miller	Schellpeper
Ashford	Goodrich	Korshoj	Moore	Schmit
Baack	Haberman	Labedz	Morehead	Scofield
Barrett	Hannibal	Lamb	Nelson	Smith
Beyer	Harris	Landis	Pappas	Warner
Chambers	Hartnett	Langford	Peterson	Wehrbein
Chizek	Hefner	Lynch	Pirsch	Weihing
Conway	Higgins	Marsh	Remmers	Wesely
Coordsen	Johnson, L.	McFarland	Rupp	Withem
Dierks	Johnson, R.			

Voting in the negative, 0.

Excused and not voting, 2:

Hall Rogers

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 postsecondary education; to amend section 85-9,103, Revised Statutes Supplement, 1986; to change an internal reference; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Elmer	Johnson, V.	Miller	Schellpeper
Ashford	Goodrich	Korshoj	Moore	Schmit
Baack	Haberman	Labedz	Morehead	Scofield
Barrett	Hannibal	Lamb	Nelson	Smith
Beyer	Harris	Landis	Pappas	Warner
Chambers	Hartnett	Langford	Peterson	Wehrbein
Chizek	Hefner	Lynch	Pirsch	Weihing
Conway	Higgins	Marsh	Remmers	Wesely
Coordsen	Johnson, L.	McFarland	Rupp	Withem
Dierks	Johnson, R.			

Voting in the negative, 0.

Excused and not voting, 2:

Hall Rogers

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 securities; to amend section 8-1109, Reissue Revised Statutes of Nebraska, 1943; to correct an internal reference; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Elmer	Johnson, V.	Miller	Schellpeper
Ashford	Goodrich	Korshoj	Moore	Schmit
Baack	Haberman	Labedz	Morehead	Scofield
Barrett	Hannibal	Lamb	Nelson	Smith
Beyer	Harris	Landis	Pappas	Warner
Chambers	Hartnett	Langford	Peterson	Wehrbein
Chizek	Hefner	Lynch	Pirsch	Weihing
Conway	Higgins	Marsh	Remmers	Wesely
Coordsen	Johnson, L.	McFarland	Rupp	Withem
Dierks	Johnson, R.			

Voting in the negative, 0.

Excused and not voting, 2:

Hall Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 28.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-701, Reissue Revised Statutes of Nebraska, 1943; to change an internal reference; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Elmer	Johnson, R.	McFarland	Rupp
Ashford	Goodrich	Johnson, V.	Miller	Schellpeper
Baack	Haberman	Korshoj	Moore	Scofield
Barrett	Hannibal	Labedz	Morehead	Smith
Beyer	Harris	Lamb	Nelson	Warner
Chambers	Hartnett	Landis	Pappas	Wehrbein
Chizek	Hefner	Langford	Peterson	Weihing
Conway	Higgins	Lynch	Pirsch	Wesely
Coordsen	Johnson, L.	Marsh	Remmers	Withem
Dierks				

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 2:

Hall Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 29.

A BILL FOR AN ACT relating to the Nebraska Soil and Water Conservation Fund; to amend sections 2-1506 and 2-1547, Reissue Revised Statutes of Nebraska, 1943; to rename a fund with the same name as another fund; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Elmer	Johnson, R.	McFarland	Rupp
Ashford	Goodrich	Johnson, V.	Miller	Schellpeper
Baack	Haberman	Korshoj	Moore	Scofield
Barrett	Hall	Labedz	Morehead	Smith
Beyer	Hannibal	Lamb	Nelson	Warner
Chambers	Harris	Landis	Pappas	Wehrbein
Chizek	Hartnett	Langford	Peterson	Weihing
Conway	Hefner	Lynch	Pirsch	Wesely
Coordsen	Higgins	Marsh	Remmers	Withem
Dierks	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 1:

Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 30.

A BILL FOR AN ACT relating to schools; to amend sections 79-1308.01 and 79-2644, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to repealed provisions; to provide powers and duties; to authorize certain investments; 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	Elmer	Johnson, R.	McFarland	Rupp
Ashford	Goodrich	Johnson, V.	Miller	Schellpeper
Baack	Haberman	Korshoj	Moore	Scofield
Barrett	Hall	Labedz	Morehead	Smith
Beyer	Hannibal	Lamb	Nelson	Warner
Chambers	Harris	Landis	Pappas	Wehrbein
Chizek	Hartnett	Langford	Peterson	Weihing
Conway	Hefner	Lynch	Pirsch	Wesely
Coordsen	Higgins	Marsh	Remmers	Withem
Dierks	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 1:

Rogers

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: 1, 2, 14, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Korshoj asked unanimous consent to have his name withdrawn as co-introducer to LB 645. No objections. So ordered.

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 206. Placed on General File as amended.
Standing Committee amendment to LB 206:
AM0060

1. On page 2, line 10, strike the new matter and reinstate the stricken matter.

(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 January 29, 1987. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Borman, William G. - Lincoln, Nebraska Association of Nurse Anesthetists
Brune III, Louis J. - Washington, D.C., National Rifle Association
Connor, James E. - Omaha, Military Order of the Purple Heart #260
Cutshall, Bruce A. - Lincoln, Nebraska Association of Center Pivot Manufacturers
Eberle, Donald C. - Denver, CO., MCI Telecommunications Corporation
Edwards, Raymond E. - Des Moines, IA., Deere & Company
Erickson & Sederstrom

Gordon, James E. - Lincoln, National Nutritional Foods Association
Kelley, Michael - Omaha, Nebraska Criminal Defense Attorney Association, United Retailers Liquor Association of Nebraska
Kronberg, Wendell - Bellevue, Ralston Area Chamber of Commerce
Mueller, William J./Knudsen, Berkheimer, et al.
Mueller, William J. - Lincoln, Nebraska Society of Independent Accountants
Newell, David R. - Omaha, Metro Area Transit Authority, Nebraska Association of Homes for the Aging
Popken, Kent T. - Omaha, U S WEST, Inc.
Reed, Jay B. - Denver, CO., MCI Telecommunications Corporation
Robinson Jr., C. N. - Omaha, Westside Community Schools
Ruth, Larry L./Knudsen, Berkheimer, et al.
Ruth, Larry L. - Lincoln, Nebraska Society of Independent Accountants
Shipley, Parker L. - Omaha, Guarantee Mutual Life Company
Thiessen, Charles - Lincoln, Nebraska Association of Public Employees
Williamson, Lyle R. - Denver, CO., MCI Telecommunications Corporation

MOTION - Rereferral of LBs 380, 381, and 382

Mr. Lamb withdrew his pending motion to rerefer LB 380, LB 381, and LB 382 from the Committee on Natural Resources to the Committee on Transportation.

MOTION - Withdraw LB 669

Mr. Chambers renewed his pending motion found in the Journal on page 398 to withdraw LB 669.

The motion to withdraw prevailed with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 27. Read. Considered.

Mrs. Morehead asked unanimous consent to have her name added as co-introducer to LR 27. No objections. So ordered.

LR 27 was adopted with 33 ayes, 0 nays, and 16 not voting.

SELECT FILE

LEGISLATIVE BILL 69. E & R amendment, AM5018, found in the Journal on page 398 for the Fourteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 154. E & R amendment, AM5019, found in the Journal on page 398 for the Fourteenth Day was adopted.

Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 27 ayes, 1 nay, 20 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 171. E & R amendment, AM5020, found in the Journal on page 399 for the Fourteenth Day was adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 158. Title read. Considered.

Standing Committee amendments, AM0042, found in the Journal on page 365 for the Thirteenth Day were considered.

Mr. McFarland offered the following amendment to the Standing Committee amendments:
AM0075

(Amendments to the Standing Committee amendments, AM0042)

1. On page 4, strike beginning with "consideration" in line 7 through "characteristics" in line 8 and insert "high school grades, class standing, standardized test scores, written essays, letters of recommendation, and leadership roles and involvement in extracurricular and community activities. Grades and test scores shall not be the main determinants, and the criteria shall also allow for consideration of intellectual potential and personal characteristics of students who may not readily demonstrate their gifted

potential in a traditional classroom setting".

The McFarland amendment was adopted with 15 ayes, 5 nays, 28 present and not voting, and 1 excused and not voting.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Scofield offered the following amendment to the Standing Committee amendments:
AM0084

(Amendments to the Standing Committee amendments, AM0042)

1. Insert the following new section:

"Sec. 7. No appropriations shall be made from the General Fund to finance the program prescribed in this act. The advisory board created in section 4 of this act may receive contributions, gifts, and bequests to fund such program. Any such contributions, gifts, and bequests received pursuant to this section shall be deposited in the Unicameral Scholars Academy Cash Fund, which fund 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.".

Mr. Hannibal moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

The Scofield amendment lost with 12 ayes, 20 nays, 16 present and not voting, and 1 excused and not voting.

SPEAKER BARRETT PRESIDING

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. McFarland moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. McFarland requested a roll call vote on the Standing Committee amendments.

Voting in the affirmative, 23:

Ashford	Dierks	Johnson, R.	Marsh	Nelson
Baack	Goodrich	Johnson, V.	McFarland	Pirsch
Chambers	Hall	Korshoj	Miller	Wesely
Chizek	Harris	Labedz	Morehead	Withem
Conway	Hartnett	Landis		

Voting in the negative, 25:

Abboud	Haberman	Lamb	Remmers	Scofield
Barrett	Hannibal	Langford	Rogers	Smith
Beyer	Hefner	Lynch	Rupp	Warner
Coordsen	Higgins	Moore	Schellpeper	Wehrbein
Elmer	Johnson, L.	Peterson	Schmit	Weihing

Excused and not voting, 1:

Pappas

The Standing Committee amendments lost with 23 ayes, 25 nays, and 1 excused and not voting.

The Chair declared the call raised.

Messrs. Lynch and R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. McFarland withdrew his pending amendment found in the Journal on page 253.

Mr. Haberman moved to indefinitely postpone LB 158.

Laid over.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE RESOLUTION 11CA. Placed on General File.

LEGISLATIVE BILL 215. Placed on General File.
LEGISLATIVE BILL 304. Placed on General File.
LEGISLATIVE BILL 471. Placed on General File.

LEGISLATIVE BILL 284. Placed on General File as amended.
Standing Committee amendment to LB 284:
AM0034

1. Strike the original sections and insert the following new sections:

"Section 1. That section 77-2753, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2753. (1) Every employer and payor maintaining an office or transacting business within this state and making payment of any wages or other payments as defined in subsection (4) of this section which are taxable under the provisions of the Nebraska Revenue Act of 1967 to a resident or nonresident individual shall deduct and withhold from such wages for each payroll period and from such payments ~~a tax computed~~ paid on or after March 1, 1987, an amount equal to twenty-one per cent of the amount of federal withholding until such withholding rate is changed by rule and regulation adopted and promulgated by the Tax Commissioner. In determining the withholding rate, the Tax Commissioner shall compute the rate in such manner as to result, so far as practicable, in withholding from the employee's wages and payments to the payee during each calendar year an amount substantially equivalent to the tax reasonably estimated to be due from the employee or payee under the provisions of such act with respect to the amount of such wages and payments included in his or her taxable income during the calendar year. The method of determining the amount to be withheld shall be prescribed by regulations of the Tax Commissioner.

(2) For purposes of this section, an employee or payee shall be entitled to the same number of withholding exemptions as the number of withholding exemptions to which he or she is entitled for federal income tax withholding purposes. An employer or payor may rely upon the number of federal withholding exemptions claimed by the employee.

(3) The Tax Commissioner may enter into agreements with the tax departments of other states, which require income tax to be withheld from the payment of wages, salaries, and such other payments, so as to govern the amounts to be withheld from the wages and

salaries of and other payments to residents of such states. Such agreements may provide for recognition of anticipated tax credits in determining the amounts to be withheld and, under regulations prescribed by the Tax Commissioner, may relieve employers and payors in this state from withholding income tax on wages, salaries, and such other payments paid to nonresident employees and payees. The agreements authorized by this subsection shall be subject to the condition that the tax department of such other states grant similar treatment to residents of this state.

(4) Wages and other payments subject to withholding shall mean payments that are subject to withholding under the Internal Revenue Code of 1954, as amended, and are (a) payments made by employers to employees, except such payments subject to 26 U.S.C. section 3405 or 3406, (b) payments of gambling winnings, or (c) pension or annuity payments when the recipient has requested the payor to withhold from such payments.

Sec. 2. That original section 77-2753, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 302. Placed on General File as amended.
Standing Committee amendments to LB 302:
AM0022

1. Insert the following new section:

"Sec. 4. That section 44-142, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-142. Every agent who places, effects, or delivers any insurance or insurance policy, as provided in sections 44-139 to 44-142, 44-145, and 44-147 to 44-147.06, shall annually, on or before February 15 in each year, make and file with the Department of Insurance a verified statement upon a form prescribed by the department, which shall exhibit the true amount of all such business transacted during the year ending on December 31 next preceding the making thereof. The agent shall, at the time such statement is submitted, pay to the department ~~the tax on such business in the same manner as other foreign companies~~ a tax of three

per cent on the total gross amount of direct writing premiums received by the agent on such business and the fire insurance tax prescribed in section 81-523. In no event shall such taxes be determined on a retaliatory basis pursuant to section 44-150.

For purposes of this section, unless the context otherwise requires, direct writing and premiums shall be as defined in section 77-907.".

2. On page 14, line 12, strike "section" and insert "sections 44-142 and".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 303. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 59. Placed on General File as amended.
Standing Committee amendments to LB 59:
AM0076

1. On page 2, in lines 15 to 22, strike the new matter and reinstate the stricken matter; and in line 25 strike "1993" and insert "1991".

2. On page 3, line 2, strike "five-year" and insert "three-year".

(Signed) Rex Haberman, Chairperson

Health and Human Services

LEGISLATIVE BILL 134. Placed on General File.
LEGISLATIVE BILL 227. Placed on General File.
LEGISLATIVE BILL 384. Placed on General File.
LEGISLATIVE BILL 386. Placed on General File.
LEGISLATIVE BILL 387. Placed on General File.

(Signed) Don Wesely, Chairperson

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 272	Monday, February 9, 1987	1:30 p.m.
LB 179	Monday, February 9, 1987	1:30 p.m.
LB 461	Monday, February 9, 1987	1:30 p.m.
LB 469	Monday, February 9, 1987	1:30 p.m.
LB 720	Monday, February 9, 1987	1:30 p.m.
LB 605	Monday, February 9, 1987	1:30 p.m.
LB 290	Monday, February 9, 1987	1:30 p.m.
LB 433	Monday, February 9, 1987	1:30 p.m.
LB 446	Monday, February 9, 1987	1:30 p.m.
LB 92	Monday, February 23, 1987	1:30 p.m.
LB 349	Monday, February 23, 1987	1:30 p.m.
LB 474	Monday, February 23, 1987	1:30 p.m.
LB 731	Monday, February 23, 1987	1:30 p.m.
LB 344	Monday, February 23, 1987	1:30 p.m.
LB 528	Monday, February 23, 1987	1:30 p.m.
LB 661	Monday, March 2, 1987	1:30 p.m.
LB 711	Monday, March 2, 1987	1:30 p.m.
LB 524	Monday, March 2, 1987	1:30 p.m.
LB 718	Monday, March 2, 1987	1:30 p.m.
LB 519	Monday, March 2, 1987	1:30 p.m.
LB 462	Monday, March 9, 1987	1:30 p.m.
LB 226	Monday, March 9, 1987	1:30 p.m.
LB 696	Monday, March 9, 1987	1:30 p.m.
LB 516	Monday, March 9, 1987	1:30 p.m.

(Signed) Timothy Hall, Chairperson

Transportation

LB 300	Monday, February 9, 1987	1:30 p.m.
LB 330	Monday, February 9, 1987	1:30 p.m.
LB 411	Monday, February 9, 1987	1:30 p.m.
LB 522	Monday, February 9, 1987	1:30 p.m.
LB 604	Monday, February 9, 1987	1:30 p.m.
LB 207	Tuesday, February 10, 1987	1:30 p.m.
LB 377	Tuesday, February 10, 1987	1:30 p.m.
LB 404	Tuesday, February 10, 1987	1:30 p.m.
LB 689	Tuesday, February 10, 1987	1:30 p.m.

(Signed) Howard Lamb, Chairperson

Banking, Commerce and Insurance

LB 306	Monday, February 9, 1987	1:30 p.m.
LB 454	Monday, February 9, 1987	1:30 p.m.
LB 240	Monday, February 9, 1987	1:30 p.m.
LB 375	Monday, February 9, 1987	1:30 p.m.
LB 681	Monday, February 9, 1987	1:30 p.m.
LB 702	Monday, February 9, 1987	1:30 p.m.
LB 174	Tuesday, February 10, 1987	1:30 p.m.
LB 191	Tuesday, February 10, 1987	1:30 p.m.
LB 498	Tuesday, February 10, 1987	1:30 p.m.
LB 712	Tuesday, February 10, 1987	1:30 p.m.
LB 713	Tuesday, February 10, 1987	1:30 p.m.
LB 332	Tuesday, February 17, 1987	1:30 p.m.
LB 440	Tuesday, February 17, 1987	1:30 p.m.
LB 453	Tuesday, February 17, 1987	1:30 p.m.
LB 531	Tuesday, February 17, 1987	1:30 p.m.
LB 532	Tuesday, February 17, 1987	1:30 p.m.
LB 558	Tuesday, February 17, 1987	1:30 p.m.
LB 186	Tuesday, February 17, 1987	1:30 p.m.

(Signed) R. W. Remmers, Chairperson

ANNOUNCEMENT

Mr. Warner announced the hearing on LB 432 and LB 683, on February 4, 1987, has been changed to 1:30 p.m. in the East Chamber.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 152. Placed on Select File.

LEGISLATIVE BILL 61. Placed on Select File as amended.
E & R amendments to LB 61:
AM5026

1. On page 2, lines 6, 9, 12, and 13, before "district" insert "school"; and in lines 14 and 24 before "districts" insert "school".

2. On page 3, line 1, before "districts"

insert "school"; and in line 13 before "district" insert "school".

LEGISLATIVE BILL 106. Placed on Select File as amended.
E & R amendments to LB 106:
AM5025

1. On page 1, lines 3 and 4, insert "school" before "districts".

2. On page 2, lines 4, 6, 7, 12, and 21, insert "school" before "district"; in lines 8 and 10 insert "school" before "district"; and in line 24 insert "school" before the first "district".

3. On page 3, lines 2, 6, 7, 9, and 10, insert "school" before "district".

LEGISLATIVE BILL 142. Placed on Select File as amended.
E & R amendment to LB 142:
AM5022

1. On page 1, line 4, strike "and"; and in line 5 before the period insert "; and to declare an emergency".

LEGISLATIVE BILL 610. Placed on Select File as amended.
E & R amendment to LB 610:
AM5023

1. On page 1, line 6, strike "and"; and in line 7 before the period insert "; and to declare an emergency".

LEGISLATIVE BILL 291. Placed on Select File as amended.
E & R amendments to LB 291:
AM5024

1. On page 1, line 6, after "registration" insert "of such receipts; to provide for suspension and revocation of licenses"; and in line 7 strike "former" and insert "certain existing".

2. On page 4, line 19, after "principal" insert a comma; and in line 25 after "rules" insert "and regulations".

3. On page 5, line 2, after "issued" insert a comma; and in line 13 after "forms" insert a comma.

4. On page 6, line 6, after "rules" insert "and regulations"; in line 8 strike the second "it" and insert "the commission" and after "may" insert a comma;

13 and in line 19 after "sum" insert "in".

(Signed) Scott Moore, Chairperson

GENERAL FILE

LEGISLATIVE BILL 149. 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 41. Title read. Considered.

Standing Committee amendment, AM0054, found in the Journal on page 394 for the Fourteenth Day was adopted with 34 ayes, 0 nays, 12 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 93. Title read. Considered.

Advanced to E & R for Review with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 136. Title read. Considered.

Messrs. Withem and Abboud asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 177. Title read. Considered.

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 177. No objections. So ordered.

Advanced to E & R for Review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 317. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 167. Title read. Considered.

Standing Committee amendment, AM0052, found in the Journal on page 402 for the Fourteenth Day was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mrs. Smith asked unanimous consent to have her name withdrawn as co-introducer to LB 645. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hannibal asked unanimous consent to print the following amendment to LB 40 in the Journal. No objections. So ordered.

AM0062

(Amendments to the Final Reading Copy)

1. On page 5, line 11, after "courses" insert "and the examination prescribed in subdivision (4) of this section to which shall be added a comprehensive demonstration appraisal".

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 30, 1987, at 10:45 a.m., were the following bills: 1, 2, 14, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30.

(Signed) Pam Moravec, Enrolling Clerk

ADJOURNMENT

At 12:12 p.m., on a motion by Mr. Dierks, the Legislature adjourned until 9:00 a.m., Monday, February 2, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - FEBRUARY 2, 1987

LEGISLATIVE JOURNAL

SIXTEENTH DAY - FEBRUARY 2, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 2, 1987

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Senator Miller.

ROLL CALL

The roll was called and all members were present except Messrs. Schmit and Withem who were excused; and Messrs. Abboud, Baack, Beyer, Chambers, Conway, Haberman, Hall, Harris, Hartnett, V. Johnson, Peterson, Remmers, Rogers, Rupp, Wesely, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifteenth Day was approved.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 245. Placed on General File.

(Signed) Jerome Warner, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 27.

SELECT FILE

LEGISLATIVE BILL 109. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 115. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 137. E & R amendment, AM5021, found in the Journal on page 404 for the Fifteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 106. E & R amendments, AM5025, found in the Journal on page 429 for the Fifteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 142. E & R amendment, AM5022, found in the Journal on page 429 for the Fifteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 610. E & R amendment, AM5023, found in the Journal on page 429 for the Fifteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 291. E & R amendments, AM5024, found in the Journal on page 429 for the Fifteenth Day were adopted.

Mr. R. Johnson offered the following amendment:
AM0070

1. On page 2, strike beginning with "stores" in line 9 through line 13 and insert "holds itself out to the public as being engaged in the business of storing goods and which will for legal consideration store goods of any member of the public, except those which store or offer to store goods in cold storage or public grain or field warehouses. Warehouseman shall not mean a lessor of storage space if such lessor does not hold himself or herself out to the public as a warehouseman or as a bailee of goods.".

2. On page 3, strike beginning with "The" in

12 line 1 through line 5.

The R. Johnson amendment was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 47. Indefinitely postponed.
LEGISLATIVE BILL 333. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

NOTICE OF COMMITTEE HEARING
Appropriations

LB 38 Monday, February 9, 1987 1:30 p.m.

(Signed) Jerome Warner, Chairperson

GENERAL FILE

LEGISLATIVE BILL 206. Title read. Considered.

Standing Committee amendment, AM0060, found in the Journal on page 419 for the Fifteenth Day was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE RESOLUTION 11CA. Title read. Considered.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Transportation

Governor Appointment Monday, February 9, 1987 1:30 p.m.
Ray Hogrefe, Director, State Engineer,
Department of Roads

(Signed) Howard Lamb, Chairperson

Nebraska Retirement Systems

LB 308	Monday, February 9, 1987	12:00 noon
LB 549	Monday, February 9, 1987	12:00 noon
LB 408	Wednesday, February 11, 1987	12:00 noon
LB 409	Wednesday, February 11, 1987	12:00 noon

(Signed) Rex Haberman, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 385. No objections. So ordered.

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 116. No objections. So ordered.

MOTION - Escort Governor

Mr. Barrett moved that a committee of five be appointed to escort the Governor to the Chamber to deliver the State of the State and Budget Message.

The motion prevailed.

The Chair appointed Mr. Beyer, Mesdames Marsh, Langford, Labedz, and Ms. Scofield to serve on said Committee.

The Committee returned and escorted Governor Kay Orr to the Rostrum where she delivered the following State of the State and Budget Address:

Mr. President, Mr. Speaker, members of the Legislature, my fellow Nebraskans:

I am here today in fulfillment of the Governor's responsibility under Article IV, Section 7 of the Nebraska Constitution to present "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."

The legislative history of this provision in our Constitution makes it abundantly clear that the budget bill proposed by the Governor is to be used by the Legislature throughout the legislative process.

I respectfully ask that you comply with that intent.

That is not to suggest that this is a take-it-or-leave-it proposal. I am well aware of the proposition that the Governor proposes and the Legislature disposes; however, the clear purpose of this constitutional provision is to allow the tax-paying citizens to compare the Governor's budget with the actions of the Legislature. I am prepared to work with the Legislature cooperatively throughout your consideration of the budget.

In addition, the budget I present today is in compliance with the provisions of LB 258 which the Legislature passed last year requiring the submission of biennial, rather than annual, budgets. Thus, we return to the procedure used prior to 1971 when the Legislature began its current practice of meeting each year. I support the objective of LB 258 because it restores a sense of stability to the budget process.

And stability is what this budget is all about.

For too long in Nebraska we have witnessed erratic swings in the fiscal affairs of state government--a kind of economic rollercoaster ride that in the past six years resulted in four special sessions to cut budgets in mid-year. The effect has been to create doubt and uncertainty, certainly for those responsible for administration of the programs funded by the budget, but for the public at large as well.

The disruptions and inefficiencies created by this unstable budgeting process have cost us more than dollars and cents. They have exacted a high price. These practices have weakened the public's confidence in the ability of elected officials to manage the state's affairs.

We need to restore confidence by putting forth a budget and a revenue system that generates stability, not just for the next two years, but for well into the future.

In my inaugural remarks, I noted the great debt Nebraskans owe to our ancestors, those hardy pioneers who persevered against great odds with honesty, frugality and integrity. But, in our turn, we will one day ourselves be ancestors and we have a responsibility to the following generations to see that the legacy left them is equally worthy.

Two days ago I announced my tax package, the first change in the Nebraska tax system in 20 years. A proposal that meets the essential criteria of fairness, stability, simplicity, and revenue neutrality.

By basing our state taxes on the federal adjusted gross income we retain all the advantages of our current system, without having to endure the wild swings generated by changes in the federal tax code.

Using an average income tax rate of 3.47 percent, our total tax system will generate the $898 million necessary to fund my budget without a tax increase.

There is also good news for corporations in my tax plan. By phasing in changes in the unitary formula to base corporate taxes only on sales in Nebraska, we gain significant competitive edge over surrounding states in the battle for jobs through economic development.

It is expected that the effect of the corporate tax change will be offset by increases generated by more jobs and more investment dollars in Nebraska.

After adjusting for the Nebraska tax proposal; providing for a minimum of 3 percent reserve; and factoring in estimated balances, lapses, and deficits, the maximum funds available for budgeting amount to $862 million the first year and $907 million the second year.

The budget I place before you today proposes a General Fund appropriation for the next fiscal year of just under $862 million. After adjustment for the reductions made in the December special session, that figure represents an increase of 3 1/2 percent over this year.

Were it not for the deficits, the increases in my budget would be 1.7 percent.

For the second year of the biennium, I am recommending a figure of just over $876 million, an increase of 1.7 percent over my 1987-88 proposal. The overall increase for Fiscal 1987-1988, including a 3 percent salary adjustment package, and $2.8 million for "A" bills is roughly $29 million or 3.5 percent. This provides for a $9.9 million or 4.8 percent increase to state operations; $5.7 million or 2.6 percent increase to higher education; and $15.3 million or 3.8 percent increase to state aid.

My budget proposal provides for a 3 percent reserve for the first year and a 6.6 percent reserve for the second year.

This budget fulfills my commitment of no tax increase.

This is a transitional budget, one tailored to reflect the economic realities of 1987 and 1988, but also one which lays a firm foundation for growth and development in the future.

In just over a dozen years, we'll enter the 21st Century. Long before then, I am convinced that with devotion and dedication, we can bring about a significant upturn in the state's economy and this budget will position Nebraska to realize the benefits of that improvement. Our exercise today of prudence in our stewardship of scarce financial resources will serve us well as we stand on the threshold of a new millenium.

When I took office, I faced budget requests from state agencies of $1.9 billion.....$956 million for the first year of the biennium and $985 million for the second year. These amounts did not include any salary adjustment. They would have represented an increase of almost 15 percent over the current appropriations. These numbers represent the collective judgment of agencies of state government as necessary to carry out the existing mandates of the Legislature in delivering current services and programs, but we must live within our means.

My budget recommendation for the first year represents almost $100 million less than was requested.

We are currently faced with $17.9 million in deficit requests. Included are $6.5 million for Special Education; $1 million for Homestead Exemption; $1.6 million for AFDC; $2.3 million for child welfare-state wards; $1.5 million for the Bassett transmission tower; almost $2 million for Wastewater Treatment; and $1 million for the Department of Corrections; as well as many other smaller requests. Most of these requests represent entitlement programs for which little or no discretion is available.

In addition, under existing revenue projections no reserve will be available on June 30, 1987.

Faced with that sobering picture, and after long--and often painful personal--hours spent in an agency-by-agency, line-by-line review and appraisal of state government activities, I have concluded that what is required is a reordering of priorities in a manner calculated to produce the most cost-effective result.

To achieve that a number of decisions were reached:

During the Special Session last December, the Legislature cut $6.5 million out of the current fiscal year. It is imperative that we "annualize" the reductions made in the special session, that is, carry them forward into the next two years. This will reduce appropriations for the coming year by $11.1 million.

Other reductions in existing programs are necessary in order to meet our commitments to ongoing entitlement programs, to provide for salary increases for state employees and to move forward on other limited initiatives.

I support the revisions of the Homestead Exemption program that will save $5,270,000.

This budget calls for the elimination of certain optional medicaid services and will require other cost-saving measures in this growing program.

I am recommending a phaseout of General Fund support for the so called advocacy agencies. This phaseout period will provide time for them to secure alternate sources of funding and to that end I pledge my full support.

I am recommending that the Liquor Control Commission be abolished. With local licensing, and the transfer of enforcement to the Nebraska State Patrol, it simply makes good sense to transfer the only remaining functions--principally tax collection--to the Department of Revenue.

We must look to the future and education provides the promise of tomorrow. Education is a sacred trust inscribed in our Constitution and places a heavy responsibility on the state to ensure quality education for our young citizens. We must also meet the changing educational requirements of our technological society. Over the years we have provided a variety of programs to address the funding needs of select components of the educational system. This disjunctured approach has resulted in a patchwork mentality rather than a unified focus on quality education for all our citizens. It is the total system that needs our attention now.

As a beginning step toward a more logical funding approach, I am prepared to restore the annualized cuts made to state aid to education in the amount of $3.8 million. In exchange for this action I am proposing that local school districts pay the educational costs of wards of the court. My recommendations for special education include an increase of $4.8 million for the first year of the biennium and $8.8 million for the second year. Special education continues to be one of our fastest growing programs. It must be viewed in the context of overall aid to education and I am prepared to work with you in developing better ways to meet the needs of our educational system.

Our Technical Community College System and the State College System fill an important function in meeting the needs in the area of higher education. Too often they are viewed as the step-sisters of our university system. They must be seen in the larger context as an integral part of higher education. At the same time we must recognize that the independent colleges are an integral part of that overall education system, and we must cooperate with them in fashioning a plan of action in the higher education field.

My recommendations for the state colleges include $736,000 for the first year and $517,000 in the second year to provide for critically needed administrative computing capabilities. My recommendation also includes $226,000 for each of the two fiscal years to provide for a 7 percent retirement contribution as a matter of equity.

A special role that higher education must fill as an essential partner is the economic revitalization of this state.

University of Nebraska President Ronald Roskens has spoken forcefully of the need for change, and directed the university community toward a future that requires commitment, compassion,

and planning. His vision of a renewed university, streamlined and strengthened to better meet its substantial obligations, is one that I commend to all Nebraskans. The spirit of his remarks reflected a vigor that will serve us well as we advance confidently toward the future.

Consistent with this perspective, I am including within my budget recommendations $1,150,000 for the biennium for university research and technical assistance to enhance our economy. The funds will be allocated to the Universitywide administration and distributed pursuant to guidelines that they develop. It is, however, my expectation that the funds will be used to create and foster intercampus, interdisciplinary projects that address this state's most pressing needs. In particular, the university should work closely with state government and the private sector to fashion new partnerships designed to revitalize this state.

Entrepreneurs and venture capitalists should be able to turn to the university for answers to the complex questions that arise when creative ideas are transformed into vibrant businesses. In our highly competitive and intensely regulated economy, it is not enough simply to have good ideas. We will accomplish little if our next breakthrough in biotechnology cannot be licensed or marketed. We will not prosper if small businesses and entrepreneurs cannot survive, or are unable to exploit engineering breakthroughs, or expand franchises to meet their true potential.

I am including funding for veterinary student contracts and operating costs for the veterinary clinic at the Meat Animal Research Center. I am including $500,000 for the first year and $750,000 for the second year for biotechnology and food processing. Also included is funding for the Small Business Development Center at UNO in the amount of $150,000 for the first year and $250,000 for the second year. Extension and Research are important responsibilities of the University mission and I have provided an additional $373,000 for each of the two fiscal years for these activities.

In addition to those economic development programs associated with the university, my budget contains a continuation of funding for the Research and Development Authority by providing an additional $2 million for each of two years of the biennium. I am also providing $500,000 each year to the Department of Economic Development for additional job creation activities. My recommendation includes $100,000 for the first year and $150,000 for the second year for technical college job training programs.

Over the two-year period, the budget provides $3.7 million in increases for agriculture and natural resource activities, including additional funds for agricultural promotion, $2 million for the

Resource Development Fund and $672,000 more for wastewater treatment. In that regard, I am proposing that the state create a revolving fund to finance wastewater treatment facilities. As you know, federal grants for such facilities are being phased out and the Clean Water Act requires a 20 percent match by the state. My recommendation includes funding to pay off the cash flow obligations for the existing state grants and provides for $500,000 the first year and $2 million the second year to establish a revolving fund to match with federal funds under the phaseout plan.

In the area of human services we have an obligation to meet the critical basic human dignity needs of our fellow citizens who are less fortunate. We are of course faced with many ongoing entitlement programs. My recommendations include over $6 million in the first year and $13.7 million in the second year for increased Medicaid costs. Included for the biennium are increases of $2.8 million for child welfare; $2.8 million for AFDC; $2.2 million for Title XX (twenty); $1.4 million for Job Support; $850,000 for Veterans Home operations; and $1.0 million for BSDC/Regional Center operations.

In the area of Justice and Law Enforcement, I have included items necessitated by increased demands. For the Supreme Court I am providing $195,000 each year for reclassification of County Court Employees and $128,000 each year for additional probation staff. For the Department of Corrections I am proposing $2.7 million for population increases and $2.2 million for Hastings Correctional Facilities operations.

I am continuing the funding plan for the purchase of repeaters and mobile radios for the Nebraska State Patrol. This will provide much needed two-way communications for the women and men who work long and stressful hours and who are asked to put their life on the line day-in and day-out for our protection.

The budget for Capitol Construction totals $21.4 million in the first year and $29.6 million in the second year from all fund sources.

Due to financial constraints and prior commitments, we are limited to very few new project starts. My recommendations for the biennium provide for continuation of funding for the major projects that have been previously authorized. Those reaffirmations include bond payments for building renovation and land acquisition at the university and state colleges and the Nebraska Law Enforcement Training Center in Grand Island. Also included in ongoing funding for the Lied Performing Arts Center, Animal Science, and Clinical Facility at the University of Nebraska at Lincoln and Lab Science at the University of Nebraska at Omaha. I am recommending that the Department of Public Institutions, the Department of Correctional Services, the state colleges, and the university be

authorized funds to carry out various projects dealing with fire and life/safety and miscellaneous renovation of existing facilities, such as substandard classroom and teaching lab improvements and remodeling.

For the Game and Parks Commission, I am proposing the construction of a fish hatchery at the Calamus Reservoir. This project will be funded from cash funds, federal funds, and private donations.

I am recommending $2.5 million per year for the 309 Task Force. This program is directly linked to saving the state money over the long term. The Legislature is to be commended for establishing this innovative program.

The past eight years that I have spent in this capitol building, first as a member of the Governor's staff and then as State Treasurer, have convinced me that we are more fortunate than most of us realize to have in our service dedicated and conscientious women and men who day in and day out perform their jobs with skill and efficiency. They deserve compensation that is fair and commensurate with their considerable contribution to good government.

I have set aside $12.8 million to be used for a 3 percent salary and benefit adjustment for the coming fiscal year and have proposed a spending level for the second year of the biennium which will accommodate additional adjustments.

As you know, we are entering a critical period in the history of labor-management relations. I have convened a task force of labor and management leaders to review collective bargaining and to recommend a plan of action to implement that process in a manner fair and equitable to all parties including the taxpayer. In order that this process may go forward unencumbered, I am recommending that the Commission on Industrial Relations embargo be extended for an additional year to allow government and its employees time to reach agreement through good faith bargaining.

If government is to perform its function in an efficient and effective manner, it must be able to reward those who perform in a superior manner. Accordingly, I am preparing an incentive pay plan which will allow for performance-based compensation.

It is fair, I think, to observe that not everyone will agree with my priorities as expressed in this budget. Throughout this process, I have had the advice of many sincere and well-meaning women and men urging that there be increased funding for this program or that department.

While I listened carefully and sympathetically, I found that, in good conscience, I had to rely on the admonition we have been hearing in another context: "Just say no." As we move through the legislative consideration of this budget, you may find that advice

useful. Saying no when one would like to say yes is not easy; it requires political courage and personal character.

It is fitting to reflect that when the first Unicameral met in this chamber 50 years ago, it was the realization of George Norris' dream of a body of independent lawmakers who could say no to the special pleaders, citizen-legislators who would be more directly accountable to their constituencies. It was a dream that grew out of Senator Norris' frustration in Washington where he saw bills on which he held strong convictions killed in committee or fatally weakened by compromise because his colleagues submitted to pressures from outside the Senate.

I would like to think that, confronted as we are with severe constraints on our fiscal resources, George Norris would view this budget with understanding favor; that he would agree that our responsibility--yours and mine--is to do what we perceive is best for all Nebraskans.

In these difficult days, I suggest that what is best is to follow a policy of restraint, to undertake to restore stability, to insure that we are investing our citizens' taxes in the most efficient and productive ways we can devise.

This is a particularly critical time for those of us charged with governance of our state. We have the opportunity to respond to our constituencies' calls for restraint in taxation and spending during a time of economic distress, or we can listen to those who believe we must take on an even heavier financial burden.

Whichever course we take, the implications for the remaining years of this century are profound.

The direction I suggest is that we maintain those necessary functions which serve our people, work hard at improving the economy and seek patience and forbearance from those who disagree.

The challenge we confront is imposing. Ours is a formidable task. It is a time to remember the words of Phillips Brooks, the 19th century poet who counseled, "Do not pray for tasks equal to your powers. Pray for powers equal to your tasks."

Thank you.

The Committee escorted Governor Orr from the Chamber.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 762. By Speaker Barrett, 39th 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 for the biennium ending June 30, 1989; to provide an operative date; to repeal Laws 1986, LB 131A, Laws 1986, LB 153A, Laws 1986, LB 217A, Laws 1986, LB 277A, Laws 1986, LB 284A, Laws 1986, LB 286A, Laws 1986, LB 310A, Laws 1986, LB 318A, Laws 1986, LB 325A, Laws 1986, LB 333A, Laws 1986, LB 355A, Laws 1986, LB 438A, Laws 1986, LB 474A, Laws 1986, LB 575A, Laws 1986, LB 579A, Laws 1986, LB 643A, Laws 1986, LB 757A, Laws 1986, LB 774A, Laws 1986, LB 775A, Laws 1986, LB 795A, Laws 1986, LB 835A, Laws 1986, LB 850A, Laws 1986, LB 851A, Laws 1986, LB 894A, Laws 1986, LB 900A, Laws 1986, LB 925A, Laws 1986, LB 967, Laws 1986, LB 992A, Laws 1986, LB 1001A, Laws 1986, LB 1004A, Laws 1986, LB 1007, section 3, Laws 1986, LB 1027A, Laws 1986, LB 1036A, Laws 1986, LB 1037A, Laws 1986, LB 1041A, Laws 1986, LB 1049A, Laws 1986, LB 1051A, Laws 1986, LB 1105A, Laws 1986, LB 1124A, Laws 1986, LB 1143A, Laws 1986, LB 1230A, and Laws 1986, LB 1258A; and to declare an emergency.

LEGISLATIVE BILL 763. By Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1986, LB 840, section 1, Laws 1986, LB 1251, sections 3, 7, 8, 11, 18, 21, 28, 42, 44, 57, 64, 76, 78, 79, and 80, Laws 1986 LB 1252, section 4, and sections 3, 4, 5, 6, 9, 11, 12, 14, 15, and 20, Legislative Bill 1, Eighty-ninth Legislature, Fourth Special Session, 1986; to make deficiency appropriations; to make appropriations for capital construction; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 764. By Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to public employees; to amend sections 48-837, 48-840, 48-841, 48-842, and 81-1341.01, Revised Statutes Supplement, 1986; to change provisions relating to salary increases as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 765. By Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to schools; to amend section 79-445, Revised Statutes Supplement, 1986; to change provisions relating to the payment of nonresident tuition for certain individuals as prescribed; and to repeal the original section.

LEGISLATIVE BILL 766. By Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-1519 and 81-1521.02, Reissue Revised Statutes of Nebraska, 1943, and section 81-1532, Revised Statutes Supplement, 1986; to adopt the Wastewater Treatment Facilities Construction Assistance Act; to eliminate a provision relating to the administration of a federal act; to harmonize provisions; to provide severability; and to repeal the original sections, and also section 81-1533, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 767. By Speaker Barrett, 39th District, at the request of the Governor.

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 a driving record abstract; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 768. By Speaker Barrett, 39th 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 fiscal years ending June 30, 1988, and June 30, 1989; and to declare an emergency.

LEGISLATIVE BILL 769. By Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for the years ending June 30, 1988, and June 30, 1989; and to declare an emergency.

LEGISLATIVE BILL 770. By Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to make appropriations for capital construction as prescribed; to state intent; to repeal capital construction provisions; to provide an operative date; to repeal Laws 1986, LB 1038, and Laws 1986, LB 1252; and to declare an emergency.

LEGISLATIVE BILL 771. By Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to liquors; to amend sections 20-113, 53-116 to 53-117.02, 53-118 to 53-122, 53-123.02, 53-123.05, 53-123.09, 53-124.11, 53-126 to 53-130, 53-135, 53-135.01, 53-138.01, 53-138.02, 53-140, 53-140.01, 53-142, 53-146, 53-150 to 53-156, 53-158, 53-159, 53-161, 53-165, 53-166, 53-170.03, 53-170.04, 53-176, 53-177, 53-186, 53-187, 53-188, 53-195, 53-198 to 53-1,100, 53-1,104, 53,1,114, and 60-1001, Reissue Revised Statutes of Nebraska, 1943, and sections 49-617, 53-101.03, 53-103, 53-117.03, 53-117.04, 53-123, 53-123.10, 53-123.12 to 53-124, 53-125, 53-131 to 53-134.01, 53-160, 53-164.01, 53-168, 53-168.05, 53-194.03, 53-1,116, 81-502, and 81-2005, Revised Statutes Supplement, 1986; to eliminate the Nebraska Liquor Control Commission; to transfer jurisdiction from such commission to the Department of Revenue; to harmonize provisions; to provide an operative date; to repeal the original sections, and also sections 53-105 to 53-112, 53-112.03 to 53-115, and 53-160.09, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 772. By Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2734.05, and 77-2734.09, Reissue Revised Statutes of Nebraska, 1943; to change the calculation of taxable income for unitary businesses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 773. By Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2714 to 77-2715.01, 77-2716, 77-2724, 77-2725, 77-2729, 77-2732, 77-2733, 77-2753, 77-2765, 77-2775, 77-2781, 77-2786, 77-2793, and 77-27,119.01, Reissue Revised Statutes of

Nebraska, 1943; to define terms; to change provisions relating to income taxes as prescribed; to provide for adjustment to income as prescribed; to establish tax rate schedules; to provide for computation of income; to change provisions relating to deficiency determinations; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 77-2718, 77-2719, 77-2721, 77-2723, 77-2762, and 77-2766, Reissue Revised Statutes of Nebraska, 1943.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 112. Placed on General File as amended.
Standing Committee amendment to LB 112:
AM0065

1. On page 10, lines 19 and 20, strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 255. Placed on General File as amended.
Standing Committee amendment to LB 255:
AM0088

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 264. Placed on General File as amended.
Standing Committee amendment to LB 264:
AM0074

1. On page 2, line 3, after "installed" insert "in buildings which contain more than one dwelling unit"; and in line 20 after "bathtubs" insert ", in a single building,".

LEGISLATIVE BILL 91. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 304. Title read. Considered.

SPEAKER BARRETT PRESIDING

Mr. Hefner moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Advanced to E & R for Review with 26 ayes, 10 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 471. 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 284. Title read. Considered.

Standing Committee amendment, AM0034, found in the Journal on page 424 for the Fifteenth Day was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 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 304A. By Hefner, 19th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 304, Ninetieth Legislature, First Session, 1987.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 201. Placed on Select File as amended.
E & R amendments to LB 201:
AM5027
1 1. In the Standing Committee amendments,

AM0057, adopted January 29, 1987:

a. On page 1, line 11, strike the second "(1)"; and

b. On page 2, lines 4 and 6, before "(c)" insert "(1)"; and in lines 5 and 6 strike "subsection (1) of" and show as stricken.

2. On page 1, line 2, strike "71-4402,"; in line 3 after "81-2,162.01," insert "81-2,162.04,"; in line 9 after the first "to" insert "change and", strike "a provision" and insert "provisions", and strike "the"; and in line 10 strike "distribution of".

3. On page 3, lines 11 and 25, strike "2 to 4" and insert "1 to 3".

LEGISLATIVE BILL 161. Placed on Select File as amended.
E & R amendments to LB 161:
AM5033

1. On page 1, line 5, after the semicolon insert "to change provisions relating to the Director-State Engineer;"; in line 6 after the semicolon insert "to change the composition of existing districts;"; and in line 8 after the semicolon insert "to harmonize provisions;".

2. On page 3, line 16, strike the period, show as stricken, and insert an underscored semicolon; in line 19 after the third underscored comma insert "and"; and in line 25 strike "No.".

3. On page 4, line 1, strike "No.", and in lines 4, 10, 16, and 21, strike the period, show as stricken, and insert an underscored semicolon.

4. On page 5, line 2, strike the period, show as stricken, and insert an underscored semicolon; in line 7 strike the period, show as stricken, and insert "; and"; and in line 19 strike both commas, show as stricken, and insert underscored semicolons.

5. On page 6, line 13, strike "2 of this act" and insert "39-1102".

LEGISLATIVE BILL 39. Placed on Select File as amended.
E & R amendment to LB 39:
AM5028

1. On page 1, line 3, before the period insert "; and to provide a penalty".

LEGISLATIVE BILL 133. Placed on Select File as amended.
E & R amendment to LB 133:
AM5029

1. In the Standing Committee Amendments, AM0038, adopted on January 29, 1987, on page 1, line 4 underscore "and 39-6,177".

LEGISLATIVE BILL 275. Placed on Select File.
LEGISLATIVE BILL 277. Placed on Select File.
LEGISLATIVE BILL 276. Placed on Select File.

LEGISLATIVE BILL 278. Placed on Select File as amended.
E & R amendment to LB 278:
AM5030

1. On page 1, line 3, after "provide" insert "for"; and in line 4 after "services" insert "as prescribed; to provide for the disposition of fees".

LEGISLATIVE BILL 132. Placed on Select File as amended.
E & R amendment to LB 132:
AM5031

1. On page 8, line 16, after "of" insert "a"; and in lines 16 and 18 after "vehicle" insert "or vehicle combination".

LEGISLATIVE BILL 149. Placed on Select File as amended.
E & R amendment to LB 149:
AM5032

1. On page 1, strike beginning with "require" in line 3 through "report" in line 5 and insert "eliminate an exception relating to motor vehicle accident reports".

LEGISLATIVE BILL 41. Placed on Select File as amended.
E & R amendments to LB 41:
AM5034

1. On page 1, strike beginning with "provide" in line 3 through "fee" in line 4 and insert "change provisions relating to issuance of a new certificate of title".
2. On page 3, line 7, reinstate the stricken matter.

(Signed) Scott Moore, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 69, 154, and 171.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 154

The following changes, required to be reported for publication in the Journal, have been made:
ER0109
1. On page 5, line 9, the stricken comma has been reinstated.

(Signed) Mary E. Sommermeyer
E & R Attorney

NOTICE OF COMMITTEE HEARING
Urban Affairs

LB 715	Tuesday, February 10, 1987	1:30 p.m.
LB 663	Tuesday, February 10, 1987	1:30 p.m.
LB 687	Tuesday, February 10, 1987	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 105. Placed on General File.
LEGISLATIVE BILL 233. Placed on General File.

(Signed) Loran Schmit, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 223. Placed on General File.
LEGISLATIVE BILL 253. Placed on General File.

(Signed) Lee Rupp, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 302. Title read. Considered.

Standing Committee amendments, AM0022, found in the Journal on page 425 for the Fifteenth Day were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. V. Johnson withdrew his pending amendment, AM0022, found in the Journal on page 351.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 59. Title read. Considered.

MR. LAMB PRESIDING

Standing Committee amendments, AM0076, found in the Journal on page 426 for the Fifteenth Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 134. Title read. Considered.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 227. Title read. Considered.

Mr. Peterson asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Advanced to E & R for Review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 284A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 284, Ninetieth Legislature, First Session, 1987.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Harris asked unanimous consent to have his name added as co-introducer to LBs 736, 739, 740, 741, 743, 744, 745, 746, and 747. No objections. So ordered.

VISITORS

Visitors to the Chamber were a group of 4-H Awareness Team members and sponsor; and Chas Schmit and Bob Martin.

ADJOURNMENT

At 11:55 a.m., on a motion by Mrs. Langford, the Legislature adjourned until 9:00 a.m., Tuesday, February 3, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY - FEBRUARY 3, 1987

LEGISLATIVE JOURNAL

SEVENTEENTH DAY - FEBRUARY 3, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 3, 1987

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Bob Chitwood, Capitol City Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Dierks who was excused; and Messrs. Abboud, Chambers, Conway, L. Johnson, V. Johnson, McFarland, Warner, Withem, Mesdames Higgins, Pirsch, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 93. Placed on Select File as amended.
E & R amendments to LB 93:
AM5036

1. On page 11, line 20; and page 40, line 8, before "and" insert an underscored comma.

2. On page 12, line 23, reinstate the stricken "by".

LEGISLATIVE BILL 136. Placed on Select File as amended.
E & R amendments to LB 136:
AM5035

1. On page 2, line 14, after "mortgage" insert ". If" and strike "or", the underscored comma, and "if" and show the old matter as stricken; and in line 23 strike the comma and show as stricken.

2. On page 3, line 7, reinstate the stricken comma; and in line 22 strike the underscored comma.

LEGISLATIVE BILL 177. Placed on Select File.
LEGISLATIVE BILL 317. Placed on Select File.
LEGISLATIVE BILL 167. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 106, 109, 115, 137, 142, 291, and 610.

(Signed) Scott Moore, Chairperson

MESSAGES FROM THE GOVERNOR

February 2, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2, 14, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 were received in my office on January 30, 1987.

These bills were signed by me on February 2, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

February 2, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, and 18 were received in my office on January 28, 1987.

These bills were signed by me on February 2, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

January 28, 1987

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 requiring legislative confirmation:

> Kermit McMurry, Director of the Department of Social Services, 301 Centennial Mall South, 5th floor, Lincoln, Nebraska 68509, 471-3121. Term: January 26, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
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 1986 to attorneys, lobbyists,

and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Loup	
J. Marvin Weems, PC	$1,380.00
Crosby, Guenzel, Davis, Kessner, & Kuester	1,447.94
Luckey, Sipple, Hansen, Emerson, & Schumacher	1,200.00

REPORTS

Received reports from the Board of Education, School District of Omaha, of two fund managers who handle investments for the Omaha School Employees Retirement System in compliance with Nebraska State Statute 79-1051.06.

COMMUNICATION

Received house resolution from the State of Minnesota in regard to proposing an amendment to the United States Constitution to protect human life.

ANNOUNCEMENT

The Chair announced February 1st was Senator Rogers' birthday.

SELECT FILE

LEGISLATIVE BILL 79. Mr. Hall moved to indefinitely postpone.

The Hall motion lost with 12 ayes, 18 nays, 8 present and not voting, and 11 excused and not voting.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall requested a machine vote on the advancement of the bill.

Mr. Barrett moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Barrett requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Ashford	Haberman	Marsh	Peterson	Schellpeper
Barrett	Hefner	Miller	Pirsch	Wehrbein
Beyer	Korshoj	Moore	Remmers	Weihing
Coordsen	Lamb	Morehead	Rogers	Wesely
Elmer	Langford	Nelson	Rupp	

Voting in the negative, 16:

Abboud	Goodrich	Harris	Labedz	Pappas
Baack	Hall	Hartnett	Landis	Schmit
Chambers	Hannibal	Johnson, R.	Lynch	Scofield
Conway				

Present and not voting, 1:

Smith

Excused and not voting, 8:

Chizek	Higgins	Johnson, V.	Warner	Withem
Dierks	Johnson, L.	McFarland		

Failed to advance to E & R for Engrossment with 24 ayes, 16 nays, 1 present and not voting, and 8 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.

NOTICE OF COMMITTEE HEARINGS
Agriculture

LB 68	Tuesday, February 10, 1987	1:30 p.m.
LB 145	Tuesday, February 10, 1987	1:30 p.m.
LB 83	Tuesday, February 10, 1987	1:30 p.m.
LB 244	Tuesday, February 10, 1987	1:30 p.m.
LB 450	Tuesday, February 17, 1987	1:30 p.m.
LB 102	Tuesday, February 17, 1987	1:30 p.m.

LB 155	Tuesday, February 17, 1987	1:30 p.m.
LB 737	Tuesday, February 17, 1987	1:30 p.m.

(Signed) Rod Johnson, Chairperson

Natural Resources

LB 279	Wednesday, February 11, 1987	1:30 p.m.
LB 401	Wednesday, February 11, 1987	1:30 p.m.
LB 658	Wednesday, February 11, 1987	1:30 p.m.
LB 751	Wednesday, February 11, 1987	1:30 p.m.
LB 238	Thursday, February 12, 1987	1:30 p.m.
LB 246	Thursday, February 12, 1987	1:30 p.m.
LB 345	Thursday, February 12, 1987	1:30 p.m.
LB 412	Thursday, February 12, 1987	1:30 p.m.

(Signed) Loran Schmit, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 140. Placed on General File.
LEGISLATIVE BILL 150. Placed on General File.

(Signed) Loran Schmit, Chairperson

Judiciary

LEGISLATIVE BILL 77. Placed on General File as amended.
Standing Committee amendments to LB 77:
AM0063

1. Insert the following new sections:

"Section 1. That section 24-523, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-523. (1) Parties in the Small Claims Court may be individuals, partnerships, corporations, unions, associations, or any other kind of organization or entity.

(2) No party shall be represented by an attorney in the Small Claims Court <u>except as provided in section 24-525</u>.

(3) An individual shall represent himself <u>or</u>

herself in the Small Claims Court. A partnership shall be represented by a partner or one of its employees. A union shall be represented by a union member or union employee. A corporation shall be represented by one of its employees. An association shall be represented by one of its members or by an employee of the association. Any other kind of organization or entity shall be represented by one of its members or employees.

(4) Only a party, natural or otherwise, who has been a party to the transaction with the defendant for which the claim is brought may file and prosecute a claim in the Small Claims Court.

(5) No party may file an assigned claim in the Small Claims Court.

(6) No party shall file more than two claims within any calendar week nor more than ten claims in any calendar year in the Small Claims Court.

(7) Notwithstanding any other provision of this section, ~~an executor or administrator~~ a personal representative of a decedent's estate, a guardian, or a conservator may be a party in the Small Claims Court.

Sec. 3. That section 24-525, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-525. All matters in the Small Claims Court shall be tried to the court without a jury. Any defendant in an action or such defendant's attorney may transfer the case to the regular docket of the county court by giving notice to the court at least two days prior to the time set for the hearing. Upon ~~; upon~~ such notice the case shall be transferred to the regular docket of the county court. At the same time as such notice is given to transfer the case, any defendant or such defendant's attorney may demand trial by jury, and the Small Claims Court shall forward the demand to the county court. The party causing the transfer of a case from the Small Claims Court to the regular docket shall pay as a fee the difference between the fee for filing a claim in Small Claims Court and the fee for filing a claim on the regular docket.

In any action transferred to the regular docket there shall be no further pleadings, demurrers, motions challenging pleadings, or discovery unless ordered by the court upon a showing that any such

procedure is necessary to the prompt and just determination of the action.

Sec. 4. That section 24-536, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-536. Either party to any case in county court, except criminal cases arising under city or village ordinances, traffic infractions, ~~and~~ other infractions, and ~~except~~ any matter arising under ~~the provisions of~~ the Nebraska Probate Code, may demand a trial by jury. In civil cases, the demand ~~must~~ shall be in writing and ~~must~~ shall be filed on or before answer day except as otherwise provided in section 24-525. All provisions of law relating to juries in the district courts shall apply to juries in the county courts, and the district court jury list shall be used, except that juries in the county courts shall consist of six persons.".

2. On page 4, line 6, after "original" insert "sections 24-523, 24-525, and 24-536, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 7 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 228. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 384A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 384, Ninetieth Legislature, First Session, 1987.

RESOLUTION

LEGISLATIVE RESOLUTION 28.

Introduced by Scofield, 49th District; Nelson, 35th District; Miller, 37th District; Smith, 33rd District; Elmer, 38th District; Weihing, 48th District; Baack, 47th District; Langford, 36th District; Rupp, 22nd District; Lamb, 43rd District.

WHEREAS, modern technology has made a variety of rapid travel and transportation systems available, especially in the field of air transportation; and

WHEREAS, the size and diversity of the State of Nebraska requires efficient and long-range travel capabilities in order to conduct business and personal matters; and

WHEREAS, air transportation has been available in the past to many cities in rural Nebraska, many of which cities have modern airfields; and

WHEREAS, the discontinuation of air service to these cities has resulted in a disruption of transportation and poses a threat to economic development activities; and

WHEREAS, federal actions have in the past assured the continuation of air service to many cities; and

WHEREAS, such federal action is subject to renewal in 1988.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature go on record in support of federal Essential Air Service legislation and its ensuing subsidies.

2. That the Legislature convey its support for such federal legislation to our representatives in Congress.

3. That the Legislature's Transportation Committee examine the needs and expectations of the communities most affected by the federal legislation and enlist the assistance of the Governor's office in order to prepare and effectuate the necessary support for the federal Essential Air Service legislation before the federal Department of Transportation.

Laid over.

SELECT FILE

LEGISLATIVE BILL 152. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 201. E & R amendments, AM5027, found in the Journal on page 448 for the Sixteenth Day were adopted.

Mr. Wesely offered the following amendment:

AM0067

1. Strike original section 2.

2. On page 3, line 25, strike "to 4" and insert "and 3".

3. On page 5, line 1, strike "to" and insert a comma; and in line 4 strike "section" and insert "sections 81-217.30 and".

4. Renumber the remaining sections accordingly.

The Wesely amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 161. E & R amendments, AM5033, found in the Journal on page 449 for the Sixteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 39. E & R amendment, AM5028, found in the Journal on page 449 for the Sixteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 133. E & R amendment, AM5029, found in the Journal on page 450 for the Sixteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 275. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 277. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 276. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 278. E & R amendment, AM5030, found in the Journal on page 450 for the Sixteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 149. E & R amendment, AM5032, found in the Journal on page 450 for the Sixteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 41. E & R amendments, AM5034, found in the Journal on page 450 for the Sixteenth Day were adopted.

Advanced to E & R for Engrossment.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 762 through 773 and a Governor appointment.

LB	Committee
762	Appropriations
763	Appropriations
764	Appropriations
765	Education
766	Natural Resources
767	Transportation
768	Appropriations
769	Appropriations
770	Appropriations
771	General Affairs
772	Revenue
773	Revenue

Health and Human Services

Kermit McMurry - Director, Department of Social Services

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

MOTION - Withdraw LB 544

Mr. Wesely moved to withdraw LB 544.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 384. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 386. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 387. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 245. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 112. Title read. Considered.

Standing Committee amendment, AM0065, found in the Journal on page 447 for the Sixteenth Day was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 206. Placed on Select File as amended.
E & R amendment to LB 206:
AM5037

1. On page 3, line 1, strike "area".

LEGISLATIVE BILL 304. Placed on Select File as amended.
E & R amendment to LB 304:
AM5038

1. On page 1, line 3, strike "a term" and insert "terms".

LEGISLATIVE BILL 471. Placed on Select File as amended.
E & R amendment to LB 471:
AM5041

1. On page 4, line 6, strike "Cooperative", show as stricken, and insert "Cooperation".

LEGISLATIVE BILL 284. Placed on Select File as amended.
E & R amendment to LB 284:
AM5042

1. On page 1, line 2, strike "sections 77-2701.01 and 77-2734.02" and insert "section 77-2753"; strike beginning with "individual" in line 4 through "date" in line 5 and insert "provisions relating to withholding from wages for individual income tax as prescribed"; and in line 6 strike "sections" and insert "section".

LEGISLATIVE BILL 302. Placed on Select File as amended.
E & R amendment to LB 302:
AM5039

1. On page 1, line 1, strike "section" and insert "sections 44-142 and".

LEGISLATIVE BILL 59. Placed on Select File as amended.
E & R amendment to LB 59:
AM5040

1. On page 1, line 4, strike "and terms" and the second "the".

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 60. Placed on General File as amended.
Standing Committee amendment to LB 60:
AM0077

1. On page 2, after line 25, insert the following new subsection:

"(3) Any member of the retirement system who, on the effective date of this act, has attained fifty-five years of age and who ceases to be an employee before his or her sixtieth birthday may elect to receive a termination benefit as provided in section 23-2319.".

(Signed) Rex Haberman, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 87013

DATE: January 30, 1987

SUBJECT: Does LB 166 of the Ninetieth Legislature, First Session, conflict with so much of Neb.Rev.Stat. §43-601 (Reissue 1984) which states "education of children from birth until completion of a suitable program of education but not to exceed twenty-one years of age. . ."?

REQUESTED BY: Senator Dennis Baack
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Assistant Attorney General

The cited statutes pertain to the time frame during which certain services are to be offered to certain types of handicapped children by different entities. Neb.Rev.Stat. §43-601 (Reissue 1984) provides that the State Board of Education shall make provisions for the care and education of certain children "from birth until completion of a suitable program of education but not to exceed twenty-one years of age, who are both deaf and visually handicapped or otherwise multi-handicapped as defined in section 43-629 and for whom there is no other provision in Nebraska law for education and training". If it were to become operative law, LB 166 would amend Neb.Rev.Stat. §43-646 (Reissue 1984) to provide "This act shall apply to a child from the date of diagnosis or the date of notification of the resident school district to the end of the school year following the child's twenty-first birthday." It is to be noted that the words "This act" in Neb.Rev.Stat. §43-646 (Reissue 1984) and in LB 166 does not include Neb.Rev.Stat. §43-646 (Reissue 1984). See, the note in Neb.Rev.Stat. §43-646 (Reissue 1984). In other words, Neb.Rev.Stat. §43-646 (Reissue 1984) is one of a group of statutes which imposes certain duties on school districts whereas Neb.Rev.Stat. §43-601 (Reissue 1984) imposes certain duties on the State Board of Education. Thus we are of the opinion that LB 166 does not conflict with Neb.Rev.Stat. §43-601 (Reissue 1984). You may, however, wish to harmonize the time frames in each statute.

Respectfully submitted,

ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:jem
cc: Patrick J. O'Donnell
Clerk of the Legislature

3/02

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mrs. Pirsch asked unanimous consent to have her name withdrawn as co-introducer to LB 645. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 255. Title read. Considered.

Standing Committee amendment, AM0088, found in the Journal on page 447 for the Sixteenth Day was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 264. Title read. Considered.

Standing Committee amendment, AM0074, found in the Journal on page 447 for the Sixteenth Day 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 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 105. Title read. Considered.

Mr. Lamb offered the following amendment:
Page 2 line 8 strike eleven reinstate nine
Page 2 line 10 strike nineteen reinstate seventeen

The Lamb amendment lost with 4 ayes, 20 nays, 20 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 4 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 233. 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.

STANDING COMMITTEE REPORTS

Transportation

LEGISLATIVE BILL 75. Placed on General File.

(Signed) Howard Lamb, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 129. Placed on General File as amended.
Standing Committee amendment to LB 129:
AM0085

1. On page 2, line 1, after "of" insert "primary and general"; strike beginning with "which" in line 2 through "State" in line 3 and insert "for members of the Legislature, members of the Public Service Commission, and the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, and Attorney General"; in line 4 after "after" insert "the canvass of"; and in line 8 after the period insert "The Secretary of State shall not be required to collate, arrange, computerize, or publish any reports arranging the election results. The Secretary of State may charge a fee as provided in section 33-101 for copies of such election results.".

LEGISLATIVE BILL 231. Placed on General File as amended.
Standing Committee amendments to LB 231:
AM0094

1. On page 2, line 15, strike "fourteen", show as stricken, and insert "fifteen"; and in line 17 strike "ninety", show as stricken, and insert "*ninety-five*".

2. On page 6, line 17, strike "fourteen", show as stricken, and insert "fifteen".

LEGISLATIVE BILL 81. Indefinitely postponed.

(Signed) Lee Rupp, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 296. Placed on General File as amended.
Standing Committee amendment to LB 296:
AM0107

1. On page 6, reinstate the stricken matter beginning with "reaching" in line 12 through line 16; in line 12 before the reinstated "reaching" insert "Any tenured faculty member or law enforcement personnel"; and in lines 23 and 24 reinstate the stricken matter.

(Signed) Rex Haberman, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 523 in the Journal. No objections. So ordered.

AM0095

1. On page 8, line 13; and on page 9, line 15, after the period insert "An offense committed under such sections shall be deemed an act committed in part in the principal office of the Tax Commissioner. The Attorney General shall have concurrent jurisdiction with the county attorney in the prosecution of such offenses which may be conducted in any county in which the offender resides or has a place of business or in which the crime was committed.".

2. On page 10, line 14, after the period insert "An offense committed under this section shall be deemed an act committed in part in the principal office of the Tax Commissioner. The Attorney General shall have concurrent jurisdiction with the county attorney in the prosecution of such offenses which may be conducted in any county in which the offender resides or has a place of business or in which the crime was committed.".

3. On page 11, in lines 4 and 24, after the

period insert "An offense committed under such sections shall be deemed an act committed in part in the principal office of the Tax Commissioner."; and after line 25 insert the following new subsection:

"(3) The Attorney General shall have concurrent jurisdiction with the county attorney in the prosecution of such offenses which may be conducted in any county in which the offender resides or has a place of business or in which the crime was committed.".

4. On page 12, line 5, strike "35" and insert "36".

5. Insert the following new section:

"Sec. 28. (1) Any corporate officer or employee with the duty to collect, account for, or pay over any taxes imposed upon a corporation or with the authority to decide whether the corporation will pay taxes imposed upon a corporation shall be personally liable for the payment of such taxes in the event of willful failure on his or her part to have a corporation perform such act. Such taxes shall be collected in the same manner as provided under Chapter 77, article 39.

(2) Within sixty days after the day on which the notice and demand are made for the payment of such taxes, any corporate officer or employee seeking to challenge the Tax Commissioner's determination as to his or her personal liability for the corporation's unpaid taxes shall:

(a) Pay the full amount of the taxes or the specified minimum amount and post a bond for the remainder; or

(b) File a claim for refund for the amount so paid.

(3) If the requirements prescribed in subsection (2) of this section are satisfied, the Tax Commissioner shall abate collection proceedings and shall grant the corporate officer or employee an oral hearing and give him or her ten days' notice of the time and place of such hearing. The Tax Commissioner may continue the hearing from time to time as necessary.

(4) Any notice required under this section shall be served personally or by mail in the manner provided in section 77-27,135.

(5) If the Tax Commissioner determines that further delay in the collection of such taxes from the

corporate officer or employee will jeopardize future collection proceedings, nothing in this section shall prevent the immediate collection of such taxes.

(6) For purposes of this section:

(a) Taxes shall mean all taxes and additions to taxes including interest and penalties imposed under the revenue laws of this state which are administered by the Tax Commissioner; and

(b) Willful failure shall mean that failure which was the result of an intentional, conscious, and voluntary action.".

6. On page 99, in lines 19 and 24, strike "29 to 33" and insert "30 to 34".

7. On page 104, line 6, strike "37, and 38" and insert "and 39"; in line 9 strike "The remaining sections" and insert "Sections 1 to 10, 12, 24 to 27, 29 to 37, and 40"; and in line 10 after the period insert "The remaining sections of this act shall become operative on their effective date.".

8. Insert the following new section:

"Sec. 41. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

9. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 415	Wednesday, February 11, 1987	1:30 p.m.
LB 626	Wednesday, February 11, 1987	1:30 p.m.
LB 439	Wednesday, February 11, 1987	1:30 p.m.
LB 436	Wednesday, February 11, 1987	1:30 p.m.
LB 269	Thursday, February 12, 1987	1:30 p.m.
LB 361	Thursday, February 12, 1987	1:30 p.m.
LB 362	Thursday, February 12, 1987	1:30 p.m.
LB 666	Thursday, February 12, 1987	1:30 p.m.

(Signed) Lee Rupp, Chairperson

GENERAL FILE

LEGISLATIVE BILL 223. Title read. Considered.

Mr. Hannibal asked unanimous consent to be excused. No objections. So ordered.

Mrs. Pirsch offered the following amendment:

1. On page 2, line 14, strike "ten dollars" and insert "seven dollars and fifty cents" and in line 15, strike "five dollars" and insert "two dollars and fifty cents" .

2. On page 2, line 16, after "making a" insert "certified" .

Mrs. Labedz and Mr. Rogers asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BARRETT PRESIDING

The Pirsch amendment lost with 11 ayes, 19 nays, 10 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 134. Placed on Select File as amended.
E & R amendments to LB 134:
AM5043

1. On page 1, line 6, strike "a power" and insert "for vacancies as prescribed"; and in line 12 after the semicolon insert "to eliminate certain existing provisions relating to interests in contracts; to eliminate penalties;".

2. On page 6, line 20; page 7, line 7; and page 9, lines 4 and 17, strike the comma and show as stricken.

3. On page 10, line 16 strike the comma and show as stricken; in line 17 strike the third comma and show as stricken; in line 18 strike the comma and show as stricken and after "and" insert an underscored comma; and in line 23 strike the comma and show as stricken.

4. On page 11, line 7, after "hospitals" insert an underscored comma and strike "and"; and in line 8 reinstate the stricken comma.

5. On page 15, line 21, strike "and", show as

stricken, and insert "to".

LEGISLATIVE BILL 227. Placed on Select File as amended.
E & R amendments to LB 227:
AM5044

1. On page 4, line 22; and page 5, line 15, strike the comma.
2. On page 5, line 20, strike "to".
3. On page 6, line 8, strike "its" and insert "the"; and in line 12 strike "where" and insert "when".

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 216. Placed on General File.

LEGISLATIVE BILL 135. Placed on General File as amended.
Standing Committee amendments to LB 135:
AM0100

1. Insert the following new section:

"Section 1. That section 39-614, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-614. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights ~~,~~ or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend or symbol, and such lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1)(a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn, but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited;

(b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only

to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time, and such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection; and

(c) Unless otherwise directed by a pedestrian-control signal, as provided in sections 39-601 to 39-6,122, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk;

(2)(a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection, and upon display of a steady yellow signal vehicular traffic shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety a vehicle may be driven cautiously through the intersection; and

(b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal as provided in sections 39-601 to 39-6,122, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway;

(3)(a) Vehicular traffic facing a steady red signal alone shall stop at a clearly-marked stop line, but if there is no such line then before entering the crosswalk on the near side of the intersection, or, if there is no crosswalk, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subdivisions (3)(b) and (3)(c) of this section;

(b) Except where a traffic-control device is in place prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by subdivision (3)(a) of this section. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection;

(c) Except where a traffic-control device is in place prohibiting a turn, vehicular traffic facing a steady red signal at the intersection of two one-way streets may cautiously enter the intersection to make a left turn after stopping as required by subdivision (3)(a) of this section. Such vehicular traffic shall yield the right-of-way to pedestrians and persons riding bicycles lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection; and

(d) Unless otherwise directed by a pedestrian-control signal as provided in sections 39-601 to 39-6,122, pedestrians facing a steady red signal alone shall not enter the roadway; and

(4) If a traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.".

2. On page 2, line 20, strike "section" and insert "sections 39-614 and"; and in line 21 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

(Signed) Howard Lamb, Chairperson

Health and Human Services

LEGISLATIVE BILL 239. Placed on General File as amended.
Standing Committee amendments to LB 239:
AM0093

1. On page 4, strike beginning with the period in line 3 through "shall" in line 4 and insert "to"; strike beginning with "Of" in line 6 through "two" in line 7 and insert "Two"; in line 10 after the first "the" insert "six" and strike beginning with "appointed" through "Governor" and insert "representative of the congressional districts"; in line 11 after "the" insert "Governor from the chairpersons of the"; strike beginning with "from" through "members" in line 12 and insert ", one such chairperson shall be appointed from

each congressional district"; strike beginning with "The" in line 15 through the underscored period in line 19; strike the new matter in line 20 and insert "other than those appointed from the chairpersons of the local boards"; in line 21 after "and" insert "those members appointed from the chairpersons of local boards"; and strike beginning with "members" in line 21 through "board" in line 22.

2. On page 6, line 3, strike "or", show as stricken, and insert an underscored comma; and in line 4 after "agency" insert ", or a court".

LEGISLATIVE BILL 385. Placed on General File as amended.
Standing Committee amendments to LB 385:
AM0092

1. On page 2, line 3, after the comma insert "biotinidase deficiency,".

2. On page 3, line 12, strike "provide" and insert ", in its discretion, establish a program to provide"; in line 15 strike "and may assess a fee to" and insert ". To"; strike line 16 and insert "of any program which may be established by the department under this section, the department may prescribe and assess"; strike beginning with "based" in line 17 through "custodian" in line 18; and in line 25 after "such" insert "reports and".

3. Strike original section 6 and insert the following new section:

"Sec. 6. In addition to any other remedies which may be available by law, a civil proceeding to enforce section 1 of this act may be brought in the district court of the county where the infant is domiciled or found. The attending physician, the hospital, the Attorney General of the State of Nebraska, or the county attorney of the county where the infant is domiciled or found may institute such proceedings as are necessary to enforce such section. It shall be the duty of the Attorney General or the county attorney to whom the Director of Health reports a violation to cause appropriate proceedings to be initiated without delay. A hearing on any action brought pursuant to this section shall be held within seventy-two hours of the filing of such action and a decision shall be rendered by the court within twenty-four hours of the close of the

9 hearing.".

(Signed) Don Wesely, Chairperson

VISITORS

Visitors to the Chamber were 11 students and teacher from Prairie Hill Learning Center; 9 students and sponsor from Seward Area Home Schools; 7 students and teachers from Living Word Christian School, Lincoln; and former Senator George Syas from Omaha.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Schellpeper, the Legislature adjourned until 9:00 a.m., Wednesday, February 4, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTEENTH DAY - FEBRUARY 4, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 4, 1987

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Edie Roades, East Lincoln Christian Church Disciples of Christ.

ROLL CALL

The roll was called and all members were present except Messrs. V. Johnson, Schmit, and Withem who were excused; and Messrs. Chambers, Conway, Hartnett, Landis, Moore, Pappas, Peterson, Rupp, Warner, Mesdames Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventeenth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 87015

DATE: February 2, 1987

SUBJECT: Credit Reporting Limitations by State Law

REQUESTED BY: Senator Dan C. Lynch

District 13

WRITTEN BY: Robert M. Spire, Attorney General
Lisa D. Martin-Price, Assistant Attorney General

QUESTION:

1. Whether a state is precluded from enacting legislation limiting the information that a credit reporting agency may release regarding an individual who has filed for bankruptcy by virtue of federal legislation in this area?

CONCLUSION:

1. No. Our analysis of 15 U.S.C.A. §1681t indicates that a state may enact its own legislation regarding credit reporting.

QUESTION:

2. If so, whether federal statutes preclude a state from legislatively setting a shorter time frame within which an individual's bankruptcy history may be reported?

CONCLUSION:

2. Yes. The federal statutes prohibit a state from setting a shorter time frame. Although there is little case law on this issue, the legislative history of this Act indicates that Congress intended there to be a set time period of 10 years, after which a credit reporting agency may not report an individual's bankruptcy history. Therefore, our analysis of the legislative history and case law indicates that a lesser time period would violate the federal Act.

Congress has enacted federal statutes which regulate credit reporting agencies. Specifically, 15 U.S.C.A. §1681t provides in part that a credit reporting agency is prohibited from disclosing information regarding an individual's bankruptcy beyond ten years. However, as to whether or not a state may legislate in this area, 15 U.S.C.A. §1681t expressly provides:

> This subchapter does not annul, alter, affect, or exempt any person subject to the provisions of this subchapter from complying with the laws of any State with respect to the collection, distribution, or use of any information on consumers, except to the extent that those laws are inconsistent with any provision of this subchapter, and then only to the extent of the inconsistency.

(Emphasis added.) Clearly, states are not preempted from enacting legislation in this area by the federal Act (supremacy clause of Article VI of the United States Constitution).

Section 1681t is a manifestation of the Congressional intent to leave some regulatory power to the states in this area. As to how much power the states have, the key question relates to whether a

provision in a state act prohibiting disclosure of information concerning a bankruptcy to under 10 years is inconsistent with the provision of the federal Act limiting disclosure to 10 years. Because there is little case law dealing with this provision, its language is difficult to interpret.

Looking at the "inconsistency" language in Section 1681t as a whole, "to the extent that those laws are inconsistent with any provision of this subchapter, and then only to the extent of the inconsistency" (emphasis added), it suggests that Congress intended that any state legislation in this area should closely resemble the federal Act. In other words, if a provision in a state act is inconsistent with the federal Act, that portion which is inconsistent will be stricken. Thus, the state act may not vary greatly or significantly from the federal Act or it will not be upheld. Keeping this in mind, we will discuss the pertinent legislative history of the Act.

The Congressional legislative history discloses that the overall purpose of the federal Act is:

> The new title attempts to balance the need by those who extend credit, insurance, or employment to know the facts necessary to make a sound decision, and the consumer's right to know of adverse information being disseminated about him, and the right to correct any erroneous information so disseminated. The requirements of the legislation permit the free flow of information about a consumer, while providing the consumer at the same time the ability to rectify any errors causing his unwarranted difficulties.

116 Cong.Rec. 36572 (1970) (emphasis added). From this language, it is clear that Congress intended to protect both consumers and creditors, etc., and not just consumers. Therefore, any state laws which require additional duties in favor of consumers are not necessarily "consistent" with the federal Act.

The issue of whether a state law is inconsistent with the federal Act has appeared in few cases. However, standards for preemption and for defining when an inconsistency exists between state and federal law were promulgated by Mr. Justice Marshall in Jones v. Rath Packing Co., 430 U.S. 519, 97 S.Ct. 1305, 51 L.Ed.2d 604 (1977). One standard, as Justice Marshall outlined it, is whether the state law "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of the Congress." The other standard is whether or not it would be possible to comply with the state act without triggering a federal enforcement action on the ground that the state act is inconsistent with federal law. 430 U.S. at 540-41, 97 S.Ct. at 1317.

To determine whether or not an enforcement action would ensue, we must examine whether the proposed state legislation is consistent with the purposes and objectives of Congress in enacting a 10-year time period. As discussed previously, the congressional intent was clearly to balance consumers' and creditors' interests and protections. Each group must be treated fairly. The language of Section 1681c very clearly states:

> (a) Except as authorized under subsection (b) of this section, no consumer reporting agency may make any consumer report containing any of the following items of information:
> (1) Cases under Title II or under the Bankruptcy Act that, from the date of entry of the order for relief or the date of adjudication, as the case may be, antedate the report by more than 10 years (emphasis added).

Thus, it appears that Congress intended to provide a set guideline of 10 years. This interpretation is supported by the following language from the congressional record when the Federal Fair Credit Reporting Act was amended.

> Section 312 of the House Amendment contains a technical amendment in light of amendments made to the Consumer Credit Protection Act and represents a compromise between the House bill and Senate amendment in permitting a bankruptcy to antedate a credit report by not more than 10 years in lieu of the 14 years contained in present law, and 7 years contained in the House bill (emphasis added).

Clearly, although a lesser time period was proposed by the House bill, a compromise of 10 years was reached in the Senate amendment. The rationale behind this compromise is, more than likely, a reflection of the congressional intent to balance the protections afforded to consumers and creditors.

It is now necessary to turn to the second standard outlined by Justice Marshall, whether or not it would be possible to comply with the state act without triggering a federal enforcement action. It appears that, considering the statutory language and congressional intent, because a state provision lessening the time frame after which a person's bankruptcy history may be reported is contrary to the purposes and objectives of Congress in enacting a 10 year period, a federal enforcement action would ensue. It would be illogical to assume that it would not violate the federal Act, since there is clear language showing that a lesser time frame was considered and rejected when the Fair Credit Reporting Act was amended in 1978.

Sincerely,
ROBERT M. SPIRE

Attorney General
(Signed) Lisa D. Martin-Price
Assistant Attorney General

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

GENERAL FILE

LEGISLATIVE BILL 150. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 5 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 77. Title read. Considered.

Standing Committee amendments, AM0063, found in the Journal on page 459 for the Seventeenth Day were adopted with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

Mr. L. Johnson asked unanimous consent to have his name added as co-introducer to LB 77. No objections. So ordered.

Advanced to E & R for Review with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 60. Title read. Considered.

Standing Committee amendment, AM0077, found in the Journal on page 466 for the Seventeenth 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 30 ayes, 5 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 75. 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.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 589	Wednesday, February 11, 1987	1:30 p.m.
LB 590	Wednesday, February 11, 1987	1:30 p.m.
LB 603	Wednesday, February 11, 1987	1:30 p.m.
LB 525	Wednesday, February 11, 1987	1:30 p.m.
LB 672	Wednesday, February 11, 1987	1:30 p.m.
LB 376	Wednesday, February 11, 1987	1:30 p.m.
LB 53	Thursday, February 12, 1987	1:30 p.m.
LB 54	Thursday, February 12, 1987	1:30 p.m.
LB 90	Thursday, February 12, 1987	1:30 p.m.
LB 111	Thursday, February 12, 1987	1:30 p.m.
LB 478	Thursday, February 12, 1987	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 384. Placed on Select File.
LEGISLATIVE BILL 386. Placed on Select File.

LEGISLATIVE BILL 387. Placed on Select File as amended.
E & R amendment to LB 387:
AM5045

1. On page 5, line 15, strike "Employees" and insert "Employee".

LEGISLATIVE BILL 245. Placed on Select File.

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 225. Placed on General File as amended.
Standing Committee amendments to LB 225:
AM0064

1. On page 3, line 3, strike "one juror" and insert "two jurors"; and strike beginning with "The" in line 20 through "on" in line 22 and insert "The jury may return either a consensus verdict or a special verdict consisting of an anonymous statement of each juror's findings which includes".
2. On page 4, line 1, after the period insert

"No document, testimony, verdict, or any other information from the summary jury trial shall be admissible as evidence for any purpose at any subsequent trial or proceeding.".

(Signed) Jerry Chizek, Chairperson

Business and Labor

LEGISLATIVE BILL 187. Placed on General File as amended.
Standing Committee amendments to LB 187:
AM0109

1. On page 2, line 23, after the period insert "If the compensation court establishes such a schedule, it shall review such schedule annually and adopt appropriate changes when necessary.".
2. On page 3, line 8, strike "for" and insert "to recover the cost of".
3. On page 6, line 20, strike "may", show as stricken, and insert "shall".

LEGISLATIVE BILL 353. Placed on General File as amended.
Standing Committee amendment to LB 353:
AM0110

1. On page 6, strike beginning with "pursuant" in line 2 through "programs" in line 7 and insert "for the Department of Correctional Services pursuant to section 81-1827 shall be deemed an employee of the Department of Correctional Services solely for purposes of the Nebraska Workers' Compensation Act".

(Signed) Timothy Hall, Chairperson

MOTION - Withdraw LB 662

Mr. Hannibal moved to withdraw LB 662.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 129. Title read. Considered.

Standing Committee amendment, AM0085, found in the Journal on page 469 for the Seventeenth Day was adopted with 35 ayes, 0 nays, 11 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 231. Title read. Considered.

Standing Committee amendments, AM0094, found in the Journal on page 469 for the Seventeenth 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 296. Title read. Considered.

Standing Committee amendment, AM0107, found in the Journal on page 470 for the Seventeenth Day was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 216. 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.

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 773	Wednesday, February 11, 1987	1:30 p.m.
LB 294	Wednesday, February 11, 1987	1:30 p.m.
LB 287	Wednesday, February 11, 1987	1:30 p.m.
LB 464	Wednesday, February 11, 1987	1:30 p.m.
LB 366	Thursday, February 12, 1987	1:30 p.m.
LB 407	Thursday, February 12, 1987	1:30 p.m.
LB 467	Thursday, February 12, 1987	1:30 p.m.
LB 486	Thursday, February 12, 1987	1:30 p.m.
LB 560	Thursday, February 12, 1987	1:30 p.m.
LB 671	Thursday, February 12, 1987	1:30 p.m.

(Signed) Vard R. Johnson, Chairperson

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 483. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 41, 133, 149, 152, 161, 275, 276, 277, and 278.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 135. Title read. Considered.

Standing Committee amendments, AM0100, found in the Journal on page 474 for the Seventeenth Day were adopted with 28 ayes, 0 nays, 17 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 239. Title read. Considered.

Standing Committee amendments, AM0093, found in the Journal on page 476 for the Seventeenth Day were adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 385. Title read. Considered.

Standing Committee amendments, AM0092, found in the Journal on page 477 for the Seventeenth Day were adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 140. 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.

SELECT FILE

LEGISLATIVE BILL 93. E & R amendments, AM5036, found in the Journal on page 454 for the Seventeenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 136. E & R amendments, AM5035, found in the Journal on page 455 for the Seventeenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 177. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 317. Mrs. Marsh offered the following amendment:

To add the emergency clause to LB 317.

The Marsh amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 167. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 206. E & R amendment, AM5037, found in the Journal on page 465 for the Seventeenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 471. E & R amendment, AM5041, found in the Journal on page 465 for the Seventeenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 59. E & R amendment, AM5040, found in the Journal on page 466 for the Seventeenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 134. E & R amendments, AM5043, found in the Journal on page 473 for the Seventeenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 227. E & R amendments, AM5044, found in the Journal on page 474 for the Seventeenth Day were adopted.

Advanced to E & R for Engrossment.

MRS. LABEDZ PRESIDING

LEGISLATIVE BILL 79. Mr. Hall offered the following amendment:
AM0118

1. On page 2, reinstate the stricken matter beginning with "The" in line 19 through "notice" in line 25; and in line 22 after the reinstated comma insert "except that any person violating section 28-306, 39-669.01, 39-669.03, 39-669.07, 39-669.08, 39-6,104.01, or 39-6,104.02 who is placed on probation shall be assessed the same points as if such person were not placed on probation,".

2. On page 3, reinstate the stricken matter beginning with "of" in line 1 through the period in line 6.

The Hall amendment was adopted with 27 ayes, 4 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 28. Read. Considered.

SPEAKER BARRETT PRESIDING

Mr. R. Johnson asked unanimous consent to have his name added as co-introducer to LR 28. No objections. So ordered.

LR 28 was adopted with 31 ayes, 0 nays, and 18 not voting.

MOTION - Withdraw LB 544

Mr. Wesely renewed his pending motion found in the Journal on page 464 to withdraw LB 544.

The motion to withdraw prevailed with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 197. Placed on General File.

(Signed) R. W. Remmers, Chairperson

Transportation

LEGISLATIVE BILL 327. Placed on General File.

(Signed) Howard Lamb, Chairperson

Natural Resources

LEGISLATIVE BILL 146. Placed on General File as amended.
Standing Committee amendments to LB 146:
AM0059

1. Strike original sections 5 to 14.
2. On page 17, line 16, strike "sections" and insert "section"; strike beginning with "46-288" in line 17 through the first comma in line 18; and strike

beginning with "and" in line 18 through "are" in line 20 and insert "is".

3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 100. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LB 223 in the Journal. No objections. So ordered.

AM0116

1. On page 2, strike beginning with "specified" in line 5 through line 25, show the old matter as stricken, and insert "established by the county board of the county which each such sheriff serves except where other law specifically provides the amount of a particular fee.".

2. On page 3, strike beginning with "traveling" in line 1 through the comma in line 3, show as stricken, and insert "The several sheriffs shall receive"; in line 5 after "23-1112" insert "for traveling expenses for each mile actually and necessarily traveled within and without their several counties in the conduct of their official duties"; in line 10 strike "and only", show as stricken, and insert ". Only"; and strike beginning with the semicolon in line 15 through the semicolon in line 24, show the old matter as stricken, and insert an underscored period.

3. On page 4, strike beginning with line 1 through the period in line 22 and show the old matter as stricken.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 39 and 201.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 39

The following changes, required to be reported for publication in the Journal, have been made:
ER0111

1. On page 1, line 3, "; to provide a duty for the Revisor of Statutes" has been inserted after "devices".

2. The following new section has been inserted:

"Sec. 2. The Revisor of Statutes shall assign section 1 of this act to Chapter 39, article 6.".

Enrollment and Review Change to LB 201

The following changes, required to be reported for publication in the Journal, have been made:
ER0110

1. In the Wesely amendment, AM0067, adopted February 3, 1987, on page 1, lines 2 and 3 have been struck.

2. In the E & R amendment, AM5027, adopted February 3, 1987, on page 1, lines 13 and 14 have been struck.

3. On page 1, line 2, "to" has been struck and a comma inserted; in line 8 "to harmonize provisions;" has been struck; in line 10 after the semicolon "to eliminate a penalty;" has been inserted; and in line 11, "section" has been struck and "sections 81-217.30 and" inserted.

4. On page 3, line 25, "sections" has been struck and shown as stricken and "2 to 4" has been struck and "section 1" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 126	Wednesday, February 11, 1987	1:30 p.m.
LB 466	Wednesday, February 11, 1987	1:30 p.m.
LB 500	Wednesday, February 11, 1987	1:30 p.m.
LB 116	Wednesday, February 11, 1987	1:30 p.m.

Governor Appointments Thursday, February 12, 1987 1:30 p.m.
Kermit McMurry, Director, Department of Social Services
Betsy Palmer, Director, Department on Aging

LB 301	Thursday, February 12, 1987	1:30 p.m.
LB 372	Thursday, February 12, 1987	1:30 p.m.
LB 599	Thursday, February 12, 1987	1:30 p.m.
LB 637	Thursday, February 12, 1987	1:30 p.m.
LB 257	Wednesday, February 18, 1987	1:30 p.m.
LB 321	Wednesday, February 18, 1987	1:30 p.m.
LB 320	Wednesday, February 18, 1987	1:30 p.m.
LB 499	Wednesday, February 18, 1987	1:30 p.m.
LB 418	Thursday, February 19, 1987	1:30 p.m.
LB 419	Thursday, February 19, 1987	1:30 p.m.
LB 42	Thursday, February 19, 1987	1:30 p.m.
LB 249	Thursday, February 19, 1987	1:30 p.m.
LB 250	Thursday, February 19, 1987	1:30 p.m.
LB 694	Thursday, February 19, 1987	1:30 p.m.
LB 72	Friday, February 20, 1987	1:30 p.m.
LB 95	Friday, February 20, 1987	1:30 p.m.
LB 282	Wednesday, February 25, 1987	1:30 p.m.
LB 699	Wednesday, February 25, 1987	1:30 p.m.
LB 173	Wednesday, February 25, 1987	1:30 p.m.
LB 410	Wednesday, February 25, 1987	1:30 p.m.
LB 556	Thursday, February 26, 1987	1:30 p.m.
LB 693	Thursday, February 26, 1987	1:30 p.m.
LB 259	Thursday, February 26, 1987	1:30 p.m.
LB 668	Thursday, February 26, 1987	1:30 p.m.
LB 195	Thursday, February 26, 1987	1:30 p.m.
LB 256	Wednesday, March 4, 1987	1:30 p.m.
LB 697	Wednesday, March 4, 1987	1:30 p.m.
LB 104	Wednesday, March 4, 1987	1:30 p.m.
LB 364	Wednesday, March 4, 1987	1:30 p.m.
LB 350	Wednesday, March 4, 1987	1:30 p.m.
LB 517	Thursday, March 5, 1987	1:30 p.m.
LB 518	Thursday, March 5, 1987	1:30 p.m.
LB 542	Thursday, March 5, 1987	1:30 p.m.
LB 328	Thursday, March 5, 1987	1:30 p.m.
LB 695	Friday, March 6, 1987	1:30 p.m.

LB 76	Wednesday, March 11, 1987	1:30 p.m.
LB 442	Wednesday, March 11, 1987	1:30 p.m.
LB 460	Wednesday, March 11, 1987	1:30 p.m.
LB 620	Wednesday, March 11, 1987	1:30 p.m.
LB 190	Thursday, March 12, 1987	1:30 p.m.
LB 552	Thursday, March 12, 1987	1:30 p.m.
LB 248	Thursday, March 12, 1987	1:30 p.m.
LB 691	Thursday, March 12, 1987	1:30 p.m.
LB 390	Wednesday, March 18, 1987	1:30 p.m.
LB 534	Wednesday, March 18, 1987	1:30 p.m.
LB 653	Wednesday, March 18, 1987	1:30 p.m.
LB 557	Wednesday, March 18, 1987	1:30 p.m.
LB 760	Wednesday, March 18, 1987	1:30 p.m.

(Signed) Don Wesely, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 112. Placed on Select File as amended.
E & R amendments to LB 112:
AM5047

1. In lieu of the Standing Committee amendment, AM0065, adopted February 3, 1987:

a. Strike original section 8 and renumber the remaining section accordingly; and

b. On page 11, strike beginning with "and" in line 24 through the last comma in line 25.

2. Because of the repeal of section 83-305.04 by section 1, Legislative Bill 10, Ninetieth Legislature, First Session, 1987:

a. On page 1, line 9, strike beginning with the first "of" through "and"; in line 12 strike "sections 83-305.04" and insert "section"; and in line 13 strike "and"; and

b. On page 12, line 1, strike "sections 83-305.04 and" and insert "section".

3. On page 1, strike beginning with the second comma in line 4 through "1986" in line 5 and insert "; to change provisions relating to psychiatric services provided by the University of Nebraska Medical Center".

4. On page 3, line 6, strike the comma and show as stricken; in line 17 after "develop" insert an underscored comma; and in line 23 after "services" insert an underscored comma.

5. On page 4, line 15, after "University" insert "of Nebraska" and strike "Chancellor" and insert "chancellor".

6. On page 6, line 4, strike "Chancellor" and insert "chancellor"; and in line 7 strike "he or she", show the old matter as stricken, and insert "such person".

7. On page 7, line 7, after "Center" insert an underscored comma and strike the comma and show as stricken.

LEGISLATIVE BILL 255. Placed on Select File as amended.
E & R amendment to LB 255:
AM5048

1. On page 1, line 5, strike "and"; and in line 6 before the period insert "; and to declare an emergency".

LEGISLATIVE BILL 105. Placed on Select File as amended.
E & R amendments to LB 105:
AM5046

1. Insert the following new section:

"Sec. 3. That section 37-507.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-507.01. Whenever the possession, use, importation, storage, taxidermy for millinery purposes, sale, or offering or exposing for sale of fish, game, or song, insectivorous, or other birds is prohibited or restricted, the prohibition or restriction, when not specifically stated to be otherwise, shall mean any part of such fish, game, or song, insectivorous, or other birds. Any ~~; PROVIDED, that any~~ nonresident person who takes, hunts, kills, ~~or~~ pursues, or attempts to take, hunt, kill, or pursue~~,~~ or has in his or her possession any wild mammal, bird, turtle, mussel, or amphibian shall first obtain and have in his or her possession a nonresident hunting permit as ~~defined in subdivision (2) of~~ provided in section 37-204, except that a nonresident bait vendor's permit as ~~defined~~ provided in section

37-503 shall be the only permit required of nonresidents to take, hunt, kill, ~~or~~ pursue, or ~~to~~ attempt to take, hunt, kill, or pursue~~,~~ or to have in his or her possession any salamander.".

2. On page 1, line 2, strike "and" and insert a comma and before "Reissue" insert "and 37-507.01,".

3. On page 4, line 5, strike "must", show as stricken, and insert "shall"; in line 8 strike the comma; in line 17 after "subsection" insert an underscored comma; and in line 18 strike "wherein" and insert "in which".

4. On page 6, line 1, strike "and" and insert a comma; in line 2 after the first comma insert "and 37-507.01,".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 264. Placed on Select File.
LEGISLATIVE BILL 233. Placed on Select File.
LEGISLATIVE BILL 223. Placed on Select File.

(Signed) Scott Moore, Chairperson

VISITORS

Visitors to the Chamber were former Senator Maurice Kramer; and Jin-Hwan Kim and Que Chan Kim from Seoul, Korea, Richard Thompson, and Dr. Robert Justis from Lincoln.

ADJOURNMENT

At 11:22 a.m., on a motion by Mr. L. Johnson, the Legislature adjourned until 9:00 a.m., Thursday, February 5, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - FEBRUARY 5, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 5, 1987

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Richard Johnson, Temple Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Messrs. Abboud, Conway, Haberman, Lamb, Landis, Rogers, Schmit, Mesdames Higgins, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighteenth Day was approved.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 48. Indefinitely postponed.
LEGISLATIVE BILL 346. Indefinitely postponed.

(Signed) Patricia S. Morehead, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 29.

Introduced by Dierks, 40th District.

WHEREAS, the technical and economic feasibility of using shelled corn as a boiler fuel in place of coal should be explored and encouraged; and

WHEREAS, given the low price of corn, the surplus of corn, and the pollution which results from the burning of coal, corn is an attractive substitute for coal for purposes of providing boiler fuel; and

WHEREAS, the development of corn as a boiler fuel could reduce our dependence on foreign sources of energy which are costly and unreliable; and

WHEREAS, the University of Nebraska, the public power districts, and the Corn Development, Utilization, and Marketing Board are encouraged to explore the use of shelled corn as a boiler fuel.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature encourages the development of shelled corn as a boiler fuel.

2. That all of the public power districts operating coal fired power plants in Nebraska begin using a mixture of 5% corn with coal, as soon as possible, so that corn surpluses may be productively utilized.

3. That a copy of this resolution be sent to the Board of Regents of the University of Nebraska, the Corn Development, Utilization, and Marketing Board, and the governing boards of public power districts.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 426. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 28.

SELECT FILE

LEGISLATIVE BILL 132. E & R amendment, AM5031, found in the Journal on page 450 for the Sixteenth Day was adopted.

Mr. Warner offered the following amendment:
AM0119

1. On page 6, line 3, after "used" insert ",
except that any group of three axles shall be restricted
to a maximum load of thirty-four thousand pounds unless
the distance between the extremes of the first and third
axles is at least ninety-six inches in fact".

The Warner amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 304. E & R amendment, AM5038, found in the Journal on page 465 for the Seventeenth Day was adopted.

Mr. Baack moved to indefinitely postpone LB 304.

Mr. Chizek 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 29 ayes, 0 nays, and 20 not voting.

Mr. Baack moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Baack requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 12:

Abboud	Chizek	Johnson, R.	Morehead	Schmit
Baack	Conway	Lynch	Pappas	Scofield
Chambers	Harris			

Voting in the negative, 35:

Ashford	Beyer	Dierks	Goodrich	Hannibal
Barrett	Coordsen	Elmer	Hall	Hartnett

Hefner	Labedz	McFarland	Pirsch	Smith
Higgins	Lamb	Miller	Remmers	Warner
Johnson, L.	Landis	Moore	Rogers	Wehrbein
Johnson, V.	Langford	Nelson	Rupp	Weihing
Korshoj	Marsh	Peterson	Schellpeper	Wesely

Excused and not voting, 2:

Haberman Withem

The Baack motion to indefinitely postpone lost with 12 ayes, 35 nays, and 2 excused and not voting.

The Chair declared the call raised.

MR. LANDIS PRESIDING

Mr. Barrett 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 26 ayes, 2 nays, and 21 not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 36:

Ashford	Hall	Korshoj	McFarland	Rogers
Beyer	Hannibal	Labedz	Miller	Rupp
Chizek	Hartnett	Lamb	Moore	Schellpeper
Coordsen	Hefner	Landis	Nelson	Smith
Dierks	Higgins	Langford	Peterson	Wehrbein
Elmer	Johnson, L.	Lynch	Pirsch	Weihing
Goodrich	Johnson, V.	Marsh	Remmers	Wesely
Haberman				

Voting in the negative, 10:

Abboud	Chambers	Harris	Morehead	Schmit
Baack	Conway	Johnson, R.	Pappas	Scofield

Present and not voting, 1:

Warner

Excused and not voting, 2:

Barrett Withem

Advanced to E & R for Engrossment with 36 ayes, 10 nays, 1 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 284. E & R amendment, AM5042, found in the Journal on page 466 for the Seventeenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 302. E & R amendment, AM5039, found in the Journal on page 466 for the Seventeenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 386. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 387. E & R amendment, AM5045, found in the Journal on page 484 for the Eighteenth Day was adopted.

Mr. Wesely offered the following amendment:
AM0122

1. On page 5, strike beginning with "Any" in line 5 through the period in line 15; in line 20 after the period insert "The department may charge and collect fees from participants to defray or help defray the cost of wellness activities and wellness education programs."; and in line 21 after "such" insert "fees,".
2. Strike original section 8.

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.

LEGISLATIVE BILL 245. Mr. Hall moved to indefinitely postpone.

Mr. Hall withdrew his motion to indefinitely postpone.

Mr. Hall moved to bracket LB 245 until May 11, 1987.

Mr. Schmit 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. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall withdrew his pending motion to bracket LB 245.

Advanced to E & R for Engrossment.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 112. E & R amendments, AM5047, found in the Journal on page 494 for the Eighteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 255. E & R amendment, AM5048, found in the Journal on page 495 for the Eighteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 264. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 105. E & R amendments, AM5046, found in the Journal on page 495 for the Eighteenth Day were adopted.

Mrs. Morehead offered the following amendment:
AM0128

1. Insert the following new section:

"Section 1. That section 37-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-201. For the purpose of supplying revenue for the propagation, importation, distribution, protection, and conservation of the wildlife of this state, including all wild animals, birds, fish, and all things pertaining thereto, every person sixteen years of

age or older who hunts for game animals or game birds or takes bullfrogs, or any other species as defined as game in section 37-101, or who angles for fish, and every person sixteen years of age or older who engages in fur harvesting, shall first pay a fee as herein required and obtain a permit, except (1) the owner or his or her invitee who angles for fish in any body of water ~~(1)~~ (a) which is entirely upon privately owned land, ~~(2)~~ (b) which is entirely privately stocked, ~~(3)~~ (c) which does not connect by inflow or outflow with other water outside said land, and ~~(4)~~ (d) when such owner does not operate such body of water on a commercial basis for profit and (2) any paraplegic who angles for fish in his or her privately owned body of water if he or she does not operate such body of water on a commercial basis for profit.

Any bona fide farmer or rancher, as described in section 37-215.03, who actually resides on a portion of such farm or ranch land, together with members of his or her immediate family also residing on such land, may hunt, take, and possess, within duly established season bag and possession limits, upland game, and all game except migratory water fowl, shore birds, deer, antelope, and wild turkey without the necessity of paying a fee and obtaining a hunting permit, as required in sections 37-201 and 37-213, or a habitat stamp as required in sections 37-216.01 to 37-216.09. For the purpose of this exemption, the term immediate family shall mean and be limited to husband and wife and their children. The term upland game shall mean and be limited to cottontail rabbits, squirrels, grouse, partridges, pheasants, prairie chickens, and quail. Such exemption shall only apply to hunting done on land owned or leased by the bona fide farmer or rancher, and shall not apply when hunting on the lands of other persons. The Game and Parks Commission may by rule and regulation require a farmer or rancher, hunting under the provisions of this section, to sign a statement presented by a conservation officer, which states that such farmer or rancher is a bona fide farmer or rancher as described in section 37-215.03 of the land upon which he or she is hunting.

A violation of ~~the provisions of~~ this section shall be a Class IV misdemeanor.

Any farmer or rancher owning or operating a farm or ranch may destroy or have destroyed any predator, including raccoon and opossum, preying on livestock or poultry or causing other agricultural depredation on lands owned or controlled by him or her without a permit issued by the Game and Parks Commission.".

2. On page 6, line 1, after "sections" insert "37-201," and after "37-204" insert a comma.

3. Renumber the remaining sections accordingly.

The Morehead amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 233. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 223. Mr. Warner requested to pass over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 75A. By Landis, 46th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 75, Ninetieth Legislature, First Session, 1987.

STANDING COMMITTEE REPORTS
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

John Neuberger, Director - Policy Research and Energy Offices
J. Michael Jess, Director - Department of Water Resources

Vote: Aye: Senators Schmit, Weihing, Lamb, Hall and Elmer. Absent: Senators Labedz, Harris, and Rod Johnson.

(Signed) Loran Schmit, Chairperson

Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Colonel Harold LeGrande, Superintendent, to the Nebraska State Patrol

Voting aye: Senators Rupp, Baack, Coordsen, Dierks, Higgins and Smith. Voting nay: None. Absent: Senators Remmers and Withem.

Frank Gunter, Director, to the Department of Corrections

Voting aye: Senators Rupp, Baack, Coordsen, Dierks, Higgins and Smith. Voting nay: None. Absent: Senators Remmers and Withem.

(Signed) Lee Rupp, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 175. Placed on General File.

LEGISLATIVE BILL 50. Indefinitely postponed.
LEGISLATIVE BILL 342. Indefinitely postponed.

(Signed) Lee Rupp, Chairperson

Health and Human Services

LEGISLATIVE BILL 229. Placed on General File.
LEGISLATIVE BILL 472. Placed on General File.

(Signed) Don Wesely, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 30.

Introduced by Nelson, 35th District; Miller, 37th District; R. Johnson, 34th District; Higgins, 9th District; Ashford, 6th District; Coordsen, 32nd District; Baack, 47th District; Scofield, 49th District; Harris, 27th District; Landis, 46th District; Smith, 33rd District; Morehead, 30th District; Schellpeper, 18th District; Rupp, 22nd District; Dierks, 40th District; Hannibal, 4th District.

WHEREAS, the present federal administration is planning to move twenty-eight million six hundred thousand dollars from the United States Department of Agriculture food program, the Temporary Emergency Food Program, to cover part of a three per cent, two hundred fifty-five million dollar federal employee pay raise; and

WHEREAS, this proposed move would affect fifty-seven per cent of the funds for the food program, the total budget of which is fifty million dollars this year. Rejection of this move would in no way affect the federal pay raise that took effect January 3, 1987, but would force Congress to find other means of financing the raise; and

WHEREAS, this proposed move would mean a cut of over sixty per cent in Nebraska's food distribution program from two hundred seventy-eight thousand dollars down to one hundred ten thousand dollars; and

WHEREAS, this proposed move would mean that Nebraska may have to totally eliminate its distribution of commodities such as cheese, dry milk, butter, honey, flour, rice, and corn meal to the poor; and

WHEREAS, this food program is currently a shining example of the volunteer spirit with contributions of time worth one hundred sixty thousand dollars and distribution of food worth over five million dollars in Nebraska alone; and

WHEREAS, the Temporary Emergency Food Program provides a mechanism of reducing surplus food products often in the price support programs and thereby assists the agricultural industry of Nebraska; and

WHEREAS, a Senate committee has already refused to allow this move by an amendment to the emergency appropriation for the homeless; and

WHEREAS, this measure will be back before the House of Representatives later in the month to be reconsidered in HJ Rev 102.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature strongly urges the Congress of the United States to block any attempt to reduce the Temporary Emergency Food Program budget by shifting funding to another program.

2. That copies of this resolution be sent to Nebraska's elected representatives in the United States Senate and the House of Representatives.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 225. Title read. Considered.

MR. HEFNER PRESIDING

Standing Committee amendments, AM0064, found in the Journal on page 484 for the Eighteenth 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 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 187. Title read. Considered.

Standing Committee amendments, AM0109, found in the Journal on page 485 for the Eighteenth 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 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 353. Title read. Considered.

SPEAKER BARRETT PRESIDING

Standing Committee amendment, AM0110, found in the Journal on page 485 for the Eighteenth Day was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 483. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 1 nay, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 197. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 327. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

MOTION - Withdraw LB 662

Mr. Hannibal reviewed his pending motion found in the Journal on page 485 to withdraw LB 662.

The Hannibal motion to withdraw prevailed with 33 ayes, 1 nay, 13 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 150. Placed on Select File.

LEGISLATIVE BILL 77. Placed on Select File as amended.
E & R amendment to LB 77:
AM5050

1. On page 1, line 1, after "amend" insert "sections 24-523, 24-525, and 24-536, Reissue Revised Statutes of Nebraska, 1943, and"; in line 4 after the semicolon insert "to change provisions relating to transfer of cases from Small Claims Court to the regular docket of the county court; to harmonize provisions;"; and in line 5 strike "section" and insert "sections".

LEGISLATIVE BILL 60. Placed on Select File.

LEGISLATIVE BILL 129. Placed on Select File as amended.
E & R amendment to LB 129:
AM5049

1. On page 1, line 3, strike "and"; and in line 4 after "prescribed" insert "; and to authorize a

3 fee".

(Signed) Scott Moore, Chairperson

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 578	Wednesday, February 18, 1987	12:00 Noon
LB 298	Wednesday, February 18, 1987	12:00 Noon

(Signed) Rex Haberman, Chairperson

Health and Human Services

Governor Appointment Thursday, February 12, 1987 1:30 p.m.
Dr. Gregg Wright, Director, Nebraska Department of Health

(Signed) Don Wesely, Chairperson

VISITORS

Visitors to the Chamber were 29 third and fourth grade students and sponsor from St. John Lutheran in Seward; and 40 third through eighth grade students and sponsor from Mount Calvary Lutheran School, Omaha.

ADJOURNMENT

At 11:39 a.m., on a motion by Mr. Remmers, the Legislature adjourned until 9:00 a.m., Friday, February 6, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY - FEBRUARY 6, 1987

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 6, 1987

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Walt Cline, First Church of the Open Bible, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Messrs. Chambers, Goodrich, V. Johnson, Lamb, Remmers, Warner, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Nineteenth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 87017

DATE: February 5, 1987

SUBJECT: LB 48 - Amendments to §53-180.05 (Cumulative Supplement 1986)

REQUESTED BY: Senator James E. Pappas

Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
William L. Howland, Assistant Attorney General

This is in response to your request for an opinion dated January 14, 1987. You have requested our opinion regarding the constitutionality of LB 48, a bill proposing to amend certain provisions of the Minor in possession statute, Neb.Rev.Stat. §53-180.05 (Cumulative Supplement 1986). Specifically, you asked whether the legislature has the constitutional authority to enact a law which grants immunity from prosecution to a person who has committed a crime if that person will identify other persons who have committed a criminal act. The Nebraska Legislature has the constitutional authority to enact a law which grants immunity from prosecution to a person who has committed a crime if that person will identify other persons who have committed a criminal act.

The Nebraska Supreme Court has discussed the constitutionality of the Legislature's authority in Lenstrom v. Thone, 209 Neb. 783, 311 N.W.2d 884 (1981), as follows:

> Certain fundamental constitutional principles must guide, and always have guided, us when the constitutional bounds of legislative power are questioned. The first principle is the Legislature has plenary legislative authority limited only by the state and federal Constitutions. Swanson v. State, 132 Neb. 82, 271 N.W. 264 (1937); Swyer v. Omaha-Douglas Public Building Commission, 188 Neb. 30, 195 N.W.2d 236 (1972); Orleans Education Assn. v. School Dist. of Orleans, 193 Neb. 675, 229 N.W.2d 172 (1975). The Nebraska Constitution is not a grant but, rather, a restriction on legislative power, and the Legislature may legislate on any subject not inhibited by the Constitution. State ex rel. Meyer v. County of Lancaster, 173 Neb. 195, 113 N.W.2d 63 (1962).

The current Nebraska statute pertaining to immunity in part provides:

> Whenever a witness refuses, on the basis of the privilege against self-incrimination, to testify or to provide other information in a criminal proceeding before a court or grand jury, the court, on motion of the county attorney or other prosecuting attorney, may order the witness to testify or to provide other information. The witness may not refuse to comply with such an order of the court on the basis of the privilege against self-incrimination, but no testimony or other information compelled under the court's order,

> or any information directly or indirectly derived from such testimony or other information, may be used against the witness in any criminal case, except in a prosecution for perjury, giving a false statement, or failing to comply with the order of the court. Neb.Rev.Stat. §29-2011.02 (Reissue 1985).

The Nebraska Supreme Court discussed Neb.Rev.Stat. §29-2011.02 (Reissue 1985) in State v. Jones, 213 Neb. 1, 328 N.W.2d 166 (1982), in regard to the constitutionality of immunity statutes, as follows:

> It is clear that immunity statutes are designed to serve as substitutes for the fifth amendment right not to incriminate oneself, without such statutes no person in a criminal case can constitutionally be compelled to testify. It is also clear that the only true test of the constitutionality of an immunity statute is whether the result under such a statute is the same as if the witness retained his fifth amendment right and did not testify. Id. at 13, 14.

The proposed amendment in LB 48 will permit the violator's privilege against self-incrimination to be coextensive with the protection provided by the grant of immunity, thereby not conflicting with the Nebraska or United States Constitution.

In State v. Worgull, 128 Wis.2d 1, 381 N.W.2d 547 (1986), the court stated in Matter of Grant, 83 Wis.2d 77, 264 N.W.2d 587, that "the power to grant immunity is a legislative power and not an inherent power of either the prosecutor or the court." Id. at 89. The power to grant immunity is a legislative power.

The United States Supreme Court has upheld the constitutionality of immunity statutes ever since Brown v. Walker, 161 U.S. 591, 16 S.Ct. 644, 40 L.Ed. 819 (1896), and Ullmann v. United States, 350 U.S. 422, 76 S.Ct. 497, 100 L.Ed. 511 (1956). United States Supreme Court Justice Frankfurter observed, speaking for the court, in Ullmann, supra, that such statutes have "become part of our constitutional fabric . . ." Id. at 438. Immunity statutes seek a rational accommodation between the imperatives of the fifth amendment privilege and the legitimate demands of the government to compel citizens to testify. "The existence of these statutes reflects the importance of testimony, and the fact that many offenses are of such a character that the only persons capable of giving useful testimony are those implicated in the crime." Kastigar v. United States, 406 U.S. 441, 446, 92 S.Ct. 1653, 1657, 32 L.Ed.2d 212, 218 (1972), reh. denied, 408 U.S. 931, 92 S.Ct. 2478, 33 L.Ed.2d 345 (1972). Not only has the United States Supreme Court recognized the importance of immunity statutes, but the Nebraska Supreme Court has also found immunity statutes essential to the effective enforcement of various criminal statutes. State v. McCown, 189 Neb.

495, 203 N.W.2d 445 (1973), and State v. Ammons, 208 Neb. 812, 305 N.W.2d 812 (1981).

The Nebraska Supreme Court in McCown, supra, stated that immunity statutes are an essential investigative tool. Without them it would virtually be impossible to enforce some of our criminal statutes. "Immunity statutes are intended for those offenses where the only persons capable of giving useful testimony are those implicated in the crime. Immunity has historically been a governmental investigative tool for offenses which could not be investigated or proved otherwise. It is solely a governmental prerogative." Id. at 502.

Therefore, it is our opinion, that as long as the grant of immunity is as broad as the constitutional protections against self-incrimination for which it is a substitute, then it's constitutional. The amendment proposed in LB 48 satisfies the constitutionality test as stated by the Nebraska Supreme Court in Jones, supra. The Nebraska Legislature does have the constitutional authority to grant immunity.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) William L. Howland
Assistant Attorney General

WLH:jem
cc: Senator Rex Haberman
Patrick J. O'Donnell
Clerk of the Legislature

3/05

REPORT

Received from the Department of Roads a copy of the "Biennial Report for the Nebraska Public Transportation Assistance Program for Fiscal Years 1985-1986" in accordance with Section 19-3905.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Elmer asked unanimous consent to have his name withdrawn as co-introducer to LB 645. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 150. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 77. E & R amendment, AM5050, found in the Journal on page 508 for the Nineteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 60. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 129. E & R amendment, AM5049, found in the Journal on page 508 for the Nineteenth Day was adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 304A. Title read. Considered.

Mr. Hefner 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 advancement of the bill.

Voting in the affirmative, 29:

Barrett	Hall	Landis	Nelson	Scofield
Beyer	Hannibal	Langford	Peterson	Smith
Chizek	Hartnett	Marsh	Pirsch	Wehrbein
Coordsen	Hefner	McFarland	Rogers	Weihing
Dierks	Johnson, L.	Miller	Rupp	Wesely
Elmer	Korshoj	Moore	Schellpeper	

Voting in the negative, 11:

Abboud	Conway	Harris	Lynch	Pappas
Ashford	Haberman	Johnson, R.	Morehead	Schmit
Baack				

Excused and not voting, 9:

Chambers	Higgins	Labedz	Remmers	Withem
Goodrich	Johnson, V.	Lamb	Warner	

Advanced to E & R for Review with 29 ayes, 11 nays, and 9 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.

LEGISLATIVE BILL 384A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 75. Placed on Select File as amended.
E & R amendments to LB 75:
AM5052

1. On page 1, line 4, after the semicolon insert "to define and redefine terms;"; in line 5 strike "motor" and insert "film"; and in line 7 after the semicolon insert "to harmonize provisions;".

2. On page 3, line 8, strike the comma; in line 9 strike the first "or"; and in line 21 after "plate" insert an underscored comma.

3. On page 4, strike beginning with the comma in line 23 through the comma in line 24.

4. On page 5, line 11; page 6, line 5, page 7, lines 17 and 20; page 9, line 20; and page 10, line 2, strike the comma.

5. On page 8, line 1, strike "who" and insert "which".

6. On page 20, line 11, after "are" insert "farm trucks or passenger cars as" and strike "subdivisions", "(5)", and "and" and show the old matter as stricken; and in line 12 strike "(19)" and "of" and show the old matter as stricken.

LEGISLATIVE BILL 231. Placed on Select File as amended.
E & R amendment to LB 231:
AM5051

1. On page 1, line 4, after the semicolon insert "to increase a limit on compensation;".

LEGISLATIVE BILL 296. Placed on Select File as amended.

E & R amendment to LB 296:
AM5053

1. On page 1, line 4, after "eliminate" insert "certain"; and in line 5 after the first semicolon insert "to change certain provisions relating to mandatory retirement as prescribed;".

LEGISLATIVE BILL 216. Placed on Select File.

LEGISLATIVE BILL 135. Placed on Select File as amended.
E & R amendment to LB 135:
AM5054

1. On page 1, line 2, strike "section" and insert "sections 39-614 and"; in line 4 after the semicolon insert "to harmonize provisions;"; and in line 5 strike "section" and insert "sections".

LEGISLATIVE BILL 239. Placed on Select File as amended.
E & R amendments to LB 239:
AM5055

1. In the Standing Committee amendments, AM0093, adopted February 4, 1987, on page 1, line 10, insert "and" after the comma; and in line 11 after "each" insert "such".

2. On page 1, line 5, strike the first "the" and strike "on the" and insert "provisions for the state and local".

3. On page 5, line 4, strike the first "or" and insert ", a" and after the second "agency" insert an underscored comma.

4. On page 6, line 4, strike "or" and insert ", a".

LEGISLATIVE BILL 385. Placed on Select File as amended.
E & R amendments to LB 385:
AM5056

1. In the Standing Committee amendments, AM0092, adopted February 4, 1987:

a. On page 1, line 19, strike "of the State of Nebraska"; and

b. On page 2, line 7, after "action" insert a comma.

2. On page 1, line 6, strike "provide a penalty; to".

3. On page 3, line 20, strike "costs" and insert "cost".

(Signed) Scott Moore, Chairperson

MOTION - Place LB 100 on General File

Mr. Rogers moved that LB 100 be placed on General File notwithstanding the action of the Committee.

Laid over.

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 5, 1987. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Beste, Patrick D. - Lincoln, Nebraska Speech, Language & Hearing Association
Bones, Amy S. - Omaha, IBM
Cutshall, Bruce A. - Lincoln, Nebraska Cooperative Council
DeCamp, John W. - Lincoln, Smokeless Tobacco Council, Inc., Victims of Commonwealth & State Securities all over Nebraska
Karnes, Donna - Lincoln, Erickson & Sederstrom, P.C.
Litjen, Thomas R. - Omaha, Rink Risk Retention Group
McMullen, Frank - Omaha, Greater Omaha Chamber of Commerce
Noren, Charles F. - Hickman, Abate of Nebraska, Inc.
Paine, Shirley J. - Omaha, Nebraska Academy of Physician Assistants
Radcliffe, Walter/Tews & Radcliffe
Radcliffe, Walter H. - Lincoln, Automatic Merchandising Council
Schimek, DiAnna R. - Lincoln, Nebraska Democratic State Central Committee
Severens, Eugene - Walthill, Center for Rural Affairs
Sherbert, Norman R. - Denver, CO., General Motors Corporation
Skochdopole, Robert A. - Omaha, Rink Risk Retention Group
Strange, Marty - Walthill, Center for Rural Affairs
Vickers, Tom - Lincoln, Common Cause - Nebraska

GENERAL FILE

LEGISLATIVE BILL 175. 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 472. 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 229. Title read. Considered.

Mr. Landis 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 21 ayes, 0 nays, and 28 not voting.

Mr. Wesely requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Ashford	Hall	Labedz	Morehead	Rupp
Chambers	Harris	Lynch	Nelson	Schellpeper
Chizek	Hartnett	Marsh	Pappas	Smith
Conway	Higgins	McFarland	Rogers	Wesely
Dierks	Korshoj	Miller		

Voting in the negative, 18:

Abboud	Coordsen	Johnson, L.	Pirsch	Warner
Baack	Elmer	Johnson, R.	Schmit	Wehrbein
Barrett	Hannibal	Langford	Scofield	Weihing
Beyer	Hefner	Moore		

Present and not voting, 2:

Goodrich Peterson

Excused and not voting, 6:

Haberman Lamb Landis Remmers Withem
Johnson, V.

Failed to advance to E & R for Review with 23 ayes, 18 nays, 2 present and not voting, and 6 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.

LEGISLATIVE BILL 40A. 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.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 140. Placed on Select File as amended.
E & R amendments to LB 140:
AM5057

1. On page 2, line 1, after the first semicolon insert "to eliminate certain obsolete provisions;".
2. On page 9, line 14, reinstate the stricken "it".
3. On page 10, line 18, strike the comma and show as stricken.

Correctly Engrossed

The following bills were correctly engrossed: 59, 93, 136, 167, 177, 206, 317, and 471.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chizek asked unanimous consent to print the following amendment to LB 223 in the Journal. No objections. So ordered.

AM0135

1. Insert the following new sections:

"Sec. 2. That section 84-805, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-805. ~~A~~ Except when otherwise provided specifically by law for substitute service by a deputy, a sheriff may appoint ~~a special deputy~~ an employee of his or her department to serve any summons or writ, by endorsement thereon substantially as follows: "I hereby appoint ....., ~~my special deputy,~~ to serve the within writ;" which shall be dated and signed by the sheriff.

Sec. 3. That section 84-806, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-806. The ~~special deputy,~~ employee referred to in section 84-805, shall make return of the time and manner of serving such writ, under his or her oath. For ~~; and for~~ making a false return he or she shall be guilty of perjury, and be punished accordingly.".

2. On page 5, line 16, strike "section 33-117" and insert "sections 33-117, 84-805, and 84-806"; and in line 17 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 374. Placed on General File.

(Signed) Lee Rupp, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Rupp asked unanimous consent to print the following amendment to LB 379 in the Journal. No objections. So ordered.

AM0142

1. Insert the following new section:

"Sec. 2. That section 37-715, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-715. A permit, to be known as a Commercial Game or Fur Farmer Permit, may be issued to any citizen of this state authorizing the possession and rearing in

captivity~~,~~ of game birds, game animals, Lynx canadenis, Lynx rufus, or fur bearers which have been~~,~~ or which shall be~~,~~ acquired without violation of any provision of law or rule or regulation duly adopted and promulgated by the Game and Parks Commission. The fee for such permit shall be twenty-five dollars per year. The holder of any such permit ~~must~~ shall comply with all provisions of Chapter 37, article 7.".

2. On page 3, line 16, after "section" insert "37-715, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 17 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

MOTION - Approve Appointments

Mr. R. Johnson moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 504: John Neuberger - Director, Policy Research and Energy Offices, and J. Michael Jess - Director, Department of Water Resources.

Voting in the affirmative, 27:

Abboud	Coordsen	Hefner	Langford	Rupp
Ashford	Dierks	Johnson, L.	Marsh	Schellpeper
Baack	Elmer	Johnson, R.	Miller	Warner
Barrett	Goodrich	Korshoj	Moore	Wehrbein
Chambers	Hall	Labedz	Rogers	Weihing
Chizek	Harris			

Voting in the negative, 0.

Present and not voting, 15:

Beyer	Hartnett	McFarland	Pappas	Scofield
Conway	Higgins	Morehead	Peterson	Smith
Hannibal	Lynch	Nelson	Pirsch	Wesely

Excused and not voting, 7:

Haberman	Lamb	Remmers	Schmit	Withem
Johnson, V.	Landis			

These appointments were confirmed with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Rupp moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointment found in the Journal on page 505: Frank Gunter - Director, Department of Corrections.

Voting in the affirmative, 29:

Abboud	Coordsen	Hannibal	Langford	Smith
Baack	Dierks	Harris	Miller	Warner
Barrett	Elmer	Hefner	Nelson	Wehrbein
Chambers	Goodrich	Johnson, L.	Pappas	Weihing
Chizek	Haberman	Johnson, V.	Rogers	Wesely
Conway	Hall	Korshoj	Rupp	

Voting in the negative, 0.

Present and not voting, 15:

Ashford	Higgins	Lynch	Moore	Pirsch
Beyer	Johnson, R.	Marsh	Morehead	Schellpeper
Hartnett	Labedz	McFarland	Peterson	Scofield

Excused and not voting, 5:

Lamb	Landis	Remmers	Schmit	Withem

The appointment was confirmed with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Rupp moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointment found in the Journal on page 505: Colonel Harold LeGrande - Superintendent, Nebraska State Patrol.

Mr. Chambers moved to lay over that portion of the Government, Military and Veterans Affairs report regarding the confirmation of Col. Harold LeGrande - Superintendent, Nebraska State Patrol.

Mr. Hall 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 withdrew his pending motion.

Mr. Chambers asked unanimous consent to lay over the confirmation report on Colonel Harold LeGrande. No objections. So ordered.

Messrs. Haberman and Schmit asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 392. Placed on General File as amended.
Standing Committee amendment to LB 392:
AM0146

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated $100,000 from the General Fund and $177,000 from the federal funds for the period July 1, 1986, to June 30, 1987, to the Department of Social Services, for Program 341, to maintain current staffing levels for local offices administered by the department.

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 389. Placed on General File.
LEGISLATIVE BILL 485. Placed on General File.
LEGISLATIVE BILL 506. Placed on General File.

(Signed) Don Wesely, Chairperson

Judiciary

LEGISLATIVE BILL 313. Placed on General File.
LEGISLATIVE BILL 665. Placed on General File.

LEGISLATIVE BILL 236. Indefinitely postponed.
LEGISLATIVE BILL 619. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 29. Read. Considered.

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LR 29. No objections. So ordered.

Messrs. Peterson and Baack asked unanimous consent to be excused until they return. No objections. So ordered.

Laid over.

LEGISLATIVE RESOLUTION 30. Read. Considered.

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LR 30. No objections. So ordered.

LR 30 was adopted with 25 ayes, 0 nays, and 24 not voting.

GENERAL FILE

LEGISLATIVE BILL 284A. 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 229. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 13 nays, 6 present and not voting, and 4 excused and not voting.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 29 was referred to the Reference Committee.

UNANIMOUS CONSENT - Add Co-Introducer

The Judiciary Committee asked unanimous consent to have it's name added as co-introducer to LB 665. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jerry A. and Eric Carlson; and Alvin Scheere from Battlecreek.

ADJOURNMENT

At 11:33 a.m., on a motion by Mr. Wehrbein, the Legislature adjourned until 9:00 a.m., Monday, February 9, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 9, 1987

LEGISLATIVE JOURNAL

TWENTY-FIRST DAY - FEBRUARY 9, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 9, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Senator Wehrbein.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chambers, Goodrich, R. Johnson, Miller, Rogers, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twentieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 79, 134, 227, 284, and 304.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 79

The following changes, required to be reported for publication in the Journal, have been made:
ER0112
1. In the Hall amendment, AM0118, adopted February 4, 1987, on page 1, line 10 "the first" has been inserted after "with".

Enrollment and Review Change to LB 227

The following changes, required to be reported for publication in the Journal, have been made:
ER0113
1. On page 5, line 4, "and" has been struck and "as long as" inserted.
2. On page 6, line 1, "Political subdivisions" has been struck and "A political subdivision" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 292. Placed on General File as amended.
Standing Committee amendment to LB 292:
AM0150
1. On line 7, strike "sixty-five" and insert "fifty".

(Signed) Tim Hall, Chairperson

MOTION - Withdraw LB 484

Mrs. Langford moved to withdraw LB 484.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 30.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 31.

A BILL FOR AN ACT relating to normal schools; to amend sections 21-624, 72-1249.02, 79-493, and 81-129, Reissue Revised Statutes of Nebraska, 1943; to change and eliminate references to reflect a change in terminology made in 1969; to provide for a transfer of funds; to eliminate a duty for the Revisor of Statutes relating to a substitution of terms; and to repeal the original sections, and also section 85-321, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Ashford	Haberman	Johnson, V.	Moore	Schmit
Baack	Hall	Korshoj	Morehead	Scofield
Barrett	Hannibal	Labedz	Nelson	Smith
Beyer	Harris	Lamb	Pappas	Warner
Chizek	Hartnett	Landis	Peterson	Wehrbein
Conway	Hefner	Langford	Remmers	Weihing
Coordsen	Higgins	Lynch	Rupp	Wesely
Dierks	Johnson, L.	Marsh	Schellpeper	Withem
Elmer				

Voting in the negative, 0.

Present and not voting, 1:

McFarland

Excused and not voting, 7:

Abboud	Goodrich	Miller	Pirsch	Rogers
Chambers	Johnson, R.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 32.

A BILL FOR AN ACT relating to public lands and buildings; to amend sections 81-815.52 and 81-1108.15, Reissue Revised Statutes of Nebraska, 1943; to repeal obsolete provisions relating to the state office building in Lincoln, the downtown education center and office building in Omaha, and specific conveyances involving state agencies, boards, and commissions; to eliminate certain funds; to harmonize provisions; and to repeal the original sections, and also sections 81-815.41 to 81-815.44, 81-1108.33 to 81-1108.35, 81-1108.44 to 81-1108.47, 90-201 to 90-208, 90-210 to 90-212, 90-217, and 90-226, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Ashford	Goodrich	Johnson, V.	Moore	Schmit
Baack	Haberman	Korshoj	Morehead	Scofield
Barrett	Hall	Labedz	Nelson	Smith
Beyer	Hannibal	Lamb	Pappas	Warner
Chizek	Harris	Landis	Peterson	Wehrbein
Conway	Hartnett	Langford	Remmers	Weihing
Coordsen	Hefner	Lynch	Rupp	Wesely
Dierks	Higgins	Marsh	Schellpeper	Withem
Elmer	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 1:

McFarland

Excused and not voting, 6:

Abboud	Johnson, R.	Miller	Pirsch	Rogers
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 33.

A BILL FOR AN ACT relating to appeals; to amend sections 25-1914, 25-1920, 25-1931, 29-2306, 29-2315.01, 29-2317, 31-433, 46-210, 46-568, and 59-823, Reissue Revised Statutes of Nebraska, 1943, and section 42-372, Revised Statutes Supplement, 1986; to harmonize appeal procedures with former acts of the Legislature; 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:

Ashford	Goodrich	Johnson, V.	Moore	Schmit
Baack	Haberman	Korshoj	Morehead	Scofield
Barrett	Hall	Labedz	Nelson	Smith
Beyer	Hannibal	Lamb	Pappas	Warner
Chizek	Harris	Landis	Peterson	Wehrbein
Conway	Hartnett	Langford	Remmers	Weihing
Coordsen	Hefner	Lynch	Rupp	Wesely
Dierks	Higgins	Marsh	Schellpeper	Withem
Elmer	Johnson, L.	McFarland		

Voting in the negative, 0.

Excused and not voting, 6:

Abboud	Johnson, R.	Miller	Pirsch	Rogers
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 34.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1816, Reissue Revised Statutes of Nebraska, 1943; to change a reference to a section that was repealed in 1981; 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:

Ashford	Goodrich	Johnson, V.	Moore	Schmit
Baack	Haberman	Korshoj	Morehead	Scofield
Barrett	Hall	Labedz	Nelson	Smith
Beyer	Hannibal	Lamb	Pappas	Warner
Chizek	Harris	Landis	Peterson	Wehrbein
Conway	Hartnett	Langford	Remmers	Weihing
Coordsen	Hefner	Lynch	Rupp	Wesely
Dierks	Higgins	Marsh	Schellpeper	Withem
Elmer	Johnson, L.	McFarland		

Voting in the negative, 0.

Excused and not voting, 6:

Abboud	Johnson, R.	Miller	Pirsch	Rogers
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 35.

A BILL FOR AN ACT relating to child labor; to amend sections 48-302.01, 48-303, 48-307, 48-308, 48-311, and 48-313, Reissue Revised Statutes of Nebraska, 1943; to delete references to a repealed section; to harmonize penalty provisions by eliminating duplicative and inconsistent penalties; 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:

Ashford	Elmer	Higgins	Lynch	Remmers
Baack	Goodrich	Johnson, L.	Marsh	Rupp
Barrett	Haberman	Johnson, V.	McFarland	Schellpeper
Beyer	Hall	Korshoj	Moore	Schmit
Chizek	Hannibal	Labedz	Morehead	Scofield
Conway	Harris	Lamb	Nelson	Smith
Coordsen	Hartnett	Landis	Pappas	Warner
Dierks	Hefner	Langford	Peterson	Wehrbein

Weihing Wesely Withem

Voting in the negative, 0.

Excused and not voting, 6:

Abboud Johnson, R. Miller Pirsch Rogers
Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 36.

A BILL FOR AN ACT relating to elevators; to amend sections 48-418, 48-418.07, 48-418.12, and 48-418.13, Reissue Revised Statutes of Nebraska, 1943; to rename a code; 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	Elmer	Johnson, L.	McFarland	Schmit
Ashford	Goodrich	Johnson, V.	Moore	Scofield
Baack	Haberman	Korshoj	Morehead	Smith
Barrett	Hall	Labedz	Nelson	Warner
Beyer	Hannibal	Lamb	Pappas	Wehrbein
Chizek	Harris	Landis	Peterson	Weihing
Conway	Hartnett	Langford	Remmers	Wesely
Coordsen	Hefner	Lynch	Rupp	Withem
Dierks	Higgins	Marsh	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers Johnson, R. Miller Pirsch Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 37. With Emergency.

A BILL FOR AN ACT relating to children; to amend section 43-512.03, Revised Statutes Supplement, 1986; to reinstate language enacted by Laws 1985, Second Special Session, LB 7, section 68, which was inadvertently omitted in the drafting of Laws 1986, LB 600, section 12; 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	Elmer	Johnson, L.	McFarland	Schmit
Ashford	Goodrich	Johnson, V.	Moore	Scofield
Baack	Haberman	Korshoj	Morehead	Smith
Barrett	Hall	Labedz	Nelson	Warner
Beyer	Hannibal	Lamb	Pappas	Wehrbein
Chizek	Harris	Landis	Peterson	Weihing
Conway	Hartnett	Langford	Remmers	Wesely
Coordsen	Hefner	Lynch	Rupp	Withem
Dierks	Higgins	Marsh	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Johnson, R.	Miller	Pirsch	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.

MOTION - Return LB 40 to Select File

Mr. Hannibal moved to return LB 40 to Select File for his pending specific amendment, AM0062, found in the Journal on page 431.

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 40. The Hannibal specific amendment, AM0062, found in the Journal on page 431 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.

EASE

The Legislature was at ease from 9:43 a.m. until 10:06 a.m.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 66.

A BILL FOR AN ACT relating to the Community Development Assistance Act; to amend Laws 1984, LB 372, section 18; to change an operative date provision 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	Elmer	Johnson, L.	Marsh	Rogers
Ashford	Goodrich	Johnson, R.	Miller	Rupp
Baack	Haberman	Johnson, V.	Moore	Schellpeper
Barrett	Hall	Korshoj	Morehead	Scofield
Beyer	Hannibal	Labedz	Nelson	Smith
Chizek	Harris	Lamb	Pappas	Wehrbein
Conway	Hartnett	Landis	Peterson	Weihing
Coordsen	Hefner	Langford	Pirsch	Wesely
Dierks	Higgins	Lynch	Remmers	Withem

Voting in the negative, 2:

Chambers Warner

Present and not voting, 2:

McFarland Schmit

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 revenue and taxation; to eliminate a tax on pawnbrokers; to eliminate a penalty; and to repeal section 77-1220, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goodrich	Johnson, R.	Miller	Rupp
Ashford	Haberman	Johnson, V.	Moore	Schellpeper
Baack	Hall	Korshoj	Morehead	Scofield
Barrett	Hannibal	Labedz	Nelson	Smith
Beyer	Harris	Lamb	Pappas	Warner
Chizek	Hartnett	Landis	Peterson	Wehrbein
Conway	Hefner	Langford	Pirsch	Weihing
Coordsen	Higgins	Lynch	Remmers	Wesely
Dierks	Johnson, L.	Marsh	Rogers	Withem
Elmer				

Voting in the negative, 1:

Chambers

Present and not voting, 2:

McFarland Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 110.

A BILL FOR AN ACT relating to state employees; to amend section 81-1315, Reissue Revised Statutes of Nebraska, 1943; to eliminate a prohibition on holding office in a political party; to provide for

disciplinary action for certain violations; 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	Elmer	Johnson, L.	Marsh	Rupp
Ashford	Goodrich	Johnson, R.	Miller	Schellpeper
Baack	Haberman	Johnson, V.	Moore	Scofield
Barrett	Hall	Korshoj	Morehead	Smith
Beyer	Hannibal	Labedz	Nelson	Warner
Chizek	Harris	Lamb	Pappas	Wehrbein
Conway	Hartnett	Landis	Pirsch	Weihing
Coordsen	Hefner	Langford	Remmers	Wesely
Dierks	Higgins	Lynch	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 4:

Chambers	McFarland	Peterson	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 125.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2018.04 and 77-2018.05, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to inheritance tax deductions; 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	Baack	Beyer	Chizek	Coordsen
Ashford	Barrett	Chambers	Conway	Dierks

Elmer	Higgins	Langford	Pappas	Scofield
Goodrich	Johnson, L.	Lynch	Peterson	Smith
Haberman	Johnson, R.	Marsh	Pirsch	Warner
Hall	Johnson, V.	Miller	Remmers	Wehrbein
Hannibal	Korshoj	Moore	Rogers	Weihing
Harris	Labedz	Morehead	Rupp	Wesely
Hartnett	Lamb	Nelson	Schellpeper	Withem
Hefner	Landis			

Voting in the negative, 0.

Present and not voting, 2:

McFarland Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 127.

A BILL FOR AN ACT relating to schools; to amend sections 79-432 and 79-548, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the adoption of the budget of a Class II school district; to eliminate a vote requirement; to eliminate a penalty; to harmonize provisions; and to repeal the original sections, and also sections 79-704 and 79-704.01, 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, 46:

Abboud	Goodrich	Johnson, R.	Miller	Rupp
Ashford	Haberman	Johnson, V.	Moore	Schellpeper
Baack	Hall	Korshoj	Morehead	Schmit
Barrett	Hannibal	Labedz	Nelson	Scofield
Beyer	Harris	Lamb	Pappas	Warner
Chambers	Hartnett	Landis	Peterson	Wehrbein
Chizek	Hefner	Langford	Pirsch	Weihing
Conway	Higgins	Lynch	Remmers	Wesely
Dierks	Johnson, L.	Marsh	Rogers	Withem
Elmer				

Voting in the negative, 2:

Coordsen Smith

Present and not voting, 1:

McFarland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 147 to Select File

Mr. Withem moved to return LB 147 to Select File for the following specific amendment:
AM0068

(Amendments to Final Reading Copy)

1. On page 4, line 4, after "section" insert "or in section 79-520".

The motion to return prevailed with 40 ayes, 0 nays, and 9 present and not voting.

SELECT FILE

LEGISLATIVE BILL 147. The Withem specific amendment, AM0068, found in this day's Journal was adopted with 37 ayes, 0 nays, and 12 present and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 147 to Select File

Mr. Withem moved to return LB 147 to Select File for the following Lynch specific amendment:
AM0069

(Amendments to Final Reading Copy)

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, line 4, strike "and"; and in line 5 after "section" insert "; and to declare an

7 emergency".

The motion to return prevailed with 45 ayes, 0 nays, and 4 present and not voting.

SELECT FILE

LEGISLATIVE BILL 147. The Lynch specific amendment, AM0069, found in this day's Journal was adopted with 33 ayes, 0 nays, and 16 present 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 176.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-801, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to prostitution; 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	Goodrich	Johnson, V.	Moore	Schellpeper
Ashford	Haberman	Korshoj	Morehead	Schmit
Baack	Hall	Labedz	Nelson	Scofield
Barrett	Hannibal	Lamb	Pappas	Smith
Beyer	Harris	Landis	Peterson	Warner
Chizek	Hartnett	Lynch	Pirsch	Wehrbein
Conway	Hefner	Marsh	Remmers	Weihing
Coordsen	Higgins	McFarland	Rogers	Wesely
Dierks	Johnson, L.	Miller	Rupp	Withem
Elmer	Johnson, R.			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Langford

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 69. With Emergency.

A BILL FOR AN ACT relating to the State Electrical Board; to amend section 81-2104, Revised Statutes Supplement, 1986; to change provisions relating to the National Electrical Code; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Abboud	Elmer	Johnson, R.	Miller	Schellpeper
Ashford	Goodrich	Johnson, V.	Moore	Schmit
Baack	Haberman	Korshoj	Morehead	Scofield
Barrett	Hall	Labedz	Nelson	Smith
Beyer	Hannibal	Lamb	Pappas	Warner
Chambers	Harris	Landis	Peterson	Wehrbein
Chizek	Hartnett	Langford	Pirsch	Weihing
Conway	Hefner	Lynch	Remmers	Wesely
Coordsen	Higgins	Marsh	Rogers	Withem
Dierks	Johnson, L.	McFarland	Rupp	

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 154.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-720 to 37-726, Reissue Revised Statutes of Nebraska, 1943, and section 37-101, Revised Statutes Supplement, 1986; to

define and redefine terms; to change provisions relating to possession of raptors; to provide for the issuance of falconry and captive propagation licenses; to provide powers and duties; to provide fees; to prohibit the transportation of raptors outside the state as prescribed; to prohibit the sale, barter, and purchase of raptors 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	Goodrich	Korshoj	Moore	Schellpeper
Ashford	Haberman	Labedz	Morehead	Schmit
Baack	Hall	Lamb	Nelson	Scofield
Barrett	Hannibal	Landis	Pappas	Smith
Beyer	Harris	Langford	Peterson	Warner
Chizek	Hartnett	Lynch	Pirsch	Wehrbein
Conway	Hefner	Marsh	Remmers	Weihing
Coordsen	Higgins	McFarland	Rogers	Wesely
Dierks	Johnson, L.	Miller	Rupp	Withem
Elmer	Johnson, R.			

Voting in the negative, 2:

Chambers Johnson, V.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 171.

A BILL FOR AN ACT relating to permits to hunt and fish; to amend section 37-213, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the hunting of wild animals; 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	Goodrich	Johnson, V.	Moore	Schellpeper
Ashford	Haberman	Korshoj	Morehead	Schmit
Baack	Hall	Labedz	Nelson	Scofield
Barrett	Hannibal	Lamb	Pappas	Smith
Beyer	Harris	Landis	Peterson	Warner
Chizek	Hartnett	Langford	Pirsch	Wehrbein
Conway	Hefner	Lynch	Remmers	Weihing
Coordsen	Higgins	Marsh	Rogers	Wesely
Dierks	Johnson, L.	McFarland	Rupp	Withem
Elmer	Johnson, R.	Miller		

Voting in the negative, 1:

Chambers

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 106.

A BILL FOR AN ACT relating to schools; to amend section 79-603, Reissue Revised Statutes of Nebraska, 1943; to provide for certain Class I school districts to merge with other Class I school districts 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, 47:

Abboud	Coordsen	Hartnett	Lamb	Nelson
Ashford	Dierks	Hefner	Landis	Pappas
Baack	Elmer	Higgins	Langford	Peterson
Barrett	Goodrich	Johnson, L.	Marsh	Pirsch
Beyer	Haberman	Johnson, R.	McFarland	Remmers
Chambers	Hall	Johnson, V.	Miller	Rogers
Chizek	Hannibal	Korshoj	Moore	Rupp
Conway	Harris	Labedz	Morehead	Schellpeper

Scofield	Warner	Weihing	Wesely	Withem
Smith	Wehrbein			

Voting in the negative, 0.

Present and not voting, 2:

Lynch Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 109. With Emergency.

A BILL FOR AN ACT relating to deposit of public funds; to amend section 77-2351, Reissue Revised Statutes of Nebraska, 1943; to eliminate a requirement that funds be deposited in demand deposit accounts; 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, 49:

Abboud	Elmer	Johnson, R.	Miller	Schellpeper
Ashford	Goodrich	Johnson, V.	Moore	Schmit
Baack	Haberman	Korshoj	Morehead	Scofield
Barrett	Hall	Labedz	Nelson	Smith
Beyer	Hannibal	Lamb	Pappas	Warner
Chambers	Harris	Landis	Peterson	Wehrbein
Chizek	Hartnett	Langford	Pirsch	Weihing
Conway	Hefner	Lynch	Remmers	Wesely
Coordsen	Higgins	Marsh	Rogers	Withem
Dierks	Johnson, L.	McFarland	Rupp	

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 115.

A BILL FOR AN ACT relating to building and loan associations; to amend section 8-355, Revised Statutes Supplement, 1986; to change a date 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	Elmer	Johnson, R.	Miller	Schellpeper
Ashford	Goodrich	Johnson, V.	Moore	Schmit
Baack	Haberman	Korshoj	Morehead	Scofield
Barrett	Hall	Labedz	Nelson	Smith
Beyer	Hannibal	Lamb	Pappas	Warner
Chambers	Harris	Landis	Peterson	Wehrbein
Chizek	Hartnett	Langford	Pirsch	Weihing
Conway	Hefner	Lynch	Remmers	Wesely
Coordsen	Higgins	Marsh	Rogers	Withem
Dierks	Johnson, L.	McFarland	Rupp	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 137.

A BILL FOR AN ACT relating to corporations; to amend section 21-2004, Reissue Revised Statutes of Nebraska, 1943; to authorize the purchase of director's liability insurance 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	Ashford	Baack	Barrett	Beyer

Chambers	Hannibal	Labedz	Morehead	Schmit
Chizek	Harris	Lamb	Nelson	Scofield
Conway	Hartnett	Landis	Pappas	Smith
Coordsen	Hefner	Langford	Peterson	Warner
Dierks	Higgins	Lynch	Pirsch	Wehrbein
Elmer	Johnson, L.	Marsh	Remmers	Weihing
Goodrich	Johnson, R.	McFarland	Rogers	Wesely
Haberman	Johnson, V.	Miller	Rupp	Withem
Hall	Korshoj	Moore	Schellpeper	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 142. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Commission for Special Education; to amend section 79-3204, Revised Statutes Supplement, 1986; to provide a date for dissolution 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, 49:

Abboud	Elmer	Johnson, R.	Miller	Schellpeper
Ashford	Goodrich	Johnson, V.	Moore	Schmit
Baack	Haberman	Korshoj	Morehead	Scofield
Barrett	Hall	Labedz	Nelson	Smith
Beyer	Hannibal	Lamb	Pappas	Warner
Chambers	Harris	Landis	Peterson	Wehrbein
Chizek	Hartnett	Langford	Pirsch	Weihing
Conway	Hefner	Lynch	Remmers	Wesely
Coordsen	Higgins	Marsh	Rogers	Withem
Dierks	Johnson, L.	McFarland	Rupp	

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 291.

A BILL FOR AN ACT relating to warehouses; to define terms; to provide powers and duties for the Public Service Commission; to require warehouse licenses; to provide for security and fees; to provide for warehouse receipts and registration of such receipts; to provide for suspension and revocation of licenses; to provide a penalty; to eliminate certain existing provisions relating to warehouses; and to repeal sections 88-402, 88-403, and 88-405 to 88-408, Reissue Revised Statutes of Nebraska, 1943, and sections 88-401 and 88-404, Revised Statutes Supplement, 1986.

Whereupon the 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	Elmer	Johnson, R.	Miller	Schellpeper
Ashford	Goodrich	Johnson, V.	Moore	Schmit
Baack	Haberman	Korshoj	Morehead	Scofield
Barrett	Hall	Labedz	Nelson	Smith
Beyer	Hannibal	Lamb	Pappas	Warner
Chambers	Harris	Landis	Peterson	Wehrbein
Chizek	Hartnett	Langford	Pirsch	Weihing
Conway	Hefner	Lynch	Remmers	Wesely
Coordsen	Higgins	Marsh	Rogers	Withem
Dierks	Johnson, L.	McFarland	Rupp	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 610. With Emergency.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2311, 2-3623, 2-4012, and 66-1308, Reissue Revised Statutes of Nebraska, 1943; to eliminate exemptions of certain agricultural products from excise tax and fees as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Abboud	Elmer	Johnson, R.	Miller	Schellpeper
Ashford	Goodrich	Johnson, V.	Moore	Schmit
Baack	Haberman	Korshoj	Morehead	Scofield
Barrett	Hall	Labedz	Nelson	Smith
Beyer	Hannibal	Lamb	Pappas	Warner
Chambers	Harris	Landis	Peterson	Wehrbein
Chizek	Hartnett	Langford	Pirsch	Weihing
Conway	Hefner	Lynch	Remmers	Wesely
Coordsen	Higgins	Marsh	Rogers	Withem
Dierks	Johnson, L.	McFarland	Rupp	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 31, 32, 33, 34, 35, 36, 37, 66, 87, 110, 125, 127, 176, 69, 154, 171, 106, 109, 115, 137, 142, 291, and 610.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 243. Indefinitely postponed.
LEGISLATIVE BILL 262. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 445	Wednesday, February 18, 1987	1:30 p.m.
LB 566	Wednesday, February 18, 1987	1:30 p.m.
LB 567	Wednesday, February 18, 1987	1:30 p.m.
LB 568	Wednesday, February 18, 1987	1:30 p.m.
LB 641	Thursday, February 19, 1987	1:30 p.m.
LB 705	Thursday, February 19, 1987	1:30 p.m.
LB 761	Thursday, February 19, 1987	1:30 p.m.
LB 426	Friday, February 20, 1987	1:30 p.m.
LB 427	Friday, February 20, 1987	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Urban Affairs

LR 21CA	Tuesday, February 17, 1987	1:30 p.m.
LB 369	Tuesday, February 17, 1987	1:30 p.m.
LB 679	Tuesday, February 17, 1987	1:30 p.m.
LB 324	Tuesday, February 17, 1987	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 112, 132, 233, 245, 255, 264, 302, 386, and 387.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 387

The following changes, required to be reported for publication in the Journal, have been made:
ER0114

1. The E & R amendment, AM 5045, adopted February 5, 1987, has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 78. Placed on General File as amended.
Standing Committee amendment to LB 78:
AM0028

1. Strike the original sections and insert the following new sections:

"Section 1. As used in this act, unless the context otherwise requires:

(1) Authorized agency shall mean the Nebraska State Patrol, a local governmental police department, a county sheriff's office, a county attorney, a municipal attorney, a United States district attorney, a duly constituted criminal investigative agency of the United States government, and the office of the Nebraska Attorney General;

(2) Insurer shall mean any insurance company, adjustor, or agent; and

(3) Relevant shall mean having a tendency to make the existence of any information that is of consequence to an investigation of motor vehicle theft or motor vehicle insurance fraud investigation or a determination of such issue more probable or less probable than it would be without such information.

Sec. 2. Upon written request to an insurer by an authorized agency, an insurer or person acting on behalf of the insurer shall release to a requesting authorized agency any or all relevant information relating to any specific motor vehicle theft or motor vehicle insurance fraud which the insurer may posses. Relevant information may include, but shall not be limited to:

(1) Insurance policy information relevant to the motor vehicle theft or motor vehicle insurance fraud under investigation, including any application for such a policy;

(2) Policy premium records;

(3) History of previous claims made by the insured;

(4) Information relating to the investigation of the motor vehicle theft or motor vehicle insurance fraud, including statements of any person, proof of loss, and notice of loss; and

(5) Any other relevant evidence or information which the authorized agency reasonably believes is important.

Sec. 3. When an insurer reasonably believes that he or she knows the identity of a person whom the insurer has reason to believe committed a criminal or fraudulent act relating to a motor vehicle theft or a motor vehicle insurance claim or has knowledge of such a criminal or fraudulent act which the insurer reasonably believes has not been reported to an authorized agency, then for the purpose of notification and investigation, the insurer or person acting on behalf of the insurer may notify, in writing, an authorized agency of such knowledge or reasonable belief and provide any additional relevant information in accordance with section 2 of this act.

Sec. 4. For purposes of this act, when an insurer provides any authorized agency with notice pursuant to section 3 of this act, such notice shall be deemed sufficient for all authorized agencies.

Sec. 5. The authorized agency which receives information pursuant to this act may release or provide such information to any other authorized agency.

Sec. 6. Any insurer which provides information to an authorized agency pursuant to this act shall have the right to request and receive relevant information from such authorized agency. The authorized agency shall provide the requested relevant information to the insurer or agent authorized by the insurer not more than thirty days after the completion of the agency's investigation.

Sec. 7. It shall be unlawful for any insurer, person acting on behalf of the insurer, or an authorized agency to make any relevant information received or released under this act a public record, except in a criminal or civil proceeding.

Sec. 8. Any insurer, person acting on behalf of the insurer, or an authorized agency, or their

respective employees, which releases or receives relevant information under this act shall be immune from any civil or criminal liability for releasing or receiving such information.

Sec. 9. Any person violating any provision of this act shall be guilty of a Class IV misdemeanor.".

(Signed) R. W. Remmers, Chairperson

GENERAL FILE

LEGISLATIVE BILL 374. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, and 23 present and not voting.

LEGISLATIVE BILL 389. 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 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 485. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 313. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, and 24 present and not voting.

LEGISLATIVE BILL 665. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, and 24 present and not voting.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 441. Placed on General File.

LEGISLATIVE BILL 523. Placed on General File as amended.
Standing Committee amendments to LB 523:
AM0127

1. On page 8, line 13; and on page 9, line 15, after the period insert "An offense committed under such sections shall be deemed an act committed in part in the principal office of the Tax Commissioner. The Attorney General shall have concurrent jurisdiction with the county attorney in the prosecution of such offenses which may be conducted in any county in which the offender resides or has a place of business or in which the crime was committed.".

2. On page 10, line 14, after the period insert "An offense committed under this section shall be deemed an act committed in part in the principal office of the Tax Commissioner. The Attorney General shall have concurrent jurisdiction with the county attorney in the prosecution of such offenses which may be conducted in any county in which the offender resides or has a place of business or in which the crime was committed.".

3. On page 11, in lines 4 and 24, after the period insert "An offense committed under such sections shall be deemed an act committed in part in the principal office of the Tax Commissioner."; and after line 25 insert the following new subsection:

"(3) The Attorney General shall have concurrent jurisdiction with the county attorney in the prosecution of such offenses which may be conducted in any county in which the offender resides or has a place of business or in which the crime was committed.".

4. On page 12, line 5, strike "35" and insert "37".

5. On page 49, line 11, after "state" insert ", the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country"; in line 12 strike "another state" and insert "such other state, commonwealth, territory, possession, or country"; and in line 13 after "state" insert "commonwealth, territory, possession, or country".

6. On page 61, in lines 2 through 5, strike the new matter; and in lines 14 and 15 strike the new matter and reinstate the stricken matter.

7. Insert the following new section:

"Sec. 22. That section 77-27,175, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,175. As used in the Tax Refund Setoff Act, unless the context otherwise requires, agency shall mean the Department of Revenue or the federal Internal Revenue Service, any other body in the executive branch of state government, or any political subdivision of this state.".

8. On page 90, line 2, after "and" insert "of"; in line 3 strike "the" and show as stricken; in line 7 after "portion" insert "thereof"; and in lines 21 and 22 strike the new matter and reinstate the stricken matter.

9. Insert the following new section:

"Sec. 29. (1) Any corporate officer or employee with the duty to collect, account for, or pay over any taxes imposed upon a corporation or with the authority to decide whether the corporation will pay taxes imposed upon a corporation shall be personally liable for the payment of such taxes in the event of willful failure on his or her part to have a corporation perform such act. Such taxes shall be collected in the same manner as provided under Chapter 77, article 39.

(2) Within sixty days after the day on which the notice and demand are made for the payment of such taxes, any corporate officer or employee seeking to challenge the Tax Commissioner's determination as to his or her personal liability for the corporation's unpaid taxes shall:

(a) Pay the full amount of the taxes or the specified minimum amount and post a bond for the remainder; and

(b) File a claim for refund for the amount so paid.

(3) If the requirements prescribed in subsection (2) of this section are satisfied, the Tax Commissioner shall abate collection proceedings and shall grant the corporate officer or employee an oral hearing and give him or her ten days' notice of the time and place of such hearing. The Tax Commissioner may continue the hearing from time to time as necessary.

(4) Any notice required under this section shall be served personally or by mail in the manner provided in section 77-27,135.

(5) If the Tax Commissioner determines that further delay in the collection of such taxes from the corporate officer or employee will jeopardize future collection proceedings, nothing in this section shall prevent the immediate collection of such taxes.

(6) For purposes of this section:

(a) Taxes shall mean all taxes and additions to taxes including interest and penalties imposed under the revenue laws of this state which are administered by the Tax Commissioner; and

(b) Willful failure shall mean that failure which was the result of an intentional, conscious, and voluntary action.".

10. On page 99, in lines 19 and 24, strike "29 to 33" and insert "31 to 35".

11. On page 104, line 6, strike "23, 37, and 38" and insert "24, and 40"; in line 9 strike "The remaining sections" and insert "Sections 8 to 10, 12, 25 to 28, 30 to 38, and 41"; in line 10 after the period insert "The remaining sections of this act shall become operative on their effective date."; in line 13 after "77-2773," insert "77-27,175,"; and strike beginning with "66-401" in line 15 through line 16.

12. Insert the following new sections:

"Sec. 42. That original sections 66-401, 66-418.03, 66-419, 66-420, 66-431, 66-432, and 66-637, Reissue Revised Statutes of Nebraska, 1943, 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.".

13. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 143. Indefinitely postponed.
LEGISLATIVE BILL 196. Indefinitely postponed.
LEGISLATIVE BILL 423. Indefinitely postponed.
LEGISLATIVE BILL 437. Indefinitely postponed.
LEGISLATIVE BILL 447. Indefinitely postponed.
LEGISLATIVE BILL 725. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 61 in the Journal. No objections. So ordered.

AM0096

1. On page 2, line 17, after "highways" insert "which are classified as either local or minimum maintenance rural highways under section 39-2103 and".

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. Elmer asked unanimous consent to print the following amendment to LB 215 in the Journal. No objections. So ordered.

To amend LB 215 on page 2, line 14 strike "ninety days" and add "six months" and on page 3, line 21 strike "ninety days" and add "six months".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 506A. By Lynch, 13th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 506, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 187A. By Barrett, 39th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 187, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 223. Considered.

Mr. Pappas withdrew his pending amendment, AM0116, found in the Journal on page 491.

Mr. Chizek renewed his pending amendment, AM0135, found in the Journal on page 519.

The Chizek amendment was adopted with 31 ayes, 0 nays, and 18 present and not voting.

Mr. Warner offered the following amendment:
AM0137

1. On page 5, after line 15 insert the following new subsection:

"(4) All fees earned pursuant to this section, except fees for mileage, by any constable who is a salaried employee of the State of Nebraska shall be remitted to the clerk of the county court. The clerk of the county court shall pay the same to the General Fund.".

The Warner amendment was adopted with 28 ayes, 0 nays, and 21 present and not voting.

Mr. Schmit offered the following amendment:
AM0132

1. On page 4, strike beginning with "on" in line 12 through "by" in line 13, show as stricken, and insert "due"; in line 19 strike the new matter and insert an underscored period; in line 20 strike "in all cases" and show as stricken and strike "when"; strike beginning with "no" in line 20 through "by" in line 21 and show as stricken; in line 21 strike the new matter; strike beginning with "no" in line 21 through "allowed" in line 22 and show as stricken; and in line 22 strike the underscored period.

The Schmit amendment was adopted with 26 ayes, 0 nays, and 23 present and not voting.

Mr. Pappas moved to bracket LB 223 until February 23, 1987.

Mr. Pappas withdrew his motion to bracket.

Mr. Pappas asked unanimous consent to pass over LB 223. No objections. So ordered.

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Steve Torrence - Director, Department of Personnel

Voting aye: Senators Rupp, Baack, Coordsen, Dierks, Higgins, Remmers and Smith. Voting nay: None. Absent: Senator Withem.

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Wilbert Wagner - Director, Department of Veterans Affairs

Voting aye: Senators Rupp, Baack, Coordsen, Dierks, Higgins, Remmers and Smith. Voting nay: None. Absent: Senator Withem.

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Wally Barnett - State Fire Marshall

Voting aye: Senators Rupp, Baack, Coordsen, Dierks, Higgins, Remmers and Smith. Voting nay: None. Absent: Senator Withem.

(Signed) Lee Rupp, Chairperson

Natural Resources

LEGISLATIVE BILL 379. Placed on General File.

LEGISLATIVE BILL 356. Placed on General File as amended.
Standing Committee amendment to LB 356:
AM0143

1. Strike original section 1 and insert the following new section:

"Section 1. That section 46-229.04, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-229.04. (1) At such hearing the verified report of the water commissioner or engineers of the department shall be prima facie evidence for the forfeiture and annulment of such water appropriation. If no one appears at the hearing, such water appropriation or unused part thereof shall be declared forfeited and annulled. If someone interested appears and contests the same, the department shall hear evidence, and if it appears that such water has not been put to a beneficial use, or has ceased to be used for such purpose for more than three consecutive years, the same shall be declared canceled and annulled unless the department finds that there has been sufficient cause for such nonuse.

(2) If it is determined that such water has not been put to beneficial use or has ceased to be used for such purpose for more than ten consecutive years, the water right shall be declared canceled and annulled, except that for any water appropriation or part of a water appropriation on any tract of land under separate ownership, sufficient cause for nonuse shall be deemed to exist even if the period of nonuse was for more than ten consecutive years if the landowner used the available water supply on only part of the land under the water appropriation because of an inadequate water supply.

(3) ~~Sufficient cause shall be deemed to exist if during~~ If the period of nonuse did not exceed ten consecutive years, sufficient cause shall be deemed to exist if such nonuse was a result of one or more of the following:

(a) ~~(1)~~ The land subject to the appropriation was placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal or state program;

(b) ~~(2)~~ Federal, state, or local laws, rules, or regulations temporarily prevented or restricted such use;

(c) ~~(3)~~ The available water supply was inadequate to enable the owner to use the water for a beneficial or useful purpose;

(d) ~~(4)~~ Use of the water was unnecessary

because of climatic conditions;

~~(5)~~ (e) Circumstances were such that a prudent person, following the dictates of good husbandry, would not have been expected to use the water;

~~(6)~~ (f) The works, diversions, or other facilities essential to use of the water were destroyed by a cause not within the control of the owner of the appropriation, and good faith efforts to repair or replace the works, diversions, or facilities have been and are being made;

~~(7)~~ (g) The owner of the appropriation was in active involuntary service in the armed forces of the United States or was in active voluntary service during a time of crisis; or

~~(8)~~ (h) Legal proceedings prevented or restricted use of the water.

The department may specify by rule and regulation other circumstances which shall be deemed to constitute sufficient cause.".

(Signed) Loran Schmit, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 399. Placed on General File as amended.
Standing Committee amendment to LB 399:
AM0108

1. Strike original section 1 and insert the following new section:

"Section 1. For purposes of this act, unless the context otherwise requires:

(1) Fraudulent insurance act shall mean an act committed by any person who knowingly and with intent to defraud presents, causes to be presented, or prepared with knowledge or belief that it will be presented to or by an insurer any written statement as part or in support of an application for the issuance of or the rating of an insurance policy for commercial insurance or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which he or she knows to contain materially false information concerning any fact material thereto or which he or she conceals, for the purpose of misleading, information concerning any fact material thereto; and

(2) Insurer shall mean any insurance company, health maintenance organization as defined in section 44-3208, adjuster, agent, or broker.".

(Signed) R. W. Remmers, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 225. Placed on Select File as amended.
E & R amendment to LB 225:
AM5059

1. On page 3, line 22, strike "parties" and insert "parties' ".

LEGISLATIVE BILL 187. Placed on Select File as amended.
E & R amendment to LB 187:
AM5058

1. On page 1, line 5, after the first semicolon insert "to prohibit certain acts;" and after the second semicolon insert "to change provisions relating to certain orders for payment or reimbursement as prescribed;".

LEGISLATIVE BILL 353. Placed on Select File.
LEGISLATIVE BILL 483. Placed on Select File.
LEGISLATIVE BILL 197. Placed on Select File.

LEGISLATIVE BILL 327. Placed on Select File as amended.
E & R amendment to LB 327:
AM5060

1. On page 2, strike beginning with "Nebraska" in line 20 through "Board" in line 21 and insert "board.".

(Signed) Scott Moore, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 9, 1987, at 11:53 a.m., were the following bills: 31, 32, 33, 34, 35, 36, 37, 66, 87, 110, 125, 127, 176, 69, 154, 171, 106, 109, 115, 137, 142, 291, and 610.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Withem asked unanimous consent to have his name added as co-introducer to LB 71. No objections. So ordered.

VISITORS

Visitors to the Chamber were 30 members of the Nebraska Agriculture Leadership Council.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Korshoj, the Legislature adjourned until 9:00 a.m., Tuesday, February 10, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 10, 1987

LEGISLATIVE JOURNAL

TWENTY-SECOND DAY - FEBRUARY 10, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 10, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Stanley R. Schrag, Grace Community Evangelical Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chambers, Goodrich, Lynch, Peterson, Remmers, Schmit, Warner, Mesdames Higgins, Labedz, Pirsch, Smith, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-First Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 304A. Placed on Select File.

LEGISLATIVE BILL 384A. Placed on Select File as amended.
E & R amendment to LB 384A:
AM5061
1. On page 2, line 9, after "shall" insert "not" and strike "neither".

LEGISLATIVE BILL 175. Placed on Select File as amended.
E & R amendment to LB 175:
AM5062

1. On page 4, lines 14, 19, and 22, reinstate the stricken matter; and in line 19, strike "and".

LEGISLATIVE BILL 472. Placed on Select File as amended.
E & R amendment to LB 472:
AM5063

1. On page 5, line 2, strike "the" and the first "of".

LEGISLATIVE BILL 40A. Placed on Select File.

LEGISLATIVE BILL 284A. Placed on Select File as amended.
E & R amendment to LB 284A:
AM5064

1. On page 1, line 3, before the period insert "; and to declare an emergency".

LEGISLATIVE BILL 229. Placed on Select File as amended.
E & R amendments to LB 229:
AM5065

1. On page 1, line 7, after the second semicolon insert "to provide an educational program;".
2. On page 2, line 15, after "Health" insert "and Public Health Work".
3. On page 4, line 9, strike "effective" and insert "operative"; and in line 13 strike "act" and insert "section".
4. On page 5, line 18, strike "Public" and strike "Welfare" and insert "Human Services".

Correctly Engrossed

The following bills were correctly engrossed: 60, 77, 105, 129, and 150.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 105

The following changes, required to be reported for publication in the Journal, have been made:
ER0115

1. In the Morehead amendment, AM0128, adopted February 5, 1987:

a. On page 1, line 11, the first "as" has been struck and shown as stricken; in line 20 "said" has been struck, shown as stricken, and "such" inserted;

b. On page 2, line 14, "sections 37-201 and" has been struck, shown as stricken, and "this section and section" inserted; and

c. On page 3, line 17, the matter beginning with "and" through "comma" has been struck.

2. The following new section has been inserted:

"Sec. 4. That section 37-213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-213. Unless holding a permit as in this act required, it shall be unlawful (1) for any person who is a resident of the State of Nebraska and is sixteen years of age or older or who is a nonresident of this state to engage in fur harvesting or have in possession any fur-bearing animal or raw fur, except that a person may possess a fur-bearing animal or raw fur for up to ten days after expiration of a valid permit, (2) for any person who is a resident of the State of Nebraska and is sixteen years old or older or who is a nonresident of this state to hunt for, kill, shoot at, pursue, take, or possess any kind of game birds, game animals, or crows, (3) for any person ~~of the age of~~ who is sixteen years of age or older to hunt or take or attempt to hunt or take any migratory waterfowl without first obtaining and affixing to his or her hunting permit a federal migratory bird hunting stamp. All such stamps affixed to hunting permits ~~must~~ shall be signed by the holder of the hunting permit. The term migratory waterfowl shall mean any ducks, geese, coots, or brant upon which an open season has been established by the Game and Parks Commission, or (4) for any person who is sixteen years of age or older to take, angle for, or attempt to take any kind of fish, bullfrog, snapping turtle, tiger salamander, mussel, or minnow from the waters of this state or possess the same, except that the owner or invitee of the owner of any body of water (a) located entirely upon privately owned land, (b) which is entirely privately stocked, (c) which does not connect by inflow or outflow with other water outside ~~said~~ such land, and (d) when such owner does not operate such body of water on a commercial basis for profit and any paraplegic who angles for fish in his or her privately owned body of water if he or she does not operate such body of water on a commercial basis for profit shall not be required to hold a permit before fishing from or possessing fish or

minnows taken from such waters. No ~~; PROVIDED, that no~~ fishing permit shall be required for fishing in any duly licensed commercial put-and-take fishery operating under rules and regulations ~~prescribed~~ adopted and promulgated by the Game and Parks Commission. The fee for licensing such put-and-take commercial fishery shall be fifty dollars per year, payable in advance, and no person shall operate such an establishment without first obtaining such permit from the commission. Before issuing such permit the commission shall investigate each such establishment annually and be satisfied that the same is a bona fide commercial put-and-take fishery operating within all applicable state and federal laws. It shall be unlawful for a nonresident to hunt for, kill, shoot at, pursue, take, or possess any kind of game birds or game animals, mussel, turtle, or amphibian, to angle for or take or attempt to angle for or take any kind of fish, or to harvest fur or attempt to harvest fur while in the possession of a resident permit illegally obtained. It shall also be unlawful for anyone to do or attempt to do any other thing for which a permit is herein provided without first obtaining such permit and paying the fee required. During the firearms deer season, wild animals other than deer may be hunted only with a shotgun or .22 rimfire rifle or handgun, except that this provision shall not apply to a bona fide farmer or rancher who owns, leases, or resides upon farm or ranch land, or a member of the immediate family of such farmer or rancher, while hunting on such farm or ranch land. Except as provided in sections 37-204 and 37-209, it shall be unlawful for any nonresident to trap or attempt to trap or to harvest fur or attempt to harvest fur from any wild mammal. Any violation of ~~the provisions of~~ this section shall constitute a Class II misdemeanor, and the offender shall be fined at least forty dollars.

If the offense shall be failure to hold a hunting, fishing, fur-harvesting, deer, turkey, or antelope permit as required, unless issuance of the required permit is restricted so that permits are not available, the court shall require the offender to purchase the required permit and exhibit the same to the court.".

3. On page 1, line 1, "37-201," has been inserted after "sections"; in line 2 "37-213," has been inserted after "37-212,"; in line 3 "to provide an exception to the requirement to pay a fee and obtain a permit to angle for fish;" has been inserted after the semicolon; and in line 6 "to harmonize provisions;" has been inserted after the first semicolon.

4. On page 6, line 2, "37-213," has been inserted after the first comma.

5. The remaining sections have been renumbered accordingly.

(Signed) Mary E. Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 61. E & R amendments, AM5026, found in the Journal on page 428 for the Fifteenth Day were adopted.

Mr. Dierks renewed his pending amendment, AM0096, found in the Journal on page 555.

The Dierks amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 231. E & R amendment, AM5051, found in the Journal on page 515 for the Twentieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 296. E & R amendment, AM5053, found in the Journal on page 515 for the Twentieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 216. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 135. E & R amendment, AM5054, found in the Journal on page 516 for the Twentieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 239. E & R amendments, AM5055, found in the Journal on page 516 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 385. E & R amendments, AM5056, found in the Journal on page 516 for the Twentieth Day were adopted.

Mr. Wesely offered the following amendment:
AM0144
1 1. On page 3, line 6, after the second comma

2 insert "biotinidase deficiency,".

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wesely 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 225. E & R amendment, AM5059, found in the Journal on page 560 for the Twenty-First Day was adopted.

Mr. Ashford offered the following amendment:
1. Page 2, line 11, strike "all"; strike original Sec. 2 and insert the following: "In any civil action, the district court may grant a summary jury trial upon the written notice of all parties or their oral motion in court entered upon the record. The motion for summary jury trial may contain a stipulation of the parties concerning the use or effect of the summary jury verdict."; line 25, strike "serving only on summary jury trial juries" and insert "whose names appear on the jury list and who qualify as jurors".
2. Page 3, line 5, strike "not to exceed one hour" and insert "as shall be agreed upon by the parties and the judge"; following subsection (2) add a new subsection to read: "(3) The judge need not preside during the presentation of the case, but may give the jury written or oral instructions on the applicable law following the presentation;"; renumber the remaining subsections in Sec. 3.
3. Strike lines 8 through 11 of the Standing Committee amendments, appearing on page 484 of the Journal and adopted on February 5, 1987, and insert: "Neither the fact of the holding of a summary jury trial, nor the jurors' verdict, nor the presentations by the parties shall be admissible as evidence in any subsequent trial of the action, except any documents otherwise admissible under the rules of evidence. No record shall be required of the jury selection, the presentation of the parties, or the instructions by the court of the summary jury trial."

The Ashford 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 187. E & R amendment, AM5058, found in the Journal on page 560 for the Twenty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 353. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 483. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 197. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 327. E & R amendment, AM5060, found in the Journal on page 560 for the Twenty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 140. E & R amendments, AM5057, found in the Journal on page 519 for the Twentieth Day were adopted.

Mr. Moore offered the following amendment:
AM0149

1. Insert the following new section:

"Sec. 5. That section 46-231, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-231. Each appropriation shall be determined in its priority and amount, by the time at which it shall have been made, and the amount of water which the works are constructed to carry. An appropriator shall at no time be entitled to the use of more than he or she can beneficially use for the purposes for which the appropriation may have been made, and the amount of any appropriation made by means of enlargement of the distributing works heretofore shall be determined in like manner. No allotment from the natural flow of streams for irrigation shall exceed one cubic foot per second of time for each seventy acres of land, nor three acre-feet in the aggregate during one calendar year for each acre of land for which such appropriation shall have been made; neither shall it exceed the least amount of water that experience may hereafter indicate is necessary, in the exercise of good husbandry, for the production of crops. Such ~~PROVIDED, that these~~ limitations ~~do~~ shall not apply to storage waters. When ~~, AND PROVIDED FURTHER, that where~~ storage water is being used in addition to the natural flow, the person in charge of the ditch or canal ~~that the water superintendent~~ shall, upon his or her request

and within twenty-four hours thereof, be notified in writing by the user of such storage waters of the time of withdrawal from natural streams to be distributed according to law. Where an appropriation is to irrigate an area of forty acres or less under an allotment of one-seventieth of one cubic foot or less per second continuous flow for each acre, and the amount is so small that a proper distribution and application is impossible, as much water as the applicant can use without waste may be allotted for a limited time so fixed as to give each appropriator his or her just share without violating prior rights.".

2. On page 14, strike beginning with "within" in line 4 through the period in line 5, show as stricken, and insert an underscored period.

3. On page 22, line 12, after the second comma insert "46-231,".

4. Renumber the remaining sections accordingly.

The Moore 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.

GENERAL FILE

LEGISLATIVE BILL 215. Title read. Considered.

Mr. Elmer renewed his pending amendment found in the Journal on page 555.

The Elmer 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, 22 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 392. Title read. Considered.

Standing Committee amendment, AM0146, found in the Journal on page 523 for the Twentieth Day was considered.

Mr. Haberman offered the following amendment to the Standing Committee amendment:

to amend the committee amendments by striking lines 1 & 2 and inserting "1. Insert the following new sections

Mr. Haberman withdrew his pending amendment.

Messrs. Weihing and Harris asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

NOTICE OF COMMITTEE HEARINGS

Transportation

LB 307	Tuesday, February 17, 1987	1:30 p.m.
LB 503	Tuesday, February 17, 1987	1:30 p.m.
LB 540	Tuesday, February 17, 1987	1:30 p.m.
LB 224	Monday, February 23, 1987	1:30 p.m.
LB 504	Monday, February 23, 1987	1:30 p.m.
LB 593	Monday, February 23, 1987	1:30 p.m.
LB 767	Monday, February 23, 1987	1:30 p.m.
LB 428	Tuesday, February 24, 1987	1:30 p.m.
LB 286	Tuesday, February 24, 1987	1:30 p.m.
LB 380	Monday, March 2, 1987	1:30 p.m.
LB 381	Monday, March 2, 1987	1:30 p.m.
LB 382	Monday, March 2, 1987	1:30 p.m.

(Signed) Howard Lamb, Chairperson

Nebraska Retirement Systems

LB 651	Monday, February 23, 1987	12:00 Noon
LB 655	Monday, February 23, 1987	12:00 Noon
LB 574	Wednesday, February 25, 1987	12:00 Noon
LB 192	Wednesday, February 25, 1987	12:00 Noon
LB 493	Wednesday, February 25, 1987	12:00 Noon

(Signed) Rex Haberman, Chairperson

Natural Resources

LB 124	Wednesday, February 25, 1987	1:30 p.m.
LB 579	Wednesday, February 25, 1987	1:30 p.m.
LB 594	Wednesday, February 25, 1987	1:30 p.m.
LB 613	Thursday, February 26, 1987	1:30 p.m.
LB 766	Thursday, February 26, 1987	1:30 p.m.
LB 541	Friday, February 27, 1987	1:30 p.m.
LB 692	Friday, February 27, 1987	1:30 p.m.
LB 706	Friday, February 27, 1987	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Judiciary

LB 492	Wednesday, February 18, 1987	1:30 p.m.
LB 261	Wednesday, February 18, 1987	1:30 p.m.
LB 425	Wednesday, February 18, 1987	1:30 p.m.
LB 118	Thursday, February 19, 1987	1:30 p.m.
LB 119	Thursday, February 19, 1987	1:30 p.m.
LB 120	Thursday, February 19, 1987	1:30 p.m.
LB 121	Thursday, February 19, 1987	1:30 p.m.
LB 122	Thursday, February 19, 1987	1:30 p.m.
LB 606	Thursday, February 19, 1987	1:30 p.m.
LB 569	Friday, February 20, 1987	1:30 p.m.
LB 570	Friday, February 20, 1987	1:30 p.m.
LB 571	Friday, February 20, 1987	1:30 p.m.
LB 573	Friday, February 20, 1987	1:30 p.m.
LB 635	Friday, February 20, 1987	1:30 p.m.
LB 636	Friday, February 20, 1987	1:30 p.m.
LB 638	Friday, February 20, 1987	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

Agriculture

LB 314	Tuesday, February 24, 1987	1:30 p.m.
LB 684	Tuesday, February 24, 1987	1:30 p.m.
LB 507	Tuesday, February 24, 1987	1:30 p.m.
LB 325	Tuesday, February 24, 1987	1:30 p.m.

LB 755	Tuesday, March 3, 1987	1:30 p.m.
LB 458	Tuesday, March 3, 1987	1:30 p.m.
LB 738	Tuesday, March 3, 1987	1:30 p.m.
LB 739	Tuesday, March 3, 1987	1:30 p.m.

(Signed) Rod Johnson, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 29.

LR	**Committee**
29	Natural Resources

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 413 in the Journal. No objections. So ordered.

AM0154

1. On page 5, line 25, reinstate the stricken "(1)".

2. On page 6, strike beginning with "a" in line 6 through the period in line 15 and insert "an amount equal to ninety per cent of allowable excess cost for all services and programs other than Level I services. The amount appropriated by the Legislature for Level I services shall consist of the amount of the preceding year's Level I services appropriation plus fifty per cent of the increase in the ninety per cent allowable excess cost in Level I services for the two immediately preceding years. The proportionate share for each school district for Level I services shall be based on the final expenditure report of ninety per cent of the allowable excess cost for Level I services for the immediately preceding year's special education program.".

3. On page 7, line 11, reinstate the stricken

"(2)" and after the reinstated "(2)" insert "Level I services shall refer to services provided to students who require an aggregate of not more than three hours per week of special education services and shall include all administrative, diagnostic, consultive, and vocational adjustment counselor services.".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 40 and 147.

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 508. Placed on General File as amended.
Standing Committee amendments to LB 508:
AM0174

1. On page 15, lines 2 and 10, strike "authority to" and insert "assessor shall"; in line 4 strike "shall be limited to" and insert "for"; and in lines 11 and 12 strike "shall be limited to" and insert "for".

2. On page 23, line 15, strike "ten" and insert "five".

3. On page 32, line 23, after "business" insert ", or if the property has acquired local situs elsewhere, the property shall be listed and assessed where it has acquired local situs".

4. On page 34, line 9, strike "and assessed" and show the old matter as stricken; in line 21 strike "assessed", show as stricken, and insert "listed"; and in line 23 strike "such", show as stricken, and insert "the land and".

5. On page 36, lines 1, 2, and 3, strike "assessed", show as stricken, and insert "listed"; and in line 9 strike "assessed", show as stricken, and insert "listed for assessment".

6. On page 37, line 6, strike "assessed", show as stricken, and insert "listed for assessment"; in

lines 13 and 14 strike "and assessed"; and in line 14 after "property" insert ", and the taxes thereon shall be collected by levy and sale of the owner, in the same manner as in all other cases for the collection of taxes on personal property".

7. On page 38, line 5, after "assessor" insert "or the person".

8. On page 52, line 9 before "77-1504" insert "77-1502 and" and after "77-1504" insert an underscored comma; and in lines 9 and 10 strike "to 77-1507," and show as stricken.

9. On page 53, lines 15, 16, and 18, strike "record" and insert "report"; and in line 20 after the period insert "A copy of such report shall be submitted to the Tax Commissioner.".

LEGISLATIVE BILL 730. Placed on General File as amended.
Standing Committee amendments to LB 730:
AM0171

1. On page 2, line 1, strike "26" and insert "25".

2. On page 3, line 19, strike "October 1, 1987" and insert "on or after January 1, 1988"; and in line 21 strike "ten" and insert "fifteen".

3. On page 4, line 7, and page 6, line 21, strike "October 1, 1987" and insert "on or after January 1, 1988".

4. On page 5, line 9, after "business" insert "of a first owner".

5. On page 7, line 16, strike "four per cent" and insert "an amount" and after the second "liability" insert "equal to the amount allowed a payer of the sales and use tax pursuant to subsection (1)(d) of section 77-2708".

6. On page 11, line 20, strike "25" and insert "24"; and in lines 21 and 22 strike "or 23".

7. On page 17, line 7, strike "twenty-six" and insert "twenty-seven"; in line 13 strike "Fourteen" and insert "Eighteen"; and in line 14 after "tax" insert ", less five hundred thousand dollars which shall be appropriated each year to the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases,".

8. Strike original sections 23 and 29 and

insert the following new sections:

"Sec. 28. 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 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 rule and 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 ~~four~~ three and four-tenths per cent of such face value of the tax as a commission for affixing and canceling such stamps. 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 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 impressions, warehouse and distribute such cigarettes, and collect such revenue at a cost less than the ~~four~~ three and four-tenths 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. 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.".

9. On page 21, line 5, strike "This" and insert "Sections 1 to 25 of this"; strike line 6 and insert "January 1, 1988. The remaining sections shall become operative on July 1, 1986, but if this act passes without an emergency clause, the remaining sections shall become operative on October 1, 1987."; and in line 8 strike "77-2602.03" and insert "77-2608".

10. Renumber the remaining sections accordingly.

(Signed) Vard R. Johnson, Chairperson

Natural Resources

LEGISLATIVE BILL 148. Placed on General File as amended.
Standing Committee amendment to LB 148:
AM0148

1. On page 9, line 21, strike "seven" and insert "four and one half".

LEGISLATIVE BILL 365. Placed on General File as amended.
Standing Committee amendment to LB 365:
AM0098

1. On page 4, line 12, strike "or" and show as stricken; and in line 16 strike "and", show as stricken, and insert the following new subdivisions:

"(e) Pipeline facility, including gathering lines:

(i) Regulated under the Natural Gas Pipeline Safety Act of 1979, 49 U.S.C. App. 1671;

(ii) Regulated under the Hazardous Liquid Pipeline Safety Act of 1979, 49 U.S.C. App. 2001; or

(iii) Which is an intrastate pipeline regulated under state law comparable to the laws prescribed in subdivisions (e)(i) and (e)(ii) of this subdivision;

(f) Surface impoundment, pit, pond, or lagoon;

(g) Flow through process tank;

(h) Liquid trap or associated gathering lines

directly related to oil or gas production and gathering operations; or

(i) Storm water or wastewater collection system; and".

LEGISLATIVE BILL 501. Indefinitely postponed.
LEGISLATIVE BILL 645. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 308. Placed on General File.

LEGISLATIVE BILL 178. Indefinitely postponed.
LEGISLATIVE BILL 194. Indefinitely postponed.
LEGISLATIVE BILL 336. Indefinitely postponed.

(Signed) Rex Haberman, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 62. Indefinitely postponed.
LEGISLATIVE BILL 63. Indefinitely postponed.
LEGISLATIVE BILL 96. Indefinitely postponed.
LEGISLATIVE BILL 97. Indefinitely postponed.
LEGISLATIVE BILL 98. Indefinitely postponed.

(Signed) R. W. Remmers, Chairperson

Judiciary

LEGISLATIVE BILL 254. Placed on General File.

(Signed) Jerry Chizek, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 374. Placed on Select File.

LEGISLATIVE BILL 389. Placed on Select File as amended.
E & R amendments to LB 389:
AM5066

1. On page 3, line 11, reinstate the stricken comma.

2. On page 4, line 23, strike "non-profit" and insert "nonprofit".

3. On page 5, line 18, strike the last comma and show as stricken; and in line 22 strike the comma and show as stricken.

LEGISLATIVE BILL 485. Placed on Select File.
LEGISLATIVE BILL 313. Placed on Select File.
LEGISLATIVE BILL 665. Placed on Select File.

(Signed) Scott Moore, Chairperson

GENERAL FILE

LEGISLATIVE BILL 392. The Standing Committee amendment, AM0146, was renewed.

SPEAKER BARRETT PRESIDING

Mr. Abboud 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 moved for a call of the house. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

Mr. Lynch requested a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 28:

Ashford	Haberman	Labedz	Miller	Schellpeper
Chambers	Hall	Lamb	Morehead	Schmit
Chizek	Hartnett	Landis	Nelson	Smith
Conway	Hefner	Lynch	Remmers	Wesely
Coordsen	Johnson, V.	Marsh	Rupp	Withem
Dierks	Korshoj	McFarland		

Voting in the negative, 11:

Abboud	Barrett	Hannibal	Johnson, R.	Moore
Baack	Elmer	Johnson, L.	Langford	Warner

Wehrbein

Present and not voting, 6:

Beyer Higgins Pappas Peterson Pirsch Goodrich

Excused and not voting, 4:

Harris Rogers Scofield Weihing

The Standing Committee amendment was adopted with 28 ayes, 11 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Advanced to E & R for Review with 30 ayes, 8 nays, 7 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Expedite LB 392

Mr. Warner asked unanimous consent to expedite LB 392. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 55	Wednesday, February 18, 1987	1:30 p.m.
LB 477	Wednesday, February 18, 1987	1:30 p.m.
LB 357	Wednesday, February 18, 1987	1:30 p.m.
LB 586	Wednesday, February 18, 1987	1:30 p.m.
LB 315	Thursday, February 19, 1987	1:30 p.m.
LB 479	Thursday, February 19, 1987	1:30 p.m.
LB 480	Thursday, February 19, 1987	1:30 p.m.
LB 555	Thursday, February 19, 1987	1:30 p.m.
LB 592	Thursday, February 19, 1987	1:30 p.m.
LB 539	Friday, February 20, 1987	1:30 p.m.
LB 690	Friday, February 20, 1987	1:30 p.m.

LB 476	Friday, February 20, 1987	1:30 p.m.
LB 438	Friday, February 20, 1987	1:30 p.m.

(Signed) Lee Rupp, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 189. Placed on General File as amended.
Standing Committee amendment to LB 189:
AM0165

1. Strike the original sections and insert the following new sections:

"Section 1. That section 84-908, Revised Statutes Supplement, 1986, be amended to read as follows:

84-908. No adoption, amendment, or repeal of any rule shall become effective until the same shall have been approved by the Governor and filed with the Secretary of State after a hearing has been set on such rule pursuant to section 84-907. When determining whether to approve the adoption, amendment, or repeal of any rule relating to an issue of unique interest to a specific geographic area, the Governor's considerations shall include, but not be limited to: (1) Whether adequate notice of hearing was provided in the geographic area affected by the rule. Adequate notice shall include, but not be limited to, the availability of copies of the rule at the time notice was given pursuant to section 84-907; and (2) whether reasonable and convenient opportunity for public comment was provided for the geographic area affected by the rule. If a public hearing was not held in the affected geographic area, reasons shall be provided by the agency to the Governor. Any rule properly adopted by any agency shall be filed with the Secretary of State.

Sec. 2. That original section 84-908, Revised Statutes Supplement, 1986, is repealed.".

LEGISLATIVE BILL 251. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0168.)

LEGISLATIVE BILL 354. Placed on General File as amended.

Standing Committee amendment to LB 354:
AM0166
1. On page 2, line 16, strike "six", show as stricken, and insert "twelve".

LEGISLATIVE BILL 487. Placed on General File as amended.
Standing Committee amendments to LB 487:
AM0167
1. On page 2, line 16, strike the new matter and reinstate the stricken matter; and in lines 18 to 23 strike the new matter.
2. On page 3, lines 5, 8, and 10, strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 491. Placed on General File as amended.
Standing Committee amendments to LB 491:
AM0164
1. On page 20, line 10, after "site" insert ", except that no more than three applicants for any position may be reimbursed under this subdivision".
2. On page 28, after line 7, insert "(3) Determining the grievability of issues or doing so through the designation of a board member. Issues determined to be not grievable are subject to summary dismissal;"; in line 8 strike "(3)" and insert "(4)"; in line 10 strike "(4)" and insert "(5)"; and in line 13 strike "(5)" and insert "(6)".

(Signed) Lee Rupp, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 523A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 523, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 146A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 146, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 229A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 229, Ninetieth Legislature, First Session, 1987.

GENERAL FILE

LEGISLATIVE BILL 441. Title read. Considered.

Messrs. R. Johnson and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 523. Title read. Considered.

Standing Committee amendments, AM0127, found in the Journal on page 552 for the Twenty-First Day were adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Messrs. Conway, Moore, Miller, and Baack asked unanimous consent to be excused. No objections. So ordered.

Mr. Hefner asked unanimous consent to withdraw his pending amendment, AM0095, found in the Journal on page 470.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 392. Placed on Select File as amended.
E & R amendment to LB 392:
AM5067

1. On page 1, strike beginning with the second "to" in line 1 through line 4 and insert "to appropriate funds to maintain current staffing levels

for local offices;".

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 272. Placed on General File.
LEGISLATIVE BILL 461. Placed on General File.

LEGISLATIVE BILL 341. Indefinitely postponed.
LEGISLATIVE BILL 548. Indefinitely postponed.
LEGISLATIVE BILL 660. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 101. Placed on General File as amended.
Standing Committee amendments to LB 101:
AM0140

1. On page 2, line 10, after the comma insert "oil, grease,".

2. On page 3, line 23, strike "and" and insert a comma and after "address" insert ", and signature".

3. On page 4, line 13, strike the second "and"; in line 16 strike the period and insert "; and"; and after line 16 insert the following new subdivision:

"(g) Social security or federal identification number of the debtor or debtors, if known."; in line 21 after "statement" insert ", except that if the letter of commitment is for only part of the amount in the lien-notification statement, then a copy of the partial commitment shall be sent to the person to whom the agricultural production input was furnished or is to be furnished".

4. On page 7, strike beginning with "9-414" in line 8 through the comma in line 9 and insert "2 of this act"; and strike beginning with "first" in line 13 through "limitation" in line 15 and insert "date such lien-notification statement is filed".

5. On page 8, line 18, after "filed" insert "or upon payment of the lien the supplier of an agricultural production input shall provide a release to

the person to whom the agricultural production input was furnished".

6. Insert the following new section:

"Sec. 10. The filing of a petition for relief under any bankruptcy law of the United States shall render any unperformed commitment under this act null and void.".

7. Renumber remaining sections accordingly.

(Signed) R. W. Remmers, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 730A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 730, Ninetieth Legislature, First Session, 1987.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Ashford asked unanimous consent to have his name added as co-introducer to LB 123. No objections. So ordered.

VISITORS

Visitors to the Chamber were 11 students, teacher, and sponsors from Gothenburg.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Ashford, the Legislature adjourned until 9:00 a.m., Wednesday, February 11, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 11, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 11, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Dr. Al Norden, Trinity Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz who was excused; and Messrs. Harris, V. Johnson, and Landis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Second Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 61, 135, 216, 231, 239, 296, and 385.

(Signed) Scott Moore, Chairperson

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 44	Wednesday, February 18, 1987	1:30 p.m.
LB 185	Wednesday, February 18, 1987	1:30 p.m.
LB 267	Wednesday, February 18, 1987	1:30 p.m.
LB 293	Wednesday, February 18, 1987	1:30 p.m.
LB 562	Wednesday, February 18, 1987	1:30 p.m.
LB 772	Thursday, February 19, 1987	1:30 p.m.
LB 585	Thursday, February 19, 1987	1:30 p.m.
LB 270	Thursday, February 19, 1987	1:30 p.m.
LB 323	Thursday, February 19, 1987	1:30 p.m.
LB 659	Thursday, February 19, 1987	1:30 p.m.
LB 591	Wednesday, February 25, 1987	1:30 p.m.
LB 420	Wednesday, February 25, 1987	1:30 p.m.
LB 280	Wednesday, February 25, 1987	1:30 p.m.
LB 710	Wednesday, February 25, 1987	1:30 p.m.
LB 470	Wednesday, February 25, 1987	1:30 p.m.
LB 584	Thursday, February 26, 1987	1:30 p.m.
LB 734	Thursday, February 26, 1987	1:30 p.m.
LB 45	Thursday, February 26, 1987	1:30 p.m.
LB 343	Thursday, February 26, 1987	1:30 p.m.
LB 729	Thursday, February 26, 1987	1:30 p.m.
LB 288	Wednesday, March 4, 1987	1:30 p.m.
LB 627	Wednesday, March 4, 1987	1:30 p.m.
LB 754	Wednesday, March 4, 1987	1:30 p.m.
LB 465	Wednesday, March 4, 1987	1:30 p.m.
LB 139	Thursday, March 5, 1987	1:30 p.m.
LB 247	Thursday, March 5, 1987	1:30 p.m.
LB 513	Thursday, March 5, 1987	1:30 p.m.
LB 746	Thursday, March 5, 1987	1:30 p.m.
LB 747	Thursday, March 5, 1987	1:30 p.m.
LR 4CA	Friday, March 6, 1987	1:30 p.m.
LR 5CA	Friday, March 6, 1987	1:30 p.m.
LB 633	Wednesday, March 11, 1987	1:30 p.m.
LB 634	Wednesday, March 11, 1987	1:30 p.m.
LB 701	Wednesday, March 11, 1987	1:30 p.m.
LB 600	Wednesday, March 11, 1987	1:30 p.m.

LB 457	Thursday, March 12, 1987	1:30 p.m.
LB 632	Thursday, March 12, 1987	1:30 p.m.
LR 20CA	Thursday, March 12, 1987	1:30 p.m.
LB 732	Thursday, March 12, 1987	1:30 p.m.
LB 496	Thursday, March 12, 1987	1:30 p.m.
LB 46	Thursday, March 12, 1987	1:30 p.m.
LB 209	Wednesday, March 18, 1987	1:30 p.m.
LB 210	Wednesday, March 18, 1987	1:30 p.m.
LB 583	Wednesday, March 18, 1987	1:30 p.m.
LB 631	Wednesday, March 18, 1987	1:30 p.m.
LB 714	Wednesday, March 18, 1987	1:30 p.m.
LB 86	Thursday, March 19, 1987	1:30 p.m.
LB 108	Thursday, March 19, 1987	1:30 p.m.
LB 448	Thursday, March 19, 1987	1:30 p.m.
LB 563	Thursday, March 19, 1987	1:30 p.m.

(Signed) Vard R. Johnson, Chairperson

STANDING COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 468. Placed on General File as amended.
Standing Committee amendment to LB 468:
AM0194

1. On page 11, line 25, strike "north" and insert "south".

(Signed) Patricia S. Morehead, Chairperson

Natural Resources

LEGISLATIVE BILL 565. Placed on General File.
LEGISLATIVE BILL 639. Placed on General File.
LEGISLATIVE BILL 723. Placed on General File.

LEGISLATIVE BILL 629. Placed on General File as amended.
Standing Committee amendment to LB 629:
AM0182

1. Strike the original sections and insert

the following new sections:

"Section 1. That section 37-503.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-503.05. When authorized by the Game and Parks Commission and when necessary for proper fish management, the owner of any privately owned pond may remove fish therefrom by methods other than hook and line and in any quantity. The commission shall adopt and promulgate rules and regulations which authorize the use of commercial seining vendor permittees, equipment, and methods, authorized in section 37-502, in furtherance of this section. The removal of fish in accordance with ~~such authorization~~ this section shall not be deemed a violation of section 37-517, ~~or~~ 37-525, or 37-610, except that the owner of a privately owned pond which is privately stocked and which does not connect by inflow or outflow with other water outside ~~said~~ such land, shall be exempt from any regulation or control.

Sec. 2. That section 37-610, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-610. Every device, net, and trap, and every ferret possessed, used, or attempted to be used by any person in hunting, taking, catching, killing, or destroying any game or fish contrary to law, is hereby declared to be a public nuisance, and subject to seizure and confiscation by any conservation officer, deputy conservation officer, or other person charged with the enforcement of this act. Ferrets and every trap, net, and device, the use of which is wholly prohibited, shall be destroyed upon seizure. All guns and nets while being used illegally shall be seized upon the arrest of the person so using them, but all guns, legal fish nets, or other hunting or fishing equipment, used illegally which are seized for evidence upon arrest, shall be returned by the court to the person from whom ~~said~~ such guns, legal fish nets, or other hunting or fishing equipment were seized following disposition of the case. The possession of any and all nets, except minnow nets, shall be construed as illegal possession, and shall render such nets subject to confiscation and destruction by the state, and any person or persons possessing the

same shall be guilty of a Class V misdemeanor. The provisions of this section shall not apply to the possession and legal use of seines or nets as provided in ~~section~~ sections 37-502 and 37-503.05.

Sec. 3. That original sections 37-503.05 and 37-610, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 597. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

MOTION - Withdraw LB 85

Mr. Pappas moved to withdraw LB 85.

Laid over.

MOTION - Place LB 96 on General File

Mrs. Higgins moved that LB 96 be placed on General File notwithstanding the action of the Committee.

Laid over.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 39.

A BILL FOR AN ACT relating to rules of the road; to provide restrictions on the repositioning of fifth-wheel connection devices; to provide a duty for the Revisor of Statutes; 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	Elmer	Johnson, R.	Nelson	Schmit
Ashford	Goodrich	Korshoj	Pappas	Scofield
Baack	Haberman	Lamb	Peterson	Smith
Barrett	Hall	Langford	Pirsch	Warner
Beyer	Hannibal	Marsh	Remmers	Wehrbein
Chizek	Hartnett	McFarland	Rogers	Weihing
Conway	Hefner	Miller	Rupp	Wesely
Coordsen	Higgins	Moore	Schellpeper	Withem
Dierks	Johnson, L.	Morehead		

Voting in the negative, 0.

Present and not voting, 2:

Chambers Lynch

Excused and not voting, 4:

Harris Johnson, V. Labedz Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 41.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-111, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to issuance of a new certificate of title in certain circumstances; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Dierks	Hefner	Lynch	Pirsch
Ashford	Elmer	Higgins	McFarland	Remmers
Baack	Goodrich	Johnson, L.	Miller	Rogers
Barrett	Haberman	Johnson, R.	Moore	Rupp
Beyer	Hall	Korshoj	Morehead	Schellpeper
Chizek	Hannibal	Lamb	Nelson	Schmit
Conway	Harris	Landis	Pappas	Scofield
Coordsen	Hartnett	Langford	Peterson	Smith

Warner Wehrbein Weihing Wesely Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers Marsh

Excused and not voting, 2:

Johnson, V. Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 133.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-606, Revised Statutes Supplement, 1986; to provide for certain exemptions 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, 46:

Abboud	Goodrich	Johnson, R.	Moore	Schellpeper
Ashford	Haberman	Korshoj	Morehead	Schmit
Baack	Hall	Lamb	Nelson	Scofield
Barrett	Hannibal	Landis	Pappas	Smith
Beyer	Harris	Langford	Peterson	Warner
Chizek	Hartnett	Lynch	Pirsch	Wehrbein
Conway	Hefner	Marsh	Remmers	Weihing
Coordsen	Higgins	McFarland	Rogers	Wesely
Dierks	Johnson, L.	Miller	Rupp	Withem
Elmer				

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Johnson, V. Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 149.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-561, Reissue Revised Statutes of Nebraska, 1943; to eliminate an exception relating to motor vehicle accident 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, 46:

Abboud	Goodrich	Johnson, R.	Moore	Schellpeper
Ashford	Haberman	Korshoj	Morehead	Schmit
Baack	Hall	Lamb	Nelson	Scofield
Barrett	Hannibal	Landis	Pappas	Smith
Beyer	Harris	Langford	Peterson	Warner
Chizek	Hartnett	Lynch	Pirsch	Wehrbein
Conway	Hefner	Marsh	Remmers	Weihing
Coordsen	Higgins	McFarland	Rogers	Wesely
Dierks	Johnson, L.	Miller	Rupp	Withem
Elmer				

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Johnson, V. Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 152.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-1501, 81-1511, 81-1512, 81-1516, 81-1519, 81-1520, 81-1521.02, 81-1521.05, 81-1521.06, and 81-1529, Reissue Revised Statutes of Nebraska, 1943, and section 81-1507, Revised Statutes Supplement, 1986; to change internal references to cite an act by name; to eliminate a provision relating to a program which was in effect until July 19, 1981; to eliminate a provision relating to the transfer in 1971 of records, equipment, funds, powers, and duties to the Department of Environmental Control; and to repeal the original sections, and also sections 81-1521.07 and 81-1530, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goodrich	Johnson, R.	Moore	Schellpeper
Ashford	Haberman	Korshoj	Morehead	Schmit
Baack	Hall	Lamb	Nelson	Scofield
Barrett	Hannibal	Landis	Pappas	Smith
Beyer	Harris	Langford	Peterson	Warner
Chizek	Hartnett	Lynch	Pirsch	Wehrbein
Conway	Hefner	Marsh	Remmers	Weihing
Coordsen	Higgins	McFarland	Rogers	Wesely
Dierks	Johnson, L.	Miller	Rupp	Withem
Elmer				

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Johnson, V. Labedz

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 161.

A BILL FOR AN ACT relating to the State Highway Commission; to amend sections 39-1101 to 39-1103 and 39-1108, Reissue Revised Statutes of Nebraska, 1943; to provide for an additional member on the commission; to change provisions relating to the Director-State Engineer; to provide for an additional district; to change the composition of existing districts; to change the number of members required for a quorum at the commission meetings; to harmonize provisions; to delete provisions relating to reports; and to repeal the original sections, and also section 39-1109, 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	Elmer	Johnson, L.	Moore	Schellpeper
Ashford	Goodrich	Johnson, R.	Morehead	Schmit
Baack	Haberman	Korshoj	Nelson	Scofield
Barrett	Hall	Lamb	Pappas	Smith
Beyer	Hannibal	Landis	Peterson	Warner
Chizek	Harris	Langford	Pirsch	Wehrbein
Conway	Hartnett	Marsh	Remmers	Weihing
Coordsen	Hefner	McFarland	Rogers	Wesely
Dierks	Higgins	Miller	Rupp	Withem

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Johnson, V. Labedz Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 201.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 81-217.29, 81-217.31, 81-2,162.01, 81-2,162.04, 81-2,162.22, and 89-1,101, Reissue Revised Statutes of Nebraska, 1943; to harmonize certain provisions of the Nebraska Commercial Fertilizer and Soil Conditioner Act; to change a penalty provision; to change and eliminate provisions relating to donated food; to eliminate a penalty; and to repeal the original sections, and also sections 81-217.30 and 81-217.32, 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	Elmer	Johnson, R.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Morehead	Schmit
Baack	Haberman	Lamb	Nelson	Scofield
Barrett	Hall	Landis	Pappas	Smith
Beyer	Hannibal	Langford	Peterson	Warner
Chambers	Harris	Lynch	Pirsch	Wehrbein
Chizek	Hartnett	Marsh	Remmers	Weihing
Conway	Hefner	McFarland	Rogers	Wesely
Coordsen	Higgins	Miller	Rupp	Withem
Dierks	Johnson, L.			

Voting in the negative, 0.

Excused and not voting, 2:

Johnson, V. Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 275.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-652, Revised Statutes Supplement, 1986; to

provide for the reinstatement of an employer's experience account 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, 47:

Abboud	Elmer	Johnson, R.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Morehead	Schmit
Baack	Haberman	Lamb	Nelson	Scofield
Barrett	Hall	Landis	Pappas	Smith
Beyer	Hannibal	Langford	Peterson	Warner
Chambers	Harris	Lynch	Pirsch	Wehrbein
Chizek	Hartnett	Marsh	Remmers	Weihing
Conway	Hefner	McFarland	Rogers	Wesely
Coordsen	Higgins	Miller	Rupp	Withem
Dierks	Johnson, L.			

Voting in the negative, 0.

Excused and not voting, 2:

Johnson, V. Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 276. With Emergency.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Revised Statutes Supplement, 1986; to change provisions relating to disqualification for benefits; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Baack	Beyer	Chizek	Coordsen
Ashford	Barrett	Chambers	Conway	Dierks

Elmer	Higgins	Marsh	Peterson	Scofield
Goodrich	Johnson, L.	McFarland	Pirsch	Smith
Haberman	Johnson, R.	Miller	Remmers	Warner
Hall	Korshoj	Moore	Rogers	Wehrbein
Hannibal	Lamb	Morehead	Rupp	Weihing
Harris	Landis	Nelson	Schellpeper	Wesely
Hartnett	Langford	Pappas	Schmit	Withem
Hefner	Lynch			

Voting in the negative, 0.

Excused and not voting, 2:

Johnson, V. 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.

LEGISLATIVE BILL 277.

A BILL FOR AN ACT relating to the Employment Security Law; to eliminate a provision relating to immunity of certain witnesses; and to repeal section 48-615, 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	Elmer	Johnson, R.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Morehead	Schmit
Baack	Haberman	Lamb	Nelson	Scofield
Barrett	Hall	Landis	Pappas	Smith
Beyer	Hannibal	Langford	Peterson	Warner
Chambers	Harris	Lynch	Pirsch	Wehrbein
Chizek	Hartnett	Marsh	Remmers	Weihing
Conway	Hefner	McFarland	Rogers	Wesely
Coordsen	Higgins	Miller	Rupp	Withem
Dierks	Johnson, L.			

Voting in the negative, 0.

Excused and not voting, 2:

Johnson, V. Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 278. With Emergency.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-606, Revised Statutes Supplement, 1986; to provide for a schedule of fees for services as prescribed; to provide for the disposition of fees; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Elmer	Johnson, R.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Morehead	Schmit
Baack	Haberman	Lamb	Nelson	Scofield
Barrett	Hall	Landis	Pappas	Smith
Beyer	Hannibal	Langford	Peterson	Warner
Chambers	Harris	Lynch	Pirsch	Wehrbein
Chizek	Hartnett	Marsh	Remmers	Weihing
Conway	Hefner	McFarland	Rogers	Wesely
Coordsen	Higgins	Miller	Rupp	Withem
Dierks	Johnson, L.			

Voting in the negative, 0.

Excused and not voting, 2:

Johnson, V. 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.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 39, 41, 133, 149, 152, 161, 201, 275, 276, 277, and 278.

SELECT FILE

LEGISLATIVE BILL 392. E & R amendment, AM5067, found in the Journal on page 582 for the Twenty-Second Day was adopted.

PRESIDENT NICHOL PRESIDING

Mr. Elmer asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

VISITOR

The Chair appointed Messrs. Weihing, Miller, Lynch, Mrs. Nelson, and Ms. Scofield to serve on a committee to escort Rev. Jesse Jackson to the rostrum where he spoke to the members of the Legislature.

SELECT FILE

LEGISLATIVE BILL 392. Mr. Moore offered the following amendment:

to amend the committee amendment by striking lines 1 & 2 and inserting

"1. Insert the following new sections

SPEAKER BARRETT PRESIDING

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Mr. Moore moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Moore requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Baack	Chizek	Coordsen	Elmer	Hall
Chambers	Conway	Dierks	Haberman	Hartnett

Korshoj	Lynch	Moore	Schellpeper	Weihing
Lamb	Miller	Rogers	Schmit	Withem

Voting in the negative, 20:

Abboud	Hannibal	Langford	Nelson	Rupp
Ashford	Hefner	Marsh	Pappas	Scofield
Barrett	Johnson, L.	McFarland	Pirsch	Smith
Beyer	Landis	Morehead	Remmers	Warner

Present and not voting, 5:

Harris	Higgins	Johnson, R.	Peterson	Wesely

Absent and not voting, 2:

Goodrich Johnson, V.

Excused and not voting, 2:

Labedz Wehrbein

The Moore amendment lost with 20 ayes, 20 nays, 5 present and not voting, 2 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Moore 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. Miller moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Miller requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 29:

Ashford	Elmer	Higgins	Marsh	Rupp
Chambers	Haberman	Johnson, V.	McFarland	Schellpeper
Chizek	Hall	Korshoj	Miller	Schmit
Conway	Harris	Lamb	Morehead	Wesely
Coordsen	Hartnett	Landis	Nelson	Withem
Dierks	Hefner	Lynch	Rogers	

Voting in the negative, 16:

Abboud	Hannibal	Langford	Peterson	Smith
Baack	Johnson, L.	Moore	Remmers	Warner
Barrett	Johnson, R.	Pappas	Scofield	Weihing
Beyer				

Present and not voting, 1:

Pirsch

Absent and not voting, 1:

Goodrich

Excused and not voting, 2:

Labedz Wehrbein

Advanced to E & R for Engrossment with 29 ayes, 16 nays, 1 present and not voting, 1 absent and not voting, and 2 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.

LEGISLATIVE BILL 304A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 175. E & R amendment, AM5062, found in the Journal on page 563 for the Twenty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 472. E & R amendment, AM5063, found in the Journal on page 563 for the Twenty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 40A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 284A. E & R amendment, AM5064, found in the Journal on page 563 for the Twenty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 374. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 313. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 665. Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 306. Placed on General File as amended.
Standing Committee amendments to LB 306:
AM0190

1. On page 2, line 9, reinstate the stricken "ten", strike "fifteen", and after "duration" insert "or fifteen years duration when made by licensees under sections 45-115 to 45-155".

2. On page 3, line 4, strike "and on" and insert "but"; in line 5 strike "in", show as stricken, and insert "shall be restricted to"; and strike beginning with "Other" in line 8 through the period in line 10.

(Signed) R. W. Remmers, Chairperson

Transportation

LEGISLATIVE BILL 300. Placed on General File.
LEGISLATIVE BILL 305. Placed on General File.
LEGISLATIVE BILL 411. Placed on General File.

(Signed) Howard Lamb, Chairperson

Business and Labor

LEGISLATIVE BILL 290. Placed on General File as amended.
Standing Committee amendment to LB 290:
AM0189

1. On page 3, line 21, strike "years beginning" and insert "year" and strike "seven" and insert "six"; and in line 22 after "payroll" insert "and for calendar years beginning 1989 shall not be greater

than seven and four-tenths per cent of his or her annual payroll".

LEGISLATIVE BILL 469. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0188.)

LEGISLATIVE BILL 274. Indefinitely postponed.
LEGISLATIVE BILL 720. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

Judiciary

LEGISLATIVE BILL 71. Placed on General File as amended.
Standing Committee amendments to LB 71:
AM0178

1. On page 4, line 8, after "arbitrators" insert ", except that the court shall always appoint an odd number of arbitrators"; in line 10 after the period insert "Upon appointment an arbitrator shall disclose his or her hourly or daily rate for arbitration services."; and in line 19 strike "five" and insert "ten".

2. On page 5, line 22, after "witnesses" insert ", for the taking of depositions,".

3. On page 6, line 21, after "party" insert "but not more than thirty days after the hearing".

4. On page 7, line 22, strike "Upon" and insert "Within sixty days of the".

5. On page 11, line 21, before "The" insert "(a)", strike "means" and insert "shall mean", and after "any" insert "district"; and in line 22 strike "competent jurisdiction".

6. On page 12, after line 2, insert the following new subsection:

"(b) Nothing in this act shall be construed to empower the Commission of Industrial Relations to order that any party under its jurisdiction submit to, or contract to submit to, arbitration.".

LEGISLATIVE BILL 554. Placed on General File as amended.
Standing Committee amendment to LB 554:
AM0179

1. On page 2, line 12, after "state" insert "and is otherwise compensated by the state or political subdivision for his or her attendance or mileage".

LEGISLATIVE BILL 572. Placed on General File as amended.
Standing Committee amendment to LB 572:
AM0180

1. On page 4, line 18, after the comma insert "each Indian tribal court located in the State of Nebraska,".

(Signed) Jerry Chizek, Chairperson

NOTICE OF COMMITTEE HEARINGS
Transportation

LB 180	Tuesday, March 3, 1987	1:30 p.m.
LB 430	Tuesday, March 3, 1987	1:30 p.m.
LB 654	Tuesday, March 3, 1987	1:30 p.m.
LB 614	Monday, March 9, 1987	1:30 p.m.
LB 608	Monday, March 9, 1987	1:30 p.m.
LB 429	Monday, March 9, 1987	1:30 p.m.
LB 153	Tuesday, March 10, 1987	1:30 p.m.
LB 193	Tuesday, March 10, 1987	1:30 p.m.
LB 339	Tuesday, March 10, 1987	1:30 p.m.
LB 611	Tuesday, March 10, 1987	1:30 p.m.

(Signed) Howard Lamb, Chairperson

STANDING COMMITTEE REPORT
Transportation

The Committee on Transportation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Ray Hogrefe - Director/State Engineer, Department of Roads

Voting aye: Senators Lamb, Beyer, Ashford, Pirsch, Rogers, Rupp, Schellpeper, and Wesely.

(Signed) Howard Lamb, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 215. Placed on Select File as amended.
E & R amendments to LB 215:
AM5068

1. In lieu of the Elmer amendment found on page 555 of the Journal adopted February 10, 1987, on page 2, line 14; and page 3, line 21, strike "ninety days", show as stricken, and insert "six months".
2. On page 3, line 11, strike the underscored comma and reinstate the stricken comma; and in line 16 strike the comma and show as stricken.

LEGISLATIVE BILL 441. Placed on Select File.

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 473. Placed on General File as amended.
Standing Committee amendments to LB 473:
AM0155

1. On page 3, line 14, strike the new matter and reinstate the stricken matter.
2. Strike original sections 52 and 54.
3. On page 78, line 3, strike "71-6104,"; in line 4 strike "71-6112,"; and in line 6 strike "71-124.01,".
4. Renumber the remaining sections accordingly.

Education

LEGISLATIVE BILL 199. Placed on General File.
LEGISLATIVE BILL 212. Placed on General File.
LEGISLATIVE BILL 285. Placed on General File.

LEGISLATIVE BILL 99. Indefinitely postponed.
LEGISLATIVE BILL 331. Indefinitely postponed.

LEGISLATIVE BILL 431. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 187, 197, 225, 327, 353, and 483.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 225

The following changes, required to be reported for publication in the Journal, have been made:
ER0117

1. In the Ashford amendment adopted February 10, 1987, found on page 567 of the Journal:

a. In amendment 1, line 2, paragraphing has been inserted before the quotation marks and "Sec. 2." has been inserted after the quotation marks;

b. In amendment 2, line 3, paragraphing has been inserted before the quotation marks; and in line 4, the comma has been struck; and

c. In amendment 3, line 4, the commas have been struck; and in line 5 the comma has been struck.

2. On page 2, lines 6 and 10, "such" has been inserted before "sections" and "1 to 4 of this act" has been struck.

3. On page 3, line 3, "parties" has been struck and "party's" inserted.

Enrollment and Review Change to LB 483

The following changes, required to be reported for publication in the Journal, have been made:
ER0118

1. On page 1, line 3, "to eliminate a provision relating to a hearing requirement;" has been inserted after the semicolon.

(Signed) Mary E. Sommermeyer
E & R Attorney

MOTION - Approve Appointments

Mr. Rupp moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointment found in the Journal on page 505: Colonel Harold LeGrande - Superintendent, Nebraska State Patrol.

Voting in the affirmative, 38:

Abboud	Dierks	Johnson, L.	Nelson	Schellpeper
Ashford	Elmer	Korshoj	Pappas	Schmit
Baack	Goodrich	Lamb	Peterson	Scofield
Barrett	Hall	Landis	Pirsch	Smith
Beyer	Hannibal	Langford	Remmers	Warner
Chambers	Harris	Marsh	Rogers	Weihing
Chizek	Hefner	Miller	Rupp	Wesely
Conway	Higgins	Morehead		

Voting in the negative, 0.

Present and not voting, 8:

Coordsen	Johnson, R.	Lynch	Moore	Withem
Hartnett	Johnson, V.	McFarland		

Excused and not voting, 3:

Haberman	Labedz	Wehrbein

This appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Mr. Rupp moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointments found in the Journal on page 557: Steve Torrence - Director, Department of Personnel; Wilbert Wagner - Director, Department of Veterans Affairs; Wally Barnett, State Fire Marshall.

Voting in the affirmative, 33:

Abboud	Beyer	Dierks	Harris	Korshoj
Ashford	Chambers	Elmer	Hefner	Lamb
Baack	Chizek	Hall	Higgins	Landis
Barrett	Conway	Hannibal	Johnson, L.	Langford

Marsh	Pappas	Rogers	Schmit	Smith
Miller	Pirsch	Rupp	Scofield	Weihing
Nelson	Remmers	Schellpeper		

Voting in the negative, 0.

Present and not voting, 13:

Coordsen	Johnson, R.	McFarland	Peterson	Wesely
Goodrich	Johnson, V.	Moore	Warner	Withem
Hartnett	Lynch	Morehead		

Excused and not voting, 3:

Haberman	Labedz	Wehrbein

These appointments were confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

MOTION - Withdraw LB 484

Mrs. Langford renewed her pending motion found in the Journal on page 527 to withdraw LB 484.

The motion to withdraw prevailed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

MOTION - Place LB 100 on General File

Mr. Rogers renewed his pending motion found in the Journal on page 517 to place LB 100 on General File notwithstanding the action of the Committee.

Messrs. Peterson, Harris, R. Johnson, Baack, Mrs. Marsh, and Ms. Scofield asked unanimous consent to be excused. No objections. So ordered.

The Rogers motion lost with 13 ayes, 12 nays, 15 present and not voting, and 9 excused and not voting.

MOTION - Rerefer LB 698

Mrs. Pirsch moved pursuant to Rule 6, Section 2(a), to rereference LB 698 from the Appropriations Committee to the Government, Military and Veterans Affairs Committee.

The Pirsch motion prevailed with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Pirsch asked unanimous consent to have her name added as co-introducer to LB 90. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 123. No objections. So ordered.

Mr. Coordsen asked unanimous consent to have his name added as co-introducer to LB 116. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 11, 1987, at 10:45 a.m., were the following bills: 39, 41, 133, 149, 152, 161, 201, 275, 276, 277, and 278.

(Signed) Pam Moravec, Enrolling Clerk

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 698	Wednesday, February 18, 1987	1:30 p.m.

(Signed) Lee Rupp, Chairperson

General Affairs

LB 511	Monday, February 23, 1987	1:30 p.m.
LB 395	Monday, February 23, 1987	1:30 p.m.
LB 219	Monday, February 23, 1987	1:30 p.m.
LB 771	Monday, February 23, 1987	1:30 p.m.

(Signed) Patricia S. Morehead, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 329. Placed on General File.

LEGISLATIVE BILL 359. Placed on General File as amended.
Standing Committee amendment to LB 359:
AM0153

1. Strike the original sections and insert the following new sections:

"Section 1. That section 25-2505, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-2505. Any agency acquiring property on a willing buyer-willing seller basis~~,~~ or by gift, ~~or~~ devise, or any other form of voluntary transfer~~,~~ shall not be required to give the notice set forth in section 25-2503 if such agency has no planned project involving acquisition of the specific property, or any part thereof, through the use of eminent domain or the agency has no authority to use eminent domain for acquisition of property, but such agency shall hold a public hearing at least thirty days prior to consummation of the transaction whereby such property is acquired which public hearing and public notice of the same shall comply, where applicable, with section 25-2504. A school district may conduct any hearing required by this section as a part of the agenda at a regular or special meeting of its school board or board of education at the board's usual meeting place or at such other location within the school district as the board may designate.

Sec. 2. That original section 25-2505, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(Signed) Ron Withem, Chairperson

VISITORS

Visitors to the Chamber were Wayne LeGrande from North Bend, and LaVerne LeGrande from Cedar Bluffs; and Mayor Bernie Simon from Omaha.

ADJOURNMENT

At 12:13 p.m., on a motion by Mrs. Langford, the Legislature adjourned until 9:00 a.m., Thursday, February 12, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 12, 1987

LEGISLATIVE JOURNAL

TWENTY-FOURTH DAY - FEBRUARY 12, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 12, 1987

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRESENTATION

The Colors were presented by Boy Scout Troop #411, in honor of National Boy Scouts of America, and sponsored by the Nebraska Army National Guard.

ROLL CALL

The roll was called and all members were present except Mr. Schmit who was excused; and Messrs. Abboud, Chambers, V. Johnson, Landis, Wesely, Mrs. Pirsch, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Third Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 40A, 140, 175, 284A, 304A, 313, 374, 392, 472, and 665.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 140

The following changes, required to be reported for publication in the Journal, have been made:
ER0116

1. In the Moore amendment, AM0149, adopted February 10, 1987:

a. On page 1, lines 6, 7, and 17; and page 2, line 13, the comma has been struck and shown as stricken; and

b. On page 2, line 10, "Where" has been struck, shown as stricken, and "When" inserted.

2. On page 1, line 2, "46-231," has been inserted after the third comma; and in line 5 "section" has been struck and "sections" inserted.

3. On page 8, line 24; and page 21, lines 24 and 25, each occurrence of "is" has been struck, show as stricken, and "are" inserted.

4. On page 10, line 8, the comma has been struck and shown as stricken.

(Signed) Mary E. Sommermeyer
E & R Attorney

MOTION - Place LB 97 on General File

Mrs. Higgins moved that LB 97 be placed on General File notwithstanding the action of the Committee.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Education

LB 70	Monday, February 23, 1987	(cancelled)
LB 281	Monday, February 23, 1987	(cancelled)
LB 283	Monday, February 23, 1987	(cancelled)
LB 414	Monday, February 23, 1987	(cancelled)
LB 434	Monday, February 23, 1987	(cancelled)
LB 647	Monday, February 23, 1987	(cancelled)

LB 234	Tuesday, February 24, 1987	(cancelled)
LB 310	Tuesday, February 24, 1987	(cancelled)
LB 616	Tuesday, February 24, 1987	(cancelled)
LB 529	Tuesday, February 24, 1987	(cancelled)
LB 482	Tuesday, February 24, 1987	(cancelled)
LB 235	Tuesday, February 24, 1987	(cancelled)
LB 234	Monday, February 23, 1987	1:30 p.m.
LB 310	Monday, February 23, 1987	1:30 p.m.
LB 616	Monday, February 23, 1987	1:30 p.m.
LB 482	Monday, February 23, 1987	1:30 p.m.
LB 529	Monday, February 23, 1987	1:30 p.m.
LB 235	Monday, February 23, 1987	1:30 p.m.
LB 281	Tuesday, February 24, 1987	1:30 p.m.
LB 283	Tuesday, February 24, 1987	1:30 p.m.
LB 414	Tuesday, February 24, 1987	1:30 p.m.
LB 434	Tuesday, February 24, 1987	1:30 p.m.
LB 647	Tuesday, February 24, 1987	1:30 p.m.
LB 765	Tuesday, February 24, 1987	1:30 p.m.
LB 70	Tuesday, March 3, 1987	1:30 p.m.

(Signed) Ron Withem, Chairperson

Appropriations

LR 22CA	Friday, February 20, 1987	1:30 p.m.
LB 391	Friday, February 20, 1987	1:30 p.m.

Monday, February 23, 1987, Rm. 1003 1:30 p.m.
Agency 32 - Educational Lands & Funds
Agency 40 - Motor Vehicle Dealers Licensing Board
Agency 45 - Board of Barber Examiners
Agency 63 - Board of Public Accountancy
Agency 62 - Board of Examiners Land Surveyors
Agency 73 - Board of Landscape Architects
Agency 58 - Board of Engineers and Architects

Tuesday, February 24, 1987, Rm. 1003 1:30 p.m.
Agency 81 - Nebraska Energy Office
Agency 52 - State Board of Agriculture

Agency 36 - Nebraska Racing Commission
Agency 57 - Nebraska Oil & Gas Commission
Agency 60 - Nebraska Gasohol Committee
Agency 74 - Power Review Board

Wednesday, February 25, 1987, Rm. 1003 1:30 p.m.
Agency 43 - State Athletic Commissioner
Agency 66 - Board of Examiners Abstracters
Agency 21 - State Fire Marshal
Agency 30 - State Electrical Board

Wednesday, February 25, 1987, Rm. 1003 3:00 p.m.
LB 763 - Agency deficit appropriations

Thursday, February 26, 1987, Rm. 1003 1:30 p.m.
Agency 09 - Secretary of State
Agency 10 - State Auditor
Agency 12 - State Treasurer
Agency 75 - Nebraska Investment Council

Friday, February 27, 1987, Rm. 1003 1:30 p.m.
Agency 33 - Game & Parks Commission
Agency 42 - Nebraska Beef Board
Agency 56 - Nebraska Wheat Board
Agency 39 - Nebraska Brand Committee
Agency 88 - Nebraska Corn Board

Monday, March 2, 1987, Rm. 1003 1:30 p.m.
Agency 82 - Commission on Hearing Impaired
Agency 18 - Department of Agriculture
Agency 29 - Department of Water Resources
Agency 55 - Natural Resources Commission
Agency 84 - Department of Environmental Control

Tuesday, March 3, 1987, Rm. 1003 1:30 p.m.
Agency 05 - Supreme Court
Agency 11 - Attorney General
Agency 15 - Board of Pardons and Parole
Agency 46 - Department of Correctional Services
Agency 64 - Nebraska State Patrol
Agency 78 - Comm. on Law Enforcement and Criminal Justice

Wednesday, March 4, 1987, Room to be announced 1:30 p.m.
Agency 48 - Postsecondary Education Coord. Comm.

Agency 51 - University of Nebraska

Thursday, March 5, 1987, Room to be announced 1:30 p.m.
Agency 49 - Board of Trustees -- State Colleges
Agency 50 - Nebraska State Colleges
Agency 83 - Technical Community Colleges

Friday, March 6, 1987, Rm. 1003 1:30 p.m.
Agency 38 - Commission on Status of Women
Agency 68 - Mexican-American Commission
Agency 72 - Nebraska Indian Commission
Agency 72 - Department of Economic Development
Agency 31 - Military Department

Monday, March 9, 1987, Rm. 1003 1:30 p.m.
Agency 54 - Nebraska State Historical Society
Agency 34 - Nebraska Library Commission
Agency 13 - Department of Education

Tuesday, March 10, 1987, Rm. 1003 1:30 p.m.
Agency 23 - Department of Labor
Agency 35 - Liquor Control Commission
Agency 19 - Department of Banking
Agency 22 - Department of Insurance
Agency 41 - Real Estate Commission
Agency 16 - Department of Revenue

Wednesday, March 11, 1987, Rm. 1003 1:30 p.m.
Agency 37 - Worker's Compensation Court
Agency 77 - Commission on Industrial Relations
Agency 80 - Department of Personnel
Agency 85 - Employees Retirement Board
Agency 89 - State Claims Board

Wednesday, March 11, 1987, Room to be announced 7:00 p.m.
State Employee Salary Hearing

Thursday, March 12, 1987, Rm. 1003 1:30 p.m.
Agency 14 - Public Service Commission
Agency 24 - Department of Motor Vehicles
Agency 17 - Department of Aeronautics
Agency 27 - Department of Roads
Agency 90 - Branch Rail Revitalization Council

Tuesday, March 17, 1987, Room to be announced 1:30 p.m.
Agency 70 - Foster Care Review Board
Agency 26 - Department of Social Services

Wednesday, March 18, 1987, Room to be announced 1:30 p.m.
Agency 28 - Department of Veterans Affairs
Agency 25 - Department of Public Institutions

Thursday, March 19, 1987, Rm. 1003 1:30 p.m.
Agency 47 - Educational Telecommunications Comm.
Agency 69 - Nebraska Arts Council
Agency 71 - Department on Aging
Agency 20 - Department of Health
Agency 67 - Equal Opportunity Commission

Friday, March 20, 1987, Rm. 1003 1:30 p.m.
Agency 03 - Legislative Council
Agency 04 - Policy Research Office
Agency 07 - Governor
Agency 08 - Lt. Governor
Agency 65 - Department of Administrative Services

(Signed) Jerome Warner, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 59.

A BILL FOR AN ACT relating to the Public Employees Retirement Board; to amend section 84-1501, Reissue Revised Statutes of Nebraska, 1943; to change the number of members; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Ashford	Beyer	Coordsen	Goodrich	Hannibal
Baack	Chizek	Dierks	Haberman	Harris
Barrett	Conway	Elmer	Hall	Hartnett

Hefner	Labedz	Marsh	Nelson	Rupp
Higgins	Lamb	McFarland	Pappas	Schellpeper
Johnson, L.	Landis	Miller	Peterson	Smith
Johnson, R.	Langford	Moore	Remmers	Weihing
Korshoj	Lynch	Morehead	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 8:

Abboud	Johnson, V.	Schmit	Wehrbein	Wesely
Chambers	Pirsch	Scofield		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 93.

A BILL FOR AN ACT relating to mailing requirements; to amend sections 17-149.01, 21-2035, 21-2046, 24-597, 25-840.01, 25-1591, 30-2427, 46-576, 46-654, 68-630, 72-312, 77-1736.11, 77-1832, 77-3311, 81-517, and 81-8,285, Reissue Revised Statutes of Nebraska, 1943, sections 8-1111, 12-802, 12-1116, 43-1505, 44-10,106, 46-1236, and 48-133, Revised Statutes Supplement, 1986, and section 6-108, Uniform Commercial Code; to authorize certain mailings to be made by certified mail; 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:

Ashford	Coordsen	Harris	Korshoj	McFarland
Baack	Dierks	Hartnett	Labedz	Miller
Barrett	Elmer	Hefner	Lamb	Moore
Beyer	Goodrich	Higgins	Landis	Morehead
Chambers	Haberman	Johnson, L.	Langford	Nelson
Chizek	Hall	Johnson, R.	Lynch	Peterson
Conway	Hannibal	Johnson, V.	Marsh	Pirsch

Remmers	Rupp	Scofield	Weihing	Withem
Rogers	Schellpeper	Smith	Wesely	

Voting in the negative, 0.

Present and not voting, 2:

Pappas Warner

Excused and not voting, 3:

Abboud Schmit Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 136. With Emergency.

A BILL FOR AN ACT relating to real property; to amend section 76-238.01, Reissue Revised Statutes of Nebraska, 1943; to provide for the applicability of certain provisions to future advances 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:

Ashford	Goodrich	Johnson, R.	McFarland	Rogers
Baack	Haberman	Johnson, V.	Miller	Rupp
Barrett	Hall	Korshoj	Moore	Schellpeper
Beyer	Hannibal	Labedz	Morehead	Scofield
Chambers	Harris	Lamb	Nelson	Smith
Chizek	Hartnett	Landis	Pappas	Warner
Conway	Hefner	Langford	Peterson	Weihing
Coordsen	Higgins	Lynch	Pirsch	Wesely
Dierks	Johnson, L.	Marsh	Remmers	Withem
Elmer				

Voting in the negative, 0.

Excused and not voting, 3:

Abboud Schmit Wehrbein

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Messrs. Rogers and Warner asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 167.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-547, Reissue Revised Statutes of Nebraska, 1943; to provide for a referee to hear protests prior to the levy of special assessments by the city council; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Ashford	Elmer	Johnson, L.	Marsh	Remmers
Baack	Goodrich	Johnson, R.	McFarland	Rupp
Barrett	Haberman	Johnson, V.	Miller	Schellpeper
Beyer	Hall	Korshoj	Moore	Scofield
Chambers	Hannibal	Labedz	Morehead	Smith
Chizek	Harris	Lamb	Nelson	Weihing
Conway	Hartnett	Landis	Pappas	Wesely
Coordsen	Hefner	Langford	Peterson	Withem
Dierks	Higgins	Lynch	Pirsch	

Voting in the negative, 0.

Excused and not voting, 5:

Abboud	Rogers	Schmit	Warner	Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 177.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend section 14-1103.03, Reissue Revised Statutes of Nebraska, 1943; to provide powers relating to natural gas pipelines; 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:

Ashford	Elmer	Johnson, L.	Marsh	Remmers
Baack	Goodrich	Johnson, R.	McFarland	Rupp
Barrett	Haberman	Johnson, V.	Miller	Schellpeper
Beyer	Hall	Korshoj	Moore	Scofield
Chambers	Hannibal	Labedz	Morehead	Smith
Chizek	Harris	Lamb	Nelson	Weihing
Conway	Hartnett	Landis	Pappas	Wesely
Coordsen	Hefner	Langford	Peterson	Withem
Dierks	Higgins	Lynch	Pirsch	

Voting in the negative, 0.

Excused and not voting, 5:

Abboud	Rogers	Schmit	Warner	Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 206. With Emergency.

A BILL FOR AN ACT relating to controlled shooting areas; to amend sections 37-901, 37-903, and 37-907, Reissue Revised Statutes of Nebraska, 1943; to change the size of controlled shooting areas as prescribed; to change controlled shooting area license fees and the expiration date for such licenses as prescribed; to change a date for a closed hunting season as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Ashford	Goodrich	Johnson, R.	McFarland	Remmers
Baack	Haberman	Johnson, V.	Miller	Rupp
Barrett	Hall	Korshoj	Moore	Schellpeper
Beyer	Hannibal	Labedz	Morehead	Scofield
Chizek	Harris	Lamb	Nelson	Smith
Conway	Hartnett	Landis	Pappas	Weihing
Coordsen	Hefner	Langford	Peterson	Wesely
Dierks	Higgins	Lynch	Pirsch	Withem
Elmer	Johnson, L.	Marsh		

Voting in the negative, 1:

Chambers

Excused and not voting, 5:

Abboud	Rogers	Schmit	Warner	Wehrbein

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 317. With Emergency.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-1106, Reissue Revised Statutes of Nebraska, 1943; to provide for variances for zoning regulations 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:

Ashford	Conway	Hall	Johnson, L.	Landis
Baack	Coordsen	Hannibal	Johnson, R.	Langford
Barrett	Dierks	Harris	Johnson, V.	Lynch
Beyer	Elmer	Hartnett	Korshoj	Marsh
Chambers	Goodrich	Hefner	Labedz	McFarland
Chizek	Haberman	Higgins	Lamb	Miller

Moore	Pappas	Remmers	Scofield	Wesely
Morehead	Peterson	Rupp	Smith	Withem
Nelson	Pirsch	Schellpeper	Weihing	

Voting in the negative, 0.

Excused and not voting, 5:

Abboud	Rogers	Schmit	Warner	Wehrbein

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 471.

A BILL FOR AN ACT relating to the metropolitan transit authority; to amend sections 14-1805 and 14-1821, Revised Statutes Supplement, 1986; to change tax levy provisions 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:

Ashford	Elmer	Johnson, L.	Marsh	Remmers
Baack	Goodrich	Johnson, R.	McFarland	Rupp
Barrett	Haberman	Johnson, V.	Miller	Schellpeper
Beyer	Hall	Korshoj	Moore	Scofield
Chambers	Hannibal	Labedz	Morehead	Smith
Chizek	Harris	Lamb	Nelson	Weihing
Conway	Hartnett	Landis	Pappas	Wesely
Coordsen	Hefner	Langford	Peterson	Withem
Dierks	Higgins	Lynch	Pirsch	

Voting in the negative, 0.

Excused and not voting, 5:

Abboud	Rogers	Schmit	Warner	Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 213	Monday, February 23, 1987	1:30 p.m.
LB 497	Monday, February 23, 1987	1:30 p.m.
LB 575	Monday, February 23, 1987	1:30 p.m.
LB 650	Monday, February 23, 1987	1:30 p.m.
LB 241	Monday, February 23, 1987	1:30 p.m.
LB 530	Monday, February 23, 1987	1:30 p.m.
LB 559	Monday, February 23, 1987	1:30 p.m.
LB 735	Tuesday, February 24, 1987	1:30 p.m.
LB 753	Tuesday, February 24, 1987	1:30 p.m.
LB 337	Tuesday, February 24, 1987	1:30 p.m.
LB 510	Tuesday, February 24, 1987	1:30 p.m.
LB 640	Tuesday, February 24, 1987	1:30 p.m.
LB 664	Tuesday, February 24, 1987	1:30 p.m.
LB 707	Tuesday, February 24, 1987	1:30 p.m.
LB 335	Monday, March 2, 1987	1:30 p.m.
LB 214	Monday, March 2, 1987	1:30 p.m.
LB 615	Monday, March 2, 1987	1:30 p.m.
LB 703	Monday, March 2, 1987	1:30 p.m.
LB 403	Monday, March 2, 1987	1:30 p.m.
LB 488	Monday, March 2, 1987	1:30 p.m.
LB 373	Monday, March 2, 1987	1:30 p.m.
LB 514	Tuesday, March 3, 1987	1:30 p.m.
LB 319	Tuesday, March 3, 1987	1:30 p.m.
LB 495	Tuesday, March 3, 1987	1:30 p.m.
LB 260	Tuesday, March 3, 1987	1:30 p.m.
LB 580	Tuesday, March 3, 1987	1:30 p.m.
LB 576	Tuesday, March 3, 1987	1:30 p.m.
LB 577	Tuesday, March 3, 1987	1:30 p.m.
LB 237	Monday, March 9, 1987	1:30 p.m.
LB 642	Monday, March 9, 1987	1:30 p.m.
LB 700	Monday, March 9, 1987	1:30 p.m.
LB 141	Monday, March 9, 1987	1:30 p.m.
LB 163	Monday, March 9, 1987	1:30 p.m.

LB 340	Monday, March 9, 1987	1:30 p.m.
LB 749	Monday, March 9, 1987	1:30 p.m.
LB 56	Tuesday, March 10, 1987	1:30 p.m.
LB 220	Tuesday, March 10, 1987	1:30 p.m.
LB 266	Tuesday, March 10, 1987	1:30 p.m.
LB 397	Tuesday, March 10, 1987	1:30 p.m.
LB 416	Tuesday, March 10, 1987	1:30 p.m.
LB 607	Tuesday, March 10, 1987	1:30 p.m.
LB 727	Tuesday, March 10, 1987	1:30 p.m.
LB 203	Tuesday, March 17, 1987	1:30 p.m.
LB 393	Tuesday, March 17, 1987	1:30 p.m.
LB 728	Tuesday, March 17, 1987	1:30 p.m.
LB 758	Tuesday, March 17, 1987	1:30 p.m.
LB 741	Tuesday, March 17, 1987	1:30 p.m.
LB 745	Tuesday, March 17, 1987	1:30 p.m.

(Signed) R. W. Remmers, 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 11, 1987. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bocskor, Nancy Leah - Lincoln (Withdrawn 87/01/31), Nebraska Republican Party (Withdrawn 87/01/31)
Bones, Amy S. - Omaha, Johnson & Johnson
Coyne, Ann - Omaha, Coyne, Ann
Green, John K. - Omaha, Papillion-LaVista School District
McCullough, Mardy - Grant, Kelley, Kelley & Leehan; Nebraska Land Title Association
Noren, Charles F. - Hickman, Lancaster County Constable Association
Williams, Jane - Lincoln, Junior League of Lincoln

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 643. Placed on General File as amended.
Standing Committee amendments to LB 643:
AM0208

1. On page 8, line 16, after "department" insert "under this act".

2. On page 9, lines 2, 11, and 22, after "knowingly" insert "and unlawfully"; strike beginning with "in" in line 3 through "law" in line 4; in line 13 strike the first comma and insert "or"; strike beginning with "when" in line 13 through "law" in line 16; and strike beginning with "when" in line 23 through "law" in line 24.

(Signed) Don Wesely, Chairperson

SELECT FILE

LEGISLATIVE BILL 389. E & R amendments, AM5066, found in the Journal on page 577 for the Twenty-Second Day were adopted.

Mr. Wesely offered the following amendment:
AM0206

1. On page 2, lines 10, 13, 22, and 24; and page 5, line 22, strike "service provider" and insert "agency".

2. On page 3, line 15, strike the first "or" and strike the second "or" and insert an underscored comma; and in line 16 strike "home health service provider,".

3. On page 4, line 23, strike "profit" and insert "for-profit".

The Wesely 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 485. Mr. Schellpeper offered the following amendment:
AM0209

1. On page 6, line 5, strike "twelve" and insert "nine"; and in line 7 strike "forty-eight" and insert "thirty-six".

The Schellpeper 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 215. E & R amendments, AM5068, found in the Journal on page 605 for the Twenty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 441. Advanced to E & R for Engrossment.

MOTION - Approve Appointment

Mr. Lamb moved the adoption of the report of the Transportation Committee for the following Governor appointment found in the Journal on page 604: Ray Hogrefe - Director/State Engineer, Department of Roads.

Voting in the affirmative, 34:

Abboud	Goodrich	Korshoj	Moore	Rupp
Ashford	Haberman	Lamb	Morehead	Schellpeper
Barrett	Hall	Landis	Nelson	Scofield
Beyer	Hannibal	Langford	Pappas	Smith
Chizek	Harris	Lynch	Pirsch	Warner
Dierks	Hartnett	Marsh	Remmers	Weihing
Elmer	Johnson, L.	Miller	Rogers	

Voting in the negative, 0.

Present and not voting, 13:

Baack	Coordsen	Johnson, R.	McFarland	Wesely
Chambers	Hefner	Johnson, V.	Peterson	Withem
Conway	Higgins	Labedz		

Excused and not voting, 2:

Schmit Wehrbein

This appointment was confirmed with 34 ayes, 0 nays, 13 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: 59, 93, 136, 167, 177, 206, 317, and 471.

MRS. LABEDZ PRESIDING

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 61 in the Journal. No objections. So ordered.

AM0195

(Amendments to the Final Reading Copy)

1. On page 2, line 18, after "either" insert "collector,"; and in line 19 after "local" insert an underscored comma.

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 587	Tuesday, February 24, 1987	1:30 p.m.
LB 622	Tuesday, February 24, 1987	1:30 p.m.
LB 623	Tuesday, February 24, 1987	1:30 p.m.
LB 368	Tuesday, February 24, 1987	1:30 p.m.
LB 481	Tuesday, February 24, 1987	1:30 p.m.
LB 263	Tuesday, March 3, 1987	1:30 p.m.
LB 422	Tuesday, March 3, 1987	1:30 p.m.
LB 351	Tuesday, March 3, 1987	1:30 p.m.
LB 546	Tuesday, March 3, 1987	1:30 p.m.
LB 598	Tuesday, March 10, 1987	1:30 p.m.
LB 721	Tuesday, March 10, 1987	1:30 p.m.
LB 625	Tuesday, March 10, 1987	1:30 p.m.
LB 630	Tuesday, March 10, 1987	1:30 p.m.
LB 752	Tuesday, March 10, 1987	1:30 p.m.
LB 515	Tuesday, March 17, 1987	1:30 p.m.
LB 394	Tuesday, March 17, 1987	1:30 p.m.
LB 621	Tuesday, March 17, 1987	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 663. Placed on General File.
LEGISLATIVE BILL 715. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

Transportation

LEGISLATIVE BILL 604. Placed on General File.

LEGISLATIVE BILL 347. Placed on General File as amended.
Standing Committee amendments to LB 347:
AM0158

1. On page 2, line 15, after "strip" insert "or to approaching traffic when there is displayed a sign as provided in subsection (7) of this section, which sign directs traffic to proceed".

2. On page 4, strike lines 13 to 20 and insert

" (7) When a school bus is (a) parked in a designated school bus loading area which is out of the flow of traffic and which is adjacent to a school site or (b) parked on a roadway which possesses more than one lane of traffic flowing in the same direction and which is adjacent to a school site, a school bus driver shall engage only the flashing warning signal lights when receiving or discharging pupils if a school bus loading area warning sign is displayed.

Such signs shall not be directly attached to any school bus but shall be free-standing and placed at the rear of a parked school bus or line of parked school buses.

No school district shall utilize a school bus loading area warning sign unless such sign complies with the requirements of section 2 of this act.".

3. Strike original sections 2 and 3 and insert the following new section:

"Sec. 2. The State Department of Education shall by rule and regulation adopt and promulgate uniform standards for school bus loading area warning signs. Such standards shall include requirements for

sign size, material and construction, and required wording. No school district shall use a school bus loading area warning sign unless such sign complies with all rules and regulations adopted and promulgated by the department. The cost of any sign shall be an obligation of the school district.".

4. On page 5, line 20, strike "sections" and insert "section"; in line 21 strike "39-661, and 79-488.03,"; and in line 22 strike "are" and insert "is".

5. Renumber the remaining section accordingly.

LEGISLATIVE BILL 84. Indefinitely postponed.
LEGISLATIVE BILL 330. Indefinitely postponed.
LEGISLATIVE BILL 522. Indefinitely postponed.

(Signed) Howard Lamb, Chairperson

Health and Human Services

LEGISLATIVE BILL 543. Placed on General File as amended.
Standing Committee amendments to LB 543:
AM0217

1. On page 14, line 13, strike "at least a half-time", show as stricken, and insert "a full-time"; strike line 20, show as stricken, and insert "attending a"; in line 21 after "cosmetology" insert "for eight hours per week" and after "year" insert an underscored period; and strike beginning with "and" in line 21 through the period in line 25 and show as stricken.

2. Insert the following new sections:

"Sec. 16. That section 71-3,121, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3,121. In order to be licensed as a salon by the department, an applicant shall meet, and present to the department evidence of meeting, the following requirements:

(1) The proposed salon shall be a fixed, permanent structure or part of one;

(2) The proposed salon shall be physically separated from all other business or residential activities except barbering and retail sales;

(3) The separation required in subdivision

(2) of this section shall be by fixed walls or by partitions not less than six feet high;

(4) Areas of the salon used for barbering shall be clearly identified as such to the public by a sign and shall be visually distinct from other areas of the salon;

(5) All areas of the salon, including those used for ~~barbering and for~~ retail sales, shall comply with the sanitary requirements of the Nebraska Cosmetology Act;

(6) A salon located in a residence shall be entirely distinct and separate from any living quarters, except that there may be one connecting door to the living portion of the dwelling as an access entrance to the salon for the owner or operator, but such entrance shall not be for the use of the general public;

(7) The entrance into the proposed salon used by the general public shall lead directly from the outside to the salon, except that a salon located in a commercial building may have its entrance open from a public area such as a foyer, hallway, mall, concourse, or retail sales floor. Any salon in existence and licensed on the effective date of this act shall not be required to comply with this subdivision;

(8) The proposed salon shall have at least one hundred fifty square feet of floor space. If more than one practitioner is to be employed in the salon at the same time, the salon shall contain an additional space of at least fifty square feet for each additional practitioner, except that a salon employing a licensee exclusively to perform home services need not provide additional space for such employee; ~~and~~

(9) The proposed salon shall include toilet facilities unless the salon is located in a commercial building in which public toilet facilities are available that open directly off of a public area; and

(10) The proposed salon shall meet all state or local building code and fire code requirements.

Sec. 18. That section 71-3,143, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3,143. Students may transfer into a school of cosmetology in Nebraska from a school in another state if:

(1) The school in the other state meets all requirements of section 71-3,141; and

(2) The student submits to the department evidence that the school from which he or she is transferring was fully accredited by the appropriate body in that state at the time the student attended.

In order to be honored in Nebraska, some portion of the student's hours shall have been earned within the two years immediately prior to the transfer. The board and the department shall ~~establish guidelines~~ adopt and promulgate rules and regulations for determining the manner in which hours and credits shall be awarded to students transferring from such schools.".

3. On page 28, line 2, after "71-3,112," insert "71-3,121," and after "71-3,141," insert "71-3,143,".

4. Renumber the remaining sections accordingly.

(Signed) Don Wesely, Chairperson

GENERAL FILE

LEGISLATIVE BILL 78. Title read. Considered.

Standing Committee amendment, AM0028, found in the Journal on page 549 for the Twenty-First Day was considered.

Mr. Ashford offered the following amendment to the Standing Committee amendment:

to strike section 8 of the committee amendments

Mrs. Labedz moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Barrett requested a roll call vote on the Ashford amendment.

Voting in the affirmative, 24:

Ashford	Goodrich	Korshoj	Miller	Scofield
Baack	Hall	Labedz	Moore	Smith
Chambers	Hartnett	Landis	Morehead	Wesely
Chizek	Higgins	Marsh	Nelson	Withem
Conway	Johnson, V.	McFarland	Pirsch	

Voting in the negative, 18:

Barrett	Haberman	Johnson, L.	Pappas	Rupp
Beyer	Hannibal	Johnson, R.	Remmers	Schellpeper
Coordsen	Harris	Lamb	Rogers	Warner
Elmer	Hefner	Langford		

Present and not voting, 5:

Abboud	Dierks	Lynch	Peterson	Weihing

Excused and not voting, 2:

Schmit Wehrbein

The Ashford amendment was adopted with 24 ayes, 18 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 78.

Mr. Haberman 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 Chambers motion to indefinitely postpone lost with 3 ayes, 24 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Chambers offered the following amendment:

Amend Committee Amendment, Section 3

Page 1, lines 21 & 22, strike the words "REASONABLY BELIEVES THAT HE OR SHE";

line 23, strike the word "REASON" and insert "PROBABLE CAUSE";

line 3 after "AGENCY", add, "AND THE SUSPECTED PERSON IS INSURED BY THE INSURER"

MR. LANDIS PRESIDING

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 12, 1987, at 10:30 a.m., were the following bills: 59, 93, 136, 167, 177, 206, 317, and 471.

(Signed) Pam Moravec, Enrolling Clerk

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 626. Placed on General File.

(Signed) Lee Rupp, Chairperson

Judiciary

LEGISLATIVE BILL 123. Placed on General File as amended.
Standing Committee amendment to LB 123:
AM0181

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds and declares it is in the public interest that there be adequate nonprofit sports programs available within the State of Nebraska.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Compensation shall not include:

(a) Gifts not exceeding a total value of one hundred dollars in any twelve consecutive months; or

(b) Any reimbursement for any reasonable expense incurred for the benefit of a nonprofit sports program;

(2) Duty shall mean any activity normally performed by an individual while acting as a member of the qualified staff;

(3) Member of the qualified staff shall mean

any individual who:

(a) Is a manager, coach, umpire, or referee;

(b) Is an assistant to a manager, coach, umpire, or referee; or

(c) Prepares any playing field for any practice session or any formal game;

(4) Negligent act or omission shall not include any reckless, willful, wanton, or grossly negligent act or omission;

(5) Nonprofit sports program shall mean any program, whether or not it is registered with or recognized by this state or any political subdivision of this state:

(a) That is a sports program organized for recreational purposes and whose activities are substantially for such purposes; and

(b) No part of whose net earnings inures to the benefit of any individual; and

(6) Person shall include bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, joint-stock companies, and associations.

Sec. 3. Any individual who renders services without compensation as a member of the qualified staff of a nonprofit sports program shall not be liable under the laws of this state for civil damages resulting from any negligent act or omission of such qualified member occurring in the performance of any duty of such qualified member.

Sec. 4. Nothing in this act shall be construed as affecting or modifying the liability of any person for any:

(1) Acts or omission relating to the transportation of participants in a sports program or other individuals to or from a game, event, or practice; and

(2) Acts or omissions relating to the care and maintenance of real estate which constitutes no physical part of the actual practice or playing field.".

LEGISLATIVE BILL 43. Indefinitely postponed.
LEGISLATIVE BILL 222. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 87018

DATE: February 9, 1987

SUBJECT: Constitutionality of LB 148

REQUESTED BY: Senator Rod Johnson
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion regarding the constitutionality of proposed legislation pertaining to natural resources districts. The legislation in question, LB 148, includes provisions relating to changes in the membership of such districts, and also increases the maximum tax rate which a natural resources district may levy. Your specific question is whether the inclusion of these provisions within the same bill violates the constitutional requirement that "No bill shall contain more than one subject. . . ." Neb.Const., Art. III, §14.

As we have noted in previous opinions, the Nebraska Supreme Court has adopted a liberal construction with respect to the interpretation of this constitutional requirement. Attorney General Opinion No. 87009, January 23, 1987; Attorney General Opinion No. 86029, March 6, 1986. The general rule with regard to this requirement is stated in Midwest Popcorn Co. v. Johnson, 152 Neb. 867, 872, 43 N.W.2d 174, 178 (1950), as follows:

> An act, no matter how comprehensive, is valid as containing but one subject if a single main purpose is within its purview and nothing is included within it except that which is naturally connected with and incidental to that main purpose.

Similarly, in Anderson v. Tiemann, 182 Neb. 393, 408-09, 155 N.W.2d 322, 332 (1967), the court stated: "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." Applying this principle in that particular case, the court held that the inclusion of provisions relating to sales tax, use tax, income tax, and a franchise tax, within the single bill establishing the Nebraska Revenue Act of 1967, did not violate this constitutional

provision, as the bill contained ". . . but one general subject, taxation. . . ." Id. at 409, 155 N.W.2d at 332.

LB 148 relates to the general subject of natural resources districts. The amendments proposed under the bill are all related to and naturally connected with this general subject. Based on the broad and liberal interpretation of Article III, section 14, adopted by the Nebraska Supreme Court, it is our opinion that LB 148 does not contain more than one subject, and, therefore, does not violate this constitutional requirement.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

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

3/06

RESOLUTIONS

LEGISLATIVE RESOLUTION 31.

Introduced by V. Johnson, 8th District; Chambers, 11th District; Hartnett, 45th District; Lynch, 13th District; Landis, 46th District; Marsh, 29th District; Pappas, 42nd District; Labedz, 5th District; Korshoj, 16th District.

WHEREAS, Congress enacted the Brown-Stephens Act in 1916 which made Winnebago trust allotments subject to taxation under Nebraska law and which authorized the Secretary of the Interior to pay over taxes assessed to Thurston County on behalf of Winnebago allottees; and

WHEREAS, the Eighth Circuit Court of Appeals, in the case of Thurston County v. Andrus, 586 F.2d 1212 (8th Cir. 1978), cert. denied, 441 U.S. 952 (1979), ruled that Winnebago allottees have a property right to hold their allotted trust land free of taxes and that the Secretary of the Interior could pay over individual Indian funds only when the allottee had consented; and

WHEREAS, as a result of the Eighth Circuit case of Thurston County v. Andrus, certain Winnebago allottees or their heirs have cognizable claims for the back taxes in the amount of at least

$951,051.44 plus interest for a total claim presently between the amount of approximately $6,000,000 and $7,000,000 for the years between 1916 and 1972, inclusive; and

WHEREAS, the Winnebago Tribe on behalf of its members, having the choice of resolving this matter through litigation or legislation, actively supports a federal legislative solution; and

WHEREAS, the Winnebago Tribe of Nebraska has requested the Ninetieth Legislature of Nebraska, First Session, to endorse federal legislation to resolve the Brown-Stephens Act issue affecting Winnebago Indians; and

WHEREAS, the United States Department of the Interior supports a federal legislative solution to this matter; and

WHEREAS, the federal legislation to be proposed by the Winnebago Tribe of Nebraska in conjunction with the United States Department of the Interior would provide for federal payment of the Winnebago tax claims and interest and for a corresponding full discharge and release of any obligation Thurston County or the State of Nebraska and the United States may have for such tax claims and interest; and

WHEREAS, litigation would be time consuming and expensive; and

WHEREAS, litigation could relieve the United States of its responsibility for these claims and interest; and

WHEREAS, the Winnebago Tribe of Nebraska, the Thurston County Board of Supervisors, and the Village of Winnebago Board have all passed resolutions endorsing the enactment of federal legislation to resolve this matter; and

WHEREAS, a federal legislative solution is a matter of fundamental fairness in the best interests of all concerned.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Ninetieth Legislature, First Session, of the State of Nebraska, assembled, hereby endorses federal legislation providing for the federal payment of all Winnebago claims for back taxes, plus interest, assessed and collected on trust allotments by Thurston County pursuant to the Brown-Stephens Act, and that such payment shall constitute a discharge and release of respective claims and any corresponding obligation which Thurston County, the State of Nebraska, or the United States may have arising from the assessment and collection of taxes on Winnebago trust allotments pursuant to the Brown-Stephens Act, 39 Stat. 865.

Laid over.

LEGISLATIVE RESOLUTION 32.

Introduced by Remmers, 1st District; Rupp, 22nd District.

WHEREAS, Genevive Margrave has graciously conveyed to the Nebraska Game and Parks Foundation, property located in Richardson County, Nebraska holding great habitat development potential as a wildlife management area; and

WHEREAS, the Game and Parks Commission has the general authority to acquire real estate with the consent of the Governor by gift; and

WHEREAS, in the interest of promoting wildlife habitat for Nebraskans, the Legislature wishes to grant approval for the Game and Parks Commission to obtain title to all or any part of such land presently held in trust by the Nebraska Game and Parks Foundation; and

WHEREAS, The Margrave tract is fifty-eight acres of high quality habitat land located in southeast Nebraska near Rulo, an area of the state that is significantly lacking in public hunting lands. Mrs. Genevive Margrave has donated this land as a memorial to her late husband who was an avid hunter and outdoorsman.

The tract is situated along the Big Nemaha River and offers riverbank access to fisherman, boaters, and hunters on the river. The vegetation is a mix of habitat types ranging from riparian timber, to grassland, and to wetland. The area offers excellent quail hunting in addition to pheasant and deer hunting. Excellent opportunities for the taking of furbearers such as beaver, muskrat, mink, and raccoon also exist.

There also exists on the area several large plant colonies of sweetflag or calamus. Historically, sweetflag was widely distributed in Nebraska and was greatly prized by the Indians and early pioneers for its many uses. Due to loss of habitat from agricultural pressures it is now quite uncommon in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature approves the gift from the Nebraska Game and Parks Foundation to the Game and Parks Commission of all of the real estate described as follows:

A tract of land in the southeast quarter of the southeast quarter of section 26 and the northeast quarter of the northeast quarter of section 35, township 1 north, range 17 east of the principal meridian, Richardson County, Nebraska, more fully described as:

Beginning at the northeast corner of section 35, township 1 north, range 17 east of the 6th principal meridian; thence south 0 degrees twenty-one minutes twenty-two seconds west, along section line, a distance of eight hundred forty-five and twenty-six hundredths feet; thence north eighty-nine degrees thirty-one minutes nineteen seconds west a distance of eight hundred fifteen and fifty-nine hundredths feet; thence south eight degrees 00 minutes fifty-five seconds east a distance of two hundred ten and eighteen hundredths feet; thence south eighty-two degrees twenty-two minutes forty-nine seconds west a distance of five hundred forty-three and thirty-three hundredths feet to the west line of the northeast quarter of the northeast quarter of section 35; thence north 0 degrees nineteen minutes forty-two seconds east, along sixteenth section line, a distance of one thousand one hundred twenty-two and eighty-six hundredths feet to section line; thence north 0 degrees thirty-eight minutes four seconds west along the west line of the southeast quarter of the southeast quarter section twenty-six, one thousand three hundred thirty-eight and one-hundredths feet; thence north eighty-nine degrees fifty-one minutes fifty-five seconds east, along the north line the southeast quarter southeast quarter three hundred twenty-six and fourteen hundredths feet to right bank of the Nemaha River; thence north forty-nine degrees nine minutes forty-two seconds east a distance of one hundred thirty-five and thirteen hundredths feet to the center line of such river; thence south forty degrees fifty minutes eighteen seconds east, along such center line, four hundred fifty-eight and thirty-four hundredths feet; thence south twenty-seven degrees thirty-five minutes fifty-nine seconds east, along such center line, three hundred eighty-six and nineteen hundredths feet; thence south thirty-two degrees twelve minutes fifty-nine seconds east, along such center line, three hundred fifty-five and thirty-seven hundredths feet; thence south forty-three degrees forty minutes fifty-three seconds east, along such center line, three hundred sixty-six and fifty hundredths feet; thence south fifty-eight degrees twenty-seven minutes ten seconds east, along such center line, eighty-two and eighty-seven hundredths feet; thence south thirty-one degrees thirty-two minutes fifty-one seconds west a distance of one hundred fifty-six and twenty-nine hundredths feet to the point of beginning.

2. That such approval is granted with the understanding that the land described shall be designated and utilized as a wildlife management area.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 101A. By Rogers, 41st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 101, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 459. Placed on General File as amended.
Standing Committee amendments to LB 459:
AM0224

1. On page 5, line 24, strike "an imminent", show as stricken, and insert "a"; and in line 25 strike the period and insert "and would not".

2. On page 6, reinstate the stricken matter beginning with"cause" in line 4 through the period in line 8.

3. On page 13, strike beginning with "licensed" in line 8 through "a" in line 10 and show as stricken; in line 11 strike "at" and show as stricken; in line 12 strike "least" and show as stricken and after "week" insert "and at least one registered nurse, licensed practical nurse, or care staff member on duty on the other two shifts"; in line 14 after "Services" insert ", who shall be a license registered nurse,"; in line 16 after "facility" insert ", except that an intermediate care facility that, as of February 1, 1987, has in its employ a licensed practical nurse as Health Service Supervisor may retain such licensed practical nurse in that capacity after the effective date of this act. Such facility shall not be required to provide a Director of Nursing during the continuance of employment of such licensed practical nurse, if such licensed practical nurse is and continues to be supervised by a licensed physician, osteopath, or registered nurse who, by employment or contract, is above such licensed practical nurse in the line of authority of the facility and is responsible, in the interest of the facility for his or her hire, transfer, promotion, lay-off, recall, promotion, discharge, assignment, reward, or discipline

and adjustment of grievances or the effective recommendation of such action, which responsibility is not merely routine or clerical in nature but requires the exercise of independent judgment. Nothing contained in this section shall be construed to expand the scope of practice of a licensed practical nurse to permit an intermediate care facility utilizing a licensed practical nurse as Health Service Supervisor to provide nursing services other than those which are within the scope of practice of a licensed practical nurse as defined in section 71-1,132.06"; strike beginning with "shall" in line 16 through "and" in line 17, show the old matter as stricken, and insert "or Health Service Supervisor"; in line 20 strike ". The Director of Nursing" and insert "and"; and in line 25 after "Services" insert "or Health Service Supervisor".

4. 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.".

(Signed) Don Wesely, Chairperson

VISITORS

Visitors to the Chamber were Phil Fredrickson from North Bend; the Nebraska Association of Bank Women; 10 first through eighth grade students and sponsor from Hallam; Mike Greco from Papillion; Boy Scout Troup #411 from Lincoln; George Hammond from O'Neill; and a group of parents and children representing 29 legislative districts.

ADJOURNMENT

At 11:52 a.m., on a motion by Mr. Chambers, the Legislature adjourned until 9:00 a.m., Tuesday, February 17, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 17, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 17, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., President 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. Morehead who was excused; and Messrs. Chambers, Conway, Hefner, V. Johnson, Korshoj, Schmit, and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fourth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 523. Placed on Select File as amended.
E & R amendments to LB 523:
AM5069

1. In the Standing Committee amendments, AM0127, adopted February 10, 1987:

a. On page 2, line 15, insert an underscored comma before "commonwealth";

b. On page 3, line 1, strike "or", show as stricken, and insert ", any other body in the executive branch of state government, any political subdivision of this state,"; and in lines 2 to 4 strike the new matter; and in line 19 strike "Chapter 77, article 39" and insert "the Uniform State Tax Lien Registration and Enforcement Act";

c. Strike amendments 4 and 10 and renumber the remaining amendments accordingly; and

d. On page 5, strike beginning with "line" in line 8 through "and" in line 14.

2. On page 1, line 6, after the second comma insert "77-27,175," and strike "77-27,183,"; in line 12 strike "; to change" and insert a comma; in line 13 strike "to change"; and in line 14 strike the second "to".

3. On page 2, line 1, strike "change"; in line 3 strike "an income tax credit" and insert "for personal liability for certain officers and employees"; and in line 16 strike "and" and after "sections" insert "; and to declare an emergency".

4. On page 8, line 7, strike the comma and show as stricken; and in line 14 eliminate the paragraphing.

5. On page 9, line 12, strike the first comma and show as stricken; and in line 16 eliminate the paragraphing.

6. On page 10, line 3, strike the comma and show as stricken.

7. On page 11, line 13, strike the first comma and show as stricken.

8. On page 12, line 5, reinstate the stricken "and", strike the underscored comma, and strike "35" and insert "36".

9. On page 18, line 16, strike the comma and show as stricken.

10. On page 22, line 24, strike the underscored comma.

11. On page 49, line 15, strike "is not" and insert "shall not be"; in line 18 strike both underscored commas; in line 20 after the first "state" insert ", commonwealth, territory, possession, or country"; and in line 22 strike "that" and insert "which".

12. On page 56, line 3, after "refund" insert "of"; and in line 10 strike "this" and show as stricken and after "subdivision" insert "(i)(i) of this subsection".

13. On page 57, line 21, strike the new matter and reinstate the stricken matter.

14. On page 58, line 7, after "refund" insert "of".

15. On page 64, lines 17, 20, and 22, strike "are" and insert "shall be".

16. On page 84, line 6, after "aside" insert an underscored comma.

17. On page 87, lines 18 and 24, before "or" insert an underscored comma.

18. On page 89, line 4, after "loss" insert an underscored comma and strike the second "and" and show as stricken; in line 7 after "distributed" insert an underscored comma; in line 13 after "section" insert an underscored comma; in line 23 strike "a state" and insert "an"; in line 24 after "agency" insert an underscored comma; and strike beginning with the comma in line 24 through the comma in line 25.

19. On page 90, strike beginning with "or" in line 11 through "subdivision" in line 12.

20. Strike original section 23 and renumber the remaining sections accordingly.

21. On page 98, line 17, strike "of" and show as stricken.

22. On page 99, lines 19 and 24, strike "29 to 33" and insert "30 to 34".

23. On page 102, line 4, strike "is" and insert "shall be considered"; and in line 24 strike "is" and insert "were".

24. Strike original section 37 and insert the following new section:

"Sec. 38. Sections 11, 13 to 23, and 39 of this act shall become operative for all taxable years beginning or deemed to begin on or after January 1, 1987. Sections 8 to 10, 12, 24 to 27, 29 to 37, and 40 of this act shall become operative on October 1, 1987. The remaining sections of this act shall become operative on their effective date.".

25. On page 104, line 13, before "77-27,180," insert "and" and strike "and 77-27,183,".

Correctly Engrossed

The following bills were correctly engrossed: 215, 389, 441, and 485.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 215

The following changes, required to be reported for publication in the Journal, have been made:
ER0119

1. On page 1, line 5, "authorize foreclosure of" has been struck and "change provisions relating to" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 432. Placed on General File as amended.
Standing Committee amendments to LB 432:
AM0213

1. On page 2, line 8, after the second "funds" insert ", except as provided in sections 2 and 3 of this act,".

2. On page 6, strike lines 9 through 13.

3. Insert the following new sections:

"Sec. 2. Any appropriation made or construed to have been made in Laws 1986, LB 1251, of any funds received by the state after February 15, 1986, for distribution to the citizens of the state as restitution for overcharges in the sales of petroleum products pursuant to federal court or administrative orders or settlements is hereby repealed to the extent such funds have not, as of the effective date of this act, been disbursed by the state.

Sec. 3. There is hereby appropriated the following amounts from the Oil Overcharge Fund for the period July 1, 1986, to June 30, 1987, to the State Energy Office, for Program No. 106 - Energy Office Administration:

(1) From the funds received pursuant to United

States v. Exxon Corporation:

(a) $1,100,000 for energy education projects;

(b) $1,500,000 for local conservation financing demonstration projects;

(c) $500,000 for agricultural projects;

(d) $160,000 for projects of technical assistance and efficiency studies;

(e) $320,000 for weatherization job training projects;

(f) $1,200,000 for building improvement demonstration projects;

(g) $500,000 for transportation projects; and

(h) $300,000 for planning, implementation, monitoring, and evaluation expenses;

(2) From the funds received pursuant to In re Department of Energy Stripper Well Exemption Litigation, $650,000 for weatherization assistance; and

(3) All funds received pursuant to the Diamond Shamrock case.

Sec. 4. There is hereby appropriated all Petroleum Violation Escrow Funds and all funds received by the state pursuant to the Amoco II case from the Nebraska Energy Settlement Trust Fund and the Nebraska Energy Office federal funds, for the period July 1, 1986, to June 30, 1987, for uses pursuant to the appropriate court or federal agency order or settlement to the State Energy Office, for Program No. 106 - Energy Office Administration.".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 683. Placed on General File as amended.
Standing Committee amendments to LB 683:
AM0212

1. On page 4, line 18, after the period insert "The plan shall indicate which particular award or settlement will fund each project selected. The projects included in the plan shall be grouped in broad categories which reflect the different types of proposed uses. The plan shall also include a policy statement which shall indicate (1) a perception of the current and anticipated trends regarding energy availability, costs, and needs in the state, (2) assumptions regarding the impacts on the energy needs of the state of current

and anticipated state and federal policies and market forces affecting energy use, and (3) generally, how the types of projects selected address those trends and assumptions."; and in line 22 after "amendments" insert "within ten legislative days of receiving such plan or amendments. The Legislature shall pass any appropriations therefor within thirty legislative days of the hearing or the end of the legislative session, whichever comes first".

2. On page 5, line 10, after "and" insert "any contracts or agreements entered into before appropriations are made by the Legislature".

3. On page 6, strike line 3 and insert "Any appropriations of the fund shall be made for broad categories of projects, but no appropriation shall be made"; strike beginning with "but" in line 5 through "plan" in line 7; in line 14 strike "in the fund" and insert "which are subject to this act"; and strike beginning with "which" in line 15 through "act" in line 17 and insert "appropriated by Legislative Bill 432, Ninetieth Legislature, First Session, 1987".

(Signed) Jerome Warner, Chairperson

MOTION - Place LB 98 on General File

Mrs. Higgins moved that LB 98 be placed on General File notwithstanding the action of the Committee.

Laid over.

MESSAGES FROM THE GOVERNOR

February 12, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 39, 41, 133, 149, 152, 161, 201, 275, 276, 277, and 278 were received in my office on February 11, 1987.

These bills were signed by me on February 12, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

February 12, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 127 was received in my office on February 9, 1987.

This bill was signed by me on February 12, 1987 and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

February 12, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 31, 32, 33, 34, 35, 36, 37, 66, 87, 125, 176, 69, 154, 171, 106, 109, 115, 137, 142, 291, and 610 were received in my office on February 9, 1987.

These bills were signed by me on February 12, 1987 and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

REPORT

Received statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar month of January, 1987 from the Department of Roads.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 79.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-669.22, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the assessment of points; 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	Elmer	Labedz	Moore	Schellpeper
Ashford	Goodrich	Lamb	Nelson	Scofield
Baack	Haberman	Landis	Pappas	Smith
Barrett	Hall	Langford	Peterson	Warner
Beyer	Hannibal	Lynch	Pirsch	Wehrbein
Chizek	Harris	Marsh	Remmers	Weihing
Coordsen	Hartnett	McFarland	Rogers	Wesely
Dierks	Johnson, L.	Miller	Rupp	Withem

Voting in the negative, 0.

Present and not voting, 1:

Johnson, R.

Excused and not voting, 8:

Chambers	Hefner	Johnson, V.	Morehead	Schmit
Conway	Higgins	Korshoj		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 112.

A BILL FOR AN ACT relating to state institutions; to amend sections 83-1,147, 83-305.01 to 83-305.03, 83-376, 83-4,103, and 84-127, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to psychiatric services provided by the University of Nebraska Medical Center; to change provisions making reference to the Nebraska Psychiatric Institute as prescribed; to delete provisions relating to transferring employees of the Nebraska Psychiatric Institute; to harmonize provisions; and to repeal the original sections, and also section 83-305.05, 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	Goodrich	Labedz	Nelson	Schmit
Ashford	Haberman	Lamb	Pappas	Scofield
Baack	Hall	Landis	Peterson	Smith
Barrett	Hannibal	Langford	Pirsch	Warner
Beyer	Harris	Lynch	Remmers	Wehrbein
Chizek	Hartnett	Marsh	Rogers	Weihing
Coordsen	Hefner	McFarland	Rupp	Wesely
Dierks	Johnson, L.	Miller	Schellpeper	Withem
Elmer	Johnson, R.	Moore		

Voting in the negative, 0.

Excused and not voting, 6:

Chambers	Higgins	Johnson, V.	Korshoj	Morehead
Conway				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 132.

A BILL FOR AN ACT relating to the rules of the road; to amend section 39-6,180, Revised Statutes Supplement, 1986; to provide weight restrictions for certain axles; to define terms; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Goodrich	Labedz	Moore	Schellpeper
Ashford	Haberman	Lamb	Nelson	Scofield
Baack	Hall	Landis	Pappas	Smith
Barrett	Hannibal	Langford	Peterson	Warner
Beyer	Harris	Lynch	Pirsch	Wehrbein
Chizek	Hartnett	Marsh	Remmers	Weihing
Coordsen	Hefner	McFarland	Rogers	Wesely
Dierks	Johnson, L.	Miller	Rupp	Withem
Elmer	Johnson, R.			

Voting in the negative, 1:

Schmit

Excused and not voting, 6:

Chambers	Higgins	Johnson, V.	Korshoj	Morehead
Conway				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 134.

A BILL FOR AN ACT relating to hospitals; to amend sections 23-343.01, 23-343.04, 23-343.05, 23-343.12, 23-343.16, 23-343.17, and 23-343.38, Reissue Revised Statutes of Nebraska, 1943, and section 49-14,103.01, Revised Statutes Supplement, 1986; to provide for vacancies as prescribed; to define a term; to redefine a term; to prohibit directors and trustees of hospital districts from having an interest in certain contracts as prescribed; to eliminate provisions

relating to the contracting of certain professional services; to eliminate certain existing provisions relating to interests in contracts; to eliminate penalties; to harmonize provisions; and to repeal the original sections, and also sections 23-343.09, 23-343.41, and 23-343.45, 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	Goodrich	Johnson, V.	Moore	Schmit
Ashford	Haberman	Labedz	Nelson	Scofield
Baack	Hall	Lamb	Pappas	Smith
Barrett	Hannibal	Landis	Peterson	Warner
Beyer	Harris	Langford	Pirsch	Wehrbein
Chizek	Hartnett	Lynch	Remmers	Weihing
Coordsen	Hefner	Marsh	Rogers	Wesely
Dierks	Johnson, L.	McFarland	Rupp	Withem
Elmer	Johnson, R.	Miller	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Conway	Higgins	Korshoj	Morehead

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 227.

A BILL FOR AN ACT relating to construction; to adopt the Building Construction 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, 43:

Abboud	Baack	Beyer	Coordsen	Elmer
Ashford	Barrett	Chizek	Dierks	Goodrich

Haberman	Johnson, L.	Lynch	Peterson	Scofield
Hall	Johnson, R.	Marsh	Pirsch	Smith
Hannibal	Johnson, V.	McFarland	Remmers	Wehrbein
Harris	Labedz	Miller	Rogers	Weihing
Hartnett	Lamb	Moore	Rupp	Wesely
Hefner	Landis	Nelson	Schellpeper	Withem
Higgins	Langford	Pappas		

Voting in the negative, 0.

Present and not voting, 2:

Schmit Warner

Excused and not voting, 4:

Chambers Conway Korshoj Morehead

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 233.

A BILL FOR AN ACT relating to public lands; to amend section 72-607, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to jurisdiction ceded to the United States; 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	Goodrich	Johnson, R.	Moore	Schmit
Ashford	Haberman	Johnson, V.	Nelson	Scofield
Baack	Hall	Labedz	Pappas	Smith
Barrett	Hannibal	Lamb	Peterson	Warner
Beyer	Harris	Landis	Pirsch	Wehrbein
Chizek	Hartnett	Langford	Remmers	Weihing
Coordsen	Hefner	Lynch	Rogers	Wesely
Dierks	Higgins	Marsh	Rupp	Withem
Elmer	Johnson, L.	Miller	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

McFarland

Excused and not voting, 4:

Chambers Conway Korshoj Morehead

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 245. With Emergency.

Mr. V. Johnson raised a point of order as to whether it was necessary to suspend Rule 8, Sec. 5, in order to read the bill.

Mr. V. Johnson withdrew his point of order.

A BILL FOR AN ACT relating to appropriations; to authorize an appropriation for replacement of a television tower and antenna; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Goodrich	Johnson, R.	Miller	Schellpeper
Ashford	Haberman	Johnson, V.	Moore	Schmit
Baack	Hall	Labedz	Nelson	Scofield
Barrett	Hannibal	Lamb	Pappas	Smith
Beyer	Harris	Landis	Peterson	Warner
Chizek	Hartnett	Langford	Pirsch	Wehrbein
Conway	Hefner	Lynch	Remmers	Weihing
Coordsen	Higgins	Marsh	Rogers	Wesely
Dierks	Johnson, L.	McFarland	Rupp	Withem
Elmer				

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Korshoj Morehead

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. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 255. With Emergency.

A BILL FOR AN ACT relating to assistance to the aged, blind, or disabled; to amend section 68-1007, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the determination of need for such assistance; 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	Elmer	Johnson, L.	McFarland	Rupp
Ashford	Goodrich	Johnson, R.	Miller	Schellpeper
Baack	Haberman	Johnson, V.	Moore	Schmit
Barrett	Hall	Labedz	Nelson	Scofield
Beyer	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Warner
Conway	Hartnett	Langford	Pirsch	Weihing
Coordsen	Hefner	Lynch	Remmers	Wesely
Dierks	Higgins	Marsh	Rogers	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Chambers Korshoj Morehead Wehrbein

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 264.

A BILL FOR AN ACT relating to public health and welfare; to require devices on certain plumbing fixtures; to provide a duty to inspect; to provide a penalty; and to harmonize provisions.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Elmer	Johnson, V.	Miller	Schellpeper
Ashford	Goodrich	Korshoj	Nelson	Schmit
Baack	Haberman	Labedz	Pappas	Scofield
Barrett	Hall	Lamb	Peterson	Smith
Beyer	Hannibal	Landis	Pirsch	Warner
Chizek	Harris	Langford	Remmers	Weihing
Conway	Hartnett	Lynch	Rogers	Wesely
Coordsen	Hefner	Marsh	Rupp	Withem
Dierks	Johnson, L.	McFarland		

Voting in the negative, 0.

Present and not voting, 3:

Higgins	Johnson, R.	Moore

Excused and not voting, 3:

Chambers	Morehead	Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 302. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend sections 44-142 and 77-912, Reissue Revised Statutes of Nebraska, 1943, and sections 13-203, 13-206, 13-207, 44-2407, 44-2716, and 44-4233, Revised Statutes Supplement, 1986; to change provisions relating to premium and related retaliatory taxes; to provide an exception to the disposition of certain funds; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Elmer	Johnson, R.	McFarland	Rupp
Ashford	Goodrich	Johnson, V.	Miller	Schellpeper
Baack	Haberman	Korshoj	Moore	Schmit
Barrett	Hall	Labedz	Nelson	Scofield
Beyer	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Warner
Conway	Hartnett	Langford	Pirsch	Weihing
Coordsen	Hefner	Lynch	Remmers	Wesely
Dierks	Johnson, L.	Marsh	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 1:

Higgins

Excused and not voting, 3:

Chambers Morehead Wehrbein

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 386.

A BILL FOR AN ACT relating to the care of children; to amend sections 71-1901 to 71-1903, 71-1907, and 71-1912, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to eliminate provisions relating to child care centers; to authorize investigation of certain household members; to change a statutory reference; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Elmer	Johnson, L.	Marsh	Rogers
Ashford	Goodrich	Johnson, R.	McFarland	Rupp
Baack	Haberman	Johnson, V.	Miller	Schellpeper
Barrett	Hall	Korshoj	Moore	Scofield
Beyer	Hannibal	Labedz	Nelson	Smith
Chizek	Harris	Lamb	Pappas	Warner
Conway	Hartnett	Landis	Pirsch	Wesely
Coordsen	Hefner	Langford	Remmers	Withem
Dierks	Higgins	Lynch		

Voting in the negative, 1:

Schmit

Present and not voting, 2:

Peterson Weihing

Excused and not voting, 3:

Chambers Morehead Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 387.

A BILL FOR AN ACT relating to health and wellness; to adopt the State Employee Wellness Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Ashford	Haberman	Korshoj	Miller	Schellpeper
Baack	Hall	Labedz	Nelson	Smith
Chizek	Harris	Landis	Pappas	Warner
Dierks	Hartnett	Lynch	Remmers	Weihing
Elmer	Higgins	Marsh	Rogers	Wesely
Goodrich	Johnson, L.	McFarland	Rupp	

Voting in the negative, 14:

Abboud	Conway	Johnson, R.	Langford	Pirsch
Barrett	Coordsen	Johnson, V.	Moore	Schmit
Beyer	Hefner	Lamb	Peterson	

Present and not voting, 3:

Hannibal Scofield Withem

Excused and not voting, 3:

Chambers Morehead Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Members Excused

Messrs. Chizek and Baack asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Withdraw LB 282

Mr. Pappas moved to withdraw LB 282.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 71 in the Journal. No objections. So ordered.

AM0157

1. On page 2, strike beginning with "or" in line 5 through "parties" in line 7; and in line 10 after the period insert "A provision in a written contract to submit to arbitration any controversy thereafter arising between the parties is valid, enforceable, and irrevocable, save upon such grounds as exist at law or in equity for the revocation of any contract, if the contract is entered into voluntarily and is not a contract of adhesion, such as a standard installment

loan contract, a credit card application, or an insurance contract except as provided in section 44-811.".

RESOLUTION

LEGISLATIVE RESOLUTION 32. Read. Considered.

LR 32 was adopted with 27 ayes, 0 nays, and 22 not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Wesely 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: 79, 112, 132, 134, 227, 233, 245, 255, 264, 302, 386, and 387.

MOTION - Place LB 96 on General File

Mrs. Higgins renewed her pending motion found in the Journal on page 589 to place LB 96 on General File notwithstanding the action of the Committee.

Messrs. Abboud, Haberman, and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

The Higgins motion lost with 5 ayes, 1 nay, 37 present and not voting, and 6 excused and not voting.

MR. L. JOHNSON PRESIDING

GENERAL FILE

LEGISLATIVE BILL 229A. Title read. Considered.

Mr. Wesely moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Schmit requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Beyer	Hannibal	Labedz	Miller	Schellpeper
Chambers	Hartnett	Landis	Nelson	Schmit
Conway	Higgins	Lynch	Pappas	Smith
Dierks	Johnson, V.	Marsh	Rogers	Wesely
Goodrich	Korshoj	McFarland	Rupp	Withem
Hall				

Voting in the negative, 12:

Coordsen	Johnson, L.	Moore	Remmers	Wehrbein
Elmer	Lamb	Pirsch	Warner	Weihing
Hefner	Langford			

Present and not voting, 5:

Abboud	Ashford	Barrett	Peterson	Scofield

Absent and not voting, 1:

Harris

Excused and not voting, 5:

Baack	Chizek	Haberman	Johnson, R.	Morehead

Advanced to E & R for Review with 26 ayes, 12 nays, 5 present and not voting, 1 absent and not voting, and 5 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 187A. Title read. Considered.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 523A. 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.

MESSAGES FROM THE GOVERNOR

February 17, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 59, 93, 136, 167, 177, 206, 317, and 471 were received in my office on February 12, 1987.

These bills were signed by me on February 17, 1987 and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

February 17, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 110 was received in my office on February 9, 1987.

This bill was signed by me on February 14, 1987 and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 415. Indefinitely postponed.

(Signed) Lee Rupp, Chairperson

SPEAKER BARRETT PRESIDING

GENERAL FILE

LEGISLATIVE BILL 379. Title read. Considered.

Mr. Rupp renewed his pending amendment, AM0142, found in the Journal on page 520.

The Rupp amendment was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 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 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 356. Title read. Considered.

Standing Committee amendment, AM0143, found in the Journal on page 557 for the Twenty-First Day was considered.

Mr. Elmer offered the following amendment to the Standing Committee amendment:

on page 1, line 19, after "nonuse" insert "as provided for in subsection (3) of this section".

The Elmer amendment was adopted with 23 ayes, 0 nays, 23 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 399. Title read. Considered.

Standing Committee amendment, AM0108, found in the Journal on page 559 for the Twenty-First Day was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Ashford offered the following amendment:

1. In Section 2 line 18 after "person" insert "with a reasonable cause to believe the veracity of the information.

2. In Section 2 line 17 strike line 17 in total.

3. In Section 2 line 24 after the word "person" insert "who has reasonable cause to believe the veracity of the information"

4. In Section 2 line 11 and 12 strike "acting without malice and in the absence of fraud or bad faith" and insert "who has reasonable cause to believe the veracity of the information,"

The Ashford amendment was adopted with 34 ayes, 0 nays, 13 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.

LEGISLATIVE BILL 508. Title read. Considered.

Standing Committee amendments, AM0174, found in the Journal on page 573 for the Twenty-Second Day were considered.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Haberman requested a roll call vote on the Standing Committee amendments.

Voting in the affirmative, 30:

Ashford	Goodrich	Johnson, R.	McFarland	Scofield
Barrett	Hall	Johnson, V.	Miller	Smith
Beyer	Hannibal	Korshoj	Nelson	Warner
Chambers	Hartnett	Landis	Peterson	Wehrbein
Dierks	Hefner	Lynch	Pirsch	Weihing
Elmer	Johnson, L.	Marsh	Rogers	Withem

Voting in the negative, 8:

Labedz	Lamb	Langford	Pappas	Remmers

Rupp Schellpeper Schmit

Present and not voting, 9:

Abboud	Conway	Haberman	Higgins	Wesely
Baack	Coordsen	Harris	Moore	

Excused and not voting, 2:

Chizek Morehead

The Standing Committee amendments were adopted with 30 ayes, 8 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Messrs. Moore, Peterson, Haberman, R. Johnson, and Mrs. Nelson asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 6 nays, 11 present and not voting, and 7 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 229A. Placed on Select File.
LEGISLATIVE BILL 187A. Placed on Select File.
LEGISLATIVE BILL 523A. Placed on Select File.

(Signed) Scott Moore, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 305A. By Hartnett, 45th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 305, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 473A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 473, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 543A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 543, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 723A. By Schmit, 23rd District; Elmer, 38th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 723, Ninetieth Legislature, First Session, 1987.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 17, 1987, at 10:38 a.m., were the following bills: 79, 112, 132, 134, 227, 233, 245, 255, 264, 302, 386, and 387.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Beyer asked unanimous consent to have his name added as co-introducer to LB 347. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 379. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 356. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mr. R. Johnson's parents, Virgil and Nadine Johnson from Harvard, Bob and Evelyn Herbig from Central City, Virdel and Norma Nuss from Sutton; and 9 high school students and teacher from Murdock Consolidated.

ADJOURNMENT

At 12:07 p.m., on a motion by Mrs. Smith, the Legislature adjourned until 9:00 a.m., Wednesday, February 18, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 18, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 18, 1987

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Homer B. Clements, St. Luke United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Landis, McFarland, Moore, and Mrs. Marsh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fifth Day was approved.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 87021

DATE: February 11, 1987

SUBJECT: County's share of highway allocation funds.

REQUESTED BY: Senator Howard Lamb
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Warren D. Lichty, Jr., Assistant Attorney General

Your inquiry of January 22, 1987, relative to Nebraska Revised Statutes, Chapter 39, Article 25, indicates you are considering legislation to address the question of a township's interest in county allocations of funds from the State Highway Allocation Fund. Your specific question is whether sections 39-2501 to 39-2510 require an allocation to township roads by the county, or whether more specific statutory language is required.

The answer to the first part of that question is no. These particular sections only have only to do with the manner in which the county share allocated by section 39-2402 is divided among the counties.

To get a better idea of the relationship between counties and constituent townships, one should refer sections 39-1519 to 39-1524, 23-108, 39-1402, Chapter 23, Article 2, and Chapter 39, Article 21; especially, section 39-2105.

These sections make several things clear, and some of those things conflict. For example, the county board is clearly in charge of all roads in the county. Yet, the township has responsibility to build, repair and maintain township roads. The bridges on all roads, county and township, however, are the responsibility of the county.

Section 39-2105(2) allocating functional classifications between governmental entitites states that the counties have responsibility for the design, construction, reconstruction, maintenance, and operation of all rural roads under the various classifications which make them county roads rather than State highways. Also, the statutes provide that townships may petition counties for financial assistance with certain large projects. It is presumed that discretion in responding to such petitions rests with the county board.

In answer to the broader question--"Is there any statute which requires counties to share their allocation funds with constituent townships?"--we believe the answer is no. The most logical place to expect such a requirement would be in Chapter 23, Article 2, or sections 39-1519 to 39-1524, inclusive. No such blanket requirement is to be found.

Of course, §39-1521 does require the county to build, maintain and repair all bridges, and 39-1522 requires the county to pay for all right-of-way costs, services of the county highway superintendent, and other persons engaged in locating, establishing or altering any public road. Section 39-1524 is the section which provides for a township petitioning the county for funds to assist with large projects.

While counties are required to be responsible for certain expenditures on township roads which may vary from county to county, there is no statutory language requiring them to specifically share funds they receive from the Highway Allocation Fund.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Warren D. Lichty, Jr.
Assistant Attorney General

WDL/ta
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 87022

DATE: February 12, 1987

SUBJECT: Constitutionality of LB 318

REQUESTED BY: Senator Richard Peterson
Nebraska State Legislature

WRITTEN BY: Melvin K. Kammerlohr,
Deputy Attorney General

You have requested our opinion regarding LB 318. Specifically you asked if the proposed additional aggravating circumstances are unambiguous enough to sufficiently guide and focus a sentencing panel in determining whether it can impose a sentence of death so as to be constitutional.

The Supreme Court of the United States in Gregg v. Georgia, 428 U.S. 153, discussing its previous case of Furman v. Georgia, stated, "Furman mandates that where discretion is afforded a sentencing body on a matter so grave as the determination of whether a human life should be taken or spared, that discretion must be suitably directed and limited so as to minimize the risk of wholly, arbitrary and capricious action."

We are satisfied that the proposed aggravating circumstances in LB 318 are, thus, "suitably directed and limited," as above stated, so as to be found constitutional.

You may wish to include the singular "human being" at the end of proposed (i) and (j) to go along with the plural which is already there if that is your desire.

As a practical suggestion, there is an overlapping between the present aggravating circumstance (f) and the proposed (i) and (j); to prevent needless litigation because a sentencing court included both (f) and either (i) or (j), you may wish to limit the use of (f) when either (i) or (j) are used.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Melvin K. Kammerlohr
Senior Assistant Attorney General

MKK/kb
cc: Patrick J. O'Donnell
Clerk of the Legislature

REPORT

Received Department of Roads quarterly report for the Nebraska State Highway Commission as of December 31, 1986.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 32.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 77.

A BILL FOR AN ACT relating to Small Claims Court; to amend sections 24-523, 24-525, and 24-536, Reissue Revised Statutes of Nebraska, 1943, and section 24-524, Revised Statutes Supplement, 1986; to authorize the acknowledgment of claim forms by additional persons; to change provisions relating to transfer of cases from Small Claims Court to the regular docket of the county court; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Elmer	Johnson, L.	Morehead	Schmit
Ashford	Goodrich	Johnson, R.	Nelson	Scofield
Baack	Haberman	Johnson, V.	Pappas	Smith
Barrett	Hall	Korshoj	Peterson	Warner
Beyer	Hannibal	Labedz	Pirsch	Wehrbein
Chizek	Harris	Lamb	Remmers	Weihing
Conway	Hartnett	Langford	Rogers	Wesely
Coordsen	Hefner	Lynch	Rupp	Withem
Dierks	Higgins	Miller	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Landis	Marsh	McFarland	Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 105.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-201, 37-204, 37-212, 37-213, and 37-507.01, Reissue Revised Statutes of Nebraska, 1943; to provide an exception to the requirement to pay a fee and obtain a permit to angle for fish; to change provisions relating to fees for certain permits as prescribed; to provide for the use of revenue from certain 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, 46:

Abboud	Baack	Beyer	Conway	Dierks
Ashford	Barrett	Chizek	Coordsen	Elmer

Goodrich	Johnson, L.	Lynch	Peterson	Scofield
Haberman	Johnson, V.	Marsh	Pirsch	Smith
Hall	Korshoj	McFarland	Remmers	Warner
Hannibal	Labedz	Miller	Rogers	Wehrbein
Harris	Lamb	Morehead	Rupp	Weihing
Hartnett	Landis	Nelson	Schellpeper	Wesely
Hefner	Langford	Pappas	Schmit	Withem
Higgins				

Voting in the negative, 0.

Present and not voting, 1:

Johnson, R.

Excused and not voting, 2:

Chambers Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 129.

A BILL FOR AN ACT relating to elections; to require that certain election results be reported by precinct; to require that such results be on deposit as prescribed; and to authorize a fee.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Dierks	Johnson, L.	Miller	Schellpeper
Ashford	Elmer	Johnson, R.	Morehead	Schmit
Baack	Goodrich	Johnson, V.	Nelson	Scofield
Barrett	Hall	Korshoj	Pappas	Smith
Beyer	Hannibal	Labedz	Peterson	Warner
Chambers	Harris	Landis	Pirsch	Wehrbein
Chizek	Hartnett	Lynch	Remmers	Weihing
Conway	Hefner	Marsh	Rogers	Wesely
Coordsen	Higgins	McFarland	Rupp	Withem

Voting in the negative, 2:

Lamb Langford

Present and not voting, 1:

Haberman

Excused and not voting, 1:

Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 147. With Emergency.

A BILL FOR AN ACT relating to schools; to amend section 79-531, Reissue Revised Statutes of Nebraska, 1943; to authorize school districts to enter into loan agreements 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, 47:

Abboud	Elmer	Johnson, R.	McFarland	Rupp
Ashford	Goodrich	Johnson, V.	Miller	Schellpeper
Baack	Haberman	Korshoj	Morehead	Schmit
Barrett	Hall	Labedz	Nelson	Scofield
Beyer	Hannibal	Lamb	Pappas	Smith
Chambers	Harris	Landis	Peterson	Warner
Chizek	Hartnett	Langford	Pirsch	Wehrbein
Conway	Hefner	Lynch	Remmers	Wesely
Coordsen	Higgins	Marsh	Rogers	Withem
Dierks	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 1:

Weihing

Excused and not voting, 1:

Moore

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 150.

A BILL FOR AN ACT relating to nongame and endangered species; to amend sections 37-431 and 37-435, Reissue Revised Statutes of Nebraska, 1943, and section 2-15,111, Revised Statutes Supplement, 1986; to change consultation requirements; to define terms; to require notice and a meeting prior to the reestablishment of certain species; 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	Elmer	Johnson, R.	Miller	Schellpeper
Ashford	Goodrich	Johnson, V.	Morehead	Schmit
Baack	Haberman	Korshoj	Nelson	Scofield
Barrett	Hall	Labedz	Pappas	Smith
Beyer	Hannibal	Lamb	Peterson	Warner
Chambers	Harris	Landis	Pirsch	Wehrbein
Chizek	Hartnett	Langford	Remmers	Weihing
Conway	Hefner	Lynch	Rogers	Wesely
Coordsen	Higgins	Marsh	Rupp	Withem
Dierks	Johnson, L.	McFarland		

Voting in the negative, 0.

Excused and not voting, 1:

Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Mr. V. Johnson moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of LB 284 and 284A on Final Reading today.

The V. Johnson motion to suspend the rules prevailed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 284. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2753, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to withholding from wages for individual income tax 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:

Ashford	Haberman	Johnson, V.	Miller	Schellpeper
Baack	Hall	Korshoj	Morehead	Schmit
Barrett	Hannibal	Labedz	Nelson	Scofield
Beyer	Harris	Lamb	Pappas	Smith
Chambers	Hartnett	Landis	Peterson	Warner
Chizek	Hefner	Langford	Pirsch	Wehrbein
Conway	Higgins	Lynch	Remmers	Weihing
Coordsen	Johnson, L.	Marsh	Rogers	Wesely
Dierks	Johnson, R.	McFarland	Rupp	Withem
Elmer				

Voting in the negative, 2:

Abboud	Goodrich

Excused and not voting, 1:

Moore

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 284A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 284, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Elmer	Johnson, R.	Miller	Schellpeper
Ashford	Goodrich	Johnson, V.	Morehead	Schmit
Baack	Haberman	Korshoj	Nelson	Scofield
Barrett	Hall	Labedz	Pappas	Smith
Beyer	Hannibal	Lamb	Peterson	Warner
Chambers	Harris	Landis	Pirsch	Wehrbein
Chizek	Hartnett	Langford	Remmers	Weihing
Conway	Hefner	Lynch	Rogers	Wesely
Coordsen	Higgins	Marsh	Rupp	Withem
Dierks	Johnson, L.	McFarland		

Voting in the negative, 0.

Excused and not voting, 1:

Moore

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Suspend Rules

Mr. Miller moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of LB 392 on Final Reading today.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 77, 105, 129, 147, 150, 284, and 284A.

MOTION - Suspend Rules

Mr. Miller renewed his pending motion found in this day's Journal to suspend the rules, Rule 6, Section 7(b) to permit consideration of LB 392 on Final Reading today.

PRESIDENT NICHOL PRESIDING

The Miller motion to suspend the rules prevailed with 36 ayes, 0 nays, and 13 present and not voting.

MOTION - Return LB 392 to Select File

Mr. Abboud moved to return LB 392 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Abboud withdrew his pending motion to return LB 392 to Select File.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 392. With Emergency.

A BILL FOR AN ACT relating to social services; to appropriate funds to maintain current staffing levels for local offices; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Mr. Haberman requested a roll call vote.

Voting in the affirmative, 33:

Ashford	Haberman	Korshoj	Miller	Rupp
Baack	Hall	Labedz	Morehead	Schellpeper
Chambers	Harris	Lamb	Nelson	Schmit
Chizek	Hartnett	Landis	Pappas	Smith
Conway	Hefner	Lynch	Pirsch	Wesely
Coordsen	Higgins	Marsh	Rogers	Withem
Dierks	Johnson, V.	McFarland		

Voting in the negative, 16:

Abboud	Goodrich	Johnson, R.	Peterson	Warner
Barrett	Hannibal	Langford	Remmers	Wehrbein
Beyer	Johnson, L.	Moore	Scofield	Weihing
Elmer				

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 392.

COMMUNICATION

February 17, 1987

Mr. Patrick O'Donnell
Clerk of the Legislature
Room 2018
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Pursuant to the provisions of Sections 85-404 and 85-408 Reissue Revised Statutes of Nebraska 1943, as amended, the plans for construction, financing and use of existing surplus funds as outlined below for construction of a new campus recreation/athletic facility on the UNL campus are herewith submitted.

FACILITY CONSTRUCTED:

The facility being constructed is a new campus recreation/athletic facility on the University of Nebraska-Lincoln city campus. This facility will provide a center for indoor recreation, an athletic practice field and renovated space for academic and research components of the School of Health, Physical Education and Recreation (HPER). A program statement for the project has been adopted by the Board of Regents.

This project combines a renovation of the existing Coliseum building with additions to that structure of approximately 136,000 square feet. The renovated and newly constructed space will contain a campus recreation center; an indoor football practice field; offices, labs and storage for HPER; general purpose classrooms; space for the women's intercollegiate volleyball program and locker facilities for the men's and women's tennis teams.

UN-L recreation facilities are inadequate in quantity and quality. This situation has worsened in the past few years because of continued deterioration of the Men's P.E. Building and the closing of the Coliseum basement pool by the State Health Department pending substantial repairs. Other indoor areas used for recreation activities must share available time with HPER classes or Athletic Department users. The new facility will provide indoor recreation facilities which students, faculty and staff can use almost any time of the day to improve their physical condition and well-being.

Current intercollegiate football activities span the entire year. Climatic conditions in Nebraska often inhibit outdoor football practice and conditioning activities. The football coaching staff and administration of the Athletic Department believe that the addition of an indoor practice football field, jogging track and a meeting room for the football program is needed if the UN-L football programs is to improve its quality and maintain a competitive edge.

HPER currently uses 23,500 square feet in the Coliseum for its academic programs and is the major user of three general purpose classrooms (approximately 3,600 square feet) in the Coliseum basement. The quality of Coliseum space is very poor, impeding HPER teaching, research and service. This project will enhance the teaching and research programs of HPER.

FINANCING PLANS:

Construction costs for the campus recreation/athletic facility will not exceed $16,626,000. The costs of construction are proposed to be financed from three sources: private donations to the University Foundation, expending a portion (not to exceed $3,500,000) of existing surplus funds in the University of Nebraska Student Fees and Facilities Revenue Bond accounts, and an issue of University of Nebraska Student Fees and Facilities Revenue Bonds under the Board's 1964 Revenue Bond Resolution. It is anticipated that the borrowed surplus funds and the new Bonds will be repaid from future football ticket revenues.

The contemplated bond issue would not exceed $9,840,000 in amount, with $9,626,000 committed to construction and the balance to cover the costs of issuance. Although these bonds will carry a stated maturity of 14 years, it is anticipated that they will be redeemed in less than 10 years. The 1964 Revenue Bond Resolution is proposed as a financing vehicle since it should result in lowest interest costs.

Football revenues will be supplemented from their current level by a $5.00 per game capital facilities assessment on all tickets, excluding those tickets currently discounted for individual faculty, staff and students. All revenues from this assessment will be pledged together with other facilities pledged under the 1964 Resolution toward payment of the borrowed surplus funds and the new bonds. Operating and maintenance costs will be funded from student fees and from faculty/staff user fees.

Should the Legislature require additional information in this matter, please contact UNL Chancellor Martin Massengale or his staff, 201 Admin., City Campus 68588-0419, phone 472-2116.

Respectfully submitted.

The Board of Regents of the
University of Nebraska

(Signed) William F. Swanson
Corporation Secretary

cc: Vice Chancellor Goebel
Vice President Seagren
Warren Johnson

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS

General Affairs

LB 378	Monday, March 2, 1987	1:30 p.m.
LB 295	Monday, March 2, 1987	1:30 p.m.
LB 757	Monday, March 2, 1987	1:30 p.m.
LB 489	Monday, March 9, 1987	1:30 p.m.
LB 646	Monday, March 9, 1987	1:30 p.m.
LB 724	Monday, March 9, 1987	1:30 p.m.
LB 628	Monday, March 23, 1987	1:30 p.m.
LB 733	Monday, March 23, 1987	1:30 p.m.
LB 421	Monday, March 23, 1987	1:30 p.m.
LB 708	Monday, March 23, 1987	1:30 p.m.
LR 15CA	Monday, March 23, 1987	1:30 p.m.

(Signed) Patricia S. Morehead, Chairperson

Appropriations

Thursday, February 26, 1987 1:30 p.m.
Agency 87 - Political Accountability and Disclosure Commission

LB 183	Thursday, February 26, 1987	1:30 p.m.
LB 717	Thursday, February 26, 1987	1:30 p.m.

Tuesday, February 24, 1987 1:30 p.m.
Agency 52 - State Board of Agriculture (Cancelled)

Thursday, February 26, 1987 1:30 p.m.
Agency 52 - State Board of Agriculture (Reset)

(Signed) Jerome Warner, Chairperson

MOTION - Place LB 97 on General File

Mrs. Higgins renewed her pending motion found in the Journal on page 613 to place LB 97 on General File notwithstanding the action of the Committee.

Messrs. Abboud, Peterson, and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Higgins requested a record vote on her motion.

Voting in the affirmative, 7:

Chambers	Hall	Korshoj	Pirsch	Weihing
Haberman	Higgins			

Voting in the negative, 6:

Hannibal	Landis	Moore	Rupp	Smith
Harris				

Present and not voting, 33:

Ashford	Elmer	Labedz	Morehead	Schmit
Baack	Goodrich	Lamb	Nelson	Scofield
Beyer	Hartnett	Langford	Pappas	Warner
Chizek	Hefner	Lynch	Remmers	Wehrbein
Conway	Johnson, L.	Marsh	Rogers	Wesely
Coordsen	Johnson, R.	McFarland	Schellpeper	Withem
Dierks	Johnson, V.	Miller		

Excused and not voting, 3:

Abboud	Barrett	Peterson

The Higgins motion lost with 7 ayes, 6 nays, 33 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE RESOLUTION 21CA. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 87020

DATE: February 17, 1987

SUBJECT: Constitutionality of LB 304 - Amendments to Definition of "Engaged in Business in this State" Within the Nebraska Sales and Use Tax Statutes

REQUESTED BY: Senator Dennis Baack
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion concerning the constitutionality of LB 304. Generally, LB 304 proposes to amend the definition of "engaged in business in this state" contained in Neb.Rev.Stat. §77-2702(21) (Reissue 1986) by expanding the definition of this term within the sales and use tax statutes to reach transactions involving tangible personal property sold by mail order retailers, or retailers soliciting sales by certain advertising conducted in the state. Your specific question concerns whether the imposition of an obligation to collect and remit sales and use tax on out-of-state sellers under these circumstances violates the due process clause of the Fourteenth Amendment of the United States Constitution, and imposes an impermissible burden on interstate commerce under Article I, Section 8, Cl. 3 of the Constitution.

Sales and use taxes, while both constituting excise or privilege taxes, are nevertheless considered to be distinct forms of taxation. Generally, ". . . the sales tax is imposed on sales occurring within the state, while the use tax applies to goods purchased outside the state." 68 AM.Jur.2d Sales and Use Taxes, §173 (1973). The use tax is correlative of, and complementary to, the sales tax, and is designed to prevent loss of tax revenues through evasion of the sales tax. Miller Brothers Co. v. Maryland, 347 U.S. 340 (1953). Although the sales and use tax often bring about the same result and serve complementary purposes, they are different in conception, and different standards may apply with respect to the determination of their constitutionality. McLeod v. J. E. Dilworth Co., 322 U.S. 327 (1944).

With respect to the constitutionality of imposing a sales tax on property delivered from outside the state, the United States Supreme Court, in McGoldrick v. Berwind-White Coal Mining Co., 309 U.S. 33 (1940), held a sales tax imposed under these conditions was constitutionally permissible where transfer of title and possession to the purchaser occurred within the taxing state. In a subsequent case, however, the Court held unconstitutional on commerce clause grounds the application of an Arkansas sales tax where transfer and

title to the goods occurred outside the taxing state upon delivery to a common carrier. McLeod v. J. E. Dilworth Co., supra. Thus, in determining questions regarding the constitutionality of imposing sales tax liability, the Court has focused on the legal incidents of the sale, focusing upon the transfer of ownership and possession of the property in question within the taxing jurisdiction.

While the Court has had only limited occasion to address the constitutionality of imposing sales tax liability on transactions involving out-of-state sellers, the Court has addressed on several occasions the level of in-state activity necessary to justify the imposition of use tax collection obligations on an interstate business. The initial U.S. Supreme Court decision in this area was Miller Brothers Co. v. Maryland, 347 U.S. 340 (1953). Miller Brothers involved a Delaware retailer which made only direct sales to customers at its store in Delaware. Residents of the neighboring state of Maryland made purchases at Miller Brothers' store, and occasionally Miller Brothers would arrange for delivery into Maryland of items purchased, either by common carrier or in its own delivery truck. Miller Brothers had no resident agent or retail outlets in Maryland, and did not advertise in the Maryland media, although its advertisements in the Delaware media were received by Maryland residents. The State of Maryland sought to impose upon Miller Brothers the duty to collect and remit use tax from Maryland residents who purchased goods at their Delaware store. Id. at 341-42.

The Supreme Court held that Maryland could not constitutionally impose a use tax obligation on Miller Brothers under these factual circumstances. In reaching this conclusion, the Court stated that, for a state to satisfy the due process requirement necessary to justify imposing a collection obligation of this nature on an out-of-state seller, there must be "some definite link, some minimum connection, between a state and the person, property or transaction it seeks to tax." Id. at 344-45.

The next use tax obligation case before the Supreme Court was Scripto, Inc. v. Carson, 362 U.S. 207 (1960). Scripto involved a Georgia merchandising corporation which solicited orders in Florida for its products through the use of ten resident "jobbers", who would forward the orders to Georgia for shipment of the goods. Scripto had no offices, property or employees in Florida. The Court applied the nexus test adopted in Miller Brothers, and held the requisite minimum contacts with Florida were present to justify imposing the use tax obligation on Scripto, even though the jobbers were independent contractors. Id. at 209-212.

The next case in the series, National Bellas Hess, Inc. v. Department of Revenue, 386 U.S. 753 (1967), involved an attempt by the State of Illinois to impose a use tax obligation on a Missouri based mail order house that had no property or sales representatives in the taxing state, and did not engage in local deliveries or local advertising. National's only contacts with Illinois occurred through the mailing of catalogues to Illinois residents, and the delivery of goods by common carrier. A majority of six justices held the imposition of a use tax collection obligation unconstitutional under these circumstances, stating that ". . . the Court has never held that a State may impose the duty of use tax collection and payment upon a seller whose only connection with customers in the State is by common carrier or the United States mail." Id. at 758. In a dissenting opinion, however, three members of the Court objected to the majority opinion on the ground that the ". . . large-scale, systematic, continuous solicitation and exploitation of the Illinois consumer market" constituted adequate nexus to justify the requirement for collection of use taxes. Id. at 761-62 (Fortas, J., Black, J., and Douglas, J., dissenting).

The most recent Supreme Court decision in this area is National Geographic Society v. California Board of Equalization, 430 U.S. 551 (1977). In that case, California sought to require the Society to collect use taxes owed by its customers who purchased maps, books, atlases and globes through its interstate mail order business. The Society maintained two offices in California, but these offices performed no activities related to the society's interstate mail order business.

Finding that the burdens imposed on interstate commerce are less in requiring a seller to collect a use tax, as opposed to requiring payment of a sales tax, the Court held the nexus required between the taxing state and the person, property, or transaction sought to be taxed is lesser in the use tax situation than in the sales tax situation. Id. at 557-58. Compare McLeod v. J. E. Dilworth Co., supra, with Scripto, Inc. v. Carson, supra. Stating that the key inquiry in determining whether sufficient nexus exists to impose a use tax collection obligation is ". . . whether the out-of-state seller enjoys services of the taxing state", the Court held the Society's presence within the state and activities conducted therein, although unconnected to its mail order business, were sufficient to supply the requisite nexus to impose a use tax collection obligation under the circumstances. 430 U.S. at 558, 562.

Upon review of the series of Supreme Court decisions in this area, it is apparent that the determination of whether sufficient nexus exists to justify imposition on an out-of-state seller of the obligation to act as the state's tax collection agent is a question answered primarily on

a case-by-case basis. The Court has not pronounced a definitive standard by which to determine whether an out-of-state seller has engaged in the requisite level of local activity, but has instead chosen to consider each case on its particular facts. Nevertheless, one court has sought to find certain common threads running through the cases in this area, summarizing their holdings as follows:

> First, it seems clear that the nexus requirement for sales taxes and use taxes is different, and that a lesser nature or extent of connections will pass constitutional muster in the latter case. Second, the "presence" of the out-of-state seller within the taxing state must be more than occasional deliveries by company truck as in Miller Brothers, but perhaps less than the degree of "presence" established by ten jobbers soliciting orders within the state in Scripto. Third, the requisite nexus can be found in the case of a mail order seller with retail outlets, solicitors or property within the taxing state as in National Geographic, but cannot be found where the out-of-state seller merely communicates with customers in the taxing state by mail or common carrier as in National Bellas Hess.

Rowe-Genereux, Inc. v. Vermont Department of Taxes, 138 Vt. 130, 137, 411 A.2d 1345, 1349 (1980).

In summary, the relevant inquiry in analyzing the constitutionality of the sales tax focuses on the significant aspects of the sale within the taxing jurisdiction, and the legal incidents respecting the transfer of ownership and possession. In the use tax area, the analysis centers on the local activities of the out-of-state seller, not necessarily related to the sale, but rather focusing on the physical presence of the seller in the taxing jurisdiction so as to make it reasonable to impose the collection duty.

Applying these principles to the proposed expansion of the definition of "engaged in business in this state" contained in LB 304, we believe certain aspects of the amendment pose serious constitutional difficulties under the standards enunciated by the Supreme Court. With respect to the proposal to expand the definition to reach the solicitation of retail sales through advertising broadcast from a transmitter in the state, or distributed from a location in the state, these facts alone would appear to be insufficient to justify either sales or use tax collection obligations on out-of-state sellers. The Supreme Court has never held that mere advertising alone is sufficient to satisfy the due process requirement based upon the connection between the state and the person or property or transaction it is seeking to tax. Similarly, as there is no controlling precedent as to the sufficiency of the contacts pertaining to the proposed amendments to include within the definition "Being owned or controlled by the same

interests which own or control any retailer engaged in business in the same or similar line of business in this state", or "Maintaining or having a franchisee or licensee operating under the retailer's trade name in this state. . .", these provisions may also be constitutionally suspect as to the adequacy of the nexus existing under such circumstances.

The final provision of LB 304 seeks to expand the definition of "engaged in business in this state" to cover the solicitation of orders from Nebraska residents by mail, if done on a "continuous, regular, seasonal, or systematic" basis, and ". . . if the retailer benefits from any banking, financing, debt collection, or marketing activities occurring in this state or benefits from the location in this state of authorized installation, servicing, or repair facilities." As to the imposition of sales tax liability under these circumstances, we believe this provision is not drawn with the specificity required to fall within the standards for constitutional purposes set forth by the Supreme Court in this area. As to the imposition of a use tax collection obligation under these circumstances, we believe this particular provision would survive constitutional attack, as it appears to require contact with the state beyond mere solicitation and mailing of orders into the state, as involved in National Bellas Hess, Inc., supra, by requiring that the seller also receive certain tangible benefits from the taxing jurisdiction in order to trigger the obligation to collect and remit use taxes from purchasers. It must be remembered, however, that the validity of the application of such a requirement depends primarily on the facts involved in a particular situation, and that the court decisions in this area do not provide a broad, definitive standard which would permit the application of a "bright-line" test as to the constitutionality of legislation of this nature.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

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

3/10

RESOLUTION

LEGISLATIVE RESOLUTION 33.

Introduced by Rupp, 22nd District; Dierks, 40th District.

WHEREAS, Harry H. and Addi M. Johnston have graciously conveyed to the Nebraska Game and Parks Foundation property located in Antelope County, Nebraska, which has great development potential as a state historical park; and

WHEREAS, the Game and Parks Commission has the general authority to acquire real estate by gift with the consent of the Governor; and

WHEREAS, in the interest of promoting recreational opportunities for Nebraskans, the Legislature wishes to grant approval for the Game and Parks Commission to obtain title to all or any part of such land presently held in trust by the Nebraska Game and Parks Foundation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature approves the gift from the Nebraska Game and Parks Foundation to the Game and Parks Commission of all of the real estate described as follows: The southwest quarter of section 5; the northwest quarter of the northwest quarter of section 8; the west half of the northeast quarter of section 8; the east half of the northwest quarter of section 8; all in township 28 north, range 7 west of the 6th principal meridian, Antelope County, Nebraska, containing three hundred sixty acres more or less and including all gas, oil, and mineral rights, except those of record.

2. That such approval is granted with the understanding that the land described shall be designated and utilized as the Ashfall State Historical Park.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 379. Placed on Select File as amended.
E & R amendment to LB 379:
AM5070

1. On page 1, line 2, after "section" insert "37-715, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 5 strike "section" and insert "sections".

LEGISLATIVE BILL 356. Placed on Select File.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Member Excused

Mrs. Smith asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Withdraw LB 282

Mr. Pappas renewed his pending motion found in the Journal on page 660 to withdraw LB 282.

Mr. Pappas withdrew his pending motion.

RESOLUTION

LEGISLATIVE RESOLUTION 31. Read. Considered.

LR 31 was adopted with 25 ayes, 0 nays, and 24 not voting.

GENERAL FILE

LEGISLATIVE BILL 730. Title read. Considered.

Standing Committee amendments, AM0171, found in the Journal on page 574 for the Twenty-Second Day were considered.

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Haberman offered the following amendment to the Standing Committee amendments:
AM0218

(Amendments to the Standing Committee amendments)

1. On page 1, line 21, strike "five" and insert "three".

2. On page 2, line 3, after "Diseases" insert "and two hundred thousand dollars which shall be appropriated each year to the University of Nebraska Medical Center's education and research programs in geriatrics".

Mr. Haberman moved for a call of the house. The motion prevailed with 7 ayes, 2 nays, and 40 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Goodrich	Higgins	Nelson	Pirsch	Schmit
Haberman	Labedz	Pappas	Rupp	Smith

Voting in the negative, 38:

Abboud	Coordsen	Johnson, R.	McFarland	Schellpeper
Ashford	Dierks	Johnson, V.	Miller	Scofield
Baack	Hall	Korshoj	Moore	Warner
Barrett	Hannibal	Lamb	Morehead	Wehrbein
Beyer	Harris	Landis	Peterson	Weihing
Chambers	Hartnett	Langford	Remmers	Wesely
Chizek	Hefner	Lynch	Rogers	Withem
Conway	Johnson, L.	Marsh		

Present and not voting, 1:

Elmer

The Haberman amendment lost with 10 ayes, 38 nays, and 1 present and not voting.

The Chair declared the call raised.

SPEAKER BARRETT PRESIDING

The Standing Committee amendments were adopted with 27 ayes, 4 nays, and 18 present and not voting.

Advanced to E & R for Review with 25 ayes, 15 nays, and 9 present and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 730A. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 4 nays, and 14 present and not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 258. Placed on General File.

LEGISLATIVE BILL 525. Indefinitely postponed.
LEGISLATIVE BILL 589. Indefinitely postponed.
LEGISLATIVE BILL 590. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 564	Wednesday, February 25, 1987	1:30 p.m.
LB 509	Wednesday, February 25, 1987	1:30 p.m.
LB 601	Wednesday, February 25, 1987	1:30 p.m.
LB 242	Wednesday, February 25, 1987	1:30 p.m.
LB 405	Thursday, February 26, 1987	1:30 p.m.
LB 406	Thursday, February 26, 1987	1:30 p.m.
LB 451	Thursday, February 26, 1987	1:30 p.m.
LB 452	Thursday, February 26, 1987	1:30 p.m.
LB 221	Thursday, February 26, 1987	1:30 p.m.
LB 65	Friday, February 27, 1987	1:30 p.m.
LB 582	Friday, February 27, 1987	1:30 p.m.
LB 676	Friday, February 27, 1987	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

Government, Military and Veterans Affairs

LB 456	Wednesday, February 25, 1987	1:30 p.m.
LB 358	Wednesday, February 25, 1987	1:30 p.m.
LB 52	Wednesday, February 25, 1987	1:30 p.m.
LB 388	Wednesday, February 25, 1987	1:30 p.m.
LB 677	Wednesday, February 25, 1987	1:30 p.m.

LB 742	Thursday, February 26, 1987	1:30 p.m.
LB 740	Thursday, February 26, 1987	1:30 p.m.
LB 743	Thursday, February 26, 1987	1:30 p.m.
LB 744	Friday, February 27, 1987	1:30 p.m.
LB 748	Friday, February 27, 1987	1:30 p.m.
LB 667	Friday, February 27, 1987	1:30 p.m.

(Signed) Lee Rupp, Chairperson

STANDING COMMITTEE REPORTS
Agriculture

LEGISLATIVE BILL 244. Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

Education

LEGISLATIVE RESOLUTION 3CA. Placed on General File as amended.
Standing Committee amendment to LR 3CA:
AM0041
1. On page 2, line 3, after "jobs" insert "or additional jobs in this state".

LEGISLATIVE RESOLUTION 23CA. Indefinitely postponed.

LEGISLATIVE BILL 443. Indefinitely postponed.
LEGISLATIVE BILL 527. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 18, 1987, at 10:57 a.m., were the following bills: 77, 105, 129, 147, 150, 284, 284A, and 392.

(Signed) Pam Moravec, Enrolling Clerk

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 186. Placed on General File.

LEGISLATIVE BILL 332. Placed on General File.
LEGISLATIVE BILL 440. Placed on General File.
LEGISLATIVE BILL 531. Placed on General File.

LEGISLATIVE BILL 558. Indefinitely postponed.

(Signed) R. W. Remmers, Chairperson

Education

LEGISLATIVE BILL 444. Placed on General File as amended.
Standing Committee amendments to LB 444:
AM0259

1. Insert the following new section:

"Sec. 3. That section 79-426.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-426.05. There is hereby established in each county in the state a committee for the reorganization of school districts, to be known as the county committee. Each county committee shall be composed of not less than ~~six~~ seven nor more than ~~ten~~ twelve members. The county committee of the county in which the schoolhouse or the administrative office of a joint district lying in two or more counties is located shall be designated to have within its jurisdiction the territory of ~~said~~ such joint district for the purpose of organizing school districts. One member of the county committee shall be the county superintendent of schools, who shall serve as a nonvoting member of the committee, and each class of school district within the county shall have one member on the committee. The remaining members shall be elected from ~~each class of school district~~ any Class I school district not associated with a Class VI school district and any Class II, III, IV, V, or VI school district within the county so that the total committee membership is as nearly as possible in the proportion that ~~their population bears to the entire county population~~ the total school census for children from birth to twenty-one years of age in each class of school district within the county bears to the total school census for children from birth to twenty-one years of age in all school districts within the county. All of the members of school boards and boards of

education within the county and joint districts under the jurisdiction of that county committee shall, at a meeting called for that purpose by the county superintendent of schools within one hundred twenty days from ~~August 27, 1949~~ the effective date of this act, and each four years thereafter, ~~(1)~~ determine by a majority vote of those present the number of members of the county committee within the limits prescribed in this section. The school boards or boards of education representing each class of school district within the county and joint school districts under the jurisdiction of such county shall vote as separate units to select their representatives for the county committee. The members so elected shall serve four-year terms. ~~, and (2) elect for a term of four years all the remaining members of the committee other than the county superintendent of schools. Each class of school district shall have at least one representative on the committee. At least one of the elective members shall not be a member of any school board or board of education.~~ No member of a county committee shall continue to serve thereon if he or she ceases to be a resident of the county, the ~~or of a~~ joint school district under the jurisdiction of that county committee, or the school district from which he or she was elected. At the expiration of their terms, successors to members of the county committee shall be elected for ~~a term~~ terms of four years in the same manner as the initial election. ~~Vacancies~~ A vacancy in the membership of the county committee shall be filled for the unexpired term by a representative of the same class of school district as the previous member as chosen by the remaining members of the county committee. Members of the county committee shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties, with mileage reimbursements to be computed at the rate provided in section 23-1112 for county officers and employees, the reimbursement to be allowed and paid from funds appropriated by the county board. The county committee may employ professional and clerical help, and the cost of these services shall be paid from funds appropriated by the county board. It shall be the duty of the county superintendents of each of the several

counties to submit to their respective county boards a recommended sum to be appropriated for school district reorganization purposes.".

2. On page 9, line 16, after "sections" insert "72-426.05," and after "79-426.15" insert a comma.

3. Renumber the remaining sections accordingly.

(Signed) Ron Withem, Chairperson

EXECUTIVE BOARD REPORT

February 18, 1987

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Reference your letter of February 18, 1987 regarding the communication received from the University of Nebraska concerning a proposed bond issue for purposes of capital construction items.

The Referencing Committee has referred the communication to the Appropriations Committee for appropriate action.

Sincerely,

(Signed) Bernice Labedz
Chairperson
Executive Board

BL/jw

RESOLUTION

LEGISLATIVE RESOLUTION 34.

Introduced by Baack, 47th District.

WHEREAS, it is estimated that two million American young adults between the ages of fifteen and twenty-four attempted suicide during the 1985-86 school year; and

WHEREAS, at least six thousand of these attempts resulted in death; and

WHEREAS, suicide is the second leading cause of death among college students, exceeded only by accidents; and

WHEREAS, suicide affects all areas of society, regardless of social and economic factors, levels of intelligence, or success and popularity; and

WHEREAS, Nebraska currently has no legislation that deals with the serious problem of student suicide and any resulting liability from any suicide; and

WHEREAS, there is a definite need for the development of training programs dealing with suicide prevention for professional staff as well as consultation and technical assistance to public and private schools which are developing such programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a Select Committee be appointed by the Executive Board of the Legislative Council, consisting of members of the Legislature, parents and community, educational, and medical representatives in an effort to get parents, schools, and community agencies to work together on the prevention of suicide.

2. That the Select Committee study in depth the problem of suicide and look to other states including the State of Wisconsin, for examples of suicide prevention legislation.

3. That the Select Committee shall prepare a report, summarizing its findings and recommendations, and present it to the Education Committee of the Legislature by November 15, 1987.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 379 in the Journal. No objections. So ordered.

At page 3, line 4, after "farming."
add: "such furs may be taken only if the animals are not killed in the process."

Mr. Chambers asked unanimous consent to print the following amendment to LB 379 in the Journal. No objections. So ordered.

At page 3, line 4: strike the period and insert "or (c) any person who shall raise Lynx canadensis or Lynx rufus for the purpose of producing Lynx domesticus whose fur can be taken without killing the animal or for the purpose of producing breeding stock for sale to persons engaged in such production.

Mr. Schmit asked unanimous consent to print the following amendment to LB 730 in the Journal. No objections. So ordered.

AM0272

1. On page 21, line 9, after the second comma insert "and also sections 59-1501 to 59-1518, Reissue Revised Statutes of Nebraska, 1943,".

VISITORS

Visitors to the Chamber were 200 Farm Bureau leaders from across the state; Norm Hubertus and George Moats; 45 fourth grade students and teachers from Fremont; Mike and Anne Boyle from Omaha; Senator Moore's mother, June Moore, and grandmother, Ruth Moore and four neighbors; George Bugle and Jim McGee from Douglas County; and Senator Schellpeper's mother and stepfather, Mr. and Mrs. Burt Schulz from Norfolk.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Wehrbein, the Legislature adjourned until 9:00 a.m., Thursday, February 19, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 19, 1987

LEGISLATIVE JOURNAL

TWENTY-SEVENTH DAY - FEBRUARY 19, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 19, 1987

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Woodrow Wilson, Veterans Hospital, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Messrs. Abboud, Chambers, Conway, Harris, Hefner, Korshoj, Peterson, Schellpeper, Weihing, Withem, Mesdames Higgins, Nelson, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Sixth Day was approved.

REPORT

Received report from the Nebraska Department of Roads on projected highway use revenue distribution.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 31.

MOTION - Withdraw LB 85

Mr. Pappas renewed his pending motion found in the Journal on page 589 to withdraw LB 85.

The Pappas motion to withdraw prevailed with 23 ayes, 2 nays, 10 present and not voting, and 14 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 33. Read. Considered.

LR 33 was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 523. E & R amendments, AM5069, found in the Journal on page 643 for the Twenty-Fifth Day were adopted.

Mr. Landis offered the following V. Johnson amendment:
AM0243

1. On page 104, line 11, after the comma insert "77-2711,"; and in line 17 strike "77-2711,".
2. In the E & R amendment, AM5069, on page 4, line 15, after the second comma insert "28,".

The V. Johnson 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 523A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 187A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 379. E & R amendment, AM5070, found in the Journal on page 690 for the Twenty-Sixth Day was adopted.

Mr. Chambers renewed his pending amendment found in the Journal on page 698.

The Chambers amendment lost with 1 aye, 10 nays, 34 present and not voting, and 4 excused and not voting.

Mr. Chambers renewed his pending amendment found in the Journal on page 699.

Messrs. Barrett and Hall asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment lost with 2 ayes, 8 nays, 34 present and not voting, and 5 excused and not voting.

Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 356. Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 449. Placed on General File as amended.
Standing Committee amendments to LB 449:
AM0255

1. Purpose: To provide legal funds for the Nebraska v. Wyoming lawsuit regarding water rights issues.

Insert the following new section:

"Sec. 8. There is hereby appropriated $276,000 from the General Fund for the period July 1, 1986, to June 30, 1987, to the Attorney General, for Program 507, to provide for expenses related to the Nebraska v. Wyoming lawsuit, which shall be used only for such purpose.

The unexpended General Fund balance existing on June 30, 1987, is hereby reappropriated.".

2. Insert the following new sections:

"Sec. 9. That section 9, Legislative Bill 1, Eighty-ninth Legislature, Fourth Special Session, 1986, be amended to read as follows:

Sec. 9. Agency No. 26 -- Department of Social Services

In addition to any other information provided by the Department of Social Services with its 1987-88

budget request, the department shall provide the following:

(1) A report by type of service or aid of the use and distribution of federal funds by the department received under federal block grants from the United States Department of Health and Human Services as follows:

(a) Actual expenditure of block grant funds, including subprogram expenditure totals, for state and federal fiscal year 1985-86;

(b) Current budget and planned use and distribution of block grant funds, including subprogram totals, for state and federal fiscal year 1986-87; and

(c) Requested use and distribution of block grant funds, including subprogram totals, for state and federal fiscal years 1987-88 and 1988-89.

(2) A report by type of service or aid of the use and distribution of general, cash, or nonblock federal funds to match, supplement, or provide joint funding of services funded by use of federal block grant funds. Such information shall be provided as required for subdivisions (1)(a), (b), and (c) of this section.

The department shall revise or otherwise provide an update to the Legislative Fiscal Analyst on January 7, 1987, of any information submitted as required under subdivisions (1) and (2) of this section to reflect any changes that might occur subsequent to submission of its 1987-88 budget request but prior to January 7, 1987.

(3) Program No. 341 - Administration of Public Assistance

GENERAL FUND	20,842,539
CASH FUND	224,000
FEDERAL FUND est.	30,453,664
PROGRAM TOTAL	51,520,203

Total expenditures for permanent and temporary salaries and per diems for state employees shall not exceed $33,114,981.

There is included in the appropriation to this program $16,840 General Funds, for state aid, which shall only be used for such purpose.

The Department of Administrative Services shall monitor separately expenditures for the Nebraska Center for Children and Youth.

(4) Program No. 347 - Public Assistance

GENERAL FUND	49,704,061
CASH FUND	11,676
FEDERAL FUND est.	67,908,088
PROGRAM TOTAL	117,623,825

No personal services expenditures for state employees shall be made from appropriations to this program.

There is included in the appropriation to this program $49,704,061 General Funds, $11,676 Cash Funds, and $67,908,088 Federal Funds estimate, for state aid, which shall only be used for such purpose.

There is included in the appropriation to this program $4,943,612 Federal Funds, for social services for the mentally retarded, which shall only be used for such purpose. Title XX funds designated for this purpose shall be reduced if federal funds are reduced. The reduction shall be made in the same proportion as the reduction in such federal funds.

It is the intent of the Legislature that for the fiscal year ending June 30, 1987, ten per cent of the federal funds received by the State of Nebraska for the Low Income Energy Assistance Program, as provided by Title XXVI of the Omnibus Reconciliation Act of 1981, Public Law 97-208, be transferred to the Title XX Social Services Block Grant during 1986-87.

For accounting purposes only, the appropriation to this program includes:

(a) Energy Assistance

FEDERAL FUND est.	14,626,191
TOTAL	14,626,191

(b) Subsidized Adoption

GENERAL FUND	743,310
TOTAL	743,310

(c) State Disabled Program - Medical

GENERAL FUND	1,668,324
CASH FUND	11,676
TOTAL	1,680,000

(d) State Disabled Program - Maintenance

GENERAL FUND	350,000
TOTAL	350,000

(e) Aid to Dependent Children

GENERAL FUND	25,218,400
FEDERAL FUND est.	31,981,600

TOTAL	57,200,000
(f) State Supplement to Supplemental Security Income	
GENERAL FUND	5,100,000
TOTAL	5,100,000
(g) Indo-China Refugees	
FEDERAL FUND est.	350,000
TOTAL	350,000
(h) Emergency Assistance	
FEDERAL FUND est.	250,000
TOTAL	250,000
(i) Catastrophic Illness	
GENERAL FUND	37,125
FEDERAL FUND est.	75,375
TOTAL	112,500
(j) Job Support	
GENERAL FUND	98,607
FEDERAL FUND est.	887,460
TOTAL	986,067
(k) Child Welfare	
GENERAL FUND	6,366,453
FEDERAL FUND est.	444,000
TOTAL	6,810,453
(l) Social Services	
GENERAL FUND	2,303,515
FEDERAL FUND est.	13,587,440
TOTAL	15,890,955
(m) Domestic Violence Program	
GENERAL FUND	428,000
TOTAL	428,000
(n) IV-E Adoption	
GENERAL FUND	284,041
FEDERAL FUND est.	378,214
TOTAL	662,255
(o) IV-E Foster Care	
GENERAL FUND	1,704,141
FEDERAL FUND est.	2,269,142
TOTAL	3,973,283
(p) Wards of the State	
GENERAL FUND	3,765,438
TOTAL	3,765,438
(q) Medically Handicapped Children	
GENERAL FUND	1,636,707
FEDERAL FUND est.	915,656

TOTAL	2,552,363
(r) Community Services Block Grant	
FEDERAL FUND est.	2,143,010
TOTAL	2,143,010
(5) Program No. 348 - Medical Assistance	
GENERAL FUND	71,579,230
CASH FUND	1,177,360
FEDERAL FUND est.	107,088,039
PROGRAM TOTAL	179,844,629

No personal services expenditures for state employees shall be made from appropriations to this program.

There is included in the appropriation to this program $71,579,230 General Funds, $1,177,360 Cash Funds, and $107,088,039 Federal Funds estimate, for state aid, which shall only be used for such purpose.

For Informational Purposes Only: Total Appropriations to Agency No. 26 and Fund Source

GENERAL FUND	142,125,830
CASH FUND	1,413,036
FEDERAL FUND est.	205,449,791
AGENCY TOTAL	348,988,657

The Director of Social Services is hereby authorized to expend up to $175,027 General Funds for the purpose of contracting with community-based mental retardation service providers to serve up to a total of forty-eight residents of the Omaha Manor or Beatrice State Developmental Center. The per client rate shall be equivalent to $34.40 per day.

Sec. 10. That original section 9, Legislative Bill 1, Eighty-ninth Legislature, Fourth Special Session, 1986, is repealed.".

3. Strike original section 7.

4. Insert underscoring in the original sections.

5. Renumber remaining section accordingly.

(Signed) Jerome Warner, Chairperson

Health and Human Services

LEGISLATIVE BILL 126. Placed on General File.

(Signed) Don Wesely, Chairperson

Judiciary

LEGISLATIVE BILL 117. Placed on General File as amended.
Standing Committee amendments to LB 117:
AM0250

1. On page 11, line 6, strike "(1)"; in line 9 after "employment" insert "and who participates in an investigation or the making of any report pertaining to"; and strike beginning with "shall" in line 12 through line 25.

2. On page 12, line 1, strike "this section" and strike "participating" and insert "or participates".

(Signed) Jerry Chizek, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 549. Placed on General File as amended.
Standing Committee amendments to LB 549:
AM0225

1. On page 3, reinstate the stricken matter in lines 5 through 7.

2. On page 10, line 20, strike "seventy-five" and insert "twenty-five"; and in line 21 strike "twenty-five" and insert "seventy-five".

3. On page 11, line 14, strike "that" and insert "than"; and in line 15 strike "retirement date" and insert "date on which a member ceases employment in the school system".

4. On page 12, reinstate the stricken matter in lines 6 through 8.

5. On page 14, line 24, strike "draw" and insert "receive".

6. On page 15, line 2, strike "and" and insert "to".

7. On page 28, strike lines 24 and 25 and show as stricken.

8. On page 29, strike line 1 and show as stricken; and in line 2 strike "of such" and insert "an" and after "annuity" insert "which".

9. On page 31, lines 14 through 16, reinstate the stricken matter and strike the new matter.

10. On page 32, reinstate the stricken matter

3 in lines 16 through 18.

(Signed) Rex Haberman, Chairperson

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 57	Monday, March 2, 1987	12:00 Noon
LB 58	Monday, March 2, 1987	12:00 Noon
LB 160	Monday, March 2, 1987	12:00 Noon

(Signed) Rex Haberman, Chairperson

Education

LB 85	Tuesday, March 17, 1987	Cancelled

(Signed) Ron Withem, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LB 362 in the Journal. No objections. So ordered.

AM0238

1. On page 4, line 2, strike "at the eleventh grade level".

Mr. Pappas asked unanimous consent to print the following amendment to LB 519 in the Journal. No objections. So ordered.

AM0221

1. On page 4, strike beginning with "immediate" in line 12 through "chief" in line 14, show as stricken, and insert "employees employed in a bona fide executive, administrative, or professional capacity, as such terms are used or defined under the Fair Labor Standards Act, 29 U.S.C. 213,"; and strike beginning with "immediate" in line 22 through "chief" in line 24, show as stricken, and insert "employees employed in a bona fide executive, administrative, or professional capacity, as such terms are used or defined under the Fair Labor Standards Act, 29 U.S.C. 213,".

UNANIMOUS CONSENT - Member Excused

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 158. Mr. Haberman withdrew his pending motion to indefinitely postpone.

Mr. McFarland offered the following amendment:
AM0245

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. As used in this act, unless the context otherwise requires:

(1) Academy shall mean the Unicameral Scholars Academy;

(2) Advisory board shall mean the advisory board for the Unicameral Scholars Academy;

(3) Commissioner shall mean the Commissioner of Education; and

(4) Department shall mean the State Department of Education.

Sec. 2. The Unicameral Scholars Academy is hereby established for the purpose of administering and operating a public, residential, coeducational school to be held in the summer for high school students in this state who are gifted children as described in section 79-339.

Sec. 3. (1) The department shall operate the academy in accordance with the guidelines established by the advisory board and in consideration of the recommendations made by the advisory board under section 5 of this act.

(2) The department shall have the power to:

(a) Employ personnel necessary to operate the academy;

(b) Select the students who will attend the academy;

(c) Hire the faculty for the academy;

(d) Enter into contracts with institutions of higher education or other similar entities for

establishing the location or locations of the academy;

(e) Determine the courses that are to be offered at the academy site; and

(f) Take any other action necessary to operate the academy under this act.

Sec. 4. (1) An advisory board to the academy is hereby created. The advisory board shall consist of (a) the commissioner, the director of gifted education of the department, the chairperson of the Nebraska Coordinating Commission for Postsecondary Education; and the chairperson of the Education Committee of the Legislature, all of whom shall be ex officio members, (b) two classroom teachers, one public school administrator, two parents of students of a public high school, and two former students of the academy or, in the case of the initial appointments, two students of a public or private high school, all of whom shall be appointed by the commissioner, and (c) two representatives of public postsecondary institutions in the state, one representative of a private postsecondary institution in the state, and two representatives of business or industry in the state, all of whom shall be appointed by the Governor.

(2) Of the members initially appointed, three appointees of the commissioner other than the student members shall be designated to serve two-year terms, two appointees of the Governor shall be designated to serve two-year terms, and the two students shall serve two year-terms and all other appointees shall serve four-year terms. At the expiration of the term of an initial member, the successor shall be appointed for a term ending July 1 of the fourth year following appointment. Vacancies shall be filled for the unexpired term of the member creating the vacancy.

(3) The commissioner shall designate one member to serve as chairperson of the advisory board.

(4) The appointed members of the board shall be reimbursed for actual and necessary expenses as provided in section 84-306.01 to 84-306.05 for state employees.

Sec. 5. (1) The advisory board shall establish guidelines for the department concerning:

(a) The criteria for admission to the academy; which shall include, but not be limited to, high school

grades, class standing, standardized test scores, written essays, letters of recommendation, and leadership roles and involvement in extracurricular and community activities. Grades and test scores shall not be the main determinants, and the criteria shall also allow for consideration of intellectual potential and personal characteristics of students who may not readily demonstrate their gifted potential in a traditional classroom setting;

(b) The selection of students based upon a county's student population with the goal of gathering a diverse student body representing as many high schools in the state as possible. The selection process shall include a process for peer and self-nomination for students wishing to apply for selection to the academy; and

(c) The procedures for evaluating the academy.

(2) The advisory board may make recommendations to the department concerning the following:

(a) The curriculum to be offered at the academy;

(b) The location or locations for the operation of the academy;

(c) The length of time during the summer that the academy is to be operational; and

(d) Any other matter that the advisory board determines to be pertinent to the operation of the academy.

Sec. 6. The academy shall provide free tuition, room, and board to students accepted to attend the program. The academy shall admit no more than two hundred students each year who are rising seniors who attend a public or private school in the state. For purposes of this section, rising senior shall mean graduated juniors.".

MR. LAMB PRESIDING

Mr. McFarland moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The McFarland amendment was adopted with 25 ayes, 13 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

SPEAKER BARRETT PRESIDING

Mrs. Marsh 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. McFarland moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Hall requested a record vote on the advancement of the bill.

Voting in the affirmative, 18:

Ashford	Hall	Landis	Miller	Schmit
Chambers	Harris	Lynch	Nelson	Wesely
Chizek	Hartnett	Marsh	Pirsch	Withem
Goodrich	Johnson, R.	McFarland		

Voting in the negative, 27:

Abboud	Dierks	Korshoj	Peterson	Scofield
Baack	Elmer	Lamb	Remmers	Smith
Barrett	Haberman	Langford	Rogers	Warner
Beyer	Hannibal	Moore	Rupp	Wehrbein
Conway	Hefner	Morehead	Schellpeper	Weihing
Coordsen	Johnson, L.			

Present and not voting, 2:

Labedz Pappas

Excused and not voting, 2:

Higgins Johnson, V.

Failed to advance to E & R for Review with 18 ayes, 27 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 450. Placed on General File as amended.
Standing Committee amendment to LB 450:
AM0264

1. On page 17, line 3, after "T" insert "and an open-end spade".

(Signed) Rod Johnson, Chairperson

Urban Affairs

LEGISLATIVE BILL 324. Placed on General File as amended.
Standing Committee amendments to LB 324:
AM0271

1. Insert the following new section:

"Section 1. That section 18-2408, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2408. Director shall mean a member of a board and shall include an alternate. The alternate shall be appointed in the same manner as the director and shall serve and exercise all powers of a director in the absence of the director for which he or she is the alternate.".

2. On page 3, strike beginning with "An" in line 9 through line 12 and insert "An agency which contracts with municipalities outside the State of Nebraska may hold meetings of the board or any committee outside the State of Nebraska if such meetings are held only in such contracting municipalities and if such meetings are held solely for the purpose of preliminary discussion of such contracts. Final action on such contracts shall only be taken by the agency at a meeting in the State of Nebraska, which meeting shall fully comply with sections 84-1408 to 84-1414.".

3. On page 5, line 6, after "sections" insert "18-2408," and after "18-2409" insert a comma.

4. Renumber the remaining sections accordingly.

(Signed) D. Paul Hartnett, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 191. Placed on General File as amended.
Standing Committee amendment to LB 191:
AM0261

1. On page 2, line 6, strike "thirty" and insert "fifteen".

LEGISLATIVE BILL 532. Placed on General File as amended.
Standing Committee amendment to LB 532:
AM0260

1. On page 2, line 7, after "or" insert ",after the effective date of this act,".

(Signed) R. W. Remmers, Chairperson

Health and Human Services

LEGISLATIVE BILL 257. Placed on General File.

(Signed) Don Wesely, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 399. Placed on Select File as amended.
E & R amendments to LB 399:
AM5071

1. In the Ashford amendment adopted on February 17, 1987, found on page 665 of the Journal:
(a) Strike amendment 2 and insert the following amendment:
"2. On page 2, strike beginning with 'In' in line 17 through 'no' in line 18 and insert 'No'."; and
(b) In amendment 4 strike the last comma.
2. In the Standing Committee amendments, AM0108, adopted February 17, 1987, on page 1, line 7, strike "prepared" and insert "prepares".
3. On page 1, line 1, strike "a term" and insert "terms"; and in line 2 after "for" insert "certain" and strike "relating to"; and in line 3 strike

"reporting fraud".

LEGISLATIVE BILL 508. Placed on Select File as amended.
E & R amendments to LB 508:
AM5072

1. In the Standing Committee amendments, AM0174, adopted February 17, 1987, on page 2, line 4, after "of" insert "the interest of" and strike the comma.

2. On page 2, line 5, after the semicolon insert "to change and eliminate provisions relating to county boards of equalization;"; in line 6 after "assessment" insert ", listing, apportionment, reporting,"; in line 7 after "real" insert "and personal"; strike beginning with "to" in line 7 through the semicolon in line 9; and strike beginning with "to" in line 14 through the semicolon in line 15.

3. On page 4, line 24, after "except" insert "that".

4. On page 8, line 10, strike "were" and insert "have been".

5. On page 10, line 7, strike the comma and show as stricken.

6. On page 15, line 16, strike "wherein" and insert "in which"; in line 21 after the comma insert "as such rate may from time to time be adjusted by the Legislature,"; and in line 24 strike "first class" and insert "first-class".

7. On page 16, line 2, after "and" insert "the"; in line 3 after "the" insert "taxpayer's" and after "and" insert "the appeal"; and in line 4 strike "of the taxpayer".

8. On page 17, line 19, after "treasurer" insert an underscored comma; and in line 22 strike the comma.

9. On page 20, line 22, strike the comma and show as stricken.

10. On page 25, line 12, strike "are", show as stricken, and insert "is".

11. On page 31, line 22, after "trustee" insert an underscored comma.

12. On page 35, line 13, after "valid" insert an underscored comma.

13. On page 37, line 11, strike "are" and

insert "shall be".

14. On page 38, line 14, strike "executor", show as stricken, and insert "personal representative"; in line 19 strike the comma and show as stricken; and in line 23 after "except" insert "that".

15. On page 42, line 6, strike "profession" and insert "professional".

16. On page 43, line 8, after "exist" insert an underscored comma; and in line 25 strike "shall have", show as stricken, and insert "has" and strike "the" and show as stricken.

17. On page 44, line 7, strike "shall", show as stricken, and insert "will".

18. On page 46, line 11, after the first comma insert "and" and strike the second comma and show as stricken.

19. On page 51, line 13, after "address" insert an underscored comma.

20. On page 52, line 23, strike the comma and show as stricken.

(Signed) Scott Moore, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 639A. By R. Johnson, 34th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 639, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 506. Title read. Considered.

Mr. Lynch moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Lynch requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

Ashford	Dierks	Harris	Marsh	Pappas
Chambers	Goodrich	Labedz	McFarland	Schellpeper
Chizek	Haberman	Landis	Miller	Smith
Conway	Hall	Lynch	Nelson	Withem

Voting in the negative, 24:

Abboud	Hannibal	Lamb	Pirsch	Scofield
Baack	Hefner	Langford	Remmers	Warner
Barrett	Johnson, L.	Moore	Rogers	Wehrbein
Coordsen	Johnson, R.	Morehead	Rupp	Weihing
Elmer	Korshoj	Peterson	Schmit	

Present and not voting, 2:

Beyer Hartnett

Excused and not voting, 3:

Higgins Johnson, V. Wesely

Failed to advance to E & R for Review with 20 ayes, 24 nays, 2 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.

LEGISLATIVE BILL 148. Title read. Considered.

Standing Committee amendment, AM0148, found in the Journal on page 576 for the Twenty-Second Day was considered.

Messrs. Lamb, Schellpeper, and Rupp offered the following amendment to the Standing Committee amendment:
Line 2 - Strike 4.5 and insert 3.5

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?"

Mr. Abboud moved for a call of the house. The motion prevailed with 24 ayes, 3 nays, and 22 not voting.

Mr. Abboud requested a roll call vote on his motion to cease debate.

Voting in the affirmative, 25:

Abboud	Chizek	Goodrich	Johnson, R.	McFarland
Ashford	Conway	Hall	Korshoj	Miller
Baack	Coordsen	Harris	Landis	Morehead
Barrett	Dierks	Hartnett	Lynch	Peterson
Beyer	Elmer	Hefner	Marsh	Rogers

Voting in the negative, 19:

Johnson, L.	Moore	Remmers	Scofield	Weihing
Labedz	Nelson	Rupp	Smith	Wesely
Lamb	Pappas	Schellpeper	Warner	Withem
Langford	Pirsch	Schmit	Wehrbein	

Present and not voting, 2:

Chambers Hannibal

Excused and not voting, 3:

Haberman Higgins Johnson, V.

The motion to cease debate prevailed with 25 ayes, 19 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Pappas and Harris 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 22 ayes, 0 nays, and 27 not voting.

Mr. Landis requested a roll call vote on the Lamb-Schellpeper-Rupp amendment to the Standing Committee amendment.

Voting in the affirmative, 19:

Abboud	Goodrich	Korshoj	Langford	Pirsch
Barrett	Johnson, L.	Labedz	Moore	Remmers
Conway	Johnson, R.	Lamb	Peterson	Rogers

Rupp	Schellpeper	Scofield	Smith	

Voting in the negative, 24:

Ashford	Coordsen	Hartnett	McFarland	Wehrbein
Baack	Dierks	Hefner	Miller	Weihing
Beyer	Elmer	Landis	Nelson	Wesely
Chambers	Hall	Lynch	Schmit	Withem
Chizek	Hannibal	Marsh	Warner	

Present and not voting, 1:

Morehead

Excused and not voting, 5:

Haberman	Harris	Higgins	Johnson, V.	Pappas

The Lamb-Schellpeper-Rupp amendment lost with 19 ayes, 24 nays, 1 present and not voting, and 5 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Barrett asked unanimous consent to print the following amendment to LB 253 in the Journal. No objections. So ordered.

AM0278

1. On page 18, line 15, reinstate "Such" and strike "The"; in line 17 strike the underscored period; and reinstate the stricken language in lines 17 and 18.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 588	Thursday, February 26, 1987	1:30 p.m.

(Signed) Lee Rupp, Chairperson

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 526. Placed on General File as amended.

Standing Committee amendment to LB 526:
AM0257

1. On page 6, line 10, before "The" insert "The land described in section 1 shall be sold to the highest bidder at public auction."; in line 13 strike "Control Unit" and insert "Facilities" and after created insert a period; and strike beginning with the first "to" in line 14 through the period in line 15.

(Signed) Lee Rupp, Chairperson

ANNOUNCEMENT

Mrs. Labedz announced the Executive Board will meet at 8:15 a.m., Tuesday, February 24, 1987, in Room 1517.

VISITORS

Visitors to the Chamber were Don and David Burton and Pat Stritt from Bartley; Suzy Burton from Bartley; former Senator Cal Carsten; 14 eighth grade students and teacher from District 24 Platte Center; Janice Hild from Plattsmouth; and 72 students from Omaha Westside High School.

ADJOURNMENT

At 12:06 p.m., on a motion by Mr. Moore, the Legislature adjourned until 9:00 a.m., Friday, February 20, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-EIGHTH DAY - FEBRUARY 20, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 20, 1987

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett 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. Abboud, Chambers, Hall, Hartnett, V. Johnson, Remmers, Schmit, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Seventh Day was approved.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 33.

MOTION - Return LB 61 to Select File

Mr. Dierks moved to return LB 61 to Select File for his pending specific amendment, AM0195, found in the Journal on page 628.

The Dierks motion to return prevailed with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 61. The Dierks specific amendment, AM0195, found in the Journal on page 628 was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 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 135.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-614 and 39-615, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to pedestrian-control signals; 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:

Ashford	Goodrich	Korshoj	Moore	Schellpeper
Baack	Haberman	Labedz	Morehead	Scofield
Barrett	Hall	Lamb	Nelson	Smith
Beyer	Hannibal	Landis	Pappas	Warner
Chizek	Harris	Langford	Peterson	Wehrbein
Conway	Hefner	Lynch	Pirsch	Weihing
Coordsen	Higgins	Marsh	Rogers	Wesely
Dierks	Johnson, L.	McFarland	Rupp	Withem
Elmer	Johnson, R.	Miller		

Voting in the negative, 0.

Excused and not voting, 6:

Abboud	Hartnett	Johnson, V.	Remmers	Schmit
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 197. With Emergency.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1986; 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:

Ashford	Goodrich	Korshoj	Moore	Schellpeper
Baack	Haberman	Labedz	Morehead	Scofield
Barrett	Hall	Lamb	Nelson	Smith
Beyer	Hannibal	Landis	Pappas	Warner
Chizek	Harris	Langford	Peterson	Wehrbein
Conway	Hefner	Lynch	Pirsch	Weihing
Coordsen	Higgins	Marsh	Remmers	Wesely
Dierks	Johnson, L.	McFarland	Rogers	Withem
Elmer	Johnson, R.	Miller	Rupp	

Voting in the negative, 0.

Excused and not voting, 5:

Abboud	Chambers	Hartnett	Johnson, V.	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 216.

A BILL FOR AN ACT relating to motor vehicles; to amend section 39-653, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to signal light requirements on certain motor vehicles; 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:

Ashford	Haberman	Korshoj	Moore	Schellpeper
Baack	Hall	Labedz	Morehead	Schmit
Barrett	Hannibal	Lamb	Nelson	Scofield
Beyer	Harris	Landis	Pappas	Smith
Chizek	Hartnett	Langford	Peterson	Warner
Conway	Hefner	Lynch	Pirsch	Wehrbein
Coordsen	Higgins	Marsh	Remmers	Weihing
Dierks	Johnson, L.	McFarland	Rogers	Wesely
Elmer	Johnson, R.	Miller	Rupp	Withem
Goodrich	Johnson, V.			

Voting in the negative, 0.

Excused and not voting, 2:

Abboud Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 225 to Select File

Mr. Ashford moved to return LB 225 to Select File for the following specific amendment:

1. In Section 2, line 15, strike the word "notice" and insert the word "motion."

The Ashford motion to return prevailed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 225. The Ashford specific amendment found in this day's Journal was adopted with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

PRESIDENT NICHOL PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 231.

A BILL FOR AN ACT relating to elections; to amend sections 32-210.01 and 32-403, Reissue Revised Statutes of Nebraska, 1943; to increase the rate of compensation for certain officials; to increase a limit on compensation; 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:

Ashford	Haberman	Korshoj	Moore	Schellpeper
Baack	Hall	Labedz	Morehead	Schmit
Barrett	Hannibal	Lamb	Nelson	Scofield
Beyer	Harris	Landis	Pappas	Smith
Chizek	Hartnett	Langford	Peterson	Warner
Conway	Hefner	Lynch	Pirsch	Wehrbein
Coordsen	Higgins	Marsh	Remmers	Weihing
Dierks	Johnson, L.	McFarland	Rogers	Wesely
Elmer	Johnson, R.	Miller	Rupp	Withem
Goodrich	Johnson, V.			

Voting in the negative, 0.

Excused and not voting, 2:

Abboud Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 239.

A BILL FOR AN ACT relating to foster care; to amend sections 43-1302 and 43-1304, Reissue Revised Statutes of Nebraska, 1943, and section 43-1301, Revised Statutes Supplement, 1986; to define

terms; to change membership provisions for the state and local foster care review boards; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Ashford	Haberman	Johnson, V.	Miller	Rupp
Baack	Hall	Korshoj	Moore	Schellpeper
Barrett	Hannibal	Labedz	Morehead	Schmit
Beyer	Harris	Lamb	Nelson	Scofield
Chizek	Hartnett	Landis	Pappas	Smith
Conway	Hefner	Langford	Peterson	Warner
Coordsen	Higgins	Lynch	Pirsch	Wehrbein
Elmer	Johnson, L.	Marsh	Remmers	Wesely
Goodrich	Johnson, R.	McFarland	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Dierks Weihing

Excused and not voting, 2:

Abboud Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 296.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2315, 24-708, 79-1521, 84-1317, and 85-606, Revised Statutes Supplement, 1986; to eliminate certain provisions relating to mandatory retirement; to change certain provisions relating to mandatory retirement as prescribed; to harmonize provisions; and to repeal the original sections, and also section 79-1057, Revised Statutes Supplement, 1986.

Whereupon the 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:

Ashford	Goodrich	Johnson, V.	Miller	Rupp
Baack	Haberman	Korshoj	Moore	Schellpeper
Barrett	Hall	Labedz	Morehead	Schmit
Beyer	Hannibal	Lamb	Nelson	Scofield
Chambers	Harris	Landis	Pappas	Smith
Chizek	Hartnett	Langford	Peterson	Warner
Conway	Hefner	Lynch	Pirsch	Wehrbein
Coordsen	Higgins	Marsh	Remmers	Wesely
Dierks	Johnson, L.	McFarland	Rogers	Withem
Elmer	Johnson, R.			

Voting in the negative, 0.

Present and not voting, 1:

Weihing

Excused and not voting, 1:

Abboud

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 motor vehicles; to amend section 60-1420, Reissue Revised Statutes of Nebraska, 1943; to provide for the termination of franchises for the sale of motor vehicles 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, 47:

Ashford	Baack	Barrett	Beyer	Chambers

Chizek	Harris	Lamb	Morehead	Schellpeper
Conway	Hartnett	Landis	Nelson	Schmit
Coordsen	Hefner	Langford	Pappas	Scofield
Dierks	Higgins	Lynch	Peterson	Smith
Elmer	Johnson, L.	Marsh	Pirsch	Warner
Goodrich	Johnson, R.	McFarland	Remmers	Wehrbein
Haberman	Johnson, V.	Miller	Rogers	Wesely
Hall	Korshoj	Moore	Rupp	Withem
Hannibal	Labedz			

Voting in the negative, 0.

Present and not voting, 1:

Weihing

Excused and not voting, 1:

Abboud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 353.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend sections 48-115, 81-1835, and 83-183.01, Revised Statutes Supplement, 1986; to provide workers' compensation coverage for certain inmates; to permit distribution of inmates' wages 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:

Ashford	Conway	Hall	Johnson, L.	Landis
Baack	Coordsen	Hannibal	Johnson, R.	Langford
Barrett	Dierks	Harris	Johnson, V.	Lynch
Beyer	Elmer	Hartnett	Korshoj	Marsh
Chambers	Goodrich	Hefner	Labedz	McFarland
Chizek	Haberman	Higgins	Lamb	Miller

Moore	Peterson	Rupp	Scofield	Wehrbein
Morehead	Pirsch	Schellpeper	Smith	Wesely
Nelson	Remmers	Schmit	Warner	Withem
Pappas	Rogers			

Voting in the negative, 0.

Present and not voting, 1:

Weihing

Excused and not voting, 1:

Abboud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 385.

A BILL FOR AN ACT relating to public health and welfare; to provide for testing for metabolic diseases; to provide fees; to provide powers and duties for the Department of Health; to provide for a registry; to provide for enforcement; to eliminate provisions for screenings as prescribed; and to repeal sections 71-604.01, 71-604.03, and 71-604.04, 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, 47:

Ashford	Goodrich	Johnson, V.	Miller	Rupp
Baack	Haberman	Korshoj	Moore	Schellpeper
Barrett	Hall	Labedz	Morehead	Schmit
Beyer	Hannibal	Lamb	Nelson	Scofield
Chambers	Harris	Landis	Pappas	Smith
Chizek	Hartnett	Langford	Peterson	Warner
Conway	Hefner	Lynch	Pirsch	Wehrbein
Coordsen	Higgins	Marsh	Remmers	Wesely
Dierks	Johnson, L.	McFarland	Rogers	Withem
Elmer	Johnson, R.			

Voting in the negative, 0.

Present and not voting, 1:

Weihing

Excused and not voting, 1:

Abboud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 483.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-922, Revised Statutes Supplement, 1986; to eliminate a provision relating to a hearing requirement; to change the required number of codes filed for public use 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:

Ashford	Goodrich	Johnson, V.	Moore	Schellpeper
Baack	Haberman	Korshoj	Morehead	Schmit
Barrett	Hall	Labedz	Nelson	Scofield
Beyer	Hannibal	Lamb	Pappas	Smith
Chambers	Harris	Landis	Peterson	Warner
Chizek	Hartnett	Langford	Pirsch	Wehrbein
Conway	Hefner	Lynch	Remmers	Weihing
Coordsen	Higgins	Marsh	Rogers	Wesely
Dierks	Johnson, L.	McFarland	Rupp	Withem
Elmer	Johnson, R.	Miller		

Voting in the negative, 0.

Excused and not voting, 1:

Abboud

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: 135, 197, 216, 231, 239, 296, 327, 353, 385, and 483.

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 19, 1987. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Burch, Janice E. - Lincoln, National Audubon Society
Crosby, Guenzel, Davis, Kessner & Kuester
Crosby, Robert B. - Lincoln, Lower Platte South NRD
DeCamp, John W. - Lincoln, Justice for Nebraska Hearing Impaired; Midwest Equipment Rental Association; Nebraska Optometric Association
Dillard, Jack K. - Houston, TX., Tenneco Inc.
Erickson & Sederstrom
Thone, Charles - Lincoln, Bakers Supermarkets
Fox, Jeff - Fergus Falls, MN., Communicating for Agriculture
Frey, John H. - Lincoln, Lincoln Medical Education Foundation
Humpal, John E. - Omaha, HMO Nebraska, Inc.
Jenkins, G. Willard - Waterloo, IA., Deer & Company
LaRose, Louis - Winnebago, Winnebago Tribe of Nebraska
Litjen, Thomas R. - Mercy Midlands
Moulton, William S. - Omaha, Nebraska Retail Grocers Association, Inc.
Mumm, Alton C. - Waterloo, Communications Workers of America Local 7290
Nelson, Richard P. - Lincoln, Nebraska Republican Party
Peregoy, Robert M. - Boulder, CO., Winnebago Tribe of Nebraska
Radcliffe, Walter/Tews & Radcliffe
Radcliffe, Walter H. - Lincoln, R. J. Reynolds Tobacco Company (Withdrawn 87/02/12)

Schwartze, L. J. "Rusty" - Lincoln, Nebraska State Home Builders Association
Skarda Jr., William R. - Gretna, Nebraska Motor Carriers' Association
Skochdopole, Robert A. - Omaha, Mercy Midlands
Sturner, Peter C. & Associates
Sturner, Peter C. - Lincoln, Nebraska Technicians of Veterinary Medicine Association

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 730 in the Journal. No objections. So ordered.

AM0285
(Amendments to Standing Committee amendments)
1. On page 1, line 19, after the semicolon insert "and"; and strike beginning with the semicolon in line 20 through line 21 and insert a period.
2. On page 2, strike lines 1 through 3.

Mr. Miller asked unanimous consent to print the following amendment to LB 730 in the Journal. No objections. So ordered.

AM0288
(Amendments to Standing Committee amendments, AM0171)
1. On page 1, line 19, after the semicolon insert "and"; and strike beginning with the semicolon in line 20 through line 21 and insert a period.
2. On page 2, strike lines 1 to 3.

NOTICE OF COMMITTEE HEARINGS
Appropriations

Monday, March 2, 1987 6:00 p.m.
UNL Campus Recreation/Athletic Facility

State Employee Salary
Wednesday, March 11, 1987 7:00 p.m. (Cancelled)
Monday, March 9, 1987 7:00 p.m. (Reset)

(Signed) Jerome Warner, Chairperson

STANDING COMMITTEE REPORT

Health and Human Services

LEGISLATIVE BILL 499. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

MOTION - Place LB 98 on General File

Mrs. Higgins renewed her pending motion found in the Journal on page 648 to place LB 98 on General File notwithstanding the action of the Committee.

Mr. Miller asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mrs. Higgins moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mrs. Higgins requested a record vote on her motion to place LB 98 on General File.

Voting in the affirmative, 20:

Ashford	Dierks	Korshoj	Nelson	Smith
Beyer	Goodrich	Labedz	Rupp	Weihing
Chambers	Hall	Lamb	Schmit	Wesely
Chizek	Higgins	Lynch	Scofield	Withem

Voting in the negative, 23:

Abboud	Haberman	Johnson, L.	Marsh	Pirsch
Baack	Hannibal	Johnson, R.	Moore	Remmers
Conway	Harris	Johnson, V.	Morehead	Schellpeper
Coordsen	Hartnett	Landis	Pappas	Warner
Elmer	Hefner	Langford		

Present and not voting, 5:

Barrett	McFarland	Peterson	Rogers	Wehrbein

Excused and not voting, 1:

Miller

The Higgins motion lost with 20 ayes, 23 nays, 5 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 148. The pending Standing Committee amendment, AM0148, found in the Journal on page 576 and considered on page 717 was renewed.

Mr. Rupp 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 26 ayes, 8 nays, 14 present and not voting, and 1 excused and not voting.

Mr. Conway offered the following amendment:
AM0256

1. Insert the following new section:

"Section 1. Notwithstanding the provisions of section 2-3203, the Legislature hereby directs the Nebraska Natural Resources Commission to study the composition of the state's natural resources districts in existence on the effective date of this act and formulate and recommend to the Legislature a plan which provides for natural resources districts which will equitably and economically manage, conserve, develop, and protect the state's natural resources. Such a plan shall be completed and presented to the Legislature no later than two years from the effective date of this act.".

2. Renumber the remaining sections accordingly.

The Conway amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Mr. Haberman offered the following amendment:
AM0266

1. Strike original section 3.

2. On page 12, strike beginning with "section" in line 1 through "and" in line 2.

3. Strike the Standing Committee Amendments.

4. Renumber the remaining sections accordingly.

Mr. Haberman moved for a call of the house. The motion prevailed with 15 ayes, 7 nays, and 27 not voting.

PRESIDENT NICHOL PRESIDING

Mr. Hannibal asked unanimous consent to raise the call.

Mr. Haberman objected.

Mr. Hannibal moved to raise the call.

Mr. Haberman withdrew his objection.

The Chair declared the call raised.

Mrs. Labedz, Messrs. Lynch, and Conway 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.

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, 16:

Abboud	Lamb	Pappas	Remmers	Schellpeper
Haberman	Langford	Peterson	Rogers	Smith
Higgins	Moore	Pirsch	Rupp	Weihing
Johnson, R.				

Voting in the negative, 26:

Ashford	Barrett	Chizek	Dierks	Hall
Baack	Beyer	Coordsen	Elmer	Hannibal

Harris	Korshoj	McFarland	Schmit	Wehrbein
Hefner	Landis	Miller	Scofield	Wesely
Johnson, L.	Marsh	Nelson	Warner	Withem
Johnson, V.				

Present and not voting, 1:

Hartnett

Absent and not voting, 3:

Chambers Goodrich Morehead

Excused and not voting, 3:

Conway Labedz Lynch

The Haberman amendment lost with 16 ayes, 26 nays, 1 present and not voting, 3 absent and not voting, and 3 excused and not voting.

Pending.

STANDING COMMITTEE REPORT
Health and Human Services

By a vote of 7 ayes, 0 nays, the Health and Human Services Committee has voted to recommend the confirmation of the following appointees:

Kermit McMurry - Director, Dept. of Social Services
Betsy Palmer - Director, Dept. on Aging
Gregg Wright - Director, Dept. of Health

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 399 in the Journal. No objections. So ordered.

AM0276

1. In the Standing Committee amendments, AM0108, adopted February 17, 1987, on page 1, line 16, strike "which he or she conceals" and insert "to

conceal".

STANDING COMMITTEE REPORTS
Agriculture

LEGISLATIVE BILL 102. Placed on General File as amended.
Standing Committee amendments to LB 102:
AM0160

1. Strike the original sections and insert the following new sections:

"Section 1. That section 23-358, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-358. For the purpose of carrying on an organized ~~predatory~~ animal damage control program within their respective counties, the county boards ~~are hereby authorized to~~ may cooperate with the ~~Fish and Wildlife Service of the Department of the Interior of the United States and~~ Animal and Plant Health Inspection Service of the United States Department of Agriculture, state agencies, private associations, and individuals in the control ~~and destruction~~ of coyotes, ~~wolves,~~ bobcats, foxes, badgers, opossums, raccoons, skunks, and other predatory animals in this state that are injurious to livestock, poultry, and game animals and the public health. ~~, in accordance with organized and systematic plans of such Fish and Wildlife Service and state agencies, covering the control and destruction of such predatory animals~~ The county boards may also undertake the control of commensal rodents, field rodents, nuisance birds, and other nuisance wildlife if such rodents, birds, or wildlife are causing or are about to cause property damage or represent a human health threat. All control efforts shall be in accordance with the organized and systematic plans of the United States Department of Agriculture and state agencies covering the management and control of animals, birds, and wildlife.

Sec. 2. That section 23-358.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-358.01. It is the intent of sections ~~23-358.01~~ 23-358 to 23-361 and ~~23-609~~ section 6 of this act that ~~predator~~ animal damage control service shall be

available to every individual citizen or group of citizens of the state and that employment of such service shall be initiated by the individual or individuals desiring the control of ~~wolves, wildcats, foxes, coyotes, gophers, ground squirrels and rats or nuisance crows, starlings or magpies, in their area~~ the animals, birds, or wildlife listed in section 23-358 which are causing a problem for such individual or individuals.

In order to support the cost of managing ~~or destroying~~ and controlling the animals, birds, or wildlife ~~destructive predators, birds, and rodents as~~ listed in ~~this~~ section 23-358, each county shall match funds supplied by any resident individual or group of individuals either living within the county or owning property therein, up to a maximum of one thousand dollars annually for any specific ~~predator or nuisance bird~~ animal damage control program, and may furnish such additional money as the county board shall deem necessary for the funding of such programs. The county board of each county is authorized to make necessary expenditures from the general fund of the county, except ~~; PROVIDED,~~ that the portion supplied by each county shall not exceed fifty per cent of the total ~~predator or nuisance bird~~ animal damage control program cost, unless such county elects to bear the entire ~~predator control or nuisance bird~~ program cost under ~~the provisions of~~ sections 23-358 to 23-361. The total ~~predator or nuisance bird~~ animal damage control program portion paid by the individual user or users may include, but shall not be limited to, any funds levied under ~~the provisions of~~ section 23-361 by each county board, but nothing in this section shall be construed to exempt any user from a general levy made by the county board under ~~the provisions of~~ section 23-360.

A county desiring to cooperate with another county or counties for the establishment of ~~predator~~ animal damage control services as are set forth in sections 23-358 to 23-361, may enter into agreements and match funds for the establishment of an area program with the state or federal government pursuant to the terms and limitations set forth in section ~~23-609~~ 6 of this act.

Sec. 3. That section 23-359, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

23-359. In order to perform ~~such predatory~~ animal damage control, the county board of each county ~~is authorized to~~ may make necessary expenditures from ~~such~~ any funds of the county as are available for such purpose.

Sec. 4. That section 23-360, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-360. In addition to levies now authorized by law, the county board of each county in this state ~~is authorized to~~ may levy upon each and every dollar of the actual value of all the taxable property in such county, except intangible property, for the use of the county board in carrying out the ~~predatory~~ animal damage control program, ~~herein,~~ such amount as may be determined to be necessary therefor, but not to exceed one cent on each one hundred dollars upon the actual value of all the taxable property in such county, except intangible property. The entire fund derived from such levy shall be set apart in a separate fund and expended only for ~~predatory~~ animal damage control, as defined by sections 23-358 to 23-360.

Sec. 5. That section 23-361, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-361. In order to provide additional means for carrying on ~~a~~ an animal damage control program for ~~eradication~~ the management and control of coyotes, bobcats, foxes, and other predatory animals destructive of sheep and cattle, county boards ~~are hereby authorized to~~ may levy in any year a tax of not to exceed twenty cents per head on sheep and cattle on the following conditions:

(1) That a petition to the county board requesting such levy, signed by sixty-seven per cent of the owners of ~~at least seventy-five per cent of~~ the sheep, the cattle, or the sheep and cattle ~~assessed~~ in the county ~~for that~~ as of January 1 of each year, be filed with the board on or before July 1; and

(2) That a planned program for ~~eradication~~ the management and control of such predatory animals be approved by the county board each year in which such

levy is to be made. Such planned program may include entry in the animal damage control program authorized by section 23-358~~,~~ or any other program approved by the board and designed to manage and control ~~or eradicate~~ such predatory animals. The proceeds of such levy shall be placed in a separate fund and shall be applied exclusively to carrying out the program adopted. For each year in which such a levy is deemed necessary, a petition shall be presented to the county board for approval as provided in this section.

Sec. 6. That section 23-609, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~23-609.~~ The Director of Agriculture may contract and cooperate with the ~~United States Department of the Interior, Fish and Wildlife Service,~~ Animal and Plant Health Inspection Service of the United States Department of Agriculture in the management ~~or destruction~~ and control of (1) coyotes, ~~wolves,~~ bobcats, ~~and~~ foxes, and other predatory animals listed in section 23-358 in this state~~,~~ that are injurious to livestock, poultry, and game animals and ~~birds, and in the management or destruction of~~ the public health, (2) injurious commensal and field rodents, and (3) ~~in the management or destruction of depredatory nongame~~ nuisance birds or other nuisance ~~animals~~ wildlife, in accordance with organized and systematic plans of the ~~United States Department of the Interior~~ Animal and Plant Health Inspection Service of the United States Department of Agriculture for the management ~~or destruction~~ and control of such animals. Supervision of the program shall be by the local representative of the ~~United States Department of the Interior~~ Animal and Plant Health Inspection Service of the United States Department of Agriculture. Expenditure of funds appropriated by the Legislature may not be made without the approval in writing by the director. The director in cooperation with the ~~Fish and Wildlife Service~~ Animal and Plant Health Inspection Service of the United States Department of Agriculture may enter into agreements with other governmental agencies and with counties, associations, corporations, or individuals when such cooperation is deemed to be necessary to promote the management ~~or destruction~~ and control of such predatory

~~animal and~~ animals, injurious commensal and field rodents, ~~depredatory nongame~~ nuisance birds, or other nuisance ~~animals~~ wildlife.

Sec. 7. There is hereby created the Animal Damage Control Cash Fund. Such fund shall be administered by the Department of Agriculture. The fund shall consist of funds received from any source to carry out the animal damage control program pursuant to section 6 of this act. Any money in the Animal Damage Control Cash Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 8. The Director of Agriculture may cooperate with and receive funds from other agencies or departments of the state for the purposes of section 6 of this act and may accept from any political subdivisions of the state, private associations, or other source such funds, contributions, payments, gifts, or bequests as may be given or paid under contractual agreement to the department. Such funds shall be deposited in the Animal Damage Control Cash Fund.

Sec. 9. That original sections 23-358, 23-358.01, 23-359, 23-360, 23-361, and 23-609, Reissue Revised Statutes of Nebraska, 1943, and also sections 2-2901 to 2-2908, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 145. Placed on General File as amended.
Standing Committee amendments to LB 145:
AM0262

1. On page 3, strike beginning with "and" in line 20 through "years" in line 22.

2. On page 4, line 11, after "processors" insert "who have been in business" and after "Nebraska" insert "for at least three years".

3. On page 8, line 4, strike "sales".

4. On page 9, line 8, strike "received" and insert "collected"; and in line 10 after "office" insert "or to influence state legislation. The board shall not expend more than twenty-five per cent of its annual budget to influence federal legislation".

5. On page 11, line 23, after "(2)" insert "The commission shall contract with an independent agency or organization to collect the fee."; and in line

24 strike "the commission" and insert "such independent collection agency".

6. On page 12, line 3, after the period insert "The independent collection agency shall keep first purchaser statements confidential and report only the total of all statements to the commission for the preceding three months."; in line 9 strike "commission" and insert "independent collection agency"; strike beginning with "The" in line 11 through the period in line 12; in line 17 strike "processors" and insert "first purchasers"; in line 18 strike "processor" and insert "first purchaser"; in line 19 strike "Processor" and insert "First purchaser"; and in line 20 strike "fifteen" and insert "thirty".

LEGISLATIVE BILL 164. Placed on General File as amended.
Standing Committee amendments to LB 164:
AM0263

1. On page 5, line 1, strike "pursuant to section 23 of this act"; strike beginning with the first "money" through the second "received" in line 3 and insert "surveillance fees collected. All surveillance fees collected"; in line 4 strike "under this section"; in line 10 strike "financial statement compiled" and insert "report of audit or review prepared in accordance with generally accepted accounting practices and conducted"; and in line 12 after the period insert "Each financial statement shall include, but not be limited to, the following: (1) A balance sheet; (2) a statement of income showing profit or loss; (3) a statement of retained earnings; (4) a statement of changes in the financial position; and (5) accountant's certifications, assurances, opinions, comments, and notes with regard to such financial statement.".

2. On page 19, line 19, strike "Grain Buyer Act" and insert "section 75-903".

3. On page 21, line 11, strike "under section 3 of this act" and insert "in the suspension or termination of a warehouse operation".

4. On page 22, line 7, strike "partnership, corporation, or association," and show as stricken.

(Signed) Rod Johnson, Chairperson

Revenue

LEGISLATIVE BILL 287. Placed on General File.
LEGISLATIVE BILL 366. Placed on General File.

LEGISLATIVE BILL 464. Placed on General File as amended.
Standing Committee amendment to LB 464:
AM0286

1. Strike the original section 1 and insert the following new section:

"Section 1. That section 9-239, Revised Statutes Supplement, 1986, be amended to read as follows:

9-239. (1) The department shall collect a state tax of ~~six~~ five per cent on the gross receipts received from the conducting of bingo within the state. Such tax shall be paid to the department and credited to the Charitable Gaming Operations Fund. The tax shall be remitted quarterly, not later than thirty days from the close of the preceding quarter, together with any other reports as may be required by the department. The proceeds from the tax shall be used to pay the costs of regulation and enforcement of the Nebraska Bingo Act as provided in subsection (2) of section 9-1,101.

(2) Any city or village is hereby directed to impose a tax of ~~four~~ three per cent on the gross receipts received from the conducting of bingo within such city or village until June 30, 1989, and a tax of two per cent on such receipts after such date. Where bingo is conducted outside the limits of any incorporated city or village, the county in which such bingo is conducted shall impose a tax of ~~four~~ three per cent on the gross receipts from the conducting of bingo outside the corporate limits of such city or village until June 30, 1989, and a tax of two per cent on such receipts after such date. Such tax shall be credited to the general fund of the county, city, or village which issued a permit for the conducting of bingo pursuant to section 9-236. Such tax shall be paid to the clerk of the political subdivision imposing the tax, and the clerk shall transmit the tax to the treasurer of such subdivision. The tax shall be remitted quarterly, not later than thirty days from the close of the preceding quarter, together with such reports as may be required

by the political subdivision imposing the tax. The proceeds from the tax shall be used to pay for the costs of regulation and enforcement of the Nebraska Bingo Act.".

LEGISLATIVE RESOLUTION 8CA. Indefinitely postponed.

LEGISLATIVE BILL 44. Indefinitely postponed.
LEGISLATIVE BILL 205. Indefinitely postponed.
LEGISLATIVE BILL 407. Indefinitely postponed.
LEGISLATIVE BILL 486. Indefinitely postponed.
LEGISLATIVE BILL 560. Indefinitely postponed.
LEGISLATIVE BILL 562. Indefinitely postponed.
LEGISLATIVE BILL 671. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 20, 1987, at 10:50 a.m., were the following bills: 135, 197, 216, 231, 239, 296, 327, 353, 385, and 483.

(Signed) Pam Moravec, Enrolling Clerk

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LBs 135, 197, 216, 231, 239, 296, 327, 353, 385, and 483.

(Signed) Chris Abboud

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Morehead asked unanimous consent to have her name added as co-introducer to LB 376. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 35.

Introduced by Beyer, 3rd 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 groups and individuals; and

WHEREAS, extension specialists plan and conduct programs to provide district and statewide coordination; and

WHEREAS, volunteers play an important part in the 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 Orr has proclaimed the week of February 23 as Nebraska Cooperative Extension Week.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and honors all extension 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.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 730. Placed on Select File as amended.
E & R amendments to LB 730:
AM5074

1. In the Standing Committee amendments, AM0171, adopted February 18, 1987:

a. On page 1, line 14, strike "subsection" and insert "subdivision"; and in line 19 strike " 'Fourteen' " and insert " 'Fourteen', show as stricken,"; and

b. On page 4, line 7, after "25" insert ", 29, and 32"; in line 8 after the period insert "Sections 30 and 33 shall become operative on their effective date."; and in line 9 strike "1986" and insert "1987".

2. Insert the following new sections:

"Sec. 29. That section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,132. (1) There is hereby created a fund to be designated the Tax Refund Fund which shall be set apart and maintained by the State Treasurer for prompt payments of all tax refunds under Chapter 66, article 4, the Special Fuel Tax Act, the Tobacco Products Tax Act, and the Nebraska Revenue Act of 1967 and for 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 such provisions. 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 the Nebraska Revenue Act of 1967. 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, (b) then, commencing with all amounts credited on or after July 1, 1986, and on or before June 30, 1987, credit to the Highway Trust Fund the portion of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers which is attributable to a sales and use tax rate of three and one half per cent, and (c) commencing with all amounts credited on or after July 1, 1987, credit to the Highway Trust Fund all of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers. The balance of the amounts so paid shall be credited to the General Fund.

Sec. 32. That original section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

3. On page 1, line 2, strike "and 77-2602.03" and insert "77-2608, and 77-27,132"; strike lines 6 and 7 and insert "the distribution of the proceeds of the cigarette tax; to change the wholesale discount amount; to harmonize provisions; to provide"; in line 8 strike

"date; and" and insert "dates;"; and in line 9 after "sections" insert "; and to declare an emergency".

4. On page 3, line 4, strike "a temporary" and insert "to temporarily interrupt"; in line 5 strike "interruption" and "of"; and in line 13 strike "(12) and" and insert "and (12)".

5. On page 4, line 13, strike ", except that" and insert "or,".

6. On page 5, line 8, strike "Each" and insert "An"; and in line 15 strike "such license" and insert "the".

7. On page 6, line 2, strike "commissioner" and insert "Tax Commissioner"; in line 6 strike "the" and strike "cancelation" and insert "cancellation"; in line 8 strike the comma; in line 9 strike "21" and insert "19"; in line 13 strike "licenses" and insert "a license"; and in line 21 strike "after".

8. On page 9, line 12, strike the comma.

9. On page 10, line 13, strike "commissioner" and insert "Tax Commissioner".

10. On page 11, line 15, after "penalty" insert "imposed under the Tobacco Products Tax Act"; and strike beginning with "when" in line 17 through "state" in line 18 and insert "to such taxes, interest, or penalties".

11. On page 12, line 6, strike "or" and insert "and"; and in line 5 strike "commissioner" and insert "Tax Commissioner".

12. On page 14, line 8, after "adulterated" insert an underscored comma.

13. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 730A. Placed on Select File as amended.
E & R amendment to LB 730A:
AM5073

1. On page 2, lines 2 and 4, strike "Tax" and insert "Products Administration"; in line 14 strike "(1)"; in line 15 strike "Central"; and in line 17 after "172" insert ", to aid in carrying out the provisions of Legislative Bill 730, Ninetieth Legislature, First Session, 1987".

(Signed) Scott Moore, Chairperson

MOTION - Introduce New Bill

Mr. Rupp moved for the introduction of a new bill by the Government, Military and Veterans Affairs Committee, Req. 1089.

Laid over.

COMMUNICATION

February 20, 1987

Mr. Patrick J. O'Donnell
Clerk of the Legislature
Room 2018, State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Pursuant to the provisions of Section 85-408, Reissue Revised Statutes of Nebraska 1943, as amended, the State College Board of Trustees is submitting to the Legislature for consideration, a resolution authorizing the expenditure of $310,000 in Revenue Bond Surplus Funds by Kearney State College to acquire property adjacent to their present location. This parcel of land has been part of their long-range land and facilities planning and will provide temporary student housing to meet campus needs.

It should be noted that Revenue Bond Surplus Funds are generated from fees paid by students for their room and board services. Section 85-408 (RRS) requires that the Legislature must approve any expenditure from Surplus Funds of over $100,000 and this submittal is responding to that directive.

Should the Legislature require additional information on this matter, please contact the Board Office, phone 1-2505.

Respectfully submitted,
(Signed) Dr. Richard A. Bringelson
Executive Officer
State College Board of Trustees

RB/agb
xc: Mr. Tom Morrissey, Chairman
Board of Trustees

VISITORS

Visitors to the Chamber were Jack, Sherry, and John Preston from Banner County; Milly Wallace and Chad and Brooks Soukup from O'Neill; Senator Lynch's wife, June, son, Daniel, daughter, Julia Marrianne, and granddaughter, Katy O'Meara Freeman; 29 students and teacher from Malcolm Westfall School; and Larry Gill from Venango and Jesse Deaver from Grant.

MOTION - Adjournment

Mr. Rupp moved to adjourn. The motion prevailed with 22 ayes, 5 nays, and 22 not voting, and at 12:02 p.m., on a motion by Mr. Rupp, the Legislature adjourned until 9:00 a.m., Monday, February 23, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 23, 1987

LEGISLATIVE JOURNAL

TWENTY-NINTH DAY - FEBRUARY 23, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 23, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett 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. Baack who was excused; and Messrs. Chambers, Dierks, Korshoj, Lynch, Moore, Remmers, Schmit, Warner, Mesdames Morehead, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Eighth Day was approved.

MESSAGES FROM THE GOVERNOR

February 20, 1987

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

Dear Mr. President and Senators:

I am returning LB 387 without my signature and with my objections.

LB 387 creates the State Employee Wellness Act. Although I strongly support the Department of Health's Wellness Program and encourage all state employees to participate in it, I do not think it is necessary to put it into law. There are enough laws on the books, and we should not add more if they are not absolutely needed.

I urge you to sustain my veto.

Sincerely,
(Signed) KAY A. ORR
Governor

February 20, 1987

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

Dear Mr. President and Senators:

I am returning LB 392 without my signature and with my objections.

We have followed the progress of this bill carefully each step in the process and have attempted to reflect the legitimate concerns of a number of Senators in the revised office closing proposal. During the process we have attempted to communicate our position that this appropriation if made would not result in additional offices remaining open. Yet from comments made both on and off the floor of the Legislature before and after the passage of this bill it appears that some confusion remains. Lest any Senator feel that they have been in some fashion mislead, I am giving you the opportunity to reconsider your vote. With or without this appropriation, the 23 offices slated for closure in the revised plan will be closed.

Likewise it seems as though some members of the Legislature see this bill as the first step towards an undoing of the actions taken in the December Special Session. That somehow the state has emerged from the fiscal problems that faced us two months ago. I assure you that is not the case. Many difficult decisions will be required before this Legislative Session is concluded. It is obvious that this $100,000 appropriation by itself will not make or break the budget for the next two fiscal years. It should be just as obvious, however, that if this is

not an isolated adjustment but rather the first of many decisions that, when taken as group, lead us incrementally to a total budget that is beyond our means, it is a step that should not be taken.

For these reasons I am respectfully returning LB 392 to you and asking for your thoughtful and careful consideration. However, I would remind you that time is of the essence and ask that you not delay in your deliberations of this issue.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jrb

February 20, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 77, 105, 129, 147, 150, 284, and 284A were received in my office on February 18, 1987.

These bills were signed by me on February 20, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

February 20, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 79, 112, 132, 134, 227, 233, 245, 255, 264, 302, and 386 were received in my office on February 17, 1987.

These bills were signed by me on February 20, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

February 20, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 135, 197, 216, 231, 239, 296, 327, 353, 385, and 483 were received in my office on February 20, 1987.

These bills were signed by me on February 20, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 307. Placed on General File as amended.
Standing Committee amendment to LB 307:
AM0274

1. On page 4, line 18, strike the period and insert: , except that for violations of subsections (1)(c) of section 39-6,179 and section 39-6,180, such bond or cash deposit shall be in an amount not less than the sum of costs together with the appropriate fine prescribed in section 39-6,184.

In addition to the operator, any owner or lessee of the motor vehicle may execute the bond or make the cash deposit required by this section. Upon execution of bond or cash deposit, the arresting or custodial officer shall release the motor vehicle, vehicle, and cargo to the person who executed the bond or deposited the cash or to the designee of such person.

Towing and storage charges, if any, shall be paid by the person to whom the motor vehicle is released

prior to the release of the motor vehicle. Such charges shall be assessed as costs in any action for the forfeiture of the recognizance.".

LEGISLATIVE BILL 207. Indefinitely postponed.
LEGISLATIVE BILL 689. Indefinitely postponed.

(Signed) Howard Lamb, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 36.

Introduced by Langford, 36th District.

WHEREAS, Elm Creek, Nebraska, located in Buffalo County in the Platte River Valley, is the only village of that name in the entire United States; and

WHEREAS, Elm Creek was officially incorporated in 1887 and acquired its name from the nearby Elm Creek; and

WHEREAS, the original population of two hundred residents in 1887 has grown to eight hundred sixty-two residents in 1987; and

WHEREAS, Elm Creek will celebrate one hundred years of growth on July 16, 17, 18, and 19, 1987.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulate the agricultural community of Elm Creek, Nebraska, on its Centennial Celebration in 1987.

2. That the Legislature commend the citizens of Elm Creek for a century of contributions to the good life of Nebraska and its people.

3. That a copy of this resolution be sent to Mayor Joe Rutter and the Village of Elm Creek, Nebraska.

Laid over.

MOTION - Approve Appointments

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointments found in the Journal on page 736: Kermit McMurry - Director, Dept. of Social Services; Betsy Palmer - Director, Dept. on Aging; and Gregg Wright - Director, Dept. of Health.

Voting in the affirmative, 31:

Abboud	Haberman	Johnson, V.	Nelson	Scofield
Ashford	Hall	Lamb	Pappas	Smith
Barrett	Hannibal	Landis	Peterson	Warner
Beyer	Harris	Langford	Rogers	Wehrbein
Conway	Hefner	Marsh	Rupp	Wesely
Coordsen	Johnson, L.	Miller	Schellpeper	Withem
Elmer				

Voting in the negative, 0.

Present and not voting, 7:

Chizek	Higgins	Labedz	McFarland	Weihing
Goodrich	Johnson, R.			

Excused and not voting, 11:

Baack	Hartnett	Lynch	Morehead	Remmers
Chambers	Korshoj	Moore	Pirsch	Schmit
Dierks				

These appointments were confirmed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 35. Read. Considered.

LR 35 was adopted with 32 ayes, 0 nays, and 17 not voting.

MOTION - Introduce New Bill

Mr. Rupp renewed his pending motion found in the Journal on page 748 for the introduction of a new bill by the Government, Military and Veterans Affairs Committee, Req. 1089.

The Rupp motion prevailed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 774. By Government, Military and Veterans Affairs Committee: Rupp, 22nd District, Chairperson; Baack, 47th District; Coordsen, 32nd District; Dierks, 40th District; Higgins, 9th District; Remmers, 1st District; Smith, 33rd District; Withem, 14th District.

A BILL FOR AN ACT relating to daylight time; to amend sections 49-1301 and 49-1302, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to standard and daylight time for the state; to eliminate a restriction on daylight time; to repeal the original sections, and also section 49-1303, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 40. With Emergency.

A BILL FOR AN ACT relating to real estate appraisers; to amend sections 81-8,280 and 81-8,283, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to provide continuing education requirements for real estate appraisers; to change provisions relating to license qualifications; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud	Haberman	Johnson, V.	Moore	Schmit
Ashford	Hall	Korshoj	Morehead	Scofield
Barrett	Hannibal	Labedz	Nelson	Smith
Beyer	Harris	Lamb	Pappas	Warner
Chizek	Hefner	Landis	Peterson	Wehrbein
Conway	Higgins	Langford	Remmers	Weihing
Coordsen	Johnson, L.	Lynch	Rupp	Wesely
Elmer	Johnson, R.	Marsh	Schellpeper	Withem
Goodrich				

Voting in the negative, 1:

Hartnett

Present and not voting, 3:

McFarland Miller Rogers

Excused and not voting, 4:

Baack Chambers Dierks 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 40A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 40, Ninetieth Legislature, First Session, 1987.

Whereupon the 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	Haberman	Korshoj	Morehead	Schmit
Ashford	Hall	Labedz	Nelson	Scofield
Barrett	Hannibal	Lamb	Pappas	Smith
Beyer	Harris	Landis	Peterson	Warner
Chizek	Hefner	Langford	Remmers	Wehrbein
Conway	Higgins	Lynch	Rogers	Weihing
Coordsen	Johnson, L.	Marsh	Rupp	Wesely
Elmer	Johnson, R.	Miller	Schellpeper	Withem
Goodrich	Johnson, V.	Moore		

Voting in the negative, 1:

Hartnett

Present and not voting, 1:

McFarland

Excused and not voting, 4:

Baack	Chambers	Dierks	Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 140.

A BILL FOR AN ACT relating to water resources; to amend sections 46-158, 46-218, 46-229.04, 46-231, 46-235, 46-236, 46-238, 46-263, 46-273, 46-641, and 46-642, Reissue Revised Statutes of Nebraska, 1943, and sections 46-229.03, 46-2,114, and 46-640, Revised Statutes Supplement, 1986; to eliminate a provision relating to the appointment of a superintendent of a ditch or canal; to eliminate certain provisions relating to the creation of certain water district subdivisions and water districts; to change provisions relating to water appropriations as prescribed; to change provisions relating to permits to withdraw ground water; to eliminate certain obsolete provisions; to harmonize provisions; to eliminate provisions relating to hogs in irrigation ditches; and to repeal the original sections, and also sections 46-222 to 46-224, 46-260, 46-279, 46-280, and 46-643, 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	Hall	Korshoj	Moore	Schellpeper
Ashford	Hannibal	Labedz	Morehead	Schmit
Barrett	Harris	Lamb	Nelson	Scofield
Beyer	Hartnett	Landis	Pappas	Smith
Chizek	Hefner	Langford	Peterson	Warner
Conway	Higgins	Lynch	Remmers	Wehrbein
Coordsen	Johnson, L.	Marsh	Rogers	Wesely
Elmer	Johnson, R.	Miller	Rupp	Withem
Goodrich	Johnson, V.			

Voting in the negative, 0.

Present and not voting, 3:

Haberman McFarland Weihing

Excused and not voting, 4:

Baack Chambers Dierks Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 175.

A BILL FOR AN ACT relating to private detectives; to amend section 71-3205, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the licensing of private detectives; 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	Haberman	Johnson, V.	Miller	Schellpeper
Ashford	Hall	Korshoj	Moore	Schmit
Barrett	Hannibal	Labedz	Morehead	Scofield
Beyer	Harris	Lamb	Nelson	Smith
Chizek	Hartnett	Landis	Pappas	Warner
Conway	Hefner	Langford	Peterson	Wehrbein
Coordsen	Higgins	Lynch	Remmers	Weihing
Elmer	Johnson, L.	Marsh	Rogers	Wesely
Goodrich	Johnson, R.	McFarland	Rupp	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Baack Chambers Dierks Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 313 to Select File

Mr. Rogers moved to return LB 313 to Select File for the following specific amendment:
AM0289

(Amendments to Final Reading Copy)

1. Insert the following new section:

"Section 1. That section 23-1210, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1210. (1) The county attorney shall perform all of the duties enjoined by law upon the county coroner and the county attorney shall be the ex officio county coroner. The county attorney shall receive no additional fees for the performance of duties prescribed by statutes for county coroner~~,~~ but shall be reimbursed for all actual necessary expenses incurred by him or her in the performance of such duties with reimbursement for mileage to be made at the rate provided in section 23-1112 for county officers and employees.

(2) The county attorney may delegate to the county sheriff, deputy county sheriff, or any other peace officer that part of the coroner's duties as now prescribed by statute which relates to viewing dead bodies and serving papers, except that in cases ~~where~~ when there may be occasion to serve papers upon the sheriff, the county attorney may delegate such duty to the county clerk.".

2. On page 1, line 1, strike "section" and insert "sections 23-1210 and"; in line 3 after the semicolon insert "to provide additional persons to which the county attorney may delegate certain duties;"; and in line 5 strike "section" and insert "sections".

3. On page 2, line 17, strike "section" and insert "sections 23-1210 and"; and in line 18 strike "is" and insert "are".

4. Renumber remaining sections accordingly.

The Rogers motion to return prevailed with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 313. The Rogers specific amendment, AM0289, found in this day's Journal was adopted with 42 ayes, 0 nays, 2 present and not voting, and 5 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 374.

A BILL FOR AN ACT relating to the Department of Correctional Services; to authorize the sale and conveyance of certain property.

Whereupon the 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	Hall	Korshoj	Moore	Schmit
Ashford	Hannibal	Labedz	Morehead	Scofield
Barrett	Harris	Lamb	Nelson	Smith
Beyer	Hartnett	Landis	Pappas	Warner
Chizek	Hefner	Langford	Peterson	Wehrbein
Conway	Higgins	Lynch	Remmers	Weihing
Coordsen	Johnson, L.	Marsh	Rogers	Wesely
Elmer	Johnson, R.	McFarland	Rupp	Withem
Goodrich	Johnson, V.	Miller	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 5:

Baack	Chambers	Dierks	Haberman	Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 472.

A BILL FOR AN ACT relating to care of children; to amend sections 71-1910 and 71-1915, Reissue Revised Statutes of Nebraska, 1943; to provide for information concerning immunization; to provide for reports and audits of such reports; to provide powers and duties for the Department of Social Services and the Department of Health; to provide for 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	Hall	Korshoj	Miller	Schellpeper
Ashford	Hannibal	Labedz	Morehead	Scofield
Barrett	Harris	Lamb	Nelson	Smith
Beyer	Hartnett	Landis	Pappas	Warner
Chizek	Hefner	Langford	Peterson	Wehrbein
Conway	Higgins	Lynch	Remmers	Weihing
Coordsen	Johnson, L.	Marsh	Rogers	Wesely
Elmer	Johnson, R.	McFarland	Rupp	Withem
Goodrich	Johnson, V.			

Voting in the negative, 1:

Schmit

Present and not voting, 1:

Moore

Excused and not voting, 5:

Baack	Chambers	Dierks	Haberman	Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 665.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2703 and 29-2709, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions related to recognizances to keep the

peace; to authorize the waiver of certain costs; to eliminate provisions relating to the naming of witnesses on warrants of commitment; and to repeal the original sections, and also sections 29-511, 29-512, and 29-2205, 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	Hall	Korshoj	Moore	Schmit
Ashford	Hannibal	Labedz	Morehead	Scofield
Barrett	Harris	Lamb	Nelson	Smith
Beyer	Hartnett	Landis	Pappas	Warner
Chizek	Hefner	Langford	Peterson	Wehrbein
Conway	Higgins	Lynch	Remmers	Weihing
Coordsen	Johnson, L.	Marsh	Rogers	Wesely
Elmer	Johnson, R.	McFarland	Rupp	Withem
Goodrich	Johnson, V.	Miller	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 5:

Baack	Chambers	Dierks	Haberman	Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 215. With Emergency.

A BILL FOR AN ACT relating to real estate taxation; to amend sections 77-1813, 77-1837, and 77-1902, Reissue Revised Statutes of Nebraska, 1943; to change the return date for tax sales; to change provisions relating to tax sale certificates and deeds 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, 44:

Abboud	Hall	Korshoj	Moore	Schmit
Ashford	Hannibal	Labedz	Morehead	Scofield
Barrett	Harris	Lamb	Nelson	Smith
Beyer	Hartnett	Landis	Pappas	Warner
Chizek	Hefner	Langford	Peterson	Wehrbein
Conway	Higgins	Lynch	Remmers	Weihing
Coordsen	Johnson, L.	Marsh	Rogers	Wesely
Elmer	Johnson, R.	McFarland	Rupp	Withem
Goodrich	Johnson, V.	Miller	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 5:

Baack	Chambers	Dierks	Haberman	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 389.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1701 and 71-1702, Reissue Revised Statutes of Nebraska, 1943; to authorize certain political subdivisions and the Department of Health to provide nursing and home health care services as prescribed; to provide powers and duties; 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	Elmer	Johnson, L.	Lynch	Peterson
Ashford	Goodrich	Johnson, R.	Marsh	Remmers
Barrett	Hall	Johnson, V.	McFarland	Rogers
Beyer	Hannibal	Korshoj	Miller	Rupp
Chambers	Harris	Labedz	Moore	Schellpeper
Chizek	Hartnett	Lamb	Morehead	Schmit
Conway	Hefner	Landis	Nelson	Scofield
Coordsen	Higgins	Langford	Pappas	Smith

Wehrbein Weihing Wesely Withem

Voting in the negative, 1:

Warner

Excused and not voting, 4:

Baack Dierks Haberman Pirsch

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 cities of the first class; to amend section 16-702, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the maximum amount of tax which may be levied; 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	Goodrich	Johnson, V.	Miller	Schellpeper
Ashford	Hall	Korshoj	Moore	Schmit
Barrett	Hannibal	Labedz	Morehead	Scofield
Beyer	Harris	Lamb	Nelson	Warner
Chambers	Hartnett	Landis	Pappas	Wehrbein
Chizek	Hefner	Langford	Peterson	Weihing
Conway	Higgins	Lynch	Remmers	Wesely
Coordsen	Johnson, L.	Marsh	Rogers	Withem
Elmer	Johnson, R.	McFarland	Rupp	

Voting in the negative, 0.

Present and not voting, 1:

Smith

Excused and not voting, 4:

Baack Dierks Haberman Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 485. With Emergency.

A BILL FOR AN ACT relating to the Commission on Rural Health Manpower; to amend sections 71-5602, 71-5603, 71-5607, 71-5608, 71-5612, and 71-5629, Reissue Revised Statutes of Nebraska, 1943; to change membership provisions for the commission; to eliminate the Nebraska Health Manpower Referral Service; to change provisions for meetings; to provide for the administration of certain projects; to provide for rules and regulations; to provide for fees; to extend a termination date; to change financial assistance limitations for medical students as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Goodrich	Johnson, V.	Miller	Schellpeper
Ashford	Hall	Korshoj	Moore	Schmit
Barrett	Hannibal	Labedz	Morehead	Scofield
Beyer	Harris	Lamb	Nelson	Smith
Chambers	Hartnett	Landis	Pappas	Warner
Chizek	Hefner	Langford	Peterson	Wehrbein
Conway	Higgins	Lynch	Remmers	Weihing
Coordsen	Johnson, L.	Marsh	Rogers	Wesely
Elmer	Johnson, R.	McFarland	Rupp	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Baack Dierks Haberman 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.

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LBs 374, 472, 665, 215E, 389, 441, and 485E.

(Signed) Rex Haberman

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 246. Placed on General File.
LEGISLATIVE BILL 567. Placed on General File.
LEGISLATIVE BILL 568. Placed on General File.

LEGISLATIVE BILL 412. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 40, 40A, 140, 175, 374, 472, 665, 215, 389, 441, and 485.

GENERAL FILE

LEGISLATIVE BILL 148. Mr. Haberman offered the following amendment:
4.5¢ to read 4¢

Pending.

ANNOUNCEMENT

The Chair announced yesterday was Senator Goodrich's birthday.

GENERAL FILE

LEGISLATIVE BILL 148. The Haberman pending amendment found in this day's Journal was renewed.

Mr. Schmit 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. Haberman moved for a call of the house. The motion prevailed with 18 ayes, 4 nays, and 27 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Abboud	Haberman	Langford	Remmers	Schellpeper
Chambers	Johnson, R.	Lynch	Rogers	Smith
Elmer	Labedz	Pappas	Rupp	Weihing
Goodrich	Lamb	Peterson		

Voting in the negative, 27:

Ashford	Hannibal	Johnson, V.	Miller	Scofield
Chizek	Harris	Korshoj	Moore	Warner
Conway	Hartnett	Landis	Morehead	Wehrbein
Coordsen	Hefner	Marsh	Nelson	Wesely
Dierks	Higgins	McFarland	Schmit	Withem
Hall	Johnson, L.			

Present and not voting, 2:

Barrett Beyer

Excused and not voting, 2:

Baack Pirsch

The Haberman amendment lost with 18 ayes, 27 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Haberman offered the following amendment:
that none of the increase in funds raised by the 1¢ per 100 increase is used for salaries

Mr. Haberman withdrew his pending amendment.

Mr. R. Johnson offered the following amendment:
2. On page 9, line 20, strike "of not to", show as stricken, and insert "in an amount approved by the Legislature and which does

not"; and strike beginning with "unless" in line 24 through line 25, show as stricken, and insert an underscored period.

3. On page 10, strike beginning with line 1 through the period in line 4 and show as stricken.

The R. Johnson amendment lost with 8 ayes, 19 nays, 19 present and not voting, and 3 excused and not voting.

MRS. LABEDZ PRESIDING

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Rupp requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Ashford	Elmer	Higgins	Marsh	Warner
Barrett	Hall	Johnson, L.	Miller	Wehrbein
Beyer	Hannibal	Johnson, V.	Nelson	Weihing
Chizek	Harris	Korshoj	Rogers	Wesely
Coordsen	Hartnett	Labedz	Schmit	Withem
Dierks	Hefner	Landis		

Voting in the negative, 13:

Abboud	Lamb	Morehead	Remmers	Schellpeper
Conway	Langford	Pappas	Rupp	Smith
Johnson, R.	Moore	Peterson		

Present and not voting, 4:

Chambers	Goodrich	Lynch	Scofield

Excused and not voting, 4:

Baack	Haberman	McFarland	Pirsch

Advanced to E & R for Review with 28 ayes, 13 nays, 4 present and not voting, and 4 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 23, 1987, at 10:35 a.m., were the following bills: 40, 40A, 140, 175, 374, 472, 665, 215, 389, 441, and 485.

(Signed) Pam Moravec, Enrolling Clerk

MESSAGES FROM THE GOVERNOR

February 20, 1987

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 requiring legislative confirmation:

Roger A. Christianson, Director of the Department of Economic Development, 301 Centennial Mall South, 4th Floor, 471-3747. Term: February 26, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

February 20, 1987

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 requiring legislative confirmation:

Margaret L. Higgins, Director of the Department of Motor Vehicles, 1910 High Street, Beatrice, Nebraska 68310, 223-1319(h), 471-2281(o). Term: February 17, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

February 20, 1987

Mr. President, Mr. Speaker
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 requiring legislative confirmation:

Anne Beaurivage, Director, Department of Aeronautics, General Aviation Building, Box 82088, Lincoln Municipal Airport, Lincoln 68501, 471-2371. Term: March 6, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

February 20, 1987

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 requiring legislative confirmation:

Virginia Yeuill, Commissioner of Labor, 750 No. 86th Street, Lincoln, NE 68505, 466-0636 (h), 475-8451 (o). Term: February 17, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 289. Indefinitely postponed.
LEGISLATIVE BILL 293. Indefinitely postponed.
LEGISLATIVE BILL 323. Indefinitely postponed.
LEGISLATIVE BILL 585. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 453. Placed on General File as amended.
Standing Committee amendments to LB 453:
AM0304

1. On page 2, line 19, after "loan" insert "for any amount for any purpose subject to the lending limits contained in this section"; and in line 22 strike "first", show as stricken, and after "lien" insert "providing an equity as the Director of Banking shall by rule and regulation provide".

2. On page 4, line 7, before "secretary" insert "corporate".

(Signed) R. W. Remmers, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 148 in the Journal. No objections. So ordered.

AM0216

1. Insert the following new section:

"Sec. 4. That section 2-4605, Revised Statutes Supplement, 1986, be amended to read as follows:

2-4605. (1) Each district shall, with the approval of the director and on or before July 1, ~~1987~~ 1988, adopt a district program for implementation of the state erosion and sediment control program. Each district's program shall include the:

(a) Soil-loss limits for the various types of soils in the district. The soil-loss limits shall be adopted and promulgated as rules and regulations and may be more but not less stringent than those adopted by the director. It is the intent of the Legislature that no land within the state be assigned a soil-loss limit that cannot reasonably be applied to such land;

(b) Recommended erosion or sediment control practices and soil and water conservation practices which are suitable for controlling erosion and sedimentation within the district; and

(c) Program procedures and methods the district plans to adopt and employ to implement the state erosion and sediment control program. Each district may subsequently amend or modify the program as necessary, subject to the approval of the director.

(2) The director with the advice and recommendation of the commission shall review each district's program and all amendments thereto and shall approve the program or amendments if the director determines that the district's program is reasonable, attainable, and in conformance with the state erosion and sediment control program.".

2. On page 12, line 3, after the first comma insert "2-4605,".

3. Renumber the remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 148 in the Journal. No objections. So ordered.

AM0215

1. Insert the following new sections:

"Sec. 5. That section 46-1117, Revised Statutes Supplement, 1986, be amended to read as follows:

46-1117. After January 1, ~~1987~~ 1988, no person shall apply or authorize the application of chemicals to land or crops through the use of chemigation unless such person obtains a permit from the district in which the well or diversion is located, except that nothing in this section shall require a person to obtain a chemigation permit to pump or divert water to or through an open discharge system. After such date any person who intends to engage in chemigation shall, before commencing, file with the district an application for a chemigation permit for each injection location on forms provided by the department. Forms shall be made available by the department to each district office and at such other places as may be deemed appropriate. Except as provided in sections 46-1118 and 46-1119, the district shall review each application, conduct an inspection, and approve or deny the application within forty-five days after the application is filed. An application shall be approved and a permit issued by the district if the irrigation distribution system complies with the equipment requirements of section 46-1127 and the applicator has been certified as a chemigation applicator under sections 46-1128 and 46-1129. A copy of each approved application shall immediately be forwarded by the district to the department. This section shall not be construed to prevent the use of portable chemigation equipment if such equipment meets the requirements of section 46-1127.

Sec. 6. That section 46-1118, Revised Statutes Supplement, 1986, be amended to read as follows:

46-1118. For the period commencing on January 1, ~~1987~~ 1988, through September 30, ~~1987~~ 1988, a provisional permit may be issued by the district prior to conducting an inspection if the work demands on the district do not permit an inspection to be made within forty-five days after an application is filed or if the

applicator does not have sufficient time to meet the certification requirements of sections 46-1128 and 46-1129. Each district shall, on or before January 1, ~~1988~~ 1989, complete an inspection of each irrigation distribution system for which a provisional permit has been issued. Provisional permits shall be revoked without a hearing if the inspection shows that the irrigation distribution system does not comply with the equipment requirements of section 46-1127 or if the applicator has not met the certification requirements of sections 46-1128 and 46-1129 on or before January 1, ~~1988~~ 1989. Commencing October 1, ~~1987~~ 1988, no permit shall be issued by the district until an inspection has been completed and the irrigation distribution system is found to be in compliance with the requirements of section 46-1127 and the applicator has been certified under sections 46-1128 and 46-1129.

Sec. 7. That section 46-1144, Revised Statutes Supplement, 1986, be amended to read as follows:

46-1144. If at any time after January 1, ~~1988~~ 1989, it is alleged by the department upon its own initiative or as a result of a complaint being filed with the department that a district is not carrying out its responsibilities under the Nebraska Chemigation Act, the department may hold a contested case hearing. Notice of such hearing shall be published in such newspapers as are necessary to provide for general circulation within the district at least once each week for three consecutive weeks, the last publication to be not less than seven days prior to the hearing. The notice shall inform the public as to the reasons for such hearing. The director shall receive evidence from all interested parties at the hearing. Each hearing conducted pursuant to this section shall be recorded, and such record shall be available for review.".

2. On page 12, line 3, strike "and" and after "46-634.01," insert "46-1117, 46-1118, and 46-1144,".

3. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 253. Title read. Considered.

Mr. Barrett renewed his pending amendment, AM0278, found in the Journal on page 719.

The Barrett amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 365. Title read. Considered.

Standing Committee amendment, AM0098, found in the Journal on page 576 for the Twenty-Second Day was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Landis offered the following amendment:
AM0249

1. Insert the following new section:

"Sec. 2. That section 81-15,121, Revised Statutes Supplement, 1986, be amended to read as follows:

81-15,121. (1) After January 1, 1987, no person shall (a) maintain or use any tank for the storage of regulated substances or (b) install any new tank without first securing a permit from the State Fire Marshal.

(2) Within six months after January 1, 1987, and each year thereafter, all owners of operating tanks, except those provided for in subsection (3) of this section, shall annually secure a registration permit for each tank. All registration permits shall be annual permits and shall expire on December 31 of the year for which the permit was issued. Such permits shall contain the information specified in subsection (4) of this section.

(3) In the case of tanks permanently abandoned on or after January 1, 1974, an annual permit shall not be required and an initial registration permit shall be sufficient.

(4) The application for a registration permit shall be provided by and filed with the State Fire Marshal's office and shall require, but not be limited to, the following information:

(a) The date the tank was placed in or taken out of operation;

(b) The age of the tank;

(c) The size, type, and location of the tank; and

(d) The type of substances stored in the tank and the quantity of such substances remaining in the tank if the tank was permanently abandoned prior to July 17, 1986.

(5) The fee for a registration permit issued under subsection (2) of this section shall be based on the size of the tank as follows:

(a) Less than 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.

The registration permit fee, collected pursuant to this subsection or section 81-15,120, shall be deposited in the Petroleum Products and Hazardous Substances Storage and Handling Fund, which is hereby created as a cash fund. The fund shall also consist of any money appropriated by the state. The fund shall be administered by the Department of Environmental Control to carry out the purposes of the Petroleum Products and Hazardous Substances Storage and Handling Act <u>including the provision of matching funds required by Public Law 99-499 for actions otherwise authorized by the act</u>. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

2. On page 4, line 20, strike "section" and insert "sections" and before the last comma insert "and 81-15,121"; and in line 21 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

The Landis amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

SPEAKER BARRETT PRESIDING

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 308. 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 254. Title read. Considered.

Mr. Chambers offered the following amendment:
Page 4, lines 8 & 9: Reinstate stricken language.

Mrs. Nelson and Mr. Schmit 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, 1 nay, and 37 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Ashford	Hall	Johnson, V.	Marsh	Morehead
Chambers	Hartnett	Labedz	McFarland	Pappas
Chizek	Higgins	Landis	Miller	Wesely
Goodrich	Johnson, R.	Lynch	Moore	Withem

Voting in the negative, 22:

Abboud	Dierks	Korshoj	Pirsch	Smith
Barrett	Elmer	Lamb	Remmers	Warner
Beyer	Harris	Langford	Rogers	Wehrbein
Conway	Hefner	Peterson	Schellpeper	Weihing
Coordsen	Johnson, L.			

Present and not voting, 3:

Hannibal	Rupp	Scofield

Excused and not voting, 4:

Baack Haberman Nelson Schmit

The Chambers amendment lost with 20 ayes, 22 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Rogers asked unanimous consent to print the following amendment to LB 101 in the Journal. No objections. So ordered.

AM0292

(Amendments to the Standing Committee amendments)

1. On page 2, line 1, strike "or upon" and insert ". Upon".

MOTION - Override Veto on LB 392

Messrs. Miller, Wesely, and Lynch moved that LB 392 become law notwithstanding the objections of the Governor.

Laid over.

VISITORS

Visitors to the Chamber were the Hon. Fowler C. West; Senator Rogers' daughter, Mrs. Roxanne Meyer, granddaughter, Michelle Meyer from Omaha, and granddaughter, Laci Rogers from Ord; Dick Haslow from Alliance; Dr. Mullen from McCook and Dr. Stuhmer from Alma; and a group of students and teacher from Montclair School in Omaha.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Peterson, the Legislature adjourned until 9:00 a.m., Tuesday, February 24, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 24, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 24, 1987

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett 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. Abboud, Coordsen, Elmer, Hall, Moore, Remmers, Schellpeper, Schmit, Mesdames Higgins, Labedz, Nelson, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Ninth Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 61, 225, and 313.

Correctly Engrossed

The following bills were correctly engrossed: 187A, 356, 379, 523, and 523A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 61
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0122
1. On page 2, line 18, "either" has been struck.

Enrollment and Review Change to LB 379

The following changes, required to be reported for publication in the Journal, have been made:
ER0121
1. On page 1, line 3 the second "to" has been struck and "for" inserted; and in line 4 after the semicolon "to provide for permits;" has been inserted.

Enrollment and Review Change to LB 523

The following changes, required to be reported for publication in the Journal, have been made:
ER0120
1. In the E & R amendment, AM 5069, adopted February 19, 1987:
(a) On page 1, line 5, "strike" has been struck and "after" inserted and ", show as" has been struck; in line 6 "stricken, and" has been struck; and in line 15 " 'and' in line 14" has been struck and "the semicolon in line 13" inserted;
(b) On page 2, the matter beginning with "line" in line 5 through "in" in line 6 has been struck; and
(c) On page 3, line 24, "the comma" has been struck and "any" inserted.
2. In the Standing Committee amendments, AM0127, adopted February 10, 1987, on page 2, line 2, "(3)" has been underscored.

(Signed) Mary E. Sommermeyer
E & R Attorney

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 774 and the following Governor appointments.

LB	Committee
774	Government, Military and Veterans Affairs

Banking, Commerce and Insurance

Roger A. Christianson - Director, Dept. of Economic Development

Transportation

Margaret L. Higgins - Director, Dept. of Motor Vehicles

Government, Military and Veterans Affairs

Anne Beaurivage - Director, Dept. of Aeronautics

Business and Labor

Virginia Yeuill - Commissioner of Labor

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

EXECUTIVE BOARD REPORT

February 24, 1987

Mr. Patrick J. O'Donnell
Clerk of the Legislature
Room 2018, State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Reference your letter of February 20, 1987 regarding the communication received from the Board of Trustees of Nebraska State Colleges concerning a resolution authorizing the expenditure of $310,000 in Revenue Bond Surplus Funds by Kearney State College.

The Referencing Committee has referred the communication to the Appropriations Committee for appropriate action.

Sincerely,
(Signed) Bernice Labedz
Chairperson
Executive Board

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 35.

RESOLUTION

LEGISLATIVE RESOLUTION 36. Read. Considered.

LR 36 was adopted with 26 ayes, 0 nays, and 23 not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LB 148 in the Journal. No objections. So ordered.

AM0329

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Revisor of Statutes shall eliminate all references to natural resources districts and make any other changes necessary to comply with section 2 of this act.

Sec. 2. That sections 2-3201, 2-3203, 2-3204 to 2-3212, 2-3217, 2-3219, 2-3220, 2-3222 to 2-3227, 2-3229, 2-3230, 2-3231 to 2-3234, 2-3235 to 2-3243, 2-3251 to 2-3259, 2-3262, and 2-3281, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3202, 2-3213 to 2-3215, 2-3218, 2-3228, 2-3230.01, 2-3234.01, and

2-3290 to 2-32,108, Revised Statutes Supplement, 1986, are repealed.".

Mr. Pappas asked unanimous consent to print the following amendment to LB 613 in the Journal. No objections. So ordered.

AM0279

1. On page 2, line 12, strike the first comma and insert "or" and strike beginning with the second comma through "carton".

2. On page 3, line 11, strike "9" and insert "7".

3. On page 4, line 1, strike "five" and insert "ten"; in line 4 strike "two" and insert "five"; and strike lines 5 through 8.

4. On page 5, line 9, strike "9" and insert "7"; strike lines 15 through 18; and in line 19 strike "(3)" and insert "(2)".

5. Strike original sections 7 and 8.

6. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 449. Title read. Considered.

Standing Committee amendments, AM0255, found in the Journal on page 702 for the Twenty-Seventh Day were considered.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendments were adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Lynch, Wesely, Warner, and V. Johnson asked unanimous consent to print the following amendment to LR 11 in the Journal. No objections. So ordered.

AM0161

1. On page 2, line 2, strike "Such" show as stricken and insert "Notwithstanding any other provision in the Constitution or a local charter, such"; in line 7 strike the new matter and reinstate the stricken matter; in line 8 after "area" insert "portion of a designated blighted and substandard area"; and in line 25 after "by" insert "further defining the project area.".

2. On page 3, strike lines 1 and 2.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 111. Placed on General File.
LEGISLATIVE BILL 478. Placed on General File.

LEGISLATIVE BILL 53. Indefinitely postponed.
LEGISLATIVE BILL 54. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 712. Placed on General File as amended.
Standing Committee amendments to LB 712:
AM0305

1. On page 10, line 13, reinstate the stricken matter and after the reinstated "shall" insert ", except with the written consent of the Director of Insurance,"; in line 14 reinstate the stricken matter and after the reinstated "excess" insert "of five per cent of its assets;"; in line 15 reinstate the stricken "(ii) the" and strike "The"; and in line 24 strike the new matter and reinstate the stricken matter.

2. On page 11, line 6, strike the new matter and reinstate the stricken matter.

3. Strike original section 2 and insert the following new section:

"Sec. 2. Whenever an insurer requests the consent of the Director of Insurance to exceed the investment limitations contained in sections 44-309 and 44-311.01 to 44-311.08, the director may retain, at the insurer's expense, such attorneys, actuaries, accountants, and other experts not otherwise a part of

the director's staff as is reasonably necessary to assist the director in determining whether such request shall be approved. Any person or organization so retained shall be under the direction and control of the director and shall serve in a purely advisory capacity.".

4. On page 27, strike beginning with "section" in line 3 through "and" in line 4; and in line 5 strike "are" and insert "is".

LEGISLATIVE BILL 713. Placed on General File as amended.
Standing Committee amendments to LB 713:
AM0307

1. On page 2, line 24, after the period insert "For purposes of this section, fair market value shall mean the market value of real estate as determined by a licensed appraiser upon whom the American Institute of Real Estate Appraisers has conferred the MAI designation.".

2. Strike original section 2.

3. On page 4, line 9, strike "sections" and insert "section" and strike "and"; and in line 10 strike "44-371" and strike "are" and insert "is".

4. Renumber the remaining sections accordingly.

(Signed) R. W. Remmers, Chairperson

GENERAL FILE

LEGISLATIVE BILL 254. Considered.

Mr. Peterson moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Peterson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 33:

Ashford	Dierks	Johnson, L.	McFarland	Peterson
Barrett	Elmer	Korshoj	Miller	Pirsch
Chizek	Goodrich	Labedz	Morehead	Remmers
Conway	Harris	Lamb	Nelson	Rogers
Coordsen	Hefner	Langford	Pappas	Rupp

Schellpeper	Scofield	Warner	Weihing	Withem
Schmit	Smith	Wehrbein		

Voting in the negative, 10:

Beyer	Hall	Johnson, R.	Lynch	Moore
Chambers	Hartnett	Landis	Marsh	Wesely

Present and not voting, 2:

Baack	Hannibal

Excused and not voting, 4:

Abboud	Haberman	Higgins	Johnson, V.

Advanced to E & R for Review with 33 ayes, 10 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 189. Title read. Considered.

Standing Committee amendment, AM0165, found in the Journal on page 580 for the Twenty-Second Day was adopted with 28 ayes, 0 nays, 18 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 354. Title read. Considered.

Standing Committee amendment, AM0166, found in the Journal on page 580 for the Twenty-Second Day was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LR 29	Wednesday, March 4, 1987	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Appropriations

LB 230	Tuesday, March 3, 1987	3:00 p.m.
LB 218	Wednesday, March 4, 1987	4:30 p.m.
Thursday, March 5, 1987 Use of bond surplus for land acquisition - Kearney State College		1:30 p.m.
LB 648	Friday, March 20, 1987	1:30 p.m.

(Signed) Jerome Warner, Chairperson

ANNOUNCEMENT

Mr. Warner announced hearings scheduled for the following days will be held in Room 2414, Supreme Court Hearing Room:

Tuesday, March 3, 1987
Wednesday, March 4, 1987
Thursday, March 5, 1987
Tuesday, March 17, 1987
Wednesday, March 18, 1987

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 491A. By Landis, 46th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 491, Ninetieth Legislature, First Session, 1987.

GENERAL FILE

LEGISLATIVE BILL 487. Title read. Considered.

Standing Committee amendments, AM0167, found in the Journal on page 581 for the Twenty-Second Day were considered.

Mr. Coordsen offered the following amendment to the Standing Committee amendments:

AM0316

1. On page 2, line 18, after the semicolon insert "and"; and strike beginning with the semicolon in line 20 through "rule" in line 23.

2. Strike the Standing Committee amendment, AM0167.

The Coordsen amendment was adopted with 22 ayes, 0 nays, 24 present and not voting, and 3 excused and not voting.

Mr. Rupp offered the following amendment to the Standing Committee amendments:

Line 16, pg. 2, strike "shall," insert "may"

The Rupp amendment was adopted with 19 ayes, 2 nays, 25 present and not voting, and 3 excused and not voting.

Messrs. Warner and Harris asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Higgins requested a record vote on the Standing Committee amendments, as amended.

Voting in the affirmative, 28:

Abboud	Coordsen	Johnson, L.	Nelson	Scofield
Baack	Dierks	Korshoj	Remmers	Smith
Barrett	Elmer	Labedz	Rogers	Wehrbein
Beyer	Hall	Landis	Rupp	Wesely
Chizek	Hannibal	Lynch	Schmit	Withem
Conway	Higgins	Miller		

Voting in the negative, 4:

Johnson, R.	Lamb	Langford	Pappas

Present and not voting, 13:

Ashford	Hartnett	McFarland	Peterson	Schellpeper
Chambers	Hefner	Moore	Pirsch	Weihing
Goodrich	Marsh	Morehead		

Excused and not voting, 4:

Haberman Harris Johnson, V. Warner

The Standing Committee amendments, as amended, were adopted with 28 ayes, 4 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 30 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARING
Appropriations

Wednesday, March 4, 1987 (Cancelled) 1:30 p.m.
#48 - Postsecondary Educ. Coord. Comm.

Friday, March 6, 1987 (Reset) 1:30 p.m.
#48 - Postsecondary Educ. Coord. Comm.

(Signed) Jerome Warner, Chairperson

ANNOUNCEMENT

Mrs. Labedz announced the Executive Board will meet upon adjournment on Thursday, March 5, 1987 in Room 1517.

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 404. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0334.)

(Signed) Howard Lamb, Chairperson

Natural Resources

LEGISLATIVE BILL 533. Placed on General File as amended.
Standing Committee amendments to LB 533:
AM0320

1. On page 2, line 1, strike "Sections 1 to 16 of this" and insert "This".
2. On page 3, strike lines 10 through 16; in

line 17 strike "(8)" and insert "(7)"; and in line 20 strike "(9)" and insert "(8)".

3. On page 5, line 20, strike "and"; and in line 23 after "act" insert "; and

(10) Provisions for granting exemptions to operators of individual septic tank systems, nondischarging lagoon systems, and other disposal systems as determined by the council".

4. On page 9, line 15, strike "thousand" and insert "hundred".

5. Strike original section 12 and insert the following new section:

"Sec. 12. On and after two years following the effective date of this act, unless the director determines that an emergency exists, it shall be unlawful for any wastewater treatment facility to be operated unless its operator is duly certified under the Wastewater Treatment Operator Certification Act at the level of classification of the facility to be operated.".

(Signed) Loran Schmit, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 148. Placed on Select File as amended.
E & R amendments to LB 148:
AM5075

1. On page 1, line 5, after the semicolon insert "to require a study of the composition of districts;".

2. On page 3, line 23, after "vacancies" insert an underscored comma.

LEGISLATIVE BILL 253. Placed on Select File as amended.
E & R amendments to LB 253:
AM5077

1. On page 1, strike beginning with "to" in line 8 through the semicolon in line 9.

2. On page 3, line 4, insert an underscored comma after "Act".

3. On page 10, line 2, strike the period, show as stricken, and insert "; and".

4. On page 11, line 24, strike the comma and show as stricken.

5. On page 19, line 15, after the period insert "This section shall apply to sections 77-425, 77-507.02, 77-1336, and 81-1319 as amended by sections 1 to 4, respectively, of Legislative Bill 19, Ninetieth Legislature, First Session, 1987.".

LEGISLATIVE BILL 365. Placed on Select File as amended.
E & R amendments to LB 365:
AM5076

1. In the Standing Committee amendment, AM0098, adopted February 23, 1987, on page 1, line 15 strike "Flow through" and insert "Flow-through".

2. On page 1, line 3, strike "section" and insert "sections" and before the last comma insert "and 81-15,121"; in line 4 after the second semicolon insert "to change provisions relating to the use of a fund;"; and in line 5 strike "section" and insert "sections".

3. On page 3, line 22, strike "are" and insert "is".

LEGISLATIVE BILL 308. Placed on Select File as amended.
E & R amendment to LB 308:
AM5078

1. On page 4, line 23, after "time" insert an underscored comma and strike "prior," and show the old matter as stricken.

(Signed) Scott Moore, Chairperson

GENERAL FILE

LEGISLATIVE BILL 491. Title read. Considered.

Standing Committee amendments, AM0164, found in the Journal on page 581 for the Twenty-Second Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Pappas offered the following amendment:
AM0219

1. On page 3, line 18, strike "uniformed" and insert "commissioned".

Messrs. Peterson and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

The Pappas amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mesdames Labedz and Higgins asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 272. 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 461. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 468. Title read. Considered.

Standing Committee amendment, AM0194, found in the Journal on page 587 for the Twenty-Third Day was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 436. Placed on General File.
LEGISLATIVE BILL 539. Placed on General File.

LEGISLATIVE BILL 269. Indefinitely postponed.
LEGISLATIVE BILL 315. Indefinitely postponed.
LEGISLATIVE BILL 357. Indefinitely postponed.
LEGISLATIVE BILL 361. Indefinitely postponed.

LEGISLATIVE BILL 438. Indefinitely postponed.
LEGISLATIVE BILL 439. Indefinitely postponed.
LEGISLATIVE BILL 592. Indefinitely postponed.
LEGISLATIVE BILL 690. Indefinitely postponed.
LEGISLATIVE BILL 698. Indefinitely postponed.

(Signed) Lee Rupp, Chairperson

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LR 16CA	Wednesday, March 4, 1987	1:30 p.m.
LB 602	Wednesday, March 4, 1987	1:30 p.m.
LB 774	Wednesday, March 4, 1987	1:30 p.m.
LB 652	Wednesday, March 4, 1987	1:30 p.m.
LB 312	Thursday, March 5, 1987	1:30 p.m.
LB 678	Thursday, March 5, 1987	1:30 p.m.
LB 545	Thursday, March 5, 1987	1:30 p.m.
LB 360	Wednesday, March 11, 1987	1:30 p.m.
LB 494	Wednesday, March 11, 1987	1:30 p.m.
LB 680	Wednesday, March 11, 1987	1:30 p.m.
LB 716	Wednesday, March 11, 1987	1:30 p.m.
LB 271	Thursday, March 12, 1987	1:30 p.m.
LB 618	Thursday, March 12, 1987	1:30 p.m.
LB 612	Thursday, March 12, 1987	1:30 p.m.
LR 6CA	Wednesday, March 18, 1987	1:30 p.m.
LR 17CA	Wednesday, March 18, 1987	1:30 p.m.
LR 7CA	Wednesday, March 18, 1987	1:30 p.m.
LR 18CA	Wednesday, March 18, 1987	1:30 p.m.
LB 334	Wednesday, March 18, 1987	1:30 p.m.
LB 736	Thursday, March 19, 1987	1:30 p.m.
LB 352	Thursday, March 19, 1987	1:30 p.m.

(Signed) Lee Rupp, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 487. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 37.

Introduced by Pirsch, 10th District.

WHEREAS, the Academic Decathlon was created in 1968 to motivate students to strive for academic achievement through competition; and

WHEREAS, the Academic Decathlon has been held in Nebraska for the last four years; and

WHEREAS, the Omaha Central High School team has won the competition again this year, for the fourth consecutive year since Nebraska began participating; and

WHEREAS, the Nebraska Legislature wishes success to the Omaha Central Academic Decathlon team in the National Competition in Texas in April.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature commends and applauds the efforts of all ninety students in the eleven schools who participated.

2. That the Nebraska Legislature congratulates the Omaha Central High team for their outstanding academic achievement.

3. That the Nebraska Legislature commends and applauds the support and sponsorship of the Nebraska District Optimists and the University of Nebraska.

4. That the Nebraska Legislature commends and applauds the 110 volunteer tutors and teachers and 15 academic coaches who gave their valuable time to coach these young students.

5. That the Nebraska Legislature encourages the expansion of this competition of keen minds throughout the entire state in succeeding years.

6. That the Nebraska Legislature wishes success to the Omaha Central High team in the National Competition in Texas in April.

7. That the Clerk of the Legislature send a copy of this resolution to each of the eleven schools which participated, the University of Nebraska-Omaha, and the Nebraska District Optimists.

Laid over.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 449. Placed on Select File as amended.
E & R amendments to LB 449:
AM5079

1. In the Standing Committee amendments, AM0255, adopted February 24, 1987, renumber sections 8 to 10 as sections 7 to 9, respectively.

2. On page 1, line 1, after the semicolon insert "to amend section 9, Legislative Bill 1, Eighty-ninth Legislature, Fourth Special Session, 1986;"; and in line 4 after the semicolon insert "to repeal the original section;".

(Signed) Scott Moore, Chairperson

VISITORS

Visitors to the Chamber were 140 men and women from the Cumming/Antelope County Extension Group; 78 Home Extension Club members; and Mrs. Roy Walker and Mrs. Charles Jackson.

ADJOURNMENT

At 11:53 a.m., on a motion by Mr. L. Johnson, the Legislature adjourned until 9:00 a.m., Wednesday, February 25, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 25, 1987

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 25, 1987

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Senator Weihing.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Conway, Warner, Withem, Mesdames Higgins, Marsh, and Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirtieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 254. Placed on Select File.

LEGISLATIVE BILL 189. Placed on Select File as amended.
E & R amendments to LB 189:
AM5080

1. In the Standing Committee amendments,
AM0165, adopted February 24, 1987:
a. On page 1, lines 7 and 10; and page 2,
line 3, after "rule" insert "or regulation"; and

b. On page 1, lines 12, 16, 18, and 21, after "rule" insert "or regulation".

2. On page 1, strike beginning with the first "public" in line 1 through line 7 and insert "rules of administrative agencies; to amend section 84-908, Revised Statutes Supplement, 1986; to provide additional considerations for approval; and to repeal the original section.".

LEGISLATIVE BILL 354. Placed on Select File as amended.
E & R amendment to LB 354:
AM5081

1. On page 1, strike beginning with "the" in line 1 through "Services" in line 2 and insert "state agencies"; and in line 3 after the semicolon insert "to change provisions relating to direct purchases, contracts, and leases;".

(Signed) Scott Moore, Chairperson

ANNOUNCEMENT

Speaker Barrett announced a meeting of the committee chairpersons will be held on Thursday, February 26, 1987 at 8:30 a.m. in Room 2102.

RESOLUTION

LEGISLATIVE RESOLUTION 37. Read. Considered.

LR 37 was adopted with 29 ayes, 0 nays, and 20 not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 36.

UNANIMOUS CONSENT - Member Excused

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 304 to Select File

Mr. Schmit moved to return LB 304 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Landis 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. Schmit requested a roll call vote on his motion to return.

Voting in the affirmative, 20:

Abboud	Chambers	Hannibal	McFarland	Remmers
Ashford	Chizek	Harris	Morehead	Schmit
Baack	Conway	Johnson, R.	Nelson	Scofield
Beyer	Goodrich	Lynch	Pappas	Withem

Voting in the negative, 27:

Barrett	Hefner	Landis	Peterson	Smith
Dierks	Johnson, L.	Langford	Pirsch	Warner
Elmer	Johnson, V.	Marsh	Rogers	Wehrbein
Haberman	Korshoj	Miller	Rupp	Weihing
Hall	Labedz	Moore	Schellpeper	Wesely
Hartnett	Lamb			

Excused and not voting, 2:

Coordsen Higgins

The Schmit motion to return lost with 20 ayes, 27 nays, and 2 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 304.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2702, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; 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, 27:

Barrett	Hefner	Langford	Peterson	Smith
Dierks	Johnson, L.	Marsh	Pirsch	Warner
Elmer	Johnson, V.	Miller	Rogers	Wehrbein
Haberman	Labedz	Moore	Rupp	Weihing
Hall	Lamb	Nelson	Schellpeper	Wesely
Hartnett	Landis			

Voting in the negative, 18:

Abboud	Chambers	Hannibal	Morehead	Schmit
Ashford	Chizek	Harris	Pappas	Scofield
Baack	Conway	Johnson, R.	Remmers	Withem
Beyer	Goodrich	McFarland		

Present and not voting, 2:

Korshoj Lynch

Excused and not voting, 2:

Coordsen Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 304A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 304, Ninetieth Legislature, First Session, 1987.

Whereupon the 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:

Barrett	Dierks	Elmer	Haberman	Hall

Hannibal	Korshoj	Marsh	Remmers	Warner
Hartnett	Labedz	Miller	Rogers	Wehrbein
Hefner	Lamb	Nelson	Rupp	Weihing
Johnson, L.	Landis	Peterson	Schellpeper	Wesely
Johnson, V.	Langford	Pirsch	Smith	Withem

Voting in the negative, 15:

Abboud	Beyer	Conway	Johnson, R.	Morehead
Ashford	Chambers	Goodrich	Lynch	Pappas
Baack	Chizek	Harris	McFarland	Schmit

Present and not voting, 2:

Moore Scofield

Excused and not voting, 2:

Coordsen Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following in the Journal. No objections. So ordered.

December 5, 1986

The Honorable Robert Spire
Attorney General
Lincoln, NE 68508

Re: Whether Kearney State College imposes a "religious test" on employees

Dear Mr. Spire,

Kearney State College requires "faculty and administrative personnel" to attend commencement ceremonies at which prayers are offered by "graduating students".

Enclosed are copies of two letters, each dated October 30, 1986 and addressed to Dr. Vern Plambeck, signed by William R. Nester,

President of the College. The one bearing Roman numeral "I" at the lower right hand corner, contains a direct quote from the Policy Guides of 1986 and emphasizes that attendance is required. The other letter ("II") offers explanations and rationalizations for the practice.

Despite good intentions and reference to the value of attendance at these ceremonies, a violation of the Nebraska Constitution may be involved, namely, Article I, section 4:

"No religious test shall be required as a qualification of office."

Although a faculty or administrative position may not be an "office" in the narrow sense of a political office, I believe the thrust of the constitutional provision is to guard against any person being deprived of any opportunity offered or made available by the State, because of any type of "religious test" whatsoever. Nor should a person be required to make any affirmative declaration that he or she would prefer not to participate in any activity involving religious offerings -- regardless of how bland (for such characterizations are subjective in the extreme and usually tendered by those attempting to compel participation). Nor does it matter who delivers such prayers nor any type of "honor" or "recognition" which may attach to being the pray-er. Other means of honor and recognition are available.

Because faculty and administrative personnel are state employees of a state college, it would appear that requiring attendance at functions where prayers are an integral part, erects a "religious test" as a condition to continued employment by the state.

President Nester's allusion to "prayers at the opening sessions of the United States Congress" has no relevance because Members of Congress are not required to attend such things, and the vast majority do not. As a matter of fact, the voluntariness of attendance is the only thing that has saved such prayers from being ruled violative of the Constitution. (See his letter labeled "II".)

Please review this case and give me your response.

Sincerely,
(Signed) Ernie Chambers
State Senator

cc: Interested partie
Enclosures

ATTORNEY GENERAL'S OPINION

Opinion No. 87023

DATE: February 25, 1987

SUBJECT: Constitutionality of Kearney State College Requirement That Faculty Members Attend Graduation Ceremonies When Prayers Are Given

REQUESTED BY: Senator Ernest Chambers
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General

Dear Senator Chambers:

Kearney State College requires faculty and administration personnel to attend College commencement ceremonies at which prayers are offered. The procedure is this:

(1) The prayers are an invocation and benediction. They are prepared and given by students, not clergy. The students are not restricted in any way as to the scope, content, or religious or non-religious character of what they present.

Some deliver poems, general readings or other recitations which have little or no religious character. Others recite traditional prayers in widely varying forms. These invocations and benedictions are brief portions of the total commencement ceremonies.

(2) The graduation attendance requirement is a general policy. A faculty member will be excused upon request without disclosing any reason for not wanting to attend. Actual attendance or non-attendance at the graduation ceremonies is not recorded. There is no sanction for non-attendance.

(3) The College has these goals in mind:

(a) The College wants the faculty to attend graduation ceremonies out of respect for the graduating students, their families and friends. The College prides itself upon having a faculty that genuinely cares about the students. Attendance at graduation, a major event in the lives of the students, is tangible evidence of a faculty member's personal interest in the students he or she teaches.

(b) The offering of the prayers serves two purposes:

(1) Students selected to give the prayers are chosen for their outstanding work at the College. Having a student give an invocation or benediction is a way for the College to recognize publicly that student's achievements.

(2) The offering of prayers as a part of public functions is a common practice nationwide. Doing so is both popular and traditional. The College believes that these invocations and benedictions add a worthwhile dimension to the graduation ceremonies.

I. Does this procedure violate either the First Amendment to the United States Constitution or Article I, Section 4 of the Nebraska Constitution? No, in my judgment.

I believe the College has developed a reasonable and legally supportable compromise between the demands of its educational policy goals and First Amendment separation of church and state requirements. But it is a close case. There are conflicting legal authorities. An explanation is warranted.

(1) The pertinent Constitutional provisions are these:

(a) The First Amendment to the United States Constitution:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . ."

(b) Article I, Section 4 of the Nebraska Constitution:

"All persons have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No person shall be compelled to attend, erect or support any place of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, . . ."

I will discuss the issues here in relation to the First Amendment. The same reasoning and conclusions apply to Article I, Section 4 of the Nebraska Constitution.

(2) For several years there has been much litigation about the validity of prayers at public school functions. Two recent federal court cases are instructive:

(a) Graham v. Central School District of Decatur, 608 F.Supp. 531 (1985-Iowa): This case challenged the constitutionality of Christian prayers offered by a Christian minister at a high school graduation. The challenge was made by a graduating student who was not required to attend in order to receive her diploma. The court held that the offering of these prayers did violate the "establishment" clause of the First Amendment.

The Court found that the prayers (a) served a "Christian religious purpose, not a secular purpose," and (b) "have as their primary effect the advancement of the Christian religion." In short, the case holds that almost any religious invocation at a school ceremony is a violation of the First Amendment whether or not an objector is required to attend.

(b) Stein v. Plainview Community School, 610 F.Supp. 43 (1985-Michigan): The facts here were similar to the Graham case except that the prayers were given by honor students, not clergy. The Court came to an opposite conclusion than Graham and ruled that there was no First Amendment Violation.

The Court found that all prayers were not inherently religious, but could serve both religious and ceremonial functions. It found that the prayers here were essentially ceremonial and served secular rather than religious purposes. It concluded that the prayers were motivated by secular purposes and "did not have the primary effect of advancing religion." The Court also indicated that voluntary attendance was of some significance.

(3) Most of the recent cases dealing with this issue refer to Lemon v. Kurtzman, 403 U.S. 602 (1971), a famous United States Supreme Court decision which held this: for a governmental act which has any religious characteristics to be constitutional, it must pass these three tests:

(a) reflect a clearly secular purpose;

(b) have a primary effect (as distinguished from an incidental effect) that neither advances nor inhibits religion; and

(c) avoid excessive government entanglement with religion.

Individual judges often view the same fact situation in different ways when applying these three Lemon case tests. What is a "clearly secular" purpose? What precisely neither "advances nor inhibits" religion? What is "excessive entanglement" between government and religion?

These are difficult determinations. Under our system of law they are made on a case by case basis. Drawing the line between government neutrality toward religion and government support of religion is a matter of degree.

(4) I conclude that the Kearney State College procedure does not violate the First Amendment because:

(a) The prayers given have both a ceremonial and religious aspect. But they are primarily ceremonial. They are given by outstanding students as a means of recognizing those students, not as a means of promoting religion. They are of widely varying content, and frequently are not prayers in a traditional sense. They are a very brief part of the graduation program. Therefore, presenting the prayers does not by itself violate the First Amendment.

(b) If a faculty member who objects for religious reasons must either attend or single himself or herself out as a dissenter from the practice, I believe there would be a First Amendment violation. Such a faculty member might be (1) of a religion which objects to

a particular prayer, or (2) not believe in any religion at all and thus be offended by any prayer.

This singling-out process could have a chilling effect upon the dissenting faculty member. How? By requiring the dissenter, as a condition for respecting his individual religious or non-religious views, to identify himself as being different from other faculty members. He must announce that on religious matters "he marches to the beat of a different drummer." I believe that the First Amendment is designed to protect his integrity and privacy on such a religious issue. This is fundamental to the Jeffersonian concept of a "wall of separation between church and state."

However, although the faculty member may identify himself as a non-believer, he need not do so. He may be excused without stating any reason. And no faculty attendance record is kept at graduation. Therefore, I conclude that the College procedure is sufficiently voluntary to be acceptable constitutionally.

From a constitutional point of view, the answer would be much easier if faculty attendance at graduation was, as a matter of policy, completely voluntary. In such case the constitutionality would be clearer. However, making it so easy to be excused (with no requirement for any religious belief or non-belief statement) and not taking attendance gives the procedure sufficient voluntariness to pass constitutional muster in my judgment.

I readily acknowledge that I may be "dancing on the head of a pin" here. Knowledgeable constitutional scholars wiser than I am can have varying views of a case of this nature. This issue would qualify as sufficiently nerve-racking to be a Law School examination question. It is thought-provoking, important, not easily answerable and would keep a student humble.

II. Is this an issue in which the law has a ready answer? Clearly no. A look at history tells us that anything as important or as delicate as religious liberty is different to define. Let us look at some of this history:

(1) Our nation's Founding Fathers considered freedom of religion to be a fundamental personal right. Why? Because many of those who initially settled our country came here primarily because they had been denied the right freely to exercise their religious convictions. And so the First Amendment requires that government must keep its hands off religion, religious groups and the various religious practices.

Consider the well-known biblical passage from Matthew 22:21: "Render therefore unto Caesar the things which are Caesar's; and

unto God the things that are God's." Let's not confuse who God is and who Caesar is.

(2) The Constitution requires neutrality toward religion, not a complete banning of religious thought from the public arena. This neutrality needs to recognize both (a) an appropriate balance between majority and non-majority interests and (b) a person's need for knowledge of other religions to be a constructive member of our pluralistic society. For example:

(a) Some exposure to another's religion is informative and teaches respect for the beliefs and customs of others.

(b) In our need to accommodate non-majority beliefs and sensitivities, we should not completely ignore the majority. The majority has sensitivities also. Primarily ceremonial invocations and benedictions may have meaning for the majority, a meaning which deserves some respect so long as non-majority beliefs are not abused in the process.

(3) Defining this concept of neutrality is exceedingly difficult. Certainly the First Amendment "establishment" clause does not require an insensitive indifference to religion in public life. For example, "The First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion." The United States Supreme Court said this in 1968 when it struck down an Arkansas law that banned the teaching of evolution in public schools.

This is still an accurate statement of the law today. But this rule of neutrality is much easier to state than to apply. Stuart Taylor, Jr. writing in the New York Times December 14, 1986, said:

"Religious beliefs and the ethical values historically associated with them are so interwoven with the fabric of the nation's public life that no consensus is ever likely on the exact coordinates of what Jefferson called the 'wall of separation between church and state'. . . .

Nor is there a consensus that the First Amendment requires a 'wall of separation' at all. In a 1985 dissenting opinion that has been endorsed by Attorney General Edwin Meese 3d, Associate Justice William H. Rehnquist, now Chief Justice, called for abandoning 'Jefferson's misleading metaphor.' He said the First Amendment was not designed to 'require Government neutrality between religion and irreligion.'

Many who do not share this view agree that the Court's meandering interpretation of the First Amendment's religion clauses--'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof'--has not forged

predictable rules as to how government can accommodate the free exercise of belief while avoiding any hint of sponsorship."

And so government must "accommodate" religion, but it cannot "sponsor" it. In addressing its educational mission Kearney State College recognizes that just the accumulation of facts is not the goal of education. Other goals are (1) knowledge of and respect for others, (2) the ability to think and reason and (3) the development of wisdom and goodness, however defined. When analyzing this Kearney State College situation how do we draw the line? We simply try to balance the two competing interests here: (1) the state's interest in promoting sound education through policies such as those of Kearney State College, and (2) the rights of dissenters from majority religious views.

Thus the law struggles with the concept of neutrality. Don't "sponsor," but be sure you "accommodate." The authors of the First Amendment intentionally drafted it in broad general terms. They knew it would be an impossible task to set out answers to specific situations. They demonstrated their confidence in later generations to apply the fundamental guarantees of the First Amendment to specific situations. That is what we are about here.

(4) Perhaps world history teaches us more than law here. For world history teaches us that you either have freedom for all religions or for none. You respect a person's right to practice a religion of his or her choice, or to practice no religion at all. To do otherwise puts the authority and power of government behind religious or non-religious belief. Either alternative would stifle an essential right which is sacred to free men and women.

Thank God for the First Amendment. It lets us believe in God as we see fit, or not at all if that is our choice. Such is the character of democratic respect for individual dignity.

Most sincerely yours,
ROBERT M. SPIRE
Attorney General

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

RESOLUTION

LEGISLATIVE RESOLUTION 38.

Introduced by Elmer, 38th District.

WHEREAS, the year 1987 is the centennial year of Ragan, Nebraska; and

WHEREAS, the Ragan Centennial Committee is planning centennial events for Memorial Day weekend; and

WHEREAS, the residents of Ragan deserve special recognition for the contributions they and their forebears have made to the history and settlement of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature acknowledges the contributions and efforts of those residents, both past and present, who labored and aspired to make Ragan successful.

2. That the Legislature extends its best wishes to the residents of Ragan who will carry on its positive traditions and heritage and who are currently pausing from their busy lives to commemorate this special occasion.

3. That a copy of this resolution be sent to the chairperson of the board of trustees of the village of Ragan, Nebraska.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LR 29	Wednesday, March 4, 1987 (Cancel)	1:30 p.m.
LR 29	Wednesday, March 11, 1987 (Reset)	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Judiciary

LB 49	Wednesday, March 4, 1987	1:30 p.m.
LB 273	Wednesday, March 4, 1987	1:30 p.m.
LB 535	Wednesday, March 4, 1987	1:30 p.m.
LB 537	Wednesday, March 4, 1987	1:30 p.m.
LB 553	Wednesday, March 4, 1987	1:30 p.m.
LB 88	Thursday, March 5, 1987	1:30 p.m.
LB 463	Thursday, March 5, 1987	1:30 p.m.
LB 318	Friday, March 6, 1987	1:30 p.m.
LB 355	Friday, March 6, 1987	1:30 p.m.

LB 657	Friday, March 6, 1987	1:30 p.m.
LB 674	Friday, March 6, 1987	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

MOTION - Withdraw LB 728

Mr. V. Johnson moved to withdraw LB 728.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely and Mrs. Marsh asked unanimous consent to print the following amendment to LB 491 in the Journal. No objections. So ordered.

AM0333

1. On page 32, lines 22 to 25, strike the new matter and insert "Adopt and promulgate rules and regulations for the implementation of the agencies' affirmative action plans".

2. On page 35, lines 23 to 25, strike the new matter and reinstate the stricken matter.

MOTION - Override Veto on LB 392

Messrs. Miller, Wesely, and Lynch renewed their pending motion found in the Journal on page 779 that LB 392 become law notwithstanding the objections of the Governor.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 304 and 304A.

MOTION - Override Veto on LB 392

Messrs. Miller, Wesely, and Lynch renewed their pending motion that LB 392 become law notwithstanding the objections of the Governor.

Mrs. Pirsch asked unanimous consent to be excused. 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.

Mr. Miller moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Miller requested a roll call vote on the Miller-Wesely-Lynch motion.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Ashford	Dierks	Johnson, V.	McFarland	Rupp
Baack	Haberman	Korshoj	Miller	Schellpeper
Chambers	Hall	Lamb	Morehead	Smith
Chizek	Harris	Landis	Nelson	Weihing
Conway	Hartnett	Lynch	Remmers	Wesely
Coordsen	Hefner	Marsh	Rogers	Withem

Voting in the negative, 17:

Abboud	Goodrich	Labedz	Pappas	Scofield
Barrett	Hannibal	Langford	Peterson	Warner
Beyer	Johnson, L.	Moore	Schmit	Wehrbein
Elmer	Johnson, R.			

Excused and not voting, 2:

Higgins Pirsch

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 25, 1987, at 10:35 a.m., were the following bills: 304 & 304A.

(Signed) Pam Moravec, Enrolling Clerk

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 446. Placed on General File as amended.
Standing Committee amendments to LB 446:
AM0338

1. Reinstate the stricken matter beginning on page 2, line 15 through page 4, line 21.
2. On page 4, after line 21, insert:

"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 and over ..... 134.00".

3. Strike the new matter beginning on page 4, line 23 through page 7, line 9.

LEGISLATIVE BILL 433. Indefinitely postponed.
LEGISLATIVE BILL 528. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

SELECT FILE

LEGISLATIVE BILL 399. E & R amendments, AM5071, found in the Journal on page 714 for the Twenty-Seventh Day were adopted.

Mr. Lynch renewed his pending amendment, AM0276, found in the Journal on page 736.

The Lynch amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Chambers offered the following amendment:
strike the word "veracity" wherever it appears and insert the word "truth" in Ashford amendment.

The Chambers amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 508. E & R amendments, AM5072, found in the Journal on page 715 for the Twenty-Seventh Day were adopted.

Mrs. Langford offered the following amendment:
AM0361

1. On page 15, strike beginning with "To" in line 17 through "45-104.01" in line 21 and insert "Interest shall be assessed at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature".

2. On page 18, strike beginning with "To" in line 10 through the period in line 12 and show as stricken.

3. In the E and R amendments, AM5072:

a. On page 1, strike beginning with "in" in line 20 through line 21; and

b. On page 2, line 1, strike "Legislature,'".

The Langford amendment lost with 10 ayes, 9 nays, 28 present and not voting, and 2 excused and not voting.

Mr. Miller offered the following amendment:
AM0351

1. In the Standing Committee amendments, AM0174, strike amendment 2 and renumber the remaining amendments accordingly.

2. On page 24, line 13, strike "five", show as stricken, and insert "ten".

The Miller amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 730. E & R amendments, AM5074, found in the Journal on page 745 for the Twenty-Eighth Day were adopted.

Mr. Schmit renewed his pending amendment, AM0272, found in the Journal on page 699.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit withdrew his pending amendment, AM0272.

Mr. Miller asked unanimous consent to have his name added to the Wesely amendment, AM0285, found in the Journal on page 732. No objections. So ordered.

Messrs. Wesely and Miller renewed the pending amendment, AM0285, found in the Journal on page 732.

Mr. Wesely moved for a call of the house. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

The Wesely-Miller amendment was adopted with 26 ayes, 12 nays, 8 present and not voting, and 3 excused and not voting.

Mr. Miller withdrew his pending amendment, AM0288, found in the Journal on page 732.

The Chair declared the call raised.

Mr. V. Johnson offered the following amendment:
AM0344

1. On page 2, line 9, strike "an" and insert "a"; and in line 10 strike "annual".

2. On page 3, line 6, strike "an annual" and insert "a".

3. On page 6, line 9, after "act" insert ", if requested by the licensee"; and in line 21 after "month" insert "commencing".

4. Insert the following new section:

"Sec. 28. That section 77-2602.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2602.03. The increase in the tax shall apply to all unused 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 date any change in the tax takes effect, each cigarette wholesaler shall take an inventory of all unused stamps, meter impressions, and

packages of stamped cigarettes owned by the cigarette wholesaler at 12:01 a.m. The additional tax shall be remitted with the return for the last month preceding the date any change in the tax takes effect. The Department of Revenue shall credit to each wholesaler an amount equal to the additional tax on two weeks of such wholesaler's average purchases of tax stamps.".

5. In the Standing Committee amendments, AM0171, on page 4, line 12, strike "strike" and insert "after" and before "77-2608" insert a comma.

6. Renumber the remaining sections and correct internal references accordingly.

Mrs. Labedz 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 asked unanimous consent to be excused. No objections. So ordered.

The V. Johnson amendment was adopted with 25 ayes, 6 nays, 15 present and not voting, and 3 excused and not voting.

Messrs. Haberman and Remmers asked unanimous consent to be excused. No objections. So ordered.

Mr. Schmit moved to indefinitely postpone LB 730.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 543 in the Journal. No objections. So ordered.

AM0353

1. In the Standing Committee amendments, AM0217, on page 4, line 12, after the second comma insert "71-3,162,".

2. On page 9, line 10, after "resuscitation" insert ", except that any person engaged in the practice of cosmetology on the effective date of this act shall not be required to complete training in cardiopulmonary resuscitation".

3. On page 19, after line 21, insert the following:

"A person engaged in the practice of cosmetology on the effective date of this act shall not be required to obtain continuing education in cardiorespiratory resuscitation.".

4. On page 20, line 24, strike "Cardio-respiratory" and insert "Cardiorespiratory".

5. Insert the following new section:

"Sec. 19. That section 71-3,162, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3,162. (1) Any person providing home services shall be currently certified to perform cardiopulmonary resuscitation, except that any person engaged in the practice of cosmetology on the effective date of this act shall not be required to be so certified.

(2) No licensee may perform home services except when employed by or under contract to a salon holding a valid home services permit.".

6. Renumber the remaining sections accordingly.

Mr. Baack asked unanimous consent to print the following amendment to LB 644 in the Journal. No objections. So ordered.

AM0081

1. On page 3, after line 22, insert the following new subdivision:

"(a)(i) The total grades nine through twelve expenditures of the receiving school district shall be determined by reference to the amount shown under the secondary expenditure column on the most recent annual finance report on file with the State Department of Education, for operations supporting the program in grades nine through twelve only. Such total expenditures shall include expenditures for instruction, support services, administration, maintenance and operation of plant and transportation services, and necessary support for school lunch and school activities.

(ii) If any receiving school district reports secondary expenditures for grades seven through twelve,

an adjustment shall be made to reflect the expenditures for grades nine through twelve. The adjustment shall be made by (A) multiplying the weighted figures used in determining foundation aid under section 79-1334 times the enrollment data as of the last Friday in September for grades nine through twelve and for grades seven through twelve, (B) calculating the ratio of the weighted grades nine through twelve enrollment factor to the weighted grades seven through twelve enrollment factor, and (C) multiplying the ratio times the secondary expenditures for grades seven through twelve.

(iii) The total grades nine through twelve expenditures as determined in subdivision (2)(a)(i) or (ii) of this section shall be divided by the total kindergarten through twelve grade expenditures and the resulting ratio shall be multiplied by the total general fund property tax need of the receiving school district for the ensuing school year. Each receiving school district shall certify such amount, which shall be the property tax need, to the county superintendent by July 1 of each year;"; and strike lines 23 through 25 and show the old matter as stricken.

2. On page 4, strike lines 1 through 23 and show the old matter as stricken.

3. On page 6, strike beginning with "total" in line 12 through "district" in line 13 and insert "property tax need".

4. On page 7, line 4, strike the period and insert "; and"; and in line 25 reinstate the stricken "The" and strike the new matter.

5. On page 8, strike beginning with "nonresident" in line 1 through "The" in line 7.

Mr. Lynch asked unanimous consent to print the following amendment to LB 582 in the Journal. No objections. So ordered.

AM0342

1. Strike the original sections and insert the following new sections:

"Section 1. Drug use and abuse in our society today is a problem reaching astronomical proportions and affecting thousands of our nation's and our state's citizens. An increasing amount of drug use and abuse has entered the work place thus increasing the risk of

injury to employees and the public. An employee's right to privacy and his or her right to work are protected and must be maintained. It is the intent of the Legislature through this act to help in the treatment and elimination of drug use and abuse in the work place while protecting the employee's rights.

Sec. 2. For purposes of this act, unless the context otherwise requires, drug shall mean any alcoholic liquor as defined in section 53-103 or any substance, chemical, or compound as described, defined, or delineated in sections 28-405 and 28-419.

Sec. 3. Any results of any test performed on an employee, as directed by the employer, to determine the presence of drugs shall not be used to deny any continued employment or in any disciplinary action unless the following requirements are met:

(1) All tests shall be analyzed by a clinic, hospital, or laboratory which is licensed pursuant to the Federal Clinical Laboratories Improvement Act of 1967, 42 U.S.C. 263(a);

(2) All specimens which result in a finding of drugs by preliminary screening procedures shall be subsequently retested by gas chromatography-mass spectrometry or other scientific testing equivalent approved by the Department of Health before such finding can be relied upon for employment or disciplinary decisions by the employer. The department may approve testing techniques or methods other than that required in this subdivision if such other techniques or methods provide comparably reliable analytical results;

(3) All specimens shall be preserved in a sufficient quantity for retesting for a period of at least one hundred twenty days;

(4) A written record of the chain of custody of the specimen shall be maintained from the time of the collection of the specimen until the specimen is no longer required; and

(5) The employer shall maintain the confidentiality of all test results, except that such results shall be released to the employee upon request.

Sec. 4. (1) It shall be unlawful to sell or possess body fluids for the purpose of negating a positive result of any test to determine the presence of drugs.

(2) Any person who violates subsection (1) of this section shall be guilty of a Class I misdemeanor.

Sec. 5. (1) It shall be unlawful for a person to tamper with body fluids at any time during the collection of such fluids for a test to determine the presence of drugs or the analysis process for such test in any way that could alter the analytical results.

(2) Any person who violates subsection (1) of this section shall be subject to the same discipline as if the test would have shown a positive result.".

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 344. Placed on General File as amended.
Standing Committee amendments to LB 344:
AM0336

1. On page 2, line 7, strike "person" and insert "individual, partnership, corporation, or cooperative association".

2. On page 3, strike beginning with the comma in line 16 through "or" in line 18.

3. On page 4, line 6, strike "a natural person" and insert "an individual"; in line 9 strike "natural persons" and insert "individuals"; and in line 13 strike "corporation" and insert "association".

4. On page 8, line 4, strike "one hundred" and insert "seven hundred fifty"; and in line 5 strike "General Fund" and insert "Farm Labor Contractors Fund".

5. On page 10, strike beginning with "Comply" in line 11 through "(6)" in line 14; and in line 17 strike "(7)" and insert "(6)".

6. On page 11, line 17, strike "(8)" and insert "(7)".

7. On page 12, line 7, strike "an unlicensed" and insert "a".

8. On page 13, strike beginning with "10" in line 2 through "11" in line 3 and insert "11 or 12".

9. Insert the following new section:

"Sec. 7. There is hereby created the Farm Labor Contractors Fund for purposes of enforcing the Farm Labor Contractors Act. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to

72-1269.".

10. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 474. Placed on General File as amended.
Standing Committee amendment to LB 474:
AM0337

1. On page 2, line 15, strike "twenty cents", show the matter as stricken, and insert "one cent".

(Signed) Tim Hall, Chairperson

Agriculture

LEGISLATIVE BILL 68. Placed on General File.

LEGISLATIVE BILL 325. Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

Education

LEGISLATIVE BILL 281. Indefinitely postponed.
LEGISLATIVE BILL 310. Indefinitely postponed.
LEGISLATIVE BILL 434. Indefinitely postponed.
LEGISLATIVE BILL 482. Indefinitely postponed.
LEGISLATIVE BILL 616. Indefinitely postponed.
LEGISLATIVE BILL 765. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 459A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 459, Ninetieth Legislature, First Session, 1987.

NOTICE OF COMMITTEE HEARING
Urban Affairs

LB 752	Tuesday, March 10, 1987 (Cancelled)	1:30 p.m.
LB 752	Tuesday, March 17, 1987 (Reset)	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

COMMUNICATION

February 25, 1987

The Honorable Allen Beermann
Secretary of State
State Capitol
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S. of Nebraska, 1943, we are forwarding LB 392 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 392 notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
cc: Governor Orr

CERTIFICATE

Legislative Bill 392 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 25th day of February, 1987.

(Signed) William E. Barrett,
Presiding Officer,
President of the Legislature

VISITORS

Visitors to the Chamber were 40 women from the Knox County Extension Club; Rod Swanson from Overton; Jerry Janicek from Butler County; 37 Extension Club members from Knox County; 24 students and teacher from Northeast Community College; 28 fourth

grade students and teacher from Linden School, Fremont; 20 members of the Association of Nebraska Community Action Agencies from around the state; and Mr. and Mrs. Carl Geis from Goehner.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Hefner, the Legislature adjourned until 9:00 a.m., Thursday, February 26, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 26, 1987

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 26, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Mark Harrell, Bible Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Landis, Rogers, and Mrs. Marsh who were excused; and Messrs. Abboud, Chambers, Hannibal, R. Johnson, Lamb, Moore, Mrs. Morehead, 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

LEGISLATIVE BILL 487. Placed on Select File as amended.
E & R amendments to LB 487:
AM5082

1. On page 2, lines 4, 7, and 24, after "rule" insert "or regulation"; in line 12 after "rules" insert "and regulations"; and in lines 19 and 20 after "rule" insert "or regulation".

2. On page 3, line 18, after both occurrences of "rule" insert "or regulation".

LEGISLATIVE BILL 491. Placed on Select File as amended.
E & R amendments to LB 491:
AM5083

1. In the Standing Committee amendments, AM0164, adopted February 24, 1987, on page 1, line 7, strike "are" and insert "shall be".

2. On page 1, line 9, strike "optional health" and insert "life, health,"; and in line 10 strike "special".

3. On page 8, line 4, strike "his or her", show "his" as stricken, and insert "the employee's".

4. On page 15, line 7, after "examination" insert an underscored comma; in line 16 after "division" insert an underscored semicolon; and in line 17 strike beginning with the first "of" through the semicolon and show as stricken.

5. On page 16, line 9, after the first "benefits" insert an underscored comma.

6. On page 17, line 9, strike beginning with "of" through "Services" and show as stricken; and strike beginning with the first "of" in line 16 through the semicolon in line 17, show as stricken, and insert an underscored semicolon.

7. On page 20, line 9, strike "travelling" and insert "traveling".

8. On page 22, lines 7 and 8, strike "are" and insert "shall be".

9. On page 26, line 10, strike "11" and insert "15".

10. On page 33, line 15; and page 35, line 8, strike "affirmative action" and show as stricken.

11. On page 34, line 20, strike "affirmative action".

LEGISLATIVE BILL 272. Placed on Select File.
LEGISLATIVE BILL 461. Placed on Select File.
LEGISLATIVE BILL 468. Placed on Select File.

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 320. Placed on General File.

(Signed) Don Wesely, Chairperson

General Affairs

LEGISLATIVE BILL 395. Placed on General File.
LEGISLATIVE BILL 511. Placed on General File.

LEGISLATIVE BILL 550. Placed on General File as amended.
Standing Committee amendments to LB 550:
AM0335
1. Strike original section 4.
2. On page 12, line 6, after "53-133," insert "and" and strike "and 53-160,".
3. Renumber remaining sections accordingly.

LEGISLATIVE BILL 505. Indefinitely postponed.
LEGISLATIVE BILL 709. Indefinitely postponed.

(Signed) Patricia S. Morehead, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 37.

RESOLUTION

LEGISLATIVE RESOLUTION 38. Read. Considered.

LR 38 was adopted with 26 ayes, 0 nays, and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 730. Mr. Schmit withdrew his pending motion found in the Journal on page 816 to indefinitely postpone.

Mr. Warner moved to reconsider the V. Johnson amendment, AM0344, found in the Journal on page 815.

Mr. Conway 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. Warner moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Warner requested a roll call vote on his motion to reconsider the V. Johnson amendment.

Voting in the affirmative, 16:

Baack	Harris	Miller	Schmit	Warner
Barrett	Lamb	Moore	Scofield	Wehrbein
Elmer	Lynch	Rupp	Smith	Wesely
Hannibal				

Voting in the negative, 20:

Ashford	Dierks	Hartnett	Labedz	Remmers
Beyer	Goodrich	Hefner	Langford	Schellpeper
Chizek	Haberman	Johnson, L.	Nelson	Weihing
Coordsen	Hall	Johnson, V.	Peterson	Withem

Present and not voting, 4:

Higgins	Korshoj	McFarland	Pirsch

Excused and not voting, 9:

Abboud	Conway	Landis	Morehead	Rogers
Chambers	Johnson, R.	Marsh	Pappas	

The Warner motion to reconsider lost with 16 ayes, 20 nays, 4 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:

1. In the Standing Committee amendments, AM0171, on page 1, line 19, strike "twenty-seven" and insert "twenty-eight"; and in line 20 strike "Eighteen" and insert "Nineteen".

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 amendment.

Voting in the affirmative, 21:

Baack	Haberman	Johnson, R.	Lynch	Wehrbein
Barrett	Hartnett	Johnson, V.	Miller	Weihing
Dierks	Hefner	Korshoj	Nelson	Wesely
Elmer	Johnson, L.	Lamb	Peterson	Withem
Goodrich				

Voting in the negative, 15:

Ashford	Hall	Labedz	Pappas	Scofield
Chizek	Hannibal	Langford	Remmers	Smith
Coordsen	Higgins	Moore	Rupp	Warner

Present and not voting, 4:

Harris	McFarland	Pirsch	Schellpeper

Absent and not voting, 1:

Schmit

Excused and not voting, 8:

Abboud	Chambers	Landis	Morehead	Rogers
Beyer	Conway	Marsh		

The Lamb amendment lost with 21 ayes, 15 nays, 4 present and not voting, 1 absent and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Warner moved to bracket LB 730 on Select File till the Speaker determines that the major tax policy bills having an effective date after July 1, 1987 are on Select File.

Mr. Ashford 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.

Mr. Warner withdrew his motion to bracket.

Mr. Hall requested a machine vote on the advancement of the bill.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. V. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Barrett	Hefner	Langford	Pirsch	Wehrbein
Dierks	Johnson, L.	Miller	Remmers	Weihing
Elmer	Johnson, V.	Nelson	Schellpeper	Wesely
Goodrich	Korshoj	Peterson	Warner	Withem
Hartnett				

Voting in the negative, 18:

Baack	Hall	Johnson, R.	Moore	Schmit
Chizek	Hannibal	Labedz	Pappas	Scofield
Coordsen	Harris	Lamb	Rupp	Smith
Haberman	Higgins	Lynch		

Present and not voting, 1:

McFarland

Excused and not voting, 9:

Abboud	Beyer	Conway	Marsh	Rogers
Ashford	Chambers	Landis	Morehead	

Failed to advance to E & R for Engrossment with 21 ayes, 18 nays, 1 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 241. Placed on General File.
LEGISLATIVE BILL 497. Placed on General File.
LEGISLATIVE BILL 530. Placed on General File.
LEGISLATIVE BILL 559. Placed on General File.
LEGISLATIVE BILL 650. Placed on General File.

LEGISLATIVE BILL 156. Indefinitely postponed.
LEGISLATIVE BILL 174. Indefinitely postponed.

(Signed) R. W. Remmers, Chairperson

Judiciary

LEGISLATIVE BILL 67. Placed on General File as amended.
Standing Committee amendment to LB 67:
AM0302

1. Strike the original sections and insert the following new sections:

"Section 1. As used in this act, unless the context otherwise requires, not-for-profit organization shall mean any not-for-profit entity which is exempt from federal income taxation pursuant to section 501 (a) of the Internal Revenue Code, as amended, and listed as an exempt organization in section 501 (c) (2), (3), (4), (5), (7), (8), (11), and (19) of the Internal Revenue Code, as amended, and which is engaged in one or more activities within this state in furtherance of a purpose for which it is organized.

Sec. 2. (1) On or after the effective date of this act, any person who serves as a director, officer, or trustee of a not-for-profit organization and who is not compensated for his or her services as a director, officer, or trustee on a salary or a prorated equivalent basis shall be immune from civil liability for any act or omission which results in damage or injury if such person was acting within the scope of his or her

official functions and duties as a director, officer, or trustee, unless such damage or injury was caused by the willful or wanton act or omission of such director, officer, or trustee.

(2) Nothing in this section shall be construed to establish, diminish, or abrogate any duties that a director, officer, or trustee of a not-for-profit organization has to the not-for-profit organization for which the director, officer, or trustee serves.

(3) For purposes of this section, a director, officer, or trustee shall not be considered compensated solely by reason of the payment of his or her actual expenses incurred in attending meetings or in executing such office, the receipt of meals at meetings, or the receipt of gifts not exceeding a total value of one hundred dollars in any twelve consecutive months.

Sec. 3. The individual immunity granted by section 2 of this act shall not extend to any act or omission of such director, officer, or trustee which results in damage or injury (1) caused by such director, officer, or trustee during the operation of any motor vehicle, airplane, or boat or (2) caused by such director, officer, or trustee while impaired by alcohol or any controlled substance enumerated in section 28-405.

Sec. 4. Except as provided in section 2 of this act, this act shall not be construed to establish, diminish, or abrogate any duty that a director, officer, or trustee of a not-for-profit organization has to any individual or organization.".

(Signed) Jerry Chizek, Chairperson

Agriculture

LEGISLATIVE BILL 314. Placed on General File as amended.
Standing Committee amendment to LB 314:
AM0360

1. On page 3, line 2, after "Code" insert ", except that foreclosure shall be instituted within ninety days after the filing of the lien".

LEGISLATIVE BILL 507. Placed on General File as amended.
Standing Committee amendment to LB 507:

AM0347

1. On page 5, line 9, after "dealer" insert an underscored period and strike beginning with "which" in line 9 through line 12 and show as stricken.

(Signed) Rod Johnson, Chairperson

MESSAGE FROM THE SECRETARY OF STATE

February 26, 1987

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 392, without the Governor's signature and with her objections, was filed in the office of Secretary of State on February 25, 1987.

In addition, I hereby acknowledge receipt of your cover letter dated February 25 and a Certificate signed by William E. Barrett, President of the Legislature, the contents of which are as follows:

Legislative Bill 392 having been returned by the Governor and with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 25th day of February, 1987.

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of public record.

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

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 392, without the Governor's signature and

with her objections, was filed in the office of Secretary of State on February 25, 1987.

In addition, I hereby certify that I received a cover letter dated February 25, 1987 and a certificate signed by William E. Barrett as President of the Legislature, the contents of which are as follows:

> Legislative Bill 392 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 25th day of February, 1987.

Finally, I hereby certify that all of these documents have been filed in this office as 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 twenty-sixth day of February in the year of our Lord, one thousand nine hundred and eighty-seven.

(SEAL) Allen J. Beermann, Secretary of State

SELECT FILE

LEGISLATIVE BILL 449. E & R amendments, AM5079, found in the Journal on page 797 for the Thirtieth Day were adopted.

Mr. Haberman offered the following amendment:
Page 2, strike Sec. 1

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Haberman withdrew his pending amendment.

Mr. Haberman offered the following amendment:
Page 2, strike Sec. 3

Mr. Haberman withdrew his pending amendment.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 185. Placed on General File as amended.
Standing Committee amendments to LB 185:
AM0377

1. Insert the following new sections:
"Sec. 3. This act shall become operative on October 1, 1987.".
2. Renumber the remaining section accordingly.

LEGISLATIVE BILL 467. Placed on General File as amended.
Standing Committee amendments to LB 467:
AM0318

1. On page 2, after line 16, insert the following new subdivision:
"(d) For meets conducted on property owned by the state on which the Nebraska State Fair is also conducted, no tax shall be imposed, but the licensee shall apply two per cent of any amount in excess of ten million dollars for the purpose of maintenance of buildings, streets, utilities, and other existing improvements on the Nebraska State Fairgrounds;"; in line 17 strike "(d) An" and insert "(e) Except as provided in subdivisions (1)(d) of this section, an"; in line 24 strike "(e)" and insert "(f)" and strike "into the"; and in line 25 strike "state treasury for" and insert "to the Department of Revenue on the next to the last business day of the month to allow".
2. On page 3, line 1, after "last" insert "business"; and strike beginning with "into" in line 6 through "last" in line 8 and insert "to the Department of Revenue on the next to the last business day of the month to allow deposit in the General Fund on the last business".

LEGISLATIVE BILL 280. Indefinitely postponed.
LEGISLATIVE BILL 710. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

SELECT FILE

LEGISLATIVE BILL 148. E & R amendments, AM5075, found in the Journal on page 792 for the Thirtieth Day were adopted.

Mr. Schmit withdrew his pending amendments, AM0216, and AM0215, found in the Journal on page 773.

Mr. Pappas renewed his pending amendment, AM0329, found in the Journal on page 784.

SPEAKER BARRETT PRESIDING

Mr. McFarland asked unanimous consent to be excused. No objections. So ordered.

Mr. Pappas withdrew his pending amendment, AM0329.

Mr. Wesely offered the following amendment:
1. On page 5, line 17 after the period insert "If a district has been divided into equally populated subdistricts, the board of directors may choose to nominate and elect each candidate from the subdistrict within which they reside.".

Mr. Wesely withdrew his pending amendment.

Mr. Rupp offered the following amendment:
1. Strike the committee amendment.
2. On page 9, lines 20 and 21 strike the new language and reinstate the stricken language.
3. On page 9, line 24 after "district" insert ", except that the Lower Big Blue, Lower Elkhorn, Lower Platte North, Middle Niobrara, Middle Missouri and Nemaha Districts shall each have the power and authority to levy a tax of not to exceed four and one-half cents on each one hundred dollars of actual valuation annually on all of the taxable property, except intangible property, within each district."
4. On page 9, line 24 strike "unless a" and insert "A", and after "levy" insert "in any district may", and strike "shall".

Pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Wesely and Wehrbein asked unanimous consent to print the following amendment to LB 148 in the Journal. No objections. So ordered.

AM0390

1. On page 5, line 17, after the period insert "If a district has been divided into equally populated subdistricts, the board of directors may choose to nominate and elect a candidate to represent each subdistrict.".

Mr. Rupp asked unanimous consent to print the following amendment to LB 148 in the Journal. No objections. So ordered.

AM0384

1. In the Conway amendment, AM0256 adopted on February 20, 1987, on page 1, line 1, before "Notwithstanding" insert "(1)"; and in line 13 after the underscored period insert:

"(2) The Legislature finds that many of the problems in the area of natural resources management, such as ground and surface water quality and quantity problems and problems of soil erosion and sedimentation control extend beyond the river basin boundaries of the various natural resources districts and often overlap, impact, and conflict with the jurisdiction of other governmental subdivisions.

The Legislature further finds that the financing and implementation of comprehensive natural resources management would benefit from an organizational structure that reduces or eliminates existing or potential conflicts between governmental subdivisions impacted by or responsible for the management of natural resources.

The Legislature directs the Nebraska Natural Resources Commission, in conducting its study, to have as one of its goals the preparation of a plan under which no county in the state would contain more than two natural resources districts.".

VISITORS

Visitors to the Chamber were 45 students, teacher, and sponsor from Springville Elementary, Omaha; 12 students and teacher from Diller High School; and 10 students and teachers from Sidney High School.

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. Rupp, the Legislature adjourned until 9:00 a.m., Friday, February 27, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - FEBRUARY 27, 1987

LEGISLATIVE JOURNAL

THIRTY-THIRD DAY - FEBRUARY 27, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 27, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Chaplain Clarence Zwetzig, Bryan Memorial Hospital, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Conway, Landis, Rogers, Mrs. Marsh, and Ms. Scofield who were excused; and Messrs. Ashford, Hall, Hannibal, R. Johnson, V. Johnson, Schmit, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Second Day was approved.

UNANIMOUS CONSENT - Member Excused

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 399, 449, and 508.

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 322. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 87024

DATE: February 25, 1987

SUBJECT: Trapping on County Road Right of Ways

REQUESTED BY: Senator Jerome Warner

WRITTEN BY: Robert M. Spire, Attorney General
Linda L. Willard, Assistant Attorney General

QUESTION: Is a county, either as owner of or easement holder for a county road right of way, required to give consent before anyone may trap on a county road right of way pursuant to Neb.Rev.Stat. §37-510 (Reissue 1984)?
CONCLUSION: No, not when the county holds title to the land in question.

Pursuant to Neb.Rev.Stat. §39-1701 et seq. (Reissue 1984), the county board may take and appropriate property, temporarily or permanently, in fee simple or any lesser degree and in such width as is deemed necessary by the county board. Therefore, the title held by the county to road property and the extent of that title may well vary from county to county and even from road to road within the same county. Property held by the county in a possessory interest would become public property unless restrictions are placed on the use of the property by the county board. That property deemed public property could be accessed by the public at large for any purpose not inconsistent with its primary public purpose. The county board, however, could limit the purpose for which land is used through

zoning regulations or other regulations not inconsistent with state statutes.

An individual who places traps on a public right of way could subject him or herself to possible liability for any harm which might befall any other person validly within the same area. Thus, a child travelling along the county road on his or her way to public school who accidently steps in a trap could sue the individual for placing the trap in an area where it presented a danger.

Also, a trapper who places a trap along the general right of way of the county road or any other area used for either foot travel or for general maintenance could be cited for criminal assault if an injury occurred therefrom or for criminal mischief.

QUESTION: In situations where the title description of the land shows actual ownership by a private landowner to the center of the road with the county holding an easement for the right of way for road purposes, is either the record owner of the land, the county as easement holder for the right of way, or both required to give consent before trapping may occur on the right of way?

CONCLUSION: Consent must be obtained from the record owner of the land.

An easement is a liberty, privilege, or advantage without profit, which the owner of one parcel of land may have in the lands of another. 28 C.J.S. 619. It is not the complete ownership of land with the right to use it for all lawful purposes perpetually and throughout its entire extent, but it is a right only to one or more particular uses. 28 C.J.S. 621. An easement for a county road exists for the purpose of transportation across the property of the dominant land owner. The public has a right to enter onto the land for the purpose of crossing on the county road. The county also has a right to enter onto the land for purposes of maintenance of the road and any necessary right of way.

The county would have no specific interest in the profits of a land, including the harvesting of fur-bearing animals, unless it is specifically set out in an easement agreement as a right to profits or profits a prendere. In the absence of such an easement agreement, the right to the profits of fur-bearing animals would remain with the record owner of the land and anyone seeking to harvest such animals would have to receive the consent of the record owner of the land pursuant to Neb.Rev.Stat. §37-510 (Reissue 1984). Again, however, anyone seeking to trap along a county road may be subject to the potential civil and criminal liabilities mentioned above.

Sincerely,
ROBERT M. SPIRE

Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

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

Opinion No. 87026

DATE: February 26, 1987

SUBJECT: Life Insurance Policy and Annuity Benefits Exempt from Legal Process

REQUESTED BY: Senator R. Wiley Remmers, Chairman
Banking, Commerce & Insurance Committee

WRITTEN BY: Robert M. Spire, Attorney General
Fredrick F. Neid, Assistant Attorney General

You have requested an opinion of this office concerning proposed legislation which provides for exemption of certain life insurance policy and annuity benefits from attachment, garnishment, or other process of law. Generally, LB 335 would serve to amend Neb.Rev.Stat. §§44-371 (Reissue 1984) and 44-1089 (Supp. 1986) to increase the exemption from $5,000.00 to $7,500.00 for these types of benefits from attachment, garnishment, or other legal process.

The first question is whether the legislation is constitutional in its application to the proceeds, value, or benefits of an annuity contract which accrue prior to the effective date of the legislation. It is our opinion that the proposed legislation is constitutional in its application to proceeds, cash value, or benefits which may accrue prior to the effective date of the legislation.

It appears that the amendment provided by LB 335 is intended to harmonize state law with exemptions permitted by other federal laws in the context of the Federal Bankruptcy Code. In Nebraska, a debtor is permitted the exemptions available under state law and those available under other federal law. This is a constitutionally permissible change and would serve to eliminate a dollar amount difference between exemptions available under other federal and state law.

Your second question concerns the effect of the legislation on the proceeds, cash value, or benefits of an annuity contract prior to or after the effective date of the proposed legislation. Upon passage of

the bill into law (effective date), $7,500.00 of the cumulative value of benefits of an annuity contract would be exempt from attachment, garnishment, or other legal process regardless of whether the value accrued prior to or after the effective date.

The "two-year provision" of the bill addresses cash values accruing to matured or unmatured life insurance and annuity contracts in the context of the Federal Bankruptcy Code only. This provision is intended to preclude exemption of cash values accruing during the preceding two years for bankruptcy purposes. It is our opinion that, after passage of the bill into law, the two years would be measured from the date of a filing in bankruptcy by the debtor.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Fredrick F. Neid
Assistant Attorney General

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

REPORTS

Received from Game and Parks Commission the projects recommended for the Land and Water Conservation Fund for 1987.

Received from the Department of Roads minutes of the Board of Public Roads Classification and Standards for December 12, 1986.

Received Nebraska State Patrol Drug Control Cash Fund report for January to December, 1986.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 38.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 61. With Emergency.

A BILL FOR AN ACT relating to schools; to amend section 79-406, Revised Statutes Supplement, 1984; to provide for attachment of territory to an adjoining school district 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, 35:

Baack	Elmer	Johnson, L.	Moore	Schellpeper
Barrett	Goodrich	Korshoj	Nelson	Smith
Beyer	Haberman	Lamb	Pappas	Warner
Chambers	Harris	Langford	Peterson	Wehrbein
Chizek	Hartnett	Lynch	Pirsch	Weihing
Coordsen	Hefner	McFarland	Remmers	Wesely
Dierks	Higgins	Miller	Rupp	Withem

Voting in the negative, 0.

Present and not voting, 1:

Morehead

Excused and not voting, 13:

Abboud	Hall	Johnson, V.	Marsh	Schmit
Ashford	Hannibal	Labedz	Rogers	Scofield
Conway	Johnson, R.	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 225.

A BILL FOR AN ACT relating to civil procedure; to provide for summary jury trial procedures.

Whereupon the 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:

Baack	Goodrich	Korshoj	Nelson	Smith
Barrett	Haberman	Lamb	Pappas	Warner
Beyer	Harris	Langford	Peterson	Wehrbein
Chambers	Hartnett	Lynch	Pirsch	Weihing
Chizek	Hefner	McFarland	Remmers	Wesely
Coordsen	Higgins	Miller	Rupp	Withem
Elmer	Johnson, L.	Moore	Schellpeper	

Voting in the negative, 0.

Present and not voting, 2:

Dierks	Morehead

Excused and not voting, 13:

Abboud	Hall	Johnson, V.	Marsh	Schmit
Ashford	Hannibal	Labedz	Rogers	Scofield
Conway	Johnson, R.	Landis		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 313.

A BILL FOR AN ACT relating to coroners; to amend sections 23-1210 and 23-1801, Reissue Revised Statutes of Nebraska, 1943; to provide additional persons to which the county attorney may delegate certain duties; to change the fee paid a juror 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, 36:

Baack	Coordsen	Harris	Johnson, R.	McFarland
Barrett	Dierks	Hartnett	Korshoj	Miller
Beyer	Elmer	Hefner	Lamb	Moore
Chambers	Goodrich	Higgins	Langford	Nelson
Chizek	Haberman	Johnson, L.	Lynch	Pappas

Peterson	Rupp	Smith	Wehrbein	Wesely
Pirsch	Schellpeper	Warner	Weihing	Withem
Remmers				

Voting in the negative, 0.

Present and not voting, 1:

Morehead

Excused and not voting, 12:

Abboud	Hall	Labedz	Marsh	Schmit
Ashford	Hannibal	Landis	Rogers	Scofield
Conway	Johnson, V.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 356.

A BILL FOR AN ACT relating to water rights; to amend section 46-229.04, Reissue Revised Statutes of Nebraska, 1943; to change considerations in the adjudication of water rights; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Baack	Goodrich	Johnson, R.	Moore	Schellpeper
Barrett	Haberman	Korshoj	Morehead	Smith
Beyer	Harris	Lamb	Nelson	Warner
Chambers	Hartnett	Langford	Peterson	Wehrbein
Chizek	Hefner	Lynch	Pirsch	Weihing
Coordsen	Higgins	McFarland	Remmers	Wesely
Dierks	Johnson, L.	Miller	Rupp	Withem
Elmer				

Voting in the negative, 0.

Present and not voting, 1:

Pappas

Excused and not voting, 12:

Abboud	Hall	Labedz	Marsh	Schmit
Ashford	Hannibal	Landis	Rogers	Scofield
Conway	Johnson, V.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 379 to Select File

Mr. Chambers moved to return LB 379 to Select File for the following specific amendment:

P. 2, line 12 strike "nongame wildlife" and insert "wildlife which does not fall within the category of game wildlife

Messrs. Lamb and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his pending motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 379. With Emergency.

A BILL FOR AN ACT relating to game and fur farming; to amend section 37-715, Reissue Revised Statutes of Nebraska, 1943, and section 37-713, Revised Statutes Supplement, 1986; to provide an exception for keeping certain animals in captivity; to provide for permits; and 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, 28:

Baack	Goodrich	Johnson, L.	Miller	Rupp
Barrett	Haberman	Johnson, R.	Moore	Schellpeper
Beyer	Hall	Korshoj	Morehead	Warner
Coordsen	Harris	Labedz	Pirsch	Wehrbein
Dierks	Hefner	Langford	Remmers	Withem
Elmer	Higgins	Lynch		

Voting in the negative, 6:

Chambers	Nelson	Pappas	Smith	Wesely
McFarland				

Present and not voting, 3:

Hartnett	Peterson	Weihing

Excused and not voting, 12:

Abboud	Conway	Lamb	Marsh	Schmit
Ashford	Hannibal	Landis	Rogers	Scofield
Chizek	Johnson, V.			

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, 29:

Baack	Goodrich	Johnson, R.	Moore	Schellpeper
Barrett	Haberman	Korshoj	Morehead	Warner
Beyer	Hall	Labedz	Peterson	Wehrbein
Coordsen	Harris	Langford	Pirsch	Weihing
Dierks	Hefner	Lynch	Remmers	Withem
Elmer	Johnson, L.	Miller	Rupp	

Voting in the negative, 8:

Ashford	Higgins	Nelson	Smith	Wesely
Chambers	McFarland	Pappas		

Present and not voting, 1:

Hartnett

Excused and not voting, 11:

Abboud	Hannibal	Lamb	Marsh	Schmit
Chizek	Johnson, V.	Landis	Rogers	Scofield
Conway				

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

MOTION - Withdraw LB 728

Mr. Hartnett renewed the V. Johnson motion found in the Journal on page 811 to withdraw LB 728.

The V. Johnson motion prevailed with 35 ayes, 0 nays, 3 present and not voting, and 11 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 61, 225, 313, and 356.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 470. Placed on General File as amended.
Standing Committee amendments to LB 470:
AM0386

1. Insert the following new section:
"Sec. 3. This act shall become operative on July 1, 1987, but if this act passes without an emergency clause, this act shall become operative on October 1, 1987.".
2. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 591. Placed on General File as amended.
Standing Committee amendment to LB 591:
AM0387

1. Strike the original sections and insert the following new sections:

"Section 1. That section 77-202.46, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-202.46. (1) Commencing January 1, ~~1981~~ 1988, all persons required by sections 77-1201 and 77-1229~~,~~ to list personal tangible property subject to taxation shall be allowed an exemption for ~~all~~ earthmoving equipment used ~~primarily~~ for agricultural and soil conservation purposes as provided in this section.

(2) Any exemption granted under this section shall equal a percentage of the tax otherwise due on the property. Such percentage shall be the ratio that the gross revenue earned by use of each piece of equipment for agricultural and soil conservation work bears to the total gross revenue earned for all uses of each piece of equipment in a calendar year.

(3) The Department of Revenue shall prepare and provide any forms necessary to claim such exemption. Such exemption shall be applied for on a yearly basis by the taxpayer.

(4) Any person seeking an exemption under this section shall apply to the county assessor before ~~by January~~ February 1 of each year. The county assessor shall examine the application and recommend either taxable or exempt status for the equipment~~,~~ to the county board of equalization by ~~February~~ March 1. The county assessor may request evidence from an applicant of the amount earned from agricultural and soil conservation work. The county board of equalization shall have the authority to grant the exemption under this section.

(5) Each county assessor shall annually submit to the Department of Revenue by April 1 any applications received by him or her indicating any action taken on the application by the county board of equalization. The department shall keep a record of all applications and shall annually report to the Revenue Committee of the Legislature: (a) The number of exemptions applied for in each county and for the state as a whole; (b) the number of exemptions granted in each county and for the state as a whole; (c) the aggregate amount of exemptions

applied for in each county and for the state as a whole; (d) the aggregate amount of exemptions granted in each county and for the state as a whole; and (e) any analysis or other information the department deems necessary or appropriate.

(6) ~~(2)~~ The provisions and penalties of section 77-1232~~,~~ shall be applicable to this section.

Sec. 2. That original section 77-202.46, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(Signed) Vard R. Johnson, Chairperson

SELECT FILE

LEGISLATIVE BILL 253. E & R amendments, AM5077, found in the Journal on page 792 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 308. E & R amendment, AM5078, found in the Journal on page 793 for the Thirtieth Day was adopted.

Mrs. Nelson offered the following amendment:
AM0381

1. On page 6, line 20; and page 8, line 14, strike "to commence at any time".

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

The Nelson amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 254. Mr. Chambers requested a machine vote on the advancement of the bill.

Mr. Peterson moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. Peterson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Barrett	Haberman	Labedz	Peterson	Schellpeper
Coordsen	Harris	Lynch	Pirsch	Warner
Dierks	Hefner	Miller	Remmers	Wehrbein
Elmer	Johnson, L.	Moore	Rupp	Weihing
Goodrich	Korshoj			

Voting in the negative, 12:

Ashford	Chambers	Langford	Nelson	Wesely
Baack	Hall	Morehead	Pappas	Withem
Beyer	Johnson, R.			

Present and not voting, 3:

Hartnett	McFarland	Smith

Excused and not voting, 12:

Abboud	Hannibal	Lamb	Marsh	Schmit
Chizek	Higgins	Landis	Rogers	Scofield
Conway	Johnson, V.			

Failed to advance to E & R for Engrossment with 22 ayes, 12 nays, 3 present and not voting, and 12 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.

LEGISLATIVE BILL 189. E & R amendments, AM5080, found in the Journal on page 798 for the Thirty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 354. E & R amendment, AM5081, found in the Journal on page 799 for the Thirty-First Day was adopted.

Advanced to E & R for Engrossment.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 26, 1987. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Amick, Dale A. - Jefferson City, MO, Western Retail Implement and Hardware Association
Bones, Amy S. - Omaha, Nebraska Furniture Mart, Inc.; World Radio Laboratories, Inc.
Cutshall, Bruce A. - Lincoln, South Central Irrigators Association
DeCamp, John W. - Lincoln, Bergan Mercy Hospital; Financial Institutions of Nebraska
Giddings, V. G. - Omaha, Northwestern Bell Telephone Company
Hake, Ken - Lincoln, Security Investment Company
Kelley, Michael - Omaha, D.A.R.T.; Nebraska Land Title Association
Kunz, David N. - Lincoln, Nebraska Dental Hygienists' Association:
Litjen, Thomas R. - Omaha, Commercial Federal Corporation; Municipal Bond Underwriters
Margason, Ronny J. - Bellevue, Nebraska Federation of Republican Women
Monaghan, Tom - Lincoln, Nebraska Democratic State Central Committee
Mueller, William J./Knudsen, Berkheimer, et al.
Mueller, William J. - Lincoln, South Central Irrigators Association
Radcliffe, Walter/Tews & Radcliffe
Radcliffe, Walter H. - Lincoln, Prudential Insurance Company of America; The Tobacco Institute
Ruth, Larry L./Knudsen, Berkheimer, et al.
Ruth, Larry L. - Lincoln, South Central Irrigators Association
Shaw, Timothy F. - Lincoln, Nebraska Advocacy Services, Inc.
Skochdopole, Robert A. - Omaha, Commercial Federal Corporation; Municipal Bond Underwriters
Sullivan-Arthur & Associates - Lincoln, Families Against Extra Taxes
Wright, Norman H. - Omaha, Nebraska Furniture Mart, Inc.; World Radio Laboratories, Inc.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 575. Placed on General File as amended.
Standing Committee amendments to LB 575:
AM0317

1. On page 19, line 14, strike "the Records Management Act" and insert "sections 84-712 to 84-712.09"; in line 20 strike "the"; and in line 21 strike "Records Management Act" and insert "sections 84-712 to 84-712.09".
2. On page 22, line 22, strike "(1)".
3. On page 23, line 6, strike "(a)" and insert "(1)"; in line 11 strike "(b)" and insert "(2)"; and strike lines 15 through 25.
4. On page 24, strike line 1.

(Signed) R. W. Remmers, Chairperson

NOTICE OF COMMITTEE HEARING
Business and Labor

Monday, March 9, 1987 1:30 p.m.
Confirmation Hearing for Virginia Yeuill - Commissioner of Labor

(Signed) Tim Hall, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 379.

(Signed) Scott Moore, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 379.

GENERAL FILE

LEGISLATIVE RESOLUTION 11CA. Read. Considered.

Messrs. Dierks and Harris asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Lynch, Wesely, Warner, and V. Johnson renewed their pending amendment, AM0161, found in the Journal on page 785.

The amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 639. Title read. Considered.

MR. WITHEM PRESIDING

Speaker Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

LB 639 was passed over.

LEGISLATIVE BILL 629. Title read. Considered.

Standing Committee amendment, AM0182, found in the Journal on page 587 for the Twenty-Third Day was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 306. Title read. Considered.

Standing Committee amendments, AM0190, found in the Journal on page 602 for the Twenty-Third Day were adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

MOTION - Override Veto on LB 387

Mr. Wesely moved that LB 387 become law notwithstanding the objections of the Governor.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 27, 1987, at 10:48 a.m., were the following bills: 61, 225, 313, 356, and 379.

(Signed) Pam Moravec, Enrolling Clerk

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 767. Placed on General File as amended.
Standing Committee amendment to LB 767:
AM0398

1. On page 2, line 16, strike "three" and insert "two".

(Signed) Howard Lamb, Chairperson

CEREMONIES

Ceremonies commemorating Nebraska Statehood Days were held in the Rotunda.

VISITORS

Visitors to the Chamber were 11 students and teacher from Hall School, North Platte; and Adolfo and Olga Bacardi from San Juan, Puerto Rico.

MOTION - Adjournment

Mr. Hall moved to adjourn. The motion prevailed with 15 ayes, 6 nays, 16 present and not voting, and 12 excused and not voting, and at 11:02 a.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Monday, March 2, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY - MARCH 2, 1987

LEGISLATIVE JOURNAL

THIRTY-FOURTH DAY - MARCH 2, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 2, 1987

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Howard Holverson, Christian Church Disciples of Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Conway, Haberman, Hartnett, R. Johnson, V. Johnson, Lynch, Mesdames Labedz, and Pirsch who were excused until they arrived.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Third Day was approved.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 642	Monday, March 9, 1987	(cancelled)
LB 642	Tuesday, March 10, 1987 (reset)	1:30 p.m.
LB 727	Tuesday, March 10, 1987	(cancelled)
LB 727	Monday, March 9, 1987 (reset)	1:30 p.m.

(Signed) R. W. Remmers, Chairperson

GENERAL FILE

LEGISLATIVE BILL 404. Title read. Considered.

Standing Committee amendments, AM0334, printed separate from the Journal and referred to on page 791 for the Thirtieth Day were adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

MOTION - Override Veto on LB 387

Mr. Wesely renewed his pending motion found in the Journal on page 854 that LB 387 become law notwithstanding the objections of the Governor.

Mr. Wesely withdrew his pending motion.

SELECT FILE

LEGISLATIVE BILL 223. Considered.

Messrs. Abboud, Landis, Chizek, and Mrs. Nelson offered the following amendment:
Pg 2 line 15 strike "five dollars" and insert "$2.50"
Pg 2 line 16, after "making a" insert "certified"

The Abboud et al. amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Mrs. Nelson offered the following amendment:
AM0120

1. Insert the following new sections:

"Sec. 2. This act shall become operative on June 30, 1987.

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. Renumber the remaining section accordingly.

The Nelson amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 148. Mr. Rupp renewed his pending amendment found in the Journal on page 835.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Rupp moved for a call of the house. The motion prevailed with 11 ayes, 3 nays, and 35 not voting.

Mr. Rupp requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Barrett	Johnson, L.	Miller	Pirsch	Schellpeper
Beyer	Johnson, R.	Moore	Remmers	Scofield
Goodrich	Korshoj	Morehead	Rogers	Smith
Haberman	Lamb	Pappas	Rupp	Weihing
Higgins	Langford	Peterson		

Voting in the negative, 20:

Ashford	Coordsen	Hannibal	Marsh	Warner
Baack	Dierks	Harris	McFarland	Wehrbein
Chizek	Elmer	Hefner	Nelson	Wesely
Conway	Hall	Landis	Schmit	Withem

Present and not voting, 1:

Hartnett

Excused and not voting, 5:

Abboud	Chambers	Johnson, V.	Labedz	Lynch

The Rupp amendment lost with 23 ayes, 20 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Messrs. Wesely and Wehrbein withdrew their pending amendment, AM0390, found in the Journal on page 836.

Mr. Rupp withdrew his pending amendment, AM0384, found in the Journal on page 836.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Schmit, Wesely, Wehrbein, and Landis offered the following amendment:

AM0410

1. On page 4, line 15, after "The" insert "board of directors may choose to: (a) Nominate candidates from subdistricts and from the district at large which shall be elected by the qualified electors of the entire district; (b) nominate and elect each candidate from the district at large; or (c) nominate and elect candidates from subdistricts of substantially equal population except that any at-large candidate would be nominated and elected by the qualified electors of the entire district. Unless the board of directors determines that the nomination and election of all directors will be at large, the" and strike "of directors" and show as stricken; and in line 18 strike "equally populated subdistricts" and insert "subdistricts of substantially equal population".

2. On page 5, line 8, strike "from the district at large", show as stricken, and insert "for any at-large position" and after "or" insert ", in those districts that have established subdistricts,"; in line 10 strike "Candidates", show as stricken, and insert "Unless the district has been divided into subdistricts with substantially equal population, all directors"; in line 12 after "subdistrict" insert "and any at-large candidates"; strike lines 13 through 17 and insert "If a district has been divided into subdistricts with substantially equal populations, the board of directors may determine that directors shall be elected only by the electors of the subdistrict except that an at-large director may be elected by electors of the entire district."; and in line 25 after "which" insert "is equal to the total number of directors of the district or which".

3. On page 6, line 1, after "district" insert "if there is an at-large candidate".

The Schmit et al. 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 26 ayes, 13 nays, 7 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 189, 253, 308, and 354.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 253

The following changes, required to be reported for publication in the Journal, have been made:
ER0123

1. In the E & R amendment, AM5077, adopted February 27, 1987, on page 1, line 10 "also" has been inserted after "shall"; and in line 13 "This section shall not apply to the statutes in the Administrative Procedure Act itself." has been inserted after the underscored period.

2. On page 19, line 13, ", through, or, or and" has been inserted after "to".

(Signed) Mary E. Sommermeyer
E & R Attorney

MESSAGE FROM THE GOVERNOR

February 27, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 40, 40A, 140, 175, 374, 472, 665, 215, 389, 441 and 485 were received in my office on February 23, 1987.

These bills were signed by me on February 27, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

NOTICE OF COMMITTEE HEARING
Natural Resources

LB 151 Wednesday, March 11, 1987 (rehearing) 1:30 p.m.

(Signed) Loran Schmit, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE RESOLUTION 11CA. Placed on Select File as amended.
E & R amendment to LR 11CA:
AM5084

1. On page 2, line 25, strike "changing".

LEGISLATIVE BILL 629. Placed on Select File as amended.
E & R amendment to LB 629:
AM5085

1. On page 1, line 1, strike "section" and insert "sections" and before the comma insert "and 37-610"; strike beginning with "the" in line 3 through "and" in line 4 and insert "rules and regulations authorizing the use of commercial seining vendor permittees, equipment, and methods; to provide an exception from a penalty;"; and in line 5 strike "section" and insert "sections; and to declare an emergency".

LEGISLATIVE BILL 306. Placed on Select File as amended.
E & R amendments to LB 306:
AM5086

1. In the Standing Committee amendment, AM0190, adopted February 27, 1987, on page 1, line 4, strike "45-115" and insert "45-114".

2. On page 3, line 4, after "loan" insert an underscored comma.

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 377. Placed on General File as amended.
Standing Committee amendments to LB 377:
AM0397

1. Insert the following new section:

"Sec. 3. That section 39-669.16, Revised Statutes Supplement, 1986, 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 ~~six months~~ 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, administer oaths, examine witnesses, take testimony, and thereafter report the same to the director. At the expiration of the ~~six-month~~ one-year revocation period, such person may have his or her license reinstated upon payment of a fee of fifty dollars. The fees paid pursuant to this section shall be deposited in the Department of Motor Vehicles Cash Fund.".

2. On page 13, line 17, strike "and" and insert a comma; and in line 18 after the first comma insert "and 39-669.16,".

3. Renumber the remaining section accordingly.

(Signed) Howard Lamb, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Hall, Landis, Barrett, and Hefner asked unanimous consent to print the following amendment to LB 292 in the Journal. No objections. So ordered.

AM0403

(Amendments to the Standing Committee amendments)

1. On page 1, line 2, strike "fifty" and insert "thirty-five" and before the period insert "; and in line 9, after the period insert 'Commencing July 1, 1988, the maximum weekly income benefit under sections 48-121 and 48-122 shall be two hundred forty-five dollars and the minimum income benefit under sections 48-121 and 48-122 shall be forty-nine dollars.'.".

2. Insert the following new amendment:

"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.'.".

Messrs. Hall, Landis, Barrett, and Hefner asked unanimous consent to print the following amendment to LB 446 in the Journal. No objections. So ordered.

AM0408

(Amendments to Standing Committee amendments)

1. On page 1, line 2, strike "15" and insert "19".

2. Insert the following new amendments:

"4. Insert the following new section:

'Sec. 2. That section 48-627, Revised Statutes Supplement, 1986, be amended to read as follows:

48-627. An unemployed individual shall be eligible to receive benefits with respect to any week, only if the Commissioner of Labor finds:

(a) He or she has registered for work at, and thereafter continued to report at, an employment office in accordance with such rules and regulations as the commissioner may prescribe, except that the commissioner

may, by rule and regulation, waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations, with respect to which he or she finds that compliance with such requirements, would be oppressive, or would be inconsistent with the purposes of the Employment Security Law, except that no such rule or regulation shall conflict with section 48-623;

(b) He or she has made a claim for benefits, in accordance with section 48-629;

(c) He or she is able to work and is available for work. No individual, who is otherwise eligible, shall be deemed ineligible, or unavailable for work, because he or she is on vacation without pay during such week, if such vacation is not the result of his or her own action as distinguished from any collective action by a collective-bargaining agent or other action beyond his or her individual control, and regardless of whether he or she has not been notified of the vacation at the time of his or her hiring. Receipt of a nonservice-connected total disability pension by a veteran at the age of sixty-five or more shall not of itself bar the veteran from benefits as not able to work. An otherwise eligible individual while engaged in a training course approved for him or her by the commissioner shall be considered available for work for the purposes of this section;

(d) He or she has been unemployed for a waiting period of one week; no week shall be counted as a week of unemployment for the purpose of this subdivision (1) unless it occurs within the benefit year, which includes the week with respect to which he or she claims payment of benefits, (2) if benefits have been paid with respect thereto, or (3) unless the individual was eligible for benefits with respect thereto, as provided in sections 48-627 and 48-628, except for the requirements of this subdivision and of subdivision (f) of section 48-628; and

(e) For any benefit year he or she has, within his or her base period, been paid a total sum of wages for employment by employers equal to not less than ~~six~~ one thousand two hundred dollars, of which sum at least ~~two~~ four hundred dollars shall have been paid in each of

two quarters in his or her base period. For the purposes of this subdivision, (1) wages shall be counted as wages for insured work for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employer, by whom such wages were paid, has satisfied the conditions of section 48-603 or subsection (c) of section 48-661, with respect to becoming an employer, and (2) with respect to weeks of unemployment beginning on or after January 1, 1978, wages for insured work for benefit purposes with respect to any benefit year shall include wages paid for services as defined by section 48-604, subdivision (4)(a), (b), (c), or (d), to the extent that such services were not services in employment under section 48-604, subdivision (4)(a), or section 48-661 immediately prior to September 2, 1977, even though the employer by whom such wages were paid had not satisfied the conditions of section 48-603, subdivision (8), (9), (10), or (11), with respect to becoming an employer at the time such wages were paid except to the extent that assistance under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of such services.'.

5. On page 7, line 18, after '48-624' insert ', 48-627,'.".

3. Renumber remaining sections accordingly.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 764 Monday, March 9, 1987 7:00 p.m.

(Signed) Jerome Warner, Chairperson

SELECT FILE

LEGISLATIVE BILL 365. E & R amendments, AM5076, found in the Journal on page 793 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 254. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 487. E & R amendments, AM5082, found in the Journal on page 824 for the Thirty-Second Day were adopted.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Coordsen and Rupp offered the following amendment:
1. Strike the Rupp amendment adopted on February 24, 1987.
2. On page 2, line 23 before "Any" insert "No person may challenge the validity of any rule, the adoption, amendment or repeal of any rule, or any determination of the applicability of any rule on the basis of the explanation provided pursuant to subsection (2) of this section.

The Coordsen-Rupp amendment was adopted with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 491. E & R amendments, AM5083, found in the Journal on page 825 for the Thirty-Second Day were adopted.

Mr. Wesely and Mrs. Marsh renewed their pending amendment, AM0333, found in the Journal on page 811.

MRS. LABEDZ PRESIDING

The Wesely-Marsh 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 272. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 461. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 468. Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 368. Placed on General File as amended.

Standing Committee amendment to LB 368:
AM0373

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 623. Placed on General File as amended.
Standing Committee amendments to LB 623:
AM0372

1. On page 2, line 18, strike "board of trustees" and insert "governing body".
2. On page 3, line 24, after "bonds" insert "or warrants".
3. On page 4, line 2, after "act" insert "with respect to such bonds or to issue refunding bonds upon such terms as the governing body shall deem appropriate to call and redeem such warrants at or before maturity".
4. 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 622. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 185A. By Haberman, 44th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 185, Ninetieth Legislature, First Session, 1987.

GENERAL FILE

LEGISLATIVE BILL 146. Title read. Considered.

Standing Committee amendments, AM0059, found in the Journal on page 490 for the Eighteenth Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Rupp asked unanimous consent to be excused until he 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 146A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 173. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 198. Placed on General File as amended.
Standing Committee amendments to LB 198:
AM0358

1. On page 2, line 20, strike ", except for" and show as stricken; strike beginning with "the" in line 20 through the comma in line 22 and show the old matter as stricken; in line 23 after "county" insert ", except that the member employed by the county if serving on such board on the effective date of this act shall continue to serve until the term of such member expires".
2. On page 4, line 8, strike "officials", show as stricken, and insert "department heads".
3. Strike original section 3.
4. On page 6, line 14, strike the comma and insert "and"; and in line 15 strike "and 23-2522,".
5. Renumber remaining section accordingly.

LEGISLATIVE BILL 211. Placed on General File as amended.

(Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0357.)

LEGISLATIVE BILL 362. Placed on General File as amended.
Standing Committee amendments to LB 362:
AM0356

1. On page 3, strike beginning with "in" in line 15 through "penitentiary" in line 16; and strike beginning with "in" in line 19 through "penitentiary" in line 20.

2. On page 4, line 4, after "the" insert "two years" and strike "two years" and insert "admission"; and after line 11 insert "In all cases in which the training center must acquire documents or other information necessary to determine whether or not an applicant meets all the requirements of this section, the training center may require that such copies or other information be supplied by the applicant at his or her own expense.".

LEGISLATIVE BILL 476. Placed on General File as amended.
Standing Committee amendment to LB 476:
AM0355

1. On page 2, line 1, after "No" insert "official or employee of any"; in line 3 strike "a" and insert "any"; in lines 4 and 5 strike "the" and insert "such"; and strike beginning with "on" in line 7 through line 8 and insert a period.

(Signed) Lee Rupp, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Ashford asked unanimous consent to have his name added as co-introducer to LB 475. No objections. So ordered.

Mr. Chizek asked unanimous consent to have his name added as co-introducer to LB 223. No objections. So ordered.

VISITORS

Visitors to the Chamber were Connie Mills from Bloomfield; Helen Krause from Fremont, and Ann and Vern Torczon from New Orleans, LA; Ferd Goings, Vickie LaRock, Dian Schmitzer, Don

Freeberg, and Dan VanDyke from Plattsmouth; Dan Dolan from Omaha; Darlene Darbro from Aurora; Don Kasbohm from Dunbar, and Morgan Muller from Plattsmouth; Jennie Gutierrez from Lexington, and Cindy Cronn from Gothenburg; Sharon, Bob, Colleen, and Holly Klendor from Imperial; 75 fourth grade students and teacher from Belmont School, Lincoln; Terri and Marci Lab from Milford, and Ken Bailey from Benedict; Cindy Vandecar, Cindy Newberg, John Jensen, MaryAnn Atkinson, and Lorraine Giles from Omaha; Mike and RuthAnn Wylie, and Ardis Moody from Lincoln; Cathi McMurtin from Oakland, and Joe Anderson from Blair; Margaret Albin from Humboldt, and Wanda Biel from Falls City; Debi Deines and Arlene Lindquist from Omaha; Delma and Maywood Foate, Jim Hald, and Doug Martin from McCook; Joan Thutge and Roger Larson from Fremont; Dr. Richard Galusha from Omaha; Wanda Glashoff from Gretna; 16 students and teacher from Chadron State College; Mrs. Evelyn Ramirez from Gering; and Erion Friehe from McCook.

ADJOURNMENT

At 11:45 a.m., on a motion by Mr. Miller, the Legislature adjourned until 9:00 a.m., Tuesday, March 3, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIFTH DAY - MARCH 3, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 3, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Lavern Holdeman, Heritage Heights Church of God, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chambers, Conway, Hall, Lamb, Moore, Pappas, Warner, and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fourth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 404. Placed on Select File as amended.
E & R amendments to LB 404:
AM5087

1. In the Standing Committee amendments, AM0334, adopted March 2, 1987, on page 2, line 3, insert paragraphing before "Any"; and in line 9 strike "subdivisions" and insert "subdivision".

2. On page 1, line 2, strike the first comma

and insert "and" and strike "and 39-669.11,"; strike beginning with "a" in line 3 through "term" in line 7 and insert "standards for blood, breath, and urine alcohol content"; in line 8 strike "and"; and in line 9 after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 146. Placed on Select File as amended.
E & R amendment to LB 146:
AM5088

1. On page 1, line 1, strike "sections" and insert "section"; strike beginning with "46-288" in line 2 through the last comma in line 3; strike beginning with the last comma in line 4 through "1986" in line 6; in line 8 after the second "to" insert "certain"; in line 9 strike ", transfers and uses" and after "of" insert "surface"; in line 10 strike "to redefine terms;"; and in line 11 strike "sections" and insert "section".

LEGISLATIVE BILL 146A. Placed on Select File.

(Signed) Scott Moore, Chairperson

MESSAGES FROM THE GOVERNOR

March 2, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 61, 225, 313, 356, and 379 were received in my office on February 27, 1987.

These bills were signed by me on March 2, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

March 2, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 304 and 304A were received in my office on February 25, 1987.

These bills were signed by me on March 2, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

ANNOUNCEMENT

Mr. Warner announced pursuant to Rule 8, Section 2, the Appropriations Committee has filed its preliminary report summarizing the recommended total General Fund appropriation for each year of the following biennium.

COMMUNICATION

February 27, 1987

Mr. Patrick O'Donnell
Clerk of the Legislature
Room 2018
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is intended to provide a formal revision of our letter of February 17, 1987, relating to the proposed recreation/athletic facility at UNL. This revision has resulted from the desire of members of the Board of Regents to have the University Administration further review this project in terms of cost, financing and construction phasing. The changes which have resulted from this review include a substantial reduction in cost which is reflected under the heading of "Financing Plans" on page two.

Pursuant to the provisions of Sections 85-404 and 85-408, Reissue Revised Statutes, 1943 (R.S. Supp., 1986), the plans for construction, financing and use of existing surplus funds as outlined below for construction of a new campus recreation/athletic facility on the UNL campus are herewith submitted.

FACILITY CONSTRUCTED:

The facility being constructed is a new campus recreation/athletic facility on the University of Nebraska-Lincoln city campus. This facility will provide a center for indoor recreation, an athletic practice field and renovated space for academic and research components of the School of Health, Physical Education and Recreation (HPER). A program statement for the project has been adopted by the Board of Regents.

This project involves a renovation of the existing Coliseum building and additions to that structure of approximately 136,000 square feet. The renovated and newly constructed space will contain a campus recreation center; an indoor football practice field; a team meeting room for the football program; offices, labs and storage for HPER; general purpose classrooms; space for the women's intercollegiate volleyball program and locker facilities for the men's and women's tennis teams.

UNL recreation facilities are grossly inadequate in both quantity and quality. This situation has worsened in the past few years because of continued deterioration of the Men's P.E. Building and the closing of the Coliseum basement pool by the State Health Department pending substantial repairs. Other indoor areas used for recreation activities must share available time with HPER classes or Athletic Department users. The new facility will provide indoor recreation facilities which students, faculty and staff can use almost any time of the day to improve their physical condition and well-being.

Current intercollegiate football activities span the entire year. Climatic conditions in Nebraska often inhibit outdoor football practice and conditioning activities. The football coaching staff and administration of the Athletic Department believe that the addition of an indoor practice football field, jogging track and a meeting room for the football program is needed if the UNL football program is to improve its quality and maintain a competitive edge.

HPER currently uses 23,500 square feet in the Coliseum for its academic programs and is the major user of three general purpose classrooms (approximately 3,600 square feet) in the Coliseum basement. The quality of Coliseum space is very poor, impeding HPER teaching, research and service. This project will enhance the teaching and research programs of HPER.

FINANCING PLANS:

Revised construction costs for the entire campus recreation/athletic facility are now estimated at $14,900,000. It is now proposed that construction be accomplished in three phases. Phase I (estimated cost $9,000,000) will include the indoor practice football field, an addition to the east of the Coliseum and renovation work on the Coliseum swimming pool, stage and fly loft areas. Phase II (estimated cost $800,000) will complete renovation of the Coliseum stage and fly loft areas, add a running track in the east addition to the Coliseum, and provide a meeting room for the football program. Phase III will complete the renovation of the Coliseum. The scope of Phase III work is currently estimated to cost $5,100,000. Due to construction complications and time delays from phasing construction, the actual costs of Phase III may exceed this current estimate, but are not determinable at this time. A reevaluation initiated by the office of the UNL Chancellor will take place close to the completion of Phases I and II to determine the most appropriate means to accomplish Phase III, subject to review and approval by the Board of Regents.

The costs of construction for this project are proposed to be financed from three sources: (1) $5,000,000 from private donations to the University and to the University Foundation, (2) expending a portion (not to exceed $3,500,000) of existing surplus funds in the University of Nebraska Student Fees and Facilities Revenue Bond accounts, and (3) revenues from a capital facilities assessment on certain home football game admissions. A $3.50 per home game capital facilities assessment will be levied on each admission sold, excluding those admissions currently discounted for individual faculty, staff and students. It is anticipated that the borrowed surplus funds will be repaid at the rate of at least $100,000 per year from this assessment. It is the intent of the Board of Regents to continue a capital facilities assessment on football admissions until the costs of the project have been fully funded, and to pledge the revenues realized therefrom as may be necessary to finance all phases of the project. Operating and maintenance costs of the recreation/athletic facility will be funded from student fees and from faculty/staff user fees.

Pursuant to Section 85-404, Reissue Revised Statutes, 1943 (R.S., Supp., 1986), the Board of Regents respectfully requests approval of the plans for this project, including the revised financing plans submitted herewith.

Further, pursuant to Section 85-408, Reissue Revised Statutes, 1943 (R.S. Supp., 1986), the Board of Regents respectfully requests approval of expenditure of not more than $3,500,000 of existing

surplus funds in the University of Nebraska Student Fees and Facilities Revenue Bond accounts in accordance with the revised financing plans submitted herewith.

Should the Legislature require additional information in this matter, please contact UNL Chancellor Martin Massengale or his staff, 201 Admin., City Campus 68588-0419, phone 472-2116.

Respectfully submitted.
The Board of Regents of
the University of Nebraska
(Signed) William F. Swanson
Corporation Secretary

cc: Members of the Board of Regents
Vice President Seagren
Vice Chancellor Goebel
Mr. Warren Johnson

th/D30

NOTICE OF COMMITTEE HEARING
Revenue

LB 732	Thursday, March 12, 1987 (Cancelled)	1:30 p.m.
LB 732	Thursday, March 19, 1987 (Reset)	1:30 p.m.

(Signed) Vard R. Johnson, Chairperson

SELECT FILE

LEGISLATIVE BILL 730. Considered.

Mr. Lamb offered the following amendment:
AM0413

1. In the Standing Committee amendments, AM0171, adopted February 18, 1987:

a. On page 1, line 19, strike "twenty-seven" and insert "twenty-eight"; and in line 20 strike "Eighteen" and insert "Nineteen"; and

b. On page 3, lines 8 and 21, strike "four-tenths" and insert "three-tenths".

Mr. Lamb moved for a call of the house. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Baack	Goodrich	Lamb	Morehead	Schellpeper
Barrett	Haberman	Lynch	Peterson	Wehrbein
Beyer	Hefner	McFarland	Pirsch	Wesely
Dierks	Johnson, L.	Miller	Rogers	Withem
Elmer	Johnson, V.			

Voting in the negative, 22:

Ashford	Hannibal	Landis	Nelson	Schmit
Chizek	Harris	Langford	Pappas	Scofield
Conway	Hartnett	Marsh	Remmers	Smith
Coordsen	Korshoj	Moore	Rupp	Weihing
Hall	Labedz			

Present and not voting, 1:

Johnson, R.

Excused and not voting, 4:

Abboud	Chambers	Higgins	Warner

The Lamb amendment lost with 22 ayes, 22 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mrs. Marsh 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. Schmit requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Ashford	Goodrich	Korshoj	Miller	Schellpeper
Barrett	Haberman	Lamb	Nelson	Wehrbein
Beyer	Hartnett	Landis	Peterson	Weihing
Conway	Hefner	Langford	Pirsch	Wesely
Dierks	Johnson, L.	Lynch	Rogers	Withem
Elmer	Johnson, V.	Marsh		

Voting in the negative, 16:

Chizek	Harris	Labedz	Morehead	Rupp
Coordsen	Higgins	McFarland	Pappas	Schmit
Hall	Johnson, R.	Moore	Remmers	Smith
Hannibal				

Present and not voting, 2:

Baack Scofield

Excused and not voting, 3:

Abboud Chambers Warner

Advanced to E & R for Engrossment with 28 ayes, 16 nays, 2 present and not voting, and 3 excused and not voting.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 730A. E & R amendment, AM5073, found in the Journal on page 747 for the Twenty-Eighth Day was adopted.

Mr. V. Johnson offered the following amendment:
AM0346

1. Strike original section 1 and insert the following new section:

"Section 1. There is hereby appropriated (1) $10,000 from the General Fund for the period July 1, 1986, to June 30, 1987, (2) $110,000 from the General Fund and $36,300 from the Tobacco Products Administration Cash Fund for the period July 1, 1987, to June 30, 1988, and (3) $71,000 from the Tobacco Products Administration Cash Fund for the period July 1, 1988, to June 30, 1989, to the Department of Revenue, for Program 102, to aid in carrying out the provisions of Legislative Bill 730, Ninetieth Legislature, First Session, 1987.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $62,300 for the period July 1, 1987, to June 30, 1988, nor $49,500 for the period July 1, 1988, to June 30, 1989.".

2. In the E & R amendments, on page 1, strike beginning with "lines" in line 1 through "in" in line 2; and in line 2 after "14" insert a comma.

The V. Johnson 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.

LEGISLATIVE RESOLUTION 11CA. E & R amendment, AM5084, found in the Journal on page 861 for the Thirty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 629. E & R amendment, AM5085, found in the Journal on page 861 for the Thirty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 306. E & R amendments, AM5086, found in the Journal on page 861 for the Thirty-Fourth Day were adopted.

Mr. Rupp asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 101. Title read. Considered.

Standing Committee amendments, AM0140, found in the Journal on page 583 for the Twenty-Second Day were considered.

Mr. Rogers renewed his pending amendment, AM0292, found in the Journal on page 779 to the Standing Committee amendments.

The Rogers amendment was adopted with 19 ayes, 0 nays, 26 present and not voting, and 4 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 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.

LEGISLATIVE BILL 101A. 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.

UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mrs. Higgins asked unanimous consent to print the following amendment to LB 395 in the Journal. No objections. So ordered.

Page 3, line 21 strike "At any time when" and insert "When"; line 22 strike "for consumption on the premises" and insert "for sale".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 254, 272, 365, 461, and 468.

(Signed) Scott Moore, Chairperson

GENERAL FILE

LEGISLATIVE BILL 565. 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 639. Considered.

Messrs. Beyer and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 639A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

Governor Appointment March 9, 1987 1:30 p.m.
Roger Christianson - Director, Nebraska Department of Economic Development.

(Signed) R. W. Remmers, Chairperson

Transportation

Governor Appointment Tuesday, March 10, 1987 1:30 p.m.
Margaret L. Higgins - Director, NE Department of Motor Vehicles

(Signed) Howard Lamb, Chairperson

Appropriations

Monday, March 9, 1987 1:30 p.m.
Education Block Grant

Thursday, March 19, 1987 1:30 p.m.
Health Prevention and Services Block Grant
Maternal and Child Health Block Grant
Primary Care Block Grant

Tuesday, March 17, 1987 1:30 p.m.
Social Services Block Grant
Low Income Energy Assistance Block Grant
Community Services Block Grant

Wednesday, March 18, 1987 1:30 p.m.
Alcohol, Drug Abuse and Mental Services Block Grant

Block Grant Hearings above are in conjunction with the respective agency budgets.

(Signed) Lowell Johnson, Vice Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 250. Placed on General File as amended.
Standing Committee amendment to LB 250:
AM0420
1. On page 2, lines 5, 6, and 14, strike the new matter and in line 6 reinstate "annual".

LEGISLATIVE BILL 699. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

GENERAL FILE

LEGISLATIVE BILL 300. 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 411. 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 469. Title read. Considered.

Standing Committee amendments, AM0188, printed separate from the Journal and referred to on page 603 for the Twenty-Third Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Korshoj asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 71. Title read. Considered.

Standing Committee amendments, AM0178, found in the Journal on page 603 for the Twenty-Third Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis withdrew his pending amendment, AM0157, found in the Journal on page 660.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 200. Placed on General File.

LEGISLATIVE BILL 316. Placed on General File as amended.
Standing Committee amendment to LB 316:
AM0436

1. On page 3, line 23, after "expulsion" insert ". For purposes of this subdivision, sexual assault shall mean sexual assault in the first degree and sexual assault in the second degree as defined in sections 28-319 and 28-320, as such sections now provide or may hereafter from time to time be amended".

LEGISLATIVE BILL 367. Placed on General File as amended.
Standing Committee amendments to LB 367:
AM0435

1. On page 4, line 18, after the second comma insert "speech and"; and in line 19 strike "seriously emotionally disturbed" and insert "behaviorally disordered".
2. On page 7, line 2, strike "Seriously emotionally disturbed" and insert "Behaviorally disordered".
3. On page 8, line 7, strike "Language" and insert "Speech and language".

LEGISLATIVE BILL 581. Placed on General File as amended.
Standing Committee amendment to LB 581:

AM0434

1. Strike the original section and insert the following new section:

"Section 1. (1) In order to derive the fullest benefits from educational telecommunications, to assist with the improvement of elementary and secondary education, to encourage and apply research on human learning, perception, cognition, and instructional design, to encourage and apply any other relevant research to the development and use of technology, and to establish Nebraska as a leader in educational technology and teacher training, teacher training programs in Nebraska shall develop and integrate into their curriculum academic programs which train future teachers in an understanding of the latest information and communications technologies including, but not limited to, instructional television, instructional computing, film, videodisc, and other telecommunications technologies and in the appropriate uses of such information and technologies in the instructional process. The programs shall make every effort to develop interdisciplinary approaches and are authorized and directed to draw upon techniques and expertise found throughout the public and private sector including, but not limited to, the State Department of Education, the Nebraska Educational Telecommunications Commission, educational service units, higher education, institutions, and private entities.

(2) By September 1, 1988, all teacher training programs at state educational institutions shall report to the Legislature a plan for achieving the intent of subsection (1) of this act. The plan may be submitted individually or jointly with other teacher training programs in the state. At a minimum, each plan shall include evidence of agreements arrived at with at least two other entities, either in the public or private sector, to share resources and enhance teacher training programs. Such entities may be located either within or outside the state.".

(Signed) Ron Withem, Chairperson

Business and Labor

LEGISLATIVE BILL 524. Placed on General File.

LEGISLATIVE BILL 92. Indefinitely postponed.
LEGISLATIVE BILL 605. Indefinitely postponed.
LEGISLATIVE BILL 731. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 575A. By Haberman, 44th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 575, Ninetieth Legislature, First Session, 1987.

GENERAL FILE

LEGISLATIVE BILL 572. Title read. Considered.

Standing Committee amendment, AM0180, found in the Journal on page 604 for the Twenty-Third 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 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. McFarland asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 473. Title read. Considered.

Standing Committee amendments, AM0155, found in the Journal on page 605 for the Twenty-Third Day were considered.

Mr. Wesely offered the following amendment to the Standing Committee amendments:
(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0251.)

The Wesely amendment was adopted with 15 ayes, 0 nays, 28 present and not voting, and 6 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mesdames Higgins and Morehead asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 473A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 359. Title read. Considered.

Standing Committee amendment, AM0153, found in the Journal on page 610 for the Twenty-Third Day was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 643. Title read. Considered.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendments, AM0208, found in the Journal on page 626 for the Twenty-Fourth Day were adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 148, 223, and 487.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 148

The following changes, required to be reported for publication in the Journal, have been made:
ER0125

1. In the Schmit-Wesely-Wehrbein-Landis amendment, AM0410, adopted March 2, 1987, on page 2, line 5, "populations" has been struck and "population" inserted.

Enrollment and Review Change to LB 223

The following changes, required to be reported for publication in the Journal, have been made:
ER0126

1. In the Nelson amendment, AM0120, adopted March 2, 1987, sections 2 and 4 have been renumbered as sections 4 and 6, respectively.

2. On page 1, line 1, "fees and salaries" has been struck and "sheriffs and constables" inserted; in line 2 "section" has been struck and "sections" inserted and "84-805, and 84-806," has been inserted after the comma; in line 4 "and" has been struck and "to provide for the distribution of certain fees; to provide for the service of a summons or writ by certain persons; to harmonize provisions; to provide an operative date;" inserted; and in line 5 "section" has been struck and "sections; and to declare an emergency" inserted.

3. In the Chizek amendment, AM0135, adopted February 9, 1987, on page 1, line 10, the first comma has been struck and shown as stricken; and in line 19 "shall" has been inserted after "and".

Enrollment and Review Change to LB 487

The following changes, required to be reported for publication in the Journal, have been made:
ER0124

1. In the Rupp-Coordsen amendment adopted March 2, 1987, found on page 866 of the Journal, "or regulation" has been inserted after each occurrence of "rule", a comma has been inserted after "amendment", "subsection" has been struck and "subdivision" inserted, and all of the new matter has been underscored.

2. On page 1, line 5, "to prohibit certain challenges;" has been inserted after the semicolon.

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 587. Placed on General File as amended.
Standing Committee amendments to LB 587:
AM0371

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 2, line 16, strike "Any", show as stricken, and insert "Except as provided in subsection (4) of this section, any"; and in line 20 strike "thirty", show as stricken, and insert "fifty".

3. On page 3, line 19, strike "The", show as stricken, and insert "Except as provided in subsection (4) of this section, the"; and in line 22 strike "Notice", show as stricken, and insert "Except as provided in subsection (4) of this section, notice".

4. On page 4, line 23, strike "thirty", show as stricken, and insert "fifty".

5. On page 9, strike beginning with "board" in line 14 through "district" in line 15 and insert "election commissioner"; strike beginning with "The" in line 17 through the period in line 21; and in line 24 strike "which" and insert "to each person who is entitlted to vote at the election whose property ownership or lease giving a right to vote is of record with the register of deeds as of the date designated by the election commissioner, which date shall not be more than sixty-five days prior to the election. The ballot and return envelope".

LEGISLATIVE BILL 481. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

Health and Human Services

LEGISLATIVE BILL 42. Placed on General File as amended.
Standing Committee amendments to LB 42:

AM0414

1. Strike original sections 8 and 9.

2. Insert the following new section:

"Sec. 8. The Department of Social Services shall apply for and implement a waiver as allowed under section 2176 of Public Law 97-35 in order to facilitate the use of community-based services and care management services as reasonably possible by all aged persons who are determined to be likely to require the level of care provided in a skilled nursing facility or intermediate care facility.".

3. On page 2, strike lines 14 through 16 and insert:

"(3) The Department of Social Services apply for and implement a Title XIX Medicaid waiver as a way to provide care management services to Medicaid clients and to control the rising costs of Medicaid;".

4. On page 3, line 3, strike "health"; in line 7 strike "one" and insert "two"; in line 8 strike "eighty" and insert "forty"; in line 9 after "shall" insert "be developed in consultation with appropriate state agencies and professional organizations and"; and in line 15 strike "medical" and insert "functional".

5. On page 5, line 24, strike "shall" and insert "may".

6. On page 6, lines 5 and 6, strike ", but not be limited to,"; and after line 17 insert the following new subsection:

"(3) Funds appropriated under this section shall not be used to replace funds appropriated under the Nebraska Community Aging Services Act and granted to the area agencies on aging prior to the effective date of this act and used to provide case management or care management services in their planning and service area, except that such funds can be replaced by non-Nebraska Community Aging Services funds that are obtained subsequent to the effective date of this act as allowed under rules and regulations adopted and promulgated by the Department on Aging.".

7. Strike the underscoring in the original sections.

LEGISLATIVE BILL 74. Placed on General File as amended.
Standing Committee amendment to LB 74:

AM0416

1. On page 3, line 10, strike "to the decedent"; in line 14 strike "1988" and insert "1989"; in line 16 after the first "the" insert "portion of the certificate of death entitled" and after "death" insert "or, if none, the person responsible for signing the certificate of death"; in line 18 strike the first comma and insert "and"; and strike beginning with the second comma in line 18 through "denial" in line 19.

(Signed) Don Wesely, Chairperson

VISITORS

Visitors to the Chamber were a group from the Platte County Extension Club; Gregg Mitchell from Hastings, Kurt Kosmiski from Alliance, and Terry Volkman; Jim Kounousky from Plainview and Leo Schulte from Hartington; Edward and Florabelle Wehrbein from Plattsmouth; and former Senator Herb Duis and former Senator George Syas.

ADJOURNMENT

At 11:56 a.m., on a motion by Mr. Dierks, the Legislature adjourned until 9:00 a.m., Wednesday, March 4, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SIXTH DAY - MARCH 4, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 4, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Rodney Hinrichs, Rejoice in the Lord Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Baack, Haberman, R. Johnson, V. Johnson, Lynch, Moore, Warner, Mesdames Labedz, Nelson, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fifth Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 491.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 491

The following changes, required to be reported for publication in the Journal, have been made:
ER0127

1. In the Wesely-Marsh amendment, AM0333, adopted March 2, 1987, on page 1, line 4, the new matter has been struck and "plans" inserted; and in line 6 "except for the comma in line 24" has been inserted after the second "matter".

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 199. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 212. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 285. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 329. 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 715. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 604. 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 626. 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.

LEGISLATIVE BILL 186. Title read. Considered.

Mrs. Morehead asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 440. 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 531. 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 287. 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.

LEGISLATIVE BILL 366. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 4 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 246. 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 567. 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 568. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 436. 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 539. 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 29 ayes, 1 nay, 15 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 526 in the Journal. No objections. So ordered.

AM0438

1. Insert the following new sections:

"Sec. 3. The Department of Social Services is hereby authorized to sell and convey by quitclaim deed lots 48 and 49 of irregular tract containing thirty-nine and three-fourths acres, more or less, in the northeast quarter of section 15, township 10 north, range 7, east of the 6th principle meridian, Lincoln, Lancaster, Nebraska.

Sec. 4. The income from the sale of all the land described in section 3 of this act shall be deposited in the Nebraska Child Abuse Prevention Fund.".

Mrs. Higgins asked unanimous consent to print the following amendments to LB 300 in the Journal. No objections. So ordered.

(1)

1. On page 4, line 11, after "agreement" insert "from the United States Selective Service System".

2. On page 4, line 14, strike "costs" and insert "fees".

(2)

1. On page 3, line 25, strike "be" and show as stricken.

2. On page 4, line 1, strike "entitled to" and show as stricken.

3. On page 4, line 1, strike "one dollar", show as stricken, and insert "two dollars".

ANNOUNCEMENT

Mr. Withem announced there will be an Executive meeting of the Education Committee tonight at 7:00 P.M. in Room 1517.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following resolution and bills were correctly engrossed: LR11CA, LB 306, and LB 629.

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 301. Placed on General File as amended.
Standing Committee amendments to LB 301:
AM0422

1. Strike original section 5.

2. On page 3, after line 14, insert "Any agreement shall provide that the biological parent or parents keep the department informed of any change in address or phone number and may include provision for communication by the biological parent or parents indirectly through the department or agency or directly to the adoptive parent or parents.".

3. On page 4, line 21, after the period insert "The parties to an exchange of information contract shall have the authority to bring suit in a court of competent jurisdiction for the enforcement of

any agreement entered into pursuant to section 4 of this act."; and in lines 13 and 18 strike "sections 4 and 5" and insert "section 4".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 599. Placed on General File as amended.
Standing Committee amendment to LB 599:
AM0421

1. On page 2, line 17, strike "or as a runaway".

LEGISLATIVE BILL 637. Placed on General File as amended.
Standing Committee amendments to LB 637:
AM0415

1. On page 2, line 20, strike "and" and insert "or".

2. On page 4, line 8, strike "timely manner" and insert "time frame appropriate to the age and development needs of the child"; and in line 25 after "programs" insert a comma.

3. On page 5, line 1, strike "and"; and in line 3 after "families" insert ", the number of clients served by each program, and data being collected to demonstrate the short-term and long-term effectiveness of each program".

LEGISLATIVE BILL 282. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 172	Wednesday, March 11, 1987	1:30 p.m.
LB 370	Wednesday, March 11, 1987	1:30 p.m.
LB 722	Wednesday, March 11, 1987	1:30 p.m.
LB 675	Thursday, March 12, 1987	1:30 p.m.
LB 162	Thursday, March 12, 1987	1:30 p.m.
LB 363	Thursday, March 12, 1987	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 509. Placed on General File.
LEGISLATIVE BILL 564. Placed on General File.

LEGISLATIVE BILL 170. Placed on General File as amended.
Standing Committee amendments to LB 170:
AM0412

1. Insert the following new section:
"Sec. 5. Sections 2 to 4 of this act shall not be construed to amend or in any manner change the authority of the Game and Parks Commission under Chapter 37, to prohibit any conduct authorized or permitted in Chapter 37, or to prohibit the training of dogs for any purpose not prohibited by law.".
2. On page 2, line 5, strike "4" and insert "5".
3. On page 3, line 1, strike beginning with "or" through "section"; and strike lines 5 through 14.
4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 181. Placed on General File as amended.
Standing Committee amendment to LB 181:
AM0383

1. Strike the original sections and insert the following new sections:
"Section 1. That section 28-808, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
28-808. (1) It shall be unlawful for a person knowingly to sell, deliver, distribute, display for sale, or provide to a minor, or knowingly to possess with intent to sell, deliver, distribute, display for sale, or provide to a minor:
(a) ~~(1)~~ Any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body, or any replica, article, or device having the appearance of either male or female genitals which predominantly pruriently, shamefully, or morbidly depicts nudity, sexual conduct, sexual excitement, or sadomasochistic abuse and which, taken as a whole, is

harmful to minors; or

(b) ~~(2)~~ Any book, pamphlet, magazine, printed matter however produced, or sound recording which contains any matter enumerated in subdivision ~~(1)~~ (a) of this ~~section,~~ subsection or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sadomasochistic abuse~~,~~ of a predominantly prurient, shameful, or morbid nature~~,~~ and which, taken as a whole, is harmful to minors.

(2) It shall be unlawful for any person to commercially and knowingly exhibit or display any material, the cover or packaging of which, standing alone, depicts any picture, photograph, drawing, or similar visual representation of sexual conduct which predominantly pruriently, shamefully, or morbidly depicts sexual excitement or sadomasochistic abuse, unless the cover or packaging is at all times kept in a sealed wrapper and blocked from view by an opaque cover:

(a) The requirements of subsection (2) of this section shall not apply if such material is exhibited under circumstances where minors are not present, not allowed to be present, or not able to view such material or the cover or packaging of such material. Any person may comply with subsection (2) of this section by physically segregating the material in a manner so as to physically prohibit the access to and view of the material by minors by prominently posting at the entrance to the restricted area and enforcing the following: Adults Only -- you must be at least eighteen years of age or married to enter.

(b) Any person who violates subsection (2) of this section shall be guilty of a Class V misdemeanor.

Sec. 2. That section 28-812, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-812. (1) Any person who violates subsection (1) of section 28-808 or section 28-809 shall be guilty of a Class I misdemeanor.

(2) Any person who violates section 28-811 shall be guilty of a Class II misdemeanor.

Sec. 3. That original sections 28-808 and 28-812, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 376. Placed on General File as amended.
Standing Committee amendments to LB 376:
AM0350

1. On page 3, strike beginning with "or" in line 9 through "impaired" in line 10; in line 15 after "arrested" insert "and taken into custody"; in line 19 after "person" insert "otherwise eligible for release"; and in line 21 after the period insert "A qualified interpreter shall be provided as soon as possible.".

2. On page 5, line 16, strike "compile and annually update" and insert "prepare and maintain" and after "of" insert "the various types of"; and strike beginning with "in" in line 17 through "request" in line 20 and insert "as provided by section 71-4728".

3. Insert the following new sections:

"Sec. 11. That section 25-2401, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-2401. It is hereby declared to be the policy of this state that the constitutional rights of ~~deaf persons, who because of hearing or speaking impairments, and other~~ persons~~, who are~~ unable to communicate the English language~~,~~ cannot be fully protected unless interpreters are available to assist such persons in legal proceedings. It is the intent of sections 25-2401 to 25-2406 to provide a procedure for the appointment of such interpreters to avoid injustice and to assist such persons in their own defense.

Sec. 12. That section 25-2402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-2402. For the purposes of sections 25-2401 to 25-2406 unless the context otherwise requires:

(1) ~~Deaf person shall mean a person who, because of hearing or speaking impairment,~~ Person unable to communicate the English language shall mean a person who cannot readily understand or communicate the English language; and

(2) Proceeding shall mean any legal proceeding or any hearing preliminary thereto involving ~~deaf persons or other~~ persons ~~who cannot~~ unable to communicate the English language.

Sec. 13. That section 25-2403, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

25-2403. In any proceeding the presiding judge shall appoint an interpreter to assist any ~~deaf person or~~ person unable to communicate the English language for preparation and trial of his or her case.

Sec. 14. That section 25-2404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-2404. No person shall be appointed as an interpreter pursuant to ~~the provisions of~~ sections 25-2401 to 25-2406 unless such person is readily able to communicate with the ~~deaf person or~~ person unable to communicate the English language, translate the proceedings for him or her, and accurately repeat and translate the statements of such person to the jury, judge, and officials before whom such proceeding takes place.

Sec. 15. That section 25-2405, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-2405. Every interpreter appointed pursuant to ~~the provisions of~~ sections 25-2401 to 25-2406, before entering upon his or her duties as such, shall take an oath that he or she will, to the best of his or her skill and judgment, make a true interpretation to such ~~deaf person or~~ person unable to communicate the English language of all the proceedings in a language which such person understands~~,~~ and that he or she will, in the English language, repeat the statements of such person to the court, jury, or officials before whom such proceeding takes place.".

4. On page 6, line 24, after "that" insert "original" and strike "25-2406" and insert "25-2405".

5. Renumber the remaining section accordingly.

6. Insert underscoring in original sections 1 through 10.

LEGISLATIVE BILL 242. Indefinitely postponed.
LEGISLATIVE BILL 405. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

SELECT FILE

LEGISLATIVE BILL 404. E & R amendments, AM5087, found in the Journal on page 871 for the Thirty-Fifth Day were adopted.

Mr. Hall moved to indefinitely postpone LB 404.

Mr. Hall withdrew his pending motion.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 146. E & R amendment, AM5088, found in the Journal on page 872 for the Thirty-Fifth Day was adopted.

Mr. Schmit asked unanimous consent to have LB 146 laid over. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 491A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 292. Title read. Considered.

Standing Committee amendment, AM0150, found in the Journal on page 527 for the Twenty-First Day was considered.

Messrs. Hall, Landis, Barrett, and Hefner renewed their pending amendment, AM0403, found in the Journal on page 863 to the Standing Committee amendment.

The Hall et al. amendment was adopted with 16 ayes, 0 nays, 28 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 28 ayes, 6 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 347. Title read. Considered.

Standing Committee amendments, AM0158, found in the Journal on page 629 for the Twenty-Fourth Day were adopted with 27 ayes, 0 nays, 17 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.

Mr. Dierks asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 543. Title read. Considered.

Standing Committee amendments, AM0217, found in the Journal on page 630 for the Twenty-Fourth Day were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Lamb withdrew his pending amendment, AM0353, found in the Journal on page 816.

Advanced to E & R for Review with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 543A. 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.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 459. Title read. Considered.

Standing Committee amendments, AM0224, found in the Journal on page 641 for the Twenty-Fourth Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Messrs. R. Johnson, McFarland, and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 459A. Title read. Considered.

Mr. Haberman 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.

LEGISLATIVE BILL 432. Title read. Considered.

Standing Committee amendments, AM0213, found in the Journal on page 646 for the Twenty-Fifth Day were considered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 101. Placed on Select File as amended.
E & R amendments to LB 101:
AM5090

1. In the Standing Committee amendment, AM0140, adopted March 3, 1987:

a. On page 1, line 4, strike "a" and insert "an underscored"; and in line 8 strike "Social" and insert "The social"; and

b. On page 2, line 1, after "lien" insert an underscored comma; and in line 8 after "under" insert "sections 1 to 8 of".

2. On page 1, line 4, after the semicolon insert "to provide for the effect of filing a bankruptcy petition as prescribed;".

3. On page 2, line 6, after "mean" insert "a"; and in line 7 after the first comma insert "a".

4. On page 3, line 18, strike "lien notification" and insert "lien-notification"; and in line 19 after "and" insert "shall".

5. On page 4, line 4, strike "the".

6. On page 6, line 10, strike the comma and after "or" insert an underscored comma; and in line 11 strike "to".

7. On page 7, line 21, strike "lien" and insert "lien-notification".

8. On page 8, lines 2 and 8, strike "9-508" and insert "9-507"; and in line 18 strike "lien" and insert "lien-notification statement".

9. On page 16, line 5, after "act" insert an underscored comma.

LEGISLATIVE BILL 101A. Placed on Select File.
LEGISLATIVE BILL 565. Placed on Select File.
LEGISLATIVE BILL 639. Placed on Select File.
LEGISLATIVE BILL 639A. Placed on Select File.
LEGISLATIVE BILL 300. Placed on Select File.

LEGISLATIVE BILL 411. Placed on Select File as amended.
E & R amendment to LB 411:
AM5089

1. On page 2, line 5, after "equipment" insert an underscored comma; and in line 11 after "section" insert an underscored comma.

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 358. Placed on General File as amended.
Standing Committee amendment to LB 358:
AM0431

1. Strike the original sections and all amendments thereto and insert the following new section:

"Section 1. That section 32-554, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

LEGISLATIVE BILL 388. Placed on General File as amended.
Standing Committee amendment to LB 388:
AM0449

1. On page 6, strike beginning with "Operate" in line 22 through "persons" in line 23 and insert "Promote statewide communication services for hearing impaired persons".

LEGISLATIVE BILL 456. Placed on General File as amended.
Standing Committee amendments to LB 456:
AM0430

1. Strike original section 2.

2. On page 4, line 9, strike "sections" and insert "section" and strike "and"; and in line 10 strike "68-1103".

3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 479. Placed on General File as amended.
Standing Committee amendment to LB 479:
AM0399

1. On page 3, line 8, strike beginning with "an" through the second comma and insert "a candidate"; in line 9 after "cause" insert "a disclaimer containing"; in line 12 strike beginning with "an" through the second comma and insert "a candidate" and after "cause" insert "a disclaimer containing"; and strike lines 15 through 24 and insert the following new subsection:

"(2) The size and placement of the disclaimer shall be determined by rules and regulations adopted and promulgated by the commission. The rules and regulations shall exempt from the disclaimer required by this section windshield stickers, yard signs, bumper stickers, campaign buttons, and balloons and may also exempt other items relating to a candidate or committee which are printed or reproduced at the request of such candidate or committee.".

LEGISLATIVE BILL 89. Indefinitely postponed.
LEGISLATIVE BILL 677. Indefinitely postponed.

(Signed) Lee Rupp, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 39.

Introduced by Harris, 27th District; Marsh, 29th District.

WHEREAS, the Lincoln Southeast High School boys' swim team won the boys' state swimming title with 240 points on February 28, 1987; and

WHEREAS, competitive athletics encourage goal-setting, build dedication, foster team work, and motivate students to strive for excellence; and

WHEREAS, in developing those qualities, competition aids in preparing students for their future; and

WHEREAS, the hard work and outstanding achievement of the Southeast swim team and their coach, Bill Flory, deserve recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE, FIRST SESSION:

1. That the members of the Legislature commend and congratulate the Lincoln Southeast boys' swim team and their coach, Bill Flory.

2. That a copy of this resolution be presented to coach Flory and the team.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 626. No objections. So ordered.

UNANIMOUS CONSENT - Expedite LB 459

Mr. Wesely asked unanimous consent to expedite LB 459. No objections. So ordered.

VISITORS

Visitors to the Chamber were 33 eighth grade students and teacher from St. Margaret Mary School, Omaha; Colleen Beck from Buffalo County; former Senator Tom Fitzgerald and wife, Lorraine; and 12 seniors and teacher from Norfolk High School.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Harris, the Legislature adjourned until 9:00 a.m., Thursday, March 5, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

2. On page 4, line 9, strike "sections" and insert "section" and strike "and"; and in line 10 strike "68-1103".

3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 479. Placed on General File as amended.
Standing Committee amendment to LB 479:
AM0399

1. On page 3, line 8, strike beginning with "an" through the second comma and insert "a candidate"; in line 9 after "cause" insert "a disclaimer containing"; in line 12 strike beginning with "an" through the second comma and insert "a candidate" and after "cause" insert "a disclaimer containing"; and strike lines 15 through 24 and insert the following new subsection:

"(2) The size and placement of the disclaimer shall be determined by rules and regulations adopted and promulgated by the commission. The rules and regulations shall exempt from the disclaimer required by this section windshield stickers, yard signs, bumper stickers, campaign buttons, and balloons and may also exempt other items relating to a candidate or committee which are printed or reproduced at the request of such candidate or committee.".

LEGISLATIVE BILL 89. Indefinitely postponed.
LEGISLATIVE BILL 677. Indefinitely postponed.

(Signed) Lee Rupp, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 39.

Introduced by Harris, 27th District; Marsh, 29th District.

WHEREAS, the Lincoln Southeast High School boys' swim team won the boys' state swimming title with 240 points on February 28, 1987; and

WHEREAS, competitive athletics encourage goal-setting, build dedication, foster team work, and motivate students to strive for excellence; and

WHEREAS, in developing those qualities, competition aids in preparing students for their future; and

WHEREAS, the hard work and outstanding achievement of the Southeast swim team and their coach, Bill Flory, deserve recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE, FIRST SESSION:

1. That the members of the Legislature commend and congratulate the Lincoln Southeast boys' swim team and their coach, Bill Flory.

2. That a copy of this resolution be presented to coach Flory and the team.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 626. No objections. So ordered.

UNANIMOUS CONSENT - Expedite LB 459

Mr. Wesely asked unanimous consent to expedite LB 459. No objections. So ordered.

VISITORS

Visitors to the Chamber were 33 eighth grade students and teacher from St. Margaret Mary School, Omaha; Colleen Beck from Buffalo County; former Senator Tom Fitzgerald and wife, Lorraine; and 12 seniors and teacher from Norfolk High School.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Harris, the Legislature adjourned until 9:00 a.m., Thursday, March 5, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY - MARCH 5, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 5, 1987

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Jim Thompson, Homestead Presbytery, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Ashford who was excused; and Messrs. Haberman, Hall, R. Johnson, V. Johnson, Lamb, Landis, Moore, Remmers, Rogers, Schellpeper, Wesely, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Sixth Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. McFarland 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: 730 and 730A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 730

The following changes, required to be reported for publication in the Journal, have been made:
ER0128

1. In the V. Johnson amendment, AM0344, adopted February 25, 1987, on page 2, line 7, "a comma" has been struck and "', and'" inserted.

2. In the E & R amendment, AM5074, adopted February 25, 1987:

a. On page 1, line 6, "29" has been struck and "30" inserted; in line 7 "32" and "30" have been struck and "33" and "31", respectively, inserted; and in line 8 "33" has been struck and "34" inserted; and

b. On page 3, line 8, "77-2602.03" has been struck; in line 9 "after '77-2602.03'" has been inserted after the first "and" and a comma has been inserted before "77-2608"; and the matter beginning with the first "the" in line 10 through the first semicolon in line 11 has been struck.

3. On page 1, line 5, "change" has been struck and "authorize a credit;" inserted.

4. On page 21, line 8, "and" has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 707. Placed on General File as amended.
Standing Committee amendment to LB 707:
AM0393

1. On page 7, strike the new matter in lines 5 through 11.

(Signed) R. W. Remmers, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 39. Read. Considered.

LR 39 was adopted with 26 ayes, 0 nays, and 23 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 399.

A BILL FOR AN ACT relating to insurance; to define terms; and to provide immunity for certain acts.

Whereupon the 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	Elmer	Higgins	Miller	Schmit
Baack	Goodrich	Johnson, L.	Morehead	Scofield
Barrett	Haberman	Johnson, R.	Nelson	Smith
Beyer	Hall	Korshoj	Pappas	Warner
Chizek	Hannibal	Landis	Peterson	Wehrbein
Conway	Harris	Langford	Pirsch	Weihing
Coordsen	Hartnett	Lynch	Rupp	Withem
Dierks	Hefner	Marsh	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 9:

Ashford	Labedz	McFarland	Remmers	Wesely
Johnson, V.	Lamb	Moore	Rogers	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 449. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend section 9, Legislative Bill 1, Eighty-ninth Legislature, Fourth Special Session, 1986; to make deficiency appropriations; to authorize certain expenditures; to make certain appropriations; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud	Elmer	Higgins	Marsh	Schellpeper
Baack	Goodrich	Johnson, L.	Miller	Scofield
Barrett	Haberman	Johnson, R.	Morehead	Smith
Beyer	Hall	Johnson, V.	Nelson	Warner
Chambers	Hannibal	Korshoj	Pappas	Wehrbein
Chizek	Harris	Landis	Peterson	Weihing
Conway	Hartnett	Langford	Pirsch	Wesely
Coordsen	Hefner	Lynch	Rupp	Withem
Dierks				

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 7:

Ashford	Lamb	Moore	Remmers	Rogers
Labedz	McFarland			

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 revenue and taxation; to amend sections 77-101, 77-204, 77-371, 77-378, 77-401, 77-408 to 77-410, 77-412, 77-429, 77-501 to 77-503, 77-505, 77-506, 77-507.01, 77-508, 77-508.01, 77-509, 77-510, 77-511, 77-802, 77-1201, 77-1202, 77-1209, 77-1209.02, 77-1209.03, 77-1219, 77-1229, 77-1301, 77-1301.06,

77-1301.08, 77-1301.12, 77-1301.15, 77-1301.16, 77-1303, 77-1318, 77-1320.04, 77-1502, 77-1503.01, 77-1504, 77-1506.02, 77-1507, and 77-1514, Reissue Revised Statutes of Nebraska, 1943; to define terms; to eliminate obsolete language; to change, eliminate, and provide duties as prescribed; to change provisions relating to violations of revenue laws; to change provisions relating to State Board of Equalization and Assessment meetings, duties, hearings, and appeals as prescribed; to change and eliminate provisions relating to county boards of equalization; to change provisions relating to assessment, listing, apportionment, reporting, and appraisal of real and personal property as prescribed; to eliminate provisions relating to reassessment of certain property; to eliminate a duty of the county assessor to examine personal property returns; to eliminate a hearing before the State Board of Equalization and Assessment; to eliminate provisions relating to the listing and assessment of personal property; to eliminate provisions relating to home rule charter cities; to eliminate provisions relating to tangible property; to harmonize provisions; and to repeal the original sections, and also sections 77-387 to 77-396, 77-402, 77-411, 77-504, 77-507, 77-507.02, 77-1207, 77-1217, 77-1218, 77-1228, 77-1301.09 to 77-1301.11, 77-1320.02, 77-1320.03, 77-1320.05, 77-1320.06, 77-1328, 77-1503, and 77-1506, 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	Elmer	Johnson, V.	Moore	Schellpeper
Baack	Goodrich	Korshoj	Morehead	Scofield
Barrett	Haberman	Labedz	Nelson	Smith
Beyer	Hall	Lamb	Pappas	Warner
Chambers	Hannibal	Landis	Peterson	Wehrbein
Chizek	Harris	Lynch	Pirsch	Weihing
Conway	Hartnett	Marsh	Remmers	Wesely
Coordsen	Hefner	Miller	Rupp	Withem
Dierks	Johnson, L.			

Voting in the negative, 3:

Higgins	Langford	Schmit

Present and not voting, 1:

Johnson, R.

Excused and not voting, 3:

Ashford McFarland Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 189.

A BILL FOR AN ACT relating to rules of administrative agencies; to amend section 84-908, Revised Statutes Supplement, 1986; to provide additional considerations for approval; 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	Goodrich	Johnson, R.	Miller	Schellpeper
Baack	Haberman	Johnson, V.	Moore	Schmit
Barrett	Hall	Korshoj	Morehead	Scofield
Beyer	Hannibal	Labedz	Nelson	Smith
Chambers	Harris	Lamb	Pappas	Warner
Chizek	Hartnett	Landis	Peterson	Wehrbein
Conway	Hefner	Langford	Pirsch	Weihing
Coordsen	Higgins	Lynch	Remmers	Wesely
Dierks	Johnson, L.	Marsh	Rupp	Withem
Elmer				

Voting in the negative, 0.

Excused and not voting, 3:

Ashford McFarland Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 253.

A BILL FOR AN ACT relating to rules of administrative agencies; to amend sections 84-903, 84-905, 84-909 to 84-916, 84-918, and 84-919, Reissue Revised Statutes of Nebraska, 1943, and sections 84-901, 84-902, 84-905.01, 84-906, 84-906.05, 84-907, 84-907.01, 84-908, and 84-917, Revised Statutes Supplement, 1986; to define and redefine terms; to provide a named act for Chapter 84, article 9; to harmonize provisions; to provide duties for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Elmer	Johnson, L.	Miller	Schellpeper
Baack	Goodrich	Johnson, R.	Moore	Schmit
Barrett	Haberman	Johnson, V.	Morehead	Scofield
Beyer	Hall	Korshoj	Nelson	Smith
Chambers	Hannibal	Labedz	Pappas	Warner
Chizek	Harris	Lamb	Peterson	Wehrbein
Conway	Hartnett	Landis	Pirsch	Weihing
Coordsen	Hefner	Langford	Remmers	Wesely
Dierks	Higgins	Marsh	Rupp	Withem

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 3:

Ashford McFarland Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 308.

A BILL FOR AN ACT relating to the State Employees Retirement Act; to amend sections 84-1319, 84-1320, and 84-1321, Revised Statutes Supplement, 1986; to change provisions relating to the

deferment of certain annuity payments 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	Goodrich	Johnson, R.	Miller	Schellpeper
Baack	Haberman	Johnson, V.	Moore	Schmit
Barrett	Hall	Korshoj	Morehead	Scofield
Beyer	Hannibal	Labedz	Nelson	Smith
Chambers	Harris	Lamb	Pappas	Warner
Chizek	Hartnett	Landis	Peterson	Wehrbein
Conway	Hefner	Langford	Pirsch	Weihing
Coordsen	Higgins	Lynch	Remmers	Wesely
Dierks	Johnson, L.	Marsh	Rupp	Withem
Elmer				

Voting in the negative, 0.

Excused and not voting, 3:

Ashford McFarland Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 354.

A BILL FOR AN ACT relating to state agencies; to amend section 81-161.03, Revised Statutes Supplement, 1986; to change provisions relating to direct purchases, contracts, and leases; to provide for direct purchases of supplies and materials 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, 46:

Abboud	Baack	Barrett	Beyer	Chambers

Chizek	Harris	Labedz	Morehead	Schmit
Conway	Hartnett	Lamb	Nelson	Scofield
Coordsen	Hefner	Landis	Pappas	Smith
Dierks	Higgins	Langford	Peterson	Warner
Elmer	Johnson, L.	Lynch	Pirsch	Wehrbein
Goodrich	Johnson, R.	Marsh	Remmers	Weihing
Haberman	Johnson, V.	Miller	Rupp	Wesely
Hall	Korshoj	Moore	Schellpeper	Withem
Hannibal				

Voting in the negative, 0.

Excused and not voting, 3:

Ashford McFarland Rogers

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.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 399, 449, 508, 189, 253, 308, and 354.

MESSAGE FROM THE GOVERNOR

March 5, 1987

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 requiring Legislative confirmation:

William H. McCartney, Director, Department of Insurance, 2031 North 55th Street, Omaha, NE 68104, 399-6048 (o), Term: March 2, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:dm
Enclosure

SELECT FILE

LEGISLATIVE BILL 565. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 639. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 639A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 300. Mrs. Higgins renewed her pending amendment (1) found in the Journal on page 894.

Mrs. Higgins moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mrs. Higgins requested a roll call vote on her amendment.

Voting in the affirmative, 29:

Baack	Dierks	Labedz	Morehead	Smith
Barrett	Hall	Landis	Nelson	Warner
Chambers	Hartnett	Lynch	Remmers	Weihing
Chizek	Higgins	Marsh	Rupp	Wesely
Conway	Johnson, V.	Miller	Schmit	Withem
Coordsen	Korshoj	Moore	Scofield	

Voting in the negative, 7:

Elmer	Johnson, R.	Langford	Peterson	Wehrbein
Haberman	Lamb			

Present and not voting, 9:

Beyer	Hannibal	Hefner	Pappas	Schellpeper
Goodrich	Harris	Johnson, L.	Pirsch	

Excused and not voting, 4:

Abboud Ashford McFarland Rogers

The Higgins amendment was adopted with 29 ayes, 7 nays, 9 present and not voting, and 4 excused and not voting.

Mrs. Higgins withdrew her pending amendment (2) found in the Journal on page 895.

Mrs. Higgins offered the following amendment:
1. On page 3, line 25, strike "be" and show as stricken.
2. On page 4, line 1, strike "entitled to" and show as stricken.

The Chair declared the call raised.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

The Higgins amendment was adopted with 25 ayes, 5 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment:
P. 4, lines 13, 14, Strike "and to pay the costs incurred"
Line 18, after "licenses", insert, "The United States Selective Service System shall pay all costs incurred and any fee charged for such record information"

The Chambers amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Chambers offered the following amendment:
P. 4, line 17, Strike "or applicants"

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 2 nays, and 39 not voting.

The Chambers amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:

P. 4, line 18, after "licenses.", add

No driver record information shall be furnished regarding any female, nor regarding any male other than those between the ages of 17 years and 26 years.

Mrs. Labedz and Mr. Miller asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

The Chambers amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Lynch and Rupp asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Peterson offered the following amendment:

Page 4 Line 14 Strike "fees" and insert actual costs

Messrs. Moore and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

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 amendment.

Voting in the affirmative, 23:

Barrett	Goodrich	Johnson, L.	Moore	Schellpeper
Beyer	Haberman	Lamb	Peterson	Warner
Coordsen	Hannibal	Landis	Pirsch	Wehrbein
Dierks	Harris	Langford	Rupp	Wesely
Elmer	Hefner	Miller		

Voting in the negative, 17:

Baack	Chambers	Chizek	Conway	Hall

Hartnett	Korshoj	Nelson	Remmers	Weihing
Higgins	Marsh	Pappas	Smith	Withem
Johnson, V.	Morehead			

Present and not voting, 2:

Rogers	Scofield

Excused and not voting, 7:

Abboud	Johnson, R.	Lynch	McFarland	Schmit
Ashford	Labedz			

The Peterson amendment lost with 23 ayes, 17 nays, 2 present and not voting, and 7 excused and not voting.

Mr. Chambers requested a machine vote on the advancement of the bill.

Failed to advance to E & R for Engrossment with 24 ayes, 10 nays, 8 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 411. E & R amendment, AM5089, found in the Journal on page 904 for the Thirty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 5, 1987, at 10:35 a.m., were the following bills: 399, 449, 508, 189, 253, 308, and 354.

(Signed) Pam Moravec, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 459. Placed on Select File as amended.
E & R amendments to LB 459:
AM5092
1. In the Standing Committee amendments,
AM0224, adopted March 4, 1987:

a. On page 1, line 3, strike "would" and insert "will"; and in line 14 strike "license" and insert "licensed"; and

b. On page 2, line 1, strike the comma; in line 6 after "facility" insert an underscored comma; and in line 7 strike "lay-off" and insert "layoff".

2. On page 1, line 10, strike "the Director of Nursing Services" and insert "supervision of nursing and other health services"; and in line 11 strike "and".

3. On page 2, line 2, after "1943" insert "; and to declare an emergency".

4. On page 5, line 6, strike "(1)" and insert "(i)"; in line 7 strike "(2)" and insert "(ii)"; in line 10 strike "(3)" and insert "(iii)"; and in line 13 strike "(4)" and insert "(iv)" and strike "(5)" and insert "(v)".

5. On page 13, line 20, after "shifts" insert an underscored comma; and in line 21 strike "day shift" and insert "day-shift".

6. On page 23, strike beginning with "sections" in line 16 through "subdivision" in line 17 and show as stricken; and strike beginning with "(21)" in line 17 through "71-2017.01" in line 18, show the old matter as stricken, and insert "the Nebraska Nursing Home Act".

LEGISLATIVE BILL 459A. Placed on Select File.

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 601. Placed on General File as amended.
Standing Committee amendment to LB 601:
AM0391

1. On page 2, line 17, strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 603. Placed on General File as amended.
Standing Committee amendments to LB 603:
AM0303

1. On page 2, lines 5 and 8, reinstate the stricken "five" and strike "three"; in line 22 after

"members" insert "appointed prior to the effective date of this act"; and strike beginning with "Such" in line 23 through the period in line 24 and insert "at such time, two full-time members shall be appointed. The part-time members appointed prior to the effective date of this act may be reappointed to the full-time positions.".

2. On page 4, line 15, strike "Two" and insert "Three".

(Signed) Jerry Chizek, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 474 in the Journal. No objections. So ordered.

AM0464

1. On page 2, line 19, after the period insert "Any employer employing student-learners as part of a bona fide vocational training program shall pay such student-learners' wages at a rate of at least seventy-five per cent of the minimum wage rate which would otherwise be applicable.".

Mr. Withem asked unanimous consent to print the following amendment to LB 444 in the Journal. No objections. So ordered.

AM0458

(Amendments to Standing Committee amendments, AM0259)

1. On page 1, line 8, after the period insert "All of the members of the school boards and boards of education within the county and joint districts under the jurisdiction of that county committee shall, at a meeting called for that purpose by the county superintendent of schools within one hundred twenty days from the effective date of this act, and each four years thereafter, determine by a majority vote of those present the number of members of the county committee within the limits prescribed in this section.".

2. On page 2, strike beginning with "All" in line 10 through the period in line 19 and show the old matter as stricken.

Mr. Pappas asked unanimous consent to print the following amendment to LB 523 in the Journal. No objections. So ordered.

Page 8 line 12 - reinstate "III misdemeanor" and strike new language through line 22
Page 9 line 20 reinstate "III misdemeanor" and strike new language
Page 11 - line 24 reinstate "III misdemeanor" and strike new language.

GENERAL FILE

LEGISLATIVE BILL 432. Considered.

SPEAKER BARRETT PRESIDING

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendments, AM0213, found in the Journal on page 646 for the Twenty-Fifth Day and considered on page 903 were adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Hall asked unanimous consent to be excused. 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.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 413. Placed on General File as amended.
Standing Committee amendments to LB 413:
AM0457

1. On page 5, line 25, reinstate the stricken "(1)".

2. On page 6, strike beginning with "a" in line 6 through the period in line 15 and insert "an amount equal to ninety per cent of allowable excess cost for all services and programs other than Level I services. The amount appropriated by the Legislature for Level I services shall consist of the amount of the

preceding year's Level I services appropriation plus fifty per cent of the increase in the ninety per cent allowable excess cost in Level I services for the average of the two immediately preceding years, except that the amount to be reimbursed by the State Department of Education for Level I services shall not be less than eighty per cent of allowable excess costs. The proportionate share for each school district for Level I services shall be based on the final expenditure report of ninety per cent of the allowable excess cost for Level I services for the immediately preceding year's special education program.".

3. On page 7, line 11, reinstate the stricken "(2)" and after the reinstated "(2)" insert "Level I services shall refer to services provided to students who require an aggregate of not more than three hours per week of special education services and shall include all administrative, diagnostic, consultive, and vocational adjustment counselor services.".

LEGISLATIVE RESOLUTION 19CA. Indefinitely postponed.

LEGISLATIVE BILL 70. Indefinitely postponed.
LEGISLATIVE BILL 107. Indefinitely postponed.
LEGISLATIVE BILL 234. Indefinitely postponed.
LEGISLATIVE BILL 235. Indefinitely postponed.
LEGISLATIVE BILL 338. Indefinitely postponed.
LEGISLATIVE BILL 348. Indefinitely postponed.
LEGISLATIVE BILL 400. Indefinitely postponed.
LEGISLATIVE BILL 414. Indefinitely postponed.
LEGISLATIVE BILL 424. Indefinitely postponed.
LEGISLATIVE BILL 596. Indefinitely postponed.
LEGISLATIVE BILL 624. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

Transportation

LEGISLATIVE BILL 504. Placed on General File as amended.
Standing Committee amendments to LB 504:
AM0432

1. On page 34, line 6, strike "the"; and in line 23 strike beginning with "is" through "practice" in line 24 and insert "complies with the Federal Motor

Carrier Safety Regulations, Title 49, Code of Federal Regulations, Section 393.75. Such regulations in existence on the effective date of this act are adopted as Nebraska law".

2. On page 36, strike beginning with "Every" in line 14 through line 16 and insert "Every motor vehicle registered pursuant to Chapter 60, article 3, except motorcycles shall be equipped with a front windshield.".

LEGISLATIVE BILL 286. Indefinitely postponed.
LEGISLATIVE BILL 381. Indefinitely postponed.
LEGISLATIVE BILL 382. Indefinitely postponed.
LEGISLATIVE BILL 540. Indefinitely postponed.

(Signed) Howard Lamb, Chairperson

Education

LEGISLATIVE BILL 647. Placed on General File.

(Signed) Ron Withem, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 469. Placed on Select File as amended.
E & R amendments to LB 469:
AM5094

1. For purposes of correlation with section 1, LB 276:

a. In the Standing Committee amendments, AM0188, March 3, 1987:

i. On page 1, line 11, after the second comma insert "as amended by section 1, Legislative Bill 276, Ninetieth Legislature, First Session, 1987,";

ii. On page 7, line 3, after "university" insert a comma; and strike beginning with "or" in line 4 through the comma in line 5; and

iii. On page 11, strike beginning with "in" in line 17 through the semicolon in line 19; and

b. On page 1, line 3; and page 5, line 13, after "1986" insert ", and section 48-628, Revised Statutes Supplement, 1986, as amended by section 1,

Legislative Bill 276, Ninetieth Legislature, First Session, 1986".

2. On page 1, line 5, strike "and" and insert "to change provisions relating to disqualification for benefits;" and strike "section" and insert "sections; and to declare an emergency".

LEGISLATIVE BILL 71. Placed on Select File as amended.
E & R amendments to LB 71:
AM5091

1. In the Standing Committee amendments, AM0178, adopted March 3, 1987, on page 1, line 20, strike "this act" and insert "the Uniform Arbitration Act".

2. On page 3, line 17, strike "therefore" and insert "therefor".

3. On page 4, line 18; and page 6, line 16, after "registered" insert "or certified".

4. On page 5, line 5, strike the period and insert an underscored semicolon; and in line 8 strike the period and insert "; and".

5. On page 11, line 22, strike the first "of".

LEGISLATIVE BILL 572. Placed on Select File as amended.
E & R amendment to LB 572:
AM5095

1. On page 1, line 8, after the semicolon insert "to authorize additional disposition of statutes;".

LEGISLATIVE BILL 473. Placed on Select File as amended.
E & R amendments to LB 473:
AM5093

1. In the Wesely amendment, AM0251, adopted March 3, 1987, on page 20, line 4, strike "54" and insert "56"; and in line 17 insert "and" before "section".

2. On page 1, line 6, strike "71-1,136,03" and insert "71-1,136.03"; in line 12 strike "71-6104," and "71-6112,"; and in line 13 after "1943" insert ", and section 28-405, Revised Statutes Supplement, 1986".

3. On page 2, line 1, after "change" insert "the schedules of controlled substances; to modify

intent provisions; to change"; strike beginning with "to" in line 13 through the semicolon in line 16; in line 17 after the semicolon insert "to eliminate a fund; to eliminate certain provisions relating to veterinary medicine;"; in line 19 strike "and"; in line 22 strike "71-124.01,"; and in line 23 after "1943" insert "; and to declare an emergency".

4. On page 21, line 18, strike "machine graded or computer scored", show as stricken, and insert "machine-graded or computer-scored".

5. On page 22, line 16, after the first comma insert "or" and strike the second comma and show as stricken.

6. On page 39, line 3, strike "71-1,47.09" and insert "71-1,147.09".

7. On page 40, line 20, after the first comma insert "and" and strike the second comma and show as stricken.

8. On page 42, line 23; and page 43, line 7, strike "shall", show as stricken, and insert "will".

9. On page 57, line 15, strike "of (a)" and insert "(1) of"; in line 16 strike "(b)" and insert "(2)"; in line 17 strike "(c)" and insert "(3)"; in line 18 strike "(d)" and insert "(4)"; and in line 21 strike "(e)" and insert "(5)".

10. On page 58, line 18, strike the comma and show as stricken.

11. On page 59, lines 5, 9, 10, and 25; and page 60, line 4, strike "therapy" and insert "therapist".

12. On page 68, line 11, strike "possesses" and insert "is required to possess".

13. On page 77, line 24, strike "71-1,136,03" and insert "71-1,136.03".

LEGISLATIVE BILL 473A. Placed on Select File.

(Signed) Scott Moore, Chairperson

ANNOUNCEMENT

Mr. Remmers announced an Executive Session of the Banking, Commerce and Insurance Committee to be held in Room 1117 on Friday, March 6, 1987 at 8:30 A.M.

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LR 3CA. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 292A. By Hall, 7th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 292, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

VISITORS

Visitors to the Chamber were 49 students from Kearney State College; students and sponsor from Odell High School; 43 fourth grade students and teacher from Rosehill School, Omaha; John and Pearl Ann Adams from Sterling, CO and Harlan Adams from Lincoln; a group of students from Peru State College; Senator Lynch's daughter, Maureen Lynch, and Marie LaHood; Jim Hancock from Blair; Doug Schleeman; Troy Rippen; Trudy Pollock; Brian Meyer; Melanie Dyer from Peru; John Meyer from Omaha; David Stubbs, Kyle Hansen, and Stephanie Ward from Kearney State College; 30 members and leader from the Webster County Extension Club; and students and sponsors from Wayne.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Schellpeper, the Legislature adjourned until 9:00 a.m., Friday, March 6, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-EIGHTH DAY - MARCH 6, 1987

LEGISLATIVE JOURNAL

THIRTY-EIGHTH DAY - MARCH 6, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 6, 1987

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Richard Atherton, United Methodist Church, Indianola, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Ashford who was excused; and Messrs. Abboud, Chizek, Conway, Goodrich, Haberman, Hall, Harris, R. Johnson, V. Johnson, Lynch, McFarland, Pappas, Remmers, Rupp, Schmit, Withem, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Seventh Day was approved.

MESSAGE FROM THE GOVERNOR

March 5, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 449 was received in my office on March 5, 1987.

This bill was signed by me on March 5, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 359. Placed on Select File as amended.
E & R amendment to LB 359:
AM5096

1. On page 1, strike beginning with "25-2501" in line 2 through line 8 and insert "25-2505, Reissue Revised Statutes of Nebraska, 1943; to provide for the conduct of certain hearings by school districts as prescribed; and to repeal the original section.".

LEGISLATIVE BILL 643. Placed on Select File as amended.
E & R amendments to LB 643:
AM5098

1. On page 2, line 20, strike "have" and insert "has"; and in line 22 strike "means" and insert "shall mean".
2. On page 6, line 10, strike the last comma.
3. On page 8, line 7, after "Regulations" insert a comma; in line 11 after the first "or" insert "by"; and in line 16 strike the comma.

LEGISLATIVE BILL 199. Placed on Select File as amended.
E & R amendment to LB 199:
AM5097

1. On page 1, line 3, strike "provide for" and insert "change provisions relating to".

LEGISLATIVE BILL 212. Placed on Select File.

LEGISLATIVE BILL 285. Placed on Select File as amended.
E & R amendment to LB 285:

AM5099

1. On page 6, line 18, strike "defined" and insert "provided".

LEGISLATIVE BILL 329. Placed on Select File as amended.
E & R amendments to LB 329:
AM5102

1. On page 1, line 7, after the semicolon insert "to exempt such bonds from taxation; to provide additional powers;".

2. On page 3, line 23, strike the comma and show as stricken.

3. On page 10, line 13, after "Nebraska" insert an underscored comma.

LEGISLATIVE BILL 715. Placed on Select File as amended.
E & R amendments to LB 715:
AM5100

1. On page 3, line 6, after "the" insert "city"; in line 10 strike the first "of" and show as stricken; in line 14 after "city" insert an underscored comma; in line 18 strike the underscored comma and insert an underscored period and strike "and the", show as stricken, and insert "The"; and in line 20 strike the comma and show as stricken.

2. On page 4, line 6, after "council" insert "or the city planning director".

LEGISLATIVE BILL 604. Placed on Select File.

LEGISLATIVE BILL 626. Placed on Select File as amended.
E & R amendment to LB 626:
AM5101

1. On page 2, line 4, after "cities" insert an underscored comma.

LEGISLATIVE BILL 186. Placed on Select File.
LEGISLATIVE BILL 440. Placed on Select File.

(Signed) Scott Moore, Chairperson

REPORT

Received from the Nebraska Public Employees Retirement Systems actuarial valuations of the following retirement systems: Nebraska School Retirement System, Nebraska State Patrolmen's Retirement System, Nebraska Judges' Retirement System, Nebraska State Employees Retirement System, Nebraska County Employees Retirement System.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 39.

SELECT FILE

LEGISLATIVE BILL 459. E & R amendments, AM5092, found in the Journal on page 919 for the Thirty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 459A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 469. E & R amendments, AM5094, found in the Journal on page 924 for the Thirty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 683. Title read. Considered.

Standing Committee amendments, AM0212, found in the Journal on page 647 for the Twenty-Fifth Day 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 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

LEGISLATIVE RESOLUTION 21CA. Read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 258. Title read. Considered.

Mr. Chambers offered the following amendment:

P. 2, line 11, add "No claim shall accrue until a claimant knows or should know of the existence of such claim."

Mr. Chambers moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Chambers	Labedz	McFarland	Remmers	Weihing
Hall	Landis	Moore	Rogers	Wesely
Hartnett	Lynch	Pappas	Schmit	Withem
Johnson, R.	Marsh			

Voting in the negative, 18:

Coordsen	Harris	Lamb	Pirsch	Smith
Dierks	Hefner	Langford	Schellpeper	Warner
Elmer	Johnson, L.	Miller	Scofield	Wehrbein
Hannibal	Korshoj	Nelson		

Present and not voting, 7:

Baack	Beyer	Haberman	Morehead	Peterson
Barrett	Conway			

Absent and not voting, 1:

Goodrich

Excused and not voting, 6:

Abboud	Chizek	Higgins	Johnson, V.	Rupp
Ashford				

The Chambers amendment lost with 17 ayes, 18 nays, 7 present and not voting, 1 absent and not voting, and 6 excused and not voting.

Pending.

PRESIDENT NICHOL PRESIDING

The Chair declared the call raised.

ANNOUNCEMENT

The Chair announced Senator Hall's birthday is Sunday, March 8.

GENERAL FILE

LEGISLATIVE BILL 258. Mr. Chambers moved to indefinitely postpone.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 3:

Chambers	McFarland	Moore

Voting in the negative, 20:

Chizek	Hannibal	Langford	Pirsch	Warner
Coordsen	Hefner	Miller	Schellpeper	Wehrbein
Dierks	Johnson, L.	Morehead	Scofield	Weihing
Elmer	Lamb	Nelson	Smith	Withem

Present and not voting, 20:

Baack	Goodrich	Hartnett	Lynch	Remmers
Barrett	Haberman	Korshoj	Marsh	Rogers
Beyer	Hall	Labedz	Pappas	Schmit
Conway	Harris	Landis	Peterson	Wesely

Excused and not voting, 6:

Abboud	Higgins	Johnson, R.	Johnson, V.	Rupp
Ashford				

The Chambers motion lost with 3 ayes, 20 nays, 20 present and not voting, and 6 excused and not voting.

Messrs. Haberman, Landis, Remmers, Pappas, Conway, Goodrich, Harris, Lynch, and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 1 nay, 7 present and not voting, and 15 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 376A. By Hall, 7th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 376, Ninetieth Legislature, First Session, 1987.

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 5, 1987. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Brandt, William B. - Lincoln, NETS, Inc.
Carpenter, Elaine K. - Lincoln, Lincoln Telephone & Telegraph Company
DeCamp Legal Services, P.C.
DeCamp, John W. - Lincoln, Chef Reddy Foods, Inc.; Dolan, Daniel G.; South Sioux City Citizens for Fairness in Economic Promotion
Furst, Kurt A. - Denver, CO, US Sprint
Haar, Ken - Lincoln, Lancaster County Democratic Party
Meyer, Daniel W. - Lincoln (Withdrawn 87/03/02), Nebraska Collectors Association (Withdrawn 87/03/02)
Newell, David R. - Omaha, Millard Public Schools
Radcliffe, Walter/Tews & Radcliffe

Radcliffe, Walter H. - Lincoln, Dick Odell Enterprises, Inc.
Tews, David D. - Lincoln, Radcliffe, Walter/Tews & Radcliffe

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 71 in the Journal. No objections. So ordered.

AM0326

1. On page 2, line 5, after "arbitration" insert ", other than a claim arising out of personal injury based on contract or tort,"; strike beginning with "or" in line 5 through "parties" in line 7; in line 10 after the period insert "A provision in a written contract to submit to arbitration any controversy thereafter arising between the parties is valid, enforceable, and irrevocable, save upon such grounds as exist at law or in equity for the revocation of any contract, if the provision (a) is entered into voluntarily and willingly and (b) is not a part of a contract of adhesion, such as a standard installment loan contract, a consumer credit application, a credit card application, or an insurance contract except as provided in section 44-811."; in line 13 after the period insert "A claim for workers' compensation shall not be subject to arbitration under the Uniform Arbitration Act."; and in line 15 after "sections" insert "44-811," and strike "77-2901 and 81-409" and insert "60-2701 to 60-2709, 70-1301 to 70-1329, and 86-408 to 86-410 and the Uniform Act on Interstate Arbitration and Compromise of Death Taxes".

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 404.

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 182. Placed on General File as amended.
Standing Committee amendments to LB 182:
AM0482

1. Insert the following new sections:

"Sec. 2. Section 79-4,102 shall terminate one year from the effective date of this act in its entirety along with all amendments unless reenacted or reestablished by the Legislature.

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. Renumber remaining sections accordingly.

LEGISLATIVE BILL 283. Placed on General File as amended.
Standing Committee amendments to LB 283:
AM0481

1. Strike original sections 1 and 3.

2. On page 2, line 23, strike "One half" and insert "Forty per cent".

3. On page 5, line 18, strike "79-1335,"; in line 19 strike ", 79-1343,"; and in line 20 strike "section" and insert "sections 79-1343 and".

4. Renumber remaining sections accordingly.

LEGISLATIVE BILL 417. Placed on General File as amended.
Standing Committee amendments to LB 417:
AM0484

1. Strike sections 1 and 2.

2. On page 6, line 8, strike "After July 1, 1990" and insert "Beginning with school year 1988-89" and after "public" insert "high"; in line 9 after the period insert "Beginning with school year 1990-91, all public elementary schools shall be accredited."; in line 15 after the period insert the following new subsections:

"(5) The State Board of Education shall by January 1, 1988, revise accreditation standards for high schools to permit school districts to offer related courses in vocational education, practical arts, and visual and performing arts on a simultaneous basis with one teacher assigned to two courses. In no case shall simultaneous offerings be allowed for more than two courses or for less than one or more than eleven

students.

(6) The State Board of Education shall by January 1, 1988, revise accreditation standards for high schools to allow for flexibility in assignment of staff for counseling and guidance. Such revised standards shall provide for assignment of counseling and guidance staff in units of one-ninth full-time equivalency for each fifty students.

(7) The State Board of Education shall by January 1, 1988, revise accreditation standards for elementary schools to take into account the following factors:

(a) Sparsity of population resulting in small student enrollment; and

(b) The educational programs and resources of small elementary schools.

(8) It is the intent of the Legislature that, to the extent possible, accreditation standards for small high schools and elementary schools should assure substantially equal education opportunities for students attending such schools and at the same time should provide for as much flexibility as possible to school districts in meeting such standards.

The State Board of Education shall on or before January 1, 1988, report to the Education Committee of the Legislature its progress in implementing the revised standards required pursuant to subdivisions (5) through (7) of this section."; strike beginning with "79-408" in line 16 through "and" in line 18; and in line 18 strike "are" and insert "is".

3. Renumber remaining sections accordingly.

LEGISLATIVE BILL 529. Placed on General File as amended.
Standing Committee amendments to LB 529:
AM0485

1. Strike original sections 1 and 8.

2. On page 3, strike beginning with "when" in line 17 through "section" in line 18 and insert "by July 31, 1990,".

3. On page 4, strike beginning with "when" in line 22 through "program" in line 23 and insert "by July 31, 1989".

4. On page 6, strike beginning with "when" in line 3 through "section" in line 5 and insert "by July

31, 1989".

5. On page 7, strike beginning with "when" in line 6 through "section" in line 8 and insert "by July 31, 1989".

6. On page 9, lines 10, 11, 13, 14, and 15, strike the new matter and reinstate the stricken matter.

7. On page 14, reinstate the stricken matter beginning with "the" in line 16 through line 25; and in line 16 before the reinstated "the" insert "(3) On or before July 1, 1988,".

8. On page 15, reinstate the stricken matter in lines 1 through 13.

9. On page 16, line 8, strike "(3)" and insert "(4)".

10. On page 17, lines 10, 11, 16, 24, and 25, reinstate the stricken matter and strike the new matter; and in line 25 after the reinstated "has" insert ", after July 31, 1991,".

11. On page 18, reinstate the stricken matter in lines 1 through 4.

12. On page 19, line 9, strike "79-4,140.04" and insert "79-4,140.05"; in line 10 after "79-1247.05," insert "and"; and strike "and 79-1247.09,".

13. Renumber remaining sections accordingly.

LEGISLATIVE BILL 538. Placed on General File as amended.
Standing Committee amendments to LB 538:
AM0483

1. Insert the following new sections:

"Section 1. That section 75-364, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-364. (1) The parts of the Federal Hazardous Material Regulations, Title 49, Code of Federal Regulations, listed below or any other parts referred to by such parts, in existence as of ~~October 1, 1986~~ April 15, 1987, are adopted as part of Nebraska law and, except as provided in subsection (2) of this section, shall be applicable to all private, common, and contract motor vehicle carriers, drivers of such carriers, and vehicles of such carriers whether engaged in interstate or intrastate commerce:

(a) Part 171--General Information, Regulations, And Definitions;

(b) Part 172--Hazardous Materials Tables And Hazardous Materials Communications Regulations;

(c) Part 173--Shippers-General Requirements For Shipments And Packaging;

(d) Part 177--Carriage By Public Highway; and

(e) Part 178--Shipping Container Specifications.

(2) The provisions of subsection (1) of this section shall not apply to the use of fuels, fertilizers, and agricultural chemicals in a normal farming or ranching operation on the farm or ranch.

(3) Liquefied petroleum gas tanks with a capacity of three thousand five hundred gallons or less, anhydrous ammonia tanks with a capacity of three thousand gallons or less, and flammable liquid tanks with a capacity of three thousand gallons or less shall be exempt from the provisions of subsection (1) of this section to the extent provided in Part 173 and Part 177.

(4) Liquefied petroleum gas tanks with a capacity of three thousand five hundred gallons or less shall be exempt from the provisions of section 173.315(k)(5) adopted under subdivision (1)(c) of this section if such tanks have been inspected and tested in accordance with the State Fire Marshal's rules and regulations.

Sec. 2. That section 75-366, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-366. For the purpose of enforcing sections 75-363 and 75-364, the Nebraska State Patrol or the carrier enforcement division (1) may, upon demand, inspect the accounts, records, and equipment of any carrier or shipper and (2) shall have the authority of special agents of the Federal Highway Administration.".

2. On page 7, line 7, after "mechanic" insert "or administrator in charge of the transportation system. If the inspection reveals any significant defect in the lights or equipment, the driver shall immediately report the defect to the head mechanic or administrator in charge of the transportation system."; in line 8 after "original" insert "sections 75-364 and 75-366, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 9 strike "is" and insert "are".

3. Renumber the remaining sections

accordingly.

(Signed) Ron Withem, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 213. Placed on General File.
LEGISLATIVE BILL 576. Placed on General File.
LEGISLATIVE BILL 577. Placed on General File.

LEGISLATIVE BILL 319. Placed on General File as amended.
Standing Committee amendments to LB 319:
AM0461

1. Insert the following new section:

"Section 1. That section 44-4216, Revised Statutes Supplement, 1986, be amended to read as follows:

44-4216. There is hereby created a nonprofit entity to be known as the Comprehensive Health Insurance Pool. All insurers authorized to issue or provide health insurance in this state on or after September 6, 1985, shall be members of the pool. The pool shall be managed by a board of directors composed of nine directors. The board shall at all times, to the extent possible, include at least ~~one representative of a~~ two representatives of domestic insurance ~~company~~ companies, ~~one representative of a domestic hospital service corporation plan,~~ one representative of a health maintenance organization, and one representative of the general public. The director shall adopt and promulgate rules and regulations to establish eligibility and selection criteria for the representative of the general public.".

2. On page 3, line 15, strike "section" and insert "sections 44-4216 and"; and in line 16 strike "is" and insert "are".

3. Renumber remaining sections accordingly.

LEGISLATIVE BILL 514. Placed on General File as amended.
Standing Committee amendments to LB 514:
AM0463

1. Strike original sections 6 and 7 and insert the following new sections:

"Sec. 6. All premiums paid for coverage

within this state to risk retention groups shall be subject to taxation at the same rate and subject to the same interest, fines, and penalties for nonpayment as that applicable to foreign admitted insurers; and it shall be the responsibility of each risk retention group to report and pay such taxes whether or not the group is licensed as an insurance company in this state and whether or not agents or brokers are utilized.

Sec. 24. 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. 25. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 2, line 6, after "1986" insert "and to regulate the operation of purchasing groups in this state formed under the federal Liability Risk Retention Act of 1986"; and in line 13 strike "any".

3. On page 3, line 21, after the first "to" insert "their"; and in line 22 after "such" insert "other".

4. On page 4, line 2, after "liability" insert ", workers' compensation,"; in line 4 strike "Employer's" and insert "Employers'"; in line 10 strike "other" and insert "rather"; and in line 11 strike "(7)" and insert "(8)".

5. On page 5, line 1, after "qualified" insert a comma; and in line 10 after "director" insert "for liability insurance companies authorized by the insurance laws of the state in which the risk retention group is chartered".

6. On page 6, line 2, strike "(11)(c)" and insert "(12)(c)"; in line 17 strike "activities" and insert "activity"; and in line 18 before "(a)" insert "(13)".

7. On page 7, strike lines 14 through 20 and insert "(e) That (i) has as it's owners only persons who comprised the membership of the risk retention group and who are provided insurance by such group or (ii) has as it's sole owner an organization which has as (A) it's members only persons who comprise the membership of the risk retention group and (B) it's owners only persons

who comprise the membership of the risk retention group and who are provided insurance by such group;"; and in line 24 after "business" insert a comma.

8. On page 8, line 9, strike "(12)(f)" and insert "(13)(f)"; and in line 20 strike "14" and insert "13".

9. On page 9, line 16, after "act" insert ". The identity and location of specific group members shall not be considered public record but may be disclosed to other insurance departments and the National Association of Insurance Commissioners".

10. On page 11, line 19, after "with" insert "and be subject to"; and in line 20 after "practices" insert "and any rule or regulation adopted and promulgated under such sections".

11. On page 13, line 15, strike "9" and insert "8".

12. On page 15, line 6, strike "(11)" and insert "(12)"; in line 11 strike "requirements" and insert "requirement"; in line 13 after "1986" insert ", and is domiciled on and after October 27, 1986, in any state of the United States"; strike lines 14 and 15; in line 16 strike "(c)" and insert "(b)"; in line 19 strike "(d)" and insert "(c)"; in line 22 strike "(e)" and insert "(d)"; and in line 25 strike "(f)" and insert "(e)".

13. On page 16, line 10, after "state" insert ", except that such licensed agent or broker need not be a resident of this state. A purchasing group shall be considered located in Nebraska if (1) there is a member of the purchasing group, (2) there is a covered risk or exposure, or (3) the purchasing group is doing business, in Nebraska".

14. On page 17, line 7, after "person" insert "other than a licensed surplus lines agent or broker"; and in line 13 after "director" insert "pursuant to the Insurance Producers Licensing Act".

LEGISLATIVE BILL 615. Placed on General File as amended.
Standing Committee amendments to LB 615:
AM0462

1. On page 4, line 15, after "a" insert "bank,".

2. On page 15, strike beginning with "The" in

line 18 through the period in line 21.

3. On page 19, line 19, after "a" insert "bank,".

LEGISLATIVE BILL 214. Indefinitely postponed.

(Signed) R. W. Remmers, Chairperson

Health and Human Services

LEGISLATIVE BILL 249. Placed on General File as amended.
Standing Committee amendment to LB 249:
AM0475

1. On page 2, line 18, after the period insert "Every licensed institution subject to sections 71-2017 to 71-2029 and the Nebraska Nursing Home Act shall have a sign prominently posted in the lobby or entry area of such institution. Such sign shall be in the form of a printed card with a minimum height of twenty inches and a width of fourteen inches with each letter to be a minimum of one-fourth inch in height. The sign shall contain the name, street address, city, state, and zip code of all individual owners, partners, and members of the board of directors owning or managing such institution, except that the name of any owner who owns less than five per cent of the institution shall not be included on the sign.".

(Signed) Don Wesely, Chairperson

Judiciary

LEGISLATIVE BILL 571. Placed on General File.

LEGISLATIVE BILL 759. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 55. Placed on General File as amended.
Standing Committee amendments to LB 55:
AM0473

1. On page 2, line 21, strike "the" and

insert "all"; and in line 24 after "purchase" insert "made pursuant to subdivision (1), (2), or (3) of this section".

2. On page 3, line 1, strike "required for bidding", show as stricken, and insert "established in the relevant subdivision".

LEGISLATIVE BILL 588. Placed on General File as amended.
Standing Committee amendments to LB 588:
AM0465

1. Insert the following new section:

"Sec. 2. There is hereby created the Presidential Primary Election Study Committee consisting of twelve members as follows: (1) Two persons from each major political party in this state chosen by the members of each such party; (2) four members of the general public appointed by the Governor with no more than two of such members belonging to the same political party; (3) two members of the Legislature appointed by the Governor; and (4) two educators appointed by the Governor, each of whose areas of expertise are political science and the election process in the State of Nebraska. The committee shall conduct an in-depth study of the process by which Nebraskans choose delegates to presidential nominating conventions and shall explore possible alternatives to the current process. The study shall include, but not be limited to, a study of (a) the caucus system of selecting presidential candidates, (b) the possibility and resulting ramifications, including potential economic benefits, of changing the primary election date in Nebraska, (c) the election processes employed by other states, (d) the feasibility of Nebraska joining other states in the midwest to conduct a regional primary, and (e) any other issues the committee deems necessary.

The committee shall compile a report detailing its findings and shall present such report to the Legislature no later than January 1, 1989. After presentation of such report the committee shall cease to exist.".

2. On page 2, line 3, strike "not later than the third Tuesday" and strike "March of".

LEGISLATIVE BILL 666. Placed on General File as amended.

Standing Committee amendments to LB 666:
AM0474

1. On page 2, line 4, strike ", after consultation", show as stricken, and insert "may consult"; in line 5 strike the comma and insert "and"; in lines 18 and 19 strike the new matter and reinstate the stricken matter; in line 19 after the reinstated "felony" insert "and have the"; and in line 25 strike "conviction of a felony, (b)" and strike "(c)" and insert "(b)".

2. On page 3, line 1, strike "(d)" and insert "(c)" and strike "(e)" and insert "(d)"; in line 2 after "mandated" insert "certification"; and in line 4 strike "(f)" and insert "(e)".

(Signed) Lee Rupp, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 3CA. Read. Considered.

Standing Committee amendment, AM0041, found in the Journal on page 694 for the Twenty-Sixth Day was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mr. Lamb moved to indefinitely postpone LR 3CA.

SPEAKER BARRETT PRESIDING

Messrs. Schmit and Baack asked unanimous consent to be excused until they return. 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.

Mr. Withem moved for a call of the house. The motion prevailed with 15 ayes, 4 nays, and 30 not voting.

Mr. Withem requested a roll call vote on the Lamb motion to indefinitely postpone.

Voting in the affirmative, 18:

Barrett	Beyer	Coordsen	Haberman	Johnson, L.

Korshoj	Morehead	Remmers	Scofield	Wehrbein
Lamb	Peterson	Rogers	Warner	Weihing
Marsh	Pirsch	Schellpeper		

Voting in the negative, 17:

Chizek	Harris	Langford	Moore	Smith
Dierks	Hefner	Lynch	Nelson	Wesely
Goodrich	Labedz	Miller	Pappas	Withem
Hall	Landis			

Present and not voting, 4:

Conway	Elmer	Hannibal	Hartnett

Absent and not voting, 2:

Chambers	McFarland

Excused and not voting, 8:

Abboud	Baack	Johnson, R.	Rupp	Schmit
Ashford	Higgins	Johnson, V.		

The Lamb motion prevailed with 18 ayes, 17 nays, 4 present and not voting, 2 absent and not voting, and 8 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 531. Placed on Select File.
LEGISLATIVE BILL 287. Placed on Select File.

LEGISLATIVE BILL 366. Placed on Select File as amended.
E & R amendment to LB 366:
AM5104

1. On page 1, strike beginning with "computation" in line 4 through "value" in line 5 and insert "valuation of"; and in line 7 after "powers" insert "and duties".

LEGISLATIVE BILL 246. Placed on Select File as amended.
E & R amendment to LB 246:
AM5103

1. On page 2, line 15, insert an underscored comma after "market" and after "authorities".

LEGISLATIVE BILL 567. Placed on Select File.
LEGISLATIVE BILL 568. Placed on Select File.
LEGISLATIVE BILL 436. Placed on Select File.
LEGISLATIVE BILL 539. Placed on Select File.
LEGISLATIVE BILL 491A. Placed on Select File.

LEGISLATIVE BILL 292. Placed on Select File as amended.
E & R amendments to LB 292:
AM5105

1. In the Standing Committee amendments, AM0150, adopted March 4, 1987, on page 1, line 1, after "On" insert "page 2,".

2. In the Landis et al. amendment, AM0403, adopted March 4, 1987, on page 1, line 6, after "minimum" insert "weekly".

3. On page 1, line 3, strike "an increase" and insert "increases"; in line 5 strike "and"; and in line 6 after "section" insert "; and to declare an emergency".

(Signed) Scott Moore, Chairperson

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 728 Tuesday, March 17, 1987 (Cancelled) 1:30 p.m.

(Signed) R. W. Remmers, Chairperson

ANNOUNCEMENTS

Mr. Warner announced the Committee on Appropriations will hold an executive session at noon today, March 6, 1987, in Room 1003.

The committee hearings scheduled for 1:30 p.m. today will be held in Room 2414.

UNANIMOUS CONSENT - Expedite LB 432

Mr. Warner asked unanimous consent to expedite LB 432. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 191 in the Journal. No objections. So ordered.

AM0488

1. Strike the original sections and all amendments thereto and insert the following new section:

"Section 1. (1) Any release of liability or settlement agreement entered into within a period of fifteen days from the date of an occurrence causing physical injury to any person or entered into prior to the initial discharge of the injured person from any hospital in which the injured person is confined as a result of such physical injury which is entered into without the advice of counsel or court approval, is voidable by the injured person as provided in subsections (2) and (3) of this section.

(2) Notice of cancellation of the release or settlement agreement, together with any payment or other consideration received in connection with such release or agreement, shall be mailed or delivered to the party to whom the release or settlement agreement was given or from whom the payment was received by the later of the following dates:

(a) Within fifteen days from the date of the occurrence causing the injuries which are subject of the settlement agreement or liability release; or

(b) Within fifteen days after the date of the injured person's discharge from the hospital in which such person has been confined continuously since the date of the occurrence causing the injury.

(3) Notice of cancellation, if given by mail, shall be given when such notice is deposited in the United States mail properly addressed and with postage prepaid. Notice of cancellation given by the injured person need not take a particular form and shall be sufficient if it indicates by any form of written expression the intention of the injured person not to be

bound by the settlement agreement or liability release.".

VISITORS

Visitors to the Chamber were 10 seniors and teacher from Coleridge High School; Chadron State College students, Jamie Vasa from Ogallala, Steve Vasa from Arthur, and Jackie Hasselbock from Lemoyne; Senator Schellpeper's son, Jeff; Keith, Doris, Craig, Jeff, and Curtis Olson from Venango; Errol Phillips from Pleasanton; Mr. and Mrs. Art Fritzin and sons, David and Lee from Hildreth; Larry and Kathryn Gill and daughters from Venango; Mrs. Richard Atherton from Culbertson and Lynn Lux and Lisa from Lincoln; Senator Lamb's son Dave and family, Donalee, Jason, and Rodney Lamb from Anselmo.

ADJOURNMENT

At 12:07 p.m., on a motion by Mr. Weihing, the Legislature adjourned until 9:00 a.m., Monday, March 9, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 9, 1987

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 9, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by George Woodruff, Mid-America Union Conference of Seventh-Day Adventists, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Rogers who was excused; and Messrs. Chambers, V. Johnson, and Mrs. Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Eighth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 411, 565, 639, and 639A.

(Signed) Scott Moore, Chairperson

LEGISLATIVE BILL 347. Placed on Select File as amended.
E & R amendments to LB 347:

AM5107

1. In the Standing Committee amendments, AM0158, adopted on March 4, 1987, on page 2, line 7, strike "sign" and insert "the" and strike the first "and" and insert an underscored comma.

2. On page 1, strike beginning with "Nebraska" in line 1 through line 2 and insert "school buses; to amend section 39-660,"; in line 5 strike "harmonize provisions" and insert "provide for rules and regulations"; and in line 6 strike "sections" and insert "section".

3. On page 2, line 19, strike "subsection" and insert "section".

4. On page 3, line 14, strike "and, if", show as stricken, and insert ". If"; and in line 15 strike the comma.

LEGISLATIVE BILL 543. Placed on Select File as amended.
E & R amendments to LB 543:
AM5106

1. Insert the following new sections:

"Sec. 7. That section 71-389, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-389. The board shall approve and the department shall cause examinations to be administered as required for licensure under the Nebraska Cosmetology Act for the purpose of establishing the possession of minimum competency in the knowledge and skills required on the part of the applicant.

No person shall be permitted to take an examination for licensure unless he or she has met all the requirements of subdivisions (1) through (5)~~,~~ and (8)~~, and (9)~~ of section 71-387, except for persons taking the examination under section 71-395.

The department shall provide at least one year's notice of future examination dates to schools of cosmetology and apprentice salons. Such establishments shall be responsible for notifying their students and apprentices of upcoming examination dates.

Sec. 9. That section 71-394, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-394. The department may waive the

requirement for examination and grant a license to any person who meets the requirements of subdivisions (1) through (5) ~~and (9)~~ of section 71-387 and who presents proof of the following:

(1) That he or she is currently licensed in the appropriate category in another jurisdiction, that he or she has never been disciplined or had his or her license revoked, and that, so far as the records of the licensing authority of the jurisdiction are concerned, the applicant is entitled to its endorsement. Applicants seeking licensure as instructors in the manner provided in this section shall be licensed as an instructor in another jurisdiction. Persons seeking licensure as cosmetologists in the manner provided in this section shall be licensed as cosmetologists in another jurisdiction. Persons seeking licensure as estheticians in the manner provided in this section shall be licensed as cosmetologists, estheticians, or an equivalent title in another jurisdiction;

(2) That such license was issued on the basis of a written and practical examination and the results of the examinations; and

(3) That the applicant complies with the hour requirements of subdivision (8) of section 71-387 through any combination of hours earned as a student or apprentice in a cosmetology establishment licensed or approved by the jurisdiction in which it was located and hour-equivalents granted for recent work experience, with hour-equivalents recognized as follows:

(a) Each month of full-time practice as an instructor within the five years immediately preceding application shall be valued as one hundred hour-equivalents toward an instructor's license or a cosmetology license and fifty hour-equivalents toward an esthetician's license;

(b) Each month of full-time practice as a cosmetologist within the five years immediately preceding application shall be valued as one hundred hour-equivalents toward a cosmetology license and fifty hour-equivalents toward an esthetician's license; and

(c) Each month of full-time practice as an esthetician within the five years immediately preceding application shall be valued as fifty hour-equivalents toward an esthetician's license.

Sec. 10. That section 71-395, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-395. Applicants for Nebraska licensure who received their training in foreign countries may not be licensed by waiver of examination. In order to be considered eligible to take the examination, they shall meet the requirements of subdivisions (1) through (5) ~~and (9)~~ of section 71-387 and, in order to establish equivalency with subdivision (8) of section 71-387, shall present proof satisfactory to the department of one of the following:

(1) Current licensure or equivalent official recognition of the right to practice in a foreign country; or

(2) At least five years of practice within the eight years immediately preceding application.

In all cases such applicants shall take the examination for licensure in the State of Nebraska.".

2. On page 1, line 3, after the second comma insert "71-389," and after the second comma insert "71-394, 71-395,"; in line 5 after "71-3,112," insert "71-3,121," and after "71-3,141," insert "71-3,143,"; in line 8 strike "a provision" and insert "provisions"; in line 10 after the last comma insert "applicability of the act,"; in line 13 after the first comma insert "transfer guidelines,"; and in line 14 after the semicolon insert "to harmonize provisions;".

3. On page 5, line 20, after "terms" insert an underscored comma.

4. On page 9, line 8, after "cosmetology" insert an underscored comma.

5. On page 20, line 7, strike "Board" and insert "board".

6. On page 27, line 25, after the fifth comma insert "71-389," and after the last comma insert "71-394, 71-395,".

7. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 543A. Placed on Select File.

LEGISLATIVE BILL 432. Placed on Select File as amended.
E & R amendments to LB 432:

AM5108

1. In the Standing Committee amendments, AM0213, adopted March 4, 1987:

a. On page 1, line 2, strike "and 3" and insert "to 4"; and

b. On page 2, line 22, strike the second "Nebraska" and insert "State".

2. On page 1, line 2, strike "state intent" and insert "repeal certain appropriations; to appropriate certain funds; to correct certain fund names; to harmonize provisions".

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 425. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

Education

LEGISLATIVE BILL 726. Placed on General File.

(Signed) Ron Withem, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 254.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-611, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the offense of issuing a bad check; 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	Elmer	Higgins	McFarland	Schellpeper
Ashford	Goodrich	Johnson, L.	Miller	Schmit
Baack	Haberman	Korshoj	Nelson	Scofield
Barrett	Hall	Labedz	Pappas	Smith
Chizek	Hannibal	Lamb	Peterson	Warner
Conway	Harris	Landis	Pirsch	Wehrbein
Coordsen	Hartnett	Langford	Remmers	Weihing
Dierks	Hefner	Lynch	Rupp	Wesely

Voting in the negative, 0.

Present and not voting, 5:

Beyer	Johnson, R.	Marsh	Moore	Withem

Excused and not voting, 4:

Chambers	Johnson, V.	Morehead	Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 272. With Emergency.

A BILL FOR AN ACT relating to labor; to amend section 48-609, Revised Statutes Supplement, 1986; to change a provision relating to employees under the Employment Security Law 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	Dierks	Hefner	Langford	Pirsch
Ashford	Elmer	Higgins	Marsh	Remmers
Baack	Goodrich	Johnson, L.	McFarland	Rupp
Barrett	Haberman	Johnson, R.	Miller	Schellpeper
Beyer	Hall	Korshoj	Moore	Schmit
Chizek	Hannibal	Labedz	Nelson	Scofield
Conway	Harris	Lamb	Pappas	Smith
Coordsen	Hartnett	Landis	Peterson	Warner

Wehrbein Weihing Wesely Withem

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 4:

Chambers Johnson, V. Morehead 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 365. With Emergency.

A BILL FOR AN ACT relating to the Petroleum Products and Hazardous Substances Storage and Handling Act; to amend sections 81-15,119 and 81-15,121, Revised Statutes Supplement, 1986; to redefine a term; to change provisions relating to the use of a fund; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Elmer	Johnson, L.	McFarland	Schellpeper
Ashford	Goodrich	Johnson, R.	Miller	Schmit
Baack	Haberman	Korshoj	Moore	Scofield
Barrett	Hall	Labedz	Nelson	Smith
Beyer	Hannibal	Lamb	Pappas	Warner
Chizek	Harris	Landis	Peterson	Wehrbein
Conway	Hartnett	Langford	Pirsch	Weihing
Coordsen	Hefner	Lynch	Remmers	Wesely
Dierks	Higgins	Marsh	Rupp	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Chambers Johnson, V. Morehead 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 461. With Emergency.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-625, Revised Statutes Supplement, 1986; to provide for the adjustment of federally funded extended 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	Elmer	Johnson, L.	McFarland	Schellpeper
Ashford	Goodrich	Johnson, R.	Miller	Schmit
Baack	Haberman	Korshoj	Moore	Scofield
Barrett	Hall	Labedz	Nelson	Smith
Beyer	Hannibal	Lamb	Pappas	Warner
Chizek	Harris	Landis	Peterson	Wehrbein
Conway	Hartnett	Langford	Pirsch	Weihing
Coordsen	Hefner	Lynch	Remmers	Wesely
Dierks	Higgins	Marsh	Rupp	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Chambers Johnson, V. Morehead 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 468.

A BILL FOR AN ACT relating to liquors; to amend section 53-103, Revised Statutes Supplement, 1986; to define a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Elmer	Johnson, R.	Moore	Schmit
Ashford	Goodrich	Korshoj	Morehead	Scofield
Baack	Haberman	Labedz	Nelson	Smith
Barrett	Hall	Lamb	Pappas	Warner
Beyer	Harris	Landis	Peterson	Wehrbein
Chizek	Hartnett	Langford	Pirsch	Weihing
Conway	Hefner	Lynch	Remmers	Wesely
Coordsen	Higgins	Marsh	Rupp	Withem
Dierks	Johnson, L.	Miller	Schellpeper	

Voting in the negative, 0.

Present and not voting, 2:

Hannibal McFarland

Excused and not voting, 3:

Chambers Johnson, V. Rogers

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 rules of administrative agencies; to amend section 84-907, Revised Statutes Supplement, 1986; to change notice requirements for rule adoption, amendment, or repeal; to prohibit certain challenges; 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	Ashford	Baack	Barrett	Beyer

Chambers	Hall	Lamb	Morehead	Schmit
Chizek	Hannibal	Landis	Nelson	Scofield
Conway	Harris	Langford	Peterson	Smith
Coordsen	Hartnett	Lynch	Pirsch	Warner
Dierks	Hefner	Marsh	Remmers	Wehrbein
Elmer	Johnson, L.	McFarland	Rupp	Wesely
Goodrich	Korshoj	Miller	Schellpeper	Withem
Haberman	Labedz			

Voting in the negative, 4:

Higgins	Johnson, R.	Moore	Pappas

Present and not voting, 1:

Weihing

Excused and not voting, 2:

Johnson, V. Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 306.

A BILL FOR AN ACT relating to insurance; to amend sections 44-1703 and 45-139, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to insurance sold with loans or other credit transactions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hartnett	Lamb	Morehead
Ashford	Dierks	Hefner	Landis	Nelson
Baack	Elmer	Higgins	Langford	Pappas
Barrett	Goodrich	Johnson, L.	Lynch	Peterson
Beyer	Hall	Johnson, R.	Marsh	Pirsch
Chizek	Hannibal	Korshoj	McFarland	Remmers
Conway	Harris	Labedz	Miller	Rupp

Schellpeper	Smith	Wehrbein	Wesely	Withem
Scofield	Warner	Weihing		

Voting in the negative, 1:

Schmit

Present and not voting, 3:

Chambers Haberman Moore

Excused and not voting, 2:

Johnson, V. Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 629. With Emergency.

A BILL FOR AN ACT relating to fish; to amend sections 37-503.05 and 37-610, Reissue Revised Statutes of Nebraska, 1943; to provide for rules and regulations authorizing the use of commercial seining vendor permittees, equipment, and methods; to provide an exception from 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, 46:

Abboud	Goodrich	Johnson, R.	Miller	Schellpeper
Ashford	Haberman	Korshoj	Moore	Schmit
Baack	Hall	Labedz	Morehead	Scofield
Barrett	Hannibal	Lamb	Nelson	Smith
Beyer	Harris	Landis	Pappas	Warner
Chizek	Hartnett	Langford	Peterson	Wehrbein
Conway	Hefner	Lynch	Pirsch	Weihing
Coordsen	Higgins	Marsh	Remmers	Wesely
Dierks	Johnson, L.	McFarland	Rupp	Withem
Elmer				

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Johnson, V. 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.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 11CA.

A Resolution to propose an amendment to Article VIII, section 12, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 12, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CVIII-12 "For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. ~~Such~~ Notwithstanding any other provision in the Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed fifteen years, on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in

the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by 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 finance provisions relating to the redevelopment of substandard or blighted property by further defining the project area.

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.

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, 45:

Abboud	Dierks	Johnson, L.	McFarland	Schellpeper
Ashford	Elmer	Johnson, R.	Moore	Schmit
Baack	Goodrich	Korshoj	Morehead	Scofield
Barrett	Haberman	Labedz	Nelson	Smith
Beyer	Hall	Lamb	Pappas	Warner
Chambers	Hannibal	Landis	Peterson	Wehrbein
Chizek	Harris	Langford	Pirsch	Weihing
Conway	Hartnett	Lynch	Remmers	Wesely
Coordsen	Hefner	Marsh	Rupp	Withem

Voting in the negative, 0.

Present and not voting, 2:

Higgins Miller

Excused and not voting, 2:

Johnson, V. Rogers

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

MOTION - Return LB 148 to Select File

Mr. Haberman moved to return LB 148 to Select File for the following specific amendment:
"Strike the enacting clause"

Mr. Haberman withdrew his pending motion to return.

Mr. R. Johnson moved to return LB 148 to Select File for the following specific amendment:
AM0417

(Amendments to Final Reading Copy)

1. Insert the following new sections:

"Sec. 5. That section 2-4605, Revised Statutes Supplement, 1986, be amended to read as follows:

2-4605. (1) Each district ~~shall~~ may, with the approval of the director and on or before July 1, 1987, adopt a district program for implementation of the state erosion and sediment control program. ~~Each district's~~ If a district adopts such a program, the program shall include the:

(a) Soil-loss limits for the various types of soils in the district. The soil-loss limits shall be adopted and promulgated as rules and regulations and may be more but not less stringent than those adopted by the director. It is the intent of the Legislature that no land within the state be assigned a soil-loss limit that cannot reasonably be applied to such land;

(b) Recommended erosion or sediment control practices and soil and water conservation practices which are suitable for controlling erosion and sedimentation within the district; and

(c) Program procedures and methods the district plans to adopt and employ to implement the state erosion and sediment control program. Each district may subsequently amend or modify the program as necessary, subject to the approval of the director.

(2) The director with the advice and recommendation of the commission shall review each

district's program and all amendments thereto and shall approve the program or amendments if the director determines that the district's program is reasonable, attainable, and in conformance with the state erosion and sediment control program.

Sec. 7. That section 46-674.08, Revised Statutes Supplement, 1986, be amended to read as follows:

46-674.08. (1) Within one hundred eighty days after the designation of a special ground water quality protection area, the district or districts within whose boundaries the area is located ~~shall~~ may prepare an action plan designed to stabilize or reduce the level and prevent the increase or spread of ground water contamination. Whenever a special ground water quality protection area encompasses portions of two or more districts, the responsibilities and authorities delegated in this section shall be exercised jointly and uniformly by agreement of the respective boards of all districts so affected.

(2) ~~Within~~ If the district or districts choose to prepare an action plan pursuant to subsection (1) of this section, within thirty days after an action plan has been prepared, a public hearing on such plan shall be held by the district in reasonable proximity to the area to be affected. Notice of the hearing shall be published in such newspapers as are necessary to provide for general circulation within the geographic area at least once each week for three consecutive weeks, the last publication to be not less than seven days prior to the hearing. The notice shall provide a general description of all areas to be affected by the proposed action plan. The text of the proposed action plan shall be made available to the public at least thirty days prior to the hearing.

(3) ~~Within~~ If the district or districts choose to prepare an action plan pursuant to subsection (1) of this section, within thirty days after the hearing, the district shall adopt and submit an action plan to the department.

Sec. 8. That section 46-1117, Revised Statutes Supplement, 1986, be amended to read as follows:

46-1117. After January 1, 1987, no person

shall apply or authorize the application of chemicals to land or crops through the use of chemigation unless such person obtains a permit from the district in which the well or diversion is located, except that nothing in this section shall require a person to obtain a chemigation permit to pump or divert water to or through an open discharge system. After such date any person who intends to engage in chemigation shall, before commencing, file with the district an application for a chemigation permit for each injection location on forms provided by the department. Forms shall be made available by the department to each district office and at such other places as may be deemed appropriate. Except as provided in sections 46-1118 and 46-1119, the district shall review each application, may, if deemed necessary by the district, conduct an inspection, and shall approve or deny the application within forty-five days after the application is filed. An application shall be approved and a permit issued by the district if the irrigation distribution system complies with the equipment requirements of section 46-1127 and the applicator has been certified as a chemigation applicator under sections 46-1128 and 46-1129. A copy of each approved application shall immediately be forwarded by the district to the department. This section shall not be construed to prevent the use of portable chemigation equipment if such equipment meets the requirements of section 46-1127.

Sec. 9. That section 46-1124, Revised Statutes Supplement, 1986, be amended to read as follows:

46-1124. Each district ~~shall~~ may conduct areawide, selective, and periodic inspections to insure compliance with the Nebraska Chemigation Act. ~~Employees~~ If such inspections are conducted, employees of the district and the department shall have access at all reasonable times to inspect such system and to otherwise carry out their duties under the act. Such employees may apply to the district or county court of the county in which the irrigation distribution system is located for an inspection warrant to require a permitholder to allow the employees to enter onto his or her land to carry out their duties under the act. Entry upon any property pursuant to such act shall not be considered to

be legal trespass and no damage shall be recoverable on that account alone. Damage to crops caused by the issuance of any order authorized by the act shall not be recoverable on that account alone.

Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, line 4, strike "and" and insert "2-4605," and after the last comma insert "46-674.08, 46-1117, and 46-1124,"; in line 10 strike "and" and insert "to change provisions relating to a district's powers and duties regarding chemigation, erosion and sediment control, and ground water management and protection;" and in line 11 after "sections" insert "; and to declare an emergency".

3. On page 13, line 7, strike "and" and insert "2-4605," and after the second comma insert "46-674.08, 46-1117, and 46-1124,".

4. Renumber the remaining sections accordingly.

Mr. Landis requested a ruling of the Chair on whether the R. Johnson amendment is germane to the bill.

The Chair ruled, in accordance with Rule 7, Sec. 3(d), the amendment is not germane to the bill.

Mr. Schmit moved to return LB 148 to Select File for the following specific amendment:

Strike enacting clause.

Mr. Schmit withdrew his pending motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 148.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3225, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3213, 2-3214, and 46-634.01, Revised Statutes Supplement, 1986; to require a study of the composition of districts; to change membership provisions for boards of directors; to change

election provisions and subdistrict boundary procedures; to change the tax rate a natural resources district may levy; 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:

Ashford	Goodrich	Johnson, L.	McFarland	Warner
Baack	Hall	Korshoj	Miller	Wehrbein
Chizek	Hannibal	Labedz	Nelson	Weihing
Coordsen	Harris	Landis	Pirsch	Wesely
Dierks	Hefner	Marsh	Schmit	Withem
Elmer				

Voting in the negative, 19:

Abboud	Haberman	Langford	Pappas	Schellpeper
Barrett	Higgins	Lynch	Peterson	Scofield
Beyer	Johnson, R.	Moore	Remmers	Smith
Conway	Lamb	Morehead	Rupp	

Present and not voting, 2:

Chambers Hartnett

Excused and not voting, 2:

Johnson, V. Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 683. Placed on Select File as amended.
E & R amendments to LB 683:
AM5109

1. In the Standing Committee amendments, AM0212, adopted March 6, 1987, on page 1, line 18, after "or" insert "by".

2. On page 1, line 4, after the first semicolon insert "to provide for legislative hearings;".
3. On page 3, line 24, strike "at-large" and insert "at large".
4. On page 4, line 25, after "2" insert "of this act".
5. On page 5, line 10, after "Office" insert a comma.

LEGISLATIVE RESOLUTION 21CA. Placed on Select File as amended.
E & R amendment to LR 21CA:
AM5110
1. On page 3, line 21, strike "fund" and insert "funds".

LEGISLATIVE BILL 258. Placed on Select File as amended.
E & R amendment to LB 258:
AM5111
1. On page 2, line 8; and page 3, line 13, strike the comma.

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 401. Indefinitely postponed.
LEGISLATIVE BILL 613. Indefinitely postponed.
LEGISLATIVE BILL 692. Indefinitely postponed.
LEGISLATIVE BILL 704. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 459, 459A, and 469.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 459

The following changes, required to be reported for publication in the Journal, have been made:
ER0130
1. On page 6, line 10, "and" has been inserted after the first comma.

Enrollment and Review Change to LB 469

The following changes, required to be reported for publication in the Journal, have been made:
ER0129
1. In the E & R Amendment, AM5094, adopted March 6, 1987, on page 1, line 17, "1986" has been struck and "1987" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 71. E & R amendments, AM5091, found in the Journal on page 925 for the Thirty-Seventh Day were adopted.

Mr. Landis renewed his pending amendment, AM0326, found in the Journal on page 935.

The Landis amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolution: 148, 254, 272, 365, 461, 468, 487, 306, 629, and LR 11CA.

SELECT FILE

LEGISLATIVE BILL 71. Mr. Ashford offered the following amendment:
On page 2, Section 2, line 12, strike "unless otherwise provided in the agreement." and insert the following sentence: "contract

provisions agreed to by the parties shall control over contrary provisions of this act."

The Ashford amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 359. E & R amendment, AM5096, found in the Journal on page 929 for the Thirty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 643. E & R amendments, AM5098, found in the Journal on page 929 for the Thirty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 199. E & R amendment, AM5097, found in the Journal on page 929 for the Thirty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 212. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 285. E & R amendment, AM5099, found in the Journal on page 929 for the Thirty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 329. E & R amendments, AM5102, found in the Journal on page 930 for the Thirty-Eighth Day were adopted.

Mr. Withem offered the following amendment:
AM0502

1. On page 11, line 14, strike "under prior law"; and in line 15 strike "currently".

The Withem amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 715. E & R amendments, AM5100, found in the Journal on page 930 for the Thirty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 604. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 186. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 440. Mr. Haberman offered the following amendment:
AM0519

1. Insert the following new section:

"Sec. 5. That section 77-2363, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2363. In all cases in which public money or funds belonging to the United States, an agency of the United States, the State of Nebraska, or any county, school district, educational service unit, vocational technical college, municipal university in cities of the metropolitan class, city, or municipality in this state have been deposited or loaned to any person or persons, corporation, bank, partnership, or other firm or association of persons, it shall be lawful for the officer or officers making such deposit or loan, or his, her, or their successors in office, to maintain an action or actions for the recovery of such money so deposited or loaned. All contracts made for the security or payment of any such money or public funds shall be held to be good and lawful contracts binding on all parties thereto.".

2. On page 5, line 7, strike "and" and after the third comma insert "and 77-2363,".

3. Renumber the remaining sections accordingly.

Mr. Haberman moved for a call of the house. The motion prevailed with 6 ayes, 1 nay, and 42 not voting.

The Haberman amendment was adopted with 25 ayes, 2 nays, 20 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 531. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 366. E & R amendment, AM5104, found in the Journal on page 946 for the Thirty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 246. E & R amendment, AM5103, found in the Journal on page 947 for the Thirty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 567. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 568. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 436. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 539. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 491A. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 123. Title read. Considered.

Standing Committee amendment, AM0181, found in the Journal on page 634 for the Twenty-Fourth Day was considered.

Messrs. R. Johnson and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. LABEDZ PRESIDING

Mr. Chambers offered the following amendment to the Standing Committee amendment:

Add new section:

"Nothing in this act shall apply to any nonprofit sports program whose participants are under the age of 18 years.

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. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Chambers	Higgins	McFarland	Nelson	Remmers
Hartnett	Labedz	Miller	Pappas	Weihing

Voting in the negative, 33:

Abboud	Dierks	Hefner	Lynch	Schellpeper
Ashford	Elmer	Johnson, L.	Marsh	Smith
Baack	Goodrich	Johnson, R.	Moore	Warner
Beyer	Haberman	Korshoj	Morehead	Wehrbein
Chizek	Hall	Lamb	Pirsch	Wesely
Conway	Hannibal	Landis	Rupp	Withem
Coordsen	Harris	Langford		

Present and not voting, 2:

Barrett Peterson

Absent and not voting, 1:

Scofield

Excused and not voting, 3:

Johnson, V. Rogers Schmit

The Chambers amendment lost with 10 ayes, 33 nays, 2 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendment:

In section 2 (3)(c), strike:

"(c) Prepares any playing field for any practice session or any formal game;"

PRESIDENT NICHOL PRESIDING

The Chair declared the call raised.

Messrs. Lynch and Harris asked unanimous consent to be excused. No objections. So ordered.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 9, 1987, at 11:00 a.m., were the following bills: 254, 272, 365, 461, 468, 487, 306, 629, and 148.

(Signed) Jan Loder, Enrolling Clerk

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 9, 1987, at 11:01 a.m., was the following resolution: 11CA.

(Signed) Jan Loder, Enrolling Clerk

MESSAGE FROM THE GOVERNOR

March 9, 1987

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.

Appointee: Richard Coyne

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:cfg

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following Governor appointment.

Natural Resources

Richard Coyne - Commissioner, Game and Parks Commission

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS
Natural Resources

Governor Appointment Thursday, March 12, 1987 1:15 p.m.
Richard Coyne - Commissioner, Game and Parks Commission

(Signed) Loran Schmit, Chairperson

Government, Military and Veterans Affairs

Governor Appointment Thursday, March 12, 1987 1:30 p.m.
Larry Bare

(Signed) Lee Rupp, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Rogers asked unanimous consent to print the following amendment to LB 101 in the Journal. No objections. So ordered.

AM0509

1. In the Standing Committee amendments, AM0140, adopted March 3, 1987:

a. On page 1, line 9, strike "debtor or debtors" and insert "person to whom the agricultural production input was furnished"; and in line 10 strike ", except that" and insert "and,"; and

b. On page 2, line 2, strike "release" and insert "termination statement"; and in line 8 after "unperformed" insert "letter of".

2. Insert the following new sections:

"Sec. 9. When an agricultural production input lien is satisfied, the holder of the lien shall on written demand by the person to whom the agricultural production input was furnished send such person a termination statement to the effect that he or she no longer claims a security interest under the lien, which shall be identified by file number. A termination statement signed by a person other than the lienholder of record shall be accompanied by a separate written statement of assignment signed by the lienholder of record complying with subsection (2) of section 9-405, Uniform Commercial Code, including payment of the required fee. If the affected lienholder fails to send such a termination statement within ten days after proper demand, he or she shall be liable to the person to whom the agricultural production input was furnished for one hundred dollars and any losses caused to such person by such failure.

On presentation to the filing officer of such a termination statement, he or she shall note it in the index. If the filing officer has received the termination statement in duplicate, he or she shall return one copy of the termination statement to the lienholder stamped to show the time of receipt.

Sec. 14. This act shall become operative on April 1, 1987.".

3. On page 2, line 1; page 5, line 6; page 11, line 22; page 15, line 9; and page 16, line 4, strike "9" and insert "11".

4. On page 11, line 17, after the comma insert "a lien-notification statement,".

5. On page 15, line 7; and page 16, line 3, after "lien" insert "or lien-notification statement".

6. Renumber the remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 398 in the Journal. No objections. So ordered.

AM0370

1. On page 4, line 3, after the last comma insert "rural fire district,".

Mr. Schmit asked unanimous consent to print the following amendment to LB 398 in the Journal. No objections. So ordered.

AM0503

1. On page 7, line 3, after "insolvency" insert ", except that the plan of management with regard to maintaining reserves, collecting assessments from members for deficiencies, or administering the pool in the event of insolvency shall not require any member to make payments not authorized under subsection (2) of section 12 of this act"

2. On page 10, after line 7, insert the following new subsection:

"(2) If any risk management pool becomes insolvent, has insufficient cash reserves for the payment of claims or deductibles, or has any deficiencies, the pool members which have the authority to levy a tax shall be authorized to levy a tax for such assessment or deficiency, except that pool members who do not have the authority to levy a tax shall not pay the costs of any such assessment or deficiency from any appropriation out of the General Fund of the state.";

and in line 8 strike "(2)" and insert "(3)".

Mrs. Labedz asked unanimous consent to print the following amendment to LB 626 in the Journal. No objections. So ordered.

AM0505

1. Insert the following new sections:

"Sec. 2. That section 80-401.01, Revised Statutes Supplement, 1986, be amended to read as follows:

80-401.01. As used in this act, unless the context otherwise requires:

(1) A recognized veterans' organization shall mean a veterans' organization that has been chartered by the Congress of the United States, which maintains a fully staffed state headquarters, and which, at the time an appointment is to be made, shall have enrolled in its membership in Nebraska at least ten per cent of the World War I, World War II, Korean War, and Vietnam War veterans eligible therefor and the Disabled American Veterans' organization shall have enrolled in its membership in Nebraska at least ten per cent of those

Nebraska veterans receiving service-connected compensation from the Veterans' Administration;

(2) Veteran of World War I shall mean a person who served on active duty in the armed forces of the United States between April 6, 1917, and November 11, 1918, and who has received an honorable discharge, or its equivalent, from such service or who, being a ~~citizen~~ resident of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

(3) Veteran of World War II shall mean a person who served on active duty in the armed forces of the United States between December 7, 1941, and December 31, 1946, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(4) Veteran of the Korean War shall mean a person who served on active duty in the armed forces of the United States between June 25, 1950, and January 31, 1955, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(5) Veteran of the Vietnam War shall mean a person who served on active duty in the armed forces of the United States between August 5, 1964, and May 7, 1975, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(6) Veteran of the Spanish-American War shall mean a person who served on active duty in the armed forces of the United States between April 21, 1898, and

July 4, 1902, and received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

(7) Active duty shall mean full-time duty in the armed forces, other than active duty for training; and

(8) Active duty for training shall mean full-time duty in the armed forces performed by reserves for training purposes.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 2, line 9, strike "Viet" and insert "Vietnam"; in line 10 strike "Nam"; and in line 14 strike "is" and insert "and section 80-401.01, Revised Statutes Supplement, 1986, are".

3. Renumber original section 2 as section 3.

RESOLUTIONS

LEGISLATIVE RESOLUTION 40.

Introduced by Wesely, 26th District; Marsh, 29th District; McFarland, 28th District; Warner, 25th District.

WHEREAS, The Lincoln East High School women's basketball team, the Spartans, went undefeated this season and won the Class A championship game of the Girls' State Basketball tournament on Saturday, March 7, 1987; and

WHEREAS, the Spartans have displayed exemplary athletic skill, competitive spirit, and sportsmanship; and

WHEREAS, the team members and coach John Strain are deserving of special recognition for their victory.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature commend and congratulate the Lincoln East Spartans and Coach Strain and recognize the team as the 1987 Girls' State Class A champions.

2. That the Clerk of the Legislature is directed to send a copy of this resolution to coach John Strain, Lincoln East High School.

Laid over.

LEGISLATIVE RESOLUTION 41.

Introduced by Wesely, 26th District.

WHEREAS, kidney disease is a major health problem in Nebraska and the United States; and

WHEREAS, seventy-five thousand Nebraskans and thirteen million people in the United States suffer from kidney-related diseases, and seventy-eight thousand people in the United States die each year from end-stage renal disease; and

WHEREAS, over seventy-eight thousand people, including over four hundred Nebraskans, must depend on dialysis to maintain life; and

WHEREAS, kidney transplants are performed in Nebraska each year, and nearly seven thousand kidney transplants are performed nationally each year; and

WHEREAS, additional organs, such as the heart, lungs, and pancreas, are needed for transplantation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature encourages Nebraskans to give the gift of life by signing and carrying the Uniform Organ Donor Card which authorizes the use of one's kidneys and other organs after death.

Laid over.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 375. Placed on General File.
LEGISLATIVE BILL 454. Placed on General File.
LEGISLATIVE BILL 488. Placed on General File.
LEGISLATIVE BILL 735. Placed on General File.
LEGISLATIVE BILL 753. Placed on General File.

LEGISLATIVE BILL 510. Indefinitely postponed.
LEGISLATIVE BILL 681. Indefinitely postponed.

(Signed) R. W. Remmers, Chairperson

Health and Human Services

LEGISLATIVE BILL 466. Placed on General File as amended.
Standing Committee amendments to LB 466:
AM0423

1. Strike original section 4.

2. On page 2, strike beginning with "the" in line 15 through line 16, show as stricken, and insert "a public or private entity to provide the".

3. Renumber the remaining sections accordingly.

(Signed) Don Wesely, Chairperson

VISITORS

Visitors to the Chamber were a group of River City Republican Women from Omaha; Sheriff Deterding and wife, Susie; and Blaine Huss from Fairbury.

ADJOURNMENT

At 11:50 a.m., on a motion by Mr. Rupp, the Legislature adjourned until 9:00 a.m., Tuesday, March 10, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FORTIETH DAY - MARCH 10, 1987

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 10, 1987

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Nichol presiding.

PRAYER

The prayer was offered by H. Ward Hill, Union College, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chizek, Lynch, Moore, Withem, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Ninth Day was approved.

MESSAGE FROM THE GOVERNOR

March 9, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 399, 508, 189, 253, 308, and 354 were received in my office on March 5, 1987.

These bills were signed by me on March 9, 1987 and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

RESOLUTIONS

LEGISLATIVE RESOLUTION 42.

Introduced by Weihing, 48th District.

WHEREAS, the Gering Courier was first published on April 27th, 1887; and

WHEREAS, the Gering Courier holds the record for the earliest publication in the North Platte Valley; and

WHEREAS, the Gering Courier was first edited by Asa Butler Wood, then by W. C. Wood and is currently edited by Jack D. Lewis; and

WHEREAS, the Gering Courier should be recognized for the many years of service to the Gering community and to the surrounding area.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the important contribution made by the Gering Courier as an information source.

2. That the Legislature recognizes the efforts put forth by the paper's editors and honors them for their honesty and integrity as members of the press.

3. That the Legislature recognizes the efforts put forth by all of the paper's employees, past and present, and compliments them for a product in which they can all take pride.

4. That the Legislature sends its congratulations and best wishes to the Gering Courier on the occasion of its 100th anniversary.

5. That a copy of this resolution be sent to Jack D. Lewis, Editor of the Gering Courier.

Laid over.

LEGISLATIVE RESOLUTION 43.

Introduced by Weihing, 48th District.

WHEREAS, Gering, Nebraska, the county seat of Scotts Bluff County was founded on March 27, 1887; and

WHEREAS, Gering, Nebraska, was named for Martin Gering, a civil war veteran, banker, and member of the original town site group; and

WHEREAS, the newly formed town of Gering hosted the first Cheyenne County Fair on September 26 to 28, 1887; and

WHEREAS, during the early days of Gering prunes were selling for ten cents a pound, one dollar would buy seventeen bars of soap, coffee was a quarter a pound, and a yard of calico sold for five cents; and

WHEREAS, Asa Butler Wood, the first editor of the Gering Courier published this advertisement: "Gering: In the northwest sixth of the largest county in Nebraska, on the south bank of the North Platte River, the valley of which beautiful stream is far-famed for fertility and superior natural advantages; we have healthful climate, splendid water at an easy depth, plenty of lumber, stone for building purposes and township after township level as a floor, yet sloping to the river and affording fine drainage. The town site of this future city is the prettiest in the west."; and

WHEREAS, in 1920 an official publication of the Gering Community Club and the Department of Publicity of Nebraska stated: "You will like Gering. The people are hospitable, imbued with the real western spirit, are enterprising and always ready to extend the glad hand to the deserving....Come to Gering and the Gering Country, where a cordial welcome awaits you, where opportunities abound, and where life is worth living."; and

WHEREAS, the descriptions of Gering's beauty are as accurate in 1987 as they were in the past; and

WHEREAS, the claim of hospitality is as accurate in 1987 as it was in the past; and

WHEREAS, the Oregon Trail Days Association and the Centennial Committee invite all Nebraskans to join them to witness the scenic beauty, to partake of the western hospitality, and to help celebrate Gering's first one hundred years.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its best wishes to the residents of Gering on the occasion of Gering's centennial.

2. That the Legislature acknowledges the contributions and efforts put forth by the people of Gering, past and present, in making Gering grow and prosper.

3. That the Legislature recognizes that Gering residents will join together on March 27th, 1987, to celebrate the town's birthday and will strive to make 1987 a momentous and most memorable year.

4. That the Legislature joins all Nebraskans in offering congratulations and in wishing Gering and its residents happiness, health, and prosperity during the coming one hundred years.

5. That a copy of this resolution be sent to the Honorable Bob Unzicker, Mayor of Gering, for presentation to all of the residents.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 145A. By Weihing, 48th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 145, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 41. Read. Considered.

LR 41 was adopted with 27 ayes, 0 nays, and 22 not voting.

MOTION - Return LB 730 to Select File

Mr. Lamb moved to return LB 730 to Select File for the following specific amendment:

1. In the Standing Committee amendments, AM0171, adopted February 18, 1987:

a. On page 1, line 19, strike "twenty-seven" and insert "twenty-eight"; and in line 20 strike "Eighteen" and insert "Nineteen"; and

b. On page 3, lines 8 and 21, strike "four-tenths" and insert "three-tenths".

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 Lamb motion to return lost with 21 ayes, 23 nays, 2 present and not voting and 3 excused and not voting.

Mr. Schmit moved to return LB 730 to Select File for the following specific amendment:
AM0433

1. In the V. Johnson amendment, AM0344, adopted on February 25, 1987, on page 2, line 3, strike "two weeks" and insert "one week".

Mr. Hefner 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 Schmit motion to return lost with 18 ayes, 22 nays, 7 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 730. With Emergency.

A BILL FOR AN ACT relating to tobacco; to amend sections 59-1502, 77-2602, 77-2602.03, 77-2608, and 77-27,132, Reissue Revised Statutes of Nebraska, 1943; to adopt the Tobacco Products Tax Act; to redefine a term; to increase the cigarette tax; to authorize a credit; to change the wholesale discount amount; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

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 with the emergency clause attached?' "

Voting in the affirmative, 32:

Ashford	Baack	Barrett	Beyer	Chizek

Conway	Hefner	Langford	Pappas	Schellpeper
Dierks	Johnson, L.	Lynch	Peterson	Warner
Elmer	Johnson, R.	Marsh	Pirsch	Wehrbein
Goodrich	Johnson, V.	Miller	Remmers	Weihing
Haberman	Lamb	Nelson	Rogers	Withem
Hartnett	Landis			

Voting in the negative, 16:

Abboud	Hannibal	Korshoj	Moore	Schmit
Chambers	Harris	Labedz	Morehead	Smith
Coordsen	Higgins	McFarland	Rupp	Wesely
Hall				

Excused and not voting, 1:

Scofield

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 30:

Ashford	Elmer	Johnson, R.	Marsh	Rogers
Baack	Goodrich	Johnson, V.	Miller	Schellpeper
Barrett	Haberman	Lamb	Nelson	Warner
Beyer	Hartnett	Landis	Peterson	Wehrbein
Conway	Hefner	Langford	Pirsch	Weihing
Dierks	Johnson, L.	Lynch	Remmers	Withem

Voting in the negative, 18:

Abboud	Hall	Korshoj	Morehead	Schmit
Chambers	Hannibal	Labedz	Pappas	Smith
Chizek	Harris	McFarland	Rupp	Wesely
Coordsen	Higgins	Moore		

Excused and not voting, 1:

Scofield

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 730A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 730, Ninetieth Legislature, First Session, 1987.

Whereupon the 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:

Ashford	Goodrich	Johnson, R.	Lynch	Rogers
Baack	Haberman	Johnson, V.	Marsh	Schellpeper
Barrett	Hall	Korshoj	Miller	Warner
Beyer	Hannibal	Labedz	Nelson	Wehrbein
Conway	Hartnett	Lamb	Peterson	Weihing
Dierks	Hefner	Landis	Pirsch	Withem
Elmer	Johnson, L.	Langford	Remmers	

Voting in the negative, 14:

Abboud	Coordsen	McFarland	Pappas	Smith
Chambers	Harris	Moore	Rupp	Wesely
Chizek	Higgins	Morehead	Schmit	

Excused and not voting, 1:

Scofield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Mr. Abboud moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of LB 404 on Final Reading today.

Mr. Schmit 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 29 ayes, 0 nays, and 20 not voting.

The Abboud motion to suspend the rules prevailed with 31 ayes, 3 nays, 13 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 404. With Emergency.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-669.07 and 39-669.08, Revised Statutes Supplement, 1986; to change standards for blood, breath, and urine alcohol content; 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	Elmer	Johnson, V.	Moore	Rupp
Ashford	Goodrich	Korshoj	Morehead	Schellpeper
Baack	Haberman	Labedz	Nelson	Smith
Barrett	Hall	Lamb	Pappas	Warner
Beyer	Hannibal	Landis	Peterson	Wehrbein
Chizek	Harris	Langford	Pirsch	Weihing
Conway	Hartnett	Lynch	Remmers	Wesely
Coordsen	Hefner	Marsh	Rogers	Withem
Dierks	Johnson, L.	Miller		

Voting in the negative, 2:

Chambers Higgins

Present and not voting, 2:

Johnson, R. McFarland

Excused and not voting, 2:

Schmit 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.

MOTION - Reconsider Final Passage of LB 730

Mrs. Smith moved to reconsider the Final Reading vote with the Emergency Clause attached on LB 730.

Mrs. Labedz 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 Smith motion to reconsider prevailed with 35 ayes, 7 nays, 5 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 730. With Emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Ashford	Conway	Hartnett	Korshoj	Marsh
Baack	Dierks	Hefner	Lamb	Miller
Barrett	Elmer	Johnson, L.	Landis	Nelson
Beyer	Goodrich	Johnson, R.	Langford	Pappas
Chizek	Haberman	Johnson, V.	Lynch	Peterson

Pirsch	Rogers	Smith	Wehrbein	Withem
Remmers	Schellpeper	Warner	Weihing	

Voting in the negative, 13:

Abboud	Hall	Higgins	Moore	Rupp
Chambers	Hannibal	Labedz	Morehead	Wesely
Coordsen	Harris	McFarland		

Excused and not voting, 2:

Schmit 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 - Members Excused

Messrs. Dierks, Hefner, and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 102A. By Rogers, 41st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 102, Ninetieth Legislature, First Session, 1987.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 343. Placed on General File.

LEGISLATIVE BILL 288. Placed on General File as amended.
Standing Committee amendments to LB 288:
AM0525

1. On page 3, line 13, reinstate the stricken matter and strike the new matter.
2. Strike original section 3 and insert the following new section:

"Sec. 3. That section 77-3504, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3504. ~~Household~~ (1) Until January 1, 1988, household income shall mean the total federal adjusted gross income of any claimant and spouse as defined in the Internal Revenue Code of the United States for the taxable year of the claimant immediately prior to the year for which the claim for exemption is made.

(2) Commencing on and after January 1, 1988, household income shall mean the total federal adjusted gross income, as defined in the Internal Revenue Code of the United States, of the claimant, spouse, and any additional owners who are natural persons and who occupy the homestead, for the taxable year of the claimant immediately prior to the year for which the claim for exemption is made.".

3. On page 12, strike beginning with "For" in line 13 through the period in line 18 and show the old matter as stricken; and in line 25 strike "1987" and insert "1988".

4. On page 13, line 5 strike "June 16", show as stricken, and insert "April 1" and strike "1987" and insert "1988".

5. On page 14, line 4, strike "The", show as stricken, and insert "Commencing January 1, 1989, the"; in line 6 after "77-3509" insert ",except subdivision (1)(a) of section 77-3508,"; in line 7 strike "15", show as stricken, and insert "1" and strike the second "of" and show as stricken; and in line 13 after "occupancy" insert an underscored comma.

6. On page 15, line 2, strike "such" and show as stricken.

7. On page 16, strike beginning with "the" in line 19 through "and" in line 20 and show as stricken; and in line 20 strike "other" and show as stricken.

8. On page 17, strike beginning with "the" in line 8 through "before" in line 9 and show as stricken; and in line 10 strike "thereafter" and show as stricken.

LEGISLATIVE BILL 139. Indefinitely postponed.
LEGISLATIVE BILL 247. Indefinitely postponed.
LEGISLATIVE BILL 465. Indefinitely postponed.
LEGISLATIVE BILL 513. Indefinitely postponed.

LEGISLATIVE BILL 584. Indefinitely postponed.
LEGISLATIVE BILL 729. Indefinitely postponed.
LEGISLATIVE BILL 746. Indefinitely postponed.
LEGISLATIVE BILL 747. Indefinitely postponed.
LEGISLATIVE BILL 754. Indefinitely postponed.

(Signed) Vard Johnson, Chairperson

Education

LEGISLATIVE BILL 232. Indefinitely postponed.
LEGISLATIVE BILL 609. Indefinitely postponed.
LEGISLATIVE BILL 685. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 44.

Introduced by Peterson, 21st District.

WHEREAS, the winning of a state high school basketball championship demonstrates the willingness of a team and its coach to work, concentrate, and cooperate as a team; and

WHEREAS, the Battle Creek Bravettes girls basketball team topped off a perfect season by becoming the first team in Nebraska high school history to capture four consecutive state championships; and

WHEREAS, their dedicated efforts as well as the efforts of their coach, Bob Schnitzler, are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the spirit of sportsmanship and team resolve demonstrated by the Battle Creek girls basketball team, and congratulates them for their individual and team success.

2. That the Legislature commends and extends congratulations to Coach Bob Schnitzler and his staff for consistently fostering that outstanding spirit of sportsmanship and team play.

3. That a copy of this resolution be sent to Coach Schnitzler and the Battle Creek girls basketball team.

Laid over.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 116. Placed on General File as amended.
Standing Committee amendments to LB 116:
AM0424

1. On page 2, line 19, strike the underscored comma.

2. On page 3, line 11, after the second comma insert "and no optometrist who has not been previously certified by the department to use topical ocular pharmaceutical agents for diagnostic purposes"; in line 14 after "person" insert "(a)"; strike beginning with "all" in line 15 through "Optometry" in line 18, show as stricken, and insert "a pharmacology course at an institution accredited by a regional or professional accrediting organization which is recognized by the Council on Postsecondary Accreditation of the United States Department of Education and approved by the department, (b) passes an examination approved by the department,"; in line 18 after "and" insert "(c)"; and after line 21 insert "The Board of Examiners in Optometry may approve for certification pursuant to subdivision (1)(a) of this section a pharmacology course if such course includes:

(i) A study of ocular anesthetics, mydriatics, cycloplegics, ocular toxicity of pharmaceutical agents, ocular allergies of ocular agents, and pharmacologic effects of ocular drug substances;

(ii) The consideration of the mechanism of action of anesthetics, cycloplegics, and mydriatics in human beings and the uses of such substances in the diagnosis of occurring ocular disorders;

(iii) At least one hundred hours of classroom education, clinical training, and examination; and

(iv) The correlation of the utilization of pharmaceutical agents and optical instrumentation and procedures.

The Board of Examiners in Optometry may approve for certification pursuant to subdivision (1)(b) of this section an examination if such examination is:

(A) Based upon the competencies taught in a pharmacology course; and

(B) Administered by an institution accredited by a regional or professional accrediting organization which is recognized by the Council on Postsecondary Accreditation of the United States Department of Education and approved by the department or by the Board of Examiners in Optometry if developed by an approved institution.".

3. On page 4, line 3, after "hours" insert "since January 1, 1984," and after "of" insert "which forty hours shall be classroom education and sixty hours shall be"; in line 4 strike "classroom and"; and in line 17 strike "accredited institution" and insert "institution accredited by a regional or professional accrediting organization which is recognized by the Council on Postsecondary Accreditation of the United States Department of Education".

4. On page 5, line 2, strike "and treatment"; strike lines 8 through 11; in line 12 strike "(ix)" and insert "(vii)"; in line 14 strike "(x)" and insert "(viii)"; in line 15 strike "(xi)" and insert "(ix)"; and in line 17 strike "(xii)" and insert "(x)".

LEGISLATIVE BILL 372. Placed on General File as amended.
Standing Committee amendments to LB 372:
AM0530

1. On page 3, line 3, strike "history" and insert "histories"; and in line 5 after the period insert "This subsection shall only apply to petitions filed on or after September 1, 1987.".

2. On page 5, line 23, after "agency" insert ", the department, or a private agency handling the adoption, as the case may be,".

3. On page 4, line 6, after the period insert "Subdivisions (b) and (c) of this subsection shall only apply to decrees of adoption entered on or after September 1, 1987.".

4. On page 11, line 1, after "adoption" insert "or the department".

5. On page 12, line 10, strike "21" and insert "22".

6. Strike original section 6 and insert the following new sections:

"Sec. 6. Sections 3 and 7 to 22 of this act shall provide the procedures for gaining access to

information concerning adopted persons placed for adoption on or after September 1, 1987. Sections 43-119 to 43-142 shall remain in effect for persons placed for adoption prior to September 1, 1987. Except as otherwise provided in subsection (2) of section 43-107 and subdivisions (1)(a) and (1)(b) of section 43-109, sections 43-101 to 43-118, 43-143 to 43-146, 71-626, 71-626.01, and 71-627.02 shall apply to all adoptions.

Sec. 22. For purposes of this act, medical history shall mean medical history as defined by the Department of Health in its rules and regulations.".

7. Renumber the remaining sections accordingly.

(Signed) Don Wesely, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 493. Placed on General File.

LEGISLATIVE BILL 574. Indefinitely postponed.

(Signed) Rex Haberman, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 45.

Introduced by Labedz, 5th District; Barrett, 39th District; Abboud, 12th District; Ashford, 6th District; Baack, 47th District; Beyer, 3rd District; Chizek, 31st District; Conway, 17th District; Coordsen, 32nd District; Dierks, 40th District; Elmer, 38th 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; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Korshoj, 16th District; Lamb, 43rd District; Landis, 46th District; Langford, 36th District; Lynch, 13th District; Marsh, 29th District; McFarland, 28th District; Miller, 37th District; Moore, 24th District; Morehead, 30th District; Nelson, 35th District; Pappas, 42nd District; Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rogers, 41st District; Rupp, 22nd District; Schellpeper, 18th District; Schmit, 23rd District; Smith, 33rd District; Warner, 25th District; Wehrbein, 2nd

District; Weihing, 48th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, Nebraska's senior United States Senator, Edward Zorinsky, died Friday, March 6, 1987; and

WHEREAS, Senator Zorinsky was first elected to public office in 1968 and served as a Director of the Omaha Public Power District, Mayor of the City of Omaha, and United States Senator; and

WHEREAS, Senator Zorinsky was a man noted for his integrity, honesty, and willingness to make difficult decisions in times of crisis; and

WHEREAS, Senator Zorinsky's record as a public servant is filled with many accomplishments and achievements which have resulted in a better life for Nebraskans; and

WHEREAS, Senator Zorinsky's passing is mourned by national, state, and local leaders who have taken note of his outstanding record; and

WHEREAS, Senator Zorinsky's love for the people of this state was evident from his actions and commitment to serve their needs; and

WHEREAS, Senator Zorinsky's untimely and tragic death is mourned by his widow, Cece; two sons, Barry and Jeffrey; a daughter, Suzan Goodman; his mother, Sonia; a sister, Esther Rice; and two grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature express their sympathy to the family of Senator Zorinsky.

2. That a copy of this resolution be presented to the family of Senator Zorinsky.

Mrs. Labedz moved to suspend the rules, Rule 4 Section 6 so as to consider LR 45 today.

The Labedz motion to suspend the rules prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

SPEAKER BARRETT PRESIDING

LR 45 was adopted with 39 ayes, 0 nays, 6 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.

SELECT FILE

LEGISLATIVE BILL 101. E & R amendments, AM5090, found in the Journal on page 903 for the Thirty-Sixth Day were adopted.

Mr. Rogers renewed his pending amendment, AM0509, found in the Journal on page 975.

The Rogers amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Rogers offered the following amendment:
to amend AM509 by striking line 11 on page 1 through line 13 on page 2

The Rogers amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Abboud and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Passed over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 730A, 404, and 730.

SELECT FILE

LEGISLATIVE BILL 473. E & R amendments, AM5093, found in the Journal on page 925 for the Thirty-Seventh Day were adopted.

Mr. Pappas offered the following amendment:
Reinsert original Sections 52 and 54 and on page 78, line 3, reinstate "71-6104"

The Pappas amendment lost with 2 ayes, 12 nays, 30 present and not voting, and 5 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely offered the following amendment:
(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0518.)

The Wesely amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 473A. Mr. Wesely offered the following amendment:
AM0477

1. Insert the following new section:
"Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Wesely amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Messrs. Rupp, R. Johnson, and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 626. E & R amendment, AM5101, found in the Journal on page 930 for the Thirty-Eighth Day was adopted.

Mrs. Labedz renewed her pending amendment, AM0505, found in the Journal on page 977.

The Labedz amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 292. E & R amendments, AM5105, found in the Journal on page 947 for the Thirty-Eighth Day were adopted.

Mr. Hall offered the following amendment:
AM0542

1. On page 2, line 4, strike "September 6, 1985", show as stricken, and insert "the effective date of this act".

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

The Hall amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Moore requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 29 ayes, 2 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 347. E & R amendments, AM5107, found in the Journal on page 950 for the Thirty-Ninth Day were adopted.

Mr. Pappas offered the following amendment:
AM0459

1. Insert the following new sections:

"Sec. 3. That section 79-490, Revised Statutes Supplement, 1986, be amended to read as follows:

79-490. When no other means of free transportation is provided to a student attending a public school, the student's parent or legal guardian may apply to the school board for an allowance for transportation. If the school board grants such allowance, the parent or legal guardian shall receive an amount determined ~~shall be made to the family of such student by the district in which such family resides~~ as follows: (1) When a student attends an elementary school in his or her own school district and lives more than four miles from the public schoolhouse therein, there ~~shall~~ may be paid an amount not greater than 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 to the schoolhouse exceeds three miles; (2) when a student is required to attend an elementary school outside of his or her own school district and lives more than four miles from such elementary school there ~~shall~~

may be paid an amount not greater than 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 to the schoolhouse exceeds three miles; (3) when a student attends a secondary school in his or her own Class II or III school district and lives more than four miles from the public schoolhouse there ~~shall~~ may be paid an amount not greater than 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 to the schoolhouse exceeds three miles; and (4) when a student, other than a student in grades ten through twelve in a Class V school district, attends an elementary or junior high school in his or her own Class V school district and lives more than four miles from the public schoolhouse therein, there ~~shall~~ may be paid for each day of attendance an amount not greater than 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 of the residence of such student from the schoolhouse exceeds three miles. ~~Where~~ When the patrons of a Class VI school district have voted to operate and provide free bus transportation for the pupils of the school district, such school district shall be eligible for payment for transportation as provided for in the School Foundation and Equalization Act. No transportation payments shall be made to a ~~family~~ parent or legal guardian for mileage not actually traveled by ~~such family~~ the student. The number of days the student has attended school shall be reported monthly by the teacher to the school board of such public school district. No more than one allowance shall be made to a ~~family~~ parent or legal guardian irrespective of the number of students in a family being transported to school. If a ~~family~~ parent or legal guardian resides in a Class I school district which is part of a Class VI school district and has students enrolled in any grade of grades kindergarten through six in the Class I school district and in any grade of grades seven and eight in the Class VI school district, such ~~family~~ parent or

legal guardian shall receive not more than one allowance for the distance actually traveled when both school districts are on the same direct travel route with one school district being located a greater distance from the residence than the other. In such cases, the travel allowance shall be prorated among the school districts involved. ~~Unless~~ If the parties involved ~~can~~ cannot mutually agree, the county superintendent of the school district in which the school attended is located shall determine the pro rata share to be paid by each school district. In the event the schools attended are in different counties, the respective county superintendents shall determine the proper pro rata amount each school district shall pay. No ~~pupil~~ student shall be exempt from school attendance on account of distance from the public schoolhouse.

Sec. 4. That section 79-492, Revised Statutes Supplement, 1986, be amended to read as follows:

79-492. (1) When a student or students, whose ~~family~~ parent or legal guardian would otherwise be eligible to apply for the transportation allowance provided in section 79-490, reside temporarily for school purposes within four miles of the schoolhouse, the ~~family~~ parent or legal guardian of such student or students may apply for the transportation allowance and, if approved, may ~~shall~~ be paid an amount not greater than 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~~ parent or legal guardian would otherwise be eligible to apply for the transportation allowance provided in section 79-490, attend school in an adjacent school district due to convenience of the family, and the school district of residence pays tuition on behalf of such student or students pursuant to section 79-486, ~~there~~ the parent or legal guardian of such student or students may apply for the transportation allowance and, if approved, may ~~shall~~ also be paid by such school district of residence a transportation allowance ~~equal to~~ in an amount not greater than 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 schoolhouse in the adjacent school district exceeds three miles.".

2. On page 5, line 22, after the second comma insert "and sections 79-490 and 79-492, Revised Statutes Supplement, 1986,".

3. Renumber remaining section accordingly.

4. In the Standing Committee amendment, appearing on page 629 of the Journal, on page 2, line 14, after the semicolon insert "and"; and strike beginning with the semicolon in line 15 through line 16 and insert a period.

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.

Mr. Pappas moved for a call of the house. The motion lost with 10 ayes, 18 nays, and 21 not voting.

Mr. Pappas requested a record vote on his amendment.

Voting in the affirmative, 4:

Chizek	Hefner	Pappas	Pirsch

Voting in the negative, 25:

Abboud	Goodrich	Lamb	Nelson	Warner
Baack	Hall	Landis	Remmers	Wehrbein
Barrett	Hannibal	Langford	Rupp	Weihing
Beyer	Hartnett	Marsh	Schellpeper	Wesely
Elmer	Johnson, L.	Moore	Smith	Withem

Present and not voting, 15:

Ashford	Coordsen	Johnson, V.	Lynch	Morehead
Chambers	Dierks	Korshoj	McFarland	Rogers
Conway	Harris	Labedz	Miller	Scofield

Excused and not voting, 5:

Haberman Higgins Johnson, R. Peterson Schmit

The Pappas amendment lost with 4 ayes, 25 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Hannibal asked unanimous consent to be excused. No objections. So ordered.

Mr. Beyer offered the following amendment:

In the Standing Committee amendments, AM158, adopted March 4, 1987 on page 2, line 3, strike "Education" and substitute "Roads"

In the Standing Committee amendments, AM158, adopted March 4, 1987 on page 1, line 12, after "the" insert "hazard warning" and strike "warning signal"

The Beyer 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 543. E & R amendments, AM5106, found in the Journal on page 951 for the Thirty-Ninth Day were adopted.

Mr. Lamb offered the following amendment:
AM0471

1. In the Standing Committee amendment, AM0217, adopted March 4, 1987, on page 4, line 11, after the second comma insert "71-3,140," and in line 12 after the second comma insert "71-3,162,".

2. On page 9, strike beginning with "and" in line 9 through line 10, show as stricken, and insert an underscored semicolon.

3. On page 20, line 24, strike "Cardio-respiratory"; and in line 25 strike "resuscitation, the", show as stricken, and insert "the".

4. Insert the following new sections:

"Sec. 17. That section 71-3,140, Reissue Revised Statutes of Nebraska, 1943, be amended to read :s follows:

71-3,140. In order to maintain its license in good standing, each school of cosmetology shall operate in accordance with the following requirements:

(1) The school shall at all times comply with

all applicable provisions of the Nebraska Cosmetology Act and all rules and regulations adopted and promulgated under such act;

(2) The school owner or owners or the authorized agent thereof shall notify the department at least thirty days prior to any change of ownership, name, or address, and at least sixty days prior to closure, except in emergency circumstances as determined by the department;

(3) No school shall permit anyone other than a student, student instructor, instructor, or guest artist to perform any of the practices of cosmetology within its confines or employ, except that such restriction shall not prevent a school from inviting guest teachers who are not licensed or registered to provide lectures to students or student instructors if the guest lecturer does not perform any of the practices of cosmetology;

(4) The school shall display a name upon or near the entrance door designating it as a school of cosmetology;

(5) The school shall display in a conspicuous place within the clinic area a sign reading: All services in this school are performed by students who are training in cosmetology. A notice to such effect shall also appear in all advertising conducted by the school for its clinic services;

(6) The school shall permit any duly authorized agent of the department to conduct an operation inspection or investigation at any time during the normal operating hours of the school without prior notice and the owner or manager shall assist the inspector by providing access to all areas of the school, all personnel, and all records requested by the inspector;

(7) The school shall display in a conspicuous place the following records:

(a) The current license to operate a school of cosmetology;

(b) The current licenses or registrations of all persons, except students, employed by or working in the school; and

(c) The rating sheet from the most recent accreditation inspection;

(8) At no time shall a school enroll more students than permitted by the Nebraska Cosmetology Act or the rules and regulations adopted and promulgated under such act;

(9) The school shall not knowingly permit its students, employees, or clients to use, consume, serve, or in any other manner possess or distribute intoxicating beverages or controlled substances upon its premises during the hours the school is in operation;

(10) Food shall not be consumed in any area where cosmetology services are being taught or performed or stored in the same area where chemical supplies or used equipment are stored;

(11) No instructor or student instructor shall perform, and no school shall permit such person to perform, any of the practices of cosmetology on the public in a school of cosmetology other than that part of the practical work which pertains directly to the teaching of practical subjects to students or student instructors and in no instance shall complete cosmetology services be provided for a client unless done in a demonstration class of theoretical or practical studies;

(12) The school shall maintain space, staff, library, teaching apparatus, and equipment as established by rules and regulations adopted and promulgated under the Nebraska Cosmetology Act;

(13) The school shall keep a daily record of the attendance and clinical performance of each student and student instructor;

(14) The school shall maintain regular class and instructor hours and shall require the minimum curriculum;

(15) The school shall establish and maintain criteria and standards for student grading, evaluation, and performance and shall award a certificate or diploma to a student only upon completing a full course of study in compliance with such standards, except that no student shall receive such certificate or diploma until he or she has satisfied or made an agreement with the school to satisfy all outstanding financial obligations to the school;

(16) The school shall maintain on file the registrations of each student;

(17) The school shall submit a monthly report to the department, on forms established by the department, indicating the students and student instructors enrolled, the hours and credits earned, the instructors employed, the hours of operation, and such other pertinent information as the board and the department shall require. No hours or credits shall be allowed for any student unless such student is duly registered and the hours and credits are reported by the school; and

(18) The school shall print and provide to each student a copy of the school rules, which shall not be inconsistent with the Nebraska Cosmetology Act or with the rules and regulations adopted and promulgated under such act and which shall include policies of the school with respect to tuition, reimbursement, conduct, attendance, grading, earning of hours and credits, demerits, penalties, dismissal, graduation requirements, dress, and other information sufficient to advise the student of the standards he or she will be required to maintain. The board may review any school's rules to determine their consistency with the intent and content of the Nebraska Cosmetology Act and its rules and regulations and may overturn any rules found not to be in accord. ~~; and~~

~~(19) The school shall at all times employ at least one person holding a current certificate in cardiopulmonary resuscitation.~~

Sec. 19. That section 71-3,162, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3,162. ~~(1) Any person providing home services shall be currently certified to perform cardiopulmonary resuscitation.~~

~~(2)~~ No licensee may perform home services except when employed by or under contract to a salon holding a valid home services permit.".

5. Renumber remaining sections accordingly.

Mrs. Marsh requested a ruling of the Chair on whether the Lamb amendment is germane to the bill.

The Chair ruled the Lamb amendment is germane to the bill.

Mr. Weihing asked unanimous consent to be excused. No objections. So ordered.

The Lamb amendment was adopted with 25 ayes, 2 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 543A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 432. E & R amendments, AM5108, found in the Journal on page 953 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 71, 186, 199, 212, 246, 285, 329, 359, 366, 436, 440, 491A, 531, 539, 567, 568, 604, 643, and 715.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 71

The following changes, required to be reported for publication in the Journal, have been made:
ER0132

1. In the Ashford amendment adopted March 9, 1987, found beginning on page 969 of the Journal, the first period has been struck, "this act" has been struck and "the Uniform Arbitration Act" inserted, and underscoring has been inserted in all matter within quotation marks.
2. In the Landis amendment, AM0326, adopted March 9, 1987, on page 1, line 19, an underscored comma has been inserted after "77-2901".

Enrollment and Review Change to LB 440

The following changes, required to be reported for publication in the Journal, have been made:

ER0133

1. In the Haberman amendment, AM0519, adopted March 9, 1987, on page 1, line 8, "vocational" has been struck; and in line 9 "community" has been inserted after "technical".

2. On page 1, line 2, "and" has been struck and after the last comma "and 77-2363," has been inserted; and in line 5 after the second semicolon "to provide for certain causes of action;" has been inserted.

Enrollment and Review Change to LB 604

The following changes, required to be reported for publication in the Journal, have been made:

ER0134

1. On page 2, line 10, "any" has been inserted after "not".

Enrollment and Review Change to LB 643

The following changes, required to be reported for publication in the Journal, have been made:

ER0131

1. On page 7, line 15, the comma has been struck.

2. On page 9, the matter beginning with "when" in line 12 through "them" in line 13 has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 191 in the Journal. No objections. So ordered.

AM0549

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) Any release of liability or settlement agreement entered into within a period of fifteen days from the date of an occurrence causing physical injury to any person or entered into prior to the initial discharge of the injured person from any hospital in which the injured person is confined as a result of such physical injury which is entered into

without the advice of counsel or court approval, is voidable by the injured person as provided in subsections (2) and (3) of this section.

(2) Notice of cancellation of the release or settlement agreement, together with any payment or other consideration received in connection with such release or agreement, shall be mailed or delivered to the party to whom the release or settlement agreement was given or from whom the payment was received by the later of the following dates:

(a) Within fifteen days from the date of the occurrence causing the injuries which are subject of the settlement agreement or liability release; or

(b) Within fifteen days after the date of the injured person's discharge from the hospital in which such person has been confined continuously since the date of the occurrence causing the injury.

(3) Notice of cancellation, if given by mail, shall be given when such notice is deposited in the United States mail properly addressed and with postage prepaid. Notice of cancellation given by the injured person need not take a particular form and shall be sufficient if it indicates by any form of written expression the intention of the injured person not to be bound by the settlement agreement or liability release.

Sec. 2. No person or agent of any person whose interest is adverse to another person who has been injured as a result of an occurrence which might give rise to liability and who is a patient under a licensed physician's care or is hospitalized shall take an initial statement from such injured person unless:

(1) The person or agent requesting the statement discloses whom he or she represents and the purposes for which the statement may be used;

(2) The injured person is informed that he or she does not have to make a statement;

(3) The injured person is informed that he or she may make the statement in the presence of his or her representative or with the advice of counsel; and

(4) The statement is taken in written or recorded form and a copy or transcript is available at no cost to the injured person.

Any statement made prior to the completion of the requirements of this section shall be deemed to have

been taken under duress.".

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 774. Placed on General File.

LEGISLATIVE BILL 678. Placed on General File as amended.
Standing Committee amendment to LB 678:
AM0528

1. On page 2, line 15, strike "enlarged", show as stricken, and insert "altered"; and in line 19 strike "municipality" and insert "city council or village board".

LEGISLATIVE BILL 545. Indefinitely postponed.

LEGISLATIVE RESOLUTION 16CA. Indefinitely postponed.

(Signed) Lee Rupp, Chairperson

Transportation

LEGISLATIVE BILL 428. Placed on General File.

(Signed) Howard Lamb, Chairperson

Judiciary

LEGISLATIVE BILL 569. Placed on General File.

LEGISLATIVE BILL 582. Placed on General File as amended.
Standing Committee amendment to LB 582:
AM0494

1. Strike the original sections and insert the following new sections:

"Section 1. Drug use and abuse in our society today is a problem reaching large proportions and affecting thousands of our nation's and our state's citizens. An increasing amount of drug use and abuse has entered the work place thus increasing the risk of injury to employees and the public. An employee's right to privacy and his or her right to work are protected and must be maintained. It is the intent of the

Legislature through this act to help in the treatment and elimination of drug use and abuse in the work place while protecting the employee's rights.

Sec. 2. For purposes of this act, unless the context otherwise requires, drug shall mean any alcoholic liquor as defined in section 53-103 or any substance, chemical, or compound as described, defined, or delineated in sections 28-405 and 28-419.

Sec. 3. Any results of any test performed on an employee, as directed by the employer, to determine the presence of drugs shall not be used to deny any continued employment or in any disciplinary action unless the following requirements are met:

(1) All specimens which result in a finding of drugs by preliminary screening procedures shall be subsequently retested by gas chromatography-mass spectrometry or other scientific testing equivalent approved by the Department of Health, except that all specimens which result in a finding of alcohol shall be retested by gas chromatography with a flame ionization detector. The department may approve testing techniques or methods other than that required in this subdivision if such other techniques or methods provide comparably reliable analytical results;

(2) All retests shall be analyzed by a clinic, hospital, or laboratory which is licensed pursuant to the Federal Clinical Laboratories Improvement Act of 1967, 42 U.S.C. 263(a);

(3) All specimens which result in a finding of drugs shall be refrigerated and preserved in a sufficient quantity for retesting for a period of at least one hundred twenty days;

(4) A written record of the chain of custody of the specimen shall be maintained from the time of the collection of the specimen until the specimen is no longer required; and

(5) The employer shall maintain the confidentiality of all test results, except that such results shall be released to a law enforcement agency or the employee upon request.

Sec. 4. (1) It shall be unlawful to sell body fluids or possess body fluids other than one's own for the purpose of negating a positive result of any test to determine the presence of drugs.

(2) Any person who violates subsection (1) of this section shall be guilty of a Class I misdemeanor.

Sec. 5. (1) No person shall tamper with body fluids at any time during the collection of such fluids for a test to determine the presence of drugs or the analysis process for such test in any way that could alter the analytical results.

(2) Any employee who violates subsection (1) of this section may be subject to the same discipline as if the test would have shown a positive result.

(3) Any person, other than the tested employee, who tampers with any analytical test shall be guilty of a Class I misdemeanor.".

(Signed) Jerry Chizek, Chairperson

Education

LEGISLATIVE BILL 326. Placed on General File.

(Signed) Ron Withem, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 775. By Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202, 77-2701, and 77-2734.05, Reissue Revised Statutes of Nebraska, 1943; to adopt the Employment and Investment Growth Act; to define terms; to provide an election for income tax treatment of certain gain from the sale of capital stock as prescribed; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 10, 1987, at 11:38 a.m., were the following bills: 730, 730A, and 404.

(Signed) Pam Moravec, Enrolling Clerk

RESOLUTION

LEGISLATIVE RESOLUTION 46.

Introduced by Barrett, 39th District.

WHEREAS, the annual state basketball tournament for Nebraska high school students provides a great interest to sports-minded Nebraskans; and

WHEREAS, the tournament provides a demonstration of youthful conditioning and excellence and a demonstration of hard work and endurance; and

WHEREAS, the Lexington High School girls' basketball team won the state's Class B basketball crown, March 7, 1987; and

WHEREAS, such outstanding achievement is deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature extend their congratulations and best wishes to the members of the Lexington High School girls' basketball team for winning the Class B championship.

2. That the Legislature commends the competitive spirit and sportsmanship exhibited by the Lexington High School girls' basketball team demonstrated by its participation in the Class B championship game.

3. That a copy of this resolution be sent to the principal of Lexington High School.

Laid over.

VISITORS

Visitors to the Chamber were 75 fourth grade students and teacher from Gretna Public School; Roger Weber and Willard Waltke from Beatrice; Deyman and Betty Meyer and J. D. Simmons from Campbell; a group of Seward County Extension Club members; Peter Affatato from Hicksville, NY; members of the Home Culture Club from Stanton and Pilger; and a group of juniors and seniors and sponsor from Campbell Public School.

ADJOURNMENT

At 12:05 p.m., on a motion by Mr. L. Johnson, the Legislature adjourned until 9:00 a.m., Wednesday, March 11, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 11, 1987

LEGISLATIVE JOURNAL

FORTY-FIRST DAY - MARCH 11, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 11, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Richard Johnson, Temple Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Chambers, Elmer, Haberman, Hannibal, Hartnett, V. Johnson, Landis, Miller, Moore, Rupp, Warner, Withem, Mesdames Labedz, Morehead, Smith, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fortieth Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 279. Placed on General File as amended.

Standing Committee amendment to LB 279:
AM0510

1. Strike the original sections and insert the following new sections:

"Section 1. That section 66-1307, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-1307. There is hereby created the Ethanol Authority and Development Cash Fund which shall be used by the board to carry out its responsibilities under the Ethanol Authority and Development Act. The fund may be used to defray the expenses of the board, to secure bonds, to make grants pursuant to sections 66-1317 to 66-1325, to provide equity financing for construction of ethanol production and distribution facilities pursuant to Chapter 70, and as the board may otherwise direct, including the construction or acquisition of ethanol or ~~fructose~~ other agricultural byproduct production facilities. When determining whether to recommend construction of a project for the production and distribution of ethanol or ~~fructose~~ other agricultural byproducts or how funds should be distributed pursuant to the Ethanol Authority and Development Act and sections 70-301, 70-601, 70-601.01, 70-604, 70-604.02, 70-626, 70-628.01 to 70-628.04, 70-631, 70-632, 70-636, 70-637, 70-646, 70-655, 70-657, 70-667, 70-802, 70-1402 to 70-1404, 70-1409, 70-1413, 70-1416, and 70-1417, the board's considerations shall include, but not be limited to, job creation, economic return to the state, size of the plant, byproducts or coproducts, if any, date construction would be commenced and completed, the financial stability of the applicant, and the amount of funds needed to commence construction of the plant or facility. The State Treasurer shall credit to the fund such money as shall be (1) appropriated to the fund by the Legislature, (2) received from the tax levied pursuant to section 66-1308, (3) donated as gifts, bequests, grants, or other contributions to the fund from public or private sources, and (4) received by cities, counties, or villages pursuant to section 66-1324. Funds made available by any department or agency of the United States may also be credited to the fund if so directed by the board. 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 section 66-1317, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-1317. Any city, county, or village or any Indian tribe in the State of Nebraska may apply for a grant from the board to facilitate the construction or acquisition of an ethanol plant or a facility related to the processing or storage of ethanol or any coproducts or byproducts from an ethanol plant. The grant shall be in an amount up to but not more than five million dollars or ten per cent of the total capital cost of the plant or facility, whichever is less.

Sec. 3. That section 66-1323, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-1323. Within sixty days of the receipt of an application, the board shall determine whether a city, county, or village or any Indian tribe in the State of Nebraska shall receive a grant. If there are more qualified applicants than grants available, priority shall be given to those applicants which the board deems to be most qualified. When determining qualified applicants, the board's considerations shall include, but not be limited to, job creation, economic return to the state, size of the plant, byproducts or coproducts, if any, dates construction would be commenced and completed, financial stability of the applicant, and size of the grant needed to commence construction of the plant or facility. For purposes of sections 66-1317 to 66-1325 preference shall be given to those applicants which show the ability to repay all or any portion of such grant.

Sec. 4. That section 66-1324, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-1324. Any repayment of a loan or grant made pursuant to the Ethanol Authority and Development Act ~~by the owner or operator of an ethanol plant or facility, upon receipt by a city, county, or village,~~ shall be remitted to the State Treasurer and shall be placed in the Ethanol Authority and Development Cash Fund.

Sec. 5. The Legislature hereby finds and declares that carbon monoxide levels in certain cities of Nebraska exceed allowable standards of the federal Environmental Protection Agency. The Legislature also finds that air quality is of vital concern to the citizens of the State of Nebraska because of its affects on health and quality of life. Since exhaust emissions from motor vehicles, especially carbon monoxide, directly impact the irreplaceable resource of clean air, it is the intent of the Legislature to study, develop, and promote the utilization of motor vehicle fuels, such as oxygenated fuels, which have been shown to effectively lower carbon monoxide exhaust emissions.

As used in this section and section 6 of this act, oxygenated fuels shall mean gasolines blended with a component or components containing oxygen.

Sec. 6. (1) The Legislature directs the Department of Environmental Control to study the effects of motor vehicle exhaust emissions on the quality of air in selected areas of Nebraska, and to determine the effectiveness of the utilization of oxygenated fuels on reducing harmful motor vehicle exhaust emissions, such as carbon monoxide.

(2) The department may cooperate with other federal, state, and local entities, both public and private, in conducting the study required by this section and section 5 of this act.

(3) The department shall report its findings to the Legislature no later than December 31, 1987.

Sec. 7. That original sections 66-1307, 66-1317, 66-1323, and 66-1324, Reissue Revised Statutes of Nebraska, 1943, and also section 66-1318, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 594. Placed on General File as amended.
Standing Committee amendment to LB 594:
AM0368

1. On page 12, line 2, after "available" insert ", except that such owner or operator may agree to a cost-share rate of less than ninety per cent. To be enforceable, any agreement providing for cost-sharing assistance at a rate of less than ninety per cent shall include notice that the landowner or operator may choose not to sign such agreement and that such choice will

preserve the right to not less than ninety per cent cost-sharing assistance before any permanent soil and water conservation practices can be required by the district".

LEGISLATIVE BILL 705. Placed on General File as amended.
Standing Committee amendment to LB 705:
AM0555

1. On page 3, line 3, strike "1987" and insert "1988"; and strike lines 4 and 5.

LEGISLATIVE BILL 761. Placed on General File as amended.
Standing Committee amendment to LB 761:
AM0514

1. Strike the original section and insert the following new section:

"Section 1. Any entity supplying electricity to rural areas shall install a main electrical disconnect when making improvements to or new installations of electrical service on any rural dwelling to which it supplies electricity and which does not have a main electrical disconnect on the effective date of this act. The supplier may assess an installation fee against the owner of such dwelling, which fee shall not exceed fifty per cent of the cost of installation including the cost of the equipment installed. Any equipment installed shall remain the property of the supplier.

For purposes of this section, (1) rural dwelling shall mean buildings to which electricity is supplied and which are located outside the legal boundaries of an incorporated municipality and (2) main electrical disconnect shall mean a device or group of devices or other means approved by the National Electrical Safety Code by which the conductor of a current can be disconnected from its source of supply.".

(Signed) Loran Schmit, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the following Governor appointment.

Banking, Commerce and Insurance

William H. McCartney - Director, Department of Insurance

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

ATTORNEY GENERAL'S OPINION

Opinion No. 87027

DATE: February 25, 1987

SUBJECT: Rural mailboxes

REQUESTED BY: Senator Howard Lamb
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Warren D. Lichty, Jr., Assistant Attorney General

Your inquiry regarding LB 299 which is pending, together with amendment AM0152 which is also under consideration, is whether the legislature has the power to make the requirements contained in amendment 0152. The first question asks whether section 1(2) of the amendment is within the authority of the legislature. It, in effect, requires that no mailbox may be removed by departmental rule and regulation except in connection with a federal-aid highway construction or reconstruction project.

Whether this is within the authority of the legislature depends on whether the requirement is constitutional. If unreasonable classifications are established, then it would be deemed special legislation. We believe this section does create unreasonable classifications and is therefore unconstitutional.

Starting with a general class consisting of all rural mailboxes, we find that general class split into two classifications. According to the amendment, it applies to any State highway on which construction or reconstruction financed by federal funds occurs after January 1, 1987. It does not apply to any State highways on which construction or reconstruction occurs after that date if financed solely by State funds. Therefore, we do have two classifications.

The next question then is whether there is a rational or reasonable basis for distinguishing between Landowner A who lives on a State highway on which a federal aid project is constructed and Landowner B who lives on a State highway on which a State-funded project is constructed. In other words, is there any State purpose in allowing Landowner B to keep his decorator mailbox while Landowner A loses his. We are unable to see any difference between Mr. A and Mr. B which would justify putting them into separate classifications.

A review of the cases indicates that legislative acts of a similar nature have been held unconstitutional as improper classifications. The motor vehicle inspection law was held unconstitutional as requiring some roadable vehicles to be inspected while others were exempted. State v. Edmunds, 211 Neb. 380, 318 N.W.2d 859 (1982). A former Installments Sales Act which set different interest rates for automobiles, based on their age was held unconstitutional, and the court said:

> The age of a motor vehicle affords no reasonable classification for the fixing of maximum rates of interest...
>
> We conclude that the classification of property...for the purpose of fixing maximum rates of interest...is unreasonable, arbitrary and capricious, and in violation of Article III, section 18, Constitution of Nebraska, prohibiting special legislation. The class does not operate uniformly on the persons and property in the class sought to be regulated. Elder v. Doerr, 175 Neb. 483, 494-495, 122 N.W.2d 528 (1963).

In Axberg v. City of Lincoln, 141 Neb. 55, 64, 2 N.W.2d 613 (1942), a statute requiring all cities of the metropolitan and first class which maintained paid firemen to provide pensions was amended to exclude home rule cities from this requirement. The court said:

> We think that (the) section...is not only void as local and special legislation in its application, but it is violative of section 18, art. III of the Constitution, in that it is not uniform as to class. There is no sufficient reason advanced why one city of the first class should be exempted from the special obligations and burdens of the firemen's pension law, while others in the same class are required to submit to such obligations and burdens. The attempt of the legislature, by the enactment of (the) section...constitutes arbitrary action, and the contentions of appellees to the contrary are without merit.

Your second question is whether section 2 of the amendment may exempt from liability under the Tort Claims Act, the State or any political subdivision in regard to mailboxes. First, we must point out that section 2 does not accomplish this stated purpose. Section 2 amends a portion of the Political Subdivisions Tort Claims Act by

making this exception. The State is governed by the State Tort Claims Act, which the amendment does not purport to amend. Therefore, amendment AM0152 would clearly not exempt the State from such liability. Since section 1 refers only to the Department of Roads and State highways, it would appear that the drafters did not really intend to amend Section 23-2410. If it was intended to exempt the State from liability for nonconforming mailboxes, it would appear that section 2 should amend Section 81-8219.

As to that part of your second question which asks if the legislature has authority to enact such an exemption, we believe that it has. Prior to enactment of the State Tort Claims Act, the State was exempt from all such suits under the doctrine of sovereign immunity. The effect of the State Tort Claims Act, as stated in Section 81-8209, was to continue sovereign immunity with certain exceptions, and it is under the exceptions that the State may be sued. Pursuant thereto, however, section 81-8219 lists certain types of claims which may not be brought. Thus, subsection 2 of section 2 of the amendment, if placed in Section 81-8219, would only add another exception to those already listed. This, we believe, the legislature has every right to do.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Warren D. Lichty, Jr.
Assistant Attorney General

WDL/ta
cc: Patrick J. O'Donnell
Clerk of the Legislature

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 41 and LR 45.

RESOLUTIONS

LEGISLATIVE RESOLUTION 40. Read. Considered.

LR 40 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 42. Read. Considered.

LR 42 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 43. Read. Considered.

LR 43 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 44. Read. Considered.

LR 44 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 46. Read. Considered.

LR 46 was adopted with 26 ayes, 0 nays, and 23 not voting.

GENERAL FILE

LEGISLATIVE BILL 292A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 3 nays, 9 present and not voting, and 12 excused and not voting.

STANDING COMMITTEE REPORT
Transportation

The Committee on Transportation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Margaret L. Higgins - Department of Motor Vehicles

Voting aye: Senators Lamb, Ashford, Pirsch, Rogers, Rupp, and Schellpeper. Voting nay: None. Absent: Senators Beyer and Wesely.

(Signed) Howard Lamb, Chairperson

GENERAL FILE

LEGISLATIVE BILL 123. Mr. Chambers renewed his pending amendment found in the Journal on page 973 to the Standing Committee amendment.

Mr. Chambers moved for a call of the house. The motion prevailed with 6 ayes, 2 nays, and 41 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Barrett	Hartnett	McFarland	Nelson	Weihing
Chambers	Higgins	Miller	Smith	Withem

Voting in the negative, 24:

Ashford	Elmer	Korshoj	Pirsch	Scofield
Chizek	Goodrich	Labedz	Remmers	Warner
Conway	Haberman	Lamb	Rogers	Wehrbein
Coordsen	Hefner	Langford	Schellpeper	Wesely
Dierks	Johnson, L.	Marsh	Schmit	

Present and not voting, 8:

Baack	Hall	Johnson, R.	Moore	Peterson
Beyer	Harris	Lynch		

Excused and not voting, 7:

Abboud	Johnson, V.	Morehead	Pappas	Rupp
Hannibal	Landis			

The Chambers amendment lost with 10 ayes, 24 nays, 8 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Miller asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:

In section 2 (5)(b) - line 15, strike "individual" and insert "person".

Messrs. Harris and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 23 ayes, 4 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Hall offered the following amendment to the Standing Committee amendment:
Sec. 3, line 21 strike "without compensation"

Mr. Hall withdrew his pending amendment.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Mr. Chizek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 7 nays, 10 present and not voting, and 5 excused and not voting.

PRESIDENT NICHOL PRESIDING

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 344A. By Smith, 33rd District; R. Johnson, 34th District; Nelson, 35th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 344, Ninetieth Legislature, First Session, 1987.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

Governor Appointment Tuesday, March 17, 1987 1:30 p.m.
William H. McCartney - Director, Nebraska Department of Insurance

(Signed) R. W. Remmers, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 432.

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 335. Placed on General File.

(Signed) R. W. Remmers, Chairperson

Business and Labor

LEGISLATIVE BILL 226. Placed on General File as amended.
Standing Committee amendments to LB 226:
AM0538

1. On page 4, strike beginning with "Every" in line 14 through the period in line 18.
2. On page 6, strike beginning with "The" in line 11 through "and" in line 15 and insert "The owner of an amusement ride shall send a copy of any accident report required by his or her insurer to the commissioner. The commissioner".
3. On page 7, line 5, after the first "fund" insert "and shall be used for the sole purpose of administering the provisions of the act".
4. On page 8, strike beginning with "and" in line 7 through "time" in line 8.

LEGISLATIVE BILL 462. Placed on General File as amended.
Standing Committee amendments to LB 462:
AM0537

1. On page 2, line 11, after "water" insert "only"; and in line 24 after "commissioner" insert "or

his or her designee".

2. On page 3, line 12, after the comma insert "technical engineer, operating engineer, or boiler inspector and hold a commission from the National Board of Boiler and Pressure Vessel Inspectors or acquire the commission within twelve months of appointment,"; and in line 14 strike "and" and show as stricken and after "inspection" insert ", or operation".

3. On page 6, line 22, after "(5)" insert "steam"; and in line 23 after "in" insert "single family" and after "residences" insert "and apartment houses with four or less units".

4. On page 7, line 2, after "(6)" insert "heating boilers using water in single family residences and apartment houses with four or less units using a pressure of less than thirty pounds per square inch and having a safety valve set at not higher than thirty pounds pressure per square inch, (7)"; in line 3 strike "(7)", show as stricken, and insert "(8)"; in line 9 strike "(8)" and insert "(9)"; and in line 13 after "hundred" insert "ten".

5. On page 8, line 9, strike "and"; in line 11 after "boilers" insert ", and (4) the Steam Pressure Vessels and American Petroleum Institute Pressure Vessel Inspection Code ANSI-API-510".

LEGISLATIVE BILL 661. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0539.)

LEGISLATIVE BILL 349. Indefinitely postponed.
LEGISLATIVE BILL 718. Indefinitely postponed.

The Committee on Business and Labor desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Virginia Yeuill - Commissioner, Department of Labor

Voting aye: Senators Hall, Coordsen, Korshoj, and Labedz. Voting nay: None. Present and Not Voting: Senator Landis. Absent: Senators Hefner and Chambers.

(Signed) Tim Hall, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 703. Placed on General File as amended.
Standing Committee amendments to LB 703:
AM0527

1. On page 2, line 7, after "Nebraska" insert "if such branches are located within one hundred miles of the corporate limits of the municipality in which the bank is chartered to conduct business or within one hundred miles of the bank's main office as indicated in its charter if such bank is not located within a municipality".

2. On page 15, line 12, strike the new matter and reinstate the stricken matter.

(Signed) R. W. Remmers, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 47.

Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Abboud, 12th District; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Marsh, 29th District; Moore, 24th District; Scofield, 49th District; Wehrbein, 2nd District.

WHEREAS, there exists a need for additional housing and parking space at Kearney State College; and

WHEREAS, there is now available for purchase, property located at 1824 West 24th Street, in the 1800 block on West U.S. Highway 30, in Kearney, Nebraska, at a total cost of $310,000; and

WHEREAS, pursuant to the provisions of Section 3.10 of Article III of the Kearney State College Student Fees and Facilities Revenue Bonds Series 1966 Resolution, the Board of Trustees of the Nebraska State Colleges, on January 23, 1987, adopted a resolution authorizing an expenditure from the Series 1966 Surplus Fund in a total amount not to exceed $310,000 for purchase of the property described above; and

WHEREAS, there was on deposit with Norwest Bank Nebraska, NA, Omaha, Nebraska, Trustee on December 31, 1986, the amount of $1,832,694.46 in the Series 1966 Surplus Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That pursuant to section 85-408 the resolution of the Board of Trustees of the Nebraska State Colleges, dated January 23, 1987, is approved.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 617	Wednesday, March 18, 1987	1:30 p.m.
LB 670	Wednesday, March 18, 1987	1:30 p.m.
LB 673	Wednesday, March 18, 1987	1:30 p.m.
LB 64	Thursday, March 19, 1987	1:30 p.m.
LB 309	Thursday, March 19, 1987	1:30 p.m.
LB 475	Thursday, March 19, 1987	1:30 p.m.
LB 750	Thursday, March 19, 1987	1:30 p.m.
LB 502	Friday, March 20, 1987	1:30 p.m.
LB 512	Friday, March 20, 1987	1:30 p.m.
LB 536	Friday, March 20, 1987	1:30 p.m.
LB 719	Friday, March 20, 1987	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 123. Mr. Chambers moved that LB 123 be bracketed until May 29, 1987.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

PRESIDENT NICHOL PRESIDING

MOTHERS OF THE YEAR

Messrs. Barrett, McFarland, and Mrs. Marsh escorted the following women to the rostrum: Mrs. Virginia Sitorius, President of the

Nebraska Mothers' Association; Mrs. Susan Letheby, 1987 Young Mother Representative; and Lois Opper Schwab, Mother of the Year.

SPEAKER BARRETT PRESIDING

GENERAL FILE

LEGISLATIVE BILL 123. The pending Chambers motion found in this day's Journal to bracket until May 29, 1987 was renewed.

Messrs. Rogers, Haberman, and Withem 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.

Mr. Rupp asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a record vote on his motion to bracket.

Voting in the affirmative, 7:

Hall	McFarland	Pappas	Remmers	Weihing
Higgins	Nelson			

Voting in the negative, 26:

Abboud	Coordsen	Hefner	Landis	Peterson
Ashford	Dierks	Johnson, L.	Langford	Pirsch
Baack	Elmer	Korshoj	Marsh	Schellpeper
Chambers	Goodrich	Labedz	Moore	Scofield
Chizek	Hannibal	Lamb	Morehead	Smith
Conway				

Present and not voting, 6:

Barrett	Hartnett	Johnson, R.	Warner	Wehrbein
Beyer				

Excused and not voting, 10:

Haberman	Johnson, V.	Miller	Rupp	Wesely
Harris	Lynch	Rogers	Schmit	Withem

The Chambers motion to bracket lost with 7 ayes, 26 nays, 6 present and not voting, and 10 excused and not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 451. Placed on General File.
LEGISLATIVE BILL 573. Placed on General File.

LEGISLATIVE BILL 537. Placed on General File as amended.
Standing Committee amendments to LB 537:
AM0546

1. On page 11, line 25, after "(ii)" insert "any substance considered generally recognized as safe and effective within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 201 et seq., (iii)".
2. On page 12, line 2, strike "(iii)" and insert "(iv)".

LEGISLATIVE BILL 49. Indefinitely postponed.
LEGISLATIVE BILL 221. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 775.

LB	Committee
775	Revenue

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 292A. Placed on Select File.

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 679. Placed on General File.
LEGISLATIVE BILL 721. Placed on General File.

LEGISLATIVE BILL 598. Placed on General File as amended.
Standing Committee amendments to LB 598:
AM0563
1. Strike original section 8.
2. Renumber the remaining sections
accordingly.

LEGISLATIVE BILL 546. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

Agriculture

LEGISLATIVE BILL 83. Indefinitely postponed.
LEGISLATIVE BILL 458. Indefinitely postponed.
LEGISLATIVE BILL 738. Indefinitely postponed.
LEGISLATIVE BILL 755. Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 292 and 626.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 626

The following changes, required to be reported for publication in the Journal, have been made:
ER0136

1. On page 1, line 1, "monuments" has been struck and "the military" inserted; in line 3 ", and section 80-401.01, Revised Statutes Supplement, 1986" has been inserted after "1943"; in line 5 "and" has been struck and "to redefine a term;" inserted; and in line 6 "section" has been struck and "sections; and to declare an emergency" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 459A in the Journal. No objections. So ordered.

AM0526

(Final Reading Copy)

1. Insert the following new section:

"Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, line 3, after "1987" insert "; and to declare an emergency".

3. On page 2, line 3, strike "1987" and insert "1986" and strike "1988" and insert "1987".

RESOLUTION

LEGISLATIVE RESOLUTION 48.

Introduced by Hefner, 19th District; Abboud, 12th District; Ashford, 6th District; Baack, 47th District; Barrett, 39th District; Beyer, 3rd District; Chambers, 11th District; Chizek, 31st District; Conway, 17th District; Coordsen, 32nd District; Dierks, 40th District; Elmer, 38th District; Goodrich, 20th District; Haberman, 44th District; Hall, 7th District; Hannibal, 4th District; Hartnett, 45th District; Higgins, 9th District; L. Johnson, 15th District; R. Johnson, 34th District; Korshoj, 16th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Langford, 36th District; Marsh, 29th District; McFarland, 28th District; Moore, 24th District; Morehead, 30th District; Nelson, 35th District; Pappas, 42nd District; Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rogers, 41st District; Rupp, 22nd District; Schellpeper, 18th District; Schmit, 23rd District; Scofield, 49th District; Smith, 33rd District; Warner, 25th

District; Wehrbein, 2nd District; Weihing, 48th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, Dwight W. Burney passed away Tuesday March 10, 1987; and

WHEREAS, Dwight W. Burney, a native of Hartington, Nebraska, served the State of Nebraska for two decades as a State Senator, Lieutenant Governor, and Governor; and

WHEREAS, while serving the State of Nebraska Dwight Burney was known as an independent thinker and a courageous man with strong convictions; and

WHEREAS, the family of Dwight Burney can take great pride in his long, fruitful life and his dedication to and belief in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its sympathy to the family of Dwight W. Burney and takes this occasion to pay grateful tribute to Governor Burney's memory.

2. That a copy of this resolution be presented to Governor Burney's widow, Grace.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 223 in the Journal. No objections. So ordered.

AM0567

(Amendments to the Final Reading Copy)

1. On page 5, line 15, strike "All" and insert "Commencing on and after January 1, 1988, all".

NOTICE OF COMMITTEE HEARING
Revenue

LB 775 Friday, March 20, 1987 1:30 p.m.

(Signed) Elroy M. Hefner, Vice Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Miller and Mrs. Langford asked unanimous consent to print the following amendment to LB 211 in the Journal. No objections. So ordered.

AM0566

(Amendments to the Standing Committee amendments, AM0357)

1. On page 1, line 6, strike "(1)"; and strike lines 19 to 21 and show the old matter as stricken.

2. On page 2, strike beginning with "performance" in line 1 through "an" in line 6, show the old matter as stricken, and insert "An"; in line 18 strike "(1)"; and strike beginning with the comma in line 21 through line 24, show the old matter as stricken, and insert "shall furnish the county with an irrevocable letter of credit, a certified check upon a solvent bank, or a performance bond in a guaranty company qualified to do business in Nebraska, as prescribed by and in an amount determined by the county board of supervisors or commissioners, conditioned for the faithful performance of the contract and executed by the bidder to the county and to all parties interested in the amount of the bid.".

3. On page 3, line 1, strike "as the county board may determine." and show as stricken; strike lines 4 to 13; and in line 17 strike "(1)".

4. On page 4, strike beginning with "shall" in line 8 through the comma in line 10 and show the old matter as stricken; in line 13 after the period insert "The person to whom the contract is awarded shall furnish the county with an irrevocable letter of credit, a certified check upon a solvent bank, or a performance bond in a guaranty company qualified to do business in Nebraska, as prescribed by and in a sum determined by the county board, conditioned for the faithful performance of the contract."; and strike lines 17 to 24.

5. On page 5, strike line 1; and in line 5 strike "(1)".

6. On page 6, lines 3 and 4, strike the new matter and reinstate the stricken matter; strike beginning with "enter" in line 5 through "contract" in line 8, show as stricken, and insert "furnish the county

with an irrevocable letter of credit, a certified check upon a solvent bank, or a performance bond in and guaranty company qualified to do business in Nebraska, as prescribed by and in a sum determined by the county board of supervisors, conditioned for the faithful performance of such contract"; and strike lines 11 to 18.

7. On page 8, lines 6 and 7, strike the new matter and reinstate the stricken matter; and strike beginning with "give" in line 8 through "shall" in line 21 and show the old matter as stricken.

8. On page 10, line 6, strike beginning with "in" through "less"; and in line 11 strike "and in a sum determined by".

STANDING COMMITTEE REPORT
Agriculture

LEGISLATIVE BILL 138. Placed on General File as amended.
Standing Committee amendments to LB 138:
AM0444

1. On page 7, line 20, after the period insert "The control authority shall follow the applicable rules and regulations adopted and promulgated by the Department of Agriculture issued prior to the effective date of this act, until the control authority adopts and promulgates rules and regulations which shall be no later than January 1, 1988."; and reinstate the stricken language in lines 23 through 25.

2. On page 8, reinstate the stricken language in lines 1 through 12.

3. On page 11, line 3, strike "shall" and reinstate "may"; in line 13 strike "and at least annually thereafter" and show as stricken; and in line 14 strike "control authority" and insert "Federal Environmental Protection Agency as a commercial applicator under the Federal Insecticide, Fungicide, and Rodenticide Act.".

4. Insert the following new section:

"Sec. 5. Beginning January 1, 1988, each county weed superintendent shall be required to complete twenty hours of annual continuing education. The cost of continuing education shall be included in the annual budget of the weed control authority. Such continuing

education shall focus on use of equipment, drift control, calibration, proper selection of pesticides, legal responsibilities, and duties of office. Any statewide association of county weed control superintendents or of local governments responsible for weed control may sponsor the required continuing education program. All continuing education programs shall be submitted to the Director of Agriculture for review and approval. The sponsoring organization shall maintain records of attendance and notify each county board of the hours completed by its weed control superintendent by January 1 of each year. Failure to complete the required number of hours of continuing education shall subject such weed control superintendent to removal from office by the county board.".

5. Renumber the remaining sections accordingly.

(Signed) Rod Johnson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 49.

Introduced by R. Johnson, 34th District.

WHEREAS, 1986-87 has been a banner year for girls' athletics at Osceola High School; and

WHEREAS, the girls volleyball team finished the season with a 16-5 record and made it to the semifinals of the Girls State Volleyball Tournament; and

WHEREAS, the girls basketball team finished the season with a 20-1 record, won the Class C-2 crown at the Girls State Basket Tournament, and received the number 1 ranking in the Omaha World Herald's basketball ratings poll; and

WHEREAS, the success of both teams demonstrates dedication, team work, and spirit.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the members of the Osceola High School girls volleyball and basketball teams and their coaching staffs.

2. That a copy of this resolution be sent to the members of the girls volleyball and basketball teams and their coaching staffs.

Laid over.

VISITORS

Visitors to the Chamber were 7 foreign exchange students and sponsor; Dave Kucera from Kearney; 53 fourth grade students and sponsor from Linden and Washington Schools, Fremont; Bill Cavanaugh and George Stryker from Omaha; Mayor Bob Sargent and Stan Wirth from Beatrice, Lodeen Clausen from Gage County, Diane Schwenke, Wayne Bitting, and Ron Miller.

MOTION - Adjournment

Mrs. Morehead moved to adjourn. The motion prevailed with 17 ayes, 4 nays, and 28 not voting, and at 12:12 p.m., on a motion by Mrs. Morehead, the Legislature adjourned until 9:00 a.m., Thursday, March 12, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SECOND DAY - MARCH 12, 1987

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 12, 1987

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Fred Hunting, Lincoln Institute of Religion.

ROLL CALL

The roll was called and all members were present except Mr. Lynch who was excused; and Messrs. Abboud, Chambers, Chizek, Hall, V. Johnson, Remmers, Rogers, Schmit, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-First Day was approved.

MESSAGES FROM THE GOVERNOR

March 11, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 254, 272, 365, 461, 468, 487, 306, and 629 were received in my office on March 9, 1987.

These bills were signed by me on March 11, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

March 11, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 730, 730A, and 404 were received in my office on March 10, 1987.

These bills were signed by me on March 11, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

COMMUNICATION

March 11, 1987

Mr. Patrick J. O'Donnell
Clerk of the Legislature
P.O. Box 94604
Lincoln, NE 68509-4604

Dear Mr. O'Donnell:

By this letter the University is requesting that the Appropriations Committee defer action relative to the UNL Recreation/Athletic Facility. First, will be the issuance of an amendment to the Request for Proposal for this project. Second, the University will review the

legal issue which has been raised concerning the design/build concept of construction for the indoor practice facility.

Attached is a news release announcing that the University will change the competitive bidding requirements for the indoor practice facility portion of the UNL Recreation/Athletic Facility to remove any consideration of contributions from contractors.

Further, we are reviewing the legality of the design/build concept for construction of this facility in light of an unreported 1977 decision of the District Court of Lancaster County which struck down a design/build construction project of Southeast Technical Community College.

The University in the past has used the design/build process for competitively bid construction projects on the UNL and UNMC campuses to erect buildings where expedited construction was desired. Further, in light of the different types of building systems which are available for a building such as the proposed indoor practice facility, we believe that the design/build concept will stimulate competitive bidding from potential contractors.

It is our intention to forward to the Appropriations Committee the results of our review along with a request that a resolution be sent to the floor of the Legislature for action. Thank you for your consideration of this matter.

Sincerely,
John W. Goebel
Vice Chancellor for
Business and Finance

cc: Senator Jerome Warner
Members of the Nebraska Unicameral Legislature
The Board of Regents

RESOLUTIONS

LEGISLATIVE RESOLUTION 47. Read. Considered.

LR 47 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 48. Read. Considered.

LR 48 was adopted with 34 ayes, 0 nays, and 15 not voting.

LEGISLATIVE RESOLUTION 49. Read. Considered.

LR 49 was adopted with 29 ayes, 0 nays, and 20 not voting.

MOTION - Approve Appointments

Mr. Lamb moved the adoption of the report of the Transportation Committee for the following Governor appointment found in the Journal on page 1024: Margaret L. Higgins - Department of Motor Vehicles.

Voting in the affirmative, 34:

Ashford	Goodrich	Korshoj	Moore	Scofield
Baack	Hannibal	Lamb	Morehead	Warner
Barrett	Harris	Landis	Peterson	Wehrbein
Beyer	Hartnett	Langford	Remmers	Weihing
Conway	Hefner	Marsh	Rupp	Wesely
Coordsen	Johnson, L.	McFarland	Schellpeper	Withem
Elmer	Johnson, R.	Miller	Schmit	

Voting in the negative, 0.

Present and not voting, 7:

Chambers	Haberman	Pappas	Pirsch	Smith
Dierks	Nelson			

Excused and not voting, 8:

Abboud	Hall	Johnson, V.	Lynch	Rogers
Chizek	Higgins	Labedz		

The appointment was confirmed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

Mr. Landis moved the adoption of the report of the Business and Labor Committee for the following Governor appointment found in the Journal on page 1028: Virginia Yeuill - Commissioner, Department of Labor.

Voting in the affirmative, 30:

Ashford	Conway	Goodrich	Hartnett	Johnson, R.
Barrett	Coordsen	Hannibal	Hefner	Korshoj
Beyer	Elmer	Harris	Johnson, L.	Landis

Langford	Miller	Remmers	Schmit	Weihing
Marsh	Morehead	Rupp	Warner	Wesely
McFarland	Pappas	Schellpeper	Wehrbein	Withem

Voting in the negative, 0.

Present and not voting, 11:

Baack	Haberman	Moore	Peterson	Scofield
Chambers	Lamb	Nelson	Pirsch	Smith
Dierks				

Excused and not voting, 8:

Abboud	Hall	Johnson, V.	Lynch	Rogers
Chizek	Higgins	Labedz		

The appointment was confirmed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 40, LR 42, LR 43, LR 44, and LR 46.

MOTION - Return LB 223 to Select File

Mr. Warner moved to return LB 223 to Select File for his specific amendment, AM0567, found in the Journal on page 1035.

The Warner motion to return prevailed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 223. The Warner specific amendment, AM0567, found in the Journal on page 1035 was adopted with 41 ayes, 0 nays, 4 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 411.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-345, Reissue Revised Statutes of Nebraska, 1943; to provide a registration fee for well-servicing equipment; to define a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Ashford	Goodrich	Korshoj	Morehead	Schmit
Baack	Haberman	Labedz	Nelson	Scofield
Barrett	Hall	Lamb	Pappas	Smith
Beyer	Hannibal	Landis	Peterson	Warner
Chizek	Harris	Langford	Pirsch	Wehrbein
Conway	Hartnett	Marsh	Remmers	Weihing
Coordsen	Hefner	McFarland	Rogers	Wesely
Dierks	Johnson, L.	Miller	Rupp	Withem
Elmer	Johnson, R.	Moore	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Abboud	Higgins	Johnson, V.	Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 459A to Select File

Mr. Wesely moved to return LB 459A to Select File for his specific amendment, AM0526, found in the Journal on page 1034.

The Wesely motion to return prevailed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Mr. Weihing asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 459A. The Wesely specific amendment, AM0526, found in the Journal on page 1034 was adopted with 40 ayes, 0 nays, 4 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 469. With Emergency.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-627, Revised Statutes Supplement, 1986, and section 48-628, Revised Statutes Supplement, 1986, as amended by section 1, Legislative Bill 276, Ninetieth Legislature, First Session, 1987; to change provisions relating to eligibility for unemployment benefits; to change provisions relating to disqualification for benefits; 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	Elmer	Johnson, L.	Moore	Schellpeper
Ashford	Goodrich	Johnson, R.	Morehead	Schmit
Baack	Haberman	Korshoj	Nelson	Scofield
Barrett	Hall	Labedz	Pappas	Smith
Beyer	Hannibal	Landis	Peterson	Warner
Chambers	Harris	Langford	Pirsch	Wehrbein
Chizek	Hartnett	Marsh	Remmers	Weihing
Conway	Hefner	McFarland	Rogers	Wesely
Coordsen	Higgins	Miller	Rupp	Withem
Dierks				

Voting in the negative, 0.

Present and not voting, 1:

Lamb

Excused and not voting, 2:

Johnson, V. 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.

UNANIMOUS CONSENT - Member Excused

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 565.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1508, Revised Statutes Supplement, 1986; to increase a civil 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, 45:

Abboud	Coordsen	Hartnett	Landis	Peterson
Ashford	Dierks	Hefner	Langford	Pirsch
Baack	Elmer	Higgins	Marsh	Remmers
Barrett	Goodrich	Johnson, L.	McFarland	Rogers
Beyer	Haberman	Johnson, R.	Miller	Rupp
Chambers	Hall	Korshoj	Moore	Schellpeper
Chizek	Hannibal	Labedz	Nelson	Schmit
Conway	Harris	Lamb	Pappas	Scofield

Smith Warner Weihing Wesely Withem

Voting in the negative, 0.

Present and not voting, 1:

Morehead

Excused and not voting, 3:

Johnson, V. Lynch Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 297	Monday, March 23, 1987	7:00 p.m.
LB 686	Monday, March 23, 1987	7:00 p.m.

(Signed) Jerome Warner, 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 March 11, 1987. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ayres, Joseph Warren - Lincoln, DeCamp Legal Services, P.C.
Crosby, Guenzel, Davis, Kessner & Kuester
  Crosby, Robert B. - Lincoln, Ferret Exploration Company of Nebraska, Inc.
  McGuire, Mark D. - Lincoln, Ferret Exploration Company of Nebraska, Inc.
Cummins, Carl W. - Minneapolis, MN, Minnegasco, Inc.
DeCamp Legal Services, P.C.
  DeCamp, John W. - Lincoln, Nebraska Pickle Card Proprietors (NPP)

Erickson & Sederstrom
Thone, Charles - Lincoln, Hundahl, John C.
Gogan, John E. - Lincoln, Disabled American Veterans

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 345. Placed on General File as amended.
Standing Committee amendment to LB 345:
AM0472

1. On page 3, strike beginning with "In" in line 1 through the period in line 10 and insert:
"In addition to its powers authorized by Chapter 70 and specified in its petition for creation as amended, a public power district, within its service area and to its customers, may sell, lease, and service satellite television signal descrambling or decoding devices and satellite television programming, except that nothing herein contained shall authorize public power districts to operate as contract or common carriers engaged in furnishing communication services for hire in Nebraska intrastate commerce.".

(Signed) Loran Schmit, Chairperson

GENERAL FILE

LEGISLATIVE BILL 549. Title read. Considered.

Standing Committee amendments, AM0225, found in the Journal on page 707 for the Twenty-Seventh Day 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 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 450. Title read. Considered.

Standing Committee amendment, AM0264, found in the Journal on page 713 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 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolution: 411, 469, 565, and LR 48.

GENERAL FILE

LEGISLATIVE BILL 324. Title read. Considered.

Standing Committee amendments, AM0271, found in the Journal on page 713 for the Twenty-Seventh Day were adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Rupp 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.

LEGISLATIVE BILL 532. Title read. Considered.

Standing Committee amendment, AM0260, found in the Journal on page 714 for the Twenty-Seventh 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 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 757. Placed on General File.

LEGISLATIVE BILL 219. Indefinitely postponed.
LEGISLATIVE BILL 378. Indefinitely postponed.
LEGISLATIVE BILL 396. Indefinitely postponed.
LEGISLATIVE BILL 489. Indefinitely postponed.
LEGISLATIVE BILL 771. Indefinitely postponed.

LEGISLATIVE BILL 646. Placed on General File as amended.
Standing Committee amendment to LB 646:
AM0559

1. On page 2, lines 12 and 15, after "enforcement" insert "of such sections"; in line 16

strike "and", show as stricken, and insert "or"; and strike beginning with "the" in line 17 through the second comma in line 18, show as stricken, and insert "such enforcement".

(Signed) Patricia S. Morehead, Chairperson

Transportation

LEGISLATIVE BILL 180. Placed on General File as amended.
Standing Committee amendments to LB 180:
AM0565

1. On page 4, line 25, reinstate the stricken matter.

2. On page 7, line 14, after "a" insert "published"; and in line 15 strike "published by a telephone company".

LEGISLATIVE BILL 429. Placed on General File as amended.
Standing Committee amendments to LB 429:
AM0507

1. Strike original section 2.

2. On page 4, strike beginning with "and" in line 3 through "are" in line 4 and insert "is".

3. Renumber the remaining section accordingly.

(Signed) Howard Lamb, Chairperson

Judiciary

LEGISLATIVE BILL 273. Placed on General File as amended.
Standing Committee amendments to LB 273:
AM0547

1. Insert the following new section:

"Sec. 9. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. On page 21, line 10, after "separately" insert "from other prescriptions in a single file".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 452. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

MOTION - Place LB 425 on General File

Mr. Conway moved to place LB 425 on General File notwithstanding committee action pursuant to Rule 3, section 17.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 102. Title read. Considered.

Standing Committee amendments, AM0160, found in the Journal on page 737 for the Twenty-Eighth Day were considered.

MR. LAMB PRESIDING

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 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 102A. 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 145. Title read. Considered.

Standing Committee amendments, AM0262, found in the Journal on page 741 for the Twenty-Eighth Day were adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 145A. 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.

Mrs. Morehead asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 307. Title read. Considered.

Standing Committee amendment, AM0274, found in the Journal on page 753 for the Twenty-Ninth Day 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 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 712. Title read. Considered.

Standing Committee amendments, AM0305, found in the Journal on page 786 for the Thirtieth Day were 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 533. Title read. Considered.

Standing Committee amendments, AM0320, found in the Journal on page 791 for the Thirtieth Day were 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 344. Title read. Considered.

Standing Committee amendments, AM0336, found in the Journal on page 820 for the Thirty-First Day were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 2 nays, 17 present and not voting, and 4 excused and not voting.

MOTION - Refer LB 232 to Committee

Mr. Schmit moved that LB 232 be referred back to the Education Committee pursuant to Rule 3, Section 17, notwithstanding the action of the Committee.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 647A. By Nelson, 35th District; Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 647, Ninetieth Legislature, First Session, 1987.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 12, 1987, at 10:55 a.m., were the following bills: 411, 469, and 565.

(Signed) Pam Moravec, Enrolling Clerk

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 252	Monday, March 23, 1987	1:30 p.m.

(Signed) Tim Hall, Chairperson

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 298. Placed on General File as amended.
Standing Committee amendment to LB 298:
AM0551

1. On page 4, line 11; and on page 14, line 8, strike "annual" and insert "years'".

(Signed) Rex Haberman, Chairperson

Urban Affairs

LEGISLATIVE BILL 625. Placed on General File as amended.
Standing Committee amendment to LB 625:
AM0561

1. On page 2, line 12, strike "shall be decisive", show as stricken, and insert "will provide the additional vote required to create a number of votes equal to a majority of the number of members elected to the council,".

LEGISLATIVE BILL 630. Placed on General File as amended.
Standing Committee amendment to LB 630:
AM0562

1. On page 4, line 13, after "misdemeanor" insert an underscored period; and strike lines 14 through 16 and show the old matter as stricken.

LEGISLATIVE BILL 351. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

GENERAL FILE

LEGISLATIVE BILL 320. 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 511. 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.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 241. Title read. Considered.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 497. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 530. 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 559. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 314. Title read. Considered.

Mr. Hall asked unanimous consent to be excused. No objections. So ordered.

Standing Committee amendment, AM0360, found in the Journal on page 831 for the Thirty-Second Day was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. McFarland asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 507. Title read. Considered.

Standing Committee amendment, AM0347, found in the Journal on page 831 for the Thirty-Second Day was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mesdames Labedz, Marsh, Messrs. Hannibal, and Remmers asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 591. Title read. Considered.

Standing Committee amendment, AM0387, found in the Journal on page 848 for the Thirty-Third Day was considered.

Messrs. Harris and Rupp asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Warner asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 1 nay, 9 present and not voting, and 13 excused and not voting.

Mr. Rogers asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 368. Title read. Considered.

Standing Committee amendment, AM0373, found in the Journal on page 866 for the Thirty-Fourth Day was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Messrs. Haberman and Beyer asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 398. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0512.)

(Signed) R. W. Remmers, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 347, 473, 473A, 543, and 543A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 347

The following changes, required to be reported for publication in the Journal, have been made:
ER0137

1. In the Standing Committee amendments, AM0158, adopted March 4, 1987, on page 2, line 3, "State" has been struck.

Enrollment and Review Change to LB 473

The following changes, required to be reported for publication in the Journal, have been made:
ER0135

1. In the E & R amendment, AM5093, adopted March 10, 1987:

a. On page 1, line 3, "56" has been struck and "64" inserted; and

b. On page 2, line 9, "shall" has been struck and "shall" inserted.

2. In the Wesely amendment, AM0518, adopted March 10, 1987, on page 8, line 23, "May" has been struck, shown as stricken, and "October" inserted.

3. On page 1, line 2, after the last comma "71-110," has been inserted; in line 4 after the last comma "71-148," has been inserted; and in line 8 "71-1,256, 71-1,260, 71-1,263, 71-1,267, 71-1,271, 71-1,275," has been inserted after "71-1,195.02,".

4. On page 2, line 10, after the semicolon "to change provisions relating to social work and professional counseling;" has been inserted.

5. On page 35, line 24, "(1)" has been inserted before "There".

6. On page 36, line 17, paragraphing and "(2)" has been inserted before "The".

7. On page 37, line 2, paragraphing and "(3)" has been inserted before "At"; and in line 13 paragraphing and "(4)" has been inserted before "The".

8. On page 53, line 7, "sections" has been struck, shown as stricken, and "section" inserted.

9. On page 77, line 21, after the second comma "71-110," has been inserted; in line 22 after the last comma "71-148," has been inserted; and in line 25 after the last comma "71-1,256, 71-1,260, 71-1,263, 71-1,267, 71-1,271, 71-1,275," has been inserted.

Enrollment and Review Change to LB 543

The following changes, required to be reported for publication in the Journal, have been made:
ER0138

1. In the E & R amendment, AM5106, adopted March 10, 1987, on page 4, line 20, "second" has been struck and "third" inserted.

2. In the Lamb amendment, AM0471, adopted March 10, 1987:

a. On page 1, line 11, "the" has been struck and "The" inserted; and in line 13, "17" has been struck and "20" inserted;

b. On page 3, line 6, an underscored comma has been inserted after "notice"; and

c. On page 6, line 19, "19" has been struck and "23" inserted.

3. On page 1, line 5, "71-3,140," has been inserted before "71-3,141," and "71-3,162," has been inserted before "71-3,168,"; and in line 13 "home services," has been inserted before "investigations".

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 50.

Introduced by Ashford, 6th District; Hannibal, 4th District; Goodrich, 20th District.

WHEREAS, the Omaha Westside High School women's swim team, the Warriors, won the Class A Girls' State Swimming Championship on February 28, 1987; and

WHEREAS, the Warriors have displayed exemplary athletic skill, competitive spirit, and sportsmanship; and

WHEREAS, the team members and Coach Doug Krecklow are deserving of special recognition for their victory.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature commend and congratulate the Omaha Westside Warriors and Coach Krecklow, and recognize the team as the 1987 Girls State Class A Swimming Champions.

2. That a copy of this resolution be sent to Coach Doug Krecklow at Omaha Westside High School.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 146 in the Journal. No objections. So ordered.

AM0572

1. Strike original sections 1 and 2 and insert the following new sections:

"Section 1. The Legislature finds that Nebraska ground water and surface water are currently being transferred from the land to which they are appurtenant to users both within and outside the state without compensation. Such transfers are likely to increase as other regions of the state and nation continue to experience shortages in local water supplies.

The Legislature further finds that Nebraska enjoys abundant supplies of water, and that certain areas of the state suffer from a chronic overabundance of water, resulting in drainage problems and flooding, which cause damage to homes, businesses, roads, crops, and livestock.

It is a proper and necessary function of state government to provide mechanisms for the orderly transfer of water and water rights from areas of surplus to areas of shortage, to establish a means whereby individual landowners and the public in general are compensated for such transfers, and to ensure that the rights of individual landowners and the welfare of the citizens of this state are balanced against the free market forces that compel the dedication of water to its highest and best use.

Sec. 2. The Legislature hereby directs the Water Management Board, in consultation with the Natural Resources Commission, to:

(1) Identify and address current legal, statutory, physical, social, environmental, and economic impediments to transfers of ground water and surface water;

(2) Develop a statutory framework to permit such transfers, while protecting the rights of landowners, the general public, and others directly

affected by such transfers;

(3) Develop a statutory framework to provide compensation for such transfers to landowners, water right holders, persons directly and adversely affected by such transfers, and the State of Nebraska on behalf of the general public;

(4) Identify potential users of and markets for water and water rights transfers;

(5) Identify potential locations and methods for surface water diversion and ground water withdrawals of sufficient scale to be economically sound; and

(6) Identify and develop the appropriate state role as a facilitator of such water and water rights transfers.

Mr. Chizek asked unanimous consent to print the following amendment to LB 270 in the Journal. No objections. So ordered.

AM0573

1. Insert the following new sections:

"Section 1. That section 77-27,187, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,187. Sections 77-27,187 to 77-27,196 and sections 3 and 4 of this act shall be known and may be cited as the Employment Expansion and Investment Incentive Act.

Sec. 3. (1) The credit allowed under section 77-27,188 may be used to obtain a refund of sales and use taxes paid or against the income tax liability of the taxpayer.

(2) A claim for the credit may be filed quarterly for refund of the sales and use taxes paid, either directly or indirectly, after the filing of the income tax return for the taxable year in which the credit was first allowed.

(3) The credit may be used to obtain a refund of sales and use taxes paid before the end of the taxable year for which the credit was allowed, except that the amount refunded under this subsection shall not exceed the amount of the sales and use taxes paid, either directly or indirectly, by the taxpayer on the qualifying investment.

(4) For the purposes of subsections (2) and

(3) of this section, the taxpayer shall be deemed to have paid indirectly any sales or use taxes paid by a contractor on tangible personal property incorporated into an improvement to real estate built for the taxpayer. The contractor shall certify to the taxpayer the amount of the Nebraska sales and use taxes paid on the materials, or the taxpayer, with the permission of the Tax Commissioner and a certification from the contractor that Nebraska sales and use taxes were paid on all materials, may presume that fifty per cent of the cost of the improvement was for materials incorporated on which the tax was paid.

(5) The credit shall be a nonrefundable credit when used against the income tax liability of the taxpayer. The credit shall be applied before any refundable credits are applied. The amount of the credit that may be used in any taxable year shall not exceed the income tax liability of the taxpayer reduced by all other nonrefundable credits.

(5) The credit that is not used against liabilities incurred in the taxable year in which such credit was first allowable may be carried over and used against the liabilities incurred in the five immediately succeeding taxable years. The credits carried over shall be used in the order in which they were first allowed and before any additional credit allowable in a current taxable year may be used.

Sec. 4. If the taxpayer does not maintain the level of investment and employment that created the credit for at least two years after the year for which the credit was first allowed:

(1) The taxpayer shall not be entitled to any further carryovers of unused credits; and

(2) The taxpayer shall repay to the state one-third of the amount of the credit used for each subsequent year that the taxpayer has not maintained the required level of investment and employment.

Sec. 5. That section 77-27,189, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,189. ~~(1)~~ A qualifying business shall ~~include a~~ mean any business engaged in the activities listed in subdivisions (a) to (d) of this subsection or in the storage, warehousing, distribution,

transportation, or sale of tangible personal property, except that qualifying business shall not include any business in which eighty per cent or more of the total sales are sales to the ultimate consumer of tangible personal property which is not (1) assembled, fabricated, manufactured, or processed by the taxpayer or (2) used by the purchaser in any of the following activities:

(a) The assembly, fabrication, manufacture, or processing of tangible personal property;

~~(b) The storage, warehousing, distribution, transportation, or sale of tangible personal property;~~

(b) ~~(c)~~ The feeding or raising of livestock;

(c) ~~(d)~~ The conducting of research, development, or testing for scientific, agricultural, animal husbandry, or industrial purposes;

(d) ~~(e)~~ The performance of data processing, telecommunication, insurance, or financial services;

(e) ~~(f)~~ The administrative management or the headquarters of any of the activities listed in subdivisions (a) to (e) of this subsection or any activity excluded solely because of its retail sales; or

(f) ~~(g)~~ Any combination of the activities listed in subdivisions (a) to (e) of this subsection.

~~(2) A qualifying business shall not include any business in which eighty per cent or more of the total sales of the business are sales of tangible personal property to the ultimate user of the property for use in activities other than the activities listed in subsection (1) of this section.~~

Sec. 6. That section 77-27,190, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,190. (1) A taxpayer shall be deemed to have a new employee when the average number of Nebraska employees during a taxable year exceeds the average number of Nebraska employees during ~~any~~ each of the three preceding taxable years.

(2) The average number of Nebraska employees for a taxable year shall be determined by averaging the number of Nebraska employees on (a) the last day of the preceding taxable year, (b) the last day of each calendar quarter within the current taxable year, and (c) the last day of the current taxable year.

(3) If the taxpayer has part-time Nebraska employees or pays overtime, the number of Nebraska employees on a particular day shall be determined by converting the number of hours paid for the pay period including that particular day into a number of equivalent full-time jobs.

(4) The number of hours comprising a full-time job shall be the business hours the taxpayer uses for other purposes such as benefit plans or labor relations. The number of hours comprising a full-time job shall be used for all periods when comparing average employment under the Employment Expansion and Investment Incentive Act.

(5) Qualifying business employees who work within and without this state shall be considered only to the extent they are paid for work performed within this state.

(6) The hours worked by any person considered an independent contractor or the employee of another taxpayer shall not be used in the computation of any averages under this section.

Sec. 7. That section 77-27,191, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,191. (1) A taxpayer shall be deemed to have made an investment in this state if the average investment in this state during the taxable year exceeds the average investment in this state during ~~any~~ each of the three preceding taxable years.

(2) The average investment in this state shall be the average of the value of all property used or available for use on the first day of the taxable year and the last day of the taxable year. To determine the value of property owned by the taxpayer, the tax basis before allowance for depreciation shall be used. To determine the value of property rented by the taxpayer, the annual rent of the property shall be multiplied by eight.

(3) Only investment in improvements to real property and tangible personal property that are depreciable under the Internal Revenue Code shall be considered.

(4) Vehicles, planes, or railroad rolling stock shall be excluded in determining the average

investment under this section.

Sec. 8. That section 77-27,193, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,193. (1) A taxpayer with more than one business location in this state shall be entitled to a credit equal to the lesser of (a) the sum of the credits computed for the individual business locations or (b) the credit computed based on the total activities of the business in this state.

(2) The credit allowed to related taxpayers shall be the lesser of (a) the sum of the credits computed for each taxpayer or (b) the credit computed based on the total activities of all related taxpayers in this state.

(3) Related taxpayers shall include any corporations that are part of a unitary business under the Nebraska Revenue Act of 1967, any business entities that are not corporations but which would be a part of the unitary business if they were corporations, any business entities if at least fifty per cent of such entities are owned by the same persons or related taxpayers and family members as defined in the ownership attribution rules of the Internal Revenue Code.

(4) For purposes of computing the statewide limitations in subdivisions (1)(b) and (2)(b) of this section, the type of business being conducted shall be ignored.

Sec. 9. This act shall be operative for all taxable years beginning or deemed to begin on or after January 1, 1988.".

2. On page 2, line 5, strike "nonrefundable" and show as stricken and strike "income tax", show as stricken, and insert "taxes"; in line 23 after "(3)" insert "The credit shall be applied as provided in section 3 of this act."; and strike beginning with "The" in line 23 through line 25 and show as stricken.

3. On page 3, strike lines 1 through 10 and show as stricken; in line 11 strike "section" and insert "sections 77-27,187," and after the second comma insert "77-27,189, 77-27,190, 77-27,191, 77-27,193,"; and in line 12 strike "is" and insert "are".

4. Renumber the remaining sections accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0574.)

VISITORS

Visitors to the Chamber were Sara Kleopfer and Amy Kohtz from York; 21 first through seventh grade students and teachers from Elk City District 8 School; a group of Nebraska Wheat Hearts; Don and Maxine Hall from Campbell; 45 juniors from Central High School; Fred Grady from Lincoln and Mitch Grady from Stanton; students and teachers from Exeter High School; a group of Girl Scouts from Peru; 12 women from the American Legion Auxiliary Unit from Davenport; students and teacher from Walnut Hill School, Omaha; Senator Hartnett's brother, Jim Hartnett; L. K. Emery and Mark Bieber; Mary Lou Echtenkamp from Fremont and Vera Antunes, foreign exchange student from Sao Paulo, Brazil; Steve Klein, Darrel McCartney, Carol Scalimmer, and Bruce Domeier from Hastings; Scott Johnson from Chadron, Stephanie Ward from Kearney, Mary Beth Unvert from Peru, and Rod Blunck from Wayne; Student Trustees from Nebraska State Colleges; Bob and Heather Hose from York; 22 seventh and eighth grade students and teacher from Farwell Public School.

ADJOURNMENT

At 12:19 p.m., on a motion by Mr. Conway, the Legislature adjourned until 9:00 a.m., Tuesday, March 17, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-THIRD DAY - MARCH 17, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 17, 1987

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Edie Rhoades, East Lincoln Christian Church, Disciples of Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Chambers, Goodrich, Harris, Miller, Moore, Remmers, Rupp, Mrs. Morehead, and Ms. Scofield 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

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 223 and 459A.

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORT

Banking, Commerce and Insurance

LEGISLATIVE BILL 416. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0529.)

(Signed) R. W. Remmers, Chairperson

MESSAGES FROM THE GOVERNOR

March 11, 1987

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

Dear Mr. President and Senators:

I am returning LB 148 without my signature and with my objections.

One of the provisions of LB 148 allows the taxing authority of Natural Resource Districts to increase from 3.5 cents per $100 of valuation to 4.5 cents per $100 valuation. I cannot support this provision.

The existing law provides a means for a NRD to increase its levy if it needs to do so. That means is through a vote of the people. If property taxes need to be increased to raise revenue, they should be increased by the people taxed. They should not be increased through the action of the Legislature.

NRDs were created to keep natural resource management on the local level. Allowing property taxes to increase without a vote of the people goes against this policy of local control. I therefore urge you to sustain my veto of LB 148.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:gks

March 16, 1987

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 469, and 565 were received in my office on March 12, 1987.

These bills were signed by me on March 16, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

March 11, 1987

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 Power Review Board, requiring legislative confirmation:

Appointee: Patricia S. Dorwart

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:cfg

REPORT

Received maps of the State Highway System of Nebraska, pursuant to Revised Statutes of 1943, Reissue of 1984, Section 39-1311.

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 1987 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Natural Resources Commission	
Dana F. Cole Co. for audit	$1,100.00

RESOLUTION

LEGISLATIVE RESOLUTION 51.

Introduced by R. Johnson, 34th District.

WHEREAS, the athletes at Clay Center have produced exceptional results in their athletic endeavors through their dedication and hard work; and

WHEREAS, the Clay Center football team posted a fine 11-2 record and captured the Class C-2 State Football Championship this past fall; and

WHEREAS, the wrestling team won the State Wrestling Championship and, in doing so, broke the state record for the most points scored, had the most pins at the state tournament, and won by the widest margin of points; and

WHEREAS, the boy's basketball team won the district championship and participated in the state tournament for the first time in fifty years.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations to Clay Center High School for its outstanding accomplishments.

2. That a copy of this resolution be sent to the principal of Clay Center High School.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 47 and LR 49.

MOTION - Introduce New Bills

Mr. Hall moved for the introduction of new bills by the Business and Labor Committee pursuant to Rule 5, Section 4(c)2, Requests 1116, 1112, 1113.

The Hall motion prevailed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 776. By Business and Labor Committee: Hall, 7th District, Chairperson; Korshoj, 16th District; Labedz, 5th District; Landis, 46th 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 and concomitant appropriations for the employer share of F.I.C.A., retirement, and health and life insurance; to provide how payment shall be made; and to declare an emergency.

LEGISLATIVE BILL 777. By Business and Labor Committee: Hall, 7th District, Chairperson; Korshoj, 16th District; Labedz, 5th District; Landis, 46th 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.

LEGISLATIVE BILL 778. By Business and Labor Committee: Hall, 7th District, Chairperson; Korshoj, 16th District; Labedz, 5th District; Landis, 46th District.

A BILL FOR AN ACT relating to disallowed claims against the state.

MOTION - Refer LB 232 to Committee

Mr. Schmit renewed his pending motion found in the Journal on page 1054 to refer LB 232 back to Education Committee pursuant to Rule 3, Section 17, notwithstanding the action of the Committee.

The Schmit motion to refer prevailed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mrs. Labedz 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 186.

A BILL FOR AN ACT relating to corporations; to amend sections 21-2012 and 21-2217, Reissue Revised Statutes of Nebraska, 1943; to change a date; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Haberman	Johnson, R.	Moore	Schellpeper
Baack	Hall	Johnson, V.	Nelson	Schmit
Barrett	Hannibal	Korshoj	Pappas	Smith
Beyer	Harris	Lamb	Peterson	Warner
Chizek	Hartnett	Landis	Pirsch	Wehrbein
Conway	Hefner	Langford	Remmers	Weihing
Coordsen	Higgins	Marsh	Rogers	Wesely
Dierks	Johnson, L.	McFarland	Rupp	Withem
Elmer				

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 7:

Ashford	Goodrich	Miller	Morehead	Scofield
Chambers	Labedz			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 199.

A BILL FOR AN ACT relating to schools; to amend section 79-2504, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to representation on a commission 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	Haberman	Johnson, V.	Moore	Schellpeper
Baack	Hall	Korshoj	Nelson	Schmit
Barrett	Hannibal	Lamb	Pappas	Smith
Beyer	Harris	Landis	Peterson	Warner
Chizek	Hartnett	Langford	Pirsch	Wehrbein
Conway	Hefner	Lynch	Remmers	Weihing
Coordsen	Higgins	Marsh	Rogers	Wesely
Dierks	Johnson, L.	McFarland	Rupp	Withem
Elmer	Johnson, R.			

Voting in the negative, 0.

Excused and not voting, 7:

Ashford	Goodrich	Miller	Morehead	Scofield
Chambers	Labedz			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 212.

A BILL FOR AN ACT relating to schools; to amend section 79-4,207, Revised Statutes Supplement, 1986; 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, 43:

Abboud	Haberman	Johnson, V.	Morehead	Schellpeper
Baack	Hall	Korshoj	Nelson	Schmit
Barrett	Hannibal	Lamb	Pappas	Smith
Beyer	Harris	Landis	Peterson	Warner
Chizek	Hartnett	Langford	Pirsch	Wehrbein
Conway	Hefner	Lynch	Remmers	Weihing
Coordsen	Higgins	Marsh	Rogers	Wesely
Dierks	Johnson, L.	McFarland	Rupp	Withem
Elmer	Johnson, R.	Moore		

Voting in the negative, 0.

Excused and not voting, 6:

Ashford	Goodrich	Labedz	Miller	Scofield
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 246 to Select File

Mr. V. Johnson moved to return LB 246 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. V. Johnson withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 246.

A BILL FOR AN ACT relating to deposit and investment of public funds; to amend section 77-2353.01, Reissue Revised Statutes of

Nebraska, 1943; to authorize certain additional investments by public power districts; 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	Goodrich	Johnson, R.	McFarland	Rupp
Baack	Haberman	Johnson, V.	Moore	Schellpeper
Barrett	Hall	Korshoj	Morehead	Schmit
Beyer	Hannibal	Labedz	Nelson	Smith
Chizek	Harris	Lamb	Pappas	Warner
Conway	Hartnett	Landis	Peterson	Wehrbein
Coordsen	Hefner	Langford	Pirsch	Weihing
Dierks	Higgins	Lynch	Remmers	Wesely
Elmer	Johnson, L.	Marsh	Rogers	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Ashford	Chambers	Miller	Scofield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 285.

A BILL FOR AN ACT relating to schools; to amend section 79-4,155, Reissue Revised Statutes of Nebraska, 1943; to define terms for the purpose of granting to technical community colleges the power to indemnify and purchase liability insurance 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, 44:

Abboud	Barrett	Chizek	Coordsen	Elmer
Baack	Beyer	Conway	Dierks	Goodrich

Hall	Johnson, R.	Lynch	Peterson	Smith
Hannibal	Johnson, V.	Marsh	Pirsch	Warner
Harris	Korshoj	McFarland	Remmers	Wehrbein
Hartnett	Labedz	Moore	Rogers	Weihing
Hefner	Lamb	Morehead	Rupp	Wesely
Higgins	Landis	Nelson	Schellpeper	Withem
Johnson, L.	Langford	Pappas	Schmit	

Voting in the negative, 0.

Present and not voting, 1:

Haberman

Excused and not voting, 4:

Ashford	Chambers	Miller	Scofield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 359.

A BILL FOR AN ACT relating to eminent domain; to amend section 25-2505, Reissue Revised Statutes of Nebraska, 1943; to provide for the conduct of certain hearings by school districts 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, 44:

Abboud	Goodrich	Johnson, V.	Moore	Schellpeper
Baack	Haberman	Korshoj	Morehead	Schmit
Barrett	Hall	Labedz	Nelson	Smith
Beyer	Hannibal	Lamb	Pappas	Warner
Chizek	Harris	Landis	Peterson	Wehrbein
Conway	Hartnett	Langford	Pirsch	Weihing
Coordsen	Hefner	Lynch	Remmers	Wesely
Dierks	Johnson, L.	Marsh	Rogers	Withem
Elmer	Johnson, R.	McFarland	Rupp	

Voting in the negative, 0.

Present and not voting, 1:

Higgins

Excused and not voting, 4:

Ashford Chambers Miller Scofield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 366 to Select File

Mr. Schmit moved to return LB 366 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Schmit withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 366.

A BILL FOR AN ACT relating to taxation; to amend sections 77-1362, 77-1364, and 77-1365, Reissue Revised Statutes of Nebraska, 1943; to add certain provisions relating to the valuation of agricultural and horticultural lands as prescribed; to provide for additional powers and duties for the Tax Commissioner relating to agricultural and horticultural lands 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, 31:

Abboud	Beyer	Dierks	Goodrich	Hannibal
Barrett	Chizek	Elmer	Hall	Harris

Hartnett	Johnson, V.	Lynch	Morehead	Smith
Hefner	Labedz	Marsh	Peterson	Warner
Higgins	Lamb	McFarland	Pirsch	Wehrbein
Johnson, L.	Landis	Moore	Remmers	Wesely
Johnson, R.				

Voting in the negative, 10:

Baack	Coordsen	Langford	Pappas	Schellpeper
Conway	Haberman	Nelson	Rupp	Schmit

Present and not voting, 4:

Korshoj	Rogers	Weihing	Withem

Excused and not voting, 4:

Ashford	Chambers	Miller	Scofield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 436.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend section 85-505.01, Revised Statutes Supplement, 1986; to change provisions relating to the tuition assistance program; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Dierks	Harris	Johnson, V.	Lynch
Baack	Elmer	Hartnett	Korshoj	Marsh
Barrett	Goodrich	Hefner	Labedz	McFarland
Beyer	Haberman	Higgins	Lamb	Moore
Conway	Hall	Johnson, L.	Landis	Morehead
Coordsen	Hannibal	Johnson, R.	Langford	Nelson

Pappas	Remmers	Schellpeper	Warner	Wesely
Peterson	Rogers	Schmit	Weihing	Withem
Pirsch	Rupp	Smith		

Voting in the negative, 0.

Present and not voting, 1:

Wehrbein

Excused and not voting, 5:

Ashford	Chambers	Chizek	Miller	Scofield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 71 to Select File

Mr. Landis moved to return LB 71 to Select File for the following specific amendment:
AM0610

(Amendments to Final Reading Copy)

1. On page 2, strike beginning with the comma in line 5 through the first comma in line 7; and in line 11 after "parties" insert ", other than a claim arising out of personal injury based on contract or tort,".

The Landis motion to return prevailed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 71. The Landis specific amendment, AM0610, found in this day's Journal was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 71 to Select File

Mr. Wesely moved to return LB 71 to Select File for the following specific amendment:
AM0618

(Amendments to the Final Reading Copy)

1. On page 2, line 22, after "representatives" insert ",except that the act does not apply to collective-bargaining agreements subject to the Labor Management Relations Act".

Mr. Wesely withdrew his motion to return.

UNANIMOUS CONSENT - Members Excused

Messrs. Haberman and Hannibal asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 549. Placed on Select File as amended.
E & R amendments to LB 549:
AM5120

1. In lieu of Standing Committee amendments 1, 4, 9, and 10:

a. Strike original sections 1, 3, 14, and 16;

b. On page 4, line 25, strike "6" and insert "4";

c. On page 42, line 8, strike "79-1503,"; in line 9 strike "79-1545," and "81-2019,"; in line 11 strike "24-704,"; and strike beginning with the first "and" in line 15 through the last comma in line 16; and

d. Renumber the remaining sections accordingly.

2. On page 1, line 2, strike "79-1503,"; in line 3 strike "79-1545," and "81-2019,"; and in line 5 strike "24-704,".

3. On page 2, strike beginning with the comma in line 3 through the comma in line 4; and strike beginning with the second comma in line 8 through "1986" in line 10.

4. On page 5, line 19; and page 35, line 23, strike the comma and show as stricken.

5. On page 11, lines 12 and 20, strike the comma.

6. On page 27, line 10, after "disability" insert an underscored comma.

LEGISLATIVE BILL 450. Placed on Select File as amended.
E & R amendments to LB 450:
AM5113

1. On page 18, line 14, strike the comma and show as stricken.

2. On page 20, line 2, strike "such" and after "sections" insert "54-134 to 54-169 and 54-415".

LEGISLATIVE BILL 324. Placed on Select File as amended.
E & R amendments to LB 324:
AM5114

1. In the Standing Committee amendments, AM0271, adopted March 12, 1987, on page 1, line 9, strike "which" and insert "whom".

2. On page 1, line 2, after "sections" insert "18-2408," and after "18-2409" insert a comma; in line 5 after the second semicolon insert "to provide for the appointment of alternate directors;"; and in line 6 after "authorize" insert "certain".

LEGISLATIVE BILL 532. Placed on Select File.

LEGISLATIVE BILL 102. Placed on Select File as amended.
E & R amendments to LB 102:
AM5112

1. In the Standing Committee amendments, AM0160, adopted March 12, 1987:

a. On page 2, line 1, strike the first "rodents," and insert "and";

b. On page 4, line 6, strike the comma and show as stricken;

c. On page 5, strike beginning with "the" in line 6 through the period in line 8, show as stricken, and insert "such actual value.";

d. On page 7, line 9, strike the comma and show as stricken;

e. On page 8, line 20, strike "subdivisions" and insert "subdivision" and strike "associations" and insert "association"; and

f. On page 9, line 1, strike the comma and insert "to"; in line 2 strike beginning with "23-358.01" through the third comma and strike the fourth comma.

2. On page 1, line 2, strike "2-1804, 2-3311," and strike the third comma; in line 3 strike

the last comma; strike lines 4 and 5; in line 6 strike "1986" and after the semicolon insert "to change provisions relating to predatory animals;"; and in line 7 after the first semicolon insert "to authorize a levy on cattle as prescribed; to change provisions relating to a levy on sheep;".

LEGISLATIVE BILL 102A. Placed on Select File.

LEGISLATIVE BILL 145. Placed on Select File as amended.
E & R amendments to LB 145:
AM5117

1. On page 2, lines 5 and 11, strike "producers" and insert "growers"; in line 20 after the second comma insert "or" and strike the third comma; and in line 21 before "product" insert "any".

2. On page 3, line 17, strike "and" and insert "or".

3. On page 4, line 2, after "members" insert a comma; and in line 25 strike "with" and insert "in which" and after "production" insert "occurs".

4. On page 5, line 20, strike both occurrences of "Districts" and insert "districts".

5. On page 6, line 23, strike the comma; and in line 24 after "large" insert a comma.

6. On page 7, line 6, strike "producer" and insert "processor"; in line 15 after "services" insert a comma; in line 21 after "employees" insert a comma; and in line 22 after "commission" insert a comma.

7. On page 10, line 5, strike "shall determine" and insert "determines".

8. On page 12, line 5, after "agency" insert a comma; and in line 20 strike "has" and insert "shall have".

9. On page 14, line 8, strike the second comma; and in line 10 strike "the provisions of".

LEGISLATIVE BILL 145A. Placed on Select File.

LEGISLATIVE BILL 307. Placed on Select File as amended.
E & R amendments to LB 307:
AM5116

1. In the Standing Committee amendments, AM0274, adopted March 12, 1987, on page 1, line 1,

strike "strike the period and" and insert "after 'bonds' "; in line 2 strike "subsections" and insert "subdivision"; in line 10 after "of" insert "the"; in line 11 strike the comma; in line 12 strike "vehicle,"; and in line 18 strike the first period.

2. On page 1, line 4, strike "overweight".

3. On page 4, line 9, strike "shall deem" and insert "deems"; and in line 12 strike the comma.

LEGISLATIVE BILL 712. Placed on Select File as amended.
E & R amendments to LB 712:
AM5115

1. In the Standing Committee amendments, AM0305, adopted March 12, 1987, on page 1, line 19, strike "is" and insert "are".

2. On page 1, strike beginning with "section" in line 1 through "and" in line 3; in line 4 strike "authorize" and insert "change provisions relating to"; in line 7 strike "increase a limit on investments" and insert "authorize the Director of Insurance to retain certain experts"; and in line 8 strike "sections" and insert "section".

LEGISLATIVE BILL 533. Placed on Select File as amended.
E & R amendments to LB 533:
AM5118

1. On page 1, line 1, strike "and".

2. On page 2, line 12, after "mean" insert "the"; in line 20 strike "serves" and insert "serve"; in line 22 strike "recommends" and insert "recommend"; in line 24 strike "facilitates" and insert "facilitate"; and in line 25 strike "assists" and insert "assist".

3. On page 3, line 2, strike "provides" and insert "provide".

4. On page 4, strike line 6 and insert "act;"; and in line 9 after "wastewater" insert "treatment".

5. On page 6, line 16, after "valid" insert a comma.

6. On page 8, line 15, strike "certificate" and insert "certificates".

7. On page 10, strike beginning with "Wastewater" in line 1 through "Act" in line 2 and insert "act"; and in line 3 eliminate the paragraphing.

LEGISLATIVE BILL 344. Placed on Select File as amended.
E & R amendments to LB 344:
AM5119

1. On page 2, line 5, after "mean" insert "the".

2. On page 4, line 19, strike the first comma and insert "and" and strike the second comma; in line 24 after "including" insert "the"; and in line 25 after the first comma insert "the".

3. On page 6, line 6, strike "delivers" and insert "deliver"; and in line 8 after "No" insert "farm labor contractor".

4. On page 9, line 16, strike "applicants" and insert "applicant's"; and in line 19 strike "contractor's" and insert "contractor".

5. On page 11, line 24; page 12, line 16; and page 13, line 6, strike "contractor's" and insert "contractor".

LEGISLATIVE BILL 320. Placed on Select File.
LEGISLATIVE BILL 511. Placed on Select File.

LEGISLATIVE BILL 241. Placed on Select File as amended.
E & R amendment to LB 241:
AM5121

1. On page 3, line 8, strike the comma; in line 12 strike the comma; and in line 15 strike "(c)" and insert ", (c),".

LEGISLATIVE BILL 497. Placed on Select File.
LEGISLATIVE BILL 530. Placed on Select File.
LEGISLATIVE BILL 559. Placed on Select File.

LEGISLATIVE BILL 314. Placed on Select File as amended.
E & R amendments to LB 314:
AM5122

1. In the Standing Committee amendments, AM0360, adopted March 12, 1987, on page 1, line 2, after "that" insert "such" and after "foreclosure" insert "proceedings".

2. On page 1, line 1, strike "lien" and insert "liens"; and in line 4 strike "foreclosures" and insert "foreclosure proceedings".

3. On page 2, line 8, strike "had", show as stricken, and insert "has"; in line 22 strike the comma and show as stricken; and in line 23 strike "shall notify", show as stricken, and insert "notifies".

LEGISLATIVE BILL 507. Placed on Select File.
LEGISLATIVE BILL 591. Placed on Select File.

LEGISLATIVE BILL 368. Placed on Select File as amended.
E & R amendments to LB 368:
AM5123

1. On page 1, line 5, strike "and"; and in line 6 after "section" insert "; and to declare an emergency".
2. On page 3, line 23, after "Law" insert an underscored comma.
3. On page 4, line 6, after the first comma insert "and".
4. On page 5, line 14, after "termination" insert an underscored comma.

(Signed) Scott Moore, Chairperson

MOTION - Suspend Rules on Priority Bills

Mrs. Morehead moved to suspend the rules, Rule 5, Section 5(d) to permit the General Affairs Committee to designate priority bills after the 45th day, but prior to March 25.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson offered the following amendment to the Morehead motion:
to amend Morehead motion by adding Revenue Committee.

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.

The V. Johnson amendment lost with 9 ayes, 21 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Pappas offered the following amendment to the Morehead motion:

to amend the Morehead motion by changing the priority bill deadline to March 25th for all committees, senators, and the speaker.

Mr. Pappas raised a point of clarification on how many votes are required to amend the motion to suspend the rules.

The Chair ruled an amendment to a motion to suspend the rules requires 25 votes.

The Pappas amendment was adopted with 27 ayes, 6 nays, 11 present and not voting, and 5 excused and not voting.

The Morehead motion, as amended, was adopted with 30 ayes, 5 nays, 11 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 legislative bills 776, 777, and 778; and a Governor appointment.

LB	Committee
776	Business and Labor
777	Business and Labor
778	Business and Labor

Natural Resources

Patricia S. Dorwart - Power Review Board

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

STANDING COMMITTEE REPORTS
Natural Resources

The Committee on Natural Resources desires to report favorably upon the reappointment listed below. The Committee suggests the reappointment be confirmed by the Legislature and suggests a record vote.

Richard L. Coyne - Commissioner, Game and Parks Commission

Voting Aye: Senators Schmit, Weihing, Lamb, Rod Johnson, Elmer, Hall, and Labedz.

(Signed) Loran Schmit, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 408. Placed on General File as amended.
Standing Committee amendments to LB 408:
AM0570

1. On page 7, line 20, strike "fifty", show as stricken, and insert "fifty-five".

2. On page 9, line 3, strike "supervise" and insert "advise the city with regard to"; and in line 11 strike "Each" and insert "The".

3. On page 11, line 1, strike "retirement committee" and insert "city"; in line 18 strike "supervised by the retirement committee"; in line 20 after "and" insert ", at least once a month,"; in line 21 strike "city" and insert "retirement committee for review by the committee"; and in line 24 strike "committee" and insert "city".

4. Insert the following new sections:

"Sec. 11. Section 13 of this act shall become operative on September 1, 1987. The remaining sections shall become operative on their effective date.

Sec. 13. That sections 15-1003, 15-1004, 15-1007.03, 15-1009, 15-1011 to 15-1013, 15-1013.03 to 15-1015, and 15-1018 to 15-1021, Reissue Revised Statutes of Nebraska, 1943, sections 15-1001, 15-1002, 15-1005 to 15-1007.01, 15-1007.04, 15-1008, and 15-1013.01, Revised Statutes Supplement, 1986, section 15-1017, Reissue Revised Statutes of Nebraska, 1943, as amended by section 10 of this act, sections 15-1001.01, 15-1007.02, 15-1007.05, and 15-1013.02, Revised Statutes Supplement, 1986, as amended by sections 1, 2, 3, and 4, respectively, of this act,and sections 5 to 9 of this act are repealed.

5. Renumber the remaining section accordingly.

LEGISLATIVE BILL 551. Placed on General File as amended.
Standing Committee amendment to LB 551:
AM0571

1. On page 2, line 11, strike "been able to join" and insert "joined"; in lines 13 and 25 after the period insert "this section shall not apply to school employees retiring prior to the effective date of this act."; and in line 19 strike "the" and insert "up to ten".

LEGISLATIVE BILL 409. Indefinitely postponed.

(Signed) Rex Haberman, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 67 in the Journal. No objections. So ordered.

AM0406

(Amendments to Standing Committee amendments)

1. On page 2, line 21, after "boat" insert ", unless such operation is within the scope of his or her official functions and duties as a director, officer, or trustee,".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 661A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 661, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 52.

Introduced by Peterson, 21st District.

WHEREAS, the winning of a state high school basketball championship demonstrates the willingness of a team and its coach to work, concentrate, and cooperate as a team; and

WHEREAS, the Norfolk Panthers boys basketball team topped off a great season by winning the Boys State High School Basketball Championship; and

WHEREAS, the team's dedicated efforts, as well as the efforts of Coach Dave Oman, are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the spirit of sportsmanship and team resolve demonstrated by the Norfolk boys basketball teams, and congratulates team members on their success.

2. That the Legislature commends and extends congratulations to Coach Dave Oman and his staff for consistently fostering an outstanding spirit of sportsmanship and team play.

3. That a copy of this resolution be sent to Coach Oman and the Norfolk boys basketball team.

Laid over.

NOTICE OF COMMITTEE HEARING
Natural Resources

Governor Appointment Thursday, March 19, 1987 1:15 P.M.
Patricia (Pat) Dorwart - Power Review Board

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Rogers asked unanimous consent to print the following amendment to LB 101 in the Journal. No objections. So ordered.

AM0614

1. In the Rogers amendment, AM0509, adopted March 10, 1987, on page 2, line 15, strike "1" and insert "15".

2. Strike the Rogers amendment, AM0292, adopted March 3, 1987.

3. In the Standing Committee amendments, AM0140, adopted March 3, 1987:

a. Strike amendment 5; and

b. Renumber the remaining amendments accordingly.

4. Insert the following new section:

"Sec. 9. When an agricultural production input lien is satisfied, the holder of the lien shall send the person to whom an agricultural production input was furnished a termination statement to the effect that he or she no longer claims an interest under the lien, which shall be identified by file number. A termination statement signed by a person other than the lienholder of record shall be accompanied by a separate written statement of assignment signed by the lienholder of record complying with subsection (2) of section 9-405, Uniform Commercial Code, including payment of the required fee. If the affected lienholder fails to send such a termination statement within fifteen days after the holder of such lien no longer claims an interest, he or she shall be liable to the person to whom the agricultural production input was furnished for one hundred dollars and any losses caused to such person by such failure.

On presentation to the filing officer of such a termination statement, he or she shall note it in the index. If the filing officer has received the termination statement in duplicate, he or she shall return one copy of the termination statement to the lienholder stamped to show the time of receipt.".

5. On page 8, line 19, strike "8" and insert "10".

6. Renumber the remaining sections accordingly.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 186, 199, 212, 246, 285, 359, 366, and 436.

UNANIMOUS CONSENT - Member Excused

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 75A. 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 344A. 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.

UNANIMOUS CONSENT - Member Excused

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 123. Considered.

Mr. McFarland moved to indefinitely postpone LB 123.

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. McFarland moved for a call of the house. The motion prevailed with 12 ayes, 6 nays, and 31 not voting.

Mr. McFarland requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 14:

Barrett	Hartnett	Landis	Miller	Wehrbein
Chambers	Higgins	Lynch	Nelson	Weihing
Hall	Johnson, V.	McFarland	Pappas	

Voting in the negative, 28:

Abboud	Elmer	Johnson, R.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Peterson	Scofield
Baack	Haberman	Labedz	Pirsch	Smith
Conway	Hannibal	Lamb	Rogers	Warner
Coordsen	Hefner	Langford	Rupp	Withem
Dierks	Johnson, L.	Marsh		

Present and not voting, 1:

Morehead

Absent and not voting, 2:

Remmers Wesely

Excused and not voting, 4:

Beyer Chizek Harris Schmit

The McFarland motion to indefinitely postpone lost with 14 ayes, 28 nays, 1 present and not voting, 2 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Coordsen, Miller, Remmers, Wesely, and Rupp asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

Mrs. Pirsch moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Abboud	Dierks	Hannibal	Korshoj	Marsh
Ashford	Elmer	Hefner	Labedz	Moore
Baack	Goodrich	Johnson, L.	Lamb	Morehead
Conway	Haberman	Johnson, R.	Langford	Peterson

Pirsch	Schellpeper	Smith	Warner	Withem
Rogers	Scofield			

Voting in the negative, 7:

Chambers	Johnson, V.	McFarland	Nelson	Weihing
Hall	Lynch			

Present and not voting, 4:

Barrett	Hartnett	Pappas	Wehrbein

Excused and not voting, 11:

Beyer	Harris	Landis	Remmers	Schmit
Chizek	Higgins	Miller	Rupp	Wesely
Coordsen				

Advanced to E & R for Review with 27 ayes, 7 nays, 4 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 75A. Placed on Select File.
LEGISLATIVE BILL 344A. Placed on Select File.

(Signed) Scott Moore, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 17, 1987, at 11:20 a.m., were the following bills: 186, 199, 212, 246, 285, 359, 366, and 436.

(Signed) Jan Loder, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 753 in the Journal. No objections. So ordered.

AM0515

1. On page 4, line 23, after the period insert "Such bonds and certificates shall not be subject

under this section to any limitation based upon such capital and surplus.".

Mr. Schmit asked unanimous consent to print the following amendment to LB 753 in the Journal. No objections. So ordered.

AM0363

1. On page 4, line 18, strike "bonds" and insert "single family mortgages".

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 52. Placed on General File as amended.
Standing Committee amendment to LB 52:
AM0543

1. Strike the original sections and insert the following new sections:

"Section 1. That section 81-819, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-819. The Legislative Committee on Intergovernmental Cooperation ~~of the Legislature~~ shall function during the regular sessions of the Legislature and also during the interim periods between such sessions. Its members shall serve until their successors are designated at the convening of the next regular session in odd-numbered years. ~~; and it shall constitute for this state the Legislative Council of the American Legislators' Association. The term of each administrative member of the commission shall extend until February 1 next following his appointment and thereafter until his successor is appointed.~~

Sec. 2. That section 81-820, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-820. It shall be the function of the ~~Nebraska Commission~~ Legislative Committee on Intergovernmental Cooperation:

~~(1) To carry forward the participation of this state as a member of the Council of State Governments;~~

~~(2)~~ (1) To encourage and assist ~~the~~ legislative~~, executive, administrative and judicial~~ officials and employees ~~of this state~~ to develop and maintain friendly contact by correspondence, by conference, and otherwise, with such officials and employees of the other states, of the federal government, and of local units of government; and

~~(3)~~ (2) To endeavor to advance cooperation between this state and other units of government whenever it seems advisable to do so by formulating proposals for~~,~~ and by facilitating (a) the adoption of compacts, (b) the enactment of uniform or reciprocal statutes, (c) the adoption of uniform or reciprocal administrative rules and regulations, (d) the informal cooperation of governmental offices with one another, (e) the personal cooperation of governmental officials and employees with one another, individually, (f) the interchange and clearance of research and information, and (g) any other suitable process. ~~; and~~

~~(4) In short, to do all such acts as will, in the opinion of the commission, enable the State of Nebraska to do its part, or more than its part, in forming a more perfect union among the various governments in the United States, and in developing the Council of State Governments for that purpose.~~

Sec. 3. That original sections 81-819 and 81-820, Reissue Revised Statutes of Nebraska, 1943, and also sections 29-765, 81-817, 81-818, 81-821 to 81-824, and 83-806, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 477. Placed on General File as amended.
Standing Committee amendments to LB 477:
AM0604

1. On page 2, line 3, after "space" insert "at the top of the page" and strike line 7 and insert "an existing page and charge for the added page or for the use of the existing page a fee as".

2. Strike original section 2 and insert the following new sections:

"Sec. 2. That section 23-1517.02, Revised Statutes Supplement, 1986, be amended to read as follows:

23-1517.02. (1) The register of deeds may use

a computerized system of indexing for deeds and conveyances, mortgages, the Construction Lien Record index, the Miscellaneous Record index, the federal tax lien index, the fee book, and all other supplemental indices that may be contained in such office and may combine such indices into one Land Record index. If a computerized system of indexing is used, the register of deeds shall also maintain a printout of all records stored in the computer system. The printout shall consist of a record of fees, a numerical tract index, and a land record index.

(2) The register of deeds shall charge fees, in such amounts to recover the actual costs incurred, for access to any information originating in the office of the register of deeds and prescribed in subsection (1) of this section. Information or data obtained from such access may be sold to a final consumer, but shall not be sold to a party for further resale or distribution.

~~(2)~~ (3) In counties which do not use the computerized system provided in subsection (1) of this section, the register of deeds shall use the separate book or microfilm form of recording instruments as required prior to July 10, 1984.

Sec. 3. Section 1 of this act shall become operative on January 1, 1988. The remaining sections of this act shall become operative on their effective date.

Sec. 4. That original section 23-1517.02, Revised Statutes Supplement, 1986, is repealed.".

3. Underscore original section 1.

LEGISLATIVE BILL 480. Placed on General File as amended.
Standing Committee amendment to LB 480:
AM0400

1. Strike original sections 5, 6, and 7 and insert the following new sections:

Sec. 5. (1) Any contribution by a person made on behalf of or to a candidate or committee, including contributions which are in any way earmarked or otherwise directed to the candidate or committee through an intermediary or agent, are contributions from the person to the candidate or committee.

(2) For purposes of this section, earmarked shall mean a designation, instruction, or encumbrance,

including those which are direct or indirect, express or implied or oral or written, which results in any part of a contribution or expenditure, including any in-kind expenditure made in exchange for a contribution, being made to or expended on behalf of a candidate or a committee.

(3) Any intermediary or agent, other than a committee, which receives an earmarked contribution shall forward the earmarked contribution to the recipient candidate or committee within ten days of receipt of such contribution and shall disclose to the recipient of the contribution the name and address of the intermediary or agent and of the actual source of the contribution.

(4) Any intermediary or agent, other than a committee, shall file a report of the earmarked contribution with the commission and the election commissioner or, if there is no election commissioner, with the clerk of the county of residence of the candidate or the county of the headquarters of the committee within ten days of receipt of the contribution. Any committee which is an intermediary or agent shall file a report of the earmarked contribution by the date the next campaign statement is required to be filed. The report of the earmarked contribution filed pursuant to this section shall be on a form prescribed by the commission.

(5) Any person who knowingly violates the provisions of this section shall be guilty of a Class III misdemeanor.

Sec. 6. That section 49-1462, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1462. ~~(1)~~ Unless otherwise required to file a campaign statement as required by sections 49-1459 to 49-1463 ~~in connection with an election held during the filing period designated in this section~~ during a calendar year, a committee shall file a campaign statement with a closing date of December 31 of such year not later than January 31 of the following year. The ~~June 1 of each year, if the committee received or expended an amount in excess of one thousand dollars. The campaign statement shall have a closing date of May 1 of that year. If a campaign statement was~~

~~filed in connection with an election held within six months before a period specified in this section, the~~ period covered by the campaign statement filed pursuant to this section shall begin from the day after the closing date of the previous campaign statement filed.

~~(2) Subsection (1) of this section shall not apply to a candidate committee for an officeholder who is a judge or holds an elective office for which the salary is less than one hundred dollars a month and does not receive any contribution or make any expenditure during the time which would be otherwise covered in the statement.~~

Sec. 7. A person required to pay a late filing fee imposed under section 49-1449 or 49-1463 may apply to the commission for relief. The commission by order may reduce the amount of a late filing fee imposed upon by such person showing that (1) the circumstances indicate no intent to file late, (2) the person has not been required to pay late filing fees for two years prior to the time the filing was due, (3) the late filing shows that less than five thousand dollars was raised, received, or expended during the reporting period, and (4) a reduction of the late fees would not frustrate the purposes of the Nebraska Political Accountability and Disclosure Act.".

2. On page 3, line 5, strike "section 5" and insert "sections 5 and 7", and in lines 16 and 24, strike "one", show as stricken, and insert "two".

3. On page 4, lines 9 and 19, strike "one", show as stricken, and insert "two".

4. On page 5, line 1, strike "one", show as stricken, and insert "two".

5. On page 9, line 20, strike "49-1463,".

(Signed) Lee Rupp, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 578. Placed on General File as amended.
Standing Committee amendments to LB 578:
AM0593

1. Insert the following new section:

"Sec. 3. That section 79-1533, Revised Statutes Supplement, 1986, be amended to read as

follows:

79-1533. Every employer shall deduct and withhold an amount from the compensation as a school employee of each member on each and every payroll period after such school employee becomes a member of the retirement system ~~five and four-tenths per cent of such compensation of such member~~ pursuant to section 79-1531. The employer, through its proper agents, the city or county superintendent, or the secretary of the school board or board of education, shall transmit monthly, quarterly, or semiannually if the retirement board shall so direct a copy of such payroll, in such form as shall be approved by the retirement board, and a remittance payable to the order of the State Treasurer for all deductions from the compensation of members on such payroll. The remittances may be by draft, money order, check, or otherwise according to the rule and regulations adopted and promulgated by the retirement board. All such amounts due to the retirement board shall bear interest at the rate of six per cent per annum if the payment of the same is delayed more than thirty days after the time prescribed for payment. The proceeds of the interest charge shall be used to reimburse the account of each school employee, deprived of interest by the delay, with regular interest, and the balance shall be paid into the School Employees' Savings Fund of the retirement system.".

2. On page 6, strike beginning with "(1)" in line 11 through "(2)" in line 22, show the old matter as stricken, and insert "(1)".

3. On page 7, lines 1 and 4, strike "uniform"; in line 3 strike "such"; in line 6 after "be" insert "equal to one hundred per cent of the amount"; in lines 7 and 10 before "present" insert "actuarial"; in line 8 strike "amounts to be transferred" and insert "liabilities to be funded by transfers" and after "School" insert "Employer's Deposit Fund and the School"; strike lines 11 through 13 and insert "one per cent of future compensation for current active members."; in line 14 strike "(3)" and insert "(2)"; in line 18 strike "twenty-two" and insert "one"; and strike beginning with "For" in line 22 through line 25 and insert "Such deposits shall be a percentage of total compensation and shall be transmitted at the same time

and in the same manner as required employer contributions. For each fiscal year such percentage shall be determined by the retirement board upon recommendation of the actuary and shall be equal to one hundred per cent of the amount determined by deducting from the then actuarial present value of all future liabilities to be funded by transfers from the School Employer's Deposit Fund and School Employees' Savings Fund the amount then credited to such funds and dividing the remainder by the actuarial present value of one per cent of future compensation for current active members.".

4. On page 8, strike beginning with line 1 through "(4)" in line 7 and insert "(3)".

5. On page 9, line 5, strike "and" and insert a comma; and in line 6 after the first comma insert "and 79-1533,".

6. Renumber remaining sections accordingly.

(Signed) Rex Haberman, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 732 in the Journal. No objections. So ordered.

AM0615

1. Insert the following new section:

"Sec. 16. All sums of money received under the Weight-distance Tax Act shall be placed in the Highway Trust Fund.".

2. Renumber the remaining sections accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 372A. By Conway, 17th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 372, Ninetieth Legislature, First Session, 1987.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

Governor Appointment Thursday, March, 19, 1987 1:30 p.m.
Anne Beaurivage

(Signed) Lee Rupp, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 604. No objections. So ordered.

VISITORS

Visitors to the Chamber were 60 fourth grade students and teacher from Clamar and Lincoln Elementary Schools, Fremont; students and teacher from Clarkson High School; 43 eighth grade students and teacher from Beveridge Junior High and Senator Hannibal's daughter, Sandy; and 30 students and teacher from Palmyra High School.

ADJOURNMENT

At 12:05 p.m., on a motion by Mr. Lynch, the Legislature adjourned until 9:00 a.m., Wednesday, March 18, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 18, 1987

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 18, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Dr. Steven Bilynsky, First Evangelical Covenant Church of Lincoln.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Conway, Hall, Hannibal, Harris, R. Johnson, V. Johnson, Landis, Lynch, McFarland, Moore, Schmit, Wesely, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Third Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 71.

LEGISLATIVE BILL 123. Placed on Select File as amended.
E & R amendment to LB 123:
AM5124

1. In the Standing Committee amendments, AM0181, adopted March 11, 1987, on page 2, line 12, strike "whose" and insert "the" and after "activities" insert "of which"; and in line 14 strike "whose" and insert "the" and after "earnings" insert "of which".

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 295. Placed on General File as amended.
Standing Committee amendments to LB 295:
AM0607

1. Strike original section 19 and insert the following new sections:

"Section 1. That section 9-1,101, Revised Statutes Supplement, 1986, be amended to read as follows:

9-1,101. (1) The Nebraska Bingo Act, the Nebraska Pickle Card Lottery Act, the Nebraska Lottery and Raffle Act, ~~and~~ the Nebraska Small Lottery and Raffle Act, and the Nebraska County and City Lottery Act shall be administered and enforced by the Charitable Gaming Division of the Department of Revenue, which is hereby created. The Department of Revenue shall make ~~quarterly~~ annual reports to the Governor, Legislature, Auditor of Public Accounts, and Attorney General on all tax revenue received, expenses incurred, and other activities relating to the administration and enforcement of such acts.

(2) The Charitable Gaming Operations Fund is hereby created. Thirty per cent of the taxes collected on and after July 1, 1986, pursuant to sections 9-239, 9-344, and 9-429 shall be available to the Charitable Gaming Division for administering and enforcing the Nebraska Bingo Act, the Nebraska Pickle Card Lottery Act, the Nebraska Lottery and Raffle Act, ~~and~~ the Nebraska Small Lottery and Raffle Act, and the Nebraska County and City Lottery Act. The remaining seventy per cent, along with any portion of the thirty per cent not used by the division in its administration and enforcement of such acts, shall be transferred to the General Fund.

Sec. 20. That section 9-239, Revised Statutes Supplement, 1986, be amended to read as follows:

9-239. (1) The department shall collect a state tax of ~~six~~ five per cent on the gross receipts received from the conducting of bingo within the state. Such tax shall be paid to the department and credited to the Charitable Gaming Operations Fund. The tax shall be remitted quarterly, not later than thirty days from the close of the preceding quarter, together with any other reports as may be required by the department. The proceeds from the tax shall be used to pay the costs of regulation and enforcement of the Nebraska Bingo Act as provided in subsection (2) of section 9-1,101.

(2) Any city or village is hereby directed to impose a tax of ~~four~~ three per cent on the gross receipts received from the conducting of bingo within such city or village until June 30, 1989, and a tax of two per cent on such receipts after such date. Where bingo is conducted outside the limits of any incorporated city or village, the county in which such bingo is conducted shall impose a tax of ~~four~~ three per cent on the gross receipts from the conducting of bingo outside the corporate limits of such city or village until June 30, 1989, and a tax of two per cent on such receipts after such date. Such tax shall be credited to the general fund of the county, city, or village which issued a permit for the conducting of bingo pursuant to section 9-236. Such tax shall be paid to the clerk of the political subdivision imposing the tax, and the clerk shall transmit the tax to the treasurer of such subdivision. The tax shall be remitted quarterly, not later than thirty days from the close of the preceding quarter, together with such reports as may be required by the political subdivision imposing the tax. The proceeds from the tax shall be used to pay for the costs of regulation and enforcement of the Nebraska Bingo Act.".

2. On page 3, line 5, strike beginning with "3" through "32" and insert "4, 10, 12, 21, 22, 32, and 33"; and in line 12 strike "3 and 9" and insert "4 and 10".

3. On page 5, line 10, after "shareholder" insert ", except to the extent that payment of such proceeds serves the purposes set forth in this

subsection and subsection (1) of this section"; and in line 12 after "except" insert "such funds may be utilized".

4. On page 6, line 2, strike "31" and insert "32".

5. On page 14, line 3, after "or" insert "her".

6. On page 15, line 8, strike "seven" and reinstate the stricken matter.

7. On page 19, line 19, after "shall" insert "knowingly".

8. On page 21, after line 16, insert the following new subsection:

"(4) Any nonprofit organization holding a certificate of exemption under section 501 of the Internal Revenue Code which has both a men's division and a women's division, which groups are limited to members of one sex only but both of which function at the same premises for a common purpose may hold one bingo license which allows the members of both groups to participate in the conduct of bingo.".

9. On page 23, line 1, strike "20" and insert "21".

10. On page 26, line 13, strike "two hundred fifty" and insert "four hundred".

11. On page 27, strike lines 4 and 5 and insert "are the parents, children, brothers, sisters, grandparents, or grandchildren of a member of the parent organization; and".

12. On page 30, line 1, strike "ten", show as stricken, and insert "fifteen"; in line 11 strike "two", show as stricken, and insert "three"; in line 13 after "premises" insert ", one of which shall be a matinee conducted between the hours of 10:00 a.m. and 6:00 p.m".

13. On page 32, line 21, strike "21" and insert "22".

14. On page 38, line 10, strike "two hundred and fifty" and insert "one thousand"; and in line 12 strike "one" and insert "four".

15. On page 39, line 7, strike "fifty" and insert "one hundred"; in line 8 after the second comma insert "and" and strike the third comma; and in line 9 strike "and social security number".

16. On page 40, line 5, strike "its", show as

stricken, and insert "which form shall be limited to the following information: Its" and strike the old comma, show as stricken, and insert an underscored semicolon; in line 6 after the first comma insert "the amount of other expenses;"; in lines 6 and 7 strike the commas, show as stricken, and insert underscored semicolons; and in line 9 strike beginning with the first comma through the second comma and show as stricken.

17. On page 44, line 22, after "who" insert "knowingly".

18. On page 46, line 22, strike "40" through "61" and insert "41, 43, 58, and 62".

19. On page 47, line 4, strike "40" and isert "41".

20. On page 48, line 22, after "shareholder" insert ", except to the extent that payment of such proceeds serves the purposes set forth in this subsection and subsection (1) of this section".

21. On page 49, line 15, strike "57" and insert "58"; and in lines 22 through 25 strike the new matter and reinstate the stricken matter.

22. On page 56, line 25, after "or" insert "her".

23. On page 58, line 5, strike "seven" and reinstate the stricken "fifteen".

24. On page 62, line 13, insert an underscored period after "year" and strike beginning with "and" through the period and show as stricken.

25. On page 66, line 22; and on page 68, line 2, strike "20" and insert "21".

26. On page 71, line 15, strike "representative", show as stricken, and insert "employee or agent".

27. On page 75, line 15, after "distributor" insert "licensed in Nebraska".

28. On page 79, line 14, strike "gross proceeds of any", show as stricken, and insert "money received by a licensed organization from the conduct of a"; and in line 22 after the period insert "A licensed organization selling a pickle card unit to a licensed pickle card operator may deduct a commission or salary paid by the licensed organization to the pickle card operator from a purchase price of the pickle card unit paid by the pickle card operator to the licensed

organization.".

29. On page 80, line 17, strike "its", show as stricken, and insert "which form shall be limited to the following information: Its" and strike the old comma, show as stricken, and insert an underscored semicolon; in line 18 strike the comma, show as stricken, and insert an underscored semicolon; and strike beginning with the comma in line 22 through "expenses" in line 23 and show as stricken.

30. On page 86, line 20, strike "68, 76, and 78" and insert "69, 77, and 79".

31. On page 88, line 14, after "shareholder" insert ", except to the extent that payment of such proceeds serves the purposes set forth in this subsection and subsection (1) of this section".

32. On page 89, line 7, strike "76" and insert "77"; in line 16 after the comma insert "and"; and strike beginning with "winners" in line 17 through "(5)" in line 19.

33. On page 90, strike beginning with the comma in line 17 through "drawing" in line 21; and in line 21 strike "(6)" and reinstate the stricken "(4)".

34. On page 102, line 13, after "licenses" insert "and permits".

35. On page 104, strike beginning with the second "the" in line 11 through line 13 and insert "the payment of expenses, and (d) the remission of taxes imposed under section 9-429.".

36. On page 105, line 20, strike "its" and insert "which form shall be limited to the following information: Its"; and in lines 21, 22, 23, and 24 strike the commas and insert underscored semicolons.

37. On page 106, strike beginning with the comma in line 1 through the comma in line 2.

38. On page 107, line 21, after the third comma insert "and"; and in line 22 strike beginning with "and" through the first comma.

39. On page 111, strike beginning with "Such" in line 24 through line 25.

40. On page 112, strike line 1.

41. On page 116, line 17, strike "83" and insert "84".

42. On page 119, line 4, strike "19 and 85" and insert "20 and 86"; strike beginning with "3" in

line 5 through "86" in line 6 and insert "4, 21, 22, 26, 27, 39, 40, 48, 57, 66, 67, 80, and 87"; in line 11 strike "are" and insert "in"; and in line 15 after "sections" insert "9-1,101,".

43. Renumber the remaining sections accordingly.

(Signed) Patricia S. Morehead, Chairperson

Health and Human Services

LEGISLATIVE BILL 697. Placed on General File as amended.
Standing Committee amendments to LB 697:
AM0587

1. On page 2, lines 1 and 9; and on page 7, line 14, strike "5" and insert "6".

2. On page 5, line 22, strike "reason" and insert "probable cause"; and in line 23 strike "abuse or neglect" and insert "injury or deprivation with regard to his or her health, safety, welfare, rights, or level of care".

3. Insert the following new section:

"Sec. 6. (1) Prior to instituting any legal action in a federal or state court on behalf of a mentally ill or developmentally disabled individual, a protection and advocacy system shall exhaust in a timely manner all administrative remedies where appropriate. If, in pursuing administrative remedies, the system determines that any matter with respect to such individual will not be resolved within a reasonable time, the system may pursue alternative remedies, including the initiation of a legal action.

(2) Subsection (1) of this section shall not apply to any legal action instituted to prevent or eliminate imminent serious harm to a mentally ill or developmentally disabled individual.".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 695. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

Education

LEGISLATIVE BILL 128. Placed on General File.

LEGISLATIVE BILL 455. Placed on General File as amended.
Standing Committee amendment to LB 455:
AM0541

1. On page 2, line 11, after the comma insert "which has a total cost of not more than two million dollars and for which bid letting will be accomplished by July 1, 1990,".

(Signed) Ron Withem, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 53.

Introduced by Dierks, 40th District.

WHEREAS, in the 1986-87 season, the Clearwater Boys Basketball Team played to a 25-1 record; and

WHEREAS, the team won its fourth consecutive state title in Class D-2; and

WHEREAS, Clearwater is the only team ever to hold a title in Class D-2; and

WHEREAS, the success of the team shows outstanding spirit and tradition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the members and coaches of the Clearwater Boys Basketball Team.

2. That a copy of this resolution be sent to the members and coaches of the team.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 446 in the Journal. No objections. So ordered.

AM0583

1. On page 7, lines 14 and 15, strike the new

matter and insert "January 1, 1988, or January 1 in any year thereafter"; and in line 17 strike the new matter and insert "such date".

MESSAGE FROM THE GOVERNOR

March 17, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 411 was received in my office on March 12, 1987.

This bill was signed by me on March 17, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

ATTORNEY GENERAL'S OPINIONS

Opinion No. 87035

DATE: March 11, 1987

SUBJECT: Low-Level Radioactive Waste Disposal Act

REQUESTED BY: Senator Loran Schmit, Chairman
Committee on Natural Resources

WRITTEN BY: Robert M. Spire, Attorney General
Linda L. Willard, Assistant Attorney General

You have requested our opinion regarding the legality of LB 426 and LB 427 in relation to the Central Interstate Low-Level Radioactive Waste Compact (Compact) and other federal provisions. We will attempt to address each of your concerns separately.

We will address your concerns about LB 426 first. With regard to Section 2, Page 4, Line 17-22, there does appear to be a conflict with

the Compact. LB 426 states that the Act shall be applicable to only one site. The Compact provides, "There shall be provided within the region one or more regional facilities." (emphasis added.) By placing a limitation of only one site, the bill is potentially in conflict with the previously approved Compact. If only one site is chosen within the state, no conflict would arise. However, if two sites are chosen within the state, there would be a definite conflict with the Compact. By attempting to limit the number of sites to only one, the Act appears to be restricting the authority of the Compact members for selection of a site or sites.

Section 5 does not appear to create a conflict with the Radiation Control Act. However, it may create a problem of being unreasonably vague. Section 5 provides for a definition of "facility" that is the same as that contained within the Compact. However, where the Compact also contains the definition of "management" in relation to the management of waste, neither LB 426 nor the statutes involved here provide a definition of "management." This leaves open the possibility of misinterpretation of the term management and the claim of being unconstitutionally vague. A facility having some contact with low-level radioactive waste may not know whether it is encompassed by the statute since there is no definition of management.

Section 7 of LB 426, Page 8, Line 8-12, states that the Department of Environmental Control shall have the powers and duties to require proper operation and maintenance of a facility, including, but not limited to, the prevention of releases which cause or contribute to air, water, or land pollution and the prevention of exposure. Article VI of the Compact provides that no party shall pass or enforce any law or regulation which is inconsistent with the Compact. The Rules and Regulations promulgated by the federal government under the Atomic Energy Act state as one purpose for licenses under the Atomic Energy Act that they should "make every reasonable effort to maintain radiation exposures and releases of radioactive materials in effluents to unrestricted areas, as low as is reasonably achievable. The term 'as low as is reasonably achievable' means as low as is reasonably achievable taking into account the state of technology, and the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to the utilization of atomic energy in the public interest." 10 C.F.R. §20.1.

Section 7(9) of LB 426 is potentially in conflict with federal regulations which provides for keeping radioactive exposure as low as is reasonably achievable. This could result in the state not being eligible as a host site under the Compact and thus in violation of the

Compact. Even if the state removes itself from the Compact, it still must have a waste disposal facility.

Lines 13-20 on page 8 of LB 426 relate to the licensees maintaining records. While there is no real conflict with other state statutes in this area, it does appear to be a duplication of the efforts by the State Department of Health under the Radiation Control Act. It would appear to be a better use of state resources to provide for only one department to require the record keeping and to review the record keeping.

Section 8 does not appear to be in conflict with the Compact or the licensing authority of the Department of Environmental Control. It does, however, seem to duplicate any licensing efforts of the Department since the Legislature is required to also take action on the proposed facility and thus appears to be "licensing" the facility also. There are no standards set out for the legislative approval or disapproval of a facility. If the Legislature is to use some criteria other than that established by the DEC under the authority given to them by the Legislature, a potential licensee may have an argument that the Legislature is arbitrary and capricious in its denial having established no standards for the potential licensee. If, however, the Legislature adopts the standards promulgated by the Department of Environmental Control, there would be a question as to whether the Department of Environmental Control is creating the standards for the Legislature. If the Department of Environmental Control creates standards to be applied by the Legislature, it would appear to be unlawful delegation of the Legislature's authority to establish its own standards.

Section 10 does not appear to be in conflict with the regulatory authority of the Department of Environmental Control. It does remove the DEC's authority to promulgate and adopt Rules and Regulations regarding funding for long term site surveillance and care. Section 8 of the proposed bill, Page 9, Lines 8-11, requires that the funding arrangements be revealed. By removing the authority for adopting Rules and Regulations regarding these funding arrangements, the Legislature will be removing any control which the state or the Department may have over these funding arrangements.

Section 12 deletes wording relative to the Low-level Radioactive Waste Disposal Act superseding local ordinances. Deletion of this wording may create unnecessary problems and lead to litigation. A recent case in the Eighth Circuit, Ensco, Inc v. Dumas, 807 F.2d 743 (1986), dealt with the conflict between federal statutes and local legislation in relation to storage treatment or disposal of hazardous waste. Although the federal law was determined to pre-empt the local law, there is no surety that the same result would be obtained in a

case involving the Nebraska statutes versus a local law. Deletion of wording that already exists would be an indication that the Legislature did not mean for state law to supersede local law. If such is the case, any effort by the state to establish statewide regulations or to establish a disposal site could be defeated by the passage of local legislation establishing local regulations and prohibiting placement of a waste disposal site at that location. In effect, Nebraska might well end up with a state law relating to low-level radioactive waste disposal with no authority to implement the statute because it would be superseded by local regulations prohibiting low-level radioactive waste disposal.

In relation to the added language requiring insurance in Section 12, we see no conflict with current statutes or the Compact although there may be practical problems in obtaining the insurance required.

LB 427 presents several serious conflicts with the Compact. The legislative bill provides that when the state is designated as a host state, the Governor shall initiate the process of withdrawing by notifying the Legislature of the designation and that the withdrawal shall be effective 90 days from the date of designation unless the Legislature approves the designation. The Compact provides that withdrawal may be accomplished by enacting a statute to repeal the same and the withdrawal shall be effective five years after the Governor notifies, in writing, the Governors of the other party states.

While the Governor may initiate the process of informing the Legislature, withdrawal can only be accomplished by the action of the Legislature taking steps to pass legislation to withdraw. It may not be accomplished through inaction of the Legislature in failing to approve the designation. Also, the effective date for termination contained in LB 427 is in direct conflict with the Compact.

Article VI(c) of the Compact states, "All laws and regulations or parts thereof of any party state which are inconsistent with this Compact are hereby declared null and void for purposes of this Compact...." Therefore, pursuant to the Compact entered into by this state, LB 427 would become null and void at the time of its passage as being inconsistent with the Compact itself. The Compact clearly outlines a method for withdrawal from the Compact and only this method, entered into by all of the party states, including Nebraska, would be valid in the state's withdrawal from the Compact.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

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

Opinion No. 87036

DATE: March 12, 1987

SUBJECT: Proposed Grasslands Protection Act, LB 124

REQUESTED BY: Loran Schmit
State Senator

WRITTEN BY: Robert M. Spire
Attorney General
LeRoy W. Sievers
Assistant Attorney General

QUESTION 1: Is LB 124, the Grasslands Protection Act, unconstitutional because it effects an unlawful taking of property without just compensation?

CONCLUSION: No.

QUESTION 2: Does LB 124 contain an unconstitutional delegation of legislative powers in contravention of the Nebraska Constitution, Article II, Section 1?

CONCLUSION: No.

QUESTION 3: Does LB 124 violate the due process clause of the state and federal constitutions?

CONCLUSION: No.

DISCUSSION

The Fifth Amendment to the United States Constitution and Article I, Section 21 of the Nebraska Constitution provide in essence that private property cannot be taken or damaged for public use without just compensation. LB 124, the Grasslands Protection Act, would prohibit converting highly erodible native grasslands without first obtaining a permit from a natural resources district. In cases in which the land is classified VI, VII, or VIII by the United States

Department of Agriculture, Soil Conservation Service, the district may deny the application. The act further provides that the district may deny the application on any other land if it finds that the landowner does not agree to implement a conservation plan that would limit soil erosion to within specified limits or that the landowner does not agree to a reasonable revegetation plan as a condition of the permit. The act thus contains land use restrictions.

The United States Supreme Court has addressed the question of when land use regulations amount to a taking without just compensation which is prohibited under the federal constitution. In U.S. v. Riverside Bayview Homes, Inc., 474 U.S. ___, 88 L.Ed.2d 419, 106 S.Ct. ___ (1985). The court said:

> We have frequently suggested that governmental land-use regulations may under extreme circumstances amount to a "taking" of the affected property. . . . We have never precisely defined those circumstances, . . . but our general approach was summed up in Agins v. Tiburon, 447 U.S. 255, 260, 65 L.Ed.2d 106, 100 S.Ct. 2138 (1980), where we stated that the application of land-use regulations to a particular piece of property is a taking only "if the ordinance does not substantially advance legitimate state interests . . . or denies an owner economically viable use of his land." Moreover, we have made it quite clear that the mere assertion of regulatory jurisdiction by a governmental body does not constitute a regulatory taking. . . . The reasons are obvious. A requirement that a person obtain a permit before engaging in a certain use of his or her property does not itself "take" the property in any sense: after all, the very existence of the permit system implies that permission may be granted, leaving the landowner free to use the property as desired. Moreover, even if the permit is denied, there may be other viable uses available to the owner. Only when a permit is denied and the effect of the denial is to prevent "economically viable" use of the land in question can it be said that a taking has occurred. 88 L.Ed. at 426.

In this instance the Grasslands Protection Act advances legitimate state interests as is specified in some detail in the opening sections of the act. Additionally, it does not appear as though the act will necessarily deny owners "economically viable" use of their land. As is indicated in the cited case, the permit may be issued in many instances thus allowing the use of the land as desired by the permit applicant. Moreover, even though the application may be denied does not necessarily mean that the only economically viable use for the land would be prohibited. Certainly currently existing uses of the land may be economically viable and other alternative uses other than those requiring a permit may be possible. As a consequence, the

Grasslands Protection Act, LB 124, does not appear to be an unconstitutional taking of private property.

The Grasslands Protection Act specifies that natural resource districts may adopt or promulgate rules and regulations that more fully develop the permit process by which applicants may obtain a permit to cultivate highly erodible native grasslands. Natural resource districts are political subdivisions for the state. Neb.Rev.Stat. 22-3213 (Cum.Supp. 1986). A question that arises is whether this delegation violates the separation of powers provisions found in Article II, Section 1 of the Nebraska State Constitution.

In Lincoln Dairy Company v. Finigan, 170 Neb. 777, 104 N.W.2d 227 (1960), the Nebraska Supreme Court said:

> It is fundamental that the Legislature may not delegate legislative power to administrative or executive authority. . . . The Legislature does have power to authorize an administrative or executive department to make rules and regulations to carry out an expressed legislative purpose, or for the complete operation and enforcement of a law within designated limitations.

Id. at 780.

Additionally, in Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967), the court said,

> Delegation of legislative power is most commonly indicated where the relations to be regulated are highly technical and where regulation requires a course of continuous decision . . . . Where the Legislature has settled the guiding principles and standards of policy, and has provided the precision and due process which can obviously not be fully obtained in the basic legislation, the act should be upheld.

Id. at 401-2.

Finally, the court has recently said:

> 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 such discretionary power upon an administrative agency must be reasonably adequate, sufficient, and definite for the guidance of the agency in the exercise of the power conferred upon it and must also be sufficient to enable those affected to know their rights and obligations. . . . 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 increase. . . . This is

particularly true where, as here, the violation of any such regulation does not constitute a criminal act.

State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 465, 283 N.W.2d 12 (1979).

Although it is not without dispute, an examination of the act indicates that the bill contains sufficiently specific standards identifying under which circumstances a permit may be issued. Moreover, violations of the act do not constitute violations of the criminal law. Consequently, it is more likely that a court would uphold the act as not an unconstitutional delegation of legislative power.

The final question you raise is whether the Grasslands Protection Act, LB 124, violates the due process clause of the state and federal constitutions by being arbitrary. To determine whether or not a legislative enactment is so arbitrary that it violates the constitution, the courts have devised differing tests. For instance in Motors Acceptance Corp. v. McLain, 154 Neb. 254, 47 N.W.2d 919 (1951), the Nebraska Supreme Court said as follows:

> It is not always necessary that statutes and ordinances prescribe a specific rule of action. This is particularly true in those situations where it is difficult or impractical to declare a definite, comprehensive rule, or where the discretion to be exercised by an administrative officer relates to a regulation imposed for the protection of public morals, health, safety and general welfare. . . .
>
> . . . .
>
> . . . Such provisions are not violative of constitutional provisions as conferring arbitrary powers where an adequate appeal to the courts is provided. . . . They are not arbitrary or discriminatory if they bear a reasonable relation to the accomplishment of a proper legislative purpose.

Id. at 358-9.

Thus, the act is not unconstitutional if there is an adequate appeal to the courts and the permitting provisions bear a reasonable relation to the accomplishment of a proper legislative purpose. In Section 8 of the act, there is a provision that if any party is aggrieved of a final decision made by a natural resources district pursuant to the act that party may appeal the decision to a court. Thus, the legislation contains an adequate appeal provision. Additionally the permit provisions constitute a means by which the Legislature is undertaking to control erosion of the native grasslands of the State of Nebraska. The act acknowledges that those native grasslands are a valuable resource of the state. The act also acknowledges that if cropping is discontinued on converted native grasslands, revegitation can be

difficult and a costly burden to society. The Grasslands Protection Act is one means by which the Legislature is acting in an effort to prevent such serious problems from occurring in the future. As a consequence, the legislation appears to bear a reasonable relation to the accomplishment of the proper legislative purpose of limiting soil erosion in the future.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) LeRoy W. Sievers
Assistant Attorney General

LWS/kb
cc: Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Approve Appointment

Mr. Lamb moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 1086: Richard L. Coyne - Commissioner, Game and Parks Commission.

Voting in the affirmative, 26:

Baack	Haberman	Lamb	Pappas	Schellpeper
Barrett	Hartnett	Langford	Peterson	Scofield
Beyer	Hefner	Marsh	Pirsch	Smith
Coordsen	Johnson, L.	Miller	Remmers	Wehrbein
Dierks	Korshoj	Morehead	Rupp	Weihing
Goodrich				

Voting in the negative, 0.

Present and not voting, 7:

Chambers	Elmer	Rogers	Warner	Withem
Chizek	Nelson			

Excused and not voting, 16:

Abboud	Hall	Higgins	Labedz	McFarland
Ashford	Hannibal	Johnson, R.	Landis	Moore
Conway	Harris	Johnson, V.	Lynch	Schmit

Wesely

The appointment was confirmed with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Rogers 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 531.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-1502, Revised Statutes Supplement, 1986; to change provisions relating to acquisitions of shares in certain institutions 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, 37:

Ashford	Elmer	Lamb	Nelson	Scofield
Baack	Goodrich	Landis	Pappas	Smith
Barrett	Haberman	Langford	Peterson	Warner
Beyer	Hannibal	Marsh	Pirsch	Wehrbein
Chambers	Hartnett	McFarland	Remmers	Weihing
Chizek	Hefner	Miller	Rupp	Wesely
Coordsen	Johnson, L.	Morehead	Schellpeper	Withem
Dierks	Korshoj			

Voting in the negative, 0.

Excused and not voting, 12:

Abboud	Harris	Johnson, V.	Lynch	Rogers
Conway	Higgins	Labedz	Moore	Schmit
Hall	Johnson, R.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 539.

A BILL FOR AN ACT relating to state government; to authorize payment of conference expenses 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, 37:

Ashford	Elmer	Lamb	Nelson	Scofield
Baack	Goodrich	Landis	Pappas	Smith
Barrett	Haberman	Langford	Peterson	Warner
Beyer	Hannibal	Marsh	Pirsch	Wehrbein
Chambers	Hartnett	McFarland	Remmers	Weihing
Chizek	Hefner	Miller	Rupp	Wesely
Coordsen	Johnson, L.	Morehead	Schellpeper	Withem
Dierks	Korshoj			

Voting in the negative, 0.

Excused and not voting, 12:

Abboud	Harris	Johnson, V.	Lynch	Rogers
Conway	Higgins	Labedz	Moore	Schmit
Hall	Johnson, R.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 567.

A BILL FOR AN ACT relating to water resources; to eliminate a provision relating to membership on a river basin commission; and to repeal section 46-901, 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	Coordsen	Johnson, L.	Miller	Schellpeper
Ashford	Dierks	Korshoj	Morehead	Scofield
Baack	Elmer	Lamb	Nelson	Smith
Barrett	Goodrich	Landis	Pappas	Warner
Beyer	Haberman	Langford	Peterson	Wehrbein
Chambers	Hannibal	Lynch	Pirsch	Weihing
Chizek	Hartnett	Marsh	Remmers	Wesely
Conway	Hefner	McFarland	Rupp	Withem

Voting in the negative, 0.

Excused and not voting, 9:

Hall	Higgins	Johnson, V.	Moore	Schmit
Harris	Johnson, R.	Labedz	Rogers	

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 water resources; to repeal the Lower Niobrara River and Ponca Creek Compact; and to repeal Laws 1961, c. 288, sec. 1, p. 836.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Dierks	Lamb	Morehead	Schmit
Ashford	Elmer	Landis	Nelson	Scofield
Baack	Goodrich	Langford	Pappas	Smith
Barrett	Haberman	Lynch	Peterson	Warner
Beyer	Hannibal	Marsh	Pirsch	Wehrbein
Chambers	Hartnett	McFarland	Remmers	Weihing
Chizek	Hefner	Miller	Rupp	Wesely
Conway	Johnson, L.	Moore	Schellpeper	Withem
Coordsen	Korshoj			

Voting in the negative, 0.

Excused and not voting, 7:

Hall	Higgins	Johnson, V.	Labedz	Rogers
Harris	Johnson, R.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 604.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-102, Reissue Revised Statutes of Nebraska, 1943; to require a certificate of title for all cabin trailers; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Dierks	Lamb	Morehead	Schmit
Ashford	Elmer	Landis	Nelson	Scofield
Baack	Goodrich	Langford	Pappas	Smith
Barrett	Haberman	Lynch	Peterson	Warner
Beyer	Hannibal	Marsh	Pirsch	Wehrbein
Chambers	Hartnett	McFarland	Remmers	Weihing
Chizek	Hefner	Miller	Rupp	Wesely
Conway	Johnson, L.	Moore	Schellpeper	Withem
Coordsen	Korshoj			

Voting in the negative, 0.

Excused and not voting, 7:

Hall	Higgins	Johnson, V.	Labedz	Rogers
Harris	Johnson, R.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 643.

A BILL FOR AN ACT relating to maternal and child health; to define terms; to provide for the creation and administration of certain programs; to provide for acceptance of federal funds; to provide powers and duties; to provide penalties for violations; to provide for enforcement; and to provide a duty for the Revisor of Statutes.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Dierks	Korshoj	Moore	Schellpeper
Ashford	Elmer	Lamb	Morehead	Schmit
Baack	Goodrich	Landis	Nelson	Scofield
Barrett	Haberman	Langford	Pappas	Smith
Beyer	Hannibal	Lynch	Peterson	Warner
Chambers	Hartnett	Marsh	Pirsch	Wehrbein
Chizek	Hefner	McFarland	Remmers	Weihing
Conway	Johnson, L.	Miller	Rupp	Wesely
Coordsen				

Voting in the negative, 0.

Present and not voting, 1:

Withem

Excused and not voting, 7:

Hall	Higgins	Johnson, V.	Labedz	Rogers
Harris	Johnson, R.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 715.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-106, Reissue Revised Statutes of Nebraska, 1943; to provide for approval of certain plats; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Dierks	Lamb	Morehead	Schmit
Ashford	Elmer	Landis	Nelson	Scofield
Baack	Goodrich	Langford	Pappas	Smith
Barrett	Haberman	Lynch	Peterson	Warner
Beyer	Hannibal	Marsh	Pirsch	Wehrbein
Chambers	Hartnett	McFarland	Remmers	Weihing
Chizek	Hefner	Miller	Rupp	Wesely
Conway	Johnson, L.	Moore	Schellpeper	Withem
Coordsen	Korshoj			

Voting in the negative, 0.

Excused and not voting, 7:

Hall	Higgins	Johnson, V.	Labedz	Rogers
Harris	Johnson, R.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 491 to Select File

Mr. Warner moved to return LB 491 to Select File for the following specific amendment:

Strike on page 24 new language on lines 12 thru 15.

Mr. Warner withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 491.

A BILL FOR AN ACT relating to state employees; to amend sections 44-1620.01, 44-1621, 44-1622, 44-1623, 44-1626, 44-1629, 81-1307, 81-1311, 81-1316, 81-1318, 81-1355, 81-1356, 81-1359, 81-1360, 81-1361, 81-1367, and 81-1368, Reissue Revised Statutes of

Nebraska, 1943, and sections 44-1620, 44-1627, and 81-1302, Revised Statutes Supplement, 1986; to change provisions relating to life, health, and other insurance coverages as prescribed; to authorize the Department of Personnel to assist the Risk Manager; to define and redefine terms; to provide a duty for the Director of Personnel; to provide for certain employee rights as prescribed; to change a provision relating to agency responsibilities; to change provisions relating to the State Personnel Board; to authorize certain persons to be exempt from the State Personnel System; to change provisions relating to the state's Affirmative Action Program; to provide duties for the Affirmative Action Administrator; to change provisions relating to agency affirmative action plans; to eliminate provisions relating to group health insurance; to harmonize provisions; and to repeal the original sections, and also sections 44-1633 to 44-1638, 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	Elmer	Korshoj	Miller	Schellpeper
Ashford	Goodrich	Labedz	Morehead	Scofield
Baack	Haberman	Lamb	Nelson	Smith
Barrett	Hall	Landis	Pappas	Warner
Beyer	Hannibal	Langford	Peterson	Wehrbein
Chizek	Hartnett	Lynch	Pirsch	Weihing
Conway	Hefner	Marsh	Remmers	Wesely
Coordsen	Johnson, L.	McFarland	Rupp	Withem
Dierks	Johnson, R.			

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Moore	Schmit

Excused and not voting, 4:

Harris	Higgins	Johnson, V.	Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 491A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 491, Ninetieth Legislature, First Session, 1987.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Dierks	Johnson, R.	Miller	Schellpeper
Ashford	Elmer	Korshoj	Morehead	Scofield
Baack	Goodrich	Labedz	Nelson	Smith
Barrett	Haberman	Lamb	Pappas	Warner
Beyer	Hall	Landis	Peterson	Wehrbein
Chambers	Hannibal	Langford	Pirsch	Weihing
Chizek	Hartnett	Lynch	Remmers	Wesely
Conway	Hefner	Marsh	Rupp	Withem
Coordsen	Johnson, L.	McFarland		

Voting in the negative, 0.

Present and not voting, 2:

Moore Schmit

Excused and not voting, 4:

Harris Higgins Johnson, V. Rogers

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: 491, 491A, 531, 539, 567, 568, 604, 643, and 715.

MOTION - Suspend Rules

Mr. Hall moved to suspend Rule 3, Section 13, to permit a public hearing on LBs 776, 777, and 778 Monday, March 23, 1987.

The Hall motion prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 776	Monday, March 23, 1987	1:30 p.m.
LB 777	Monday, March 23, 1987	1:30 p.m.
LB 778	Monday, March 23, 1987	1:30 p.m.

(Signed) Tim Hall, Chairperson

GENERAL FILE

LEGISLATIVE BILL 78. Considered.

Mr. Chambers renewed his pending amendment found in the Journal on page 633.

The Chambers amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Ashford offered the following amendment:
to amend the Committee Amendment to LB 78 as follows:
Insert the following new section:
Sec. 8. Any insurer, person acting on behalf of the insurer, or their respective employees, which release relevant information under this act with reasonable cause to believe the truth of such information, shall be immune from any civil or criminal liability for releasing such information.

The Ashford amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 290. Title read. Considered.

Standing Committee amendment, AM0189, found in the Journal on page 602 for the Twenty-Third Day was considered.

Mr. Landis offered the following amendment to the Standing Committee amendment:

strike all language following the word "six" in line 3 through line 6.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. R. Johnson 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 18 ayes, 1 nay, and 30 not voting.

Mr. Landis requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Barrett	Lamb	Miller	Scofield	Wehrbein
Conway	Landis	Pirsch	Smith	Weihing
Hefner	Marsh	Rogers	Warner	Wesely
Labedz				

Voting in the negative, 18:

Abboud	Chizek	Hall	Korshoj	Pappas
Ashford	Coordsen	Hannibal	Langford	Schellpeper
Baack	Elmer	Hartnett	Morehead	Withem
Chambers	Goodrich	Johnson, L.		

Present and not voting, 10:

Beyer	Haberman	McFarland	Nelson	Remmers
Dierks	Lynch	Moore	Peterson	Rupp

Excused and not voting, 5:

Harris	Higgins	Johnson, R.	Johnson, V.	Schmit

The Landis amendment lost with 16 ayes, 18 nays, 10 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

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

The Standing Committee amendment was adopted with 29 ayes, 9 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Pappas moved to indefinitely postpone LB 290.

Messrs. Haberman and Moore asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Pappas motion to indefinitely postpone prevailed with 23 ayes, 10 nays, 11 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 767 in the Journal. No objections. So ordered.

AM0612

1. On page 2, line 17, strike "fee on abstracts", show as stricken, and insert "actual cost of furnishing a certified abstract"; and in line 24 after the period insert "All money received from fees in excess of actual cost of furnishing the certified abstract shall be deposited in the General Fund.".

Mr. Warner asked unanimous consent to print the following amendment to LB 661 in the Journal. No objections. So ordered.

AM0616

(Amendments to Standing Committee amendments, AM0539)

1. On page 2, lines 11 and 13, strike "public" and insert "state"; and in line 22 strike "elected" and insert "governing" and strike "board" and

insert "body".

2. On page 4, line 15, strike "accorded" and insert "afforded".

3. On page 7, line 22, after "shall" insert "be afforded only".

4. On page 9, line 20, after "certification" insert "by the commission".

5. On page 10, line 7, strike "the" and after "certified" insert "by the commission as the"; and in line 16 after "certification" insert "by the commission".

6. On page 11, line 23, after "of" insert "employees in".

7. On page 12, line 18, after "agent" insert "for the unit"; and in line 20 strike "composition of" and insert "job classifications which compose".

8. On page 13, strike beginning with the comma in line 13 through "however" in line 22 and insert "but may".

9. On page 14, line 8, after "employment" insert ", except that if those parties which meet and confer during this two-year period do not reach an agreement by June 30 preceding the beginning of the fiscal year, the existing agreement or contract shall be continued until such time as an agreement or contract for the remainder of the fiscal year has been reached"; and in line 22 after "shall" insert "for agencies within the jurisdiction of the division".

10. On page 16, line 15, strike "Negotiators" and insert "Negotiatior's" and strike "authority" and insert "jurisdiction".

11. On page 17, line 5, strike "over" and insert "cover".

12. On page 19, line 22, strike "fact-finder" and insert "fact-finders".

13. On page 20, line 23, after "each" insert "unresolved".

14. On page 22, line 23, strike "prevailing" and insert "prevalent".

15. On page 23, line 12, strike "subsection" and insert "section"; in line 23 after "appeal" insert "shall,"; and in line 24 after "parties" insert an underscored comma.

16. On page 25, line 2, after the first "the"

insert "pending".

17. On page 26, line 9, strike the second "a"; and in lines 11 and 21 strike "public" and insert "state".

18. On page 27, line 20, strike "public" and insert "state".

19. Strike original sections 31 and 32.

20. On page 57, line 20, strike "48-840 to"; and strike beginning with "and" in line 22 through the comma in line 24.

21. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 394. Indefinitely postponed.
LEGISLATIVE BILL 752. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 18, 1987, at 10:45 a.m., were the following bills: 531, 539, 567, 568, 604, 643, 715, 491, and 491A.

(Signed) Pam Moravec, Enrolling Clerk

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 635. Placed on General File as amended.
Standing Committee amendments to LB 635:
AM0241

1. Strike original section 1.

2. On page 3, strike beginning with "and" in line 21 through "his" in line 25 and insert ", the court may enter an order continuing detention or placement only upon a written determination that continuation of the juvenile in his or her home would be contrary to the welfare of such child and that reasonable efforts were made, prior to placement, to prevent or eliminate the need for removal and to make it possible for the juvenile to return to his or her home.".

3. On page 4, strike beginning with "or" in line 1 through the period in line 9.

4. On page 6, strike lines 3 through 24 and insert:

"The court may enter a dispositinal order removing a child from his or her home only upon a written determination that continuation in the home would be contrary to the welfare of such child and that reasonable efforts have been made to prevent or eliminate the need for removal of the child from his or her home and to make it possible for the child to return.".

5. On page 7, strike beginning with "make" in line 5 through "shall" in line 6 and insert "continue disposition outside the home only upon a written determination that return of the child to his or her home would be contrary to the welfare of such child and that reasonable efforts have been made to make it possible for the child to return to his or her home. In making this determination, the court shall"; in line 17 strike "43-248,"; and in line 18 strike the first comma.

6. Renumber remaining sections accordingly.

LEGISLATIVE BILL 172. Indefinitely postponed.
LEGISLATIVE BILL 553. Indefinitely postponed.
LEGISLATIVE BILL 636. Indefinitely postponed.
LEGISLATIVE BILL 722. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 54.

Introduced by Remmers, 1st District.

WHEREAS, the Sterling Jets basketball team has completed its season with a 23-1 record; and

WHEREAS, the final game of this season resulted in the Jets winning the Class D-1 basketball championship crown; and

WHEREAS, the winning of a state high school basketball championship demonstrates the willingness of a team and its coaches to work, concentrate, and cooperate as a team; and

WHEREAS, such an achievement is deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the spirit of sportsmanship and team resolve demonstrated by the Sterling Jets basketball team and congratulates the team for its success.

2. That the Legislature commends and congratulates Coach Jerry Beach and Assistant Coach Arlo Wusk for fostering that outstanding spirit of sportsmanship and team plan.

3. That a copy of this resolution be sent to the Sterling Jets basketball team.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 191 in the Journal. No objections. So ordered.

AM0636

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. As used in this act, unless the context otherwise requires, statement shall mean a recorded or written account of the facts out of which an injury arose given by the injured person to a person having an adverse interest. Statement shall not include insurance claims forms or medical authorizations.

Sec. 2. (1) There shall be a rebuttable presumption that any statement secured from an injured person by an adverse person at any time within thirty days after such injuries were sustained shall have been taken under duress for purposes of a trial of any action for damages for injuries sustained by such person or for the death of such person as the result of such injuries.

(2) The presumption described in subsection (1) of this section may be rebutted by any evidence. The presumption shall be deemed rebutted as a matter of law if the adverse person taking the statement discloses to the injured person prior to taking the statement:

(a) Whom he or she represents;

(b) That the injured person may make the statement in the presence of counsel or any other representative; and

(c) That a copy of the statement is available at no cost to the injured person.

Sec. 3. Nothing in this act shall be construed to supersede, abrogate, or limit any common law remedies available to any injured person who has given a statement.".

GENERAL FILE

LEGISLATIVE BILL 332. 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 444. Title read. Considered.

Standing Committee amendments, AM0259, found in the Journal on page 695 for the Twenty-Sixth Day were considered.

Mr. Withem renewed his pending amendment, AM0458, found in the Journal on page 921 to the Standing Committee amendments.

PRESIDENT NICHOL PRESIDING

The Withem amendment was adopted with 10 ayes, 2 nays, 32 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. Barrett asked unanimous consent to be excused. No objections. So ordered.

MRS. LABEDZ PRESIDING

Mr. Lamb offered the following amendment to the Standing Committee amendments:

Strike new language and reinstate old language
Pg 1 line 18 thru line 7 pg 3.

Mr. McFarland asked unanimous consent to be excused. No objections. So ordered.

Mr. Lamb moved for a call of the house. The motion prevailed with 15 ayes, 5 nays, and 29 not voting.

Mr. Lamb requested a roll call vote on his amendment to the Standing Committee amendments.

Voting in the affirmative, 11:

Abboud	Hefner	Langford	Remmers	Scofield
Coordsen	Lamb	Peterson	Schellpeper	Warner
Dierks				

Voting in the negative, 23:

Ashford	Elmer	Johnson, L.	Morehead	Rupp
Baack	Hall	Labedz	Nelson	Wehrbein
Chambers	Harris	Landis	Pappas	Wesely
Chizek	Hartnett	Lynch	Rogers	Withem
Conway	Higgins	Marsh		

Present and not voting, 8:

Beyer	Johnson, R.	Miller	Smith	Weihing
Hannibal	Korshoj	Pirsch		

Absent and not voting, 1:

Goodrich

Excused and not voting, 6:

Barrett	Johnson, V.	McFarland	Moore	Schmit
Haberman				

The Lamb amendment lost with 11 ayes, 23 nays, 8 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 185 in the Journal. No objections. So ordered.

AM0601

1. On page 35, strike beginning with "and" in line 2 through "39-602" and insert "which shall mean every motor vehicle designed and used predominantly in farming, ranching, or commercial horticultural operations for drawing plows, mowing machines, and other implements of husbandry. Implements of husbandry which shall mean every vehicle designed, adapted, and used primarily in farming, ranching, or commercial horticultural operations or for lifting or carrying an implement of husbandry and used primarily off the highway. Farm tractors and implements of husbandry as defined in this subdivision shall not include motor vehicles as defined in section 60-301".

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 217. Placed on General File as amended.
Standing Committee amendment to LB 217:
AM0635

1. On page 2, line 7, after the period insert "Such contingency fund shall be limited to an amount not to exceed one and one half per cent of the total general fund budget adopted for the ensuing year.".

LEGISLATIVE BILL 656. Placed on General File as amended.
Standing Committee amendments to LB 656:
AM0634

1. Strike original section 2 and insert the following new sections:

"Sec. 2. That section 85-121, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-121. For the furtherance and promotion of agriculture and stockraising interests of this state, an additional ~~school~~ college of agriculture, the location of which has been established by the Board of Educational Lands and Funds, pursuant to law, near the town of Curtis in Frontier County, Nebraska, shall be maintained under the conditions hereinafter prescribed,

and known as the Nebraska ~~School~~ College of Technical Agriculture at Curtis. Such ~~school~~ college of agriculture shall be under the control and management of the Board of Regents of the University of Nebraska until June 30, 1989, and it shall perform the same duties and exercise the same powers with reference to the Nebraska ~~School~~ College of Technical Agriculture at Curtis as such board by law may be authorized to perform or exercise with reference to the present College of Agriculture of the University of Nebraska, so far as the same may be applicable.

Sec. 3. The Legislature shall appropriate from the General Fund such money as is necessary to carry out the duties and programs of the Nebraska College of Technical Agriculture at Curtis until July 1, 1989. The appropriation shall be made to the University of Nebraska for the sole purpose of maintaining the duties, programs, and facilities of the Nebraska College of Technical Agriculture at Curtis.".

2. On page 3, line 20, strike "School", show as stricken, and insert "Nebraska College".

3. Renumber the remaining sections accordingly.

(Signed) Ron Withem, Chairperson

Transportation

LEGISLATIVE BILL 593. Placed on General File.
LEGISLATIVE BILL 608. Placed on General File.

LEGISLATIVE BILL 614. Indefinitely postponed.

(Signed) Howard Lamb, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 55.

Introduced by Rupp, 22nd District.

WHEREAS, the Humphrey High School boys' basketball team, the Bulldogs, won the Class C-2 Nebraska Boys' State Basketball

Championship on March 14, 1987, compiling a record of 25 wins, 2 losses; and

WHEREAS, the Humphrey Bulldogs have displayed exemplary athletic skill, competitive spirit, and sportsmanship throughout the 1986-87 basketball season; and

WHEREAS, the team members and Coach Doug Moss are deserving of special recognition for their victory.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature commend and congratulate the Humphrey Bulldogs and Coach Moss and recognize the team as the 1987 Nebraska Boys' State Class C-2 Basketball Champions.

2. That a copy of this resolution be sent to Coach Moss at Humphrey High School.

Laid over.

LEGISLATIVE RESOLUTION 56.

Introduced by Chizek, 31st District; Ashford, 6th District; Baack, 47th District; Beyer, 3rd District; Conway, 17th District; Coordsen, 32nd District; Dierks, 40th District; Elmer, 38th District; Hall, 7th District; Harris, 27th District; Hefner, 19th District; Higgins, 9th District; L. Johnson, 15th District; R. Johnson, 34th District; Korshoj, 16th District; Lamb, 43rd District; Landis, 46th District; Langford, 36th District; Lynch, 13th District; Marsh, 29th District; Miller, 37th District; Morehead, 30th District; Nelson, 35th District; Peterson, 21st District; Remmers, 1st District; Rogers, 41st District; Rupp, 22nd District; Schellpeper, 18th District; Scofield, 49th District; Warner, 25th District; Wehrbein, 2nd District; Weihing, 48th District; Wesely, 26th District.

WHEREAS, Lancaster County Deputy Sheriff Craig Dodge was killed in the line of duty on March 14, 1987; and

WHEREAS, Deputy Dodge served the citizens of Lancaster County for many years through his association with Eastern Ambulance Company and as a deputy in the Lancaster County Sheriff's Office; and

WHEREAS, Deputy Dodge died as he lived, displaying dedication, honor, and valor; and

WHEREAS, Deputy Dodge is survived by his wife Barbara, sons Allen and David, and Stepsons Nick and Joey Krohn.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and honors the courage displayed by Craig Dodge.

2. That the Legislature extends its sympathy to Mrs. Dodge, Allen, David, Nick, and Joey.

3. That a copy of this resolution be sent to the family of Craig Dodge.

Laid over.

LEGISLATIVE RESOLUTION 57.

Introduced by L. Johnson, 15th District.

WHEREAS, winning the state high school C-1 basketball championship by the Archbishop Bergan Junior-Senior High School Knights of Fremont, Nebraska, demonstrates the willingness of a team and its coach to work, concentrate, and cooperate as a team; and

WHEREAS, the Bergan Knights displayed exemplary athletic skill, competitive spirit, and sportsmanship; and

WHEREAS, their dedication as well as the efforts of their coach, Randy Eikmeier, assistant coach, Leigh Schmale, and support and spirit of the entire Archbishop Bergan Junior-Senior High School are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the spirit of sportsmanship and team resolve demonstrated by the Archbishop Bergan Junior-Senior High School boys' basketball team and congratulates them for their individual and team success.

2. That the Legislature commends and extends congratulations to coaches Randy Eikmeier and Leigh Schmale and their staff for consistently fostering an outstanding spirit of sportsmanship, skill, and team play.

3. That the Legislature applauds the spirit shown by the entire Archbishop Bergan Junior-Senior High School student body and staff in support of their team.

4. That a copy of this resolution by sent to coaches Randy Eikmeier and Leigh Schmale and Archbishop Bergan Junior-Senior High School.

Laid over.

VISITORS

Visitors to the Chamber were Zerbanoo Gifford from London, England; Mr. and Mrs. Don Zoeller and Tracy from Manhattan, Kansas; 28 students and teacher from Elkhorn Public High School; 14 students and teacher from Lexington High School; 13 students and teacher from Lexington St. Ann's High School; and Lee, Chang-Hee and Lee, Youl-Bok from Korea.

ADJOURNMENT

At 12:06 p.m., on a motion by Mr. Chizek, the Legislature adjourned until 9:00 a.m., Thursday, March 19, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY - MARCH 19, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 19, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Dr. J. Keith Cook, Presbyterian Church of the Master, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chambers, Haberman, Hall, McFarland, Peterson, Remmers, Schmit, Wesely, Withem, Mesdames Labedz, Morehead, Pirsch, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fourth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 78. Placed on Select File as amended.
E & R amendments to LB 78:
AM5125

1. In the Ashford amendment adopted March 18, 1987, found on page 1127 of the Journal, after the first comma insert "any"; after the first "or" insert "any of"; and strike "which release" and insert "who

releases".

2. In the Standing Committee amendments, AM0028, adopted February 12, 1987:

a. On page 1, line 17, strike "investigation";

b. On page 3, line 4; and page 4, line 4, strike the comma; and

c. On page 4, line 1, after the comma insert "any".

3. On page 1, strike beginning with "provide" in line 2 through "prescribed" in line 6 and insert "authorize and restrict the release and provision of certain information as prescribed; to provide powers and duties; to limit liability".

LEGISLATIVE BILL 332. Placed on Select File as amended.
E & R amendments to LB 332:
AM5126

1. On page 4, line 24, strike the comma.

2. On page 5, line 17, strike the last comma and show as stricken; and in line 18 after the period insert an underscored comma.

(Signed) Scott Moore, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 87029

DATE: March 4, 1987

SUBJECT: Constitutionality of Those Portions of LB 661 and LB 71 Dealing With Arbitration

REQUESTED BY: Senator Jerome Warner
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Dale A. Comer, Assistant Attorney General

You have posed several questions concerning arbitration in Nebraska and the constitutionality of portions of LB 661 and LB 71 dealing with arbitration. We have completed our analysis of the issues which you raised, and our views as to your questions

concerning arbitration are set out in detail below. We will deal with your questions in the order in which you presented them.

LB 661 is the State Employees Collective Bargaining Act. The Act would establish various procedures for collective bargaining between state agencies and their employees. Among other things, the Act provides for the appointment of a special master as a fact-finder in certain types of labor negotiations. The act also provides for binding arbitration of certain types of employee grievances.

LB 71 is the Uniform Arbitration Act. LB 71 provides that an agreement to submit an existing controversy to arbitration or a contractual provision providing for arbitration of future disputes is valid and enforceable. The Uniform Act would establish procedures for arbitration including standards for the judicial review of decisions by arbitrators. The standards for judicial review of decisions by arbitrators in LB 71 are identical to the standards for judicial review of arbitration involving employee grievances set out in LB 661.

Your first question involves the special master procedures included in LB 661. That bill provides that a special master shall decide all unresolved negotiable issues at impasse between management and state employees. While the special master's decision is binding, LB 661 does provide for a limited appeal to the Commission of Industrial Relations (hereinafter CIR) and, subsequently, to the Nebraska Supreme Court. You ask, if this decision by the special master is considered a form of arbitration, is it constitutional under our Nebraska Constitution?

In a series of cases beginning in 1889, our Supreme Court has consistently held that binding arbitration agreements, entered into before a dispute arises, are contrary to public policy and not enforceable. City of Lincoln v. Soukup, 215 Neb. 732, 340 N.W.2d 420 (1983); Heisner v. Jones, 184 Neb. 602, 169 N.W.2d 606 (1969); Wilson & Company, Inc. v. Fremont Cake & Meal Company, 153 Neb. 160, 43 N.W.2d 657 (1950); German-American Insurance Company v. Etherton, 25 Neb. 505, 41 N.W. 406 (1889). The most recent pronouncement of this rule came in Overland Constructors v. Millard School District, 220 Neb. 220, 224, 369 N.W.2d 69, 73 (1985) where the court stated:

> While this court is supportive of parties resolving their differences through arbitration, if possible, we have consistently held that an arbitration agreement entered into before a dispute arises, denying to the parties their right to seek the assistance of the courts, is contrary to public policy and is not enforceable.

As a part of this rule, our Supreme Court has also stated on several occasions that exhaustion of contractual arbitration procedures is not required prior to submission of disputes to the District Court.

Poppert v. Brotherhood of Railroad Train Men, 187 Neb. 297, 189 N.W.2d 469 (1971); Rentschler v. Missouri Pacific Railroad Company, 126 Neb. 493, 253 N.W. 694 (1934). This rule which prohibits arbitration agreements that are binding without significant recourse to the courts appears to be based upon the notion that our courts may not be ousted of their jurisdiction. Such an ouster would violate Article I, Section 13 of our state constitution which requires the availability of open courts.

However, the Nebraska Rule against arbitration does not appear to be a blanket prohibition against all forms of that remedy. For example, an agreement to arbitrate an existing dispute is permissible. Overland Constructors v. Millard School District, supra. Likewise, an arbitration agreement which would allow a full review of the arbitrator's decision on the merits by the District Court would seem acceptable. Therefore, the special master procedure set out in LB 661 which is the subject of your first question is not unconstitutional simply because it may involve arbitration.

The constitutionality of the special master provisions contained in LB 661 actually turns on the adequacy of the standards given the special master to resolve disputed issues at impasse. Setting the compensation of governmental employees and determining the conditions of their employment involve legislative powers and functions. Orleans Education Association v. the School District of Orleans, 193 Neb. 675, 229 N.W.2d 172 (1975). As a result, the CIR, which heretofore has reviewed these matters and which would hear appeals from the special master under LB 661, is an administrative agency performing a legislative function. Transport Workers of America Local 223 v. Transit Authority of the City of Omaha, 205 Neb. 26, 286 N.W.2d 102 (1979); Orleans Education Association v. School District of Orleans, supra. In a similar fashion, a special master deciding a dispute involving state employees under LB 661 would also perform a legislative function. When the Legislature delegates authority to perform a legislative function, that authority must be limited to the expressed purpose and administered under sufficient basic standards prescribed in the legislative act. Orleans Education Association v. School District of Orleans, supra. Consequently, LB 661 is constitutional if it gives the special master sufficient statutory standards to complete the arbitration process.

Section 14 (3) of LB 661 provides:

> The special master shall choose the most reasonable final offer on each issue in dispute. He or she may consider, but shall not limited to, evidence regarding comparable rates of pay and conditions of employment as described in §48-818. (Emphasis added).

The Nebraska Supreme Court has indicated that the standards provided for the CIR under Neb.Rev.Stat. §48-818 are constitutionally sufficient for that body, and we assume that those standards would also be sufficient for the special master. However, the portion of Section 14(3) of LB 661 emphasized above allows the special master to go considerably beyond the standards set out in Section 48-818 in the determination of disputes. Indeed, it is our view that the portion of Section 14(3) of LB 661 emphasized above, in effect, sets no standards for the special master at all. Therefore, we believe that LB 661, as it is presently drafted, establishes unconstitutional arbitration procedures involving the special master since there are insufficient standards for the delegation of legislative authority. That constitutional impediment can obviously be corrected by more detailed standards.

You next ask, are the arbitration procedures for grievances under LB 661 and the general arbitration procedures under LB 71 permitted by the Nebraska Constitution? Our answer must be "No".

Section 18 of LB 661 provides that collective bargaining agreements involving state employees may include provisions for binding arbitration of employee grievances. A decision by an arbitrator involving such a grievance would be appealable to the District Court. Under Section 21 of LB 661, a district court could vacate the arbitration award only when:

> (a) The award was procured by corruption, fraud, or other undue means; (b) there was evident partiality by an arbitrator appointed as a neutral or corruption in any of the arbitrators or misconduct prejudicing the rights of any parties; (c) the arbitrators exceeded their powers; (d) the arbitrators refused to postpone an arbitration hearing upon sufficient cause being shown therefore, refused to hear evidence material to the controversy, or otherwise so conducted the hearing as to prejudice substantially the rights of a party; or (e) there was no arbitration agreement and the party did not participate in the arbitration hearing without raising the objection.

Section 12 of LB 71 establishes an identical standard for District Court review of an arbitrator's decision under the Uniform Arbitration Act.

As discussed above, arbitration which involves agreements made before a dispute arises and which denies parties their right to seek assistance of the courts is unconstitutional under Article I, Section 13 of our state constitution. Under the standards for judicial review set out above, a District Court reviewing an arbitration decision under LB 661 or under LB 71 could in no way consider the merits of the controversy, and would be limited, in great part, to questions

concerning fraud or partiality. In our view, those standards are so narrow as to effectively deny parties to the arbitration the assistance of the courts. Therefore, we believe that the portion of LB 661 which provides for the arbitration of grievances together with the general arbitration provisions of LB 71 are unconstitutional. We would note, however, that LB 71 would be constitutional to the extent that it is applied to agreements for arbitration of existing controversies under Section 2 of that bill.

Your third question involves the statutory authority for a state agreement to use arbitration procedures. You ask whether the state could agree to binding arbitration procedures of any kind in a contract with an employee bargaining unit without specific statutory authority to do so.

In general, a state administrative body has no power or authority other than that specifically conferred upon it by statute or by construction necessary to accomplish the plain purposes of the act. Nebraska Association of Public Employees, Game & Parks Chapter v. Game & Parks Commission, 220 Neb. 883, 374 N.W.2d 46 (1985). Absent specific statutory authority for the use of arbitration procedures, it is our view that state agencies could not agree to use binding arbitration procedures with an employee bargaining unit.

Finally, you inquire as to whether a grievance arbitration procedure in a labor contract would mean that the State Personnel Board would not hear grievances of employees covered under such a contract. It seems to us that the answer to that question would turn on the provisions of the labor contract involved and on the provisions of the statute which authorizes the arbitration. The State Personnel Board was created by the Legislature, and its duties and authority may be altered by that body. Therefore, the Legislature could provide that proper and constitutional forms of arbitration could take the place of grievance proceedings before the State Personnel Board.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

DAC:jem
cc: Patrick J. O'Donnell
Clerk of the Legislature

3/13

SELECT FILE

LEGISLATIVE BILL 75. E & R amendments, AM5052, found in the Journal on page 515 for the Twentieth Day were adopted.

Mr. V. Johnson offered the following amendment:
AM0170

1. Strike original section 5.
2. On page 24, line 14, after the first comma insert "and" and strike "and 77-2753,".
3. Renumber the remaining section accordingly.

Mr. Rogers 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 10 ayes, 3 nays, and 36 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Ashford	Dierks	Johnson, V.	McFarland	Remmers
Barrett	Hartnett	Labedz	Miller	Warner
Beyer	Hefner	Lynch	Moore	Wehrbein
Chizek	Higgins	Marsh	Nelson	Weihing
Coordsen	Johnson, L.			

Voting in the negative, 11:

Baack	Johnson, R.	Lamb	Pappas	Schellpeper
Conway	Korshoj	Landis	Rupp	Scofield
Harris				

Present and not voting, 6:

Chambers	Hannibal	Peterson	Smith	Withem
Elmer				

Absent and not voting, 1:

Goodrich

Excused and not voting, 9:

Abboud	Hall	Morehead	Rogers	Wesely
Haberman	Langford	Pirsch	Schmit	

The V. Johnson amendment lost with 22 ayes, 11 nays, 6 present and not voting, 1 absent and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the call raised.

LEGISLATIVE BILL 75A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 287. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 683. E & R amendments, AM5109, found in the Journal on page 967 for the Thirty-Ninth Day were adopted.

Mr. Warner offered the following amendment:
AM0641

1. In the Enrollment and Review amendment, AM5109, strike amendments 1 and 4 and renumber the remaining amendments accordingly.

2. In the Standing Committee Amendment, AM0212, adopted March 6, 1987, strike amendment 1 and renumber the remaining amendments accordingly.

3. Strike original section 3 and insert the following new sections:

"Sec. 3. The Governor shall submit the plan and any amendment to the plan to the Legislature by the sixtieth legislative day in the regular session held in an odd-numbered year or the thirtieth legislative day in the regular session held in an even-numbered year. The plan shall include (1)(a) broad categories of the types of proposed uses of the fund sufficiently described so as to allow the identification of the purpose and nature of the particular projects proposed or to be proposed for inclusion in each category and (b) within an applicable category, any project for which a single entity is proposed to be a direct or initial recipient of a total of more than fifty thousand dollars from the fund, except that this subdivision shall not apply to any project funded through the federal Weatherization Assistance for Low-Income Persons program or Institutional Conservation Program, (2) an indication of

which particular award or settlement will fund each category or project included in the plan, and (3) a policy statement which shall indicate (a) a perception of the current and anticipated trends regarding energy availability, costs, and needs in the state, (b) assumptions regarding the impacts on energy needs of the state of current and anticipated state and federal policies and market forces affecting energy use, and (c) generally, how the types of projects selected or to be selected will address those trends and assumptions. The Appropriations Committee of the Legislature shall, in conjunction with its review of appropriations of the fund, conduct a public hearing on the plan or amendments within ten legislative days of receiving such plan or amendments and the Legislature shall pass any appropriations therefor within thirty legislative days of the hearing or before the end of the legislative session, whichever comes first. In reviewing the plan for purposes of determining appropriations from the fund, the Legislature shall consider the guidelines in subsection (2) of section 2 of this act.

Sec. 8. 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.".

4. On page 3, line 8, strike "included in the plan" and insert "recipients of funds".

5. On page 4, line 6, strike "Program" and insert "for Low-Income Persons program or Institutional Conservation Program".

6. On page 5, line 7, after "grantees" insert "and loan recipients"; in line 9 after "grantee" insert "or loan recipient"; in line 20 after "is" insert "within a category which is"; and in line 21 strike "by the Governor" and insert "or, if required by section 3 of this act, has been specifically included in such plan or amendments".

7. On page 6, line 10, after the second "the" insert "projects receiving money from the fund and".

8. Renumber the remaining section accordingly.

The Warner 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 258. E & R amendment, AM5111, found in the Journal on page 968 for the Thirty-Ninth Day was adopted.

Mr. Schmit offered the following amendment:
AM0506

1. Insert the following new section:

"Sec. 4. That section 23-2402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2402. As used in this act, unless the context otherwise requires:

(1) Political subdivision shall include villages, cities of all classes, counties, school districts, public power districts, and all other units of local government. Political subdivision shall not be construed to include any contractor with a political subdivision;

(2) Governing body shall mean the village board of a village, the city council of a city, the board of commissioners or board of supervisors of a county, the board of directors of a public power district, and any duly elected or appointed body holding the power and authority to determine the appropriations and expenditures of any other unit of local government;

(3) Employee of a political subdivision shall mean any one or more officers or employees of the political subdivision or any agency of the subdivision, and shall include members of the governing body, ~~and~~ duly appointed members of boards or commissions when they are acting in their official capacity, volunteer firefighters, and volunteer rescue squad personnel. Employee shall not be construed to include any contractor with a political subdivision; and

(4) Tort claim shall mean any claim against a political subdivision for money only on account of damage to or loss of property or on account of personal injury or death, caused by the negligent or wrongful act or omission of any employee of the political subdivision, while acting within the scope of his or her

office or employment, under circumstances ~~where~~ when the political subdivision, if a private person, would be liable to the claimant for such damage, loss, injury, or death, but shall not include any claim accruing before January 1, 1970.".

2. On page 4, line 12, after "original" insert "section 23-2402, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 13 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

The Schmit amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 258.

Mrs. Higgins, Messrs. Barrett, and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his pending motion to indefinitely postpone.

Mr. Chambers offered the following amendment:

P. 2, line 11, after the period, add "No claim shall accrue until a claimant knows or should know of the existence of such claim."

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. LABEDZ PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Ashford	Conway	Johnson, V.	Lynch	Nelson
Baack	Elmer	Korshoj	Marsh	Pappas
Beyer	Hall	Labedz	McFarland	Weihing
Chambers	Hartnett	Landis	Miller	Withem
Chizek				

Voting in the negative, 13:

Dierks	Hannibal	Lamb	Schellpeper	Warner
Goodrich	Hefner	Remmers	Smith	Wehrbein
Haberman	Johnson, L.	Rupp		

Present and not voting, 6:

Coordsen	Johnson, R.	Morehead	Peterson	Scofield
Harris				

Excused and not voting, 9:

Abboud	Higgins	Moore	Rogers	Wesely
Barrett	Langford	Pirsch	Schmit	

The Chambers amendment lost with 21 ayes, 13 nays, 6 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Ashford	Goodrich	Johnson, L.	Moore	Scofield
Beyer	Haberman	Johnson, V.	Morehead	Smith
Chizek	Hannibal	Korshoj	Nelson	Warner
Coordsen	Harris	Labedz	Rupp	Weihing
Dierks	Hartnett	Lamb	Schellpeper	Withem
Elmer	Hefner	Miller		

Voting in the negative, 1:

Chambers

Present and not voting, 10:

Baack	Hall	Landis	Marsh	Pappas
Conway	Johnson, R.	Lynch	McFarland	Peterson

Excused and not voting, 10:

Abboud	Higgins	Pirsch	Rogers	Wehrbein
Barrett	Langford	Remmers	Schmit	Wesely

Advanced to E & R for Engrossment with 28 ayes, 1 nay, 10 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 292A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 549. E & R amendments, AM5120, found in the Journal on page 1080 for the Forty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 450. E & R amendments, AM5113, found in the Journal on page 1081 for the Forty-Third Day were adopted.

SPEAKER BARRETT PRESIDING

Ms. Scofield offered the following amendment:
AM0655

1. Strike the original section 6.
2. On page 19, line 11, after "institution" insert "with a legal or financial interest in such cattle".
3. On page 23, line 10, strike "54-143,".
4. Renumber the remaining sections accordingly.

The Scofield amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 324. E & R amendments, AM5114, found in the Journal on page 1081 for the Forty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 532. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 102. E & R amendments, AM5112, found in the Journal on page 1081 for the Forty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 102A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 145. E & R amendments, AM5117, found in the Journal on page 1082 for the Forty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 307. E & R amendments, AM5116, found in the Journal on page 1082 for the Forty-Third Day were adopted.

Mr. Lamb offered the following amendment:
AM0654
1. On page 3, line 16, strike "The" and insert "Except for a motor vehicle transporting livestock the".

MR. L. JOHNSON PRESIDING

SPEAKER BARRETT PRESIDING

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 his amendment.

Voting in the affirmative, 21:

Ashford	Dierks	Lamb	Morehead	Schellpeper
Baack	Haberman	Landis	Nelson	Scofield
Barrett	Hefner	Lynch	Peterson	Weihing
Chambers	Johnson, R.	Moore	Rupp	Withem
Conway				

Voting in the negative, 17:

Abboud	Elmer	Johnson, L.	Labedz	Pappas
Beyer	Goodrich	Johnson, V.	Marsh	Smith
Chizek	Hall	Korshoj	Miller	Warner
Coordsen	Harris			

Present and not voting, 5:

Hannibal Hartnett Higgins McFarland Pirsch

Excused and not voting, 6:

Langford Rogers Schmit Wehrbein Wesely
Remmers

The Lamb amendment lost with 21 ayes, 17 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Engrossment.

PRESIDENT NICHOL PRESIDING

LEGISLATIVE BILL 712. E & R amendments, AM5115, found in the Journal on page 1083 for the Forty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 533. E & R amendments, AM5118, found in the Journal on page 1083 for the Forty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 344. E & R amendments, AM5119, found in the Journal on page 1084 for the Forty-Third Day were adopted.

Mrs. Smith offered the following amendment:
to amend the Standing Committee amendments to LB 344 by adding the following additional section to the amendments as follows:
Sec. 11 page 9, line 11, strike "one hundred" replace with "seven hundred fifty"

The Smith amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Moore offered the following amendment:
AM0658
1 1. On page 3, line 22, strike "and"; and in

line 23 after "employers" insert the following new subdivision: "; and

(7) Any operation which employs individuals domiciled within fifty miles of the location where the labor is to be performed and which has obtained a local operator's certificate of exemption from the department. Any operator who meets the requirements of this subdivision shall be issued such certificate by the department. The department shall adopt and promulgate rules and regulations necessary to carry out this subdivision".

The Moore amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 511. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 241. E & R amendment, AM5121, found in the Journal on page 1084 for the Forty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 497. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 530. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 559. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 314. E & R amendments, AM5122, found in the Journal on page 1084 for the Forty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 507. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 591. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 368. E & R amendments, AM5123, found in the Journal on page 1085 for the Forty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 145A. Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 113. Placed on General File.
LEGISLATIVE BILL 203. Placed on General File.
LEGISLATIVE BILL 337. Placed on General File.
LEGISLATIVE BILL 340. Placed on General File.
LEGISLATIVE BILL 498. Placed on General File.
LEGISLATIVE BILL 642. Placed on General File.

LEGISLATIVE BILL 141. Indefinitely postponed.
LEGISLATIVE BILL 266. Indefinitely postponed.
LEGISLATIVE BILL 403. Indefinitely postponed.
LEGISLATIVE BILL 495. Indefinitely postponed.
LEGISLATIVE BILL 580. Indefinitely postponed.
LEGISLATIVE BILL 727. Indefinitely postponed.

(Signed) R. W. Remmers, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 564A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 564, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 158A. By McFarland, 28th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 158, Ninetieth Legislature, First Session, 1987.

GENERAL FILE

LEGISLATIVE BILL 444. The Standing Committee amendments, AM0259, found in the Journal on page 695 and considered on page 1134 were renewed.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem moved for a call of the house. The motion prevailed with 11 ayes, 3 nays, and 35 not voting.

Mr. Lamb requested a roll call vote on the Standing Committee amendments.

Voting in the affirmative, 30:

Abboud	Conway	Hartnett	Lynch	Nelson
Ashford	Elmer	Higgins	Marsh	Pappas
Baack	Goodrich	Johnson, L.	McFarland	Smith
Beyer	Hall	Johnson, V.	Miller	Warner
Chambers	Hannibal	Labedz	Moore	Weihing
Chizek	Harris	Landis	Morehead	Withem

Voting in the negative, 7:

Coordsen	Hefner	Peterson	Schellpeper	Scofield
Dierks	Lamb			

Present and not voting, 5:

Barrett	Johnson, R.	Korshoj	Pirsch	Rupp

Excused and not voting, 7:

Haberman	Remmers	Schmit	Wehrbein	Wesely
Langford	Rogers			

The Standing Committee amendments were adopted with 30 ayes, 7 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Lamb offered the following amendment:
in green copy line 15 pg 8 thru line 8 pg 9 - Reinstate stricken language and strike new language.

Mrs. Labedz 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 lost with 13 ayes, 13 nays, and 23 not voting.

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 334. Indefinitely postponed.
LEGISLATIVE BILL 618. Indefinitely postponed.
LEGISLATIVE BILL 680. Indefinitely postponed.

LEGISLATIVE RESOLUTION 6CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 18CA. Indefinitely postponed.

(Signed) Lee Rupp, Chairperson

Judiciary

LEGISLATIVE BILL 370. Placed on General File as amended.
Standing Committee amendment to LB 370:
AM0578

1. On page 8, line 22, strike "forty", show as stricken, and insert "sixty".

LEGISLATIVE BILL 676. Placed on General File as amended.
Standing Committee amendment to LB 676:
AM0579

1. On page 3, strike beginning with "except" in line 16 through line 21 and insert "or detention personnel. Any grand jury called pursuant to this section shall be limited in its charge, powers, duties, proceedings, indictment, and report to the review of the incident or incidents which caused it to be called.".

LEGISLATIVE BILL 638. Placed on General File as amended.
Standing Committee amendments to LB 638:
AM0577

1. On page 12, line 13, strike "Whenever", show as stricken, and insert "Pursuant to the petition filed by the county attorney or any reputable person in accordance with section 43-274, whenever".
2. On page 14, strike beginning with

"insurance" in line 9 through the period in line 14 and insert "insured or uninsured health care coverage or service plans which include the child. The court may order the parent to pay over any plan benefit sums received on coverage for the child. The payment of any deductible under the health care benefit plan covering the child shall be the responsibility of the parent."; and in line 15 after "ordered" insert "or to pay over any health care plan benefit sums received,".

3. On page 15, line 24, after "sections" insert "43-274,".

4. Insert the following new section:

"Sec. 4. That section 43-274, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-274. The county attorney or any reputable person residing in the county, with the consent of the county attorney, having knowledge of a juvenile in his or her county who appears to be a juvenile described in subdivision (1), (2), (3), or (4) of section 43-247 may file with the clerk of the court having jurisdiction in the matter, a petition in writing specifying which subdivision of section 43-247 is alleged, ~~and~~ setting forth the facts verified by affidavit, and requesting the court to determine whether support shall be ordered pursuant to section 43-290. Allegations under subdivisions (1), (2), and (4) of section 43-247 shall be made with the same specificity as a criminal complaint. It shall be sufficient if the affidavit is based upon information and belief. Such petition and all subsequent proceedings shall be entitled In the Interest of ....., a Juvenile Under Eighteen Years of Age, inserting the juvenile's name in the blank. In all cases involving violation of a city or village ordinance, the city or village prosecutor may file a petition in juvenile court.".

5. Renumber the remaining sections accordingly.

(Signed) Jerry Chizek, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Landis and V. Johnson asked unanimous consent to print the following amendment to LB 440 in the Journal. No objections. So ordered.

AM0623

(Amendments to Final Reading Copy)

1. On page 1, line 1, after "sections" insert "14-563, 15-845 to 15-848,"; and in line 6 after the semicolon insert "to provide for purchases of certificates of deposit and time deposits by city treasurer's as prescribed;".

2. Insert the following new sections:

"Section 1. That section 14-563, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-563. ~~Funds~~ Notwithstanding any provision of a home rule charter, funds of the city available for such purpose may be invested in securities of the United States, the State of Nebraska, metropolitan city, county in which such metropolitan city is located, or school district of ~~said~~ such city, ~~or~~ in the securities of municipally owned and operated public utility property and plants of ~~said~~ such city, or in the same manner as funds of the State of Nebraska are invested, except that the city treasurer may purchase certificates of deposit from and make time deposits in banks selected as depositories of city funds.

Sec. 2. That section 15-845, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-845. The city treasurer of a city of the primary class shall deposit, and at all times keep on deposit, for safekeeping, in the state or national banks or in some of them doing business in ~~said~~ such city of approved and responsible standing, all money collected, received, or held by him or her as such city treasurer. Any such bank located in the city may apply for the privilege of keeping such money, or any part thereof, upon the following conditions: (1) All such deposits shall be subject to payment when demanded by the city treasurer ~~on his check,~~ and (2) such deposits shall be subject to all regulations imposed by law or adopted by the city for the receiving and holding thereof. The fact that a stockholder, director, or other officer of

such bank shall also be serving as mayor, member of the city council, or as any other officer of such municipality, shall not disqualify such bank from acting as a depository for such municipal funds.

Sec. 3. That section 15-846, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-846. For the security of the fund so deposited, as provided in section 15-845, the city treasurer shall require each depository bank to give bond for the safekeeping and payment of such deposits and the accretions thereof, which bond shall run to the city and be approved by the mayor. Such bond shall be conditioned that such a depository shall, at the end of every quarter, render to the treasurer a statement in duplicate, showing the several daily balances, the amount of money of the city held by it during the quarter, the amount of the accretion thereto, and how credited. The bond shall also be conditioned that the depository shall pay ~~said~~ such deposit and the accretion when demanded by the city treasurer ~~on his check~~ at any time and generally do and perform whatever may be required by ~~the provisions of~~ sections 15-845 to 15-847, and faithfully discharge the trust reposed in such depository. Such bond shall be as nearly as practicable in the form provided in section 77-2304. No ~~; PROVIDED, that no~~ person in any way connected with any depository bank, as officer or stockholder, shall be accepted as a surety on any bond given by the bank of which he or she is an officer or stockholder. Such bond shall be deposited with the city clerk.

Sec. 4. That section 15-847, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-847. In lieu of the bond required by section 15-846, any bank making application to become a depository may deposit or pledge as security with the city treasurer, United States government bonds, bonds of the State of Nebraska, or bonds of any state whose bonds are purchased by the Board of Educational Lands and Funds of this state for investment of the Permanent School Fund, warrants of the State of Nebraska, county bonds, municipal bonds or school district bonds of any county, city, village, or school district in the State

of Nebraska issued under the direction of and with the approval of the Auditor of Public Accounts, bonds and debentures issued either singly or collectively by any of the twelve federal land banks, the twelve intermediate credit banks, or the thirteen banks for cooperatives under the supervision of the Farm Credit Administration, or warrants of the county or any city, village, or school district in the county. The ~~;~~ ~~PROVIDED, that the~~ penal sum of ~~said~~ such bond or the sum of ~~said~~ such pledge of assets may be reduced in the amount of ~~said~~ such deposit insured by the Federal Deposit Insurance Corporation. The depository bank ~~furnishing~~ depositing or pledging securities above described shall have the right to substitute other approved securities as provided in this section in lieu of securities already pledged if it so desires at any time. The depository bank may at its option deposit or make the pledge of securities authorized in this section in the manner provided in section 77-2328.

Sec. 5. That section 15-848, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-848. The city treasurer shall not have on deposit in any bank at any time more than the maximum amount of the bond given by such bank if the bank gives a surety bond, nor in any bank giving a personal bond, more than one half of the amount of the bond of such bank. The ~~; and the~~ amount ~~so~~ on deposit at any time with any such bank shall not in either case exceed the paid-up capital stock and surplus of such bank, or more than ninety per cent of the par value of the securities pledged or furnished by ~~said~~ such bank in cases where the bank pledges or deposits approved securities in lieu of a bond. The city treasurer shall not be liable for any loss sustained by reason of the failure of any such bonded depository whose bond shall have been duly approved by the mayor as provided by section 15-846~~;~~ or which has, in lieu of a surety bond, pledged or deposited approved securities as provided by section 15-847.

Sec. 6. The city treasurer may purchase certificates of deposit from and make time deposits in banks selected as depositories of city funds pursuant to sections 15-846 to 15-848. The certificates of deposit

purchased and time deposits shall bear interest, and shall be secured as prescribed in sections 15-846 to 15-848. The penal sum of such bond or the sum of such pledge of assets shall be reduced in the amount of the time deposit or certificate of deposit insured by the Federal Deposit Insurance Corporation.

Sec. 13. 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. On page 5, lines 3 and 5 after "section" insert "15-847"; and in line 25 after "sections" insert "14-563, 15-845 to 15-848,".

4. Renumber remaining sections accordingly.

MOTION - Withdraw LB 631

Mr. Hartnett moved to withdraw LB 631.

Laid over.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Larry Bare - Director, Department of Administrative Services

Voting aye: Senators Rupp, Baack, Coordsen, Dierks, Higgins, Remmers, Smith and Withem. Voting nay: None. Absent: None.

(Signed) Lee Rupp, Chairperson

ANNOUNCEMENT

Mr. Lynch announced there will be a meeting of the Rules Committee on Monday, March 23, 1987 at 1:00 in Room 2102.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Ashford asked unanimous consent to have his name added as co-introducer to LB 67. No objections. So ordered.

Mr. Elmer asked unanimous consent to have his name added as co-introducer to LB 656. No objections. So ordered.

Mr. Baack asked unanimous consent to have his name added as co-introducer to LB 337. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mike Ough from North Bend Central High School; 17 seniors and sponsors from North Loup-Scotia; Senator Schellpeper's son, Tom, and Vivian and Ann Gardels; Gip Robertson from Arkansas; Christa Tushar from Denver, Colorado; Albert Beermann and Vern Hartung from So. Sioux City; members of the Cornhusker Kiwanis Club; Senator Hefner's brother, Wendel Hefner from So. Sioux City; 25 students and teachers from Pope John High School, Elgin; 27 seventh grade students and teachers from Sandy Creek Junior High School near Fairfield; 32 students and teachers from Emmanual Lutheran School, York; members of the League of Women Voters of Nebraska; 44 students, sponsors, and teacher from Bellevue Public Schools; and Senator Hugh Farley from New York, Senator Mary McClure from South Dakota, Carl Stenberg, and Virginia Thrall from Chicago.

ADJOURNMENT

At 12:02 p.m., on a motion by Ms. Scofield, the Legislature adjourned until 9:00 a.m., Friday, March 20, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SIXTH DAY - MARCH 20, 1987

LEGISLATIVE JOURNAL

FORTY-SIXTH DAY - MARCH 20, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 20, 1987

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Joel O. Tompkins, Mid-America Union, Conference of Seventh-Day Adventists, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Morehead who was excused; and Messrs. Chambers, Conway, Haberman, Hall, Hannibal, Landis, McFarland, Miller, Schmit, Wesely, Withem, Mesdames Higgins, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fifth Day was approved.

COMMUNICATION

March 19, 1987

Mr. Patrick J. O'Donnell
Clerk of the Legislature
P. O. Box 94604
Room 2018 State Capitol Bldg.
Lincoln, NE 68509-4945

Dear Mr. O'Donnell:

The University of Nebraska-Lincoln staff has completed the tasks outlined in the letter to you dated March 11, 1987 and formally requests by this letter that you seek from the Appropriations Committee the introduction of such resolution as is necessary to have the matter of the UNL Recreation/Athletic Facility considered by the Legislature.

Attached to this letter you will find two items relating to this subject. First is the addendum to the RFP for the Indoor Practice Facility which was disseminated to all potential bidders on March 19, 1987. It is clearly the intent of this item to remove from consideration in this RFP any and all mention of gifts and contributions in the bidding process. Second, is the memorandum of law from the General Counsel of the University concluding that the design/build process used by the University in conjunction with the construction of the Indoor Practice Facility portion of the project is permissible under Nebraska law.

We respectfully urge that the Legislature proceed to approve this project as revised. Thank you for your prompt attention to this matter.

Sincerely,
(Signed) John W. Goebel
Vice Chancellor for
Business and Finance

ANNOUNCEMENTS

Mr. Ashford designates LB 413 as his priority bill.

Mr. Elmer designates LB 656 as his priority bill.

Mr. Hall designates LB 716 as his priority bill.

Mr. Harris designates LB 375 as his priority bill.

Mrs. Higgins designates LB 600 as her priority bill.

Mrs. Labedz designates LB 446 as her priority bill.

Mr. Lamb designates LB 326 as his priority bill.

Mr. Lynch designates LB 428 as his priority bill.

Mr. McFarland designates LB 198 as his priority bill.

Mr. Remmers designates LB 116 as his priority bill.

The Government, Military and Veterans Affairs Committee designates LB 774 as its priority bill.

ATTORNEY GENERAL'S OPINION

Opinion No. 87039

DATE: March 18, 1987

SUBJECT: Interpretation of Neb.Rev.Stat. §85-404 (Supp. 1986); At what point in time does the 30 day time period for legislative approval of plans under §85-404 begin when an initial plan is "revised?"

REQUESTED BY: Senator Jerome Warner
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Dale A. Comer, Assistant Attorney General

Neb.Rev.Stat. §85-404 (Supp. 1986) requires the Board of Regents of the University of Nebraska to submit plans for the construction of certain campus facilities, including financing plans, to the Legislature for its approval prior to proceeding with such construction. That statute provides that the Board of Regents may proceed with the construction of the facilities "unless the Legislature has by resolution or motion disapproved such plans within 30 days after the same have been so submitted."

On February 18, 1987, the Clerk of the Nebraska Legislature received a letter dated February 17, 1987, from the Board of Regents of the University of Nebraska which submitted certain plans for the construction of a recreational center to the Legislature for its approval pursuant to §84-404. On March 2, 1987, the Clerk of the Legislature received a "formal revision" of the earlier letter from the Board of Regents which altered certain portions of the financing proposal for construction of the recreational center. The initial portion of the second letter from the Board of Regents stated:

This letter is intended to provide a formal revision of our letter of February 17, 1987, relating to the proposed recreation/athletic facility at UNL. This revision has resulted from the desire of members of the Board of Regents to have the University Administration further review this project in terms of cost, financing and construction phasing. The changes which have resulted from this review include a substantial reduction in cost which is reflected under the heading of "Financing Plans" on page two.

You now ask, when does the 30 day period for review of the second letter by the Legislature begin, and what effect does that second letter have upon the initial proposal submitted on February 18?

In considering the meaning of a statute, courts should, if possible, discover legislative intent in the language of an act and give it effect. Mitchell v. Douglas County, 213 Neb. 355, 329 N.W.2d 112 (1983). In addition, our courts will, if possible, try to avoid a statutory construction which leads to an absurd, unjust or unconscionable result. Sorenson v. Meyer, 220 Neb. 457, 370 N.W.2d 173 (1985). In construing a statute, our Supreme Court looks to the objects to be accomplished, the evils and mischiefs sought to be remedied, or purposes to be served, and places upon the statute a reasonable or liberal interpretation which will best effect its purpose rather than one which will defeat it. NC + Hybrids v. Growers Seed Association, 219 Neb. 296, 363 N.W.2d 362 (1985).

In light of the cases cited above, the portion of §85-404 which provides for a 30 day review period for the Legislature should be read in such a way as to give effect to the intent of the Legislature, to prohibit an absurd result, and to best bring about the purpose of that statute. It seems obvious to us that the purpose of the 30 day review period in 85-404 is to allow the Legislature an adequate time period to review potentially complex plans for the construction of campus facilities by the Board of Regents. Our analysis of that purpose is supported by the statement of intent for LB995, the most recent revision of §85-404 which became effective in July, 1986. LB995 was submitted to remove approval authority from the Legislature's Executive Board since that Board was handicapped in making a thorough review of proposed plans within restricted time frames. See, Introducer's Statement of Intent, LB995, 89th Legislature, Second Session, Dated February 12, 1986.

If the Legislature was concerned that there be adequate time for review of a proposal by the Board of Regents, it necessarily follows that a construction of §85-404 which would unnecessarily shorten the 30 day limit would not comport with the intent of that statute.

Consequently, it seems to us that the 30 day approval period for the second letter received from the Board of Regents should start as of the date of receipt of that letter, or on March 2, 1987. A construction which would relate back to the approval period for the first letter and shorten the 30 day period for review of the second letter would be contrary to the obvious intent of the Legislature.

Assuming that the Legislature does have 30 days from receipt of the second "formal revision" letter from the Board of Regents to review that document, the question still remains as to what effect the second letter from the Board of Regents has upon the first letter. As indicated above, the second letter states that it is a formal revision of the initial letter which includes substantial changes from the initial proposal. The term "revision" means to correct or amend, to examine, with a view to making a change or changes. State ex rel. Taylor v. Scofield, 184 Wash. 250, 50 P.2d 896 (1935). In light of the language of the second letter from the Board of Regents together with the substantial alteration in the facility construction plans proposed by that letter, it is our view that the second letter rescinds the proposal set out in the first letter. As a result, the Legislature need not review or respond to the initial proposal from the Board of Regents dated February 17, 1987.

In summary, it appears to us that the second proposal by the Board of Regents of the University of Nebraska rescinded the initial proposal. The 30 day period for review of the second proposal by the Legislature began upon its receipt of that proposal, or March 2, 1987. In light of these conclusions, it is unnecessary for us to respond to various further opinion requests set out in your correspondence.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

DAC:cdw
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Ashford asked unanimous consent to have his name added as co-introducer to LB 363. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 50. Read. Considered.

LR 50 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 51. Read. Considered.

LR 51 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 52. Read. Considered.

LR 52 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 53. Read. Considered.

LR 53 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 54. Read. Considered.

LR 54 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 55. Read. Considered.

LR 55 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 56. Read. Considered.

Mrs. Pirsch asked unanimous consent to have her name added as co-introducer to LR 56. No objections. So ordered.

LR 56 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 57. Read. Considered.

LR 57 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 58.

Introduced by R. Johnson, 34th District.

WHEREAS, March 20, 1987, is National Agricultural Day; and

WHEREAS, agriculture is recognized as Nebraska's largest industry and plays a major role in the state and the nation's balance of trade; and

WHEREAS, agriculture has been the basis of Nebraska's moral and cultural heritage; and

WHEREAS, Governor Orr will issue a proclamation asking Nebraskans to observe March 20 as National Agricultural Day.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That it is appropriate for all Nebraska citizens to recognize the significance and appreciate the importance of agriculture to our state economy and well-being.

2. That the Legislature urges all citizens to take note of and observe March 20 as National Agricultural Day.

Mr. R. Johnson moved to suspend the rules, Rule 4, Section 6, to permit consideration of LR 58 today.

The R. Johnson motion to suspend the rules prevailed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LR 58 was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 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 March 19, 1987. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ardoin, Kenneth A. - Dallas, TX (Withdrawn 87/03/12), Pfizer Pharmaceuticals (Withdrawn 87/03/12)
Bones, Amy S. - Omaha, Keep Capital in Nebraska Coalition
Colladay, Martin G. - Omaha, ConAgra, Inc.
Mueller, William J./Knudsen, Berkheimer, et al.
Mueller, William J. - Lincoln, Jobs for Nebraska; Nebraska Mortgage Association
Nelson, Richard P. - Lincoln, Selection Research, Inc.
Newell, David R. - Omaha, Center for Rural Affairs
Radcliffe, Walter/Tews & Radcliffe
Radcliffe, Walter H. - Lincoln, Investment Company Institute

Rohde, Bruce - Omaha, ConAgra, Inc.
Ruth, Larry L./Knudsen, Berkheimer, et al.
Ruth, Larry L. - Lincoln, Jobs for Nebraska; Nebraska Mortgage Association
Ryan, James E. - Lincoln, Jobs for Nebraska
Stock, Darrell K. - Lincoln, Christensen, Willard
Suttle, Deborah S. - Omaha, Nebraska PTA
Wright, Norman H. - Omaha, ASARCO, Inc.; Keep Capital in Nebraska Coalition

RESOLUTIONS

LEGISLATIVE RESOLUTION 59.

Introduced by R. Johnson, 34th District.

WHEREAS, the Clay Center High School boy's basketball team participated in the 1987 Boy's State Basketball Tournament, Class C-2 division; and

WHEREAS, it is the first time in fifty years that Clay Center High School had a team participate in the Boy's State Basketball Tournament; and

WHEREAS, the Clay Center High School boy's basketball team finished with a 19-3 season record and was ranked in ninth place by the Lincoln Journal newspaper; and

WHEREAS, those teams which win the privilege to play in the tournaments have demonstrated a willingness to endure hard work associated with the accomplishment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature extend congratulations to the Clay Center team for their successful season and best wishes for the future.

2. That a copy of this resolution be sent to the principal of Clay Center High School.

Laid over.

LEGISLATIVE RESOLUTION 60.

Introduced by R. Johnson, 34th District.

WHEREAS, the number one ranked Aurora High School boy's basketball team has just completed a 22-3 season; and

WHEREAS, the final game was capturing the Class B basketball championship crown in the 1987 Boy's State Basketball Tournament; and

WHEREAS, the winning of such a championship is a demonstration of the willingness to endure the hard work associated with such significant accomplishments; and

WHEREAS, such outstanding achievements are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature extend their congratulations and best wishes to the members of the Aurora High School boy's basketball team for winning the Class B championship.

2. That a copy of this resolution be sent to the principal of Aurora High School.

Laid over.

LEGISLATIVE RESOLUTION 61.

Introduced by R. Johnson, 34th District.

WHEREAS, the Sutton High School boy's basketball team finished second place in the 1987 Boy's State Basketball Tournament, Class B division; and

WHEREAS, the Sutton team finished their basketball season with an 18-6 record; and

WHEREAS, 1987 was the first time Sutton has reached the state tournament in sixty-four years; and

WHEREAS, the achievements of the team and coach are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature extend their congratulations for participation in the tournament and their best wishes for the future to the Sutton High School boy's basketball team.

2. That a copy of this resolution be sent to the principal of Sutton High School.

Laid over.

LEGISLATIVE RESOLUTION 62.

Introduced by R. Johnson, 34th District.

WHEREAS, the Hampton High School boy's basketball team participated in the 1987 State Basketball Tournament Class D-1 division; and

WHEREAS, the team finished the season with a 22-2 record and was ranked second by the Lincoln Journal newspaper; and

WHEREAS, their hard work and accomplishments deserve special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature extend their congratulations to the Hampton High School boy's basketball team for their participation in the tournament and best wishes for the future.

2. That a copy of this resolution be sent to the principal of Hampton High School.

Laid over.

LEGISLATIVE RESOLUTION 63.

Introduced by Chambers, 11th District; Chizek, 31st District; Ashford, 6th District; Korshoj, 16th District; Marsh, 29th District; Beyer, 3rd District; Elmer, 38th District.

WHEREAS, May 11, 1987, marks the fiftieth anniversary of legislation authorizing creation of the Nebraska State Patrol which was passed by the first unicameral Legislature of Nebraska; and

WHEREAS, the Nebraska State Patrol has expanded from its initial forty-four dedicated officers to five hundred fifty-four professional employees dedicated to upholding and maintaining the safety of Nebraska's citizens; and

WHEREAS, the Nebraska State Patrol serves the citizens of the state in implementing its assigned duties of law enforcement and safety and professional education services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby congratulates the Nebraska State Patrol on its first fifty years of service and expresses its best wishes for continued success in its law enforcement service to Nebraskans.

2. That the Clerk of the Legislature send a copy of this resolution to Colonel H. W. LeGrande of the Nebraska State Patrol.

Laid over.

MOTION - Return LB 440 to Select File

Messrs. Landis and V. Johnson moved to return LB 440 to Select File for their specific amendment, AM0623, found in the Journal on page 1161.

The Landis-V. Johnson motion to return prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 440. The Landis-V. Johnson specific amendment, AM0623, found in the Journal on page 1161 was adopted with 35 ayes, 0 nays, 10 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 432. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1986, LB 1251, section 87; to repeal certain appropriations; to appropriate certain funds; to correct certain fund names; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Elmer	Johnson, L.	Marsh	Rupp
Ashford	Goodrich	Johnson, R.	Miller	Schellpeper
Baack	Haberman	Johnson, V.	Moore	Schmit
Barrett	Hall	Korshoj	Nelson	Scofield
Beyer	Hannibal	Labedz	Pappas	Smith
Chizek	Harris	Lamb	Peterson	Warner
Conway	Hartnett	Landis	Pirsch	Wehrbein
Coordsen	Hefner	Langford	Remmers	Weihing
Dierks	Higgins	Lynch	Rogers	Wesely

Voting in the negative, 0.

Excused and not voting, 4:

Chambers	McFarland	Morehead	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 626. With Emergency.

A BILL FOR AN ACT relating to the military; to amend section 80-201, Reissue Revised Statutes of Nebraska, 1943, and section 80-401.01, Revised Statutes Supplement, 1986; to authorize the erection of memorials to persons who served in the Korean and Vietnam conflicts; to redefine a term; 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	Elmer	Johnson, L.	Marsh	Rupp
Ashford	Goodrich	Johnson, R.	Miller	Schellpeper
Baack	Haberman	Johnson, V.	Nelson	Scofield
Barrett	Hall	Korshoj	Pappas	Smith
Beyer	Hannibal	Labedz	Peterson	Warner
Chizek	Harris	Lamb	Pirsch	Wehrbein
Conway	Hartnett	Landis	Remmers	Weihing
Coordsen	Hefner	Langford	Rogers	Wesely
Dierks	Higgins	Lynch		

Voting in the negative, 0.

Present and not voting, 2:

Moore Schmit

Excused and not voting, 4:

Chambers McFarland Morehead 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 347.

A BILL FOR AN ACT relating to school buses; to amend section 39-660, Reissue Revised Statutes of Nebraska, 1943; to permit the passing of parked school buses as prescribed; to provide for rules and regulations; 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	Elmer	Johnson, L.	Marsh	Rupp
Ashford	Goodrich	Johnson, R.	Miller	Schellpeper
Baack	Haberman	Johnson, V.	Moore	Schmit
Barrett	Hall	Korshoj	Nelson	Scofield
Beyer	Hannibal	Labedz	Peterson	Smith
Chizek	Harris	Lamb	Pirsch	Warner
Conway	Hartnett	Landis	Remmers	Wehrbein
Coordsen	Hefner	Langford	Rogers	Wesely
Dierks	Higgins	Lynch		

Voting in the negative, 1:

Pappas

Present and not voting, 1:

Weihing

Excused and not voting, 4:

Chambers McFarland Morehead Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 473. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 44-2848, 71-101, 71-108, 71-110, 71-111, 71-112.03, 71-113, 71-114, 71-115.01, 71-116, 71-118, 71-125, 71-138, 71-147, 71-148, 71-149, 71-162, 71-195, 71-198, 71-1,107.23, 71-1,132.07, 71-1,132.14, 71-1,136.03, 71-1,147.09, 71-1,158, 71-1,175, 71-1,178, 71-1,183, 71-1,195.02, 71-1,256, 71-1,260, 71-1,263, 71-1,267, 71-1,271, 71-1,275, 71-1327, 71-1329, 71-1330, 71-1333, 71-2610, 71-2701, 71-2703, 71-2715, 71-2815, 71-2819, 71-3705, 71-3706, 71-4701, 71-4706 to 71-4708, 71-5504, 71-5519, 71-6108, and 71-6115, Reissue Revised Statutes of Nebraska, 1943, and section 28-405, Revised Statutes Supplement, 1986; to change the schedules of controlled substances; to modify intent provisions; to change provisions relating to the appointment and removal of board members; to redefine a term; to change provisions relating to records; to provide for rules and regulations; to change examination provisions; to change disciplinary action provisions; to provide for and change fees; to change provisions relating to supervisors; to provide for standards for pharmacists; to prohibit certain acts by animal technicians; to change provisions relating to social work and professional counseling; to change provisions relating to funeral establishments and funeral directors; to change provisions relating to expenses and compensation; to eliminate a requirement for examiners; to eliminate a fund; to eliminate certain provisions relating to veterinary medicine; to change internal references; to harmonize provisions; to repeal the original sections, and also sections 71-112.04 to 71-112.06, 71-115, 71-115.02 to 71-115.04, 71-1,156, 71-1,159, and 71-1,166, 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, 44:

Abboud	Elmer	Johnson, L.	Marsh	Schellpeper
Ashford	Goodrich	Johnson, R.	Miller	Scofield
Baack	Haberman	Johnson, V.	Moore	Smith
Barrett	Hall	Korshoj	Nelson	Warner
Beyer	Hannibal	Labedz	Pappas	Wehrbein
Chizek	Harris	Lamb	Peterson	Weihing
Conway	Hartnett	Landis	Pirsch	Wesely
Coordsen	Hefner	Langford	Remmers	Withem
Dierks	Higgins	Lynch	Rogers	

Voting in the negative, 2:

Rupp Schmit

Excused and not voting, 3:

Chambers McFarland Morehead

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 473A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 473, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Dierks	Hefner	Langford	Pirsch
Ashford	Elmer	Johnson, L.	Lynch	Remmers
Baack	Goodrich	Johnson, R.	Marsh	Rupp
Barrett	Haberman	Johnson, V.	Miller	Schellpeper
Beyer	Hall	Korshoj	Moore	Scofield
Chizek	Hannibal	Labedz	Nelson	Smith
Conway	Harris	Lamb	Pappas	Warner
Coordsen	Hartnett	Landis	Peterson	Wehrbein

Weihing Wesely Withem

Voting in the negative, 0.

Present and not voting, 4:

Chambers Higgins Rogers Schmit

Excused and not voting, 2:

McFarland Morehead

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 656A. By Elmer, 38th District; Dierks, 40th District; Peterson, 21st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 656, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 432, 626, 347, 473, and 473A.

GENERAL FILE

LEGISLATIVE BILL 650. 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 623. Title read. Considered.

Standing Committee amendments, AM0372, found in the Journal on page 867 for the Thirty-Fourth Day were 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.

LEGISLATIVE BILL 200. Title read. Considered.

Mr. Rupp asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 367. Title read. Considered.

Mr. Miller asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendments, AM0435, found in the Journal on page 883 for the Thirty-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 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 581. Title read. Considered.

Standing Committee amendment, AM0434, found in the Journal on page 883 for the Thirty-Fifth Day 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, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 524. 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 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 587. Title read. Considered.

PRESIDENT NICHOL PRESIDING

Standing Committee amendments, AM0371, found in the Journal on page 888 for the Thirty-Fifth Day were adopted with 27 ayes, 0 nays, 17 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.

ATTORNEY GENERAL'S OPINION

DATE: March 20, 1987

SUBJECT: LB 71

REQUESTED BY: Senator Wesely

WRITTEN BY: Robert M. Spire, Attorney General
A. Eugene Crump, Deputy Attorney General

This letter is in response to your correspondence of March 17, 1987, in which you asked us to examine LB71 in its final reading form and to determine whether the bill in that form imposes arbitration provisions on private employers or employees without their prior mutual consent. We have reviewed LB71 in its final reading (2nd) form. Section 2 of the bill provides that an arbitration agreement is enforceable if it "is entered into voluntarily and willingly." That language together with the continued references to a written arbitration agreement in LB71 persuades us that the arbitration provisions contained in LB71 would apply only to agreements to arbitrate entered into voluntarily by the parties.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) A. Eugene Crump

Deputy Attorney General

AEC:cdw
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 295A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 295, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 64.

Introduced by R. Johnson, 34th District.

WHEREAS, the year 1987 is the centennial year of the Village of Palmer, Nebraska; and

WHEREAS, April 5, 1987, has been selected to begin the centennial celebration activities; and

WHEREAS, the residents of Palmer deserve special recognition for the contributions that they and their forefathers have made to the history, culture, and settlement of Nebraska; and

WHEREAS, the current residents of Palmer are carrying on the positive traditions and heritage that makes up the good life in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its best wishes and congratulations in this centennial year to those Palmer residents, both past and present, who have labored and aspired to make and keep Palmer, Nebraska, a successful and fine community in which to live and rear their families.

2. That a copy of this resolution be sent to Leroy Zehr, Chairperson of the Palmer Village Board.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 20, 1987, at 10:45 a.m., were the following bills: 432, 626, 347, 473, and 473A.

(Signed) Pam Moravec, Enrolling Clerk

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 153. Indefinitely postponed.
LEGISLATIVE BILL 193. Indefinitely postponed.
LEGISLATIVE BILL 311. Indefinitely postponed.
LEGISLATIVE BILL 339. Indefinitely postponed.

(Signed) Howard Lamb, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 237. Placed on General File as amended.
Standing Committee amendment to LB 237:
AM0643

1. On page 2, line 21, after "companies" insert "registered under the Investment Company Act of 1940".

LEGISLATIVE BILL 393. Placed on General File as amended.
Standing Committee amendments to LB 393:
AM0645

1. Insert the following new sections:

"Section 1. Any debtor who is unable to obtain a termination statement for collateral upon which a lien has been filed pursuant to section 52-501, because he or she is unable to locate the secured party, may proceed in the manner prescribed in section 9-404, Uniform Commercial Code.

Sec. 2. Any debtor who is unable to obtain a termination statement for collateral upon which a lien has been filed pursuant to section 52-701, because he or she is unable to locate the secured party, may proceed in the manner prescribed in section 9-404, Uniform Commercial Code.

Sec. 3. Any debtor who is unable to obtain a termination statement for collateral upon which a lien

has been filed pursuant to section 52-902, because he or she is unable to locate the secured party, may proceed in the manner prescribed in section 9-404, Uniform Commercial Code.

Sec. 4. Any debtor who is unable to obtain a termination statement for collateral upon which a lien has been filed pursuant to section 52-1102, because he or she is unable to locate the secured party, may proceed in the manner prescribed in section 9-404, Uniform Commercial Code.

Sec. 5. Any debtor who is unable to obtain a termination statement for collateral upon which a lien has been filed pursuant to section 52-1202, because he or she is unable to locate the secured party, may proceed in the manner prescribed in section 9-404, Uniform Commercial Code.

Sec. 6. Any debtor who is unable to obtain a termination statement for collateral upon which a lien has been filed pursuant to Chapter 54, article 2, because he or she is unable to locate the secured party, may proceed in the manner prescribed in section 9-404, Uniform Commercial Code.".

2. On page 3, line 8, strike ", pursuant to section 9-401,"; and in line 24 strike "pursuant to section 9-401".

3. On page 4, line 17, after "(c)" insert "of this section".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 607. Placed on General File as amended.
Standing Committee amendment to LB 607:
AM0644

1. On page 2, line 9, strike "to age" and show as stricken and strike "seventy"; and strike beginning with "and" in line 16 through the period in line 18, show the old matter as stricken, and insert an underscored period.

LEGISLATIVE BILL 702. Placed on General File as amended.
Standing Committee amendments to LB 702:
AM0646

1. On page 6, line 25, strike the new matter and reinstate the stricken matter.

2. On page 7, reinstate the stricken matter in lines 16 through 20.

(Signed) R. W. Remmers, Chairperson

SPEAKER BARRETT PRESIDING

GENERAL FILE

LEGISLATIVE BILL 42. Title read. Considered.

Standing Committee amendments, AM0414, found in the Journal on page 888 for the Thirty-Fifth Day were adopted with 25 ayes, 0 nays, 19 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.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 637. Title read. Considered.

Standing Committee amendments, AM0415, found in the Journal on page 896 for the Thirty-Sixth Day 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 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 509. 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.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 376. Title read. Considered.

Standing Committee amendments, AM0350, found in the Journal on page 899 for the Thirty-Sixth 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, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 376A. 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 576. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 577. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 571. 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 753. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 343. 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 493. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 569. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 573. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 679. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 721. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 273A. By Pirsch, 10th District; Marsh, 29th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 273, Ninetieth Legislature, First Session, 1987.

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 305 in the Journal. No objections. So ordered.

AM0669

1. Strike original sections 1 to 6.
2. On page 45, strike beginning with "60-110" in line 22 through the third comma in line 23.
3. On page 46, line 1, strike "sections 60-106, 60-115, and" and insert "section".
4. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 75, 75A, 287, 292A, 324, 532, and 683.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 75

The following changes, required to be reported for publication in the Journal, have been made:
ER0143

1. On page 1, line 5, "licensing" has been struck and "registration" inserted.
2. On page 4, line 20, an underscored comma has been inserted after "plate".
3. On page 5, line 2; and page 23, line 19, "video tape" has been struck and "videotape" inserted.
4. On page 5, line 19, an underscored comma has been inserted after "plates".
5. On page 21, lines 4 and 8, "subdivision (3) of" has been struck.

Enrollment and Review Change to LB 683

The following changes, required to be reported for publication in the Journal, have been made:
ER0139

1. In the Warner amendment, AM0641, adopted March 19, 1987:

a. On page 2, line 3, "the" has been inserted after "or"; and in line 19 a comma has been inserted after "amendments"; and

b. On page 3, line 10, "the" has been inserted after "or"; in line 12 "grantees" has been struck and "in" inserted; and in line 13 "and loan recipients" has been struck and "and recipients of loans from" inserted.

2. On page 1, line 5, "to provide severability;" has been inserted after the second semicolon.
3. On page 6, line 4, "within a category which is" has been inserted after "not"; and in line 11 "the" has been inserted before "effectiveness".

(Signed) Mary E. Sommermeyer
E & R Attorney

ANNOUNCEMENTS

Senator Korshoj designates LB 663 as his priority bill.

Senator Peterson designates LB 442 as his priority bill.

Senator Landis designates LB 114 as his priority bill.

Senator Wehrbein designates LB 398 as his priority bill.

Mr. Lynch announced the meeting of the Rules Committee on March 23, 1987 has been rescheduled for March 26, 1987 at noon in Room 2102.

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Pirsch asked unanimous consent to have her name added as co-introducer to LB 637. No objections. So ordered.

VISITORS

Visitors to the Chamber were AFS exchange students: Mr. Marcus Engelbrecht from West Germany, Mr. Gianluca (John) Colonna from Italy, Miss Veronique (Nicky) Bertrand from France, Mr. Miguel Leiva from Columbia, Miss Veralise Antunes from Brazil, Mr. Santiago Bolanos from Ecuador, Mr. Wolfram Unold from West Germany, Miss Christina Psara from Cyprus, Miss Anna-Lena Finne from Finland, Miss Evrim Calkavur from Turkey (also host brother), Mr. Jorge Fonseca from Costa Rica, Miss Elina Kaarto from Finland, Miss Emmanuelle Fontaine from Belgium, Miss Kristina Jorgensen from Denmark, Miss Elisabeth Aune from Norway, and Miss Cecelia Monvoy from Chile (exchange teacher teaching at Southeast High School); 34 third and fourth grade students and teacher from Cardinal Spellman Elementary, Omaha; 7 Girl Scouts and sponsors from Central City; Lt. Governor Nichol's granddaughter, Missy Harsch and grandson, Michael Harsch from Ft. Collins, Colorado; 36 seventh and eighth grade students and teacher from Paxton Junior High School; and 18 students and teacher from Friend High School.

ADJOURNMENT

At 11:52 a.m., on a motion by Mr. Lamb, the Legislature adjourned until 9:00 a.m., Monday, March 23, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY - MARCH 23, 1987

LEGISLATIVE JOURNAL

FORTY-SEVENTH DAY - MARCH 23, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 23, 1987

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Senator Weihing.

ROLL CALL

The roll was called and all members were present except Messrs. Miller and Rogers who were excused; and Messrs. Abboud, Conway, R. Johnson, Lynch, and Mrs. Higgins 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

Correctly Engrossed

The following bills were correctly engrossed: 102, 102A, 307, and 549.

(Signed) Scott Moore, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 87038

DATE: March 17, 1987

SUBJECT: Taxation of Alcoholic Liquors and Beer Sold to Federal Military Installations in Nebraska

REQUESTED BY: Senator D. Paul Hartnett

WRITTEN BY: Robert M. Spire, Attorney General
Susan M. Ugai, Assistant Attorney General

QUESTION: Does the Department of Defense Appropriation Act, Pub. L. No. 99-190, §8099, 99 Stat. 1185 (1985), specifically authorize the State of Nebraska to begin collection of excise taxes from sales to federal military facilities in Nebraska?

ANSWER: No.

QUESTION: Can legislation be enacted to enable the State of Nebraska to collect excise taxes from breweries and alcoholic liquor wholesalers on alcoholic liquors and beer being sold to federal military facilities in Nebraska?

ANSWER: Yes.

The Department of Defense Appropriation Act, Pub. L. No. 99-190, §8099, 99 Stat. 1185 (1985), required the Department of Defense to procure alcoholic beverages from the states in which defense installations are located. The legislative history of that section did not indicate any Congressional intent to permit state taxation of the sale of those beverages to the Department of Defense or any federal installation. Indeed, during the Senate debate, Senator John Glenn of Ohio was concerned that:

> . . . Each of the 32 States where State-licensed, commercial distributors serve as wholesalers would be able to collect alcohol beverage taxes from the military--and the Federal Government--on an indirect basis. But there are 18 States where the States themselves are the alcoholic beverage wholesalers and where the prices charged directly to the military cannot include State taxes because this would amount to illegal direct taxation of the Federal Government. These 18 "monopoly" States would not be able to share in the windfall tax collections that would be enjoyed by the 32 "license" States.

131 Cong. Rec. §17313 (1985). (Emphasis added.)

The language of the Senate debate and H.R.Rep. No. 450, 99th Cong., 1st Sess. 270 (1985), is sufficiently clear to indicate that the legislative intent was to require the Department of Defense to make local purchases of alcoholic beverages. There is nothing in the legislative history which expressly waives the immunity of the Federal Government to state taxation.

In 1986, the Department of Defense Appropriation Act, Pub. L. No. 99-190, §8099, 99 Stat. 1185 (1985), was revised by Pub. L. No. 99-591, §9090 (1986), and Pub. L. No. 99-661, §313 (1986). These new provisions allow military installations in the 48 continguous states to purchase their distilled spirits from the most economical source, be it in-state or out-state. Purchases of wine and malt beverages by military installations in the 48 continguous states are still limited to in-state wholesalers.

The principle that a state government may not indirectly tax the Federal Government or an "instrumentality" of the Federal Government was clearly established by the United States Supreme Court in United States v. State Tax Commission of Mississippi (Tax Commission II), 421 U.S. 599 (1975). The Court held that a Mississippi Tax Commission regulation which required out-of-state distillers and suppliers to collect a state tax in the form of a wholesale markup from the sale of liquor to federal military installations in Mississippi was unconstitutional because it was a tax imposed on the United States and its instrumentalities. The Court declared, ". . . that where a State requires its sales tax be passed on to the purchaser and collected by the vendor from him, this establishes as a matter of law that the legal incidence of the tax falls upon the purchaser. . ." Id. at 608. (Emphasis added.)

Neb.Rev.Stat. §53-160.01 (1986 Cum. Supp.) specifically prohibits the imposition of excise taxes, either directly or indirectly, on instrumentalities of the armed forces of the United States. As a result, breweries and wholesalers of alcoholic liquors are presently given a tax credit for the tax paid on the sale of beer and liquor to federal military installations in Nebraska. Simply requiring that such installations located in Nebraska make their beer and wine purchases within the state in no way interferes with the operation of the state statute. If the present state statutes were modified so as to eliminate the tax credit which is given to the breweries and wholesalers, it appears that no conflict with federal statutes would exist so long as the breweries or wholesalers were not required to collect the state excise tax from the federal military purchaser.

Sincerely,

ROBERT M. SPIRE
Attorney General
(Signed) Susan M. Ugai
Assistant Attorney General

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

MESSAGES FROM THE GOVERNOR

March 20, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 186, 199, 212, 246, 285, 359, 366, and 436 were received in my office on March 17, 1987.

These bills were signed by me on March 20, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

March 20, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 531, 539, 567, 568, 604, 643, 715, 491, and 491A were received in my office on March 18, 1987.

These bills were signed by me on March 20, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR

Governor

MOTION - Approve Appointment

Mr. Rupp moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointment found in the Journal on page 1164: Larry Bare - Director, Department of Administrative Services.

Voting in the affirmative, 35:

Baack	Elmer	Johnson, L.	Nelson	Scofield
Barrett	Goodrich	Johnson, V.	Pappas	Smith
Beyer	Haberman	Korshoj	Peterson	Warner
Chambers	Hall	Landis	Pirsch	Wehrbein
Chizek	Harris	Langford	Remmers	Weihing
Coordsen	Hartnett	Marsh	Rupp	Wesely
Dierks	Hefner	Morehead	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Labedz	McFarland	Moore	Schmit
Hannibal	Lamb			

Excused and not voting, 7:

Abboud	Higgins	Lynch	Miller	Rogers
Conway	Johnson, R.			

The appointment was confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 543.

A BILL FOR AN ACT relating to the Nebraska Cosmetology Act; to amend sections 71-351, 71-365, 71-374, 71-382, 71-384, 71-387, 71-389, 71-390, 71-394, 71-395, 71-3,102, 71-3,103, 71-3,105, 71-3,106, 71-3,107, 71-3,108, 71-3,109, 71-3,112, 71-3,121, 71-3,140,

71-3,141, 71-3,143, 71-3,162, 71-3,168, 71-3,171, and 71-3,178, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change provisions relating to qualifications of board members, fees, use of a fund, licensure, examinations, registration, applicability of the act, renewal of licenses, continuing education, operating requirements of a school of cosmetology, transfer guidelines, home services, investigations, and disciplinary actions; 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:

Ashford	Goodrich	Johnson, V.	Morehead	Schmit
Baack	Haberman	Korshoj	Nelson	Scofield
Barrett	Hall	Labedz	Pappas	Smith
Beyer	Hannibal	Lamb	Peterson	Warner
Chizek	Harris	Landis	Pirsch	Wehrbein
Conway	Hartnett	Langford	Remmers	Weihing
Coordsen	Hefner	Marsh	Rupp	Wesely
Dierks	Johnson, L.	McFarland	Schellpeper	Withem
Elmer	Johnson, R.	Moore		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Abboud	Higgins	Lynch	Miller	Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 543A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 543, Ninetieth Legislature, First Session, 1987.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Ashford	Goodrich	Johnson, V.	Moore	Schmit
Baack	Haberman	Korshoj	Morehead	Scofield
Barrett	Hall	Labedz	Nelson	Smith
Beyer	Hannibal	Lamb	Pappas	Warner
Chambers	Harris	Landis	Peterson	Wehrbein
Chizek	Hartnett	Langford	Pirsch	Weihing
Conway	Hefner	Marsh	Remmers	Wesely
Coordsen	Johnson, L.	McFarland	Rupp	Withem
Dierks	Johnson, R.			

Voting in the negative, 0.

Present and not voting, 2:

Elmer Schellpeper

Excused and not voting, 5:

Abboud	Higgins	Lynch	Miller	Rogers

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 50, 51, 52, 53, 54, 55, 56, 57, and 58.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 223. With Emergency.

A BILL FOR AN ACT relating to sheriffs and constables; to amend sections 33-117, 84-805, and 84-806, Reissue Revised Statutes of Nebraska, 1943; to change sheriffs' fees as prescribed; to provide for

the distribution of certain fees; to provide for the service of a summons or writ by certain persons; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Ashford	Elmer	Johnson, R.	Moore	Scofield
Baack	Goodrich	Korshoj	Nelson	Smith
Barrett	Haberman	Labedz	Peterson	Warner
Beyer	Hannibal	Lamb	Remmers	Wehrbein
Chizek	Harris	Landis	Rupp	Weihing
Conway	Hartnett	Langford	Schellpeper	Wesely
Coordsen	Hefner	Marsh	Schmit	Withem
Dierks	Johnson, L.	McFarland		

Voting in the negative, 6:

Chambers	Johnson, V.	Morehead	Pappas	Pirsch
Hall				

Excused and not voting, 5:

Abboud	Higgins	Lynch	Miller	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 459. With Emergency.

A BILL FOR AN ACT relating to health care; to amend sections 71-2017, 71-2017.01, 71-2017.03, 71-2020, and 71-2024, Reissue Revised Statutes of Nebraska, 1943, and section 81-502, Revised Statutes Supplement, 1986; to change and eliminate provisions relating to waiver of certain rules, regulations, and standards; to provide for intermediate care facilities instead of three categories; to change provisions relating to supervision of nursing and other health services; to harmonize provisions; to repeal the original sections, and

also sections 71-2024.01 and 71-2024.02, 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	Dierks	Johnson, L.	McFarland	Schellpeper
Ashford	Elmer	Johnson, R.	Moore	Schmit
Baack	Goodrich	Johnson, V.	Morehead	Scofield
Barrett	Haberman	Korshoj	Nelson	Smith
Beyer	Hall	Labedz	Pappas	Warner
Chambers	Hannibal	Lamb	Peterson	Wehrbein
Chizek	Harris	Landis	Pirsch	Weihing
Conway	Hartnett	Langford	Remmers	Wesely
Coordsen	Hefner	Marsh	Rupp	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Higgins	Lynch	Miller	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 459A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 459, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Barrett	Chizek	Dierks	Haberman
Ashford	Beyer	Conway	Elmer	Hall
Baack	Chambers	Coordsen	Goodrich	Hannibal

Harris	Korshoj	McFarland	Pirsch	Smith
Hartnett	Labedz	Moore	Remmers	Warner
Hefner	Lamb	Morehead	Rupp	Wehrbein
Johnson, L.	Landis	Nelson	Schellpeper	Weihing
Johnson, R.	Langford	Pappas	Schmit	Wesely
Johnson, V.	Marsh	Peterson	Scofield	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Higgins	Lynch	Miller	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.

MOTION - Return LB 71 to Select File

Mr. Wesely moved to return LB 71 to Select File for the following specific amendment:
AM0618

(Amendments to the Final Reading Copy)

1. On page 2, line 22, after "representatives" insert ".except that the act does not apply to collective-bargaining agreements subject to the Labor Management Relations Act".

Mr. Wesely withdrew his motion to return.

Mr. Haberman moved to return LB 71 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Haberman withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 71.

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 eliminate provisions relating to

arbitration; 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.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Elmer	Johnson, L.	McFarland	Schellpeper
Ashford	Goodrich	Johnson, R.	Moore	Schmit
Baack	Haberman	Johnson, V.	Morehead	Scofield
Barrett	Hall	Korshoj	Nelson	Smith
Beyer	Hannibal	Labedz	Pappas	Warner
Chizek	Harris	Lamb	Pirsch	Wehrbein
Conway	Hartnett	Landis	Remmers	Weihing
Coordsen	Hefner	Marsh	Rupp	Withem
Dierks				

Voting in the negative, 0.

Present and not voting, 4:

Chambers	Langford	Peterson	Wesely

Excused and not voting, 4:

Higgins	Lynch	Miller	Rogers

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.

UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LB 703 in the Journal. No objections. So ordered.

AM0674

1. On page 3, line 22, strike "With", show as stricken, and insert "Nothwithstanding the distance limitation provided in subsection (1) of this section, with".

2. On page 4, line 7, before the stricken "(4)" insert "(3)" and after the stricken "with" insert "Notwithstanding the distance limitation provided in subsection (1) of this section, with"; reinstate beginning with the first stricken "the" in line 7 through the stricken "establish" in line 9; in line 9 after the reinstated "establish" insert "a branch bank"; reinstate beginning with the stricken "within" in line 10 through the stricken period in line 14; in line 25 reinstate beginning with the stricken "For" through the stricken "subsection" and after the reinstated "subsection" insert ", financial institution shall mean a bank, building and loan association, savings and loan association, industrial loan and investment company, or credit union.".

3. On page 5, line 8, strike "(3)" and insert "(4)"; and in line 16 strike "(4)" and insert "(5)".

4. On page 6, reinstate the stricken matter in lines 13 through 17.

5. On page 8, line 13, strike "(5)" and insert "(6)"; and in line 19 strike "(6)" and insert "(7)".

6. On page 9, line 3, strike "(7)" and insert "(8)"; and in line 19 strike "(8)" and insert "(9)".

7. On page 10, line 3, strike "(9)" and insert "(10)"; in line 15 strike "(10)" a nd insert "(11)"; and in line 24 strike "(11)" and insert "(12)".

8. On page 16, line 5, strike the new matter and reinstate the stricken matter and strike "subsection" show as stricken, and insert "subsections (2) and".

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 741. Placed on General File as amended.
Standing Committee amendment to LB 741:
AM0647

1. Strike the original sections and insert the following new sections:

"Section 1. That section 39-634.01, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-634.01. (1) Signs, displays, and devices giving specific information of interest to the traveling public shall be erected by or at the direction of the Department of Roads and maintained within the right-of-way at appropriate distances from interchanges on the National System of Interstate and Defense Highways and from roads of the state primary system as shall conform with the rules and regulations adopted and promulgated by the Department of Roads to carry out sections 39-634.01 and 39-634.02. Such rules and regulations shall be consistent with national standards promulgated from time to time by the appropriate authority of the federal government pursuant to Title 23, section 131, paragraph f, of the United States Code. ~~, except as provided in this section.~~

(2) For purposes of this section, specific information of interest to the traveling public shall mean only information about ~~public places for outdoor recreation,~~ camping, lodging, ~~eating~~ food, and motor fuel and associated services, including trade names. Each business so advertised shall be in operation sixteen hours per day, seven days per week, with telephone and restroom facilities, motor fuel, oil, and water. Information on motor fuel and associated services may include vehicle service and repair where the same are available.

Sec. 2. That section 39-634.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-634.02. (1) ~~Commercial vendors~~ Applicants using ~~informational~~ business signs shall furnish ~~informational panels~~ business signs to the Department of Roads and shall pay to the department an annual fee ~~of twenty-five dollars~~ for posting each ~~informational panel for posting such informational~~ business sign and the actual cost of material, fabrication, and erecting the specific information sign panels where specific information sign panels have not been installed.

(2) Upon ~~receiving~~ receipt of the ~~informational panels and the~~ business signs, annual ~~twenty-five dollar~~ fee, and the cost of material, fabrication, and erecting the specific information sign

panels, the Department of Roads shall post or cause to be posted the business signs. The applicant ~~informational panels and the commercial vendor~~ shall not be required to remove any advertising device~~,~~ to qualify for a business sign, except any advertising device which was unlawfully erected or in violation of ~~any provision of~~ this act, ~~as a condition precedent to the posting of such informational panels by the Department of Roads~~ any rule or regulation of the Department of Roads, or any federal rule or regulation relating to informational signs. The specific information sign panels and business signs shall conform to the requirements of the Federal Beautification Act and The Manual on Uniform Traffic Control Devices as approved in Title 411, section 39-698, of the published rules and regulations of the Department of Roads.

(3) ~~There is hereby created in the state treasury a fund to be known as the Highway Beautification Fund and all funds~~ All revenue received for the posting or erecting of business signs or specific information sign ~~of informational~~ panels pursuant to this section shall be deposited in ~~such fund~~ the Highway Cash Fund. Such ~~fund~~ revenue shall be expended for the construction and maintenance of the specific information sign panels and the administration of sections 39-634.01 and 39-634.02.

(4) For purposes of this section, unless the context otherwise requires:

(a) Business sign shall mean a sign displaying a commercial brand, symbol, trademark, or name, or combination thereof, designating a motorist service. Business signs shall be mounted on a rectangular information panel; and

(b) Specific information sign panel shall mean a rectangular sign panel with:

(i) The word gas, food, lodging, or camping;

(ii) Directional information; and

(iii) One or more business signs.

Sec. 3. That original sections 39-634.01 and 39-634.02, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

The Committee on Banking, Commerce and Insurance desires to report favorably upon the appointments listed below. The Committee

suggests the appointments be confirmed by the Legislature and suggests a record vote.

Cynthia Hardin Milligan - Director, Banking and Finance
Margaret Robinson - Research and Development Authority
David Stevens - Research and Development Authority
Roger Christianson - Director, Nebraska Department of Economic Development
William H. McCartney - Director, Nebraska Department of Insurance

(Signed) R. Wiley Remmers, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 241, 258, 314, 344, 450, 497, 511, 530, 533, 559, and 712.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 258

The following changes, required to be reported for publication in the Journal, have been made:
ER0140
1. In the Schmit amendment, AM0506, adopted March 19, 1987, on page 2, line 1, the comma has been struck and shown as stricken; and in line 14 "when" has been struck and "in which" inserted.
2. On page 1, line 2, "section 23-2402, Reissue Revised Statutes of Nebraska, 1943, and" has been inserted after "amend"; in line 7 "to redefine a term;" has been inserted after the first semicolon; and in line 9 "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 344

The following changes, required to be reported for publication in the Journal, have been made:
ER0141
1. On page 7, line 8, "made" has been struck and "sent" inserted.

Enrollment and Review Change to LB 450

The following changes, required to be reported for publication in the Journal, have been made:
ER0142

1. In the E & R amendments, AM5113, adopted March 19, 1987, the first amendment has been struck.

2. On page 1, line 3, "54-143," has been struck; and in line 11 the matter beginning with the first "to" through the semicolon has been struck.

3. On page 3, lines 5 and 12, "8" has been struck and "7" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 543, 543A, 223, 459, 459A, and 71.

MOTION - Withdraw LB 631

Mr. Hartnett renewed his pending motion found in the Journal on page 1164 to withdraw LB 631.

Mrs. Labedz and Mr. Hall asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely requested a ruling of the Chair on whether a bill can be withdrawn after a hearing has been held.

The Chair ruled pursuant to Rule 3, Section 13, that the bill could not be withdrawn.

Mr. Hartnett withdrew his pending motion to withdraw LB 631.

MOTION - Place LB 425 on General File

Mr. Conway asked unanimous consent to pass over his pending motion found in the Journal on page 1052 to place LB 425 on General File notwithstanding committee action pursuant to Rule 3, section 17. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 774. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 2 nays, 12 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 572. E & R amendment, AM5095, found in the Journal on page 925 for the Thirty-Seventh Day was adopted.

Mr. Warner offered the following amendment:
AM0564

1. Insert the following new sections:

"Section 1. That section 49-503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-503. The county clerk of each ~~organized~~ county shall make a requisition upon the Secretary of State for ~~twenty-five~~ copies of the session laws~~, or as many less than that amount as he shall find necessary for the county, and ten copies of the journals~~ and the journal of the Legislature, for the use of the county of which he or she is clerk. The county clerk shall make the requisition for session laws based on the classification of the county. The classification of the counties shall be made based on population as provided in section 23-1114.01. A Class 1 county may request a maximum of three sets, a Class 2 county may request a maximum of five sets, a Class 3 county may request a maximum of seven sets, a Class 4 county may request a maximum of ten sets, a Class 5 county may request a maximum of twelve sets, a Class 6 county may request a maximum of twenty sets, and a Class 7 county may request a maximum of twenty-five sets. The county clerk shall make a requisition for less than the maximum amount authorized if he or she finds a lesser amount is sufficient for the needs of the county. The county clerk shall make a requisition for one copy of the journal of the Legislature. The Secretary of State shall forward the session laws and journal to each county by the most expeditious and economic means. ~~; and he shall name the conveyance or means of transportation, and also specify to whom they shall be~~

~~directed and to whose care. Upon the receipt of such requisition, the secretary shall at once forward the required number of laws and journals as specified in the requisition. The county clerk shall receipt for the same to the secretary, which receipt shall be filed in the office of the secretary.~~

Sec. 2. That section 49-506, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-506. After ~~all the requisitions before mentioned have been filled by~~ the Secretary of State has made the distribution provided by section 49-503 he or she shall deliver additional copies of the session laws and the journal of the Legislature pursuant to this section. One copy of the session laws shall be delivered to the Lieutenant Governor, the State Treasurer, the Auditor of Public Accounts, the Reporter of the Supreme Court, the State Court Administrator, the State Fire Marshal, the Department of Administrative Services, the Department of Aeronautics, the Department of Agriculture, the Department of Banking and Finance, the State Department of Education, the Department of Environmental Control, the Department of Health, the Department of Insurance, the Department of Labor, the Department of Motor Vehicles, the Department of Public Institutions, the Department of Revenue, the Department of Roads, the Department of Social Services, the Department of Veterans' Affairs, the Department of Water Resources, the Military Department, the Nebraska State Patrol, the Commission on Law Enforcement and Criminal Justice, each of the Nebraska state colleges, the Nebraska Coordinating Commission for Postsecondary Education for use by the technical community colleges, the Game and Parks Commission, the Nebraska Library Commission, the Nebraska Liquor Control Commission, the Nebraska Natural Resources Commission, the Political Accountability and Disclosure Commission, the Public Service Commission, the Nebraska Real Estate Commission, the Nebraska State Historical Society, the Public Employees Retirement Board, the Office of Risk Management, the Legislative Fiscal Analyst, the Public Counsel, the State Purchasing Officer, the State Records Administrator, the State Budget Office, and the Library of Congress; two copies to the Governor, the Secretary

of State, the Workers' Compensation Court, and the Commission of Industrial Relations; four copies to the Nebraska Publications Clearinghouse; five copies of the session laws shall be delivered to the Attorney General; seven copies to the Supreme Court and the Legislative Council; eight copies to the Clerk of the Legislature; nine copies to the Revisor of Statutes; and thirty-five copies to the University of Nebraska College of Law. One copy of the journal of the Legislature shall be delivered to the Governor, the Lieutenant Governor, the State Treasurer, the Auditor of Public Accounts, the Reporter of the Supreme Court, the Supreme Court Administrator, the Nebraska State Historical Society, the Legislative Fiscal Analyst, and the Library of Congress; two copies to the Secretary of State, the Commission of Industrial Relations, and the Workers' Compensation Court; four copies to the Nebraska Publications Clearinghouse; five copies to the Attorney General and the Revisor of Statutes; seven copies to the Supreme Court and the Legislative Council; eight copies to the Clerk of the Legislature; and thirty-five copies to the University of Nebraska College of Law. ~~he shall deliver one copy of the laws and journal to each state officer, state institution, and state board, two copies to the Revisor of Statutes, and eight copies to the Nebraska Publications Clearinghouse. Distribution of copies to the library of the College of Law of the University of Nebraska shall be as provided in sections 85-176 and 85-177.~~ The remaining copies shall be delivered to the State Librarian who shall use the same, so far as required for exchange purposes, in building up the State Library, and in the manner specified in sections 49-507 to 49-509.".

2. On page 8, line 23, after "sections" insert "49-503, 49-506,".

3. Renumber the remaining sections accordingly.

The Warner amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 344A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 123. E & R amendment, AM5124, found in the Journal on page 1102 for the Forty-Fourth Day was adopted.

Mr. Ashford moved to bracket 123 to May 16.

Mr. Conway offered the following amendment to the pending Ashford motion:
to bracket until March 25th, 1987

Mr. Conway moved for a call of the house. The motion prevailed with 8 ayes, 4 nays, and 37 not voting.

Mr. Conway requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Baack	Goodrich	Johnson, R.	Peterson	Smith
Conway	Hefner	Langford	Schellpeper	Warner
Elmer	Johnson, L.	Moore	Schmit	

Voting in the negative, 27:

Abboud	Coordsen	Lamb	Nelson	Scofield
Ashford	Dierks	Landis	Pappas	Wehrbein
Barrett	Hall	Marsh	Pirsch	Weihing
Beyer	Hannibal	McFarland	Remmers	Wesely
Chambers	Hartnett	Morehead	Rupp	Withem
Chizek	Johnson, V.			

Present and not voting, 3:

Harris	Korshoj	Labedz

Excused and not voting, 5:

Haberman	Higgins	Lynch	Miller	Rogers

The Conway amendment lost with 14 ayes, 27 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Ashford moved for a call of the house. The motion prevailed with 18 ayes, 6 nays, and 25 not voting.

The Ashford motion to bracket prevailed with 27 ayes, 12 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 78. E & R amendments, AM5125, found in the Journal on page 1141 for the Forty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 332. E & R amendments, AM5126, found in the Journal on page 1142 for the Forty-Fifth Day were adopted.

Mr. Conway offered the following amendment:
to add the emergency clause to LB 332

The Conway amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Schmit offered the following amendment:
AM0269

1. Insert the following new section:

"Sec. 2. That section 8-820, Revised Statutes Supplement, 1986, be amended to read as follows:

8-820. Subject to ~~the provisions of~~ sections 8-815 to 8-829, any registered bank may contract for and receive, on any personal loan, charges at a rate not exceeding nineteen per cent simple interest per year. In the case of loans initiated by credit card or other type of transaction card, the rate ~~may be any amount agreed to by the parties~~ shall not exceed twelve per cent simple interest per year. Any registered bank or bank acquired pursuant to sections 8-1512 and 8-1513 may also charge a reasonable fee for service and use of a credit card or other type of transaction card in an amount not to exceed twenty dollars per year, except that for a premium card as determined by the Director of Banking and Finance which has at least a one thousand five hundred dollar credit limit and provides an additional service, any reasonable fee for service and use of such card may be charged. Such charges shall ~~not~~

be construed as interest. Notwithstanding the provisions of this section, a bank may charge a minimum fee of up to seven dollars and fifty cents in lieu of interest on small loans.".

2. On page 10, line 14, after "sections" insert "8-820 and".

3. Renumber the remaining sections accordingly.

Messrs. Wesely and McFarland asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Haberman raised a point of personal privilege as to whether the Schmit amendment is germane to the bill.

Mr. Chambers objected to Mr. Haberman's point of personal privilege to raise the issue of germaneness.

The Speaker ruled Senator Haberman's point of personal privilege out of order.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman requested a ruling of the Chair on whether the Schmit amendment is germane to the bill.

The Chair ruled the Schmit amendment is not germane to the bill.

Mr. Schmit challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?".

Messrs. Peterson, Chizek, Lynch, R. Johnson, Harris, and Mrs. Morehead asked unanimous consent to be excused. No objections. So ordered.

The Schmit motion to overrule the Chair is pending.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 641. Placed on General File.

LEGISLATIVE BILL 114. Placed on General File as amended.
Standing Committee amendments to LB 114:
AM0556

1. On page 2, after line 22, insert "(2) Chief executive officer shall mean the mayor, city manager, or chairperson of the board of trustees of a municipality;"; and in line 23 strike "(2)" and insert "(3)".

2. On page 3, line 4, strike "(3)" and insert "(4)"; in line 7 strike "(4)" and insert "(5)"; in line 15 after the semicolon insert "and"; and strike lines 16 to 18.

3. On page 4, lines 21 and 23, strike "four" and insert "eight"; and in line 22 strike "eight" and insert "four".

5. On page 5, lines 2 and 7, strike "mayor" and insert "chief executive officer"; in lines 2, 13, and 18 strike "four" and insert "eight"; in line 20 strike "eight" and insert "four"; in line 22 insert an underscored period after "facility"; and strike beginning with "and" in line 22 through line 25.

5. On page 6, line 1, strike beginning with "and" through the period.

6. On page 9, line 12, after the second comma insert "the applicant".

7. On page 17, line 22, after "application" insert ", except that no application shall be approved without a written finding by the board that incineration, pyrolization, or other consumptive methods of disposal are not feasible".

8. On page 20, line 22, after the period insert "A copy of such notice shall also be provided to the applicant.".

9. Insert the following new section:

"Sec. 26. This act shall become operative on June 30, 1988.".

10. Renumber the remaining section accordingly.

LEGISLATIVE BILL 445. Placed on General File as amended.
Standing Committee amendment to LB 445:
AM0665

1. Strike the original sections and insert

the following new sections:

"Section 1. That section 46-1101, Revised Statutes Supplement, 1986, be amended to read as follows:

46-1101. Sections 46-1101 to 46-1148 and section 2 of this act shall be known and may be cited as the Nebraska Chemigation Act.

Sec. 2. (1) The department shall, prior to June 30, 1988, develop and implement a plan to establish and maintain an ongoing monitoring network to monitor the quality of ground water in the state for data-collection purposes. Any plan for such a network shall be approved by the department prior to its implementation. The plan shall provide that all data-collection activities and the analysis of all collected water quality samples will be conducted by the department. The monitoring network shall be in addition to any monitoring of water quality prescribed in the Nebraska Ground Water Management and Protection Act.

Sec. 3. That original section 46-1101, Revised Statutes Supplement, 1986, is repealed.".

LEGISLATIVE BILL 541. Placed on General File as amended.
Standing Committee amendment to LB 541:
AM0656

1. On page 3, line 8, strike "a new" and insert "two new members of the".

(Signed) Loran Schmit, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 145, 145A, 368, 507, and 591.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 368

The following changes, required to be reported for publication in the Journal, have been made:

ER0145

1. On page 7, lines 1 and 2, the comma has been struck and an underscored semicolon inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 23, 1987, at 10:38 a.m., were the following bills: 543, 543A, 223, 459, 459A, and 71.

(Signed) Pam Moravec, Enrolling Clerk

MOTION - Override Veto on LB 148

Mr. Baack moved that LB 148 become law notwithstanding the objections of the Governor.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 123 in the Journal. No objections. So ordered.

(1)

Sec. 1, line 6, add: "The Legislature further finds and declares that animals are less important than children."

Add new sec. 2: "No person shall be liable under the laws of this state for civil damages for the injury or death of any animal resulting from any negligent act or omission."

Renumber remaining sections and amend title.

(2)

Sec. 2(5)(a) line 13, Strike "substantially" and insert "principally".

(3)

Sec. 3, line 23 after "damages" add, "for the injury or death of any individual".

(4)

Add a new section: "Any person who sponsors, organizes or causes a nonprofit sports program to operate shall give the parent or guardian of any minor who participates in such a program a written statement in the following form: 'Coaches, managers, umpires, referees, their assistants or anyone who prepares any playing field shall NOT be liable for the injury or death of any participant in (name of activity or program), which results from the negligence of any of the above-listed individuals.' The provisions of section 3 shall not apply to any individual unless a copy of such statement signed by the parent or guardian shall be retained by the person who sponsors, organizes or causes the affected sports program to operate."

(5)

Sec. 1, line 6, add: "The Legislature further finds and declares it is in the public interest to have an adequate number of teachers for grades kindergarten through twelve."

Add new section 2: "No teacher of kindergarten through grade twelve shall be liable under the laws of this state for civil damages resulting from any negligent act or omission occurring during the course of such teacher's employment."

(6)

Sec. 1, line 6, add: "The Legislature further finds and declares it is in the public interest that there be adequate health care available within the state of Nebraska."

Add new sec. 2: "No health care provider shall be liable under the laws of this state for civil damages resulting from any negligent act or omission occurring during the course of providing health care services."

Renumber remaining sections and amend title.

(7)

Sec. 1, line 6, add: "The Legislature further finds and declares it is in the public interest to have an adequate number of public librarians in the state of Nebraska."

Add new section 2: "No librarian shall be liable under the laws of this state for civil damages resulting from any negligent act or omission occurring during the course of such librarian's employment."

(8)

Sec. 1, line 6, add: "The Legislature further finds and declares that the recent rash of recall efforts directed against local officials in the state of Nebraska may result in a reluctance to seek such affected

local offices and that some incentive should be provided to encourage citizens to seek such local offices in the state of Nebraska."

Add new sec. 2: "No public official subject to recall pursuant to the laws of the state of Nebraska shall be liable under the laws of this state for civil damages resulting from any negligent act or omission."

(9)

Sec. 1, line 6, add: "The Legislature further finds and declares it is in the public interest to have an adequate number of plumbers within the state of Nebraska."

Add new section 2: "No plumber shall be liable under the laws of this state for civil damages resulting from any negligent act or omission occurring during the course of such plumber's employment."

Renumber remaining sections and amend title.

(10)

Sec. 1, line 6, add: "The Legislature further finds and declares it is in the public interest to have motorcycle operators wear helmets."

Add new section 2: "No motorist shall be liable under the laws of this state for civil damages for injury or death to any motorcycle operator resulting from any negligent act or omission."

Mr. Chambers asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0626.)

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 652. Placed on General File as amended.
Standing Committee amendments to LB 652:
AM0544

1. Strike original sections 1 through 11, 13 through 15, and 17 and insert the following new sections:

"Sec. 2. That section 32-530, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-530. (1) Any registered elector desiring to vote at any primary election held under ~~the provisions of~~ Chapter 32, article 5, shall be entitled

to participate in such primary election upon presenting himself or herself at the polling place where he or she is entitled to vote. ~~, but he shall not be entitled to receive a primary ballot, or be entitled to vote at such primary election, unless he be a registered voter and such registration indicates with which political party he affiliates.~~ A registered voter who is affiliated with a political party shall receive all nonpartisan ballots and the partisan ballot as indicated on his or her voter registration. ~~All~~ Except as provided in subsection (2) of this section, all registered voters ~~registered as independent~~ not affiliated with any political party shall receive ~~all~~ only nonpartisan ballots at a primary election.

(2) Any political party may authorize unaffiliated voters to vote in its primary election for any partisan office except for the office of delegate to the party's county, state, or national convention. Any political party desiring to permit unaffiliated voters to vote in its primary election shall file with the Secretary of State a letter stating that the governing body of the party has adopted a rule allowing unaffiliated voters to vote in the primary election. A copy of the adopted rule shall be filed along with the letter. The letter shall be filed with the Secretary of State at least sixty days before the primary election. Upon receipt of such letter, the Secretary of State shall notify the appropriate county officials in writing that the political party filing the letter will allow unaffiliated voters to vote in its party's primary election. Once filed with the office of the Secretary of State, the rule allowing unaffiliated voters to vote in a primary election shall be irrevocable. County officials shall take appropriate steps as provided by law or by direction of the Secretary of State to prepare sufficient numbers of ballots to accommodate any unaffiliated voters who may request party ballots.

A rule adopted by any party allowing unaffiliated voters to vote in a primary election shall apply only to the primary election immediately following the adoption of the rule.

Sec. 4. That original sections 32-491, 32-530, and 32-1402, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. Renumber remaining sections accordingly.

LEGISLATIVE RESOLUTION 7CA. Placed on General File as amended.
Standing Committee amendments to LR 7CA:
AM0661

1. On page 2, line 11, strike "eight hundred", show the old matter as stricken, and insert "one thousand".
2. On page 3, line 4, strike "eight hundred and insert "one thousand".

LEGISLATIVE BILL 360. Indefinitely postponed.
LEGISLATIVE BILL 494. Indefinitely postponed.
LEGISLATIVE BILL 667. Indefinitely postponed.

LEGISLATIVE RESOLUTION 17CA. Indefinitely postponed.

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Anne Beaurivage - Director, Department of Aeronautics

Voting aye: Senators Rupp, Baack, Coordsen, Higgins, Remmers and Smith. Voting nay: None. Absent: Senators Dierks and Withem.

(Signed) Lee Rupp, Chairperson

Natural Resources

LEGISLATIVE BILL 124. Placed on General File as amended.
Standing Committee amendments to LB 124:
AM0676

1. On page 4, strike beginning with "and" in line 1 through "dollars" in line 2.
2. On page 6, strike beginning with "Any" in line 1 through the period in line 9.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 661 in the Journal. No objections. So ordered.

(Amendments to Committee Amendments AM0539)
1. On page 21, strike the material from "He" in line 21 through "regarding" in line 23 and insert "In making such choice, he or she shall consider factors relevant to collective bargaining between public employers and public employees, including".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 650. Placed on Select File as amended.
E & R amendment to LB 650:
AM5127
1. On page 3, line 18, strike "also constitutes" and insert "shall also constitute"; in line 21 strike "If, after such", show as stricken and insert "After"; and in line 22 after the last comma insert "if".

LEGISLATIVE BILL 623. Placed on Select File as amended.
E & R amendment to LB 623:
AM5128
1. On page 1, line 1, after "bonds" insert "and warrants"; in line 2 after "districts" insert ", cities, and villages"; in line 3 strike "and"; and in line 5 after "1943" insert "; and to declare an emergency".

LEGISLATIVE BILL 200. Placed on Select File.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 191 in the Journal. No objections. So ordered.

AM0662
1. Strike the original sections and all amendments thereto and insert the following new sections:
"Section 1. As used in this act, unless the

context otherwise requires, statement shall mean a recorded or written account of the facts out of which an injury arose given by the injured person to a person having an adverse interest. Statement shall not include (1) insurance claims forms, (2) medical authorizations, or (3) initial personal injury report forms which conspicuously include the disclosure described in section 2 of this act.

Sec. 2. (1) There shall be a rebuttable presumption that any statement secured from an injured person by an adverse person at any time within thirty days after such injuries were sustained shall have been taken under duress for purposes of a trial of any action for damages for injuries sustained by such person or for the death of such person as the result of such injuries.

(2) The presumption described in subsection (1) of this section may be rebutted by evidence. The presumption shall be deemed rebutted as a matter of law if the adverse person taking the statement discloses to the injured person prior to taking the statement:

(a) Whom he or she represents;

(b) That the injured person may make the statement in the presence of counsel or any other representative; and

(c) That a copy of the statement is available at no cost to the injured person.

Sec. 3. Nothing in this act shall be construed to supersede, abrogate, or limit any common law remedies available to any injured person who has given a statement.".

ANNOUNCEMENTS

Mrs. Nelson designates LB 74 as her priority bill.

Mr. Beyer designates LB 504 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 65.

Introduced by Ashford, 6th District; V. Johnson, 8th District.

WHEREAS, for two hundred years people from other lands have come to the United States to participate in the great adventure in self-government which began in Philadelphia in 1787; and

WHEREAS, knowledge of the Constitution of the United States is one of the primary requirements for new citizens; and

WHEREAS, all Nebraska citizens should reread and study this great document and rededicate themselves to the ideals it enshrines by participating in the "Sign On" to the Constitution program sponsored by the National Conference of Christians and Jews.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the period July 3, 1987, through July 5, 1987, be designated as "Sign On" to the Constitution weekend. The Governor is requested to issue a proclamation encouraging the people of Nebraska to actively participate in the "Sign On" to the Constitution weekend.

Laid over.

VISITORS

Visitors to the Chamber were Senator Dierks' son, John; 75 third and fourth grade students and teacher from Prescott Elementary, Lincoln; 100 members of the Nebraska Farm Bureau from across the state; Melvin Andrews from Albion; 8 eighth grade students and teacher from Champion Grade School; 39 seniors and teacher from Crete High School; and LeRoy and Mary Norton from Norfolk.

ADJOURNMENT

At 12:13 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Tuesday, March 24, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY - MARCH 24, 1987

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 24, 1987

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Senator Miller.

ROLL CALL

The roll was called and all members were present except Messrs. Coordsen, Haberman, Hartnett, V. Johnson, Lamb, Rogers, Withem, Mesdames Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Seventh Day was approved.

MOTION - Place LB 72 on General File

Mrs. Nelson moved to place LB 72 on General File pursuant to Rule 3, Section 19 (b).

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 66.

Introduced by Korshoj, 16th District.

WHEREAS, the Tekamah-Herman High School wrestling team won the Class C-1 state wrestling title on February 21, 1987; and

WHEREAS, the team is the first to win three state titles; and

WHEREAS, the team finished with a 10 to 1 dual meet record, winning the East Husker Conference and District C-2 championship; and

WHEREAS, Wes Burt and Shawn Forsen each won individual titles; and

WHEREAS, the achievements of the team and Coach Guy Mitty are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature extend their congratulations to the Tekamah-Herman High School wrestling team.

2. That a copy of this resolution be sent to the principal of the Tekamah-Herman High School.

Laid over.

MOTION - Suspend Rules

Mr. R. Johnson moved to suspend the rules, Rule 4, Section 5, and adopt LRs 59, 60, 61, and 62.

The R. Johnson motion prevailed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 64. Read. Considered.

Mr. R. Johnson offered the following amendment:

by changing "April 5, 1987" to April 26, 1987. in the second WHEREAS paragraph.

The R. Johnson amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LR 64 was adopted with 26 ayes, 0 nays, and 23 not voting.

MOTION - Approve Appointments

Mr. Remmers moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointments found in the Journal on page 1205: Cynthia Hardin Milligan - Director, Banking and Finance; Margaret Robinson - Research and Development Authority; David Stevens - Research and Development Authority; Roger Christianson - Director, Nebraska Department of Economic Development; William H. McCartney - Director, Nebraska Department of Insurance.

Voting in the affirmative, 32:

Abboud	Elmer	Landis	Morehead	Rogers
Baack	Goodrich	Langford	Nelson	Scofield
Barrett	Haberman	Marsh	Pappas	Smith
Beyer	Hefner	McFarland	Peterson	Warner
Chizek	Johnson, L.	Miller	Pirsch	Wehrbein
Conway	Korshoj	Moore	Remmers	Weihing
Dierks	Labedz			

Voting in the negative, 0.

Present and not voting, 14:

Ashford	Hall	Higgins	Lynch	Schmit
Chambers	Hannibal	Johnson, R.	Rupp	Wesely
Coordsen	Harris	Lamb	Schellpeper	

Excused and not voting, 3:

Hartnett	Johnson, V.	Withem

These appointments were confirmed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Rupp moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointment found in the Journal on page 1220: Ann Beaurivage - Director, Department of Aeronautics.

Voting in the affirmative, 28:

Abboud	Ashford	Barrett	Beyer	Conway

Dierks	Hefner	Labedz	Miller	Rogers
Elmer	Higgins	Landis	Morehead	Rupp
Goodrich	Johnson, L.	Langford	Pirsch	Warner
Haberman	Johnson, R.	Marsh	Remmers	Wehrbein
Harris	Korshoj	McFarland		

Voting in the negative, 0.

Present and not voting, 18:

Baack	Hall	Moore	Schellpeper	Smith
Chambers	Hannibal	Nelson	Schmit	Weihing
Chizek	Lamb	Pappas	Scofield	Wesely
Coordsen	Lynch	Peterson		

Excused and not voting, 3:

Hartnett	Johnson, V.	Withem

The appointment was confirmed with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 661. Title read. Considered.

Standing Committee amendments, AM0539, printed separate from the Journal and referred to on page 1028 for the Forty-First Day were considered.

Mr. Warner renewed his pending amendment, AM0616, found in the Journal on page 1129 to the Standing Committee amendments.

The Warner amendment was adopted with 19 ayes, 0 nays, 27 present and not voting, and 3 excused and not voting.

Mr. Warner renewed his pending amendment found in the Journal on page 1221 to the Standing Committee amendments.

The Warner amendment was adopted with 19 ayes, 0 nays, 27 present and not voting, and 3 excused and not voting.

The Standing Committee amendments, as amended, 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 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 661A. 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.

UNANIMOUS CONSENT - Expedite LBs 661 and 661A

Mr. Landis asked unanimous consent to expedite LBs 661 and 661A. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 42A. By Smith, 33rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 42, Ninetieth Legislature, First Session, 1987; and to decrease an appropriation.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 673. Placed on General File.
LEGISLATIVE BILL 674. Placed on General File.

LEGISLATIVE BILL 670. Placed on General File as amended.
Standing Committee amendment to LB 670:
AM0697

1. On page 2, line 5, strike "or", show as stricken, and insert an underscored comma; and in line 6 after "facility" insert ", or an inmate".

(Signed) Jerry Chizek, Chairperson

Transportation

LEGISLATIVE BILL 224. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0639.)

(Signed) Howard Lamb, Chairperson

Natural Resources

LEGISLATIVE BILL 383. Placed on General File as amended. Standing Committee amendments to LB 383:
AM0677

1. On page 8, line 15, after the period insert "No fee shall be charged for the issuance of such permit."; and strike lines 16 through 25 and show the old matter as stricken.

2. On page 9, strike beginning with line 1 through "(3)" in line 6 and insert "(2)"; and in line 22 strike "(4)" and insert "(3)".

3. On page 10, line 3, strike the new matter and reinstate the stricken matter.

4. Strike original section 7.

5. On page 19, line 20, strike "10" and insert "9"; and in line 23 strike "71-5306,".

6. Renumber the remaining sections accordingly.

(Signed) Loran Schmit, Chairperson

ANNOUNCEMENT

Mr. Chizek announced the Judiciary Committee will hold an Executive Session on Wednesday, March 25 at 1:30 P.M. in Room 1113.

MOTION - Override Veto on LB 148

Mr. Baack renewed his pending motion found in the Journal on page 1216 that LB 148 become law notwithstanding the objections of the Governor.

SPEAKER BARRETT PRESIDING

Mrs. Labedz asked unanimous consent to be excused until she 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, 12 nays, and 12 not voting.

Mr. Baack moved for a call of the house. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Ashford	Elmer	Johnson, L.	McFarland	Schmit
Baack	Hall	Johnson, R.	Miller	Scofield
Chambers	Hannibal	Korshoj	Moore	Warner
Chizek	Harris	Landis	Morehead	Wehrbein
Coordsen	Hartnett	Lynch	Nelson	Wesely
Dierks	Hefner	Marsh	Rogers	Withem

Voting in the negative, 18:

Abboud	Goodrich	Lamb	Pirsch	Schellpeper
Barrett	Haberman	Langford	Remmers	Smith
Beyer	Higgins	Pappas	Rupp	Weihing
Conway	Labedz	Peterson		

Excused and not voting, 1:

Johnson, V.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 67.

Introduced by Lamb, 43rd District.

WHEREAS, Thomas County was established by the Legislature on March 31, 1887; and

WHEREAS, this productive sandhill ranch county has contributed immensely to the general prosperity of the state; and

WHEREAS, over the years the residents of the county have overcome the ravages of blizzards, droughts, fires, and tornadoes; and

WHEREAS, Thomas County will celebrate its centennial on March 31, 1987; and

WHEREAS, a centennial celebration offers a county a unique opportunity to reflect upon those citizens whose efforts were responsible for the county's many accomplishments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and commends Thomas County and its citizens for their centennial celebration.

2. That the Legislature congratulates and extends best wishes to the citizens of Thomas County.

3. That a copy of this resolution be sent to former Senator Chester Paxton and his wife, Ida Paxton, and to the Thomas County Herald.

Laid over.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 435. Placed on General File.

LEGISLATIVE BILL 265. Indefinitely postponed.
LEGISLATIVE BILL 521. Indefinitely postponed.
LEGISLATIVE BILL 649. Indefinitely postponed.
LEGISLATIVE BILL 682. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

MESSAGE FROM THE GOVERNOR

March 23, 1987

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 requiring Legislative confirmation:

Dr. A. L. Roy Frederick, Director, Department of Agriculture, Lincoln, Nebraska. Term: April 1, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:dms
Enclosure

UNANIMOUS CONSENT - Print in Journal

Messrs. Landis, Pappas, and Remmers asked unanimous consent to print the following amendment to LB 191 in the Journal. No objections. So ordered.

AM0719

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. As used in this act, unless the context otherwise requires, statement shall mean a recorded or written account of the facts out of which an injury arose given by the injured person to a person having an adverse interest. Statement shall not include (1) insurance claims forms, (2) medical authorizations, or (3) personal injury or accident report forms which are completed when an adverse party is not present.

Sec. 2. (1) There shall be a rebuttable presumption that any statement secured from an injured person by an adverse person at any time within thirty days after such injuries were sustained shall have been taken under duress for purposes of a trial of any action for damages for injuries sustained by such person or for the death of such person as the result of such injuries.

(2) The presumption described in subsection (1) of this section may be rebutted by evidence. The presumption shall be deemed rebutted as a matter of law if the adverse person taking the statement discloses to the injured person prior to taking the statement:

(a) Whom he or she represents;

(b) That the injured person may make the statement in the presence of counsel or any other representative; and

(c) That a copy of the statement is available at no cost to the injured person.

Sec. 3. Nothing in this act shall be construed to supersede, abrogate, or limit any common law remedies available to any injured person who has given a statement.".

GENERAL FILE

LEGISLATIVE BILL 67. Title read. Considered.

Standing Committee amendment, AM0302, found in the Journal on page 830 for the Thirty-Second Day was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Haberman withdrew his pending amendment, AM0406, found in the Journal on page 1088.

Advanced to E & R for Review with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of a Governor appointment.

Agriculture

Dr. A. L. Roy Frederick - Director, Department of Agriculture

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

COMMUNICATION

March 24, 1987

The Honorable Allen Beermann
Secretary of State
State Capitol
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S. of Nebraska, 1943, we are forwarding LB 148 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 148 notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 148 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 24th day of March, 1987.

(Signed) William E. Barrett,
Presiding Officer
President of the Legislature

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 45. Indefinitely postponed.
LEGISLATIVE BILL 46. Indefinitely postponed.
LEGISLATIVE BILL 108. Indefinitely postponed.
LEGISLATIVE BILL 209. Indefinitely postponed.
LEGISLATIVE BILL 448. Indefinitely postponed.
LEGISLATIVE BILL 496. Indefinitely postponed.
LEGISLATIVE BILL 563. Indefinitely postponed.

LEGISLATIVE RESOLUTION 4CA. Indefinitely postponed.

(Signed) V. Johnson, Chairperson

LEGISLATIVE BILL 583. Indefinitely postponed.
LEGISLATIVE BILL 600. Indefinitely postponed.
LEGISLATIVE BILL 631. Indefinitely postponed.
LEGISLATIVE BILL 633. Indefinitely postponed.
LEGISLATIVE BILL 634. Indefinitely postponed.
LEGISLATIVE BILL 701. Indefinitely postponed.
LEGISLATIVE BILL 714. Indefinitely postponed.
LEGISLATIVE BILL 732. Indefinitely postponed.

(Signed) Elroy M. Hefner, Vice Chairperson

SELECT FILE

LEGISLATIVE BILL 332. The Schmit pending motion to overrule the Chair found in the Journal on page 1213 was renewed.

Messrs. Harris, Chizek, and Mrs. Morehead asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

The question is, "Shall the Chair be overruled?"

Mr. Schmit requested a record vote on his motion to overrule the Chair.

Voting in the affirmative, 23:

Ashford	Elmer	Labedz	Rogers	Smith
Baack	Hall	Lamb	Rupp	Warner
Chambers	Hannibal	Landis	Schmit	Wesely
Coordsen	Higgins	Miller	Scofield	Withem
Dierks	Korshoj	Nelson		

Voting in the negative, 16:

Abboud	Haberman	Johnson, L.	Pappas	Remmers
Beyer	Hartnett	Langford	Peterson	Wehrbein
Conway	Hefner	Marsh	Pirsch	Weihing
Goodrich				

Present and not voting, 5:

Barrett	Lynch	McFarland	Moore	Schellpeper

Excused and not voting, 5:

Chizek	Harris	Johnson, R.	Johnson, V.	Morehead

The Schmit motion to overrule the Chair prevailed with 23 ayes, 16 nays, 5 present and not voting, and 5 excused and not voting.

The Chair was overruled.

The Schmit pending amendment, AM0269, found in the Journal on page 1212 was renewed.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Remmers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Pending.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will be meeting in executive session in Room 1003 upon adjournment on March 24th through April 16, 1987.

MESSAGE FROM THE SECRETARY OF STATE

March 24, 1987

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 148, without the Governor's signature and with her objections, was filed in the office of Secretary of State on March 24, 1987.

In addition, I hereby acknowledge receipt of your cover letter dated March 24 and a Certificate signed by William E. Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 148 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 24th day of March, 1987.

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of public record.

Respectfully submitted,
(Signed) Allen J. Beermann
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 148, without the Governor's signature and with her objections, was filed in the office of Secretary of State on March 24, 1987.

In addition, I hereby certify that I received a cover letter dated March 24, 1987 and a certificate signed by William E. Barrett as President of the Legislature, the contents of which are as follows:

> Legislative Bill 148 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 24th day of March, 1987.

Finally, I hereby certify that all of these documents have been filed in this office as 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 twenty-fourth day of March in the year of our Lord, one thousand nine hundred and eighty-seven.

(SEAL) Allen J. Beermann, Secretary of State

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 329 in the Journal. No objections. So ordered.

AM0586

1. On page 3, lines 5, 10, and 16; on page 10, lines 6, 12, and 17; on page 11, line 17 and 22; and on page 12, lines 1 and 9, strike "8" and insert "10".

2. Insert the following new sections:

"Sec. 3. Each board may construct, purchase, or otherwise acquire, remodel, repair, furnish, and equip dormitories, residence halls, single or multiple dwelling units, or other facilities for (1) the housing or boarding of single or married students, faculties, or other employees of the institutions under its control, (2) buildings and structures for student and faculty unions or centers and (3) the medical care and other activities of the students of such institutions, on real estate then owned or controlled by such board or on real estate purchased, leased, or otherwise acquired for such purpose and pay the cost thereof, including the cost of such real estate, by issuing revenue bonds payable solely out of the revenue from such buildings or facilities. Any such buildings or facilities shall be located on or adjacent to a campus or campuses controlled by such board.

Sec. 4. Each board may, by resolution or agreement, pledge all or any part of the revenue and fees derived from the operation of the dormitories, residence halls, single or multiple dwelling units, buildings, and other facilities for housing, boarding, medical care, and other activities of students, faculties, or employees of the institution under each board's control erected or acquired or previously erected or acquired by any such board and contract as to the care, insurance, management, and operation of such buildings and facilities and the charges to be made and the rights of the holders of the revenue bonds. When

any board contracts that the operation of any building or facility or part thereof shall be performed other than by the board itself, such board shall at all times maintain supervision of and control over the fees and charges imposed for the use thereof. In issuing revenue bonds and pledging revenue therefor, the board may pledge all or any part of the revenue and fees from buildings and facilities other than the building or facility to be constructed. Bonds issued under the provisions of sections 3 to 10 of this act shall not be an obligation of the State of Nebraska, and no tax shall ever be levied to raise funds for the payment thereof or interest thereon. The bonds shall constitute limited obligations of the board issuing the same and shall be paid solely out of money derived from the revenue and earnings pledged as provided in sections 79-2636 to 79-2662 and sections 3 to 10 of this act.".

3. On page 10, line 5, strike "all applicable", show as stricken, and insert "the"; and in line 25 after "79-2648" insert "or in sections 3 and 4 of this act".

4. On page 12, line 1, strike "and" and insert "or".

NOTICE OF COMMITTEE HEARING
Agriculture

Governor Appointment Monday, March 30, 1987 1:15 p.m.
A. L. Frederick - Nebraska Department of Agriculture

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 90. Placed on General File as amended.
Standing Committee amendments to LB 90:
AM0159

1. On page 3, line 17, strike "sufficient cause shown" and insert "a showing of compelling need".

2. On page 5, line 3, strike "sufficient cause shown" and insert "a showing of compelling need"; strike beginning with "if" in line 4 through "To" in line 6 and insert ".

(5) Unless otherwise required by the court, the child shall testify 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, guardian, 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. Unless waived by the defendant, all persons in the room shall be visible on camera except the camera operator.

(6) If deemed necessary to"; in line 6 strike "in camera" and insert "child's"; in line 10 strike "(5)" and insert "(7)"; in line 14 strike "(6)" and insert "(8)"; in line 21 after the period insert "In deciding whether there is a compelling need that child testimony accommodation is required by pretrial videotape deposition, in camera live testimony, in camera videotape testimony, or any other accommodation, the court shall make particularized findings on the record of:

(a) The nature of the offense;

(b) The significance of the child's testimony to the case;

(c) The likelihood of obtaining the child's testimony without modification of trial procedure or with a different modification involving less substantial digression from trial procedure than the modification under consideration;

(d) The child's age;

(e) The child's psychological maturity and understanding; and

(f) The nature, degree, and duration of potential injury to the child from testifying."; in line 22 strike "(7)" and insert "(9)"; and in line 25 strike "(8)" and insert "(10)".

3. On page 6, line 3, strike "(9)" and insert "(11)" and strike "shall" and insert "may"; and in line 4 strike "effectuate" and insert "administer".

LEGISLATIVE BILL 617. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 68.

Introduced by Haberman, 44th District.

WHEREAS, on March 31, 1887, the Nebraska Legislature with the approval of Governor, John M. Thayer, created Grant County; and

WHEREAS, Grant County was named in honor of President Ulysses S. Grant; and

WHEREAS, a centennial celebration gives the citizens of the county a unique opportunity to reflect upon their past and contemplate their future; and

WHEREAS, Grant County and its citizens deserve special recognition during the centennial celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature recognize the efforts and achievements of the pioneers who settled Grant County and the present residents of the county who continue that heritage and spirit.

2. That the Legislature congratulates and extends best wishes to the people of Grant County on this great occasion.

3. That the members of the Legislature recognize and commend Grant County on its one hundredth anniversary.

4. That a copy of this resolution be delivered to Grant Centennial Committee, P.O. Box 348, Hyannis, Nebraska 69350.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Weihing asked unanimous consent to have his name added as co-introducer to LB 337. No objections. So ordered.

VISITORS

Visitors to the Chamber were 60 fourth through sixth grade students and teacher from Hooper Elementary; Mr. and Mrs. Jim Moore and Nathan Sharples from Lincoln and Robin and Sarah June Bretz from Denver, Colorado; Manuel Pena from the Philippines; Jean Debusc

from DeWitt; Gail Kopplin and Robert Dickenson from Gretna; students and sponsor from Sterling High School; Beverly Eby and Theresa Little from DeWitt; 48 foreign exchange students and sponsors from across the state; Bart McEvoy and Mayor Bernie Simon from Omaha; and Bernard A. Gagosz from Minneapolis, Minnesota.

RECESS

At 12:06 p.m., on a motion by Mr. Schmit, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mr. R. Johnson who was excused; and Messrs. Abboud, Hannibal, Harris, V. Johnson, Lynch, McFarland, Remmers, Schellpeper, Mesdames Labedz, and Morehead who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 332. The Schmit pending amendment, AM0269, found in the Journal on page 1212 and considered in this day's Journal was renewed.

Mr. Schmit moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Chambers	Hannibal	Lamb	Rupp	Schmit
Hall	Korshoj	Rogers	Schellpeper	Warner

Voting in the negative, 29:

Ashford	Barrett	Chizek	Coordsen	Elmer
Baack	Beyer	Conway	Dierks	Goodrich

Haberman	Langford	Nelson	Remmers	Weihing
Hefner	Marsh	Pappas	Scofield	Wesely
Johnson, L.	Moore	Peterson	Smith	Withem
Landis	Morehead	Pirsch	Wehrbein	

Present and not voting, 3:

Hartnett	Higgins	Miller

Excused and not voting, 7:

Abboud	Johnson, R.	Labedz	Lynch	McFarland
Harris	Johnson, V.			

The Schmit amendment lost with 10 ayes, 29 nays, 3 present and not voting, and 7 excused and not voting.

Mr. Warner offered the following amendment:
strike lines 12 thru 14 on page 4 of LB 332

Mr. Warner withdrew his pending amendment.

Messrs. Chambers and Schmit offered the following amendment:

1. Insert the following new section:

"Sec. 2. That section 8-820, Revised Statutes Supplement, 1986, be amended to read as follows:

8-820. Subject to ~~the provisions of~~ sections 8-815 to 8-829, any registered bank may contract for and receive, on any personal loan, charges at a rate not exceeding nineteen per cent simple interest per year. In the case of loans initiated by credit card or other type of transaction card, the rate ~~may be any amount agreed to by the parties~~ shall not exceed thirteen and one half per cent simple interest per year. Any registered bank or bank acquired pursuant to sections 8-1512 and 8-1513 may also charge a reasonable fee for service and use of a credit card or other type of transaction card in an amount not to exceed twenty dollars per year, except that for a premium card as determined by the Director of Banking and Finance which has at least a one thousand five hundred dollar credit limit and provides an additional service, any reasonable fee for service and use of such card may be charged. Such charges shall ~~not~~ be construed as interest. Notwithstanding the

provisions of this section, a bank may charge a minimum fee of up to seven dollars and fifty cents in lieu of interest on small loans.".

2. On page 10, line 14, after "sections" insert "8-820 and".

3. Renumber the remaining sections accordingly.

Mr. Hefner 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?"

Mr. McFarland 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 14 ayes, 4 nays, and 31 not voting.

The motion to cease debate prevailed with 25 ayes, 12 nays, and 12 not voting.

Mr. Chambers requested a roll call vote on the Chambers-Schmit amendment.

Voting in the affirmative, 16:

Chambers	Korshoj	Morehead	Rogers	Schmit
Hall	Lamb	Nelson	Rupp	Smith
Hannibal	Marsh	Pappas	Schellpeper	Warner
Higgins				

Voting in the negative, 24:

Ashford	Conway	Haberman	Langford	Scofield
Baack	Coordsen	Harris	Moore	Wehrbein
Barrett	Dierks	Hartnett	Peterson	Weihing
Beyer	Elmer	Johnson, L.	Pirsch	Withem
Chizek	Goodrich	Landis	Remmers	

Present and not voting, 1:

Miller

Absent and not voting, 1:

Wesely

Excused and not voting, 7:

Abboud	Johnson, R.	Labedz	Lynch	McFarland
Hefner	Johnson, V.			

The Chambers-Schmit amendment lost with 16 ayes, 24 nays, 1 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Conway offered the following amendment to LB 332:
AM0732

1. On page 4, strike beginning with "Any" in line 12 through "card" in line 14 and insert "Fees agreed to by the parties for loan service costs for exceeding authorized limits, replacing lost cards, returning checks, or delinquency on the account".

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Conway amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

MESSAGES FROM THE GOVERNOR

March 24, 1987

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 Educational Television Commission, requiring legislative confirmation.

Appointee: Jan Hall, 20 Kings Court, Kearney, NE 68847

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:cfg

March 24, 1987

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 Educational Television Commission, requiring legislative confirmation.

Appointee: Sally Stecker, Rt. 1, Box 160, Hooper, NE 68031

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:cfg

March 24, 1987

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 Educational Television Commission, requiring legislative confirmation.

Appointee: Laura Gaebel, R R, Box 2, Murdock, NE 68407

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:cfg

March 24, 1987

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 Educational Television Commission, requiring legislative confirmation.

Appointee: Dr. Thomas Reeves, 1820 N. Elm, Hastings, NE 68901

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:cfg

March 24, 1987

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 Educational Television Commission, requiring legislative confirmation.

Appointee: Dr. Charles Harrington, 808 West Park, Chadron, NE 69337

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:cfg

March 24, 1987

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 Educational Television Commission, requiring legislative confirmation.

Appointee: Dr. Vance D. Rogers, 5912 Rolling Hills Blvd., Lincoln, NE 68512

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:cfg

March 24, 1987

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 Educational Television Commission, requiring legislative confirmation.

Appointee: Jill Elston, 9711 Fieldcrest Drive, Omaha, NE 68114

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:cfg

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 440.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 440
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0144

1. In the Landis and V. Johnson amendment, AM0623, adopted March 20, 1987:

a. On page 1, line 4, "for" has been inserted after "and"; and in line 5 "treasurer's" has been struck and "treasurers" inserted;

b. On page 2, line 9, the first comma has been struck and shown as stricken; in line 15 an underscored semicolon has been inserted after "treasurer"; and in line 19 "as a" has been inserted after the comma;

c. On page 3, line 16, the first "and" has been struck, shown as stricken, and an underscored comma inserted; and in line 17 reinstate the stricken comma;

d. On page 4, line 8, the first comma has been struck and shown as stricken; and in line 13 an underscored comma has been inserted after the second "bonds";

e. On page 5, line 22, "in cases where" has been struck, shown as stricken, and "when" inserted; and

f. On page 6, line 11, "made" has been inserted after "deposits" and the comma has been struck; in line 20 "lines 3 and 5" has been struck and "line 5," inserted; and in line 21 an underscored comma has been inserted after "15-847".

2. On page 1, line 7, "and" has been struck; and in line 8 "; and to declare an emergency" has been inserted after "sections".

3. On page 5, line 3, "15-846," has been inserted after "section".

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 261. Placed on General File.

(Signed) Jerry Chizek, Chairperson

Transportation

LEGISLATIVE BILL 80. Placed on General File as amended.
Standing Committee amendments to LB 80:
AM0691

1. On page 2, line 1, strike "9" and insert "8"; in line 13 strike "4 and 5" and insert "3 and 4"; and in line 16 strike "and" and insert a comma and after "(3)" insert ", and (4)".

2. On page 3, strike line 14 and insert "a public street, road, or highway when such operation occurs only between the hours of sunrise and sunset and such operation is incidental to the vehicles' use for agricultural purposes. Any person operating an all-terrain vehicle on a public street, road, or highway shall not operate such vehicle at a speed in excess of thirty miles per hour. When operated on a public street, road, or highway, the headlight and taillight of

the vehicle shall be on, and the all-terrain vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and be day-glow in color.

(4) All-terrain vehicles may be operated on public streets, roads, and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.".

3. Strike original section 3.

4. On page 4, line 25, strike "4 to 6" and insert "3 to 5".

5. On page 5, lines 10, 15, and 22, strike "8" and insert "7".

6. Renumber the remaining sections accordingly.

(Signed) Howard Lamb, Chairperson

Health and Human Services

LEGISLATIVE BILL 104. Placed on General File as amended.
Standing Committee amendments to LB 104:
AM0450

1. On page 2, line 5, after "71-4412" insert "and section 12 of this act"; in line 14 strike "State Veterinarian" and insert "Department of Health"; after line 19 insert the following new subdivisions:

"(4) Department shall mean the Department of Health;"; and in line 20 strike "(4)" and insert "(5)".

2. On page 3, line 2, strike "(5)" and insert "(6)"; in line 11 strike "(6)" and insert "(7)"; and strike beginning with the semicolon in line 18 through "Agriculture" in line 22.

3. Strike original sections 2 and 6 and insert the following new sections:

"Sec. 2. That section 71-4402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4402. (1) Every domestic animal ~~Effective January 1, 1970,~~ in the State of Nebraska~~, every dog four months of age and older~~ shall be vaccinated against

rabies with a licensed vaccine and shall be revaccinated at intervals specified by rules and regulations adopted and promulgated by the department. Young ~~dogs~~ domestic animals shall be initially vaccinated ~~within thirty days after they have reached four months of age~~ at the age specified in such rules and regulations. Unvaccinated ~~dogs~~ domestic animals acquired or moved into the State of Nebraska ~~must~~ shall be vaccinated within thirty days after purchase or arrival, unless under ~~four months of~~ the age ~~as specified above~~ for initial vaccination.

(2) The department shall adopt and promulgate rules and regulations for the control and prevention of rabies. Such rules and regulations shall generally comply with the compendium and the recommendations of the United States Public Health Service. The department may consider changes in the compendium and recommendations of the United States Public Health Service when adopting and promulgating such rules and regulations. ~~Every dog shall be revaccinated following a period of not more than thirty-six months since its last vaccination with chick embryo, LEP (Low Egg Passage) Flury Vaccine or following a period of not more than twelve months since its last vaccination with killed or inactivated vaccine. The intervals of any other antirabies vaccines shall be set by the State Veterinarian, and he shall follow the latest recommendations of the United States Public Health Service on December 25, 1969.~~

Sec. 6. That section 71-4406, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4406. (1) Any animal which is owned by a person and has bitten any person or caused an abrasion of the skin of such person shall be seized by the rabies control authority for a period of not less than ten days if:

(a) The animal is suspected of having rabies, regardless of the species and whether or not the animal has been vaccinated;

(b) The animal is not vaccinated and is of a species determined by the department to be a rabid species; or

(c) The animal is of a species which has been determined by the department to be a rabid species

amenable to rabies protection by immunization, whether or not such animal has been vaccinated.

If, after observation and examination by a veterinarian, at the end of the ten-day period the animal shows no clinical signs of rabies, the animal may be released to its owner.

(2) Whenever any person has been bitten or has an abrasion of the skin caused by an animal owned by another person, which animal has been vaccinated in accordance with section 71-4402, or if such injury to a person is caused by an owned animal determined by the department to be a rabid species amenable to rabies protection by immunization which has been vaccinated, such animal shall be confined by the owner or other responsible person as required by the rabies control authority for a period of at least ten days and shall be observed and examined by a veterinarian at the end of such ten-day period. If no clinical signs of rabies are found by the veterinarian, such animal may be released from confinement.

(3) Any animal of a rabid species which has bitten a person or caused an abrasion of the skin of such person and which is unowned, or the ownership of such animal cannot be determined within seventy-two hours of the time of the bite or abrasion, shall be immediately subject to any tests which the department believes are necessary to determine whether the animal is afflicted with rabies. The seventy-two-hour period shall include holidays and weekends and shall not be extended for any reason. The tests required by this subsection may include tests which require the animal to be destroyed. ~~Any dog or any other animal suspected of being afflicted with rabies or any dog not vaccinated in accordance with section 71-4402, which has bitten any person and caused an abrasion of the skin of such person, shall be seized by the rabies control authority and impounded under the supervision of a licensed veterinarian or a public health authority for a period of not less than ten days. If upon examination by a veterinarian, the dog or other animal has no clinical signs of rabies at the end of such impoundment, it may be released to the owner, or, in the case of a stray, it shall be disposed of in accordance with applicable laws.~~

~~(2) Any dog, vaccinated in accordance with the~~

~~provisions of section 71-4402, or any other animal which has bitten any person, shall be confined by the owner or other responsible person as required by the rabies control authority for a period of at least ten days, at which time the dog or other animal shall be examined by a licensed veterinarian. If no signs of rabies are observed by the veterinarian, the dog or other animal may be released from confinement.~~

Sec. 12. The department shall adopt and promulgate rules and regulations to:

(1) Determine rabid species of animals;

(2) Determine rabid species of animals amenable to rabies protection by immunization; and

(3) Determine tests for identifying animals afflicted with rabies.

When adopting and promulgating such rules and regulations, the department shall consider the general knowledge of the medical profession and related scientific fields, the compendium, and the recommendations of the United States Public Health Service.".

4. On page 5, line 25, strike "and" and show as stricken.

5. On page 6, line 2, after "used" insert ";

and

(7) The site of vaccination".

6. On page 9, line 25, strike "five days", show as stricken, and insert "seventy-two hours".

7. Renumber the remaining section accordingly.

LEGISLATIVE BILL 350. Placed on General File as amended.
Standing Committee amendments to LB 350:
AM0685

1. On page 2, line 10, after "license" insert "or permit"; in line 17 after "Health" insert ", with the approval of the Board of Examiners in Pharmacy,"; after line 22 insert the following new subsection:

"(2) This section shall not apply to prescription drugs mailed, shipped, or otherwise delivered by a pharmaceutical company to a laboratory for the purpose of conducting clinical research."; and in line 23 strike "(2)" and insert "(3)".

2. On page 3, line 1, after "Health" insert ", upon the recommendation of the Board of Examiners in

Pharmacy,".

LEGISLATIVE BILL 390. Placed on General File as amended.
Standing Committee amendments to LB 390:
AM0682

1. On page 3, line 21, strike the second "and" and insert "(3) To maximize the protection practicable for the citizens of Nebraska from ionizing radiation by establishing requirements for appropriate education and training of persons operating an X-ray system; and"; and in line 22 strike "(3)" and insert "(4)".

2. On page 4, line 25, strike "and" and show as stricken.

3. On page 5, line 3, after "public" insert "; and

(5) A program which establishes requirements and standards for appropriate education, training, written testing, and practical testing of persons operating an X-ray system".

4. On page 7, line 10, strike "not including", show as stricken, and insert "shall not include".

5. On page 10, line 15, strike the first comma.

6. On page 12, line 24, strike "and".

7. On page 13, line 3, after "gram" insert ";

(29) Licensed practitioner shall mean a person licensed to practice medicine, dentistry, podiatry, chiropractic, or osteopathy; and

(30) X-ray system shall mean medical equipment which performs radiographic functions to humans by using ionizing radiation for diagnostic purposes, excluding nuclear medicine and radiation therapy procedures".

8. On page 14, line 6, strike "has" show as stricken, and insert "have".

9. On page 19, line 12, strike "and" and show as stricken; in line 14 after "surveillance" insert ", or both,"; in line 21 strike "sixty" and insert "thirty-six"; and in line 25 after "department" insert "; and

(9) Develop a program which establishes policies, requirements, and standards for appropriate education, training, written testing, and practical

testing of persons operating an X-ray system".

10. On page 21, line 5, after "the" insert "written".

11. On page 26, strike beginning with "Such" in line 22 through line 25 and insert "Individuals who are currently licensed in the State of Nebraska as podiatrists, chiropractors, dentists, physicians and surgeons, osteopaths, and veterinarians shall be exempt from the rules and regulations of the department pertaining to the training requirements for the use of X-ray radiation generating equipment operated for diagnostic purposes.".

12. On page 27, line 4, strike "or source material mill tailings" and insert "as defined in subdivision (13)(b) of section 71-3503"; and in line 25 strike "this subsection" and insert "subdivisions (1)(a) and (1)(b) of this section".

13. On page 28, line 12, strike "department" and insert "United States Nuclear Regulatory Commission"; in line 20 strike "department shall" and insert "state may assume title"; in line 21 strike "department's" and insert "United States Nuclear Regulatory Commission's"; and in line 23 strike "assume title" and after "and" insert "the department shall".

14. On page 30, line 23, after "contract" insert "with third parties".

15. On page 31, line 15, after "Act" insert ",except that the annual fee for registration and inspection of X-ray radiation generating equipment shall not exceed seventy dollars per X-ray machine. The annual fee for registration and inspection of X-ray generating equipment shall terminate on September 1, 1991".

16. On page 37, strike beginning with "as" in line 1 through "state" in line 2, show as stricken, and insert "over which the state has assumed licensing and related regulatory authority".

17. On page 47, line 13, after "11" insert "and 22 to 24".

18. Insert the following new sections:

"Sec. 22. (1) Any person who operates an X-ray system under the direction of a licensed practitioner shall meet the following qualifications:

(a) Be certified as having completed a course

of study in radiologic technology and training approved by the department. The department may base such certification upon the standards developed by the American Registry of Radiologic Technologists. Such standards, if approved by the department, may be in lieu of or in addition to any other certification requirement;

(b) Have completed a twenty-four month educational program in radiography as approved by the department. The department may base the requirements for such a training program upon the programs developed by the Committee on Allied Health Education and Accreditation of the American Medical Association or any other national professional association or registry approved by the department; or

(c) If not employed solely as an X-ray system operator but whose duties may require operation of an X-ray system on a limited basis, have (i) completed a course of instruction in radiation use and safety consisting of sixteen contact hours of instruction incorporating the course material as provided in rules and regulations of the department pursuant to section 23 of this act and (ii) been tested on the course material described in subdivision (c)(i) of this subsection.

(2) The requirements of subsection (1) of this section shall not apply to a student or trainee who operates an X-ray system while under the direct supervision of a licensed practitioner or under the direct supervision of an operator who meets the requirements of subdivision (1)(a) or (1)(b) of this section.

Sec. 23. (1) The department shall adopt and promulgate rules and regulations which delineate the course of instruction for educational programs in radiation use and safety for operators of X-ray systems. Such courses shall include, but not be limited to, fundamentals of radiation, radiation safety, radiation detection instrumentation, operation and control of X-ray equipment, radiation protection, and federal and state regulations. The department shall recognize equivalent courses of instruction, including continuing education, successfully completed by individuals who are credentialed by the department when determining if the requirement of subdivision (1)(c) of section 22 of this

act have been met.

(2) The department shall adopt and promulgate rules and regulations regarding the testing required in subdivision (1)(c)(ii) of section 22 of this act. Such rules and regulations shall provide for the development and administration of written and practical tests, procedures to be followed for testing, the method of grading and the passing grades for such tests, security protection for test questions and answers, and the contents of such tests based on the course requirements prescribed in subdivision (1) of this section.

Sec. 24. Nothing in the Radiation Control Act shall be construed to allow the department to duplicate regulation by the federal government.

Sec. 25. Sections 22 and 23 of this act shall become operative on July 1, 1988. The remaining sections of this act shall become operative on their effective date.".

19. Renumber the remaining section accordingly.

LEGISLATIVE BILL 442. Placed on General File as amended.
Standing Committee amendment to LB 442:
AM0684

1. On page 3, line 3, after "requirements" insert "regardless of whether such emergency medical technician-ambulance is a member of a transporting ambulance service or a rescue squad".

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Moore asked unanimous consent to have his name added as co-introducer to LB 561. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 581. Placed on Select File as amended.
E & R amendments to LB 581:
AM5130

1. In the Standing Committee amendments, AM0434, adopted March 20, 1987, on page 2, line 5,

strike the last comma.

2. On page 1, line 2, strike "authorize" and insert "require"; and in line 5 after "prescribed" insert "; and to require reports".

LEGISLATIVE BILL 524. Placed on Select File as amended.
E & R amendment to LB 524:
AM5129

1. On page 7, lines 14, 24, and 25, reinstate the stricken comma.

LEGISLATIVE BILL 587. Placed on Select File as amended.
E & R amendments to LB 587:
AM5131

1. In the Standing Committee amendments, AM0371, adopted March 20, 1987, on page 1, strike beginning with "16" in line 5 through "line" in line 7; and in line 21 strike "entitlted" and insert "entitled" and after "election" insert "and".

2. On page 1, line 3, after the semicolon insert "to change a filing deadline;".

3. On page 3, line 11, strike the comma and show as stricken; and in line 25 after "trustees" insert "and".

4. On page 4, line 3, after "which" insert "date".

5. On page 5, line 20, strike "Notice", show as stricken, and insert "Except as provided in subsection (4) of this section, notice"; and in line 24 after "trustees" insert "and".

6. On page 6, line 2, after "which" insert "date"; and in line 12 strike "Such", show as stricken, and insert "The" and after "notice" insert "of an election".

7. On page 9, line 22, strike "properly" and after "selected" insert an underscored comma; and in line 23 strike "commission" and insert "commissioner".

LEGISLATIVE BILL 42. Placed on Select File as amended.
E & R amendments to LB 42:
AM5132

1. In the Standing Committee amendments, AM0414, adopted March 20, 1987, on page 2, line 13, strike "can" and insert "may".

2. On page 1, strike beginning with the second "to" in line 1 through the first semicolon in line 3; in line 5 after the semicolon insert "and"; and strike beginning with the semicolon in line 6 through "section" in line 7.

3. On page 3, line 10, before "provide" insert "shall".

4. On page 6, line 14, strike "Department on Aging" and insert "department".

LEGISLATIVE BILL 637. Placed on Select File as amended.
E & R amendments to LB 637:
AM5133

1. In the Standing Committee amendments, AM0415, adopted March 20, 1987, on page 1, line 5, strike "development" and insert "developmental".

2. On page 3, line 15, strike "compliment" and insert "complement".

LEGISLATIVE BILL 509. Placed on Select File.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 101. Mr. Rogers renewed his pending amendment, AM0614, found in the Journal on page 1089.

The Rogers amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Warner offered the following amendment:
AM0715

1. Insert the following new section:

"Sec. 11. That section 16, Legislative Bill 1, Eighty-ninth Legislature, Third Special Session, 1986, be amended to read as follows:

52-1316. (1) Oral and written inquiries regarding information provided by the filing of

effective financing statements may be made at any county clerk's office or the office of the Secretary of State during regular business hours., ~~except that until June 30, 1989, the Secretary of State shall provide information required by this section between the hours of 8:00 a.m. and 9:00 p.m., central time, Monday through Saturday, except on January 1, Memorial Day, July 4, Labor Day, Thanksgiving Day, and December 25.~~ The fee for furnishing file information in writing shall be two dollars for each debtor name searched by the county clerk or Secretary of State. Written confirmation of an oral or written inquiry shall be mailed no later than the end of the next business day after the inquiry is received.

(2) The Secretary of State shall provide a system that assigns an identifying number to each inquiry made pursuant to subsection (1) of this section. Such number shall be given to the inquiring party at the time of the oral response and shall be included in the written confirmation. The Secretary of State and the county clerks shall maintain a record of inquiries made under this section identifying who made the inquiry, on whom the inquiry was made, and the date of the inquiry.

(3) The Secretary of State may provide for a computerized system for inquiry and confirmation which may be used in lieu of the inquiry and confirmation under subsection (1) of this section. When such a system is implemented and used, it shall have the same effect as an inquiry and confirmation under subsection (1) of this section.

(4) There shall be no fee charged for actual inspection of records of effective financing statements kept by the county clerk 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 county clerk, of one dollar per name for each inspection in excess of ten names per day by a single person.

(5) The county clerk and Secretary of State and their employees or agents shall be exempt from all personal liability as a result of any error or omission in providing information as required by this section, except in cases of willful misconduct or gross negligence.

(6) Fees received pursuant to this section by county clerks shall be deposited in the county general fund. Fees received pursuant to this section by the Secretary of State shall be deposited in the Uniform Commercial Code Cash Fund.".

2. On page 16, line 20, after "original" insert "section 16, Legislative Bill 1, Eighty-ninth Legislature, Third Special Session, 1986, and".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Warner moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

The Warner 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.

The Chair declared the call raised.

LEGISLATIVE BILL 101A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 650. E & R amendment, AM5127, found in the Journal on page 1221 for the Forty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 623. E & R amendment, AM5128, found in the Journal on page 1221 for the Forty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 200. Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 69.

Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Marsh, 29th District; Moore, 24th District; Scofield, 49th District; Wehrbein, 2nd District.

WHEREAS, plans for the construction, financing, and use of existing surplus funds for the construction of a new campus recreation/athletic facility on the University of Nebraska-Lincoln campus have been submitted to the Legislature for approval pursuant to the provisions of sections 85-404 and 85-408; and

WHEREAS, construction of the proposed campus recreation/athletic facility, Phase I, will be financed from private donations ($5,000,000), existing Student Fees and Facilities Revenue Bond funds ($3,500,000), and revenue from a capital facilities assessment on football tickets ($500,000); and

WHEREAS, the remainder of the project, Phases II ($800,000) and III ($5,100,000), is to be financed by a capital facilities assessment on football tickets. This process for Phase III may be facilitated by the issuance of revenue bonds in the future. The total project cost is estimated to be $14,900,000; and

WHEREAS, the proposed project combines renovation of the City Campus Coliseum with two additions to that structure containing approximately 143,000 gross square feet plus a meeting room for the football program containing approximately 7,000 gross square feet; and

WHEREAS, the renovated and newly constructed space will contain elements necessary to accommodate a campus recreation center; indoor football practice field; a meeting room for the football program; offices, labs, and storage for the School of Health, Physical Education, and Recreation; classrooms; space for the women's intercollegiate volleyball program; and locker space for the intercollegiate tennis teams; and

WHEREAS, the annual operating and maintenance costs of the proposed facility (estimated between $620,000 and $670,000) will be funded from an annual increase in student fees (estimated between $24 and $28) and from annual faculty/staff user fees (estimated at $120); and

WHEREAS, the University of Nebraska-Lincoln currently ranks eighth in the Big Eight Conference with regard to the availability of indoor recreational space per student; and

WHEREAS, the proposed facility will enhance recreational, academic, and athletic opportunities for all members of the University of Nebraska-Lincoln community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That pursuant to the provisions of section 85-408, the plans for construction, financing, and use of existing surplus funds for the construction of Phases I and II of a new campus recreation/athletic

facility on the University of Nebraska-Lincoln campus are hereby approved. Phase III of the project is approved. However, should the university elect to issue revenue bonds for Phase III, there shall be submitted to the Legislature for specific approval pursuant to section 85-404 a supplement to the financing plans considered in this resolution.

Laid over.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 252. Placed on General File as amended.
Standing Committee amendments to LB 252:
AM0711

1. On page 14, strike beginning with "Director" in line 9 through "Services" in line 11, show as stricken, and insert "Lieutenant Governor, State Treasurer, and Auditor of Public Accounts".

2. On page 23, line 5, after "claim" insert "by registered or certified mail" and after the period insert "The notification shall include the decision of the State Claims Board and (1) a statement that a dissatisfied claimant may have his or her claim reviewed by the Legislature upon application, (2) the procedure for making an application for review, and (3) the time limit for making such application."; and in line 10 strike "thirty" and insert "ninety" and strike "the date" and insert "receipt of notification by the claimant".

LEGISLATIVE BILL 776. Placed on General File as amended.
Standing Committee amendments to LB 776:
AM0709

1. On page 6, line 4, strike "3,139.71" and insert "4,014.44"; in line 7 strike "$27,088.07" and insert "$27,962.80"; and in line 17 before "Funds" insert "Federal".

2. On page 7, line 19, strike "$124,148.62" and insert "$125,023.35"; and in line 20 strike "$65,913.07" and insert "$66,787.80".

3. On page 8, line 10, strike "5,793.36" and insert "7,211.48"; and in line 13 strike "$32,881.43" and insert "$35,174.28".

4. On page 9, line 6, strike "$16,316.90" and insert "$17,735.02"; in line 7 strike "$10,003.36" and insert "$11,421.48"; in line 11 strike "$85,307.41" and insert "$87,600.26"; and in line 13 strike "$149,856.50" and insert "$152,149.35".

LEGISLATIVE BILL 777. Placed on General File as amended.
Standing Committee amendment to LB 777:
AM0710

1. On page 4, after line 18, insert:
"Claim No. 153, against the Department of Revenue, Wilma Jones, Edgar, Nebraska, 68935 339.00
Claim No. 159, against the Department of Revenue, Michael E. Star, R.R. 1, Box 329A, North Platte, Nebraska, 69101 7.00
Claim No. 164, against the Department of Revenue, William G. and Loretta Davis, 1213 North 21st Street, Las Vegas, Nevada, 89101 5.41
Claim No. 167, against the Department of Revenue, JoAnn M. Edney, 1240 South 120th Street, Omaha, Nebraska, 68144 10.33
Claim No. 177, against the Department of Revenue, Albert L. Peterson, 2926 South 12th Street, Lincoln, Nebraska, 68502 32.59
Claim No. 178, against the Department of Revenue, Robert C. and Ava Hastert, 3027 Edgehill Road, Cleveland Heights, Ohio, 44118 30.00
Claim No. 182, against the Department of Revenue, Evelyn Conner, R.R. Box 59, Holstein, Nebraska, 68950 40.00
Claim No. 184, against the State Treasurer, Lucille G. Dill, 711 South O Street, Broken Bow, Nebraska, 68822 88.00
Claim No. 201, against the Department of Revenue, Phillip L. Lord, Rt. 2, Box 133, Broken Bow, Nebraska, 68822 84.00
Claim No. 205, against the Department of Revenue, Milton and Juanita Perry, 4939 Ruggles Street, Omaha, Nebraska, 68104 223.53
Claim No. 211, against the Department of Revenue, John and Janis Houdek, 3112

Forrest Lawn Avenue, Omaha, Nebraska, 68112 31.00
Claim No. 217, against the Department of Roads, S. S. Coe Co., 1614 Center Street, Sioux City, Iowa, 51103 15.00
Claim No. 220, against the Department of Revenue, Marvin Goddard, Benkelman, Nebraska, 69021 6.91
Claim No. 047, against the University of Nebraska-Lincoln, Charles A. Francis, 4435 Pioneers Blvd., Lincoln, Nebraska, 68506 184.09
Claim No. 079, against the Game and Parks Commission, Chuck Parkos, R.R. 3, Box 62, Ord, Nebraska, 68862 90.92";
in line 23 strike "504,897.27" and insert "506,085.05";
and in line 25 strike "755,643.89" and insert "756,831.67".

LEGISLATIVE BILL 778. Indefinitely postponed.
LEGISLATIVE BILL 179. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

VISITORS

Visitors to the Chamber were Bob and Robin Wolfe from Wichita, Kansas and Bob Wolfe from York.

ADJOURNMENT

At 3:46 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Wednesday, March 25, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-NINTH DAY - MARCH 25, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 25, 1987

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Gil Kisling, Living Word Christian Outreach, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Goodrich, Hall, Hannibal, Harris, Hartnett, Lynch, McFarland, Remmers, Rogers, Schmit, Mesdames Higgins, Labedz, Morehead, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Eighth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 376. Placed on Select File as amended.
E & R amendments to LB 376:
AM5134

1. On page 1, line 1, after the semicolon insert "to amend sections 25-2401 to 25-2405, Reissue Revised Statutes of Nebraska, 1943;"; in line 5 strike "eliminate" and insert "change"; in line 6 after

"repeal" insert "the original"; and strike beginning with "25-2401" in line 7 through "1943" in line 8.

2. On page 2, lines 10 and 15; page 5, line 20; and page 6, line 11, before "this" insert "sections 1 to 10 of".

LEGISLATIVE BILL 376A. Placed on Select File.

LEGISLATIVE BILL 576. Placed on Select File as amended.
E & R amendment to LB 576:
AM5135

1. On page 2, line 12, after "generally" insert a comma.

LEGISLATIVE BILL 577. Placed on Select File as amended.
E & R amendments to LB 577:
AM5136

1. On page 1, line 3, strike "and"; and in line 4 before the period insert "; and to define a term".

2. On page 3, line 11, strike "is" and insert "are".

(Signed) Scott Moore, Chairperson

ATTORNEY GENERAL'S OPINION

DATE: March 25, 1987

SUBJECT: Questions Involving the Bid Process for Construction of a Proposed Recreation/Athletic Facility by the University of Nebraska

REQUESTED BY: Senator Ernest Chambers
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General

This is in response to your March 5, 1987, letter in which you questioned the bid process used by the University of Nebraska for construction of the proposed recreation/athletic facility. Specifically, you stated that the University was prepared to consider contributions in cash or in kind made by contractors in determining the successful

low bidder for the facility. You questioned the propriety and legality of this practice.

We have now been informed by the attorney for the University that the University plans to publish a revised addendum to the bidding documents for the recreation/athletic facility which "will remove all consideration of contributions from bidders, either in cash or in kind, in determining the lowest responsible bid for this project." We have also reviewed drafts of documents which would accomplish this deletion of language about consideration of contributions from bidders.

On the basis of this new information from the University, it appears to us that the University has met your objections by eliminating the bidding processes which included provisions for contributions. Therefore, with regard to this specific project the legal status of the bidding process containing contributions provisions is moot. Nonetheless, I believe I should comment upon this issue because of its importance to possible future building projects of the University or other State of Nebraska institutions.

As a strict matter of law, one could legally reach either of these two opposite conclusions where a public building bidding process allows all bidders to treat charitable contributions to the building as a part of the bid:

(1) The process is legal because (a) it is an effort to construct the building at the lowest net cost, and (b) all bidders are allowed to make use of the contributions allowance.

(2) The process is illegal because (a) the contributions allowance is a separate factor unrelated to actual construction of the building, and (b) in reality all bidders are not treated uniformly because the contributions allowance has the actual result of favoring larger, more established and higher tax-bracket bidders.

My view is that anyone, but particularly public agencies, must consider both legal and ethical requirements in conducting public business. It seems to me that the ethics of the situation clearly dictate separating contributions from the bidding process. And so I conclude that a combination of legal and ethical requirements prevents a public agency from making contributions by a bidder a factor in construction bids. The University apparently agrees with this conclusion because it has removed the contributions factor from the bid process. The University is to be commended for this decision.

Mr. Richard Wood, general attorney for the University, has been most cooperative and helpful to us in our study of this matter. He has promptly and fully provided us with all pertinent documents. In addition, he has given us the benefit of his own wise counsel and study.

Sincerely Yours,
ROBERT M. SPIRE
Attorney General

RMS:vs
cc: Patrick J. O'Donnell
Clerk of the Legislature

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 59, LR 60, LR 61, LR 62, and LR 64.

RESOLUTIONS

LEGISLATIVE RESOLUTION 63. Read. Considered.

LR 63 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 65. Read. Considered.

LR 65 was adopted with 27 ayes, 0 nays, and 22 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 287. With Emergency.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2702, Reissue Revised Statutes of Nebraska, 1943; to redefine certain terms; 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, 44:

Abboud	Barrett	Chizek	Dierks	Harris
Ashford	Beyer	Conway	Elmer	Hartnett
Baack	Chambers	Coordsen	Haberman	Hefner

Higgins	Landis	Morehead	Rogers	Warner
Johnson, L.	Langford	Nelson	Rupp	Wehrbein
Johnson, R.	Marsh	Pappas	Schellpeper	Weihing
Johnson, V.	McFarland	Peterson	Schmit	Wesely
Korshoj	Miller	Pirsch	Scofield	Withem
Lamb	Moore	Remmers	Smith	

Voting in the negative, 0.

Excused and not voting, 5:

Goodrich	Hall	Hannibal	Labedz	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.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 532.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-148, Revised Statutes Supplement, 1986; to change provisions relating to the use of capital stock as collateral; 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	Dierks	Johnson, V.	Moore	Schellpeper
Ashford	Elmer	Korshoj	Morehead	Schmit
Baack	Haberman	Labedz	Nelson	Scofield
Barrett	Harris	Lamb	Pappas	Smith
Beyer	Hartnett	Landis	Peterson	Warner
Chambers	Hefner	Langford	Pirsch	Wehrbein
Chizek	Higgins	Marsh	Remmers	Weihing
Conway	Johnson, L.	McFarland	Rogers	Wesely
Coordsen	Johnson, R.	Miller	Rupp	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Goodrich Hall Hannibal Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 683 to Select File

Mr. Warner moved to return LB 683 to Select File for the following specific amendment:
AM0712

(Amendments to the Final Reading copy)

1. On page 7, line 25, after the period insert "Sections 2 and 3 of this act and subdivisions (2) and (3) of section 5 of this act shall not apply to any funds which are the subject of any written agreement or contract entered into by the State Energy Office or the Governor prior to the effective date of this act for the awarding of any funds received by the state from United States v. Exxon Corporation.".

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner motion to return prevailed with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 683. The Warner specific amendment, AM0712, found in this day's Journal was adopted with 44 ayes, 0 nays, 2 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: 287 and 532.

GENERAL FILE

LEGISLATIVE BILL 446. Title read. Considered.

Standing Committee amendments, AM0338, found in the Journal on page 813 for the Thirty-First Day were considered.

Messrs. Hall, Landis, Barrett, and Hefner renewed their pending amendment, AM0408, found in the Journal on page 863 to the Standing Committee amendments.

The Hall et al. amendment was adopted with 24 ayes, 0 nays, 22 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. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner renewed his pending amendment, AM0583, found in the Journal on page 1109.

Mr. Chizek moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 14 nays, and 20 not voting.

Mrs. Labedz 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. Hefner moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Abboud	Elmer	Johnson, L.	Peterson	Schellpeper
Barrett	Goodrich	Johnson, R.	Pirsch	Scofield
Beyer	Haberman	Korshoj	Remmers	Smith
Coordsen	Harris	Lamb	Rogers	Warner
Dierks	Hefner	Langford	Rupp	Wehrbein

Weihing

Voting in the negative, 20:

Ashford	Hall	Landis	Miller	Pappas
Baack	Higgins	Lynch	Moore	Schmit
Chambers	Johnson, V.	Marsh	Morehead	Wesely
Chizek	Labedz	McFarland	Nelson	Withem

Present and not voting, 1:

Conway

Excused and not voting, 2:

Hannibal Hartnett

The Hefner amendment was adopted with 26 ayes, 20 nays, 1 present and not voting, and 2 excused and not voting.

PRESIDENT NICHOL PRESIDING

The Chair declared the call raised.

Mr. Hall offered the following amendment:

Strike the Hefner amendment and insert the following new amendment

On page 7, line 17 after the period insert "After January 1, 1988 with respect to any claimant for whom there is current a benefit year which will not expire prior to the beginning of any calendar year, the weekly benefit amount and maximum annual benefit amount shall be those amounts which would have been determined at the beginning of the current calendar year."

Mr. Hall moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Ashford	Chizek	Higgins	Landis	McFarland
Baack	Conway	Johnson, V.	Lynch	Miller
Chambers	Hall	Labedz	Marsh	Moore

Morehead	Pappas	Schmit	Smith	Wesely
Nelson	Rupp	Scofield	Weihing	Withem

Voting in the negative, 21:

Abboud	Goodrich	Johnson, L.	Langford	Rogers
Beyer	Haberman	Johnson, R.	Peterson	Schellpeper
Coordsen	Harris	Korshoj	Pirsch	Warner
Dierks	Hefner	Lamb	Remmers	Wehrbein
Elmer				

Present and not voting, 1:

Barrett

Excused and not voting, 2:

Hannibal Hartnett

The Hall amendment was adopted with 25 ayes, 21 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 1 nay, 17 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.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 25, 1987, at 10:00 a.m., were the following bills: 287 and 532.

(Signed) Pam Moravec, Enrolling Clerk

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 628. Placed on General File.

LEGISLATIVE BILL 708. Placed on General File.

LEGISLATIVE BILL 490. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0722.)

LEGISLATIVE RESOLUTION 15CA. Placed on General File as amended.
Standing Committee amendments to LR 15CA:
AM0721

1. On page 2, line 12, reinstate "by licensees"; in line 13 after "enclosure" insert an underscored comma; and strike beginning with "or" in line 13 through line 15 and show the old matter as stricken.

2. On page 3, lines 8 and 9, strike "or at other licensed locations".

(Signed) Patricia S. Morehead, Chairperson

Revenue

LEGISLATIVE BILL 627. Placed on General File as amended.
Standing Committee amendments to LB 627:
AM0720

1. On page 2, line 23, strike "five hundred", show as stricken, and insert "two hundred fifty".

2. On page 3, strike beginning with line 2 through "77-3525" in line 7, show the old matter as stricken, and insert "Permanent School Fund"; in line 10 after "hundred" insert "fifty"; strike beginning with the comma in line 14 through "money" in line 18, show as stricken, and insert ". Money"; and in line 20 strike "General", show as stricken, and insert "Permanent School".

LEGISLATIVE BILL 772. Placed on General File as amended.
Standing Committee amendments to LB 772:
AM0707

1. Strike original section 3 and insert the following new sections:

"Sec. 3. The fraction used in section 77-2734.05 shall be computed in the following manner for taxable years beginning or deemed to begin on or after

January 1 of the given year. The average of the property, payroll, and sales factors, which is known as the three factor formula, shall be computed for each year and then combined with the sales factor only using the following percentages:

(1) For 1987, the weight of the three factor formula shall be one hundred per cent;

(2) For 1988, the weight of the three factor formula shall be eighty per cent and the sales factor shall be twenty per cent;

(3) For 1989, the weight of the three factor formula shall be sixty per cent and the sales factor shall be forty per cent;

(4) For 1990, the weight of the three factor formula shall be forty per cent and the sales factor shall be sixty per cent; and

(5) For 1991, the weight of the three factor formula shall be twenty percent and the sales factor shall be eighty per cent.

For 1992 and each year thereafter, the fraction use in section 77-2734.05 shall be the sales factor only.

Sec. 4. That section 77-2734.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2734.07. (1) There shall be added to federal taxable income the amount of any federal deduction because of a carryforward of a net operating loss or any capital loss.

(2) There shall be allowed a deduction for a carryforward of a net operating loss or capital loss that is connected with operations in Nebraska. For a net operating loss or capital loss incurred in taxable years beginning or deemed to begin on or after January 1, 1987, the deduction shall be allowed only for each of the five taxable years succeeding the year of the loss.

(3) Except as otherwise provided in this section, there ~~There~~ shall be allowed a carryback of a net operating loss or a capital loss that is connected with operations in Nebraska. For a net operating loss or capital loss incurred in taxable years beginning or deemed to begin on or after January 1, 1987, no such carryback shall be allowed.

(4) The amounts in subsections (2) and (3) of

this section shall be computed pursuant to rules and regulations adopted and promulgated by the Tax Commissioner. Such regulations shall be in accord with the laws of the United States regarding carryforwards and carrybacks.

Sec. 6. Sections 4 and 7 of this act shall become operative for all taxable years beginning or deemed to begin on or after January 1, 1987. The remaining sections of this act shall become operative on their effective date.

Sec. 7. That original section 77-2734.07, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Renumber the remaining sections accordingly.

(Signed) Vard R. Johnson, Chairperson

Health and Human Services

LEGISLATIVE BILL 72. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

Agriculture

LEGISLATIVE BILL 561. Placed on General File as amended.
Standing Committee amendment to LB 561:
AM0632

1. Strike the original section and insert the following new section:

"Section 1. The Department of Agriculture shall establish an agriculture promotion and development program. The department shall employ a program director and one specialist in research techniques and market development. Both individuals shall report directly to the Director of Agriculture.

The program shall concentrate on the identification and development of opportunities to enhance profitability in agriculture and to stimulate agriculture-related economic development. Program activities may include, but not be limited to, (1) promotion and market development, (2) value-added processing of alternative and traditional commodities,

(3) agricultural diversification, including poultry development and agriculture, and (4) alternative crops. In order to carry out the purposes of this section, the program director may, if he or she deems necessary, convene an advisory committee to assist the program director in developing and implementing program activities. Representatives from the Nebraska Food Processing Center, the Nebraska Extension Service, the commodity boards, the Department of Economic Development, United States Department of Agriculture grant programs, and the private sector may serve on such committee at the request of the program director. If an advisory committee is convened, committee members shall not receive any reimbursement for expenses.

The Department of Agriculture shall serve as the facilitator, coordinator, and catalyst for developments through and with the Nebraska Food Processing Center, the Nebraska Extension Service, the commodity boards, the Department of Economic Development, United States Department of Agriculture grant programs, and the private sector. It is the intent of the Legislature that the department foster close working relationships between production agriculture and existing programs for the purposes of agricultural development and promotion. The department may enter into such contacts as may be necessary to carry out the purposes of this section.

For purposes of this section, unless the context otherwise requires, private sector shall include, but not be limited to, representatives of food industry associations, lenders, or venture capital groups.".

LEGISLATIVE BILL 737. Indefinitely postponed.
LEGISLATIVE BILL 739. Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 444. Mr. Lamb renewed his pending amendment found in the Journal on page 1158.

Mr. R. Johnson 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 16 ayes, 9 nays, and 24 not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. 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.

Mr. Harris 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 13 ayes, 0 nays, and 36 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Abboud	Hefner	Langford	Remmers	Schmit
Barrett	Johnson, L.	Miller	Rogers	Scofield
Beyer	Korshoj	Moore	Rupp	Smith
Coordsen	Lamb	Peterson	Schellpeper	Warner
Dierks				

Voting in the negative, 21:

Ashford	Elmer	Johnson, V.	Marsh	Pappas
Baack	Hall	Labedz	McFarland	Weihing
Chambers	Hartnett	Landis	Morehead	Wesely
Chizek	Higgins	Lynch	Nelson	Withem
Conway				

Present and not voting, 3:

Goodrich	Hannibal	Pirsch

Excused and not voting, 4:

Haberman Harris Johnson, R. Wehrbein

The Lamb amendment lost with 21 ayes, 21 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Lamb offered the following amendment:
Strike Section 79-1002.

Mr. Schmit, Mesdames Labedz, and Morehead asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 519. Placed on General File as amended.
Standing Committee amendment to LB 519:
AM0734

1. On page 4, strike the new matter and reinstate the stricken matter; and after line 25 insert the following new subdivision:

"(c) Sergeants, corporals, and patrol officers employed by the Nebraska State Patrol as authorized in section 81-2004 shall be presumed to have a community of interest and may be included in a single bargaining unit represented by an employee organization for purposes of the Industrial Relations Act. The state shall be required to recognize an employee's bargaining unit composed of sergeants, corporals, and patrol officers employed by the Nebraska State Patrol when such bargaining unit is designated or elected by employees in the unit.".

LEGISLATIVE BILL 516. Indefinitely postponed.
LEGISLATIVE BILL 696. Indefinitely postponed.
LEGISLATIVE BILL 711. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

MOTION - Place LB 88 on General File

Mr. Landis moved to place LB 88 on General File pursuant to Rule 3, Section 19(b).

Laid over.

VISITORS

Visitors to the Chamber were third grade students and sponsor from Nemaha Valley School, Cook and Talmage; 35 fourth grade students and teacher from Wildwood Elementary, Ralston; and 25 members of Women in Farm Economy (W. I. F. E.).

RECESS

At 12:02 p.m., on a motion by Mr. Hefner, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. R. Johnson and McFarland who were excused; and Messrs. Chizek, Harris, Korshoj, Remmers, Schmit, Wehrbein, and Mrs. Labedz who were excused until they arrive.

UNANIMOUS CONSENT - Members Excused

Messrs. Barrett, Dierks, and Conway asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 444. The Lamb pending amendment found in the Journal on page 1281 was renewed.

Mr. Ashford requested a ruling of the Chair on whether the Lamb amendment is germane to the bill.

The Chair ruled the amendment is germane to the bill.

Mr. Ashford challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Mr. Ashford moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Ashford requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 19:

Abboud	Goodrich	Johnson, V.	Morehead	Rupp
Ashford	Hannibal	Labedz	Nelson	Warner
Chizek	Hartnett	Landis	Pappas	Withem
Conway	Higgins	Marsh	Pirsch	

Voting in the negative, 21:

Baack	Haberman	Lamb	Peterson	Scofield
Beyer	Hall	Langford	Remmers	Smith
Coordsen	Hefner	Miller	Rogers	Weihing
Dierks	Johnson, L.	Moore	Schellpeper	Wesely
Elmer				

Present and not voting, 2:

Chambers Korshoj

Excused and not voting, 7:

Barrett	Johnson, R.	McFarland	Schmit	Wehrbein
Harris	Lynch			

The Ashford motion to overrule the Chair lost with 19 ayes, 21 nays, 2 present and not voting, and 7 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Mr. Lamb asked unanimous consent to replace his pending amendment with a substitute amendment. No objections. So ordered.

Messrs. Lamb and Chambers offered the following amendment:

Insert the following new section:

79-1002. All property within the corporate limits of metropolitan cities, except such property as now is or may hereafter be exempt by law, shall be subject to taxation for all school purposes. The affairs of the school district created by Chapter 79 shall be conducted exclusively by the board of education except as otherwise provided by Chapter 79; Provided, that any school district in an unincorporated area which maintains a high school shall, when its area or any part thereof is incorporated into a metropolitan city, remain as a separate and independent district, ~~unless a majority of the legal voters of that district voting on the question vote in favor of merging with such metropolitan school district. Whenever a petition signed by twenty five per cent of the legal voters in such independent district shall be presented to the board of education of such district requesting that a vote be taken for or against such merger, an election shall be called by the board for that purpose within a reasonable time thereafter which in no event shall exceed six months upon a notice given by the officers of such independent district at least twenty days prior to such election. Such election shall be conducted by the election commissioner of the county and results thereof canvassed and certified by him to the boards of education of the respective districts involved in said merger. In the event that a majority of the legal voters in such district voting on the question vote in favor of merging with the metropolitan district, the merger shall become effective upon an affirmative vote of a majority of the members of the board of education of the metropolitan school district; Provided, that if a majority of the members of the board of education of the metropolitan school district do not vote in favor of the merger within ninety days after such election, the merger shall not become effective.~~ Provided further, that any independent school district within the incorporated area of a metropolitan city shall be subject to reorganization pursuant to procedures prescribed in sections 79-426.01 to 79-426.23.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Pappas 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 Lamb-Chambers amendment was adopted with 27 ayes, 10 nays, 7 present and not voting, and 5 excused and not voting.

Mr. Hall moved to recommit LB 444 back to the Education Committee.

Mr. Hall withdrew his pending motion.

Mr. Elmer offered the following amendment:
AM0744

1. On page 2, line 4, before "The" insert "(1)"; and after line 21 insert:

"(2) When a Class I school district is affected by the creation of a new school district or a change in the boundaries of an existing school district, the legal voters of the affected or changed Class I school district may elect to operate the affected or changed Class I school district as a subdistrict of the new or changed school district. If the legal voters of the affected or changed Class I school district elect to so operate, such voters shall elect a subdistrict school board of five members and shall be entitled to cast their ballots in the election of the school board of the new or changed school district. At the first meeting of the subdistrict school board, the elected members of such board shall select one of its members as chairperson. A subdistrict created under this subsection shall have the same powers and duties as a school district operating an elementary school.

The legal voters of the subdistrict shall have the power at any annual or special meeting (a) to direct the purchasing or leasing of any appropriate site and the building, hiring, or purchasing of a schoolhouse, teacherage for the purpose of providing housing facilities for the school employees of the district, or other school buildings, (b) to determine the amount necessary to be expended for such purposes in the succeeding year, and (c) to vote a tax on the property of the subdistrict for the payment of the same for their elementary school children. Persons in the subdistrict shall pay the annual taxation levy set by the new or changed school district for operation and maintenance of the high school portion of such school district.

If a Class II or III school district is affected by the creation of a new school district or a change in boundaries of an existing school district, the legal voters of the Class II or III school district may elect, by either an election or petition of over fifty per cent of the legal voters of such school district, to be excluded from the new or changed school district or operate an elementary school as pursuant to this subsection.

(3)".

2. On page 3, line 18, before "Petitions" insert "(4)".

Mr. Pappas 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 Elmer amendment lost with 11 ayes, 15 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Lamb offered the following amendment:

Reinstate stricken language - pg. 8 lines 15 thru 23 and pg. 9 lines 1 thru 8.

and strike the Lamb-Chambers amendment.

Mrs. Marsh 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. Lamb moved for a call of the house. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Abboud	Goodrich	Langford	Rogers	Scofield
Ashford	Hefner	Miller	Rupp	Smith
Coordsen	Johnson, L.	Morehead	Schellpeper	Warner
Dierks	Lamb	Peterson		

Voting in the negative, 23:

Baack	Chambers	Chizek	Conway	Haberman

Hall	Higgins	Marsh	Pirsch	Weihing
Hannibal	Johnson, V.	Moore	Remmers	Wesely
Harris	Labedz	Nelson	Wehrbein	Withem
Hartnett	Landis	Pappas		

Present and not voting, 3:

Beyer	Elmer	Korshoj

Excused and not voting, 5:

Barrett	Johnson, R.	Lynch	McFarland	Schmit

The Lamb amendment lost with 18 ayes, 23 nays, 3 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 337A. By Pappas, 42nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 337, Ninetieth Legislature, First Session, 1987.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 367. Placed on Select File as amended.
E & R amendments to LB 367:
AM5137

1. Insert following new sections:

"Sec. 66. That section 79-444, Revised Statutes Supplement, 1986, be amended to read as follows:

79-444. (1) The district board or the board of education, in all classes of school districts, shall not admit any child to the first grade of any school of such district unless such child has reached the age of

six years or will reach such age on or before October 15 of the current year, except that in the event any child has successfully completed the kindergarten or beginner grade such child may enter the first grade of any such school regardless of age.

(2) The board in all classes of school districts shall not admit any child into the kindergarten or beginner grade of any school of such school district unless (a) such child has reached the age of five years or will reach such age on or before October 15 of the current year or (b) such child has demonstrated through recognized testing procedures approved by the State Board of Education that he or she is capable of carrying the work of those grades.

(3) The school board or board of education may require a birth certificate prior to entrance of a child into the beginner grade and shall require evidence of a physical examination by a qualified physician within six months prior to the entrance of a child into the beginner grade and the seventh grade, or in the case of a transfer from out of state to any other grade of the local school, except that no such physical examination shall be required of any child whose parent or guardian shall object thereto in writing. The cost of such physical examination shall be borne by the parent or guardian of each child who is examined.

Any district board or board of education in its discretion may establish and financially support programs, including programs providing before-and-after-school services, to which attendance shall be voluntary and which the board may deem beneficial to the education of prekindergarten or school-age children. The board may charge a fee for providing before-and-after-school services but may waive such fee on the basis of need. This section shall not be construed to allow any school district to fail to meet its responsibilities under ~~Chapter 43, article 6~~ the Special Education Act.

Sec. 73. That section 83-366, Revised Statutes Supplement, 1986, be amended to read as follows:

83-366. The department shall assess against the patient or his or her relatives all or such part of the cost determined under section 83-365 as they are

able to pay, in the judgment of the director, except that a patient who is placed in a state institution to receive appropriate special education pursuant to ~~Chapter 43, article 6,~~ the Special Education Act or his or her relatives shall be assessed only for medical care and medical treatment costs as determined pursuant to rules and regulations adopted and promulgated by the department in accordance with section 83-371.".

2. On page 1, line 12, after the first comma insert "79-444," and before "and" insert "83-366,".

3. On page 2, line 4, after "to" insert "change and".

4. On page 3, line 17, after "cost" insert "of the preceding year,"; and in line 20 after the second comma insert "and".

5. On page 4, line 6, strike the comma; in line 14 after "the" insert "preceding year for the"; in line 15 strike beginning with "for" through "year"; in line 20 after the last comma insert "or"; and in line 21 strike both commas.

6. On page 5, line 13, strike the comma; and in line 20 strike the comma.

7. On page 6, line 8, strike "The term" and insert "Severe orthopedic impairments"; and in line 21 strike the first comma.

8. On page 7, line 2, strike "(8)" and insert "(1)"; in line 5 strike the comma; move the matter in lines 2 to 22 to page 4, after line 24; and renumber the other subdivisions accordingly.

9. On page 8, line 5, strike "disfunction" and insert "dysfunction"; in line 10 strike the comma; and in line 14 strike "a" and insert "the".

10. On page 9, line 2, strike the comma; in line 13 after "or" insert "legal"; and in line 23 strike the comma.

11. On page 10, line 5, strike "that" and insert "such"; and in line 15 after "Rehabilitation" insert an underscored comma.

12. On page 15, line 14; and page 16, line 22, strike the comma and show as stricken.

13. On page 31, line 21, after "beginning" insert "in"; and strike beginning with the first comma in line 21 through line 22, show as stricken, and insert an underscored period.

14. On page 32, line 11, strike "this section"; in line 12 strike "and" and after "by" insert "rules and"; in line 19 strike "state" and show as stricken; in line 21 strike the comma and show as stricken; and in line 23 after "Fund" insert an underscored comma.

15. On page 36, line 21, after the first "for" insert "grants or".

16. On page 40, line 18, strike the comma and show as stricken; and in line 19 strike "shall meet", show as stricken, and insert "meets".

17. On page 41, line 10, after "transfer" insert an underscored comma.

18. On page 42, line 8, strike the first "a" and show as stricken.

19. On page 43, lines 12 and 18; and page 44, line 1, strike "42" and insert "41".

20. On page 45, line 4, strike "has", show as stricken, and insert "shall have".

21. On page 46, line 11, strike "is", show as stricken, and insert "shall be".

22. On page 49, line 1, strike "37, 39, and".

23. On page 53, strike beginning with the second "the" in line 5 through "Act" in line 6, show as stricken, and insert "sections 72-1237 to 72-1269"; in line 10 strike "State Board of Education", show as stricken, and insert "board"; in line 12 strike "Diagnostic Resource Center at Cozad", show as stricken, and insert "center"; and in line 16 strike the semicolon, show as stricken, and insert an underscored comma.

24. On page 55, line 10, strike "79-4,106", show as stricken, and insert "79-4,105".

25. On page 61, line 13, strike "32" and insert "31"; and in line 19 strike the comma and show as stricken.

26. On page 62, line 20, strike "sections 4 to 14" and insert "section 9"; and in line 22 strike "4" and insert "15".

27. On page 63, line 13, after the third comma insert "and"; and in line 17 after the first comma insert "79-444," and before "and" insert "83-366,".

28. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 571. Placed on Select File.
LEGISLATIVE BILL 753. Placed on Select File.

LEGISLATIVE BILL 343. Placed on Select File as amended.
E & R amendment to LB 343:
AM5138

1. On page 2, line 11, after "board" insert an underscored comma; and in line 17 strike "must" and insert "shall".

LEGISLATIVE BILL 493. Placed on Select File as amended.
E & R amendment to LB 493:
AM5140

1. On page 6, line 5, strike "this act", show as stricken, and insert "Laws 1977, LB 347".

LEGISLATIVE BILL 569. Placed on Select File as amended.
E & R amendment to LB 569:
AM5141

1. On page 1, line 2, strike "43-358.02" and insert "42-358.02".

LEGISLATIVE BILL 573. Placed on Select File as amended.
E & R amendments to LB 573:
AM5142

1. On page 1, line 4, after the second semicolon insert "to eliminate certain powers and duties of the Attorney General;".
2. On page 6, line 16, strike "1984" and insert "1986".

LEGISLATIVE BILL 679. Placed on Select File.
LEGISLATIVE BILL 721. Placed on Select File.
LEGISLATIVE BILL 774. Placed on Select File.

(Signed) Scott Moore, Chairperson

GENERAL FILE

LEGISLATIVE BILL 444. Mr. Lamb moved to indefinitely postpone.

Mr. Lamb moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Mr. Lamb requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 19:

Abboud	Dierks	Johnson, L.	Miller	Scofield
Ashford	Elmer	Korshoj	Peterson	Smith
Beyer	Goodrich	Lamb	Rogers	Warner
Coordsen	Hefner	Langford	Schellpeper	

Voting in the negative, 25:

Baack	Hall	Johnson, V.	Morehead	Rupp
Chambers	Hannibal	Labedz	Nelson	Wehrbein
Chizek	Harris	Landis	Pappas	Weihing
Conway	Hartnett	Marsh	Pirsch	Wesely
Haberman	Higgins	Moore	Remmers	Withem

Excused and not voting, 5:

Barrett	Johnson, R.	Lynch	McFarland	Schmit

The Lamb motion to indefinitely postpone lost with 19 ayes, 25 nays, and 5 excused and not voting.

The Chair declared the call raised.

Mr. V. 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. Moore requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Ashford	Haberman	Higgins	Miller	Rogers
Baack	Hall	Johnson, V.	Nelson	Wehrbein
Chizek	Hannibal	Labedz	Pappas	Weihing
Conway	Harris	Landis	Pirsch	Wesely
Goodrich	Hartnett	Marsh	Remmers	Withem

Voting in the negative, 14:

Abboud	Dierks	Langford	Rupp	Smith
Beyer	Hefner	Moore	Schellpeper	Warner
Coordsen	Lamb	Peterson	Scofield	

Present and not voting, 5:

Chambers	Elmer	Johnson, L.	Korshoj	Morehead

Excused and not voting, 5:

Barrett	Johnson, R.	Lynch	McFarland	Schmit

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

Mrs. Marsh asked unanimous consent to print the following amendment to LB 526 in the Journal. No objections. So ordered.

AM0748

1. Insert the following new section:

Sec. 3. (1) The State Department of Education may sell and convey by quitclaim deed two parcels of land generally described as follows:

(a) A parcel of land in the northwest quarter of section 31, township 9, range 14, in Otoe County, Nebraska, designated as tract number 4, consisting of eleven and nine-tenths acres, more or less, as shown by the plat of Lester Ehlers, engineer and surveyor, sworn to November 22, 1950, filed December 4, 1950, in Deeds Book 97, page 298, in the Office of the Register of Deeds of Otoe County, Nebraska, subject to and less public road and Missouri Pacific Railroad right-of-way; and

(b) A triangular tract of land starting at the northeast corner of the southeast quarter of the northeast quarter of section 36, township 9, range 13, thence south on the section line three hundred fifty feet, thence in a northwesterly direction four hundred four feet along the center line of the Missouri Pacific Railroad right-of-way to the north line of the southeast quarter of the northeast quarter, thence east on such line to the point of beginning, containing one and

six-tenths acres, more or less, all of the above-described land being subject to the Missouri Pacific Railroad right-of-way and the public road and all of such land being in Otoe County, Nebraska.

(2) The income from the sale of all or any portion of the land described in subsection (1) of this section shall be deposited in the State Department of Education Trust Fund. The department may use the income from the sale of the land to pay any selling expenses associated with the sale.".

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 557. Placed on General File as amended.
Standing Committee amendments to LB 557:
AM0688

1. On page 4, line 6, strike the underscored comma and insert "or"; and strike beginning with the underscored comma in line 8 through "health" in line 10.
2. On page 6, line 25, strike "(i)".
3. On page 7, line 8, strike "; and" and insert an underscored period; and strike lines 9 through 11.

(Signed) Don Wesely, Chairperson

SELECT FILE

LEGISLATIVE BILL 581. E & R amendments, AM5130, found in the Journal on page 1258 for the Forty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 524. E & R amendment, AM5129, found in the Journal on page 1259 for the Forty-Eighth Day was adopted.

Mr. Ashford offered the following amendment:
to strike E Clause

The Ashford 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.

Messrs. V. Johnson and Peterson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 587. E & R amendments, AM5131, found in the Journal on page 1259 for the Forty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 637. E & R amendments, AM5133, found in the Journal on page 1260 for the Forty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 509. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 42. E & R amendments, AM5132, found in the Journal on page 1259 for the Forty-Eighth Day were adopted.

Mrs. Smith offered the following amendment:
AM0742

1. Insert the following new section:

"Sec. 8. (1) There is hereby created the Care Management Services Cash Fund to be administered by the Department on Aging and to which the State Treasurer shall credit such money as shall (a) be appropriated to the fund by the Legislature, (b) be paid as fees, deposits, payments, and repayments relating to the fund, both principal and interest, and (c) be donated as gifts, bequests, grants, or other contributions to such fund from public or private entities. Funds made available by any department or agency of the United States may also be credited to such fund if so directed by such department.

(2) 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 20; and on page 6, line 13, strike "7" and insert "8".

On page 5, line 7, after "report" insert "on care management units".

4. Renumber the remaining section accordingly.

The Smith amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Wesely offered the following amendment:
AM0738

1. In the Standing Committee amendments, AM0414, adopted March 20, 1987:

a. Strike amendment 7; and

b. Insert underscoring in all new matter.

2. Insert the following new sections:

"Sec. 9. That section 68-1019, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1019. Medical assistance on behalf of recipients shall be paid directly to vendors. On behalf of recipients over sixty-five years of age, medical assistance shall include care in an institution for mental diseases and case management services. On behalf of all recipients, medical assistance shall include other inpatient and outpatient hospital care, laboratory and X-ray services, nursing home services, care home services, home health care services, nursing services, clinic services, services of practitioners licensed by the Department of Health, and such drugs, appliances, and health aids as may be prescribed by practitioners licensed by the ~~Department of Health~~ department.

Sec. 10. Sections 9 and 11 of this act shall become operative on January 1, 1988. The remaining sections shall become operative on their effective date.

Sec. 11. That original section 68-1019, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

The Wesely 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.

ANNOUNCEMENTS

Mrs. Morehead designates LB 67 as her priority bill.

Mr. Barrett designates LB 80 as his priority bill.

Mrs. Marsh designates LB 95 as her priority bill.

Mr. Dierks designates LB 104 as his priority bill.

Mr. R. Johnson designates LB 124 as his priority bill.

Mr. Abboud designates LB 163 as his priority bill.

Mrs. Langford designates LB 183 as her priority bill.

Mr. Hannibal designates LB 184 as his priority bill.

Mr. Haberman designates LB 185 as his priority bill.

Mr. Conway designates LB 261 as his priority bill.

Mr. Chizek designates LB 270 as his priority bill.

Mr. Withem designates LB 283 as his priority bill.

Mr. Warner designates LB 312 as his priority bill.

Mr. Coordsen designates LB 335 as his priority bill.

Mr. Weihing designates LB 337 as his priority bill.

Mr. Rogers designates LB 345 as his priority bill.

Mr. Schellpeper designates LB 426 as his priority bill.

Mr. Rupp designates LB 453 as his priority bill.

Mrs. Smith designates LB 455 as her priority bill.

Mr. Goodrich designates LB 467 as his priority bill.

Mr. L. Johnson designates LB 488 as his priority bill.

Mr. Hefner designates LB 492 as his priority bill.

Mrs. Pirsch designates LB 536 as her priority bill.

Mr. Baack designates LB 547 as his priority bill.

Mr. Moore designates LB 561 as his priority bill.

Mr. Schmit designates LB 564 as his priority bill.

Mr. Hartnett designates LB 632 as his priority bill.

Mr. Chambers designates LB 675 as his priority bill.

Mr. Miller designates LB 688 as his priority bill.

Mr. V. Johnson designates LB 726 as his priority bill.

Ms. Scofield designates LB 736 as her priority bill.

Mr. Wesely designates LB 741 as his priority bill.

Mr. Pappas designates LB 757 as his priority bill.

The Agriculture Committee designates LB 138 and LB 684 as its priority bills.

The Banking, Commerce and Insurance Committee designates LB 664 and LB 703 as its priority bills.

The Business and Labor Committee designates LB 226 and LB 474 as its priority bills.

The Education Committee designates LB 182 and LB 417 as its priority bills.

The General Affairs Committee designates LB 295 and LB 708 as its priority bills.

The Government, Military and Veterans Affairs Committee designates LB 652 as its priority bill.

The Health and Human Services Committee designates LB 390 and LB 126 as its priority bills.

The Judiciary Committee designates LB 451 and LB 573 as its priority bills.

The Natural Resources Committee designates LB 279 and LB 735 as its priority bills.

The Nebraska Retirement Systems Committee designates LB 408 and LB 493 as its priority bills.

The Revenue Committee designates LB 470 and LB 294 as its priority bills.

The Transportation Committee designates LB 224 and LB 767 as its priority bills.

The Urban Affairs Committee designates LB 369 and LB 598 as its priority bills.

Speaker Barrett announced the following bills are his priority bills: 68, 90, 102, 180, 237, 257, 352, 393, 416, 462, 466, 480, 514, 529, 554, 582, 615, 635, 638, 693, 697, 760, 772, 773, and 775.

ADJOURNMENT

At 4:18 p.m., on a motion by Mr. Beyer, the Legislature adjourned until 9:00 a.m., Thursday, March 26, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - MARCH 26, 1987

LEGISLATIVE JOURNAL

FIFTIETH DAY - MARCH 26, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 26, 1987

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Gil Karges, Waverly United Methodist, Waverly, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. R. Johnson, McFarland, and Ms. Scofield who were excused; and Messrs. Hannibal, Hartnett, Landis, Lynch, Remmers, Rogers, Schmit, Wehrbein, Wesely, Withem, Mesdames Higgins, Labedz, Nelson, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 661. Placed on Select File as amended.
E & R amendments to LB 661:
AM5139

1. In the Standing Committee amendments, AM0539, adopted March 24, 1987:

a. On page 1, line 20; page 3, line 18; page

12, line 1; page 16, lines 13 and 23; page 17, line 22; page 19, line 5; page 20, lines 3 to 4; page 22, line 7; and page 30, lines 20 to 21, strike "employer representative" and insert "employer-representative";

b. On page 2, line 16, strike "Employer representative" and insert "Employer-representative";

c. On page 3, line 15; and page 4, line 2, strike "Meet and confer" and insert "Meet-and-confer";

d. On page 3, line 20; page 7, lines 22 to 23; page 8, line 9; page 9, lines 2 to 3; page 14, line 6; and page 30, line 24, strike "meet and confer" and insert "meet-and-confer";

e. On page 4, line 8; page 14, line 4; page 18, line 19; and page 28, lines 16 and 20, strike the comma;

f. On page 4, lines 8 and 9, strike "where". and insert "when";

g. On page 4, line 24; page 8, lines 4 and 12; page 18, line 13; and page 19, lines 15 to 16, strike "State Colleges" and insert "state colleges";

h. On page 5, line 21, strike "professional level" and insert "professional-level";

i. On page 6, line 23, strike "drivers' licensing" and insert "driver-licensing";

j. On page 8, line 5, strike "college system-wide" and insert "college-system-wide"; and in line 14 strike "therefore" and insert "therefor";

k. On page 11, lines 11 and 24; and page 12, line 6, strike the period and insert an underscored semicolon;

l. On page 12, line 23, strike the period and insert "; and".

m. On page 13, line 24; and page 34, line 13, strike "employer representatives" and insert "employer-representatives";

n. On page 16, line 1, after "governing" insert "officer or"; and in line 15 strike "employer representative's" and insert "employer-representative's";

o. On page 17, line 15, strike "on".

p. On page 18, line 10, strike "as follows" and insert "in the following"; and in line 20 strike "are" and insert "is";

q. On page 20, line 18, after "necessary"

insert an underscored comma;

r. On page 24, line 16, strike "or" and insert "and"; and in line 23 after "ruling" insert an underscored comma;

s. On page 25, lines 12 and 21, strike "on" and insert "in"; and

t. On page 28, line 22, after "violation" insert "thereby".

2. On page 1, line 2, strike "and"; in line 3 after the first comma insert "81-1307, 81-1331, 81-1333, and 81-1334,"; in line 7 after the first semicolon insert "to change and provide duties for the Director of Personnel and the Legislature; to eliminate certain provisions relating to salary surveys, classifications, and a longevity salary increase;"; and in line 9 after "sections" insert ", and also sections 81-1335 to 81-1341 and 81-1345, Reissue Revised Statutes of Nebraska, 1943".

LEGISLATIVE BILL 661A. Placed on Select File.

(Signed) Scott Moore, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following Governor appointments.

Education

Educational Television Committee
Jill Elson
Laura Gaebel
Jan Hall
Dr. Charles Harrington
Dr. Thomas Reeves
Dr. Vance Rogers
Sally Stecker

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

RESOLUTIONS

LEGISLATIVE RESOLUTION 66. Read. Considered.

LR 66 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 67. Read. Considered.

LR 67 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 68. Read. Considered.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

LR 68 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 69. Read. Considered.

Mr. V. Johnson offered the following amendment:
to amend LR 69 in the "Resolve" paragraph in line 6 by striking the word "approved" where it appears and inserting "disapproved"

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 6 nays, and 16 not voting.

The V. Johnson amendment lost with 9 ayes, 29 nays, 7 present and not voting, and 4 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 517. Placed on General File.
LEGISLATIVE BILL 518. Placed on General File.

LEGISLATIVE BILL 419. Placed on General File as amended.
Standing Committee amendments to LB 419:
AM0683
1. On page 3, line 7, after "68-716" insert

", 68-1020,"; in line 8 strike "applicant and such"; in line 9 strike beginning with "may" through "spouse" and insert "shall be entitled to"; in line 10 strike "their" and insert "the" and after "assets" insert "of such spouse and the qualified applicant"; strike beginning with "so" in line 12 through "assets" in line 13 and insert "exercise their right to such entitlement"; in line 15 strike "not reserved" and insert "to which the applicant's spouse is not entitled"; in line 20 strike "reserved for" and insert "to which" and after "spouse" insert "is entitled"; in line 22 strike "reservation" and insert "entitlement"; in line 24 strike "reserved for" and insert "to which"; and in line 25 after "spouse" insert "is entitled".

2. On page 4, lines 5, 10 and 11, and 21, strike "reserved for" and insert "to which"; in line 6, 11, and 22 after "spouse" insert "is entitled"; strike beginning with "recipient" in line 14 through line 15 and insert "recipient's"; in line 14 after "68-716" insert ", 68-1020,"; in line 16 after "spouse" insert "shall be entitled to", strike "their" and insert "the", and after "assets" insert "of such spouse and the qualified recipient"; and in line 19 strike "so reserve" and insert "are entitled to".

3. On page 5, lines 2 and 7 and 8, strike "reserved for" and insert "to which"; in lines 3 and 8 after "spouse" insert "is entitled"; strike beginning with "reserve" in line 11 through "spouse" in line 12 and insert "exercise their right to the spouse's entitlement"; and in line 16 strike "A reservation of" and insert "An entitlement to".

4. On page 6, line 1, strike "reservation" and insert "entitlement" and strike "be of" and insert "apply to"; strike beginning with "a" in line 11 through the first "of" in line 12; in line 13 strike "may be reserved" and insert "shall be entitled to a portion of their total assets"; in line 15 strike "upon such a reservation" and insert "because of such entitlement" and strike "reserved"; in line 16 strike "for" and insert "to which" and after "spouse" insert "is entitled"; in line 21 strike "reserved" and insert "exercised the right to an entitlement to a portion of the"; and in line 23 strike "reserve assets" and insert "excercise such right".

5. On page 7, line 1, strike "reserved" and insert "exercised their right to an entitlement to".

6. On page 8, line 3, strike "A reservation of" and insert "An entitlement to"; in line 5 strike "reserved"; and in line 6 after "assets" insert "to which the individual is entitled".

7. On page 9, line 8, strike "A reservation of" and insert "An entitlement to"; in line 10 strike "reserved"; and in line 11 after "assets" insert "to which the individual is entitled".

8. On page 13, line 12, strike "have reserved" and insert "are entitled to"; and in line 14 strike "reserved".

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Smith asked unanimous consent to print the following amendment to LB 428 in the Journal. No objections. So ordered.

AM0743

1. Strike the original sections and insert the following new sections:

"Section 1. That section 60-403.01, Revised Statutes Supplement, 1986, be amended to read as follows:

60-403.01. No person shall operate a motorcycle on the streets, alleys, or public highways of the State of Nebraska until such person shall have obtained a motorcycle operator's license or permit. No such license or permit shall be issued until the applicant has appeared before an examiner and (1) satisfied the examiner that he or she meets the vision and physical requirements established under section 60-407 for operation of a motor vehicle, ~~and~~ (2) successfully completed such examination, ~~including~~ which may include the actual operation of a motorcycle, as may be prescribed by the Director of Motor Vehicles~~, except that an examiner may waive the requirement of actual operation of a motorcycle if the applicant has successfully completed an approved basic or advanced motorcycle safety course~~ and (3) presented satisfactory proof as determined by the Director of Motor Vehicles

that he or she has successfully completed a basic motorcycle safety course established pursuant to the Motorcycle Safety Education Act. Any applicant who qualifies for a motorcycle operator's license or permit shall be issued a license or permit for such operation by the county treasurer, to which license shall be affixed a color photograph as provided for the issuance of a motor vehicle operator's license or, if he or she is the holder of a valid motor vehicle operator's license, shall have endorsed thereon by the county treasurer, upon receipt of the examiner's certificate, the authorization to operate a motorcycle. Fees for motorcycle operators' licenses shall be the same as provided by section 60-409 for motor vehicle operators' licenses. A person operating a motorcycle without a motorcycle operator's license or permit shall be guilty of a traffic infraction and shall, upon conviction thereof, be fined not less than ten dollars nor more than one hundred dollars. ~~In addition, a person operating a motorcycle without a motorcycle operator's license or permit may be required to complete the basic motorcycle safety course as provided in the Motorcycle Safety Education Act.~~

Sec. 2. That original section 60-403.01, Revised Statutes Supplement, 1986, is repealed.".

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 163. Placed on General File as amended.
Standing Committee amendment to LB 163:
AM0671

1. On page 4, line 4, after "locate" insert "a sponsor, which may be"; and in line 5 after "sponsors" insert "or the Nebraska Business Development Center at the University of Nebraska at Omaha,".

LEGISLATIVE BILL 220. Placed on General File as amended.
Standing Committee amendments to LB 220:
AM0735

1. On page 2, line 23, after "who" insert "on or after August 1, 1986,"; and in line 24 strike "eighty-five" and insert "eighty".

2. On page 3, strike beginning with the

period in line 1 through the period in line 9, show the old matter as stricken and insert "subject to the following provisions:

(i) Such coverage shall be continued on a monthly basis until the earliest of the following:

(A) The date the retired employee turns sixty-five years of age;

(B) The date the retired employee becomes covered by another employer group health insurance plan;

(C) The date the retired employee fails to make premium payment; or

(D) The date the State of Nebraska ceases to provide a group health insurance program for active employees; and

(ii) The monthly premium rate to be charged for such coverage shall be the same as the total rate which would have been charged for such coverage had the retired employee remained a member of the insured group plus an additional charge in premium costs if the group insurance carrier shows proof that retirees are increasing the group insurance costs.".

LEGISLATIVE BILL 664. Placed on General File as amended.
Standing Committee amendments to LB 664:
AM0737

1. On page 12, line 19, and on page 13, line 3, strike "A" and insert "Commencing one year from the effective date of this act a".

2. On page 15, line 5, after "to" insert "one year from".

3. On page 18, line 10, after "before" insert "one year from".

LEGISLATIVE BILL 758. Placed on General File as amended.
Standing Committee amendment to LB 758:
AM0736

1. Strike the original sections and insert the following new sections:

"Section 1. A third party claiming an interest in any property subject to an action or proceeding under section 36-609 or 36-610 may intervene in such action or proceeding until the entry of a final order therein or, in the event the creditor attaches or levies execution on such property, proceed under section

25-1521 to establish such claim.

Sec. 2. That section 36-613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

36-613. Sections 36-601 to 36-613 and section 1 of this act shall be known and may be cited as the Uniform Fraudulent Conveyance Act.

Sec. 3. That original section 36-613, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

LEGISLATIVE BILL 56. Indefinitely postponed.
LEGISLATIVE BILL 240. Indefinitely postponed.
LEGISLATIVE BILL 397. Indefinitely postponed.
LEGISLATIVE BILL 640. Indefinitely postponed.
LEGISLATIVE BILL 745. Indefinitely postponed.

(Signed) R. W. Remmers, Chairperson

Education

LEGISLATIVE BILL 402. Placed on General File as amended.
Standing Committee amendment to LB 402:
AM0723

1. On page 3, line 2, strike "and" and show as stricken; and in line 3 after "narcotics" insert ", and controlled substance analogs".

LEGISLATIVE BILL 520. Placed on General File as amended.
Standing Committee amendment to LB 520:
AM0724

1. On page 6, line 23, after "arrangements" insert "which"; in line 24 after "or" insert "which shall"; and in line 25 after "year" insert "shall be construed to limit or abrogate the preferred rights to reemployment which are established in section 79-1254.07 for employees subject to reduction in force pursuant to sections 79-1254.05 to 79-1254.08.".

(Signed) Ron Withem, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 69. Considered.

Mr. Chambers moved to bracket LR 69 until May 29th.

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 13 ayes, 0 nays, and 36 not voting.

The motion to cease debate prevailed with 25 ayes, 8 nays, and 16 not voting.

The Chair declared the call raised.

Mr. Chambers requested a record vote on his motion to bracket.

Voting in the affirmative, 7:

Chambers	Haberman	Johnson, V.	Schellpeper	Withem
Dierks	Higgins			

Voting in the negative, 24:

Abboud	Chizek	Johnson, L.	Nelson	Smith
Ashford	Conway	Lamb	Pappas	Warner
Baack	Elmer	Landis	Pirsch	Wehrbein
Barrett	Harris	Langford	Remmers	Wesely
Beyer	Hefner	Marsh	Rupp	

Present and not voting, 14:

Coordsen	Hannibal	Lynch	Morehead	Schmit
Goodrich	Hartnett	Miller	Peterson	Weihing
Hall	Labedz	Moore	Rogers	

Excused and not voting, 4:

Johnson, R.	Korshoj	McFarland	Scofield

The Chambers motion to bracket lost with 7 ayes, 24 nays, 14 present and not voting, and 4 excused and not voting.

Mrs. Higgins moved to bracket LR 69 until May 1, 1987.

Mr. V. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mrs. Higgins withdrew her pending motion to bracket.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved to bracket LR 69 until April 15th.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Hannibal 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 motion to bracket lost with 3 ayes, 23 nays, 17 present and not voting, and 6 excused and not voting.

Messrs. Remmers and Lamb asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:

P. 1263 of Journal

In "Whereas" #6, strike "from an annual increase in student fees (estimated between $24 and $28) and"

Mr. Schmit 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 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Chambers	Haberman	Higgins	Morehead	Pirsch
Coordsen	Hall	Labedz	Pappas	Schellpeper
Dierks	Hartnett	Lynch	Peterson	Smith
Elmer				

Voting in the negative, 24:

Abboud	Chizek	Hefner	Miller	Warner
Ashford	Conway	Johnson, L.	Moore	Wehrbein
Baack	Goodrich	Landis	Nelson	Weihing
Barrett	Hannibal	Langford	Rogers	Wesely
Beyer	Harris	Marsh	Rupp	

Excused and not voting, 9:

Johnson, R.	Korshoj	McFarland	Schmit	Withem
Johnson, V.	Lamb	Remmers	Scofield	

The Chambers amendment lost with 16 ayes, 24 nays, and 9 excused and not voting.

Mr. Rupp moved to suspend rule 7, section 3, and rule 7, section 7 and vote without further debate or amendment.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Chambers requested a record vote on the Rupp motion to suspend the rules.

Voting in the affirmative, 30:

Abboud	Conway	Johnson, L.	Moore	Rupp
Ashford	Elmer	Labedz	Morehead	Smith
Baack	Goodrich	Landis	Nelson	Warner
Barrett	Hannibal	Langford	Pappas	Wehrbein
Beyer	Harris	Marsh	Pirsch	Weihing
Chizek	Hefner	Miller	Rogers	Wesely

Voting in the negative, 5:

Chambers	Dierks	Haberman	Higgins	Withem

Present and not voting, 6:

Coordsen	Hartnett	Lynch	Peterson	Schellpeper
Hall				

Excused and not voting, 8:

Johnson, R.	Korshoj	McFarland	Schmit	Scofield
Johnson, V.	Lamb	Remmers		

The Rupp motion to suspend the rules prevailed with 30 ayes, 5 nays, 6 present and not voting, and 8 excused and not voting.

Mr. Chambers requested a roll call vote on the adoption of the resolution.

Voting in the affirmative, 32:

Abboud	Elmer	Labedz	Morehead	Schmit
Ashford	Goodrich	Landis	Nelson	Smith
Baack	Hall	Langford	Pappas	Warner
Barrett	Hannibal	Marsh	Pirsch	Wehrbein
Beyer	Harris	Miller	Rogers	Weihing
Chizek	Hefner	Moore	Rupp	Wesely
Conway	Johnson, L.			

Voting in the negative, 6:

Chambers	Haberman	Higgins	Lynch	Withem
Dierks				

Present and not voting, 4:

Coordsen	Hartnett	Peterson	Schellpeper

Excused and not voting, 7:

Johnson, R.	Korshoj	McFarland	Remmers	Scofield
Johnson, V.	Lamb			

LR 69 was adopted with 32 ayes, 6 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

ATTORNEY GENERAL'S OPINION

Opinion No. 87040

DATE: March 20, 1987

SUBJECT: Remedial Effect of Proposed Amendments to Optometry Law.

REQUESTED BY: Senator Patricia S. Morehead

WRITTEN BY: Robert M. Spire, Attorney General
Marilyn B. Hutchinson,
Assistant Attorney General

You have asked whether LB116 with amendment AMO 424 will remedy any constitutional problems of Laws 1986, LB131 which we addressed in Attorney General Opinion #86061. There were two problems. We have concluded that one has been corrected and then re-created by this proposed legislation; the other has been corrected, both as discussed below.

1. Treating current licensees differently than new licensees.

There was no "grandfathering" in the prior bill, but current licensees could continue to practice without certification if they didn't use pharmaceuticals for diagnosis or therapeutic purposes; new licensees had to be certified to use pharmaceuticals both for diagnostic and for theraputic purposes before they could be licensed.

The proposed amendments at page 2, line 25 to page 3, line 6 of LB116 would delete the source of that problem. However, the insertion proposed after the date on page 3, line 11 creates a similar problem. It would close the class of persons who may be certified to use topical ocular pharmaceuticals for diagnostic purposes to those "previously" certified to do so by the Department. If the intent is to "grandfather" those already certified to use such pharmaceuticals for diagnostic purposes, then "and" should be changed to "except" and an alternative should be added for those certified previously in another state under comparable standards. It should also be clarified whether "previously" refers to before July 17, 1986, or before the effective date of this bill.

2. Delegating to the Department of Health without sufficient guidelines the task of specifying the educational requirements for certification.

This problem is resolved by the proposed legislation. However, there are some inconsistencies which may complicate the enforcement process. The courses and examinations for both types of certification must be approved by the Department. However, the standards for doing so are stated in terms of approval by the Board. To be consistent with the overall scheme of enforcement, i.e., by the Department on the recommendation of the Board, "Board of Examiners in Optometry" should be changed to "Department" at page 4, line 14 of LB116 and at page 1, line 16 and page 2, line 12 of AMO 424. The text starting on page 2, lines 21-23 of AMO 424 starting with "or" should be deleted.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:cdw
cc: Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Place LB 72 on General File

Mrs. Nelson moved to place LB 72 on General File, pursuant to Rule 3, Section 17, notwithstanding the action of the Committee.

Laid over.

MESSAGES FROM THE GOVERNOR

March 26, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 287 and 532 were received in my office on March 25, 1987.

These bills were signed by me on March 26, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

March 26, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 543, 543A, 223, 459, 459A, and 71 were received in my office on March 23, 1987.

These bills were signed by me on March 26, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

March 26, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 626, 347, 473, and 473A were received in my office on March 20, 1987.

These bills were signed by me on March 26, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 309. Placed on General File as amended.

Standing Committee amendments to LB 309:
AM0713

1. Strike original section 5.

2. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 363. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0460.)

LEGISLATIVE BILL 475. Placed on General File as amended.
Standing Committee amendments to LB 475:
AM0104

1. On page 8, line 12, strike "62" and insert "61".

2. On page 23, line 10, strike "and"; in line 18 strike "26 to 45" and insert "25 to 44"; and in line 23 after "expressions" insert "; and

(3) Incorporation into or any other use as part of any other short form expression or reference to or other use in a statutory short form or other version of a power of attorney, in the identical indicated words or in substantially the same or more similar than dissimilar formulation of words, of any one or more of each of the respectively indicated short form expressions set out in sections 45 to 56 of this act shall be equivalent to the use of, shall be construed and interpreted with the force and to the effect of, and shall be deemed to incorporate at length and in full the respective provisions of each of the respectively indicated full expressions, as further expanded by any additional incorporation required by reference to or use of other provisions of the Nebraska Short Form Act to be effected".

3. Strike original section 25.

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 492. Placed on General File as amended.
Standing Committee amendments to LB 492:
AM0492

1. Insert the following new section:

"Section 1. That section 25-21,187, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

25-21,187. (1) In the event that a public or private contract or agreement, for the construction, alteration, repair, or maintenance of a building, structure, highway bridge, viaduct, water, sewer, or gas distribution system, or other work dealing with construction, or for any moving, demolition, or excavation connected with such construction, contains a covenant, promise, agreement, or combination thereof, to indemnify or hold harmless another person from ~~that~~ such person's own negligence, then such covenant, promise, agreement, or combination thereof ~~is~~ shall be void as against public policy and wholly unenforceable.

This section shall not apply to construction bonds or insurance contracts or agreements.

(2) No professional architect, professional engineer, or professional land surveyor who is retained to perform professional services on a construction project or any employee of a professional architect, professional engineer, or professional land surveyor who is assisting or representing the professional architect, professional engineer, or professional land surveyor in the performance of professional services on a construction project shall be liable for any case of personal injury or death arising out of and in the course of employment on the construction project unless the responsibility for safety practices specifically assumed by contract or by affirmative actions of such professional architect, professional engineer, or professional land surveyor at such construction site is negligently performed. The exemption from liability given by this subsection shall not apply to the negligent preparation of design plans or specifications.".

2. On page 3, line 19, after "original" insert "section 25-21,187, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 20 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

(Signed) Jerry Chizek, Chairperson

Health and Human Services

LEGISLATIVE BILL 693. Placed on General File as amended.
Standing Committee amendments to LB 693:
AM0746

1. On page 2, line 10, after "individual" insert "who meets the educational and training requirements of sections 71-2041.01 to 71-2045.10 and sections 3 to 5 of this act, including, but not limited to, any such individual who is"; and strike beginning with the second "or" in line 12 through the comma in line 13 and show as stricken.

2. On page 3, strike lines 12 through 16 and insert "(6) Active Nebraska license shall mean a license issued by the board to a licensee who meets the continuing education requirements of section 71-2045.03 and who pays the required fee provided for in section 71-2045.05.".

3. On page 11, line 6, strike "a" and insert "an initial".

4. On page 15, line 14, after the period insert "Until January 1, 1989, based upon payment of the biennial renewal fee, completion of fifty hours of approved continuing education, and verification of a current Nebraska active or inactive license, a person may apply for an active license. After January 1, 1989, all persons shall be licensed in accordance with sections 71-2041.01 to 71-2045.10 and sections 3 to 5 of this act.".

5. On page 16, line 8, strike "$75.00", show as stricken, and insert "$100.00"; in line 10 strike "$100.00", show as stricken, and insert "$250.00"; in line 15 strike "$50.00", show as stricken, and insert "$100.00"; strike line 16 and show as stricken; in line 17 strike "(f)", show as stricken, and insert "(e)" and strike "no fee", show as stricken, and insert "$25.00"; in line 18 strike "(g)", show as stricken, and insert "(f)"; in line 19 strike "$30.00", show as stricken, and insert "$50.00"; in line 20 strike "(h)", show as stricken, and insert "(g)"; in line 21 strike "(i)", show as stricken, and insert "(h)"; in line 22 strike "(j)", show as stricken, and insert "(i)"; in line 23 strike "(k)" and insert "(j)"; in line 24 strike "$10.00.", show the period as stricken, and insert "$35.00"; and after line 24 the following new

subdivisions:

"(k) Certification fee for certified statement that a licensee is licensed in this state $5.00

(l) Duplicate license fee $5.00.".

6. On page 17, strike beginning with "unless" in line 4 through "required" in line 5; strike lines 7 through 17; and in line 18 strike "(5)" and insert "(4)".

7. On page 18, strike lines 7 through 25.

(Signed) Don Wesely, Chairperson

VISITORS

Visitors to the Chamber were 32 fourth grade students and teacher from Randolph School; 55 fourth grade students and teachers from Meadows Elementary, Ralston; Stanley Stuehrenberg from Hastings; a group from Cass County Republican Women; Dr. Richard Donaldson from North Platte; 48 eighth grade students and teacher from Mary Our Queen School, Omaha; and Senator Labedz's granddaughter, Amy McReynolds.

RECESS

Mr. Dierks moved to recess until 1:30 p.m.

Mrs. Marsh moved to amend the Dierks motion to recess by striking "1:30" and inserting "1:45".

The Marsh amendment was adopted.

The Dierks motion, as amended, prevailed, and at 12:13 p.m., the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:45 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. R. Johnson and McFarland who were excused; and Messrs. Chambers, Harris, V. Johnson, Pappas, Remmers, Schmit, Mesdames Labedz, Morehead, and Pirsch who were excused until they arrive.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 67. Placed on Select File as amended.
E & R amendments to LB 67:
AM5143

1. In the Standing Committee amendments, AM0302, adopted March 24, 1987:
   a. On page 1, line 9, strike "and" and insert "or"; and
   b. On page 2, line 1, strike the comma.
2. On page 1, line 1, strike "to state intent;"; in line 2 strike "terms" and insert "a term" and after "for" insert "certain acts of"; and in line 4 strike "corporations" and insert "organizations".

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 767 in the Journal. No objections. So ordered.

AM0752

1. On page 2, line 16, after the period insert "The fee on abstracts shall be deposited in the General Fund."; strike beginning with "One" in line 16 through "the" in line 17, show as stricken, and insert paragraphing and "The"; and in lines 18 and 19 strike ", which" and show as stricken.

GENERAL FILE

LEGISLATIVE BILL 413. Title read. Considered.

Standing Committee amendment, AM0457, found in the Journal on page 922 for the Thirty-Seventh Day was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Mr. Baack withdrew his pending amendment, AM0154, found in the Journal on page 572.

Mr. Baack offered the following amendment:

AM0762

1. Strike the original section 1.

2. On page 9, line 10, strike "sections 43-604 and" and insert "section"; in line 12 strike "sections 1 and 2, respectively" and insert "section 2"; and in line 15 strike "are" and insert "is".

3. Renumber the remaining sections accordingly.

The Baack amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Chambers asked unanimous consent to be excused until he returns. 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.

SPEAKER BARRETT PRESIDING

Mr. Withem asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 226. Title read. Considered.

Standing Committee amendments, AM0538, found in the Journal on page 1027 for the Forty-First Day were adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 390A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 390, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 350A. By Lynch, 13th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 350, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 673A. By Chambers, 11th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 673, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 383A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 383, Ninetieth Legislature, First Session, 1987.

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 369. Placed on General File as amended.
Standing Committee amendment to LB 369:
AM0755

1. Strike the original section 1 and insert the following new section:

"Section 1. That section 14-366, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-366. The city may purchase or acquire by the exercise of the power of eminent domain private property or public property which is not at the time devoted to a specific public use, for the following purposes and uses: (1) For streets, alleys, avenues, parks, recreational areas, parkways, playgrounds, boulevards, sewers, public squares, market places, and ~~for~~ other needed public uses or purposes authorized by this act; and for adding to, enlarging, widening, or extending any of the foregoing; ~~and~~ (2) for constructing or enlarging waterworks, gas plants, or other municipal utility purposes or enterprises authorized by this act; and (3) when found to be the public interest, for replacement property for property acquired or damaged as

a result of a public use project when exceptional circumstances arise in which the owner of the private property has a need for and the city can most reasonably compensate by providing other real property, in the form of land, facilities, or both, which will provide similar utility or unity of use as the property acquired for the public use project. The acquisition of replacement property by the city shall be limited to those circumstances in which (a) the replacement property will serve a unified use with the remainder property not taken from the property owner receiving such replacement property and (b) the damages to the owner of the property originally acquired for a public use project will be increased if the replacement property is not acquired and the damages would be substantially greater than the damages to the property owner from whom property is acquired for such replacement purposes. The city may make agreements for the exchange of property, make allowances for the difference in value, if any, of the properties being exchanged, and move or pay the cost of moving buildings, structures, or other appurtenances. Nothing in this section shall be construed to be in contravention of sections 76-1201 to 76-1212, 69-1701, 69-1702, and 25-2501 to 2506 or the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The power to ~~so~~ purchase or appropriate private property or public property, as in this act specified, for parks, recreational areas, parkways, boulevards, sewers, ~~and~~ for the purpose of constructing waterworks, gas works, light plants, or other municipal enterprises authorized by this act, or for replacement property related to such purposes, may be exercised by the city within the corporate limits of the city or within seventy-five miles thereof. The power to ~~so~~ purchase or appropriate private property or public property, as in this act specified, for streets, alleys, avenues, and other construction of like kind or for replacement property related to such purposes may be exercised by the city within the corporate limits of the city or within three miles thereof.".

(Signed) D. Paul Hartnett, Chairperson

SELECT FILE

LEGISLATIVE BILL 367. E & R amendments, AM5137, found in the Journal on page 1287 for the Forty-Ninth Day were adopted.

Mr. Baack offered the following amendment:
AM0763

1. Insert the following new sections:
"Sec. 75. This act shall become operative August 1, 1987.
Sec. 77. 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 Baack amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 376. E & R amendments, AM5134, found in the Journal on page 1267 for the Forty-Ninth Day were adopted.

Mr. Wesely offered the following amendment:
AM0768

1. Insert the following new sections:
"Section 16. That section 71-4720, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
71-4720. There is hereby created the Commission for the Hearing Impaired which shall consist of nine members to be appointed by the Governor subject to approval by the Legislature. The members of the commission shall be appointed within thirty days of August 24, 1979. Six of the members of the commission shall be hearing impaired and all members shall be familiar with the problems of the hearing impaired community in the State of Nebraska. At least four of the six hearing impaired members shall know manual communication. Hearing impaired employees of any state agency other than employees of the commission shall be eligible to serve on the commission. When appointing members to the commission, the Governor shall consider recommendations provided by the Nebraska Association of the Deaf. As used in sections 71-4720 to 71-4732, unless the context otherwise requires, commission shall

mean the Commission for the Hearing Impaired.

Sec. 17. That section 71-4721, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4721. Members of the commission appointed prior to the effective date of this act shall serve for terms of six years and may not be reappointed to the commission after such date. ~~, except that of the members first appointed, three shall be appointed for terms of two years, three shall be appointed for terms of four years, and three shall be appointed for terms of six years, as designated by the Governor in the original appointment.~~ After the effective date of this act, no member shall be appointed for or serve for more than six years. The terms of the members shall expire on January 31 of the final year of their appointed term. As the terms of the ~~initial~~ appointees ~~to the commission~~ expire, succeeding appointees shall be representatives of the same segment of the public as the previous appointee, and such successors, after the effective date of this act, shall be appointed to ~~six-year~~ three-year terms, except appointees to vacancies occurring from unexpired terms, in which case the successor shall serve out the term of his or her predecessor. Members whose terms have expired shall continue to serve until their successors have been appointed.

Sec. 18. That section 71-4724, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4724. The commission shall hold at least four meetings a year, at a time and place fixed by the commission, and shall keep a record of its proceedings, which shall be open to the public for inspection. The commission shall ~~make~~ adopt and promulgate rules and regulations for the holding of special meetings. Written notice of the time and place of all meetings shall be mailed in advance to the office of each member of the commission by the secretary. Six ~~of the~~ members of the commission shall constitute a quorum.

Sec. 19. That section 71-4725, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4725. The commission shall ~~every two years~~ annually elect from its members a chairperson,

vice-chairperson, and ~~a~~ secretary. At least one officer shall be a hearing impaired person. ~~who may hold the same office for a period of not more than four years or until a successor is elected.~~ The vice-chairperson shall serve as chairperson in case of the absence or disability of the chairperson.

Sec. 20. That section 71-4728, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4728. The commission shall serve as the principal state agency responsible for advocating public policies and programs which shall improve the quality and coordination of existing services for the hearing impaired and promote the development of new services when necessary. To perform this function the commission shall:

(1) Inventory services available for meeting the problems of the hearing impaired and assist hearing impaired persons in locating and securing such services;

(2) Prepare and maintain a statewide list of persons qualified in various types of interpreting and make this information available to local, state, federal, and private organizations and to any interested person;

(3) Promote the training of interpreters for the hearing impaired;

(4) Provide counseling to hearing impaired persons or refer such persons to private or governmental agencies which provide counseling services;

(5) Conduct a voluntary census of hearing impaired persons in Nebraska and compile a current registry;

(6) Promote expanded adult educational opportunities for hearing impaired persons;

(7) Serve as an agency for the collection of information concerning the hearing impaired and for the dispensing of such information to interested persons by collecting studies, compiling bibliographies, gathering information, and conducting research with respect to the education, training, counseling, placement, and social and economic adjustment of the hearing impaired and with respect to the causes, diagnosis, treatment, and methods of prevention of impaired hearing;

(8) Appoint advisory or special committees

when appropriate for indepth investigations and study of particular problems and receive reports of findings and recommendations;

(9) Assess and monitor programs for services to the hearing impaired and make recommendations to those state agencies providing such services regarding changes necessary to improve the quality and coordination of the services;

(10) Make recommendations to the Governor and the Legislature with respect to modification in existing services or establishment of additional services for hearing impaired persons; ~~and~~

(11) Promote awareness and understanding of the rights of hearing impaired persons; and

(12) Promote statewide communication services for hearing impaired persons.".

2. On page 2, lines 10 and 15; page 5, line 20; page 6, line 11, before "this" insert "sections 1 to 10 of".

3. On page 6, line 24, after the comma insert "71-4720, 71-4721, 71-4724, 71-4725, and 71-4728,".

4. Renumber the remaining sections accordingly.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wesely amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 376A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 576. E & R amendment, AM5135, found in the Journal on page 1268 for the Forty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 577. E & R amendments, AM5136, found in the Journal on page 1268 for the Forty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 571. Advanced to E & R for Engrossment.

Messrs. Peterson and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 753. Mr. Schmit renewed his pending amendment, AM0363, found in the Journal on page 1094.

The Schmit amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Schmit renewed his pending amendment, AM0515, found in the Journal on page 1093.

The Schmit 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 343. E & R amendment, AM5138, found in the Journal on page 1291 for the Forty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 493. E & R amendment, AM5140, found in the Journal on page 1291 for the Forty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 569. E & R amendment, AM5141, found in the Journal on page 1291 for the Forty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 573. E & R amendments, AM5142, found in the Journal on page 1291 for the Forty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 679. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 721. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 774. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 42A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 138 in the Journal. No objections. So ordered.

AM0599

1. On page 22, line 15, strike "twenty" and reinstate "fifteen"; in line 16 reinstate "file a protest with the" and after the reinstated "the" insert "county board. The county board shall hold a hearing to determine whether the charges were appropriate taking into consideration whether the control measures were conducted in a timely fashion. Following the hearing the county board"; reinstate beginning with "shall" in line 21 through the second "the" in line 23; in line 23 after the second reinstated "the" insert "county board or with charges made by the county board for control work performed"; and reinstate beginning with "such" through "date" in line 25.

2. On page 23, reinstate the stricken matter beginning with the first "of" in line 1 through the comma in line 2.

Mr. Lamb asked unanimous consent to print the following amendment to LB 767 in the Journal. No objections. So ordered.

AM0701

1. In the Standing Committee amendments, AM0398, on page 1, line 1, after "three" insert "dollars"; and in line 2 strike "two" and insert "one dollar and seventy-five cents".

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 68.

GENERAL FILE

LEGISLATIVE BILL 453. Title read. Considered.

Standing Committee amendments, AM0304, found in the Journal on page 772 for the Twenty-Ninth Day were adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 198. Title read. Considered.

Standing Committee amendments, AM0358, found in the Journal on page 868 for the Thirty-Fourth Day were adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 602. Placed on General File as amended.
Standing Committee amendments to LB 602:
AM0675

1. On page 2, line 11, strike beginning with "supplies" through "equipment" and insert "ballots".
2. On page 3, line 5, strike "political subdivision" and insert "county".

(Signed) Lee Rupp, Chairperson

VISITORS

Visitors to the Chamber were 8 members of City Janes from Grand Island; 36 juniors and seniors from Kensington, Kansas; and Mr. and Mrs. Henry Schuttler from Bellevue.

ADJOURNMENT

At 3:36 p.m., on a motion by Mr. Beyer, the Legislature adjourned until 9:00 a.m., Friday, March 27, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY - MARCH 27, 1987

LEGISLATIVE JOURNAL

FIFTY-FIRST DAY - MARCH 27, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 27, 1987

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. David Cain, Living Word Christian Outreach Center, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hartnett, R. Johnson, McFarland, Rupp, Mrs. Pirsch, and Ms. Scofield who were excused; and Messrs. Chambers, Goodrich, V. Johnson, Moore, Rogers, and Schellpeper who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fiftieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: LB 683.

Correctly Engrossed

The following bills were correctly engrossed: 78, 200, 332, 344A, 623, and 650.

(Signed) Scott Moore, Chairperson

REPORTS

Received statement of deposits to the Highway Cash Fund and Road Operation Cash Fund for the calendar month of February 1987 from the Nebraska Department of Roads in compliance with Section 66-476, R.S. Supp. 1980.

Received minutes of the Board of Public Roads Classifications and Standards for February.

Received report from the Office of Risk Management/State Claims Board to the Legislature for all claims processed and paid under the State Tort Claims Act pursuant to Section 81-8,226.

UNANIMOUS CONSENT - Print in Journal

Mrs. Smith asked unanimous consent to print the following amendment to LB 480 in the Journal. No objections. So ordered.

AM0536
(Amendments to Standing Committee amendments, AM0400)
1. On page 3, line 3, after "year" insert "or unless the committee does not receive or expend more than two thousand dollars during such calendar year".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wehrbein asked unanimous consent to have his name added as co-introducer to LB 398. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 66, LR 67, and LR 69.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 102.

A BILL FOR AN ACT relating to agriculture; to amend sections 23-358 to 23-361 and 23-609, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to predatory animals; to provide powers and duties relating to animal damage control; to authorize a levy on cattle as prescribed; to change provisions relating to a levy on sheep; to create a fund; to authorize certain agreements; to eliminate provisions relating to predator control aides; to harmonize provisions; and to repeal the original sections, and also sections 2-2901 to 2-2908, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Dierks	Higgins	Marsh	Schmit
Ashford	Elmer	Johnson, L.	Miller	Smith
Baack	Haberman	Korshoj	Morehead	Warner
Barrett	Hall	Labedz	Nelson	Wehrbein
Beyer	Hannibal	Landis	Pappas	Weihing
Chizek	Harris	Langford	Peterson	Wesely
Conway	Hefner	Lynch	Remmers	Withem
Coordsen				

Voting in the negative, 0.

Present and not voting, 1:

Lamb

Excused and not voting, 12:

Chambers	Johnson, R.	Moore	Rogers	Schellpeper
Goodrich	Johnson, V.	Pirsch	Rupp	Scofield
Hartnett	McFarland			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 102A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 102, Ninetieth Legislature, First Session, 1987.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud	Dierks	Johnson, L.	Marsh	Schmit
Ashford	Elmer	Korshoj	Miller	Smith
Baack	Haberman	Labedz	Morehead	Warner
Barrett	Hall	Lamb	Nelson	Wehrbein
Beyer	Hannibal	Landis	Pappas	Weihing
Chizek	Harris	Langford	Peterson	Wesely
Conway	Hefner	Lynch	Remmers	Withem
Coordsen	Higgins			

Voting in the negative, 0.

Excused and not voting, 12:

Chambers	Johnson, R.	Moore	Rogers	Schellpeper
Goodrich	Johnson, V.	Pirsch	Rupp	Scofield
Hartnett	McFarland			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 145 to Select File

Mr. Pappas moved to return LB 145 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Pappas withdrew his pending motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 145. With Emergency.

A BILL FOR AN ACT relating to agriculture; to adopt the Dry Bean Resources Act; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud	Coordsen	Hefner	Lynch	Schmit
Ashford	Dierks	Higgins	Marsh	Smith
Baack	Elmer	Johnson, L.	Miller	Warner
Barrett	Goodrich	Korshoj	Morehead	Wehrbein
Beyer	Haberman	Labedz	Nelson	Weihing
Chambers	Hall	Lamb	Pappas	Wesely
Chizek	Hannibal	Landis	Peterson	Withem
Conway	Harris	Langford	Remmers	

Voting in the negative, 0.

Excused and not voting, 10:

Hartnett	Johnson, V.	Moore	Rogers	Schellpeper
Johnson, R.	McFarland	Pirsch	Rupp	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.

LEGISLATIVE BILL 145A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 145, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Abboud	Baack	Chambers	Conway	Dierks
Ashford	Barrett	Chizek	Coordsen	Elmer

Goodrich	Johnson, L.	Lynch	Pappas	Warner
Haberman	Korshoj	Marsh	Peterson	Wehrbein
Hall	Labedz	Miller	Remmers	Weihing
Harris	Lamb	Morehead	Schmit	Wesely
Hefner	Landis	Nelson	Smith	Withem
Higgins	Langford			

Voting in the negative, 0.

Present and not voting, 2:

Beyer	Hannibal

Excused and not voting, 10:

Hartnett	Johnson, V.	Moore	Rogers	Schellpeper
Johnson, R.	McFarland	Pirsch	Rupp	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.

LEGISLATIVE BILL 241. With Emergency.

A BILL FOR AN ACT relating to postdated checks; to amend sections 3-114 and 4-401, Uniform Commercial Code; to provide for bank liability for early payment of postdated checks; 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, 39:

Abboud	Coordsen	Hefner	Lynch	Schmit
Ashford	Dierks	Higgins	Marsh	Smith
Baack	Elmer	Johnson, L.	Miller	Warner
Barrett	Goodrich	Korshoj	Morehead	Wehrbein
Beyer	Haberman	Labedz	Nelson	Weihing
Chambers	Hall	Lamb	Pappas	Wesely
Chizek	Hannibal	Landis	Peterson	Withem
Conway	Harris	Langford	Remmers	

Voting in the negative, 0.

Excused and not voting, 10:

Hartnett	Johnson, V.	Moore	Rogers	Schellpeper
Johnson, R.	McFarland	Pirsch	Rupp	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.

MOTION - Return LB 307 to Select File

Mr. Lamb moved to return LB 307 to Select File for the following specific amendment:

AM0654 page 1154 Journal

Pg 3 line 16 strike the and insert except for a vehicle transporting livestock

Mrs. Labedz and Mr. Weihing asked unanimous consent to be excused until they return. No objections. So ordered.

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. Lamb requested a roll call vote on his motion to return.

Voting in the affirmative, 22:

Ashford	Dierks	Hefner	Langford	Peterson
Baack	Elmer	Higgins	Morehead	Remmers
Chambers	Goodrich	Johnson, L.	Nelson	Schmit
Conway	Haberman	Lamb	Pappas	Smith
Coordsen	Hall			

Voting in the negative, 14:

Abboud	Chizek	Korshoj	Miller	Wesely
Barrett	Hannibal	Landis	Warner	Withem
Beyer	Harris	Marsh	Wehrbein	

Present and not voting, 1:

Lynch

Excused and not voting, 12:

Hartnett	Labedz	Pirsch	Rupp	Scofield
Johnson, R.	McFarland	Rogers	Schellpeper	Weihing
Johnson, V.	Moore			

The Lamb motion to return lost with 22 ayes, 14 nays, 1 present and not voting, and 12 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 307.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1307, Revised Statutes Supplement, 1986; to provide for the detention of certain vehicles as prescribed; to require a bond; and to repeal the original section.

Mr. Beyer 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, 23:

Abboud	Hannibal	Labedz	Miller	Warner
Barrett	Harris	Landis	Nelson	Wehrbein
Chizek	Higgins	Langford	Pappas	Wesely
Elmer	Johnson, L.	Lynch	Smith	Withem
Goodrich	Korshoj	Marsh		

Voting in the negative, 15:

Ashford	Chambers	Dierks	Hefner	Peterson
Baack	Conway	Haberman	Lamb	Remmers
Beyer	Coordsen	Hall	Morehead	Schmit

Excused and not voting, 11:

Hartnett	McFarland	Pirsch	Rupp	Scofield
Johnson, R.	Moore	Rogers	Schellpeper	Weihing
Johnson, V.				

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

Messrs. Withem and Chizek asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 314.

A BILL FOR AN ACT relating to petroleum products liens; to amend section 52-903, Reissue Revised Statutes of Nebraska, 1943; to change the time in which foreclosure proceedings are to be instituted; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud	Dierks	Higgins	Lynch	Remmers
Ashford	Elmer	Johnson, L.	Marsh	Schmit
Baack	Haberman	Korshoj	Miller	Smith
Barrett	Hall	Labedz	Morehead	Warner
Beyer	Hannibal	Lamb	Nelson	Wehrbein
Conway	Harris	Landis	Pappas	Wesely
Coordsen	Hefner	Langford	Peterson	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Goodrich

Excused and not voting, 13:

Chizek	Johnson, V.	Pirsch	Schellpeper	Weihing
Hartnett	McFarland	Rogers	Scofield	Withem
Johnson, R.	Moore	Rupp		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. Ashford and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 368 to Select File

Mrs. Higgins moved to return LB 368 to Select File for the following specific amendment:

Page 7, line 2, strike "possession of a controlled substance, or" and insert and underscored comma; line 3 after "weapon" insert ", or possession of a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice".

The Higgins motion to return prevailed with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 368. Mrs. Higgins asked unanimous consent to pass over. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 450.

A BILL FOR AN ACT relating to brands and marks; to amend sections 54-101, 54-104.01, 54-105, 54-112, 54-132, 54-147, 54-162, and 54-1183 to 54-1185, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change reinstatement and transfer provisions for expired brands; to provide charges and procedures for copies of certain documents; to change provisions relating to a fund; to change provisions relating to certain brands; to provide for inspections and reinspections in certain cases; 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	Elmer	Johnson, L.	Marsh	Remmers
Ashford	Goodrich	Korshoj	Miller	Schmit
Baack	Haberman	Labedz	Moore	Smith
Barrett	Hall	Lamb	Morehead	Warner
Beyer	Hannibal	Landis	Nelson	Wehrbein
Conway	Harris	Langford	Pappas	Wesely
Coordsen	Hefner	Lynch	Peterson	Withem
Dierks	Higgins			

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 11:

Chizek	Johnson, V.	Pirsch	Rupp	Scofield
Hartnett	McFarland	Rogers	Schellpeper	Weihing
Johnson, R.				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 497.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1115, Reissue Revised Statutes of Nebraska, 1943; to provide additional subpoena power 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, 38:

Abboud	Ashford	Baack	Barrett	Beyer

Chambers	Haberman	Korshoj	Moore	Schmit
Chizek	Hall	Labedz	Morehead	Smith
Conway	Hannibal	Lamb	Nelson	Warner
Coordsen	Harris	Landis	Pappas	Wehrbein
Dierks	Hefner	Langford	Peterson	Wesely
Elmer	Higgins	Marsh	Remmers	Withem
Goodrich	Johnson, L.	Miller		

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 10:

Hartnett	Johnson, V.	Pirsch	Rupp	Scofield
Johnson, R.	McFarland	Rogers	Schellpeper	Weihing

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 507.

A BILL FOR AN ACT relating to grain; to amend sections 75-901 to 75-903 and 75-907 to 75-909, Reissue Revised Statutes of Nebraska, 1943; to rename an act; to define and redefine terms; to change provisions relating to licensure requirements for grain dealers; to provide for suspension or revocation of a license; to provide additional violations; 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	Barrett	Chizek	Dierks	Haberman
Ashford	Beyer	Conway	Elmer	Hall
Baack	Chambers	Coordsen	Goodrich	Hannibal

Harris	Labedz	Miller	Pappas	Warner
Hefner	Lamb	Moore	Peterson	Wehrbein
Higgins	Landis	Morehead	Remmers	Wesely
Johnson, L.	Langford	Nelson	Smith	Withem
Korshoj	Marsh			

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 11:

Hartnett	McFarland	Rogers	Schellpeper	Scofield
Johnson, R.	Pirsch	Rupp	Schmit	Weihing
Johnson, V.				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 511.

A BILL FOR AN ACT relating to the Legislature; to eliminate the Telecommunications Committee of the Legislature; and to repeal sections 50-424 and 50-425, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Coordsen	Hefner	Langford	Peterson
Ashford	Dierks	Higgins	Lynch	Remmers
Baack	Elmer	Johnson, L.	Marsh	Smith
Barrett	Haberman	Korshoj	Miller	Warner
Beyer	Hall	Labedz	Moore	Wehrbein
Chambers	Hannibal	Lamb	Nelson	Wesely
Chizek	Harris	Landis	Pappas	Withem
Conway				

Voting in the negative, 1:

Goodrich

Present and not voting, 1:

Morehead

Excused and not voting, 11:

Hartnett	McFarland	Rogers	Schellpeper	Scofield
Johnson, R.	Pirsch	Rupp	Schmit	Weihing
Johnson, V.				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 530.

A BILL FOR AN ACT relating to credit unions; to amend section 21-1777, Revised Statutes Supplement, 1986; to change procedures for the closure of credit unions; 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	Coordsen	Hefner	Lynch	Peterson
Ashford	Dierks	Higgins	Marsh	Remmers
Baack	Elmer	Johnson, L.	Miller	Schmit
Barrett	Goodrich	Korshoj	Moore	Smith
Beyer	Haberman	Labedz	Morehead	Warner
Chambers	Hall	Lamb	Nelson	Wesely
Chizek	Hannibal	Landis	Pappas	Withem
Conway	Harris	Langford		

Voting in the negative, 0.

Present and not voting, 1:

Wehrbein

Excused and not voting, 10:

Hartnett	Johnson, V.	Pirsch	Rupp	Scofield
Johnson, R.	McFarland	Rogers	Schellpeper	Weihing

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 environmental protection; to adopt the Wastewater Treatment Operator Certification Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud	Coordsen	Hefner	Langford	Peterson
Ashford	Dierks	Higgins	Marsh	Remmers
Baack	Elmer	Johnson, L.	Miller	Schmit
Barrett	Goodrich	Korshoj	Moore	Smith
Beyer	Haberman	Labedz	Morehead	Wehrbein
Chambers	Hall	Lamb	Nelson	Wesely
Chizek	Hannibal	Landis	Pappas	Withem
Conway	Harris			

Voting in the negative, 0.

Present and not voting, 2:

Lynch	Warner

Excused and not voting, 10:

Hartnett	Johnson, V.	Pirsch	Rupp	Scofield
Johnson, R.	McFarland	Rogers	Schellpeper	Weihing

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Schmit 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 26, 1987. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Green, John K. - Omaha, Nucor Steel
Newell, David R. - Omaha, Center for Rural Affairs (Withdrawn 87/03/26)
Niemann, Nicholas K. - Omaha, ConAgra, Inc.
Peters, William E. - Lincoln, Committee on State Taxation - Council of State Chambers of Commerce
Rasmussen, Dennis - Lincoln, Stencil, Everett
Ryan, James E. - Lincoln, Nebraska Judicial Council
Vickers, Tom - Lincoln, DeCamp Legal Services, P.C.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 524, 572, 581, 587, and 637.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 524

The following changes, required to be reported for publication in the Journal, have been made:
ER0151
1. On page 1, line 9, "and" has been inserted after the semicolon; and the matter beginning with the semicolon in line 12 through "emergency" in line 13 has been struck.
2. On page 8, line 7, "of" has been struck and shown as stricken and an underscored comma has been inserted after "conference".

Enrollment and Review Change to LB 572

The following changes, required to be reported for publication in the Journal, have been made:
ER0146

1. In the Warner amendment, AM0564, adopted March 23, 1984:

a. On page 1, the matter beginning with the period in line 13 through "on" in line 14 has been struck and "by" inserted;

b. On page 2, line 3, "that" has been inserted after "finds"; and in line 22 an underscored comma has been inserted after "49-503";

c. On page 3, line 1, paragraphing has been inserted before "One"; in line 16 "Nebraska" has been inserted after "the"; in line 22 "Political" has been struck and "Nebraska" inserted; and in line 24 "Nebraska" has been struck and "State" inserted.

d. On page 4, line 2, "Office of" has been struck; in line 3 "Management" has been struck and "Manager" inserted; in line 4 "State Purchasing Officer" has been struck and "materiel division of the Department of Administrative Services" inserted; in line 5 "State Budget Office" has been struck and "budget division of the Department of Administrative Services" inserted; in line 7 "Nebraska" has been inserted after the first "the"; in line 9 "of the" has been struck; in line 10 "session laws shall be delivered" has been struck; in line 15 paragraphing has been inserted before "One"; in line 18 the second "Supreme" has been struck and "State" inserted; and in line 22 "Nebraska" has been inserted after "the".

2. The E & R amendments, AM5095, adopted on March 23, 1987, have been struck.

3. On page 1, line 1, "49-503, 49-506," has been inserted after "sections".

4. On page 5, the matter beginning with "Purchasing" in line 16 through "Office" in line 17 has been struck, shown as stricken, and "materiel division of the Department of Administrative Services, Department of Personnel" inserted.

5. On page 8, the matter beginning with "two" in line 5 through the comma in line 6 has been struck and shown as stricken; in line 11 "Copies of the session laws and the journal of the Legislature as provided in section 49-506;

(3)" has been inserted after "(2)"; and in line 14 "(3)" has been struck, shown as stricken, and "(4)" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

MESSAGE FROM THE GOVERNOR

March 27, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 432 was received in my office on March 20, 1987.

I have allowed this bill to become law without my signature.

Sincerely,
(Signed) KAY A. ORR
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 185A in the Journal. No objections. So ordered.

AM0770

1. On page 2, line 2, strike "26,500" and insert "51,619"; in line 3 strike "30,500" and insert "86,630"; in line 10 strike "20,000" and insert "45,119"; and in line 11 strike "26,000" and insert "82,130".

Mr. Haberman asked unanimous consent to print the following amendment to LB 185 in the Journal. No objections. So ordered.

AM0765

1. On page 35, line 3, strike " as defined in section 39-602" and insert "Farm tractors as used in this subdivision shall mean every motor vehicle designed and used predominantly in farming, ranching, or commercial horticultural operations for drawing plows, mowing machines, and other implements of husbandry. Implements of husbandry as used in this subdivision shall mean every vehicle and piece of equipment designed, adapted, and used primarily in farming, ranching, or commercial horticultural operations or for lifting or carrying an implement of husbandry and in either case usually used primarily off the highway.

Farm tractors and implements of husbandry as defined in this subdivision shall not include motor vehicles as defined in section 60-301.".

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 364. Indefinitely postponed.
LEGISLATIVE BILL 460. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Pappas asked unanimous consent to have his name added as co-introducer to LB 542. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 102, 102A, 145, 145A, 241, 314, 450, 497, 507, 511, 530, and 533.

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 776. Title read. Considered.

Standing Committee amendments, AM0709, found in the Journal on page 1264 for the Forty-Eighth Day were adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

SPEAKER BARRETT PRESIDING

SELECT FILE

LEGISLATIVE BILL 661. E & R amendments, AM5139, found in the Journal on page 1300 for the Fiftieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 661A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 67. E & R amendments, AM5143, found in the Journal on page 1320 for the Fiftieth Day were adopted.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 248. Indefinitely postponed.
LEGISLATIVE BILL 328. Indefinitely postponed.
LEGISLATIVE BILL 653. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

GENERAL FILE

LEGISLATIVE BILL 526. Title read. Considered.

Standing Committee amendment, AM0257, found in the Journal on page 719 for the Twenty-Seventh Day was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mrs. Marsh renewed her pending amendment, AM0438, found in the Journal on page 894.

The Marsh amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mrs. Marsh renewed her pending amendment, AM0748, found in the Journal on page 1293.

The Marsh amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 164. Title read. Considered.

Standing Committee amendments, AM0263, found in the Journal on page 742 for the Twenty-Eighth 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, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 250. Title read. Considered.

Standing Committee amendment, AM0420, found in the Journal on page 882 for the Thirty-Fifth Day 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, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 575. Title read. Considered.

Standing Committee amendments, AM0317, found in the Journal on page 853 for the Thirty-Third Day were adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 575A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 599. Title read. Considered.

Standing Committee amendment, AM0421, found in the Journal on page 896 for the Thirty-Sixth Day was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 358. Title read. Considered.

Standing Committee amendment, AM0431, found in the Journal on page 904 for the Thirty-Sixth Day was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 388. Title read. Considered.

Mr. Wesely moved to indefinitely postpone.

The Wesely motion prevailed with 11 ayes, 4 nays, 22 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 456. Title read. Considered.

Standing Committee amendments, AM0430, found in the Journal on page 904 for the Thirty-Sixth Day were adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 101, 101A, and 509.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 101

The following changes, required to be reported for publication in the Journal, have been made:
ER0147

1. In the Warner amendment, AM0715, adopted March 24, 1987:

a. On page 1, line 2, "11" has been struck and "12" inserted; and in line 5 "52-1316" has been struck and "Sec. 16" inserted; and

b. On page 3, the matter beginning with "and" in line 14 through "references" in line 15 has been struck.

2. Because of amendment number 3 of the Rogers amendment, AM0614, adopted March 24, 1987:

a. In the Rogers amendment, AM0509, adopted March 10, 1987, on page 1, the matter beginning with "line" in line 7 through "in" in line 8 has been struck; and

b. In the E & R amendment, AM5090, adopted March 10, 1987, on page 1, the matter beginning with "line" in line 6 through "in" in line 7 has been struck.

3. Because of the Rogers amendment adopted March 10, 1987, found on page 998 of the Journal, in the Rogers amendment, AM0509, adopted March 10, 1987:

a. On page 1, line 10, "sections" has been struck and "section" inserted; and

b. On page 2, line 14, quotation marks have been inserted before "Sec.".

4. On page 1, line 1, "liens" has been struck and "secured interests" inserted and "section 16, Legislative Bill 1, Eighty-ninth Legislature, Third Special Session, 1986, and" has been inserted after "amend"; in line 4 "to eliminate certain duties of the Secretary of State relating to furnishing information at certain times;" has been inserted before "to"; and in line 5 "to provide an operative date;" has been inserted after the semicolon.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 111 in the Journal. No objections. So ordered.

AM0706

1. On page 2, line 6, after "names" insert ", dates of birth,".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 462A. By Hall, 7th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 462, Ninetieth Legislature, First Session, 1987.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 312. Placed on General File as amended.
Standing Committee amendment to LB 312:
AM0740

1. Strike the original sections and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Intergovernmental Data Communications Act.

Sec. 2. The Legislature finds and declares that:

(1) The collection, storage, and transfer of information between the state and its agencies and political subdivisions is essential to the efficient operation of state and local government;

(2) The collection, storage, and transfer of information may be best achieved using advanced data processing and communications capabilities;

(3) The potential for data transfer within the state is underdeveloped due to a lack of overall planning, system design, and input into program development, especially as that development affects the transfer of information between state agencies and between the state and its political subdivisions;

(4) Proper program design begins not with the implementation of data processing activities, but with the overall design of data processing and communications systems, including a measurement of the impact of program implementation upon all state and local governmental offices; and

(5) The design of a statewide system for the collection, storage, and transfer of data requires input from all affected or potentially affected governmental agencies and political subdivisions of the state.

Sec. 3. As used in the Intergovernmental Data Communications Act, unless the context otherwise requires:

(1) Council shall mean the Intergovernmental Data Communications Advisory Council;

(2) Local project shall mean an intergovernmental data communications project by which

information can be exchanged electronically between governmental subdivisions;

(3) Multijurisdictional data processing project shall mean a project identified by a state agency or governmental subdivision for development on data processing systems which gather data that can be used by other state agencies or governmental subdivisions to aid in carrying out their statutory or administrative duties; and

(4) State project shall mean an intergovernmental data communications project by which information can be exchanged electronically between governmental subdivisions and state agencies, and between state agencies.

Sec. 4. There is hereby created the Intergovernmental Data Communications Advisory Council. The council shall consist of eleven members as follows:

(1) One person shall be a representative of the central data processing division of the Department of Administrative Services;

(2) One person shall be a representative of the division of communications of the Department of Administrative Services;

(3) One person shall be appointed by the Governor as a representative of state government;

(4) One person shall be appointed by the Executive Board of the Legislative Council as a representative of the Legislature;

(5) One person shall be appointed by the Chief Justice of the Supreme Court as a representative of the court system;

(6) Two elected county officials shall be appointed by the Governor as representatives of county government;

(7) Two elected city or village officials shall be appointed by the Governor as representatives of municipal government;

(8) One person shall be a representative of the Natural Resources Commission data bank; and

(9) The State Records Administrator or his or her designee shall serve as an ex officio nonvoting member.

Sec. 5. The term of office of the members of the council shall be two years. Vacancies on the

council shall be filled in the same manner as the initial appointments. The seat of a council member who accumulates three consecutive absences from the meetings of the council shall be considered vacant. The appointments to the council shall be made within thirty days following the effective date of this act, and successive appointments shall be made no later than thirty days prior to the expiration date of the term of office.

Sec. 6. The representative of the central data processing division of the Department of Administrative Services shall call the first meeting of the council within forty-five days after the effective date of this act. At the first meeting, the council shall elect a chairperson and a vice-chairperson who shall each serve for one year. The council shall meet at least four times annually at the call of the chairperson or a majority of the members of the council. All meetings shall be open to the public.

Sec. 7. The purpose of the council shall be to (1) assure the efficient collection, use, and exchange of information between state agencies and between state agencies and governmental subdivisions, (2) study and make recommendations concerning the data processing and communications needs of the state and its political subdivisions, (3) make recommendations of program design which would enhance data transfer between state agencies and between the state and its political subdivisions, and (4) coordinate the implementation of data processing applications involving multijurisdictional data processing projects.

Sec. 8. The council shall: (1) Develop and publish one-year and five-year plans, specifications, and recommendations for the data processing needs of the state and for a network to provide for intergovernmental transfer of data; (2) seek to eliminate duplication of effort through coordination of related projects; (3) promote flexibility in the collection, use, and exchange of information in anticipation of future needs of the state and its political subdivisions; (4) identify and recommend data processing applications in anticipation of the future needs of state and local governments; and (5) promote intergovernmental exchanges of data and technical expertise. The council may: (a) study and

make recommendations, including a cost-benefit analysis, concerning state projects which involve intergovernmental transfer of information in an electronic medium or multijurisdictional data processing projects and (b) study and make recommendations, including a cost-benefit analysis, concerning local projects only if the request for assistance comes from the governmental subdivisions involved in the project.

Sec. 9. The council shall have the power to appoint representatives of state agencies and governmental subdivisions which are affected by a proposed project to serve as developmental subcommittees of the council on the development of the proposed project. Such subcommittees shall be temporary in nature and shall serve to advise, design, and implement specific projects. Subcommittee members shall serve only on proposed projects affecting their agency or governmental subdivision and only for the period of time from the inception of the project until it is operational or deemed terminated by the council.

Sec. 10. Members of the council or subcommittees of the council shall receive no compensation but may be reimbursed for actual and necessary expenses incurred in the performance of their duties as provided in sections 84-306.01 to 84-306.05 for state employees.

Sec. 11. The council may study any state project which appears to have a potential impact upon intergovernmental data transfer. The council may make recommendations concerning the use of data collected and stored in an electronic medium if such data is deemed to have the potential for intergovernmental data transfer and which it deems to have a positive cost-to-benefit relationship. The council may study any local project only if the request for the study originates from the governmental subdivisions involved in the project.

Sec. 12. Any state agency, political subdivision, or officer or employee thereof, including a member of the council, who has identified or is considering the development of a project which may result in a more efficient use of collected, stored, or communicated data in an electronic medium through intergovernmental data transfer may submit an application to the council for the purpose of requesting

a study on the feasibility of the project. Such application shall state the nature of information sought to be exchanged and the state agencies or political subdivisions which might make effective use of the data or which would be affected if the project were undertaken. The council shall review each application and approve or deny the proposed project for study. If the project is approved for study, the council shall oversee the progress of the study as it deems necessary. The completed study shall be presented to the council. The council may then recommend approval of the project for implementation, recommend additional study, recommend modification prior to implementation, recommend additional funding to expand any existing program if such expansion would bring such program into compliance with the long-term objectives set forth by the council, or recommend termination of the project.

Sec. 13. The council shall, at least annually, set forth its recommendations to the Governor, the Legislature, and the Supreme Court. The council shall distribute its recommendations, at least annually, to state agencies and political subdivisions.".

(Signed) Lee Rupp, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 27, 1987, at 11:45 a.m., were the following bills: 102, 102A, 145, 145A, 241, 314, 450, 497, 507, 511, 530, and 533.

(Signed) Pam Moravec, Enrolling Clerk

GENERAL FILE

LEGISLATIVE BILL 479. Title read. Considered.

Standing Committee amendment, AM0399, found in the Journal on page 905 for the Thirty-Sixth Day was considered.

Mr. Conway offered the following amendment to the Standing Committee amendment:
AM0774

1. Insert the following new sections:

"Section 1. That section 49-1447, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1447. The committee treasurer shall keep detailed accounts, records, bills, and receipts necessary to substantiate the information contained in a statement or report filed pursuant to sections 49-1445 to 49-1479 or rules promulgated under ~~sections 49-1401 to 49-14,138~~ the Nebraska Political Accountability and Disclosure Act. The treasurer shall record the name and address of each person from whom a contribution is received except for contributions of fifty dollars or less received pursuant to subsection (2) of section 49-1472. The records of a committee shall be preserved for five years. ~~and shall be made available for inspection as authorized by the commission.~~ Any person violating the provisions of this section shall be guilty of a Class III misdemeanor.

Sec. 2. That section 49-1449, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1449. Each committee shall file a statement of organization with the filing officials designated in section 49-1464 to receive the committee's campaign statements. Such statement of organization shall be filed within ten days after a committee is formed. Any committee in existence on July 1, 1977, and desiring to remain in existence shall file a statement with the appropriate filing officials within thirty days after July 1, 1977. Any committee in existence on July 1, 1977, and not filing a statement within thirty days after such date shall be dissolved. The filing official shall maintain a statement of organization filed by a committee until notified of the committee's dissolution. ~~Any person who fails to file with the commission a statement of organization required by this section shall pay to the commission a late filing fee of ten dollars for each day the statement remains not filed in violation of this section, not to exceed three hundred dollars.~~

Sec. 3. That section 49-1450, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1450. The statement of organization

required by section 49-1449 shall include the following information:

(1) The name, street address, and telephone number, if any, of the committee. The committee address may be the home address of the candidate or treasurer of the committee;

(2) The name, street address, and telephone number, if any, of each person, other than an individual, that is a member of the committee;

(3) The full name, street address, and telephone number, if any, of the treasurer and other principal officers of the committee;

(4) The name and address of the financial institution in which the official committee depository is located, and the name and address of each financial institution in which a secondary depository is or is intended to be located;

(5) The full name of and office sought by each candidate and a brief statement identifying the substance of each ballot question supported or opposed by the committee; and

(6) Identification of the committee as a candidate committee, political party committee, independent committee, or ballot question committee if it is identifiable as such a committee. ~~; and~~

~~(7) Such other information as may be required by the rules and regulations of the commission.~~

Sec. 4. That section 49-1462, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1462. (1) Unless otherwise required to file a campaign statement as required by sections 49-1459 to ~~49-1463~~ 49-1461 in connection with an election held during the filing period designated in this section, a committee shall file a campaign statement not later than June 1 of each year, if the committee received or expended an amount in excess of one thousand dollars. The campaign statement shall have a closing date of May 1 of that year. If a campaign statement was filed in connection with an election held within six months before a period specified in this section, the period covered by the campaign statement filed pursuant to this section shall begin from the day after the closing date of the previous campaign

statement.

(2) Subsection (1) of this section shall not apply to a candidate committee for an officeholder who is a judge or holds an elective office for which the salary is less than one hundred dollars a month and does not receive any contribution or make any expenditure during the time which would be otherwise covered in the statement.

Sec. 6. That section 49-1484, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1484. The Clerk of the Legislature shall monthly while the Legislature is in session, and at least once while the Legislature is not in session, refer all such statements to the commission. ~~which may require the lobbyist or the principal to furnish additional details with respect to the matters which are or should be included in such statements. The Legislature itself may at any time require the furnishing of such additional details.~~

Sec. 7. That section 49-14,118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-14,118. Four members of the commission shall constitute a quorum and the concurrence of four members of the commission shall be required for any action or recommendation of the commission. ~~, except that the concurrence of five members shall be required before any sanction may be imposed pursuant to section 49-14,126.~~

Sec. 8. That section 49-14,123, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-14,123. In addition to any other duties prescribed by law, the commission shall:

(1) Prescribe and publish, after notice and opportunity for public comment, rules and regulations to carry out the provisions of ~~sections 49-1401 to 49-14,138~~ the Nebraska Political Accountability and Disclosure Act, pursuant to ~~the provisions of~~ Chapter 84, article 9;

(2) Prescribe forms for statements and reports required to be filed pursuant to ~~sections 49-1401 to 49-14,138~~ the Nebraska Political Accountability and

Disclosure Act. and furnish such forms to persons required to file such statements and reports;

(3) Prepare and publish one or more manuals explaining the duties of all persons and other entities required to file statements and reports by ~~sections 49-1401 to 49-14,138~~ the Nebraska Political Accountability and Disclosure Act and setting forth recommended uniform methods of accounting and reporting for such filings;

(4) Accept and file any reasonable amount of information voluntarily supplied that exceeds the requirements of ~~sections 49-1401 to 49-14,138~~ the Nebraska Political Accountability and Disclosure Act;

(5) Make statements and reports filed with the commission available for public inspection and copying during regular office hours and make copying facilities available at a cost of not more than fifty cents per page;

(6) Compile and maintain an index of all reports and statements filed with the commission to facilitate public access to such reports and statements;

(7) Prepare and publish summaries of statements and reports filed with the commission, and special reports and technical studies to further the purposes of ~~sections 49-1401 to 49-14,138~~ the Nebraska Political Accountability and Disclosure Act;

(8) Review all statements and reports filed with the commission in order to ascertain whether any person has failed to file a required statement or has filed a deficient statement;

(9) Preserve statements and reports filed with the commission for a period of not less than five years from the date of receipt;

(10) Issue and publish advisory opinions on the requirements of ~~sections 49-1401 to 49-14,138~~ the Nebraska Political Accountability and Disclosure Act upon the request of a person or governmental body directly covered or affected by ~~sections 49-1401 to 49-14,138~~ the act. Any such opinion rendered by the commission, until amended or revoked, shall be binding on the commission in any subsequent charges concerning the person or public body who requested the opinion and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person

in the request for the opinion;

~~(11) Act as the primary civil and criminal enforcement agency for violations of the provisions of sections 49-1401 to 49-14,138 and the rules or regulations promulgated thereunder;~~

(11) ~~(12)~~ Receive all late filing fees and submit them to those authorities designated by law to effectuate the provisions of Article VII, section 5, of the Constitution of Nebraska; and

(12) ~~(13)~~ Prepare and distribute to the appropriate local officials statements of financial interest, campaign committee organization forms, filing instructions and forms, and such other forms as the commission may deem appropriate.".

2. On page 4, line 3, strike "section" and insert "sections 49-1447, 49-1449, 49-1450, 49-1462," and after the comma insert "49-1484, 49-14,118, and 49-14,123,"; and in line 4 strike "is" and insert "and also sections 49-1446.03, 49-1451, 49-1463, and 49-14,124 to 49-14,126, Reissue Revised Statutes of Nebraska, 1943, are".

3. Renumber the remaining sections accordingly.

The Conway amendment lost with 8 ayes, 15 nays, 14 present and not voting, and 12 excused and not voting.

Mr. Withem offered the following amendment:
AM0491

(Amendments to Standing Committee amendments)

1. In the Standing Committee amendments, found on page 905 of the journal, on page 1, line 6, after the semicolon insert "in line 13 strike 'and street address'; in line 14 after 'advertisement' insert ', and the radio or television station shall, for a period of at least six months, keep the street address on file and divulge it to any person upon request';".

The Withem amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 514. Title read. Considered.

Standing Committee amendments, AM0463, found in the Journal on page 940 for the Thirty-Eighth Day were adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Baack asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 601. Title read. Considered.

Standing Committee amendment, AM0391, found in the Journal on page 920 for the Thirty-Seventh Day was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 603. Title read. Considered.

Standing Committee amendments, AM0303, found in the Journal on page 920 for the Thirty-Seventh Day were adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 529. Title read. Considered.

Standing Committee amendments, AM0485, found in the Journal on page 937 for the Thirty-Eighth Day were adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

PRESIDENT NICHOL PRESIDING

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 538. Title read. Considered.

Standing Committee amendments, AM0483, found in the Journal on page 938 for the Thirty-Eighth Day were adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 319. Title read. Considered.

Standing Committee amendments, AM0461, found in the Journal on page 940 for the Thirty-Eighth Day were adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Messrs. Lynch and Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 615. Title read. Considered.

Standing Committee amendments, AM0462, found in the Journal on page 942 for the Thirty-Eighth Day were adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 446. Placed on Select File as amended.

E & R amendments to LB 446:
AM5144

1. In the Hall amendment found on page 1274 of the Journal, adopted March 25, 1987, insert a comma after "1988" and insert underscoring beginning with "After" through the period.

2. For purposes of correlation with section 1, LB 469:

a. In the Hall et al. amendment, AM0408, adopted March 25, 1987:

i. On page 1, line 6, after the second comma insert "as amended by section 1, Legislative Bill 469, Ninetieth Legislature, First Session, 1987,";

ii. On page 3, line 14, before the period insert ", except that if he or she has wages earned during the period beginning with the end of the immediately preceding base period and ending on the date on which the individual filed a claim, the individual shall have earned wages for insured work in an amount equal to at least four times his or her prior weekly benefit amount"; and

iii. On page 4, strike beginning with "On" in line 13 through "3." in line 15; and

b. On page 1, line 3; and page 7, line 19, after "1986" insert ", and section 48-627, Revised Statutes Supplement, 1986, as amended by section 1, Legislative Bill 469, Ninetieth Legislature, First Session, 1987".

3. On page 1, line 4, after the semicolon insert "to change provisions relating to eligibility for unemployment benefits;".

4. On page 2, line 19, before the reinstated "400.01" insert "$", before the reinstated "450.00" insert "$", and before the reinstated "20.00" insert "$".

LEGISLATIVE BILL 444. Placed on Select File as amended.
E & R amendments to LB 444:
AM5145

1. In lieu of the Lamb-Chambers amendment adopted March 25, 1987, found on page 1284 of the Journal:

a. Insert the following new section:

"Sec. 6. That section 79-1002, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1002. All property within the corporate limits of metropolitan cities, except such property as now is or may hereafter be exempt by law, shall be subject to taxation for all school purposes. The affairs of the school district created by Chapter 79 shall be conducted exclusively by the board of education except as otherwise provided by Chapter 79. Any ~~; PROVIDED, that any~~ school district in an unincorporated area which maintains a high school shall, when its area or any part thereof is incorporated into a ~~metropolitan~~ city of the metropolitan class, remain as a separate and independent district. Any independent school district within the incorporated area of a city of the metropolitan class shall be subject to reorganization pursuant to the procedures prescribed in sections 79-426.01 to 79-426.23. ~~unless a majority of the legal voters of that district voting on the question vote in favor of merging with such metropolitan school district. Whenever a petition signed by twenty-five per cent of the legal voters in such independent district shall be presented to the board of education of such district requesting that a vote be taken for or against such merger, an election shall be called by the board for that purpose within a reasonable time thereafter which in no event shall exceed six months upon a notice given by the officers of such independent district at least twenty days prior to such election. Such election shall be conducted by the election commissioner of the county and results thereof canvassed and certified by him to the boards of education of the respective districts involved in said merger. In the event that a majority of the legal voters in such district voting on the question vote in favor of merging with the metropolitan district, the merger shall become effective upon an affirmative vote of a majority of the members of the board of education of the metropolitan school district; PROVIDED, that if a majority of the members of the board of education of the metropolitan school district do not vote in favor of the merger within ninety days after such election, the merger shall not become effective.~~";

b. On page 9, line 16, strike "and"; and in line 17 after the first comma insert "and 79-1002,"; and

c. Renumber the remaining section accordingly.

2. In the Standing Committee amendments, AM0259, adopted March 19, 1987, on page 4, line 11, strike "72-426.05" and insert "79-426.05".

3. On page 1, line 1, after "sections" insert "79-426.05,"; in line 2 strike "and" and insert a comma and after the comma insert "and 79-1002,"; in line 5 strike "provide" and insert "change"; in line 7 after the semicolon insert "to change membership and voting provisions for county committees for the reorganization of school districts; to eliminate merger provisions and provide for reorganization for school districts within cities of the metropolitan class;".

4. On page 7, line 5, after "(c)" insert "contain"; and in line 22 strike "Where", show as stricken, and insert "When".

5. On page 8, line 9, strike the comma and show as stricken.

6. On page 9, line 8, strike "shall", show as stricken, and insert "is" and strike "be" and show as stricken.

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 606. Placed on General File.

LEGISLATIVE BILL 64. Indefinitely postponed.
LEGISLATIVE BILL 318. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

Education

LEGISLATIVE BILL 688. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0749.)

(Signed) Ron Withem, Chairperson

GENERAL FILE

LEGISLATIVE BILL 55. Title read. Considered.

Standing Committee amendments, AM0473, found in the Journal on page 943 for the Thirty-Eighth Day were adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 608. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 203. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 642. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 211. Title read. Considered.

Standing Committee amendments, AM0357, printed separate from the Journal and referred to on page 868 for the Thirty-Fourth Day were adopted with 27 ayes, 0 nays, 6 present and not voting, and 16 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Hall asked unanimous consent to have his name withdrawn as co-introducer to LB 542. No objections. So ordered.

VISITORS

Visitors to the Chamber were Merle Johnson from Orleans; 15 eleventh and twelfth grade students and teacher from Kearney Senior

High School; Seth Hansen from Fremont; Mike and Ryan Tucker; 63 eighth grade students and teacher from Central City Middle School; Senator Moore's mother, June Moore, grandmother, Ruth Moore, and grandfather, Arnold Fuss; 37 students and teacher from St. Mary's School, Omaha; and 35 eighth grade students and teacher from St. Thomas More, Omaha.

ADJOURNMENT

At 1:23 p.m., on a motion by Mr. Dierks, the Legislature adjourned until 9:00 a.m., Monday, March 30, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY - MARCH 31, 1987

LEGISLATIVE JOURNAL

FIFTY-SECOND DAY - MARCH 31, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 31, 1987

Pursuant to Rule, 1, Sec. 16(b)(1), the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Clarence M. Higgins, Jr., Nebraska Conference of the United Church of Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chambers, V. Johnson, Rogers, Schmit, Wesely, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-First Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 42, 343, 493, 569, 571, 573, 576, 577, 679, 721, and 774.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 42

The following changes, required to be reported for publication in the Journal, have been made:
ER0148

1. In the Wesely amendment, AM0738, adopted March 25, 1987:

a. On page 1, line 6, "9" has been struck and "10" inserted; and

b. On page 2, line 1, "10" has been struck and "11" inserted and "9 and 11" has been struck and "10 and 12" inserted; and in line 4 "11" has been struck and "12" inserted.

2. In the Smith amendment, AM0742, adopted March 25, 1987, underscoring has been inserted as necessary.

3. In the E & R amendment, AM5132, adopted March 25, 1987, amendment 2 has been struck and the remaining amendments renumbered accordingly and underscoring has been inserted as necessary.

4. On page 1, line 2, "68-1008" has been struck and "68-1019" inserted; and in line 6 "to create a fund; to change provisions relating to payment of medical assistance as prescribed; to provide operative dates;" has been inserted after the semicolon.

5. On page 5, line 10, "department" has been struck and "Department on Aging" inserted; in line 15 "Department on Aging" has been struck and "department" inserted; in line 25 "of" has been struck and "on" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

LEGISLATIVE BILL 413. Placed on Select File as amended.
E & R amendments to LB 413:
AM5147

1. In the Baack amendment, AM0762, adopted March 26, 1987, on page 1, line 3, after the semicolon insert "and"; in line 4 strike the semicolon and insert a period; and strike line 5.

2. On page 1, line 2, strike "sections 43-604 and" and insert "section"; strike beginning with "sections" in line 3 through "respectively" in line 4 and insert "section 2"; in line 6 strike "to define terms:"; and in line 8 strike "sections" and insert "section".

LEGISLATIVE BILL 226. Placed on Select File as amended.
E & R amendment to LB 226:

AM5146

1. On page 7, line 18, strike "Any" and insert "Each".

LEGISLATIVE BILL 42A. Placed on Select File as amended.
E & R amendments to LB 42A:
AM5148

1. On page 2, line 14, strike the second "the"; in line 15 strike "Fund" and insert "Funds".
2. On page 3, line 1, strike the second "the"; and in line 4 strike the first "the".

LEGISLATIVE BILL 453. Placed on Select File as amended.
E & R amendments to LB 453:
AM5150

1. In the Standing Committee amendments, AM0304, adopted March 26, 1987, on page 1, line 5, before "providing" insert an underscored comma and after "Banking" insert "and Finance"; and in line 6 after "provide" insert an underscored comma.
2. On page 2, lines 13 and 14, strike the underscored comma; and in line 21 strike the comma and show as stricken.
3. On page 3, line 6, after "or" insert "any".
4. On page 4, line 5, eliminate the paragraphing.

LEGISLATIVE BILL 198. Placed on Select File as amended.
E & R amendments to LB 198:
AM5149

1. On page 1, line 2, strike the first comma and insert "and" and strike "and 23-2522,"; and strike beginning with "provide" in line 6 through "prescribed" in line 8 and insert "change a restriction on board membership".
2. On page 4, line 5, strike the comma and show as stricken.

LEGISLATIVE BILL 776. Placed on Select File as amended.
E & R amendments to LB 776:
AM5151

1. On page 3, line 15, after "Nebraska" insert a comma.

2. On page 3, line 19; page 6, line 6; page 7, line 4; and page 9, line 4, strike the comma.

3. On page 4, line 24, strike "Corrections" and insert "Correctional Services".

4. On page 6, line 4, insert a comma after "Retirement".

5. On page 8, line 10, after "reimbursement" insert a comma.

LEGISLATIVE BILL 526. Placed on Select File as amended.
E & R amendments to LB 526:
AM5153

1. In the second Marsh amendment, AM0748, adopted March 27, 1987, on page 1, line 2, strike "3" and insert "5" and remove the underscoring.

2. In the first Marsh amendment, AM0438, adopted March 27, 1987, on page 1, line 7, strike "principle" and insert "principal" and after "Lancaster" insert "County".

3. In the Standing Committee amendment, AM0257, adopted March 27, 1987, on page 1, line 2, after "1" insert "of this act".

4. On page 1, lines 1 to 2, strike "the Department of Correctional Services" and insert "conveyances".

5. On page 2, line 5, after "six" insert a comma.

LEGISLATIVE BILL 164. Placed on Select File as amended.
E & R amendments to LB 164:
AM5154

1. In the Standing Committee amendments, AM0263, adopted March 27, 1987, on page 1, line 7, after "of" insert "an".

2. On page 4, line 2, strike the first comma; and in line 16 strike the comma.

3. On page 5, line 22, strike "follows:" and insert "provided in this section.".

4. On page 9, line 6, strike "siding," and after "location" insert "or on the same siding"; and in line 20 strike "bond" and insert "security required".

5. On page 11, line 13, strike "each" and insert "the".

6. On page 12, line 10, after "adopted"

insert "and promulgated".

7. On page 14, line 12, strike the first comma.

8. On page 15, line 7, after "rates" insert an underscored comma; and in line 14 after "for" insert "the".

9. On page 19, line 19, strike "the".

10. On page 20, line 4, strike the comma.

LEGISLATIVE BILL 250. Placed on Select File as amended.
E & R amendments to LB 250:
AM5152

1. In the Standing Committee amendments, AM0420, adopted March 27, 1987, on page 1, line 1, strike ", 6,"; and in line 2 after "matter" insert a semicolon.

2. On page 1, line 2, strike "Statues" and insert "Statutes".

(Signed) Scott Moore, Chairperson

MESSAGE FROM THE GOVERNOR

March 30, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 102, 102A, 145, 145A, 241, 314, 450, 497, 507, 511, 530, and 533 were received in my office on March 27, 1987.

These bills were signed by me on March 30, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

MESSAGE FROM THE SECRETARY OF STATE

March 30, 1987

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

Dear Clerk O'Donnell:

This letter is to advise you and to have placed in the Journal the fact that Legislative Bill 432 was passed by the Ninetieth Legislature of Nebraska at its first session on March 20, 1987. The bill was presented to the Governor on the twentieth of March, 1987 for signature, veto or to be allowed to become law without signature.

I have received from the Governor Legislative Bill 432 on March 27, 1987, without her signature and without a veto message. Attached to the bill was a letter informing the Secretary of State that she allowed the bill to become law without her signature as provided in Article IV and Section 15 of the Constitution. Attached please find a copy of my certification with reference to Legislative Bill 432.

Finally, please note that Legislative Bill 432 is on file in my office as provided and is a matter of public record.

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

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 432 was passed by the Ninetieth Legislature at its first session on March 20, 1987 and presented to the Governor on that day.

Further, I hereby certify that Legislative Bill 432 was not returned to the Legislature with a veto message but was presented to the Secretary of State on March 27, 1987 without her signature.

Further, I hereby certify that Legislative Bill 432 rested with the Governor for five days, Sunday excepted, and was presented to the

Secretary of State, and pursuant to the Constitution has become law in like manner as if she had signed it.

Further, I hereby certify that Legislative Bill 432 is on file in the office of Secretary of State and is 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 thirtieth day of March in the year of our Lord, one thousand nine hundred and eighty-seven.

(SEAL) Allen J. Beermann, Secretary of State

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 76. Placed on General File as amended.
Standing Committee amendments to LB 76:
AM0592

1. On page 2, line 12, after "nurse" insert "as prescribed in section 2 of this act".

2. Insert the following new section:

"Sec. 2. A licensed practical nurse may satisfy the requirements of section 71-5108 for the routine, nonemergency transporting of a patient from one licensed health care facility to another licensed health care facility under the direction of a licensed physician and under a written protocol. Such a written protocol shall provide for the supervision of the licensed practical nurse by a licensed physician or a licensed registered nurse through appropriate radio or other electronic communication devices. For purposes of this section, a licensed health care facility shall mean any facility licensed pursuant to sections 71-2017 to 71-2029.".

Sec. 3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 190. Placed on General File as amended.
Standing Committee amendment to LB 190:
AM0584

1. On page 2, line 12 and 24; on page 4, line 19; and on page 5, line 17, after "concentrator" insert

"which is preset by a physician or other licensed personnel".

(Signed) Don Wesely, Chairperson

MESSAGES FROM THE GOVERNOR

March 27, 1987

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 Nebraska Arts Council, requiring legislative confirmation:

Appointee: Pauline M. Dye, 2121 Birchwood Rd., North Platte, NE 69101.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:cfg

March 27, 1987

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.

Appointee: Mark Whitehead, 4605 South 98th, Lincoln, NE 68526-9304.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:cfg

March 27, 1987

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 Nebraska Arts Council, requiring legislative confirmation.

Appointee: Helen Hayes, 11711 Van Dorn, Walton, NE 68461.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:cfg

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 63 and LR 65.

MOTION - Return LB 329 to Select File

Mr. Withem moved to return LB 329 to Select File for his specific amendment, AM0586, found in the Journal on page 1238.

The Withem motion to return prevailed with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 329. The Withem specific amendment, AM0586, found in the Journal on page 1238 was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 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 549. With Emergency.

A BILL FOR AN ACT relating to the Public Employees Retirement Board; to amend sections 79-1509, 79-1520, 79-1523, 79-1546, 84-1504, and 84-1510, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1501, 79-1512, 79-1521 to 79-1522.01, 79-1528, 79-1529, 84-1332, and 84-1503, Revised Statutes Supplement, 1986; to change provisions of the school retirement system; to define and redefine terms; to provide for credit for years of service for certain employees; to provide duties for the Public Employees Retirement Board; to provide a deferred compensation program for county employees as prescribed; to change provisions relating to administrative services agreements; to eliminate an age requirement and a transfer of assets provision; to repeal the original sections, and also sections 79-1509.04 and 79-1555, 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, 46:

Abboud	Conway	Hall	Johnson, L.	Landis
Ashford	Coordsen	Hannibal	Johnson, R.	Langford
Baack	Dierks	Harris	Johnson, V.	Lynch
Barrett	Elmer	Hartnett	Korshoj	Marsh
Beyer	Goodrich	Hefner	Labedz	McFarland
Chizek	Haberman	Higgins	Lamb	Moore

Morehead	Remmers	Schellpeper	Smith	Weihing
Nelson	Rogers	Schmit	Warner	Wesely
Pappas	Rupp	Scofield	Wehrbein	Withem
Peterson				

Voting in the negative, 0.

Present and not voting, 1:

Miller

Excused and not voting, 2:

Chambers 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

The Chair announced Senator Wesely's birthday was yesterday.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 559.

A BILL FOR AN ACT relating to industrial loan and investment companies; to amend section 8-403.05, Reissue Revised Statutes of Nebraska, 1943; to change requirements for surety bonds; 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	Beyer	Dierks	Hall	Hefner
Ashford	Chizek	Elmer	Hannibal	Higgins
Baack	Conway	Goodrich	Harris	Johnson, L.
Barrett	Coordsen	Haberman	Hartnett	Johnson, R.

Johnson, V.	Lynch	Nelson	Rupp	Warner
Korshoj	Marsh	Pappas	Schellpeper	Wehrbein
Labedz	McFarland	Peterson	Schmit	Weihing
Lamb	Miller	Remmers	Scofield	Wesely
Landis	Moore	Rogers	Smith	Withem
Langford	Morehead			

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 591.

A BILL FOR AN ACT relating to personal property taxation; to amend section 77-202.46, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to earthmoving equipment; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goodrich	Johnson, R.	McFarland	Rupp
Ashford	Haberman	Johnson, V.	Miller	Schellpeper
Baack	Hall	Korshoj	Moore	Schmit
Barrett	Hannibal	Labedz	Morehead	Scofield
Beyer	Harris	Lamb	Nelson	Smith
Chizek	Hartnett	Landis	Pappas	Wehrbein
Conway	Hefner	Langford	Peterson	Weihing
Coordsen	Higgins	Lynch	Remmers	Wesely
Dierks	Johnson, L.	Marsh	Rogers	Withem
Elmer				

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 2:

Chambers Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT NICHOL PRESIDING

LEGISLATIVE BILL 712. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend section 44-309, Revised Statutes Supplement, 1986; to change provisions relating to certain investments by insurance companies as prescribed; to authorize the Director of Insurance to retain certain experts 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, 48:

Abboud	Goodrich	Johnson, V.	Moore	Schellpeper
Ashford	Haberman	Korshoj	Morehead	Schmit
Baack	Hall	Labedz	Nelson	Scofield
Barrett	Hannibal	Lamb	Pappas	Smith
Beyer	Harris	Landis	Peterson	Warner
Chizek	Hartnett	Langford	Pirsch	Wehrbein
Conway	Hefner	Lynch	Remmers	Weihing
Coordsen	Higgins	Marsh	Rogers	Wesely
Dierks	Johnson, L.	McFarland	Rupp	Withem
Elmer	Johnson, R.	Miller		

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.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 440. With Emergency.

A BILL FOR AN ACT relating to public funds; to amend sections 14-563, 15-845 to 15-848, 16-715, 17-720, 77-2328, 77-2329, and 77-2363, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to depositories of public funds; to require security as prescribed; to provide for purchases of certificates of deposit and for time deposits by city treasurers as prescribed; to provide for certain causes of action; 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, 49:

Abboud	Elmer	Johnson, R.	Miller	Schellpeper
Ashford	Goodrich	Johnson, V.	Moore	Schmit
Baack	Haberman	Korshoj	Morehead	Scofield
Barrett	Hall	Labedz	Nelson	Smith
Beyer	Hannibal	Lamb	Pappas	Warner
Chambers	Harris	Landis	Peterson	Wehrbein
Chizek	Hartnett	Langford	Pirsch	Weihing
Conway	Hefner	Lynch	Remmers	Wesely
Coordsen	Higgins	Marsh	Rogers	Withem
Dierks	Johnson, L.	McFarland	Rupp	

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.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 457. Placed on General File as amended.
Standing Committee amendments to LB 457:
AM0784

1. Insert the following new sections:

"Sec. 6. The bonds issued under this act on or after June 30, 1987, shall be special obligations of the state payable solely and only from the Highway Cash Fund of the Department of Roads, and neither the members of the commission nor any person executing the bonds shall be liable thereon. Such bonds shall not be a general obligation debt of this state and shall contain on the face thereof a statement to such effect.

Sec. 8. That section 66-410, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-410. At the time of filing the statement required by section 66-409, such dealer shall, in addition to the tax imposed pursuant to sections 66-473, 66-477, and 66-478 and in addition to the other taxes provided for by law, pay a tax of ten and one half cents per gallon upon all motor vehicle fuels as shown by such statement. Effective January 1, 1978, gasoline sold in Nebraska which contains a minimum of ten per cent blend of an agricultural ethyl alcohol whose purity shall be at least ninety-nine per cent alcohol, excluding denaturant, produced from cereal grains or domestic agricultural commodities shall be subject to a state motor fuel tax which is five cents per gallon less than gasoline which does not contain such a blend. Effective July 1, 1985, gasoline which contains such a blend shall be subject to a state motor fuel tax rate which is three cents per gallon less than gasoline which does not contain such a blend. Effective ~~January 1, 1993,~~ October 1, 1987, gasoline which contains such a blend shall be subject to the same state motor fuel tax rate as gasoline which does not contain such a blend. Such dealers shall remit such tax to the Tax Commissioner.

Sec. 9. That section 66-428, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-428. In addition to the tax imposed pursuant to sections 66-473, 66-477, and 66-478, there is hereby levied and imposed an excise tax of ten and

one half cents per gallon upon the use of all motor vehicle fuels, as defined by section 66-401, used in this state, and due the State of Nebraska under the provisions of section 66-410 or Chapter 66, article 6, except that such excise tax after June 1, 1979, shall be five cents per gallon less on motor vehicle fuel containing a minimum of ten per cent blend of agricultural ethyl alcohol produced from cereal grains or domestic agricultural commodities whose purity shall be at least ninety-nine per cent alcohol, excluding denaturant, than on motor vehicle fuel which does not contain such a blend. Effective July 1, 1985, such excise tax shall be three cents per gallon less on such motor vehicle fuel containing such a blend than on such motor vehicle fuel which does not contain such a blend. Effective ~~January 1, 1993,~~ October 1, 1987, the excise tax on such motor vehicle fuel containing such a blend shall be the same as that on such motor vehicle fuel which does not contain such a blend. Users of motor vehicle fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by sections 66-413 and 66-414. For purposes of this section and section 66-429, use shall mean the purchase or consumption of motor vehicle fuels in this state.

2. On page 5, line 11, after "39-2226" insert "and section 6 of this act"; and in line 23 strike "two hundred fifty" and insert "one hundred twenty-five".

3. On page 6, line 21, strike "and" and after the last comma insert "66-410, and 66-428,".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 632. Placed on General File as amended.
Standing Committee amendments to LB 632:
AM0785

1. On page 18, line 17, after "commission" insert ", not to exceed one hundred twenty-five million dollars".

2. Insert the following new sections:

"Sec. 19. That section 66-410, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-410. At the time of filing the statement

required by section 66-409 such dealer shall, in addition to the tax imposed pursuant to sections 66-473, 66-477, and 66-478 and in addition to the other taxes provided for by law, pay a tax of ten and one half cents per gallon upon all motor vehicle fuels as shown by such statement. Effective January 1, 1978, gasoline sold in Nebraska which contains a minimum of ten per cent blend of an agricultural ethyl alcohol whose purity shall be at least ninety-nine per cent alcohol, excluding denaturant, produced from cereal grains or domestic agricultural commodities shall be subject to a state motor fuel tax which is five cents per gallon less than gasoline which does not contain such a blend. Effective July 1, 1985, gasoline which contains such a blend shall be subject to a state motor fuel tax rate which is three cents per gallon less than gasoline which does not contain such a blend. Effective ~~January 1, 1993~~ October 1, 1987, gasoline which contains such a blend shall be subject to the same state motor fuel tax rate as gasoline which does not contain such a blend. Such dealers shall remit such tax to the Tax Commissioner.

Sec. 21. That section 66-428, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-428. In addition to the tax imposed pursuant to sections 66-473, 66-477, and 66-478, there is hereby levied and imposed an excise tax of ten and one half cents per gallon upon the use of all motor vehicle fuels, as defined by section 66-401, used in this state, and due the State of Nebraska under ~~the provisions of~~ section 66-410 or Chapter 66, article 6, except that such excise tax after June 1, 1979, shall be five cents per gallon less on motor vehicle fuel containing a minimum of ten per cent blend of agricultural ethyl alcohol produced from cereal grains or domestic agricultural commodities whose purity shall be at least ninety-nine per cent alcohol, excluding denaturant, than on motor vehicle fuel which does not contain such a blend. Effective July 1, 1985, such excise tax shall be three cents per gallon less on such motor vehicle fuel containing such a blend than on such motor vehicle fuel which does not contain such a blend. Effective ~~January 1, 1993~~ October 1, 1987, the excise tax on such motor vehicle fuel containing such a blend

shall be the same as that on such motor vehicle fuel which does not contain such a blend. Users of motor vehicle fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by sections 66-413 and 66-414. For purposes of this section and section 66-429, use shall mean the purchase or consumption of motor vehicle fuels in this state.".

3. On page 24, line 21, before "66-424" insert "66-410," and before "and" insert "66-428,".

4. Renumber remaining sections accordingly.

(Signed) Vard R. Johnson, Chairperson

NOTICE OF COMMITTEE HEARING
Agriculture

Governor Appointment Monday, March 30 (Cancelled) 1:15 p.m.
A. L. Frederick - Nebraska Department of Agriculture
Governor Appointment Wednesday, April 1 (Reset) 1:15 p.m.
A. L. Frederick - Nebraska Department of Agriculture

(Signed) Rod Johnson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 70.

Introduced by Beyer, 3rd District; Withem, 14th District.

WHEREAS, Pearl Hartnett passed away Wednesday March 25, 1987; and

WHEREAS, Mrs. Hartnett was the mother of Senator D. Paul Hartnett; and

WHEREAS, Mrs. Hartnett lived most of her life on the family farm near Hubbard, Nebraska and was currently a resident in the South Sioux City Nursing Home; and

WHEREAS, Mrs. Hartnett will be greatly missed by her family and friends.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its deepest sympathy to Senator Hartnett and the family of Pearl Hartnett.

2. That a copy of this resolution be sent to Senator Hartnett and his family.

Laid over.

MOTION - Reconsider Action on LB 307

Mr. Beyer moved to reconsider our action on LB 307 on Final Reading.

Laid over.

MOTION - Place LB 72 on General File

Mrs. Nelson renewed her pending motion found in the Journal on page 1224 to place LB 72 on General File pursuant to Rule 3, Section 19 (b).

Mrs. Nelson withdrew her pending motion.

Mrs. Nelson renewed her pending motion found in the Journal on page 1314 to place LB 72 on General File, pursuant to Rule 3, Section 17, notwithstanding the action of the Committee.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 549, 559, 591, 712, and 440.

MOTION - Place LB 72 on General File

The Nelson pending motion found in the Journal on page 1314 to place LB 72 on General File and considered in this day's Journal was renewed.

Mr. Rogers 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 26 ayes, 4 nays, and 19 not voting.

Mrs. Nelson requested a record vote on her motion.

Mrs. Nelson moved for a call of the house. The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Mrs. Nelson requested a roll call vote on her motion to place LB 72 on General File.

Voting in the affirmative, 22:

Ashford	Hartnett	Marsh	Peterson	Schellpeper
Chambers	Hefner	Miller	Pirsch	Scofield
Dierks	Johnson, L.	Morehead	Remmers	Smith
Elmer	Korshoj	Nelson	Rupp	Wehrbein
Hannibal	Landis			

Voting in the negative, 22:

Abboud	Conway	Harris	Lamb	Pappas
Baack	Coordsen	Johnson, R.	Langford	Schmit
Barrett	Goodrich	Johnson, V.	Lynch	Warner
Beyer	Haberman	Labedz	Moore	Weihing
Chizek	Hall			

Present and not voting, 4:

Higgins	McFarland	Wesely	Withem

Excused and not voting, 1:

Rogers

The Nelson motion lost with 22 ayes, 22 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Place LB 88 on General File

Mr. Landis renewed his pending motion found in the Journal on page 1281 to place LB 88 on General File pursuant to Rule 3, Section 19(b).

Mr. Schmit 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, 1 nay, and 21 not voting.

Mr. Landis moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The Landis motion to place LB 88 on General File prevailed with 26 ayes, 19 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

ATTORNEY GENERAL'S OPINION

Opinion No. 87041

DATE: March 27, 1987

SUBJECT: Constitutionality of LB708 - Simulcasting of Horseraces Conducted in Nebraska

REQUESTED BY: Senator Patricia S. Morehead
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion regarding the constitutionality of LB708. Generally, LB708 would amend Neb.Rev.Stat. §2-1207 (Cum. Supp. 1986), to provide for the simulcasting of horseraces conducted within licensed horseracing facilities within the state, and authorize parimutuel wagering on such races. The bill would allow any racetrack licensed under Neb.Rev.Stat. §§2-1201 to 2-1223 (Reissue 1983 and Cum. Supp. 1986) to apply to the Nebraska State Racing Commission for a simulcast facility license. This license would permit the racetrack, referred to as the "receiving track", to accept wagers

on racing events simulcast from another Nebraska licensed racetrack, called the "sending track". Wagers placed at the receiving track would be combined with wagers placed at the sending track to produce a common parimutuel pool for the calculation of odds and the determination of payouts. Your specific question concerns whether the simulcasting arrangement proposed under LB708 is authorized under the terms of Article III, Section 24 of the Nebraska Constitution.

The constitutionality of similar legislation was recently addressed in three decisions from the courts of New Jersey. In Atlantic City Racing Association v. Attorney General, 189 N.J. Super. 549, 461 A.2d 178 (N.J. Super. Ct. Law Div. 1983), the plaintiff Association brought an action seeking a judgment declaring that an arrangement under which horseraces conducted at one state-licensed racetrack would be simulcast live via television to plaintiff's licensed racetrack, for the purpose of allowing plaintiff's patrons to place parimutuel wagers upon such races and to incorporate such wagers into a central parimutuel pool at the originating track, would be permissible under New Jersey law. The pertinent New Jersey constitutional provision, authorizing parimutuel wagering on horseraces, provided, in part:

> It shall be lawful to hold, carry on, and operate in this State race meetings whereat the trotting, running or steeplechase racing of horses only may be conducted . . . in duly legalized racetracks, at which the pari-mutuel system of betting shall be permitted.

Id. at ___, 461 A.2d at 181.

The court held that, although statutes promulgated by the Legislature to place into effect the parimutuel system of wagering on horseraces barred the proposals contemplated by the plaintiff, the proposals were not prohibited by the New Jersey constitutional provision authorizing the operation of horseraces at state-licensed racetracks, and wagering on the races held at those tracks. Id. at ___, 461 A.2d at 180, 183-84. This decision was affirmed by the Appellate Division of the Superior Court of New Jersey. Atlantic City Racing Association v. Attorney General, 198 N.J. Super. 247, 486 A.2d 1261 (N.J. Super. Ct. App. Div. 1983).

On appeal, however, the Supreme Court of New Jersey reversed the lower court ruling regarding the constitutionality of the simulcasting arrangement. Atlantic City Racing Association v. Attorney General, 98 N.J. 535, 489 A.2d 165 (1985). In construing the meaning of the New Jersey constitutional provision authorizing parimutuel wagering on horseraces, the Supreme Court of New Jersey stated:

> The plain language of the 1939 amendment, in particular the juxtaposition of the phrases, 'the racing of horses . . . in duly

> legalized tracks, at which the pari-mutuel system of betting shall be permitted . . .' is reasonably susceptible to only one interpretation, the authorization of pari-mutuel betting solely at the tracks where horse races are conducted.

Id. at ___, 489 A.2d at 172.

Following an analysis of the history behind the enactment of the constitutional directive authorizing parimutuel wagering on horse races, and the legislation enacted to implement this directive, the court ultimately concluded "that pari-mutuel wagering upon horse races as authorized by the Constitution may be conducted only at race-track at which the race is run."

Id. at ___, 489 A.2d at 174.

While the Nebraska constitutional provision governing the licensing and regulation of parimutuel wagering on horseraces conducted in this state is somewhat similar in nature to that which existed in New Jersey at the time these cases were decided, we believe the language of our state Constitution is broader in scope and is sufficient to permit the Legislature to enact legislation to provide for wagering on horseraces conducted in Nebraska under simulcasting arrangement proposed under LB708. Article III, Section 24, of the Nebraska Constitution provides, in pertinent part:

> 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, ...

As the Supreme Court of New Jersey stated in Atlantic City Racing Association v. Attorney General, 98 N.J. 535, ___, 489 A.2d 165, 172 (1985), the language of the New Jersey Constitution specifically authorized "the racing of horses . . .in duly legalized tracks, at which the pari-mutuel system of betting shall be permitted. . . ." As was noted, on the basis of this specific language, the court concluded that parimutuel wagering was authorized only at the particular track where horseraces were actually conducted. In contrast, Article III, Section 24, of the Nebraska Constitution, authorizes the Legislature to provide for the licensing and regulation of parimutuel wagering on horseraces, ". . . when conducted by licensees within the race track enclosure at licensed horse race meetings, ..." Thus, under our Constitution, the Legislature possesses broad authority to enact laws relating to the licensing and regulation of parimutuel wagering on the results of horseraces conducted in Nebraska, provided such activity is conducted by licensees, within the racetrack enclosure, at licensed horserace meetings.

In our view, an analysis of the provisions of LB708 reveals the simulcasting arrangement proposed under the bill appears to satisfy these constitutional requirements. Section 3 of LB708 permits racetracks licensed by the State Racing Commission to apply to the Commission for a simulcast facility license. In addition, the word "track" is defined in §2(8) to mean ". . . the grounds or enclosures within which horseraces are conducted by licensees authorized to conduct such races. . . ." Thus, under the wagering procedure outlined in §4 of the bill, all parimutuel wagering under the simulcast arrangement would occur within a racetrack enclosure, as such wagering occurs only within tracks licensed by the Commission under the simulcasting arrangement. Finally, pursuant to §§2(2) and 4(2), the term "licensed horserace meeting" is defined to include licensed simulcast racing events. Section 5 of the bill would amend Neb.Rev.Stat. §2-1207 (Cum. Supp. 1986) to reflect the inclusion of racetracks licensed to simulcast races for purposes of conducting parimutuel wagering on horseraces in Nebraska.

Based on the foregoing, it is our opinion that the simulcasting arrangement proposed under LB708 would not violate the requirements of Article III, Section 24, of the Nebraska Constitution. We feel constrained to point out, however, that our conclusion as to the permissibility of such an arrangement is limited solely to the allowance of wagering by patrons at Nebraska licensed racetracks on horseraces simulcast from another Nebraska licensed racetrack facility. Our opinion should not in any way be construed as sanctioning legislative authority to permit wagering on horseraces conducted outside the State of Nebraska and simulcast to Nebraska licensed racetracks.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

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

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 31, 1987, at 10:35 a.m., were the following bills: 549, 559, 591, 712, and 440.

(Signed) Pam Moravec, Enrolling Clerk

BILLS ON FIRST READING

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

LEGISLATIVE BILL 598A. By Lynch, 13th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 598, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 603A. By Chizek, 31st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 603, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 312A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 312, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 726A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 726, Ninetieth Legislature, First Session, 1987.

CORRECTED STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 492. Corrected Standing Committee amendments:
AM0516

1. Insert the following new section:

"Section 1. That section 25-21,187, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-21,187. (1) In the event that a public or private contract or agreement, for the construction, alteration, repair, or maintenance of a building, structure, highway bridge, viaduct, water, sewer, or gas

distribution system, or other work dealing with construction, or for any moving, demolition, or excavation connected with such construction, contains a covenant, promise, agreement, or combination thereof, to indemnify or hold harmless another person from ~~that~~ such person's own negligence, then such covenant, promise, agreement, or combination thereof ~~is~~ shall be void as against public policy and wholly unenforceable.

This section shall not apply to construction bonds or insurance contracts or agreements.

(2) No professional architect, professional engineer, or professional land surveyor who is retained to perform professional services on a construction project or any employee of a professional architect, professional engineer, or professional land surveyor who is assisting or representing the professional architect, professional engineer, or professional land surveyor in the performance of professional services on a construction project shall be liable for any case of personal injury or death of any person other than an employee of such professional architect, professional engineer, or professional land surveyor arising out of and in the course of employment on the construction project unless the responsibility for safety practices specifically assumed by contract or by affirmative actions of such professional architect, professional engineer, or professional land surveyor at such construction site is negligently performed. The exemption from liability given by this subsection shall not apply to the negligent preparation of design plans or specifications.".

2. On page 3, line 19, after "original" insert "section 25-21,187, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 20 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

(Signed) Jerry Chizek, Chairperson

NOTICE OF COMMITTEE HEARING
Education

Governor Appointments April 6, 1987 1:00 p.m.
Educational Television Committee
Jill Elston
Laura Gaebel
Jan Hall
Dr. Charles Harrington
Dr. Thomas Reeves
Dr. Vance Rogers
Sally Stecker

(Signed) Ron Withem, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Harris asked unanimous consent to print the following amendment to LB 375 in the Journal. No objections. So ordered.

AM0576
1. Insert the following new section:
"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".
2. On page 6, line 10, strike "July 1, 1987," and insert "the effective date of this act".

GENERAL FILE

LEGISLATIVE BILL 185. Title read. Considered.

Standing Committee amendments, AM0377, found in the Journal on page 834 for the Thirty-Second Day were adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Mr. Haberman withdrew his pending amendment, AM0601, found in the Journal on page 1136.

Messrs. McFarland and Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Warner offered the following amendment:
AM0786
1. Insert the following new sections:
"Section 1. That section 77-202, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

77-202. (1) The following property shall be exempt from taxes:

(a) The property of the state and its governmental subdivisions;

(b) Property owned by and used exclusively for agricultural and horticultural societies;

(c) Property owned by educational, religious, charitable, or cemetery organizations and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not (i) owned or used for financial gain or profit to either the owner or user, (ii) used for the sale of alcoholic liquors for more than twenty hours per week, or (iii) owned or used by an organization which discriminates in membership or employment based on race, color, or national origin. For purposes of this subdivision, educational organization shall mean an institution operated exclusively for the purpose of offering regular courses with systematic instruction in academic, vocational, or technical subjects or a museum or historical society operated exclusively for the benefit and education of the public; and charitable organization shall mean an organization operated exclusively for the purpose of the mental, social, or physical benefit of the public or an indefinite number of persons; and

(d) Household goods and personal effects when such property is not owned or used for financial gain or profit to either the owner or user.

(2) The increased value of land by reason of shade and ornamental trees planted along the highway shall not be taken into account in the assessment of such land.

(3) The premiums received by any insurance company authorized to do business in this state on pension, profit-sharing, and other employee benefit plans which are described in section 805(d)(1) of the Internal Revenue Code of 1954, as amended as of January 1, 1965, shall be exempt from taxes.

(4) Life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments shall be exempt from the intangible tax.

(5) Vehicles registered under section

60-305.09 and paying the registration fees prescribed in such section shall be exempt from payment of ad valorem taxes.

(6) Agricultural income-producing machinery and equipment shall be exempt from the personal property tax except: (a) Motor vehicles, as defined in section 60-301; (b) property assessed by the Tax Commissioner as provided in sections 77-601 to 77-633; (c) property owned by parties deemed public service entities subject to the provisions of sections 77-801 to 77-803; ~~and~~ (d) any building or fixture, whether permanently attached to the land or not; and (e) farm tractors and implements of husbandry exempt from sales tax pursuant to section 77-2704.

(7) Business inventory shall be exempt from the personal property tax.

(8) Feed, fertilizer, and farm inventory shall be exempt from the personal property tax.

(9) Grain, seed, livestock, poultry, fish, honeybees, and fur-bearing animals shall be exempt from the personal property tax.

Sec. 2. When the owner of personal property connected with a farm does not reside on such farm, the personal property shall be listed and assessed in the county, township, or precinct where the farm is situated. If the farm is situated in several townships or precincts, it shall be listed and assessed in the township or precinct in which the principal place of business of such farm is located.

Sec. 5. That section 77-27,136, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,136. ~~Beginning in fiscal year 1982-83 and for each fiscal year thereafter, the~~ The Legislature shall appropriate ~~seventeen million nine hundred~~ sixteen million five hundred thirty thousand dollars for fiscal year 1987-88, and for every fiscal year thereafter, sixteen million seventy-nine thousand dollars of all funds collected by a general sales tax and income tax for aid to incorporated municipalities, ~~seventeen million~~ fifteen million seven hundred three thousand dollars for fiscal year 1987-88, and for every fiscal year thereafter, fifteen million two hundred seventy thousand dollars for aid to counties, and ~~seven hundred~~

six hundred forty-nine thousand dollars for fiscal year 1987-88, and for every fiscal year thereafter, six hundred thirty-one thousand dollars for aid to natural resources districts.

Sec. 6. That section 79-1332.01, Revised Statutes Supplement, 1986, be amended to read as follows:

79-1332.01. ~~For fiscal year 1982-83 and each fiscal year thereafter, the~~ The Legislature shall appropriate an additional ~~forty-four million eight hundred thirteen~~ forty-one million three hundred ninety-three thousand dollars for fiscal year 1987-88, and for every fiscal year thereafter, forty million two hundred fifty-four thousand dollars to the School Foundation and Equalization Fund. Such amount shall be in addition to any other amounts appropriated to the School Foundation and Equalization Fund and shall be distributed pursuant to section 79-1334.

Sec. 7. That section 79-2651.02, Revised Statutes Supplement, 1986, be amended to read as follows:

79-2651.02. ~~For fiscal year 1982-83 and each fiscal year thereafter, the~~ The Legislature shall appropriate an additional ~~two million one hundred eighty-seven~~ two million twenty-one thousand dollars for fiscal year 1987-1988, and for every fiscal year thereafter, one million nine hundred sixty-six thousand dollars for aid to technical community colleges. Such amount shall be in addition to any other amounts appropriated for aid to technical community colleges and shall be distributed pursuant to sections 79-2651 and 79-2653.".

3. On page 38, line 8, after "sections" insert "77-202," and strike "and" and insert a comma; in line 9 after the first comma insert "and 77-27,136," and after the third comma insert "and sections 79-1332.01 and 79-2651.02, Revised Statutes Supplement, 1986,".

4. Renumber the remaining sections accordingly.

Mr. Haberman requested a ruling of the Chair on whether the Warner amendment is germane to the bill.

The Chair ruled the Warner amendment is germane to the bill.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 575. Placed on Select File as amended.
E & R amendments to LB 575:
AM5158

1. On page 2, line 18, strike the first comma and insert a semicolon; in line 19 strike the first comma and insert a semicolon; in line 20 strike the third comma and insert a semicolon; in line 21 strike the third comma and insert a semicolon and strike the last comma and insert a semicolon; and in line 24 strike "whose" and insert ", the" and after "value" insert "of which".

2. On page 5, line 17, strike "where" and insert "in which".

3. On page 8, line 15, after "depository" insert a comma.

4. On page 9, strike line 10 and insert "subject to such contract or any byproduct of such commodity; or"; and in line 16 strike the comma.

5. On page 10, line 9, strike both occurrences of "nor" and insert "or"; and in line 19 strike the first "nor" and insert a comma and strike the second "nor" and insert ", or".

6. On page 11, lines 4 and 5, strike "without limitation" and insert "but not limited to".

7. On page 12, line 13, strike "thereof" and insert "of the act"; and in line 14 strike "thereto" and insert "to such act".

8. On page 13, line 15, strike "their" and insert "the" and after "attendance" insert "of witnesses"; and in line 25 strike ", there".

9. On page 15, line 8, strike "A" and insert "An action for a".

10. On page 16, line 3, after "in" insert "an".

11. On page 17, line 2, strike "another" and insert "a foreign"; in line 6 strike "that" and insert "such" and after "rule" insert ", regulation,"; in line 7 strike "that" and insert "the foreign"; and in lines

11 and 24 after "rule" insert ", regulation,".

12. On page 19, line 4, strike the second "nor" and insert "or"; in line 15 after "following" insert "information"; strike beginning with "exceptions" in line 15 through "be" in line 16; and in line 24 strike "in his or her discretion".

13. On page 20, line 5, after "statute" insert a comma.

14. On page 23, line 12, strike "subsection" and insert "section".

15. On page 24, lines 11, 18, and 22, strike "is" and insert "shall be".

16. On page 25, line 4, strike "is not" and insert "shall not be"; in line 5 after "circulates" insert a comma; and in line 6 after "behalf" insert a comma.

17. On page 27, line 1, strike "person" and insert "persons"; in line 9 strike the second "in"; in line 10 strike "court"; and in line 15 strike "where" and insert "when".

18. On page 29, line 5, strike "this" and insert "such"; in line 7 strike "is" and insert "shall be"; and in line 10 strike "negative" and insert "refute the existence of".

LEGISLATIVE BILL 575A. Placed on Select File.

LEGISLATIVE BILL 599. Placed on Select File as amended.
E & R amendments to LB 599:
AM5156

1. On page 2, line 9, strike "this act" and insert "the Missing Children Identification Act"; in line 22 after "person" insert a comma; and in line 23 strike "who" and insert "which".

2. On page 3, line 3, strike "such" and insert "a"; in line 5 after "certificate" insert a comma; in line 6 strike "an" and insert "a county"; in line 10 after "certificate" insert a comma; and in line 22 strike "the" and insert "such person's"; and in line 24 strike the first "the".

3. On page 4, line 5, strike "such" and insert "the"; in line 14 after "writing" insert a comma; in line 15 strike the comma and insert "and"; and in line 16 strike the comma.

4. On page 5, line 13 after "period" insert a comma.

5. On page 6, line 3, strike the comma; in line 4 after "flagged" insert a comma; in line 11 after "fact" insert "that"; in line 14 after "person" insert a comma; and in line 15 strike the comma.

LEGISLATIVE BILL 358. Placed on Select File as amended.
E & R amendment to LB 358:
AM5155

1. On page 1, strike beginning with "amend" in line 1 through "change" in line 3 and insert "eliminate"; and in line 5 strike "the original" and after "section" insert "32-554, Reissue Revised Statutes of Nebraska, 1943".

LEGISLATIVE BILL 456. Placed on Select File as amended.
E & R amendments to LB 456:
AM5157

1. On page 1, lines 2 and 7, strike "sections" and insert "section"; in lines 2 and 3 strike "and 68-1103"; and strike beginning with "to" in line 6 through the semicolon in line 7.

2. On page 2, strike beginning with "area" in line 10 through "81-2208" in line 11 and insert "areas as designated in the Nebraska Community Aging Services Act"; in line 18 strike "current"; in line 24 strike "The" and insert "Each"; and in line 25 strike "the" and insert "a".

3. On page 3, line 3, strike "their respective" and insert "the".

(Signed) Scott Moore, Chairperson

VISITORS

Visitors to the Chamber were 6 members of the Lincoln Diocesan Council of Catholic Women; Senator Smith's son, Kurt Smith, and his wife, Susan from Hastings; 21 fourth grade students and teacher from Lincoln Christian Elementary; and 47 members of the Statesmen's Club from Beatrice.

RECESS

At 12:03 p.m., on a motion by Mr. Pappas, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Mrs. Pirsch who was excused until she arrives.

UNANIMOUS CONSENT - Member Excused

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the following Governor appointments.

General Affairs

Pauline M. Dye - Nebraska Arts Council
Helen Hayes - Nebraska Arts Council

Natural Resources

Mark Whitehead - Environmental Control Council

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 185. The pending Warner amendment, AM0786, found in the Journal on page 1398 was renewed.

Mr. Schmit offered the following amendment to the Warner amendment:
to amend the Warner amendment on pg. 3, line 17 by adding "not" after the word "shall"

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit withdrew his pending amendment.

Mr. Dierks 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 18 ayes, 1 nay, and 30 not voting.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Barrett	Hannibal	Johnson, L.	McFarland	Warner
Chambers	Hartnett	Labedz	Pirsch	Wesely
Hall	Higgins	Marsh		

Voting in the negative, 30:

Abboud	Dierks	Johnson, R.	Miller	Rogers
Ashford	Elmer	Johnson, V.	Moore	Rupp
Baack	Goodrich	Korshoj	Morehead	Schellpeper
Chizek	Haberman	Lamb	Nelson	Scofield
Conway	Harris	Landis	Peterson	Wehrbein
Coordsen	Hefner	Lynch	Remmers	Weihing

Present and not voting, 4:

Beyer	Langford	Schmit	Smith

Excused and not voting, 2:

Pappas	Withem

The Warner amendment lost with 13 ayes, 30 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Hall moved to indefinitely postpone LB 185.

Mr. Abboud and Mrs. Smith asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. R. Johnson 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 Hall motion to indefinitely postpone lost with 9 ayes, 26 nays, 10 present and not voting, and 4 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Chizek asked unanimous consent to print the following amendment to LB 603 in the Journal. No objections. So ordered.

AM0798

1. On page 2, line 21, after "that" insert "when"; in line 22 strike "shall"; and in lines 22 and 23 strike "on June 30, 1987" and insert ", the part-time positions shall be terminated".
2. Strike original sections 5 and 7.
3. Renumber the remaining section accordingly.

Mr. Rogers asked unanimous consent to print the following amendment to LB 393 in the Journal. No objections. So ordered.

AM0772

(Amendments to Standing Committee amendments, AM0645)

1. Insert the following new section:

"Section 1. Any debtor who is unable to obtain a termination statement for collateral upon which a lien has been filed pursuant to section 52-201, because he or she is unable to locate the secured party, may proceed in the manner prescribed in section 9-404, Uniform Commercial Code.".

2. Renumber the remaining sections accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 226A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 226, Ninetieth Legislature, First Session, 1987.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 67, 367, 376, 376A, 661, 661A, and 753.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 367

The following changes, required to be reported for publication in the Journal, have been made:
ER0152

1. On page 2, line 13, "and" has been struck.
2. On page 5, line 14, "(1)" has been struck and "(2)" inserted.
3. On page 12, line 16, the new matter has been struck and "the special education statutes" inserted.

Enrollment and Review Change to LB 376

The following changes, required to be reported for publication in the Journal, have been made:
ER0150

1. In the E & R amendment, AM5134, adopted March 26, 1987, on page 1, line 2, "71-4720, 71-4721, 71-4724, 71-4725, and 71-4728," has been inserted after the comma.
2. On page 1, line 6, "to change provisions relating to the Commission for the Hearing Impaired;" has been inserted after the semicolon.

Enrollment and Review Change to LB 753

The following changes, required to be reported for publication in the Journal, have been made:

ER0149

1. In the Schmit amendment, AM0515, adopted March 26, 1987, on page 1, line 2, "bonds" has been struck and "mortgages" inserted.

2. On page 1, line 4, "federal bonds" has been struck and "mortgages" inserted.

3. On page 4, line 18, "in" has been inserted after "invest".

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 185. Mrs. Higgins moved to bracket until May 1, 1987.

Mrs. Langford 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. Higgins requested a record vote on her motion to bracket.

Voting in the affirmative, 13:

Baack	Hartnett	Labedz	Moore	Pirsch
Conway	Higgins	Landis	Morehead	Schmit
Hannibal	Korshoj	Marsh		

Voting in the negative, 26:

Abboud	Dierks	Johnson, L.	Lynch	Rogers
Ashford	Elmer	Johnson, R.	Miller	Rupp
Barrett	Haberman	Johnson, V.	Nelson	Schellpeper
Beyer	Harris	Lamb	Peterson	Wehrbein
Chizek	Hefner	Langford	Remmers	Weihing
Coordsen				

Present and not voting, 8:

Chambers	Hall	Pappas	Warner	Wesely
Goodrich	McFarland	Scofield		

Excused and not voting, 2:

Smith	Withem

The Higgins motion to bracket lost with 13 ayes, 26 nays, 8 present and not voting, and 2 excused and not voting.

Messrs. McFarland and Moore asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Haberman moved for a call of the house. The motion prevailed with 14 ayes, 8 nays, and 27 not voting.

Mr. Hall requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

Abboud	Elmer	Johnson, V.	Miller	Rogers
Ashford	Goodrich	Korshoj	Morehead	Rupp
Beyer	Haberman	Labedz	Nelson	Schellpeper
Chizek	Hartnett	Lamb	Pappas	Scofield
Conway	Hefner	Landis	Peterson	Wehrbein
Coordsen	Johnson, R.	Langford	Remmers	Weihing
Dierks				

Voting in the negative, 12:

Baack	Hall	Higgins	Pirsch	Warner
Barrett	Hannibal	Marsh	Schmit	Wesely
Chambers	Harris			

Present and not voting, 2:

Johnson, L. Lynch

Excused and not voting, 4:

McFarland	Moore	Smith	Withem

Advanced to E & R for Review with 31 ayes, 12 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 185A. Title read. Considered.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman renewed his pending amendment, AM0770, found in the Journal on page 1349.

The Haberman 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 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 116 in the Journal. No objections. So ordered.

AM0802

1. Insert the following new sections:

"Section 1. That section 71-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-101. Sections 71-101 to 71-1,107.30, 71-1,133 to 71-1,162 and sections 4 and 5 of this act, 71-1,186 to 71-1,277, 71-1325 to 71-1355, and 71-2801 to 71-2822 shall be known and may be cited as the Uniform Licensing Law.

For the purpose of the Uniform Licensing Law, unless the context otherwise requires:

(1) Board of examiners or board shall mean one of the boards appointed by the department to give examinations to applicants for licenses;

(2) Licensed, when applied to any licensee in any of the professions named in section 71-102, shall mean a person licensed under the Uniform Licensing Law;

(3) Profession or health profession shall mean and refer to any of the several groups named in section 71-102;

(4) Department shall mean the Department of Health;

(5) Whenever the masculine gender is used, it shall be construed to include the feminine, and the singular number shall include the plural when consistent with the intent of the Uniform Licensing Law;

(6) License, licensing, or licensure shall mean permission to engage in a health profession which would otherwise be unlawful in this state in the absence of such permission and which is granted to individuals who meet prerequisite qualifications and allows them to perform prescribed health professional tasks and use a particular title; and

(7) Certificate, certify, or certification, with respect to professions, shall mean a voluntary process by which a statutory, regulatory entity grants recognition to an individual who has met certain prerequisite qualifications specified by such regulatory entity and who may assume or use certified in the title or designation to perform prescribed health professional tasks. When appropriate, certificate shall also mean a document issued by the department which designates particular credentials for an individual.

Sec. 4. A licensed optometrist who uses pharmaceutical agents for examination, diagnosis, or treatment shall be required to provide the same level and standard of care to his or her patients as the standard of care provided by a licensed physician using such pharmaceutical agents.

Sec. 5. Failure of a licensed optometrist to refer or direct a patient to a licensed physician whenever it comes to the attention of a licensed optometrist that a patient exhibits signs or symptoms of a disease or disorder requiring treatment by a licensed physician shall constitute an act of unprofessional conduct under section 71-147.".

2. On page 5, line 19, after "sections" insert "71-101," and after "71-1,133" insert a comma.

3. Renumber remaining sections accordingly.

Mrs. Pirsch asked unanimous consent to print the following amendments to LB 288 in the Journal. No objections. So ordered.

(1)

1. On page 7, strike lines 22 through 25, and on page 8, strike line 1, and insert the following new language:

"0 through 15,000	100
15,001 through 16,000	80
16,001 through 17,000	60
17,001 through 18,000	40
18,001 through 19,000	20"

(2)

1. Strike original sections 5 and 7.

2. Beginning on page 7, line 22, through page 8, line 1, reinstate the stricken matter and strike the new matter.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 557A. By Hall, 7th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 557, Ninetieth Legislature, First Session, 1987; and to provide for the transfer of funds.

VISITORS

Visitors to the Chamber were John Hoy; 40 members of the Shelby County Bank, Harlan, Iowa; and 37 juniors, seniors, and teacher from Falls City High School.

ADJOURNMENT

At 4:23 p.m., on a motion by Mr. Dierks, the Legislature adjourned until 9:00 a.m., Wednesday, April 1, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-THIRD DAY - APRIL 1, 1987

LEGISLATIVE JOURNAL

FIFTY-THIRD DAY - APRIL 1, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 1, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett 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. Moore, Pappas, Schmit, Mesdames Higgins, Labedz, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Second Day was approved.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 773. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0690.)

(Signed) Vard R. Johnson, Chairperson

ANNOUNCEMENT

Mr. R. Johnson announced an executive session of the Agriculture Committee at 1:15 p.m. in room 1520, April 1, 1987.

REPORT

Received copy of the investment expenses paid from January 1, 1986 through December 31, 1986 from the Nebraska Public Employees Retirement Systems pursuant to Section 24-704.

RESOLUTION

LEGISLATIVE RESOLUTION 70. Read. Considered.

LR 70 was adopted with 38 ayes, 0 nays, and 11 not voting.

MOTION - Return LB 78 to Select File

Mr. Ashford moved to return LB 78 to Select File for the following specific amendment:

On Sec. 8, line 24, after the comma, insert "or an authorized agency,"

The Ashford motion to return prevailed with 31 ayes, 1 nay, 13 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 78. The Ashford specific amendment found in this day's Journal 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.

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 secured interests; to amend section 16, Legislative Bill 1, Eighty-ninth Legislature, Third Special Session, 1986, and sections 9-403 and 9-414, Uniform Commercial Code; to define terms; to provide for agricultural production input liens as prescribed; to provide for the effect of filing a bankruptcy petition

as prescribed; to eliminate certain duties of the Secretary of State relating to furnishing information at certain times; 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	Elmer	Johnson, V.	Miller	Schellpeper
Ashford	Goodrich	Korshoj	Moore	Schmit
Baack	Haberman	Labedz	Morehead	Scofield
Barrett	Hall	Lamb	Nelson	Smith
Beyer	Hannibal	Landis	Peterson	Warner
Chambers	Harris	Langford	Pirsch	Wehrbein
Chizek	Hartnett	Lynch	Remmers	Weihing
Conway	Hefner	Marsh	Rogers	Wesely
Coordsen	Johnson, L.	McFarland	Rupp	Withem
Dierks	Johnson, R.			

Voting in the negative, 0.

Excused and not voting, 2:

Higgins Pappas

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, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Elmer	Johnson, V.	Miller	Schellpeper
Ashford	Goodrich	Korshoj	Moore	Schmit
Baack	Haberman	Labedz	Morehead	Scofield
Barrett	Hall	Lamb	Nelson	Smith
Beyer	Hannibal	Landis	Peterson	Warner
Chambers	Harris	Langford	Pirsch	Wehrbein
Chizek	Hartnett	Lynch	Remmers	Weihing
Conway	Hefner	Marsh	Rogers	Wesely
Coordsen	Johnson, L.	McFarland	Rupp	Withem
Dierks	Johnson, R.			

Voting in the negative, 0.

Excused and not voting, 2:

Higgins Pappas

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 200.

A BILL FOR AN ACT relating to schools; to amend section 79-490, Revised Statutes Supplement, 1986; to authorize school-provided transportation for certain students at a fee; 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	Elmer	Johnson, R.	McFarland	Schellpeper
Ashford	Goodrich	Johnson, V.	Miller	Schmit
Baack	Haberman	Korshoj	Moore	Scofield
Barrett	Hall	Labedz	Morehead	Smith
Beyer	Hannibal	Lamb	Nelson	Warner
Chambers	Harris	Landis	Peterson	Wehrbein
Chizek	Hartnett	Langford	Pirsch	Weihing
Conway	Hefner	Lynch	Remmers	Wesely
Coordsen	Johnson, L.	Marsh	Rupp	Withem
Dierks				

Voting in the negative, 0.

Present and not voting, 1:

Rogers

Excused and not voting, 2:

Higgins Pappas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 332. With Emergency.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-815 and 8-821, Reissue Revised Statutes of Nebraska, 1943, and sections 8-1511 to 8-1513, Revised Statutes Supplement, 1986; to define and redefine terms; to provide for fees for loan service costs as prescribed; to provide for the acquisition of newly established banks by thrift institutions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Elmer	Johnson, R.	McFarland	Rupp
Ashford	Goodrich	Korshoj	Miller	Schellpeper
Baack	Haberman	Labedz	Moore	Scofield
Barrett	Hall	Lamb	Morehead	Smith
Beyer	Hannibal	Landis	Nelson	Wehrbein
Chizek	Harris	Langford	Peterson	Weihing
Conway	Hartnett	Lynch	Pirsch	Wesely
Coordsen	Hefner	Marsh	Remmers	Withem
Dierks	Johnson, L.			

Voting in the negative, 3:

Chambers Johnson, V. Schmit

Present and not voting, 2:

Rogers Warner

Excused and not voting, 2:

Higgins Pappas

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 344.

A BILL FOR AN ACT relating to employment; to adopt the Farm Labor Contractors Act; 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, 44:

Abboud	Dierks	Johnson, L.	Marsh	Rupp
Ashford	Elmer	Johnson, R.	McFarland	Schellpeper
Baack	Goodrich	Johnson, V.	Miller	Scofield
Barrett	Haberman	Korshoj	Moore	Smith
Beyer	Hall	Labedz	Morehead	Wehrbein
Chambers	Hannibal	Lamb	Nelson	Weihing
Chizek	Harris	Landis	Pirsch	Wesely
Conway	Hartnett	Langford	Remmers	Withem
Coordsen	Hefner	Lynch	Rogers	

Voting in the negative, 2:

Schmit Warner

Present and not voting, 1:

Peterson

Excused and not voting, 2:

Higgins Pappas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 344A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 344, Ninetieth Legislature, First Session, 1987.

Whereupon the 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	Elmer	Johnson, R.	McFarland	Schellpeper
Ashford	Goodrich	Johnson, V.	Miller	Schmit
Baack	Haberman	Korshoj	Moore	Scofield
Barrett	Hall	Labedz	Morehead	Smith
Beyer	Hannibal	Lamb	Nelson	Warner
Chambers	Harris	Landis	Pirsch	Wehrbein
Chizek	Hartnett	Langford	Remmers	Weihing
Conway	Hefner	Lynch	Rogers	Wesely
Coordsen	Johnson, L.	Marsh	Rupp	Withem
Dierks				

Voting in the negative, 0.

Present and not voting, 1:

Peterson

Excused and not voting, 2:

Higgins Pappas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 509.

A BILL FOR AN ACT relating to courts; to amend section 24-503, Revised Statutes Supplement, 1986; to change the composition of the county judge districts; 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	Elmer	Johnson, V.	Miller	Schellpeper
Ashford	Goodrich	Korshoj	Moore	Schmit
Baack	Haberman	Labedz	Morehead	Scofield
Barrett	Hall	Lamb	Nelson	Smith
Beyer	Hannibal	Landis	Peterson	Warner
Chambers	Harris	Langford	Pirsch	Wehrbein
Chizek	Hartnett	Lynch	Remmers	Weihing
Conway	Hefner	Marsh	Rogers	Wesely
Coordsen	Johnson, L.	McFarland	Rupp	Withem
Dierks	Johnson, R.			

Voting in the negative, 0.

Excused and not voting, 2:

Higgins Pappas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 524.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend section 48-810, Reissue Revised Statutes of Nebraska, 1943, and section 48-816, Revised Statutes Supplement, 1986; to eliminate restrictions on commission powers and duties relating to teachers; to provide for mediation or factfinding as prescribed; to eliminate certain provisions relating to teacher negotiating organizations; and to repeal the original sections, and also sections 79-1287 to 79-1295, 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	Elmer	Johnson, R.	Miller	Schmit
Ashford	Goodrich	Johnson, V.	Moore	Scofield
Baack	Haberman	Korshoj	Morehead	Smith
Barrett	Hall	Labedz	Nelson	Warner
Beyer	Hannibal	Lamb	Pirsch	Wehrbein
Chambers	Harris	Landis	Remmers	Weihing
Chizek	Hartnett	Lynch	Rogers	Wesely
Conway	Hefner	Marsh	Rupp	Withem
Dierks	Johnson, L.	McFarland	Schellpeper	

Voting in the negative, 1:

Langford

Present and not voting, 2:

Coordsen Peterson

Excused and not voting, 2:

Higgins Pappas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 572.

A BILL FOR AN ACT relating to laws; to amend sections 49-503, 49-506, 49-507, 49-508, 49-509, and 85-176, Reissue Revised Statutes of Nebraska, 1943, and sections 49-617 and 49-707, Revised Statutes Supplement, 1986; to change provisions relating to the sale, distribution, and disposition of session laws, journals, and statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Elmer	Johnson, R.	McFarland	Schellpeper
Baack	Goodrich	Johnson, V.	Miller	Schmit
Barrett	Haberman	Korshoj	Moore	Scofield
Beyer	Hall	Labedz	Nelson	Smith
Chambers	Hannibal	Lamb	Peterson	Warner
Chizek	Harris	Landis	Pirsch	Wehrbein
Conway	Hartnett	Langford	Remmers	Weihing
Coordsen	Hefner	Lynch	Rogers	Wesely
Dierks	Johnson, L.	Marsh	Rupp	Withem

Voting in the negative, 0.

Present and not voting, 1:

Morehead

Excused and not voting, 3:

Ashford Higgins Pappas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 581.

A BILL FOR AN ACT relating to educational telecommunications; to require teacher training programs to include training in certain communications technologies in their academic programs as prescribed; and to require reports.

Whereupon the 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	Barrett	Chambers	Conway	Dierks
Baack	Beyer	Chizek	Coordsen	Elmer

Goodrich	Johnson, L.	Langford	Nelson	Scofield
Haberman	Johnson, R.	Lynch	Pirsch	Smith
Hall	Johnson, V.	Marsh	Remmers	Warner
Hannibal	Korshoj	McFarland	Rogers	Wehrbein
Harris	Labedz	Miller	Rupp	Weihing
Hartnett	Lamb	Moore	Schellpeper	Wesely
Hefner	Landis	Morehead	Schmit	Withem

Voting in the negative, 0.

Present and not voting, 1:

Peterson

Excused and not voting, 3:

Ashford Higgins Pappas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 587 to Select File

Mr. Withem moved to return LB 587 to Select File for the following specific amendment:
AM0807

(Amendments to Final Reading Copy)

1. On page 3, strike lines 9 through 25 and show the old matter as stricken.

2. On page 4, strike lines 1 through 7 and show the old matter as stricken.

3. On page 5, strike lines 14 through 25 and show the old matter as stricken.

4. On page 6, strike lines 1 through 10 and show the old matter as stricken.

5. On page 9, line 17, strike "may choose to" and insert "shall"; in line 19 after "ballot" insert "by notifying the board of trustees on or before June 30 of a given year"; and strike beginning with "If" in line 19 through "the" in line 20 and insert "The".

The Withem motion to return prevailed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 587. The Withem specific amendment, AM0807, found in this day's Journal 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.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 623. With Emergency.

A BILL FOR AN ACT relating to bonds and warrants; to authorize the issuance of refunding bonds by certain districts, cities, and villages; to eliminate provisions on refunding bonds; to repeal sections 10-613 and 10-614, 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	Elmer	Johnson, R.	McFarland	Rupp
Baack	Goodrich	Johnson, V.	Miller	Schellpeper
Barrett	Haberman	Korshoj	Moore	Schmit
Beyer	Hall	Labedz	Morehead	Scofield
Chambers	Hannibal	Lamb	Nelson	Smith
Chizek	Harris	Landis	Peterson	Warner
Conway	Hartnett	Langford	Pirsch	Wehrbein
Coordsen	Hefner	Lynch	Remmers	Wesely
Dierks	Johnson, L.	Marsh	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 1:

Weihing

Excused and not voting, 3:

Ashford Higgins Pappas

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 637.

A BILL FOR AN ACT relating to children; to state intent; to adopt a family policy; to provide guidelines for certain service providers; and to require a report.

Whereupon the 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	Elmer	Johnson, R.	McFarland	Schmit
Ashford	Goodrich	Johnson, V.	Miller	Scofield
Baack	Haberman	Korshoj	Moore	Smith
Barrett	Hall	Labedz	Nelson	Warner
Beyer	Hannibal	Lamb	Peterson	Wehrbein
Chizek	Harris	Landis	Pirsch	Weihing
Conway	Hartnett	Langford	Remmers	Wesely
Coordsen	Hefner	Lynch	Rogers	Withem
Dierks	Johnson, L.	Marsh	Rupp	

Voting in the negative, 0.

Present and not voting, 3:

Chambers Morehead Schellpeper

Excused and not voting, 2:

Higgins Pappas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 650.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1108.01, Reissue Revised Statutes of Nebraska, 1943; to provide a penalty for violations; to provide for the disposition of the penalty 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, 47:

Abboud	Elmer	Johnson, V.	Miller	Schellpeper
Ashford	Goodrich	Korshoj	Moore	Schmit
Baack	Haberman	Labedz	Morehead	Scofield
Barrett	Hall	Lamb	Nelson	Smith
Beyer	Hannibal	Landis	Peterson	Warner
Chambers	Harris	Langford	Pirsch	Wehrbein
Chizek	Hartnett	Lynch	Remmers	Weihing
Conway	Hefner	Marsh	Rogers	Wesely
Coordsen	Johnson, L.	McFarland	Rupp	Withem
Dierks	Johnson, R.			

Voting in the negative, 0.

Excused and not voting, 2:

Higgins Pappas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 683. With Emergency.

A BILL FOR AN ACT relating to the State Energy Office; to create the Nebraska Energy Settlement Fund; to provide for a plan for disbursements from the fund; to provide for legislative hearings; to provide guidelines for projects; to provide for reports; to provide exceptions; 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, 47:

Abboud	Elmer	Johnson, V.	Miller	Schellpeper
Ashford	Goodrich	Korshoj	Moore	Schmit
Baack	Haberman	Labedz	Morehead	Scofield
Barrett	Hall	Lamb	Nelson	Smith
Beyer	Hannibal	Landis	Peterson	Warner
Chambers	Harris	Langford	Pirsch	Wehrbein
Chizek	Hartnett	Lynch	Remmers	Weihing
Conway	Hefner	Marsh	Rogers	Wesely
Coordsen	Johnson, L.	McFarland	Rupp	Withem
Dierks	Johnson, R.			

Voting in the negative, 0.

Excused and not voting, 2:

Higgins Pappas

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. Wesely asked unanimous consent to print the following amendment to LB 180 in the Journal. No objections. So ordered.

AM0779

(Amendments to Standing Committee amendments)

1. On page 4, line 24, strike beginning with "without" through "recipient", show as stricken, and insert "automatically".

2. On page 7, line 13, after the semicolon insert "and"; and strike beginning with "allow" in line 13 through "(4)" in line 15.

3. In the Standing Committee amendments, AM0565, strike amendment 2.

Mr. Schmit asked unanimous consent to print the following amendment to LB 279 in the Journal. No objections. So ordered.

AM0811

(Amendments to Standing Committee amendments)

1. Insert the following new sections:

"Section 1. That section 66-1301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-1301. Sections 66-1301 to 66-1325 and sections 3 and 4 of this act shall be known and may be cited as the Ethanol Authority and Development Act.

Sec. 3. (1) The board may use the fund to purchase shares of stock or otherwise make an investment in an ethanol or other agricultural byproduct production and distribution facility. The board shall establish the necessary criteria or guidelines for determining when the fund shall be invested in such a facility. Application for such an investment shall be made pursuant to procedures publicly announced by the board. The board shall establish application review procedures which utilize the contents of resource statements filed under section 66-1321 and which recognize the priority considerations enumerated in section 66-1323.

(2) The board shall adopt procedures to carry out subsection (1) of this section and shall provide necessary assistance to applicants to properly and rapidly process investment requests.

Sec. 4. Notwithstanding the investment standards and fiduciary obligations of the state prescribed in section 72-1246 and 72-1247, the state investment officer shall purchase shares of stock or otherwise make an investment in a corporation utilizing the fund when so directed by the board. The board shall not direct the state investment officer to purchase shares of stock or otherwise make an investment which utilizes all or part of the fund unless there exists a reasonable expectation that any amounts of the fund so utilized will provide a reasonable return on investment to the state. All management, custodial, and service costs, as defined in section 72-1249.02, incurred by the state investment officer in purchasing shares of stock or otherwise making an investment pursuant to section 3 of this act shall be charged to the Ethanol Authority and Development Cash Fund. Such costs shall be approved by the Nebraska Investment Council.".

2. On page 1, line 11, after the comma insert "to purchase shares of stock or otherwise make an investment in an ethanol or other agricultural byproduct

production and distribution facility,".

3. On page 5, line 7, strike "6" and insert "9"; in line 20 strike "5" and insert "8"; and in line 23 after "sections" insert "66-1301,".

4. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Member Excused

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 467. Title read. Considered.

Standing Committee amendments, AM0318, found in the Journal on page 834 for the Thirty-Second Day were adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Peterson and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall offered the following amendment:
page 3, line 5 after "rate of" strike "four" and insert "two"

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 101, 101A, 200, 332, 344, 344A, 509, 524, 572, 581, 623, 637, 650, and 683.

GENERAL FILE

LEGISLATIVE BILL 467. The Hall pending amendment found in this day's Journal was renewed.

Mr. Abboud offered the following amendment to the Hall amendment:
page 3, line 5 after "rate of" strike "two" and insert "three"

Mr. Abboud withdrew his pending amendment.

Mr. Abboud 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. Hall moved for a call of the house. The motion prevailed with 20 ayes, 12 nays, and 17 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Baack	Conway	Goodrich	Schmit	Wesely
Barrett	Elmer	Hall	Warner	

Voting in the negative, 26:

Abboud	Johnson, L.	Marsh	Nelson	Schellpeper
Chambers	Johnson, V.	McFarland	Pirsch	Scofield
Haberman	Lamb	Miller	Remmers	Smith
Hannibal	Landis	Moore	Rogers	Wehrbein
Harris	Langford	Morehead	Rupp	Withem
Hefner				

Present and not voting, 10:

Ashford	Chizek	Dierks	Johnson, R.	Lynch
Beyer	Coordsen	Hartnett	Korshoj	Weihing

Excused and not voting, 4:

Higgins	Labedz	Pappas	Peterson

The Hall amendment lost with 9 ayes, 26 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner offered the following amendment:
on page 3 line 4 strike "5" and insert "20."

Mr. Abboud 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. Warner moved for a call of the house. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Baack	Elmer	Langford	Nelson	Scofield
Barrett	Hall	Marsh	Rogers	Smith
Beyer	Johnson, L.	McFarland	Rupp	Warner
Coordsen	Johnson, R.	Miller	Schellpeper	Wehrbein
Dierks	Lamb	Moore	Schmit	Wesely

Voting in the negative, 18:

Abboud	Conway	Hartnett	Lynch	Remmers
Ashford	Goodrich	Hefner	Morehead	Weihing
Chambers	Haberman	Johnson, V.	Pirsch	Withem
Chizek	Hannibal	Korshoj		

Absent and not voting, 1:

Landis

Excused and not voting, 5:

Harris	Higgins	Labedz	Pappas	Peterson

The Warner amendment was adopted with 25 ayes, 18 nays, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 526 in the Journal. No objections. So ordered.

AM0823

1. In the Standing Committee amendment, AM0257, on page 1, line 4, strike "Facilities" and insert "Reserve".

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 1, 1987, at 11:30 a.m., were the following bills: 101, 101A, 200, 332, 344, 344A, 509, 524, 572, 581, 623, 637, 650, and 683.

(Signed) Pam Moravec, Enrolling Clerk

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 162. Placed on General File.
LEGISLATIVE BILL 657. Placed on General File.
LEGISLATIVE BILL 675. Placed on General File.

LEGISLATIVE BILL 536. Placed on General File as amended.
Standing Committee amendments to LB 536:
AM0764

1. On page 2, strike lines 15 through 17; in line 18 strike "(iii)" and insert "(ii)"; and in line 19 strike "(iv)" and insert "(iii)".

2. On page 3, strike beginning with the colon in line 23 through line 25 and insert an underscored comma.

3. On page 4, line 1, strike "(b) Minor" and insert "minor".

(Signed) Jerry Chizek, Chairperson

VISITORS

Visitors to the Chamber were 8 juniors, seniors, and teacher from Wilcox Public School; 42 fourth grade students and teacher from Centennial Elementary, Utica; 47 fourth grade students and teacher from Millikan Park Elementary, Fremont; and 27 eighth grade students and teachers from Christ the King School, Omaha.

RECESS

At 11:58 a.m., on a motion by Mr. Moore, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Coordsen, Peterson, Withem, Mesdames Higgins, Labedz, and Marsh who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 467. Considered.

Mrs. Nelson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Review with 31 ayes, 8 nays, 4 present and not voting, and 6 excused and not voting.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 74. Title read. Considered.

Standing Committee amendment, AM0416, found in the Journal on page 889 for the Thirty-Fifth Day was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment:

(1) On page 2, line 7, strike "encourage" and insert "require".
On page 2, line 8, strike "reasonable discretion" and insert "utmost care".
On page 2, line 9, after "circumstances" add "views and beliefs".

(2) On page 2, line 14, strike "peace, and safety".

(3) On page 2, line 24, strike the period and add "or to decline."
(4) On page 3, lines 4 and 6, strike "actual".
(5) On page 3, line 8, after "believes" add "or has reason to believe".

The Chambers amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 122. Placed on General File.

LEGISLATIVE BILL 406. Placed on General File as amended.
Standing Committee amendments to LB 406:
AM0629

1. On page 2, strike lines 14 through 17 and insert "unless in the course of therapy the patient through words or conduct manifests an intent to violently attack a clearly identifiable or reasonable identifiable victim or victims."; in line 22 after "section" insert "if the patient shall first be notified, in a manner he or she can understand, of the limits of confidentiality in instances where such patient manifests an intent to violently attack a clearly identifiable or reasonably identifiable victim or victims"; and in line 23 after "made" insert "(a)"; and in line 24 after the comma insert "(b)".
2. On page 3, line 1, after "or" insert "(c)"; and in line 5 after "under" insert "this section or".

LEGISLATIVE BILL 65. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 564. Title read. Considered.

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. Lamb requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Abboud	Elmer	Johnson, V.	Miller	Rupp
Ashford	Goodrich	Korshoj	Morehead	Schmit
Chambers	Hall	Labedz	Nelson	Wehrbein
Chizek	Harris	Landis	Pappas	Weihing
Coordsen	Hartnett	Marsh	Remmers	Wesely
Dierks	Johnson, R.	McFarland	Rogers	

Voting in the negative, 13:

Barrett	Hefner	Langford	Pirsch	Smith
Beyer	Johnson, L.	Moore	Schellpeper	Warner
Conway	Lamb	Peterson		

Present and not voting, 3:

Baack	Hannibal	Scofield

Excused and not voting, 4:

Haberman	Higgins	Lynch	Withem

Advanced to E & R for Review with 29 ayes, 13 nays, 3 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 564A. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 3 nays, 12 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 271. Placed on General File as amended.
Standing Committee amendments to LB 271:

AM0773

1. On page 2, line 7, strike the first comma, show as stricken, and insert "and minimum standards of" and strike the second comma and show as stricken.

2. On page 4, lines 9 and 20, strike the first comma, show as stricken, and insert "and minimum standards for the" and strike the second comma and show as stricken.

3. On page 5, line 1, before "The" insert "(1)"; in line 3 strike "advisory"; in line 5 after the period insert "In no case shall any modification or renovation standards apply to modification or renovation projects whose cost, within a twelve-month period, is not in excess of five per cent of the facility's annual operating budget. The Jail Standards Board shall, upon request and after a public hearing, by simple majority vote, waive the construction, modification, or renovation standards established pursuant to this section and section 83-4,127 when such waiver would not jeopardize the health or safety of inmates or correctional facility personnel.

(2) Any person aggrieved by a decision of the Jail Standards Board made pursuant to subsection (1) of this section may appeal the decision. The appeal shall be in accordance with the Administrative Procedure Act." and before "The" insert paragraphing and "(3)"; and in line 24 before "established" insert "and minimum standards".

4. On page 6, line 5 and 11; and page 8, lines 6, 10, and 12, after "standards" insert "and minimum standards"; in line 13 after "standards" insert "or minimum standards"; and strike beginning with the comma in line 22 through the last comma in line 23 and insert "and 83-4,126 to 83-4,134,".

5. Insert the follow new sections:

"Sec. 5. That section 83-4,129, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-4,129. The minimum standards for the maintenance of criminal detention facilities shall include, but not be limited to, minimum standards for:

(1) The staffing, training, and demeanor of personnel;

(2) The procedures for the admission and

release of prisoners;

(3) The assignment procedures for assigning prisoners to housing, programs, and related activities;

(4) The establishment of a standardized records and statistical system for criminal detention facilities;

(5) The establishment of systems and procedures for the handling of prisoner mail, visits, and telephone services;

(6) The procedures for prisoner access to the media, general library, exercise, and recreation;

(7) The procedures for prisoner access to legal material, legal counsel, and religion;

(8) The supervision and uses of the facility arsenal, firearms, and key room;

(9) Food services;

(10) Health services; and

(11) Prisoner conduct.

Sec. 6. That section 83-4,130, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-4,130. The minimum standards for the operation of criminal detention facilities shall include, but not be limited to, minimum standards for:

(1) The classification and reclassification of prisoners;

(2) The rehabilitative services required for prisoners;

(3) The disciplinary procedures for prisoners;

(4) The grievance procedure for prisoners; and

(5) The search and admission of visitors.".

6. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 740. Indefinitely postponed.
LEGISLATIVE BILL 742. Indefinitely postponed.
LEGISLATIVE BILL 743. Indefinitely postponed.
LEGISLATIVE BILL 744. Indefinitely postponed.
LEGISLATIVE BILL 748. Indefinitely postponed.

(Signed) Lee Rupp, Chairperson

Agriculture

LEGISLATIVE BILL 684. Placed on General File.

(Signed) Rod Johnson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 71.

Introduced by Schmit, 23rd District; Ashford, 6th District; Baack, 47th District; Barrett, 39th District; Chambers, 11th District; Chizek, 31st District; Elmer, 38th District; Haberman, 44th District; Hall, 7th District; Hannibal, 4th District; Hartnett, 45th District; Higgins, 9th District; V. Johnson, 8th District; Labedz, 5th District; Landis, 46th District; Lynch, 13th District; Marsh, 29th District; Moore, 24th District; Morehead, 30th District; Nelson, 35th District; Pappas, 42nd District; Pirsch, 10th District; Rogers, 41st District; Rupp, 22nd District; Schellpeper, 18th District; Scofield, 49th District; Warner, 25th District; Weihing, 48th District; Wesely, 26th District.

WHEREAS, the Omaha Tribe of Nebraska, in its treaty of 1854 with the United States, relinquished peacefully a substantial portion of its ancient tribal homeland which became a portion of the State of Nebraska; and

WHEREAS, the Omaha Tribe retained a small area of land for a reservation which was bordered on the east by the center of the Missouri River; and

WHEREAS, the Missouri River changed its course and transferred six thousand three hundred ninety acres known as the Blackbird Bend area from the Nebraska side of the river to the Iowa side; and

WHEREAS, the Omaha Tribe has at all times asserted title to such Blackbird Bend area.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the State of Nebraska supports the Omaha Tribe in its demands that the tribe have its day in court.

2. That the tribe be represented by counsel of its own choice and that the State of Nebraska strongly opposes any effort to defeat the tribe's constitutional, civil, human, and property rights.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Beyer asked unanimous consent to print the following amendment to LB 307 in the Journal. No objections. So ordered.

AM0832

(Amendments to the Final Reading copy)

1. On page 4, line 7, after the period insert "If a motor vehicle detained pursuant to this section is transporting livestock, procedures and precautions shall be taken if necessary to ensure the health and welfare of such livestock while the motor vehicle is detained.".

2. On page 5, in lines 16 and 17, strike the new matter.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 288A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 288, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

LEGISLATIVE BILL 772A. By Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 772, Ninetieth Legislature, First Session, 1987.

STANDING COMMITTEE REPORT
Agriculture

The Committee on Agriculture desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

A. L. (Roy) Frederick - Nebraska Department of Agriculture

Voting aye: Senators Coordsen, Elmer, Hefner, Miller, Morehead, Weihing, and R. Johnson. Voting nay: None. Absent: Senator Chambers.

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 504. Title read. Considered.

Standing Committee amendments, AM0432, found in the Journal on page 923 for the Thirty-Seventh Day were adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 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 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 479. Placed on Select File as amended.
E & R amendment to LB 479:
AM5159

1. In the Withem amendment, AM0491, adopted March 27, 1987, on page 1, line 6, after "address" insert "of such person".

LEGISLATIVE BILL 514. Placed on Select File as amended.
E & R amendments to LB 514:
AM5164

1. In the Standing Committee amendments, AM0463, adopted March 27, 1987:
   a. Insert the following new amendment:
   "15. Renumber the remaining sections accordingly.";
   b. On page 1, line 7, strike the semicolon and insert a comma;
   c. On page 2, line 17, after the semicolon insert "and"; strike beginning with the semicolon in line 18 through the last quotation mark in line 19; in lines 21 and 24 strike all occurrences of "it's" and insert "its"; and in line 22 strike "comprised" and insert "comprise";
   d. On page 3, line 2, strike "it's" and insert "its"; and
   e. On page 4, line 9, after "group" insert "in

Nebraska"; and in line 10 after "exposure" insert "in Nebraska" and strike the second comma.

2. On page 1, line 2, after "Act" insert "; to provide severability; and to declare an emergency".

3. On page 3, line 19, after "damages" insert a comma.

4. On page 4, line 5, strike the period after "et"; and in line 10 strike the comma.

5. On page 5, line 13, after the second "damage" insert a comma; and in line 17 strike the comma.

6. On page 6, line 2, strike "(11)" and all amendments thereto; in line 3 strike "section" and insert "subdivision"; in line 11 after "association" insert "formed"; and in line 18 strike "section" and insert "subdivision".

7. On page 7, line 8, after "the" insert "federal".

8. On page 8, line 9, strike "(12)" and all amendments thereto and strike "section" and insert "subdivision".

9. On page 9, line 11, after the comma insert "the"; in line 14 strike "of this state"; in line 18 strike the second "of" and insert "or"; and in line 23 after "the" insert "federal".

10. On page 10, line 5, strike the period and insert "; and".

11. On page 12, line 11, after "contain" insert a comma.

12. On page 13, line 8, strike "highest court of this state" and insert "Supreme Court"; in line 9 after "group" insert "which is"; and in line 10 after "and" insert "which is".

13. On page 14, line 3, strike "the provisions of"; and in line 6 after "or" insert "to the".

14. On page 15, line 23, after "the" insert "federal".

15. On page 16, lines 1 and 14, after "the" insert "federal"; in line 15 strike the comma; in line 16 strike "This" and insert "Such powers"; and in line 24 strike "is" and insert "shall be".

16. On page 17, line 18, strike the comma; and in lines 23 to 24 strike "the provisions of".

LEGISLATIVE BILL 601. Placed on Select File as amended.
E & R amendment to LB 601:
AM5163

1. On page 12, line 10, strike the second "Supplement,".

LEGISLATIVE BILL 603. Placed on Select File as amended.
E & R amendments to LB 603:
AM5160

1. In the Standing Committee amendments, AM0303, adopted March 27, 1987, on page 1, line 4, strike "Such" and insert "the period"; and in line 5 before "at" insert ", and".

2. On page 3, line 19, strike "chairperson and" and show the old matter as stricken.

LEGISLATIVE BILL 529. Placed on Select File as amended.
E & R amendments to LB 529:
AM5161

1. In the Standing Committee amendments, AM0485, on page 1, line 17, after "16" insert "through 'not' in line 21; reinstate the stricken matter beginning with 'held' in line 22".

2. On page 1, line 2, strike "79-4,140.04" and insert "79-4,140.05" and after the last comma insert "and"; in line 3 strike "and 79-1247.09"; in line 4 strike "authorize" and insert "change dates for"; strike beginning with "when" in line 5 through "Legislature" in line 6; and in line 6 after "change" insert "and eliminate certain".

LEGISLATIVE BILL 538. Placed on Select File as amended.
E & R amendments to LB 538:
AM5162

1. In the Standing Committee amendments, AM0483, adopted March 27, 1987, on page 3, line 11, strike the period.

2. On page 1, line 1, strike "schools" and insert "motor carriers" and after "amend" insert "sections 75-364 and 75-366, Reissue Revised Statutes of Nebraska, 1943, and"; in line 2 after the semicolon insert "to change a date relating to the Federal Hazardous Material Regulations; to provide additional

powers for the Nebraska State Patrol;" in line 5 strike "provide a penalty" and insert "change penalty provisions"; and in line 6 strike "section" and insert "sections".

3. On page 2, line 14, strike the comma and show as stricken.

4. On page 4, line 13, after the first comma insert "or".

(Signed) Scott Moore, Chairperson

GENERAL FILE

LEGISLATIVE BILL 116. Title read. Considered.

Standing Committee amendments, AM0424, found in the Journal on page 994 for the Fortieth Day were considered.

Mrs. Morehead offered the following amendment to the Standing Committee amendments:
AM0769

(Amendments to Standing Committee amendments)

1. On page 1, strike lines 4 through 6 and insert "insert 'except an optometrist who has been certified by the department or by another state with substantially equivalent requirements for certification to use topical ocular pharmaceutical agents for diagnostic purposes prior to the effective date of this act,'; in line"; and in lines 16 and 17 strike "Board of Examiners in Optometry" and insert "department".

2. On page 2, line 12, strike "Board of Examiners in Optometry" and insert "department"; and strike beginning with "or" in line 21 through "institution" in line 23.

3. On page 3, line 3, after the second semicolon insert "in line 14 strike 'Board of Examiners in Optometry' and insert 'department';".

Pending.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 124. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Harris asked unanimous consent to print the following amendment to LB 375 in the Journal. No objections. So ordered.

AM0830

1. On page 6, line 9, strike "or"; and in line 18 after the comma insert "or (5) on or after July 1, 1989, a bank holding company as defined or referred to in 12 U.S.C. 1842(d) and which is incorporated and domiciled in any state in the United States and which state of domicile authorizes the acquisition or control of banks in that state by a Nebraska bank or Nebraska bank holding company under conditions no more restrictive than those imposed by the laws of Nebraska as determined by the Director of Banking and Finance,".

2. On page 7, line 21, after the comma insert "and, on or after July 1, 1989, any bank holding company domiciled in any state of the United States".

Mr. Lamb asked unanimous consent to print the following amendment to LB 146 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0810.)

VISITORS

Visitors to the Chamber were Senator Ashford's mother, Mrs. Ellen Anderson; 44 students and teachers from Wheeler Central, Bartlett; 13 students and teacher from Weeping Water High School; and John Weeder. Ken Vermaas, Bill Podraza, and Bob Hawks from Lexington.

ADJOURNMENT

At 3:52 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Thursday, April 2, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FOURTH DAY - APRIL 2, 1987

LEGISLATIVE JOURNAL

FIFTY-FOURTH DAY - APRIL 2, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 2, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Mike Wagner, Beran Fundamental Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Haberman who was excused; and Messrs. Conway, Hall, V. Johnson, Lynch, McFarland, Remmers, Withem, Mesdames Labedz, Nelson, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Third Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 70.

RESOLUTION

LEGISLATIVE RESOLUTION 71. Read. Considered.

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LR 71. No objections. So ordered.

LR 71 was adopted with 28 ayes, 0 nays, and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 413. E & R amendments, AM5147, found in the Journal on page 1373 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 226. E & R amendment, AM5146, found in the Journal on page 1373 for the Fifty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 198. E & R amendments, AM5149, found in the Journal on page 1374 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 526. E & R amendments, AM5153, found in the Journal on page 1375 for the Fifty-Second Day were adopted.

Mrs. Marsh renewed her pending amendment, AM0823, found in the Journal on page 1432.

The Marsh amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Warner offered the following amendment:
AM0640

1. On page 6, strike beginning with "Department" in line 12 through "Penitentiary" in line 15 and insert "State Treasurer's Land Sales Distributive Fund, which is hereby created, and which shall be used only for the purposes of refunding money to the purchaser of the land as provided by any contract or agreement or, when all conditions of the sale have been

fulfilled, for transfer of the income from the sale and any accrued interest to the State Treasurer for credit to the General Fund"; and in line 16 after "the" insert "distributive".

2. In the Standing Committee amendments, AM0257, on page 1, strike beginning with the semicolon in line 3 through "15" in line 6.

3. In the Marsh amendment, AM0438, on page 1, line 11, strike "Nebraska Child Abuse Prevention Fund." and insert "General Fund and then appropriated from the General Fund to the Nebraska Child Abuse Prevention Fund. Any income from the sale shall be used to fulfill, as much as possible, the requirements for annual legislative appropriations provided for in section 43-1906.".

The Warner amendment was adopted with 28 ayes, 0 nays, 14 present and not, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 164. E & R amendments, AM5154, found in the Journal on page 1375 for the Fifty-Second Day were adopted.

Mr. R. Johnson offered the following amendment:
AM0796

1. In the Standing Committee amendments, AM0263, adopted March 27, 1987, on page 1, lines 10 and 16, strike "financial statement" and insert "report".

2. On page 11, line 16, after "date" insert "of delivery".

3. Strike original section 29.

4. On page 22, strike beginning with "section" in line 18 through "and" in line 19.

5. Renumber the remaining section accordingly.

The R. Johnson 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 358. E & R amendment, AM5155, found in the Journal on page 1404 for the Fifty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 456. E & R amendments, AM5157, found in the Journal on page 1404 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

MOTION - Reconsider Action on LB 307

Mr. Beyer renewed his pending motion found in the Journal on page 1390 to reconsider our action on LB 307 on Final Reading.

The Beyer motion to reconsider prevailed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

MOTION - Return LB 307 to Select File

Mr. Beyer moved to return LB 307 to Select File for his specific amendment, AM0832, found in the Journal on page 1440.

The Beyer motion to return prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 307. The Beyer specific amendment, AM0832, found in the Journal on page 1440 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.

GENERAL FILE

LEGISLATIVE BILL 226A. 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 603A. 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 116. The Morehead pending amendment, AM0769, found in the Journal on page 1444 to the Standing Committee amendments was renewed.

Mr. Ashford and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

The Morehead amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Wesely offered the following amendment to the Standing Committee amendments:

Add new section

on page 4, line 10, before "and" insert ", (b) passes an examination approved by the department," and delete "(b)" and insert "(c)".

The Wesely amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

The pending Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Baack withdrew his pending amendment, AM0802, found in the Journal on page 1411.

Advanced to E & R for Review with 30 ayes, 3 nays, 11 present and not voting, and 5 excused and not voting.

Messrs. Pappas and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 319. Placed on Select File as amended.
E & R amendment to LB 319:
AM5165

1. On page 1, line 2, strike "section" and insert "sections 44-4216 and"; in line 3 after the semicolon insert "to change membership provisions for the board of directors;"; and in line 5 strike "section" and insert "sections".

LEGISLATIVE BILL 615. Placed on Select File as amended.

E & R amendments to LB 615:
AM5167

1. On page 5, line 23, after "bank" insert an underscored comma and strike the comma and show as stricken.

2. On page 17, line 14, strike the first comma; and in lines 15 and 24 after "premises" insert an underscored comma.

3. On page 18, line 3, strike "of this section"; in line 7 strike "and" and insert an underscored comma and after "there" insert "shall"; in line 9 after "switch" insert an underscored comma; and in line 15 strike "shall determine" and insert "determines".

4. On page 19, line 3, strike "shall be" and insert "is".

LEGISLATIVE BILL 55. Placed on Select File.

LEGISLATIVE BILL 608. Placed on Select File as amended.
E & R amendment to LB 608:
AM5166

1. On page 2, line 20, strike "whoever" and show as stricken.

LEGISLATIVE BILL 203. Placed on Select File.
LEGISLATIVE BILL 642. Placed on Select File.

LEGISLATIVE BILL 211. Placed on Select File as amended.
E & R amendments to LB 211:
AM5168

1. In the Standing Committee amendments, AM0357, adopted March 27, 1987:

a. On page 2, line 24, strike the underscored comma; and

b. On page 10, line 17, after the second comma insert "shall be" and after the stricken "must" insert "and".

2. On page 1, strike beginning with "county" in line 5 through "deposit" in line 6 and insert "certain county contracts to furnish a letter of credit".

(Signed) Scott Moore, Chairperson

GENERAL FILE

LEGISLATIVE BILL 335. Title read. Considered.

Mr. Coordsen offered the following amendment:
1. Page 2, line 21 strike "seven thousand five hundred and insert "ten thousand".
2. Page 3, line 1 add new sentence to read: "No insurance company shall be liable or responsible to any person to determine or ascertain the cumulative total of life insurance policy or annuity contract loan values, cash values, proceeds or benefits for any policyowner or annuitant."
3. Page 4, line 10 add new sentence to read: "No fraternal benefit society shall be liable or responsible to any person to determine or ascertain the cumulative total of policy or certificate of life insurance or annuity contact loan values, cash values, proceeds or benefits for any policy or certificate owner or annuitant."
4. Page 4, line 5 strike "seven thousand five hundred and insert "ten thousand".

The Coordsen amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Schmit offered the following amendment:
Strike the "Emergency" clause.

The Schmit amendment lost with 6 ayes, 16 nays, 22 present and not voting, and 5 excused and not voting.

Mr. Landis offered the following amendment:
LB 335 shall apply to law suits filed after the effective date of this act.

The Landis amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 2 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 345. Title read. Considered.

Standing Committee amendment, AM0472, found in the Journal on page 1049 for the Forty-Second Day was considered.

Messrs. Rogers and Lamb offered the following amendment to the Standing Committee amendment:
AM0813

1. In the Standing Committee amendments, AM0472, on page 1, strike beginning with the second comma in line 5 through the first comma in line 6; in line 10 after "districts" add "(1)"; and in line 12 after "commerce" insert "or (2) to provide signal descrambling or decoding devices or satellite programming to any location (a) being furnished such devices or programming on the effective date of this act, or (b) where community antenna television service is available, from any person, firm, or corporation holding a franchise pursuant to section 18-2201 to 18-2206 or a permit pursuant to sections 23-383 to 23-388 on the effective date of this act".

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.".

The Rogers-Lamb amendment was adopted with 23 ayes, 0 nays, 21 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 30 ayes, 2 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 261. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 398. Title read. Considered.

Standing Committee amendments, AM0512, printed separate from the Journal and referred to on page 1057 were considered.

Mr. Landis offered the following amendment to the Standing Committee amendments:

AM0686

(Amendments to Standing Committee amendments, AM0512)

1. On page 4, line 9, after "liable" insert "subsequent to the date of termination"; and in line 10 strike "to the pool up to" and insert "entered into with the pool on or before".

2. On page 10, line 17, after "board" insert "who are either elected or appointed officials of member public agencies".

3. On page 11, line 6, after the underscored semicolon insert

"(g) A provision requiring that upon dissolution of the pool, all of the assets of the member public agencies will vest in member public agencies in the manner set forth in the plan of management;"; in line 7 strike the first "(g)" and insert "(h)"; and in line 8 strike "(h)" and insert "(i)".

The Landis amendment was adopted with 20 ayes, 0 nays, 24 present and not voting, and 5 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Messrs. Schmit and Beyer asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

VISITORS

Visitors to the Chamber were 30 fourth grade students and teacher from Hillrise Elementary, Elkhorn; 26 fourth grade students and teacher from Stanton Elementary; 20 seniors from Greeley Public School; 54 eighth grade students, teachers, and sponsors from St. Bernadette's, Omaha; Holly Miner from O'Neill; and Dr. and Mrs. John McBride from Hastings, and Dr. John Butler from Hebron.

RECESS

At 12:02 p.m., on a motion by Mr. Pappas, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud and Haberman who were excused; and Messrs. Ashford, Chizek, Dierks, Harris, V. Johnson, McFarland, Rogers, Schmit, and Warner who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 455. Title read. Considered.

Standing Committee amendment, AM0541, found in the Journal on page 1109 for the Forty-Fourth Day was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 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 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 337. Title read. Considered.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Rupp 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. Weihing moved for a call of the house. The motion prevailed with 23 ayes, 4 nays, and 22 not voting.

Mr. Weihing requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 29:

Ashford	Goodrich	Johnson, L.	Marsh	Scofield
Baack	Hall	Johnson, R.	Pappas	Smith
Barrett	Hannibal	Labedz	Peterson	Warner
Chizek	Harris	Landis	Pirsch	Weihing
Conway	Hartnett	Langford	Rogers	Withem
Elmer	Higgins	Lynch	Rupp	

Voting in the negative, 11:

Chambers	Korshoj	Moore	Remmers	Wehrbein
Coordsen	Miller	Nelson	Schellpeper	Wesely
Hefner				

Present and not voting, 3:

Beyer	Dierks	McFarland

Absent and not voting, 1:

Lamb

Excused and not voting, 5:

Abboud	Haberman	Johnson, V.	Morehead	Schmit

Advanced to E & R for Review with 29 ayes, 11 nays, 3 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 337A. Title read. Considered.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 6 nays, 12 present and not voting, and 6 excused and not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 87042

DATE: March 27, 1987

SUBJECT: Parole Hearings

REQUESTED BY: Senator Jerry Chizek, Chairperson
Judiciary Committee

WRITTEN BY: Robert M. Spire, Attorney General
Linda L. Willard, Assistant Attorney General

You have requested the opinion of this office as to whether "parole hearings" as referred to Chapter 83, Section 1,111(4), Nebraska Revised Statute (1976), requires that a public hearing be conducted before a quorum of the Parole Board and that the offender be allowed to present evidence, call witnesses, and be represented by counsel. It is the opinion of this office that the parole hearings referred to above do not require the full panoply of due process rights.

In Greenholtz v. Inmates of the Nebraska Penal and Correctional Complex, 442 U.S. 1, 60 L.Ed.2d 668 (1979), the United State Supreme Court held that inmates in the Nebraska Penal and Correctional System did not have a constitutionally protected interest in a parole determination which would call for providing them with all the rights available under the due process clause. In Greenholtz, the court noted that:

> Two types of hearings are conducted; initial parole review hearings and final parole hearings. At least once each year initial review hearings must be held for every inmate, regardless of parole eligibility. §83-192(9). At the initial review hearing, the Board examines the inmate's entire preconfinement and postconfinement record. Following that examination it provides an informal hearing: no evidence as such is introduced, but the Board interviews the inmate and considers any letters or statements that he wishes to present in support of a claim for release.
>
> If the Board determines from its examination of the entire record and the personal interview that he is not yet a good risk for release, it denies parole, informs the inmate why release was deferred and makes recommendations designed to help correct any deficiencies observed. It also schedules another initial review hearing to take place within one year.
>
> If the Board determines from the file and the initial review hearing that the inmate is a likely candidate for release, a final hearing is scheduled.

> . . . At the final parole hearing, the inmate may present evidence, call witnesses and be represented by private counsel of his choice. . . . If parole is denied, the Board furnishes a written statement of the reasons for the denial within 30 days.

442 U.S. at 4-5, 60 L.Ed.2d at 673-674. In upholding the procedures then, and now, in use by the Nebraska Board of Parole, the Court held:

> The Nebraska procedure affords an opportunity to be heard, and when parole is denied it informs the inmate in what respects he falls short of qualifying for parole; this affords the process that is due under these circumstances. The Constitution does not require more.

442 U.S. at 16, 60 L.Ed.2d at 681.

Based on the United States Supreme Court holding in Greenholtz, supra, it is our opinion that the review hearing conducted by the Parole Board on an annual basis is sufficient and that the inmate is not entitled to present evidence, call witnesses, and be represented by counsel at this annual hearing.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

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

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 453 in the Journal. No objections. So ordered.

AM0808
(Amendments to Standing Committee amendments, AM0304)
1. On page 1, strike beginning with "subject" in line 2 through "section" in line 3.

Mr. Remmers asked unanimous consent to print the following amendment to LB 615 in the Journal. No objections. So ordered.

AM0835
1. On page 8, line 11, after "a" insert "bank,".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 561A. By R. Johnson, 34th District; Moore, 24th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 561, Ninetieth Legislature, First Session, 1987.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 542. Placed on General File as amended.
Standing Committee amendment to LB 542:
AM0756

1. Strike the original sections and insert the following new sections:

"Section 1. That section 71-5830, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5830. (1) No person, including persons acting for or on behalf of a health care facility, shall engage in any of the following activities without having first applied for and received the necessary certificate of need:

(a) ~~(1)~~ The construction, acquisition, or lease of a health care facility, including purchase or obtaining controlling interest in the stock of a health care facility by any means. For the purposes of this section, controlling interest shall mean a majority of the voting rights of the shares of stock entitled to vote. The proposed lease, acquisition, or purchase of an existing health care facility shall be subject to this subdivision unless:

(i) ~~(a)~~ The acquisition of the facility occurs at a judicial sale pursuant to foreclosure of the facility for collection of a debt secured by the facility or a lien on the facility arising by the operation of law, or a subsequent sale or lease of the facility by the secured lender or lienholder who has purchased the facility at a judicial sale;

(ii) ~~(b)~~ The acquisition of the facility is a transfer of ownership occurring by reason of the death of the owner or part owner thereof, and the transferees are the owner's heirs, are persons designated in the owner's probated will or trust agreement, or are joint tenants with the owner on the title instrument;

(iii) ~~(c)~~ The facility to be acquired, leased, or purchased has not received federal or state reimbursement for one year or more prior to the date of such acquisition, lease, or purchase, and the transfer will not result in any increased reimbursement for capital costs by any governmental reimbursement or health care insurance program; or

(iv) ~~(d)~~ The acquisition of the facility is a transfer to the spouse or lineal descendants of the owner or controlling shareholder or to a corporation, general partnership, or limited partnership directly or indirectly controlled by the owner, his or her spouse, or lineal descendants, or any combination of such individuals, and the transfer will not result in any increased reimbursement for capital costs by any governmental reimbursement or health care insurance program.

An application for certificate of need pursuant to subdivision ~~(1)~~ (a) of this ~~section~~ subsection shall be denied whenever the approval of such construction, acquisition, or lease would result in any person, corporation, partnership, or holding company owning or having controlling interest in health care facilities which ~~(i)~~ (A) account for twenty per cent or more of the total patient discharges in the state for all hospitals with an average length of stay of less than thirty days or ~~(ii)~~ (B) account for twenty per cent or more of the total licensed beds in the state for all freestanding skilled nursing and intermediate care facilities;

(b) ~~(2)~~ Offering a new institutional health service other than a home health service which will entail operating expenditures for the twelve-month period immediately following initiation of the new service in excess of the annual operating expenditure minimum;

(c) ~~(3)~~ Offering a new home health service;

(d) ~~(4)~~ Entering into any obligation for any

capital expenditure by or on behalf of a health care facility which results in a substantial change to an institutional health service;

(e) ~~(5)~~ Entering into any obligation for any capital expenditure by or on behalf of a health care facility which increases or decreases the total number of beds or redistributes beds among various categories or relocates beds from one physical facility or site to another if the bed capacity of the facility will have changed by more than ten beds or more than ten per cent of total bed capacity, whichever is less, over a two-year period;

(f) ~~(6)~~ Any capital expenditure or obligation incurred by or on behalf of a health care facility in excess of the capital expenditure minimum made:

(i) ~~(a)~~ In preparation for the offering or developing of a new institutional health service, in preparation for initiating a substantial change in an existing health service, or any arrangement or commitment made for financing the offering or development of such new or substantially changed health service. Expenditures in preparation for the offering of a new institutional health service shall include expenditures for architectural designs, plans, working drawings, and specifications, but shall not include expenditures for preliminary plans, studies, and surveys or site acquisition;

(ii) ~~(b)~~ For the purchase, acquisition, or lease of clinical equipment; or

(iii) ~~(c)~~ For the acquisition of a capital asset other than a health care facility as described in subdivision ~~(1)~~ (a) of this ~~section~~ subsection. For the purpose of this subdivision a capital asset shall mean any property which will be depreciated for a period exceeding twelve months using generally accepted accounting procedures; or

(g) ~~(7)~~ Any capital expenditure by a health care facility over the capital expenditure minimum not covered by subdivisions ~~(1)~~ (a) to ~~(6)~~ (f) of this ~~section~~ subsection.

(2) Notwithstanding subsection (1) of this section, open heart surgery shall not be considered to be a new institutional health service or a substantial change to an institutional health service if the

facility offering such surgery is licensed for at least two hundred acute care beds and has installed cardiac catheterization laboratory.

Sec. 2. That original section 71-5830, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(Signed) Don Wesely, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 736. Placed on General File as amended.
Standing Committee amendment to LB 736:
AM0659

1. Strike original sections 1 to 6 and insert the following new sections:

"Section 1. Sections 1 to 6 of this act shall be known and may be cited as the Business Development Partnership Act.

Sec. 2. The Legislature finds and declares:

(1) That the availability of business development services at various geographic locations throughout the state would result in the retention, expansion, and diversification of existing businesses and the creation of new businesses;

(2) That the Nebraska Business Development Center, a department of the University of Nebraska at Omaha, shall provide business development services through a network of small business development centers at Chadron State College, Kearney State College, Peru State College, University of Nebraska at Lincoln, University of Nebraska at Omaha, and Wayne State College;

(3) That business development services may be augmented through specialized research and technical assistance centers;

(4) That the Small Business Division of the Department of Economic Development shall coordinate and support the delivery of such services;

(5) That the Small Business Division and all programs within the division shall be headquartered at Hastings; and

(6) That there should be appropriated $225,000 for fiscal year 1987-88 to the Small Business Division

to carry out the Business Development Partnership Act.

Sec. 3. There is hereby created the Business Development Services Program in the Small Business Division of the Department of Economic Development. The division shall be responsible for the administration of the program and shall have the power and authority to contract for services as provided in sections 4 and 5 of this act.

Sec. 4. The Small Business Division shall contract with the Nebraska Business Development Center to administer regional small business services and the Nebraska Business Development Center shall:

(1) Provide such services as close as possible to small businesses through a network of small business development centers located in Omaha, Lincoln, Kearney, Wayne, North Platte, Scottsbluff or Gering, Chadron, Peru, Columbus, Fairbury, and McCook or such other sites as determined in consultation with the Small Business Division;

(2) Integrate activities funded through the Business Development Partnership Act with those funded by the United States Small Business Administration or any other program supporting the Nebraska small business development centers;

(3) Furnish one-to-one individual counseling to small businesses;

(4) Assist in technology transfer, research, and coupling from existing sources to small businesses;

(5) Maintain current information concerning federal, state, and local regulations that affect small businesses and counsel small business on methods of compliance;

(6) Coordinate and conduct research into technical and general small business problems for which there are no ready solutions;

(7) Provide and maintain a comprehensive library that contains current information and statistical data needed by small businesses;

(8) Maintain a working relationship and open communications with the financial and investment communities, legal associations, local and regional private consultants, and local and regional small business groups and associations in order to help address the various needs of the small business

community; and

(9) Conduct in-depth surveys for local small business groups in order to develop general information regarding the local economy and general small business strengths and weaknesses in the locality.

Sec. 5. The Small Business Division may contract with any postsecondary institution of higher education, community organization, governmental agency or entity, or any other nonprofit or for profit entity to provide specialized research, technology development assistance, technology transfer services, financial packaging or leveraging services, human resources development services, or such other specialized services as the Small Business Division deems necessary if:

(1) Preference is given to entities based in or operating in Nebraska; and

(2) Preference is given to entities providing matching funding, particularly with reference to industry specific research or support services.

Sec. 6. The Small Business Division shall require, as a condition of contracts awarded under the Business Development Services Program, satisfactory quarterly reports from recipients describing services provided, clients served, and expenditures. The Small Business Division shall provide an annual report to the Legislature which describes services provided under the Business Development Partnership Act, analyzes the impact of the services, and makes recommendations regarding the services.".

(Signed) Lee Rupp, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 78 and 329.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 78
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0154

1. In the Ashford amendment adopted April 1, 1987, found on page 1415 of the Journal, on page 1, "or" has been struck.

Enrollment and Review Change to LB 329
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0153

1. In the Withem amendment, AM0586, adopted March 31, 1987:

a. On page 1, line 9, "faculties" has been struck and "faculty" inserted; in line 10 "institutions" has been struck and "institution" inserted; and in line 12 an underscored comma has been inserted after "centers"; and

b. On page 2, line 7, "faculties" has been struck and "faculty" inserted and "each" has been struck and "its" inserted; and in line 8 "board's" has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 741. Title read. Considered.

Standing Committee amendment, AM0647, found in the Journal on page 1203 for the Forty-Seventh Day was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 535. Placed on General File as amended.
Standing Committee amendments to LB 535:
AM0825

1. On page 2, strike beginning with "in" in line 17 through "attorney" in line 18.

2. On page 5, line 11, after the first comma

insert "a sexual assault of a child, as defined in section 28-320.01, a second degree assault, as defined in section 28-309, a kidnapping, as defined in section 28-313, a first degree false imprisonment, as defined in section 28-314, a second degree sexual assault, as defined in section 28-320,"; and in line 21 after "representative" insert ", but shall not include the alleged perpetrator of the homicide. In the case of a sexual assault of a child, victim shall mean the child-victim and the parents, guardians, or duly appointed legal representative of the child-victim".

3. On page 6, line 19, after "information" insert "which is a matter of public record and".

4. On page 7, strike lines 12 through 18; and in line 19 strike "(e)" and insert "(d)".

5. On page 8, line 1, strike "(f)" and insert "(e)"; and in line 5 strike "(g)" and insert "(f)".

LEGISLATIVE BILL 119. Indefinitely postponed.
LEGISLATIVE BILL 355. Indefinitely postponed.
LEGISLATIVE BILL 502. Indefinitely postponed.
LEGISLATIVE BILL 719. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

ANNOUNCEMENTS

Mr. Lamb announced an Executive Session of the Transportation Committee in the Senator's lounge, April 3, 1987, at 10:00 a.m.

Speaker Barrett announced a Committee Chairpersons meeting at 8:30 a.m., Room 2102, April 3, 1987.

GENERAL FILE

LEGISLATIVE BILL 114. Title read. Considered.

Standing Committee amendments, AM0556, found in the Journal on page 1214 for the Forty-Seventh Day were considered.

Mr. Landis offered the following amendment to the Standing Committee amendments:
AM0849
(Amendments to Standing Committee amendments, AM0556)

1. On page 1, strike beginning with the second "in" in line 7 through "and" in line 8; in line 9 after "18" insert "; and in line 20 after 'village' insert '; and

(7) Other definitions shall be as defined in section 81-1502'"; in line 11 after the semicolon insert "in line 21 strike 'twelve' and insert 'fourteen';"; in lines 12 and 16 strike "four" and insert "six"; and strike beginning with the semicolon in line 16 through line 20 and insert a period.

2. On page 2, line 3, after "application" insert "for a disposal facility"; in line 4 after "that" insert "treatment by"; in line 5 strike "consumptive"; and in line 6 strike "of disposal".

The Landis amendment was adopted with 14 ayes, 0 nays, 30 present and not voting, and 5 excused and not voting.

Messrs. Harris and Pappas asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. McFarland and Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Pappas asked unanimous consent to have his name added as co-introducer to LB 430. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 185. Placed on Select File as amended.
E & R amendments to LB 185:
AM5170

1. For purposes of correlation with section 1, LB 287:

a. On page 1, line 2; and page 38, line 8,

strike "sections 77-2702 and" and insert "section";

b. On page 1, line 3; and page 38, line 9, after "1943" insert ", and section 77-2702, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 287, Ninetieth Legislature, First Session, 1987";

c. On page 2, line 2, after the second comma insert "as amended by section 1, Legislative Bill 287, Ninetieth Legislature, First Session, 1987,"; and in line 18 after "Contractor" insert "or repairperson shall not include any person who incorporates live plants into real estate, except when such incorporation is incidental to the transfer of an improvement upon real estate or the real estate. The contractor";

d. On page 14, line 13, strike "and";

e. On page 15, line 9, before the semicolon insert "; and

(e) A sale of live plants incorporated into real estate, except when such incorporation is incidental to the transfer of an improvement upon real estate or the real estate"; and

f. On page 16, line 4, strike "; feed" and insert ". Feed".

2. On page 1, line 5, after the second semicolon insert "to provide an operative date;".

LEGISLATIVE BILL 185A. Placed on Select File.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. McFarland asked unanimous consent to print the following amendment to LB 773 in the Journal. No objections. So ordered.

AM0842

(Amendments to the Standing Committee amendments)

1. Strike the original amendments and insert the following new amendment:

"1. Strike the original sections and insert the following new sections:

'Section 1. That section 77-2701.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2701.01. Pursuant to section 77-2715.01, the rate of the income tax levied pursuant to section 77-2715 shall be ~~nineteen~~ twenty-one per cent. ~~, except that for taxable years beginning or deemed to begin on or after January 1, 1985, and on or before December 31, 1985, the rate shall be twenty per cent.~~

Sec. 2. This act shall be operative for all taxable years commencing on or after January 1, 1987, or deemed to begin on or after January 1, 1987, under the Internal Revenue Code of 1986, as amended.

Sec. 3. That original section 77-2701.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.'.".

Mr. Barrett asked unanimous consent to print the following amendment to LB 80 in the Journal. No objections. So ordered.

to amend the Standing Committee Amendments of LB 80:

On page 1, line 10, after the word "highway" insert "shall have a valid operator's license or a special permit as provided in Sec. 60-407(5) and".

VISITORS

Visitors to the Chamber were 3 eighth grade students and sponsors from St. Michaels, Albion; Shari Meyer from Chadron; 38 members of Fillmore County extension clubs; and 34 fifth grade students and teachers from Doniphan Schools.

ADJOURNMENT

At 4:18 p.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Friday, April 3, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - APRIL 3, 1987

LEGISLATIVE JOURNAL

FIFTY-FIFTH DAY - APRIL 3, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 3, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Dr. Ivan Rymes, First Presbyterian Church, York, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Baack and Haberman who were excused; and Messrs. Chambers, Conway, V. Johnson, Pappas, Schmit, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Fourth Day was approved.

UNANIMOUS CONSENT - Print in Journal

Mrs. Higgins asked unanimous consent to print the following amendment to LB 368 in the Journal. No objections. So ordered.

1. On page 5, line 21, after "by" insert "state or".
2. On page 6, line 24, strike "real or threatened".
3. On page 7, line 1, strike "Physical" through the underscored period in line 3 and insert "(a) physical assault or the threat of physical assault; (b) illegal use of a firearm or other weapon or the

threat to use an illegal firearm or other weapon; or (c) possession of a controlled substance by the tenant or any other person on the premises with the consent of the tenant if the tenant knew or should have known of the possession by such other person of a controlled substance, unless such controlled substance was obtained directly from or pursuant to a valid prescription or order by a practitioner as defined in section 28-401(21), while acting in the course of his or her professional practice.".

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 71.

MOTION - Approve Appointment

Mr. Miller moved the adoption of the report of the Agriculture Committee for the following Governor appointment found in the Journal on page 1440: A. L. (Roy) Frederick - Nebraska Department of Agriculture.

Voting in the affirmative, 30:

Abboud	Elmer	Johnson, L.	Miller	Schellpeper
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Hall	Korshoj	Peterson	Warner
Chizek	Hannibal	Landis	Pirsch	Wehrbein
Coordsen	Harris	Lynch	Remmers	Weihing
Dierks	Hefner	Marsh	Rupp	Wesely

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Lamb	McFarland	Nelson	Smith
Hartnett	Langford	Moore	Rogers	Withem

Excused and not voting, 9:

Baack	Conway	Higgins	Labedz	Schmit
Chambers	Haberman	Johnson, V.	Pappas	

The appointment was confirmed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 774. With Emergency.

A BILL FOR AN ACT relating to daylight time; to amend sections 49-1301 and 49-1302, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to standard and daylight time for the state; to eliminate a restriction on daylight time; to repeal the original sections, and also section 49-1303, 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	Elmer	Johnson, R.	Moore	Schmit
Ashford	Goodrich	Korshoj	Morehead	Scofield
Barrett	Hall	Lamb	Nelson	Smith
Beyer	Hannibal	Landis	Pirsch	Warner
Chizek	Harris	Langford	Remmers	Wehrbein
Conway	Hefner	Marsh	Rogers	Weihing
Coordsen	Higgins	McFarland	Rupp	Wesely
Dierks	Johnson, L.	Miller	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 3:

Hartnett	Lynch	Peterson

Excused and not voting, 6:

Baack	Haberman	Johnson, V.	Labedz	Pappas
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.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 774.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 67.

A BILL FOR AN ACT relating to liability; to define a term; and to provide immunity for certain acts of directors, officers, and trustees of not-for-profit organizations.

Whereupon the 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	Goodrich	Korshoj	Morehead	Schmit
Ashford	Hall	Lamb	Nelson	Scofield
Barrett	Hannibal	Landis	Peterson	Smith
Beyer	Harris	Langford	Pirsch	Warner
Chizek	Hartnett	Lynch	Remmers	Wehrbein
Conway	Hefner	Marsh	Rogers	Weihing
Coordsen	Higgins	McFarland	Rupp	Wesely
Dierks	Johnson, L.	Miller	Schellpeper	Withem
Elmer	Johnson, R.	Moore		

Voting in the negative, 0.

Excused and not voting, 6:

Baack	Haberman	Johnson, V.	Labedz	Pappas
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 343.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,158 and 77-27,159, Reissue Revised Statutes of Nebraska, 1943; to change the meeting times of the Nebraska Economic Forecasting Advisory Board; to provide for additional meeting times; to provide additional powers and duties; 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	Goodrich	Korshoj	Morehead	Schmit
Ashford	Hall	Lamb	Nelson	Scofield
Barrett	Hannibal	Landis	Peterson	Smith
Beyer	Harris	Langford	Pirsch	Warner
Chizek	Hartnett	Lynch	Remmers	Wehrbein
Conway	Hefner	Marsh	Rogers	Weihing
Coordsen	Higgins	McFarland	Rupp	Wesely
Dierks	Johnson, L.	Miller	Schellpeper	Withem
Elmer	Johnson, R.	Moore		

Voting in the negative, 0.

Excused and not voting, 6:

Baack	Haberman	Johnson, V.	Labedz	Pappas
Chambers				

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 367. With Emergency.

A BILL FOR AN ACT relating to handicapped children; to amend sections 43-606, 43-607, 43-611.01, 43-617 to 43-619, 43-625, 43-642, 43-646, 43-646.01, 43-646.03, 43-646.06, 43-646.09, 43-647, 43-647.01, 43-650, 43-651, 43-653, 43-660, 43-664 to 43-666, 43-669 to 43-677, 43-679, 43-680, 79-1369, 79-1903, 79-1911, and 79-2003, Reissue Revised Statutes of Nebraska, 1943, sections 43-605 to 43-605.03,

43-607.02, 43-611, 43-626, 43-626.01, 43-641, 43-643, 43-646.02, 43-646.08, 43-649, 43-661 to 43-662.01, 79-444, 79-4,102, 79-2213, 83-366, and 83-382, Revised Statutes Supplement, 1986, and section 43-648, Revised Statutes Supplement, 1986, as amended by section 2, Legislative Bill 2, Eighty-ninth Legislature, Fourth Special Session, 1986; to adopt the Special Education Act; to change and eliminate certain provisions relating to handicapped children; to harmonize provisions; to provide an operative date; to repeal the original sections, and also sections 43-601, 43-602, 43-607.01, 43-608, 43-610.01, 43-616.03, 43-622, 43-623, 43-624, 43-629, 43-630, 43-632, 43-640, 43-645, 43-646.04, 43-646.05, 43-646.07, 43-646.10, 43-667, 43-668, 43-678, 79-203, 79-204, and 79-318, Reissue Revised Statutes of Nebraska, 1943, sections 43-620, 43-621, 43-627.01, and 43-631, Revised Statutes Supplement, 1986, and section 43-604, Revised Statutes Supplement, 1986, as amended by section 1, Legislative Bill 2, Eighty-ninth Legislature, Fourth Special Session, 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	Goodrich	Korshoj	Morehead	Schmit
Ashford	Hall	Labedz	Nelson	Scofield
Barrett	Hannibal	Lamb	Peterson	Smith
Beyer	Harris	Landis	Pirsch	Warner
Chizek	Hartnett	Langford	Remmers	Wehrbein
Conway	Hefner	Marsh	Rogers	Weihing
Coordsen	Higgins	McFarland	Rupp	Wesely
Dierks	Johnson, L.	Miller	Schellpeper	Withem
Elmer	Johnson, R.	Moore		

Voting in the negative, 0.

Excused and not voting, 6:

Baack	Haberman	Johnson, V.	Lynch	Pappas
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 493.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend section 81-2026, Revised Statutes Supplement, 1986; to provide for certain disability benefits 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, 44:

Abboud	Elmer	Johnson, R.	Moore	Schmit
Ashford	Goodrich	Korshoj	Morehead	Scofield
Barrett	Hall	Labedz	Nelson	Smith
Beyer	Hannibal	Lamb	Peterson	Warner
Chambers	Harris	Landis	Pirsch	Wehrbein
Chizek	Hartnett	Langford	Remmers	Weihing
Conway	Hefner	Marsh	Rogers	Wesely
Coordsen	Higgins	McFarland	Rupp	Withem
Dierks	Johnson, L.	Miller	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 5:

Baack	Haberman	Johnson, V.	Lynch	Pappas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 569. With Emergency.

A BILL FOR AN ACT relating to child support payments; to amend section 42-358.02, Revised Statutes Supplement, 1986; to change provisions relating to the interest rate on delinquent payments; 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	Goodrich	Korshoj	Morehead	Schmit
Ashford	Hall	Labedz	Nelson	Scofield
Barrett	Hannibal	Lamb	Peterson	Smith
Beyer	Harris	Landis	Pirsch	Warner
Chizek	Hartnett	Langford	Remmers	Wehrbein
Conway	Hefner	Marsh	Rogers	Weihing
Coordsen	Higgins	McFarland	Rupp	Wesely
Dierks	Johnson, L.	Miller	Schellpeper	Withem
Elmer	Johnson, R.	Moore		

Voting in the negative, 1:

Chambers

Excused and not voting, 5:

Baack	Haberman	Johnson, V.	Lynch	Pappas

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 571.

A BILL FOR AN ACT relating to the Supreme Court; to eliminate a requirement that court rules be revised in January of each odd-numbered year; and to repeal section 24-210, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hartnett	Lamb	Morehead
Ashford	Dierks	Hefner	Landis	Nelson
Barrett	Elmer	Higgins	Langford	Peterson
Beyer	Goodrich	Johnson, L.	Marsh	Pirsch
Chambers	Hall	Johnson, R.	McFarland	Remmers
Chizek	Hannibal	Korshoj	Miller	Rogers
Conway	Harris	Labedz	Moore	Rupp

Schellpeper	Smith	Wehrbein	Wesely	Withem
Scofield	Warner	Weihing		

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 5:

Baack	Haberman	Johnson, V.	Lynch	Pappas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 573.

A BILL FOR AN ACT relating to child support; to amend sections 42-347, 43-512, and 43-1704, Revised Statutes Supplement, 1986; to redefine the term authorized attorney; to harmonize provisions; to eliminate certain powers and duties of the Attorney General; to eliminate a cash fund; and to repeal the original sections, and also section 84-218, Revised Statutes Supplement, 1986.

Whereupon the 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	Goodrich	Korshoj	Moore	Schmit
Ashford	Hall	Labedz	Morehead	Scofield
Barrett	Hannibal	Lamb	Nelson	Smith
Beyer	Harris	Landis	Peterson	Warner
Chizek	Hartnett	Langford	Pirsch	Wehrbein
Conway	Hefner	Marsh	Remmers	Weihing
Coordsen	Higgins	McFarland	Rupp	Wesely
Dierks	Johnson, L.	Miller	Schellpeper	Withem
Elmer	Johnson, R.			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Rogers

Excused and not voting, 5:

Baack Haberman Johnson, V. Lynch Pappas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 576.

A BILL FOR AN ACT relating to fiduciaries; to permit investment in investment companies and investment trusts 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	Goodrich	Korshoj	Moore	Schmit
Ashford	Hall	Labedz	Morehead	Scofield
Barrett	Hannibal	Lamb	Nelson	Smith
Beyer	Harris	Landis	Peterson	Warner
Chizek	Hartnett	Langford	Pirsch	Wehrbein
Conway	Hefner	Lynch	Remmers	Weihing
Coordsen	Higgins	Marsh	Rogers	Wesely
Dierks	Johnson, L.	McFarland	Rupp	Withem
Elmer	Johnson, R.	Miller	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Baack Haberman Johnson, V. Pappas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Rupp asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 577.

A BILL FOR AN ACT relating to fiduciaries; to authorize certain investments as prescribed; to authorize a fee for such investments; to provide that compliance fulfills certain obligations; and to define a term.

Whereupon the 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	Goodrich	Korshoj	Moore	Schmit
Ashford	Hall	Labedz	Morehead	Scofield
Barrett	Hannibal	Lamb	Nelson	Smith
Beyer	Harris	Landis	Peterson	Warner
Chambers	Hartnett	Langford	Pirsch	Wehrbein
Conway	Hefner	Lynch	Remmers	Weihing
Coordsen	Higgins	Marsh	Rogers	Wesely
Dierks	Johnson, L.	McFarland	Schellpeper	Withem
Elmer	Johnson, R.	Miller		

Voting in the negative, 0.

Present and not voting, 1:

Chizek

Excused and not voting, 5:

Baack	Haberman	Johnson, V.	Pappas	Rupp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 679 to Select File

Mrs. Smith moved to return LB 679 to Select File for the following specific amendment:
AM0852

(Amendments to the Final Reading Copy)

1. On page 1, line 5, strike "and"; and in line 6 after "sections" insert "; and to declare an emergency".

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.".

The Smith motion to return prevailed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 679. The Smith 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.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 721.

A BILL FOR AN ACT relating to cities and villages; to provide for the creation of special improvement districts.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Elmer	Johnson, R.	Miller	Schellpeper
Ashford	Goodrich	Korshoj	Moore	Scofield
Barrett	Hall	Labedz	Morehead	Smith
Beyer	Hannibal	Lamb	Nelson	Warner
Chambers	Harris	Landis	Peterson	Wehrbein
Chizek	Hartnett	Langford	Pirsch	Weihing
Conway	Hefner	Lynch	Remmers	Wesely
Coordsen	Higgins	Marsh	Rogers	Withem
Dierks	Johnson, L.	McFarland		

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 5:

Baack Haberman Johnson, V. Pappas Rupp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 753.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-141, Revised Statutes Supplement, 1986; to provide for the acquisition of certain mortgages and certificates by banks; 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	Elmer	Korshoj	Miller	Schellpeper
Ashford	Goodrich	Labedz	Moore	Scofield
Barrett	Hall	Lamb	Morehead	Smith
Beyer	Hannibal	Landis	Nelson	Warner
Chambers	Harris	Langford	Peterson	Wehrbein
Chizek	Hartnett	Lynch	Pirsch	Weihing
Conway	Hefner	Marsh	Remmers	Wesely
Coordsen	Higgins	McFarland	Rogers	Withem
Dierks	Johnson, R.			

Voting in the negative, 0.

Present and not voting, 2:

Johnson, L. Schmit

Excused and not voting, 5:

Baack	Haberman	Johnson, V.	Pappas	Rupp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 8, Section 5, to permit consideration of LBs 661 and 661A on Final Reading today.

The Warner motion to suspend the rules prevailed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 661. With Emergency.

A BILL FOR AN ACT relating to state employees; to amend sections 48-810, 48-811, 48-813, 48-817, 48-818, 81-1307, 81-1331, 81-1333, and 81-1334, Reissue Revised Statutes of Nebraska, 1943, and sections 48-816, 48-837, 48-838, and 48-842, Revised Statutes Supplement, 1986; to adopt the State Employees Collective Bargaining Act; to change and provide duties for the Director of Personnel and the Legislature; to eliminate certain provisions relating to salary surveys, classifications, and a longevity salary increase; to harmonize provisions; to provide severability; to repeal the original sections, and also sections 81-1335 to 81-1341 and 81-1345, 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	Conway	Hannibal	Johnson, R.	Lynch
Ashford	Coordsen	Harris	Korshoj	Marsh
Barrett	Dierks	Hartnett	Labedz	McFarland
Beyer	Elmer	Hefner	Lamb	Miller
Chambers	Goodrich	Higgins	Landis	Moore
Chizek	Hall	Johnson, L.	Langford	Morehead

Nelson	Remmers	Schellpeper	Smith	Weihing
Peterson	Rogers	Schmit	Warner	Wesely
Pirsch	Rupp	Scofield	Wehrbein	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Baack	Haberman	Johnson, V.	Pappas

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 661A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 661, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Elmer	Johnson, R.	Miller	Schmit
Ashford	Goodrich	Korshoj	Moore	Scofield
Barrett	Hall	Labedz	Morehead	Smith
Beyer	Hannibal	Lamb	Nelson	Warner
Chambers	Harris	Landis	Peterson	Wehrbein
Chizek	Hartnett	Langford	Pirsch	Weihing
Conway	Hefner	Lynch	Remmers	Wesely
Coordsen	Higgins	Marsh	Rupp	Withem
Dierks	Johnson, L.	McFarland	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

Rogers

Excused and not voting, 4:

Baack Haberman Johnson, V. Pappas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 3, 1987, at 9:27 a.m., was the following bill: 774.

(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 April 2, 1987. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bauer, Jerry B. - Lincoln, Nebraska Baptist School Fellowship
Cutshall, Bruce A. - Lincoln, Lincoln Medical Education Foundation
DeCamp Legal Services, P.C.
DeCamp, John W. - Lincoln, Oakland/Craig Public School District
Kennedy, John W. - Omaha (Withdrawn 87/03/30), Central States Health & Life Company of Omaha (Withdrawn 87/03/30)
Ketelsen, Roger G. - Lincoln (Withdrawn 87/03/15), Independent Insurance Agents of Nebraska (Withdrawn 87/03/15)
O'Hara & Associates, Inc. - Lincoln, Nucor Corporation

MESSAGE FROM THE GOVERNOR

April 3, 1987

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 774 was received in the Governor's Office on April 3, 1987.

Because the Governor is out of the state, this bill was signed by me as Acting Governor on April 3, 1987, and delivered it to the Secretary of State.

Sincerely,
(Signed) WILLIAM E. NICHOL
Lieutenant Governor

cc: Allen Beermann

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 67, 343, 367, 493, 569, 571, 573, 576, 577, 721, and 753.

GENERAL FILE

LEGISLATIVE BILL 777. Title read. Considered.

Standing Committee amendment, AM0710, found in the Journal on page 1265 for the Forty-Eighth Day was considered.

Mr. McFarland spoke to a point of personal privilege.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Chambers offered the following amendment:
Add new miscellaneous claim:
For Feb 1986 thru Jan 1987 against the University of Nebraska
$660,000 to pay each of 110 members of the varsity football team $500 per month.

Mr. Hartnett asked unanimous consent to be excused. No objections. So ordered.

Mr. Miller 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, 5:

Chambers	Hall	Higgins	Moore	Morehead

Voting in the negative, 36:

Abboud	Elmer	Korshoj	Nelson	Scofield
Ashford	Goodrich	Labedz	Peterson	Smith
Barrett	Hannibal	Lamb	Pirsch	Warner
Beyer	Harris	Landis	Remmers	Wehrbein
Chizek	Hefner	Langford	Rogers	Weihing
Conway	Johnson, L.	Lynch	Rupp	Wesely
Coordsen	Johnson, R.	Marsh	Schellpeper	Withem
Dierks				

Present and not voting, 1:

McFarland

Absent and not voting, 1:

Schmit

Excused and not voting, 6:

Baack	Hartnett	Johnson, V.	Miller	Pappas
Haberman				

The Chambers amendment lost with 5 ayes, 36 nays, 1 present and not voting, 1 absent and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Harris 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: 661 and 661A.

GENERAL FILE

LEGISLATIVE BILL 777. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 95. Placed on General File as amended.
Standing Committee amendments to LB 95:
AM0757

1. On page 3, line 1, after "person" insert "having a place of employment located within this state and".

2. On page 5, strike beginning with "having" in line 19 through "state" in line 20; in line 20 strike the comma and insert "and"; in line 21 strike beginning with the first comma through "maintain" and insert "and thereafter enforce"; in line 22 after "policy" insert an underscored period and strike "which shall contain" and insert paragraphing and "(3) Each employer may post the written smoking policy and shall include in the written smoking policy"; and in line 25 after "her" insert "immediate".

3. On page 6, line 2, strike "to be provided" and insert "the style of which may be determined"; in line 4 after the first comma insert "or" and strike "or other factors,"; strike beginning with "relocating" in line 7 through the comma in line 8; in line 11 after "employee" insert ". The employer may relocate the employee to a different work area if no other options

are available";in line 13 strike "elevators,"; in line 14 after "restrooms" insert ", unless such areas are designated as smoking areas" and strike line 25 and insert "(4) Each employer shall communicate the smoking policy".

4. On page 7, strike lines 2 through 4; and strike beginning with "assisted" in line 11 through line 12 and insert "testified, assisted, or participated in any manner in any investigation, proceeding, or hearing conducted in connection with the enforcement of this section.".

5. On page 8, line 19, after the second "or" insert "subsection (2), (3), (4), or (6) of".

6. Strike the original section 13 and insert the following new sections:

"Sec. 13. Any person or proprietor in charge of a public place who fails to perform any duty imposed by section 71-5109 and any employer who fails to perform any duty imposed by subsection (2), (3), or (4) of section 10 of this act or who violates subsection (6) of section 10 of this act shall be subject to a civil penalty of one hundred dollars, and each day the violation or failure to perform a duty continues after seven days following the initial violation shall be considered a separate offense. The cumulative civil penalty for separate offenses by any person or proprietor shall not exceed five hundred dollars. It shall be the duty of (1) the Attorney General or any county attorney upon request of the Department of Health and (2) any county attorney upon request of any local board of health to assist without delay in the prosecution of any such violation or failure to perform a duty in order to assure compliance with the Nebraska Clean Indoor Air Act.

Sec. 15. This act shall become operative on January 1, 1988.".

7. Renumber the remaining section accordingly.

(Signed) Don Wesely, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 72.

Introduced by Peterson, 21st District; Rupp, 22nd District; Conway, 17th District.

WHEREAS, James Manning will retire on May 16, 1987, after forty years in the field of education; and

WHEREAS, James Manning has taught biological science at Northeast Community College for forty years; and

WHEREAS, James Manning has had a total of over six thousand students in his classroom during the forty years; and

WHEREAS, James Manning has consistently provided the citizens of Nebraska with dedicated service in the educational field and has devoted his professional life to prepare his students for success in their lives.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature honors and recognizes James Manning for his forty years of dedicated service to residents of the Northeast Technical Community College Area and the State of Nebraska.

2. That a copy of this resolution be sent to James Manning.

Laid over.

LEGISLATIVE RESOLUTION 73.

Introduced by Smith, 33rd District; Landis, 46th District.

PURPOSE: To study issues concerning the Nebraska Rules of the Road and other laws, rules, and regulations intended to improve motorcycle safety and the safe operation of mopeds, minibikes, all-terrain vehicles, and similar types of vehicles. The study shall include, but not be limited to, the following issues:

(1) Comprehensive motorcycle safety education as a prerequisite to operator licensing;

(2) Restrictions on motorcycle operation by persons with learners' permits or school permits;

(3) Improvements in the testing for motorcycle operators' licensing and upgrading the qualifications of those administering such tests. The study shall consider adoption of the Motorcycle Safety Foundation's Motorcycle Operator Skill Test to replace the current tests administered by the Department of Motor Vehicles;

(4) The advisability of education, testing, and licensing of the operators of mopeds and vehicles designed primarily for off-road use;

(5) Vehicle equipment requirements such as lights, two wheel brakes, roll bars, eye protection devices, and reflectors; and

(6) Motorcycle Awareness and other such programs intended to make motorists more aware of motorcycles, mopeds, and other similar types of vehicles which may be operated on the public roads.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature's Transportation Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall call upon the Department of Motor Vehicles, the Nebraska Office of Highway Safety, the Accident Records Bureau of the Department of Roads, the Motorcycle Safety Advisory Committee, the Motorcycle Safety Foundation, the American Motorcyclist Association, ABATE of Nebraska, Inc., and such other organizations, associations, and individuals as may have information, expertise, and interest in the topics to be studied for assistance in conducting this study.

3. That the committee explore the possible use of Federal Highway Safety 402 funds to assist in conducting this study and the administration of motorcycle safety programs already in existence as well as those recommended by the committee.

4. That the committee shall, upon the conclusion of its study, make a report of its findings, together with its recommendations to the Legislative Council or Legislature.

Referred to the Executive Board.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 3, 1987, at 11:05 a.m., were the following bills: 67, 343, 367, 493, 569, 571, 573, 576, 577, 721, and 753.

(Signed) Pam Moravec, Enrolling Clerk

REPORTS

Received audit reports from the Auditor of Public Accounts for the following: Department of Motor Vehicles, Department of Roads, Department of Economic Development, Department of Social Services, Public Employees Retirement Board, Nebraska Brand Committee, and Nebraska Game and Parks Commission.

GENERAL FILE

LEGISLATIVE BILL 114. Considered.

Mr. Landis moved for a call of the house. The motion prevailed with 14 ayes, 5 nays, and 30 not voting.

Pending.

VISITORS

Visitors to the Chamber were Congressman Douglas Bereuter; 70 sixth grade students and sponsor from Superior Elementary; Carol and Randall Brummoud from Herman; and 32 fourth grade students and sponsor from Paddock Lane, Beatrice.

MOTION - Recess

Mr. Schmit moved to recess until 1:30 p.m.

Mr. Landis requested a roll call vote on the motion to recess.

Voting in the affirmative, 21:

Beyer	Hefner	Lamb	Rupp	Smith
Conway	Johnson, L.	Langford	Schellpeper	Warner
Coordsen	Johnson, R.	Moore	Schmit	Wehrbein
Goodrich	Labedz	Pirsch	Scofield	Withem
Hall				

Voting in the negative, 17:

Abboud	Dierks	Lynch	Miller	Remmers
Ashford	Elmer	Marsh	Morehead	Weihing
Barrett	Korshoj	McFarland	Nelson	Wesely
Chizek	Landis			

Present and not voting, 4:

Chambers	Hannibal	Peterson	Rogers

Excused and not voting, 7:

Baack Harris Higgins Johnson, V. Pappas
Haberman Hartnett

The Schmit motion to recess prevailed with 21 ayes, 17 nays, 4 present and not voting, and 7 excused and not voting, and at 11:54 a.m., the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Baack, Haberman, Hartnett, Remmers, and Mrs. Higgins who were excused; and Messrs. Ashford, V. Johnson, Korshoj, Pappas, and Warner who were excused until they arrive.

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 430. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0858.)

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 3, 1987, at 11:40 a.m., were the following bills: 661 and 661A.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 504 in the Journal. No objections. So ordered.

On page 33, line 15, strike "March 15" and insert "April 1".

GENERAL FILE

LEGISLATIVE BILL 114. Considered.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit offered the following amendment:
AM0865

1. On page 19, strike beginning with "The" in line 13 through the period in line 14; in line 17 after the period insert "The director shall then notify the local governing body of the board's decision and its reasons therefor. The local governing body shall review the board's decision and all other information and findings compiled regarding the proposed facility. The local governing body shall then issue a final decision approving or disapproving the application and shall notify the director and the board of its final decision. The decision made by the local governing body shall be binding on the board and the director."; and in lines 18 and 25 strike "board" and insert "local governing body".

2. On page 21, line 9, strike "or of the board".

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers 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 27 ayes, 0 nays, and 22 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Barrett	Elmer	Labedz	Peterson	Schmit
Beyer	Hannibal	Lamb	Pirsch	Scofield
Conway	Hefner	Moore	Rogers	Smith
Coordsen	Johnson, L.	Morehead	Rupp	Wehrbein
Dierks	Johnson, R.	Nelson	Schellpeper	Weihing

Voting in the negative, 11:

Abboud	Chizek	Goodrich	Hall	Harris

Landis	Marsh	McFarland	Wesely	Withem
Lynch				

Present and not voting, 4:

Korshoj	Langford	Miller	Warner

Excused and not voting, 9:

Ashford	Chambers	Hartnett	Johnson, V.	Remmers
Baack	Haberman	Higgins	Pappas	

The Schmit amendment was adopted with 25 ayes, 11 nays, 4 present and not voting, and 9 excused and not voting.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Advanced to E & R for Review with 26 ayes, 5 nays, 10 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 757A. By Chambers, 11th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 757, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 693A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 693, Ninetieth Legislature, First Session, 1987.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz, Messrs. Hall, and Hefner asked unanimous consent to print the following amendment to LB 446 in the Journal. No objections. So ordered.

AM0840

1. On page 7, line 12, before "With" insert "(1)"; and after line 17 insert the following new subsections:

"(2) After December 31, 1987, with respect to any claimant for whom there is current a benefit year, which has not expired prior to January 1 of the year immediately following the effective date of any legislative enactment which changes any weekly benefit amounts prescribed in section 48-624 or changes the maximum annual benefit amount prescribed in section 48-626, the weekly benefit amount and the maximum annual benefit amount shall be those amounts determined prior to such date.

(3) After December 31, 1987, any changes in the weekly benefit amounts prescribed in section 48-624 or changes in the maximum annual benefit amount prescribed in section 48-626 enacted by the Legislature shall become effective on January 1 of the year following such legislative enactment.".

2. Strike the Hefner amendment, AM0583, adopted on March 25, 1987.

3. Strike the Hall amendment adopted on March 25, 1987.

4. In the E and R amendments, AM5144, strike amendment 1 and renumber the remaining amendments accordingly.

Mr. McFarland asked unanimous consent to print the following amendment to LB 514 in the Journal. No objections. So ordered.

On p. 17, following Section 24, add the following:

Sec. 25. That section 44-222, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-222. Except as otherwise provided by law, no insurance company shall expose itself to any loss on any one risk in an amount exceeding ten per cent of its surplus to policyholders as reflected by the last annual statement of the company, except that domestic assessment associations organized for the primary purpose of writing insurance coverage on farm properties and which write such

insurance in less than thirty-one counties in Nebraska shall not write any policy for an amount in excess of one-eighth of one per cent of its insurance in force. The term any one risk shall mean, in the case of property insurance, all properties insured by the same insurance company which are customarily considered by underwriters to be subject to loss or destruction from the same hazard or occurrence except hazards or occurrences of a catastrophic nature. The term surplus to policyholders shall mean the amount obtained by subtracting, from the admitted assets, actual liabilities, including any reserves which by law must be maintained. In the case of a stock company, surplus to policyholders shall also include the paid-up and outstanding capital stock. Any reinsurance, taking effect simultaneously with the policy or bond, shall be deducted in determining whether any one risk or policy exceeds the limitation of risk or policy prescribed in this section. This section shall not be applicable to marine insurance, as distinguished from inland marine insurance, title insurance, or workers' compensation or employer's liability insurance, nor to any policy or type of coverage as to which the maximum possible loss to the insurance company is not ascertainable on issuance of the policy. Upon the written consent of the Director of Insurance, any insurance company writing coverage pursuant to the federal Liability Risk Retention Act of 1986 may be exempted from the provisions of this section.

Sec. 26. That original section 44-222, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 27. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

RESOLUTION

LEGISLATIVE RESOLUTION 74.

Introduced by Abboud, 12th District.

WHEREAS, the community of Ralston will be celebrating its seventy-fifth anniversary on June 24, 1987; and

WHEREAS, seventy-five years of existence demonstrate industry, vitality, and perseverance; and

WHEREAS, Ralston continues to be a vibrant and growing community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes to the citizens of Ralston for continued success.
2. That a copy of this resolution be sent to the President of the Ralston City Council.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 428. Mr. Lynch asked unanimous consent to pass over. No objections. So ordered.

MRS. LABEDZ PRESIDING

LEGISLATIVE BILL 80. Title read. Considered.

Standing Committee amendments, AM0691, found in the Journal on page 1250 for the Forty-Eighth Day were considered.

Mr. Barrett renewed his pending amendment found in the Journal on page 1469 to the Standing Committee amendments.

The Barrett amendment was adopted with 21 ayes, 0 nays, 20 present and not voting, and 8 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 3 nays, 12 present and not voting, and 9 excused and not voting.

VISITORS

Visitors to the Chamber were 60 students from Robbins Elementary, Omaha; 58 sixth through eighth grade students and sponsor from St. John's Elementary, Battle Creek; and 70 fourth grade students and sponsor from Laura Dodge Elementary, Omaha.

ADJOURNMENT

At 3:29 p.m., on a motion by Speaker Barrett, the Legislature adjourned until 9:00 a.m., Monday, April 6, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY - APRIL 6, 1987

LEGISLATIVE JOURNAL

FIFTY-SIXTH DAY - APRIL 6, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 6, 1987

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Senator Weihing.

ROLL CALL

The roll was called and all members were present except Messrs. Hannibal, Miller, Moore, Mesdames Langford, and Smith who were excused; and Messrs. Chizek, Conway, Coordsen, Goodrich, R. Johnson, V. Johnson, Landis, Lynch, Pappas, Rupp, Schellpeper, and Wehrbein who where excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Fifth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 587.

Correctly Engrossed

The following bills were correctly engrossed: 198, 226, 413, and 526.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 226

The following changes, required to be reported for publication in the Journal, have been made:
ER0159
1. On page 8, line 2, "commission" has been struck and "commissioner" inserted.

Enrollment and Review Change to LB 413

The following changes, required to be reported for publication in the Journal, have been made:
ER0158
1. In the Standing Committee amendments, AM0457, adopted March 26, 1987, on page 2, line 5, "consultive" has been struck and "consultative" inserted.
2. On page 1, line 7, "to eliminate an operative date provision;" has been inserted after the semicolon.

Enrollment and Review Change to LB 526

The following changes, required to be reported for publication in the Journal, have been made:
ER0156
1. In the Warner amendment, AM0640, adopted April 2, 1987, on page 1, line 4, ", and which" has been struck and ". The distributive fund" inserted; and in line 5 "purposes" has been struck and "purpose" inserted.
2. Because of the Warner amendment adopted April 2, 1987, the Marsh amendment, AM0823, adopted April 2, 1987, has been struck.
3. On page 5, line 12, "Thence" has been struck and "; thence" inserted.

Enrollment and Review Change to LB 587
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0155
1. On page 1, line 4, "to eliminate certain election procedures;" has been inserted after the semicolon.

2. On page 6, line 13, "such" has been struck, shown as stricken, and "the" inserted and "specified pursuant to subsection (4) of this section" has been inserted after "date"; and the matter beginning with "The" in line 15 through the period in line 17 has been struck and the old matter shown as stricken.

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTIONS

LEGISLATIVE RESOLUTION 72. Read. Considered.

LR 72 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 74. Read. Considered.

LR 74 was adopted with 25 ayes, 0 nays, and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 368. Mrs. Higgins withdrew her pending amendment found in the Journal on page 1341.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 368 to Select File

Mrs. Higgins moved to return LB 368 to Select File for her pending specific amendment found in the Journal on page 1470.

The Higgins motion to return prevailed with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 368. The Higgins specific amendment found in the Journal on page 1470 was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 446. E & R amendments, AM5144, found in the Journal on page 1366 for the Fifty-First Day were adopted.

Mrs. Labedz, Messrs. Hall, and Hefner renewed their pending amendment, AM0840, found in the Journal on page 1496.

The Labedz-Hall-Hefner amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 453. E & R amendments, AM5150, found in the Journal on page 1374 for the Fifty-Second Day were adopted.

Mr. Remmers renewed his pending amendment, AM0808, found in the Journal on page 1458.

The Remmers amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 776. E & R amendments, AM5151, found in the Journal on page 1374 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 250. E & R amendments, AM5152, found in the Journal on page 1376 for the Fifty-Second Day were adopted.

Mrs. Higgins offered the following amendment:

1. On page 2, line 13, strike "announced or"; in line 21 strike "unauthorized"; in line 22 strike "otherwise" through "disciplined" in line 23 and insert "suspended"; and after the period in line 23 insert "Any director or deputy director of the department who gives advance notice of an inspection shall be subject to a five thousand dollar fine.".

The Higgins amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 575. E & R amendments, AM5158, found in the Journal on page 1402 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 575A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 479. E & R amendment, AM5159, found in the Journal on page 1441 for the Fifty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 514. E & R amendments, AM5164, found in the Journal on page 1441 for the Fifty-Third Day were adopted.

Mr. McFarland renewed his pending amendment found in the Journal on page 1496.

Mr. McFarland moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. McFarland requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Ashford	Conway	Johnson, R.	McFarland	Schellpeper
Baack	Goodrich	Labedz	Nelson	Schmit
Beyer	Haberman	Landis	Pappas	Wesely
Chizek	Hall	Marsh	Remmers	Withem

Voting in the negative, 14:

Abboud	Hartnett	Johnson, V.	Pirsch	Wehrbein
Barrett	Hefner	Lamb	Rogers	Weihing
Dierks	Johnson, L.	Morehead	Warner	

Present and not voting, 7:

Chambers	Harris	Korshoj	Peterson	Scofield
Elmer	Higgins			

Excused and not voting, 8:

Coordsen	Langford	Miller	Rupp	Smith
Hannibal	Lynch	Moore		

The McFarland amendment lost with 20 ayes, 14 nays, 7 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 603. E & R amendments, AM5160, found in the Journal on page 1443 for the Fifty-Third Day were adopted.

Mr. Chizek renewed his pending amendment, AM0798, found in the Journal on page 1407.

The Chizek amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 538. E & R amendments, AM5162, found in the Journal on page 1448 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 319. E & R amendment, AM5165, found in the Journal on page 1450 for the Fifty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 615. E & R amendments, AM5167, found in the Journal on page 1450 for the Fifty-Fourth Day were adopted.

Mr. Remmers renewed his pending amendment, AM0835, found in the Journal on page 1458.

The Remmers amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 55. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 608. E & R amendment, AM5166, found in the Journal on page 1451 for the Fifty-Fourth Day was adopted.

Mr. Korshoj offered the following amendment:
to add the emergency clause to LB 608.

The Korshoj amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 203. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 642. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 211. E & R amendments, AM5168, found in the Journal on page 1451 for the Fifty-Fourth Day were adopted.

Mr. Miller and Mrs. Langford withdrew their pending amendment, AM0566, found in the Journal on page 1036.

Mrs. Langford offered the following amendment:
AM0727

(Amendments to Standing Committee amendments)

1. On page 2, line 5; page 3, line 4; page 4, line 17; page 6, line 11; page 8, line 20, after the second "the" insert "materials to be used in fulfilling the", after "contract" insert "exclusive of labor costs", and strike "ten" and insert "fifty".

2. On page 3, line 13, insert underscoring.

3. On page 10, strike beginning with "the" in line 5 through "with" in line 7 and insert "if the amount of the materials to be used in fulfilling the contract exclusive of labor costs is fifty thousand dollars or less,"; and in line 14 after "rental" insert ", shall accompany the bid".

The Langford amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Withem asked unanimous consent to pass over LB 211. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 467. Placed on Select File as amended.
E & R amendment to LB 467:

AM5169

1. Strike original section 1 and all amendments thereto and insert the following new section:

"Section 1. That section 2-1208.01, Revised Statutes Supplement, 1986, 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 as follows:

(1) For meets commencing after January 1, 1987, and before December 31, 1989:

(a) For meets conducted on property owned by the state on which the Nebraska State Fair is also conducted, no tax shall be imposed, but the licensee shall apply two per cent of any amount in excess of ten million dollars for the purpose of maintenance of buildings, streets, utilities, and other existing improvements on the Nebraska State Fairgrounds; and

(b) For all other meets:

(i) The first ten million dollars shall not be taxed;

(ii) Any amount over ten million dollars but less than or equal to one hundred million dollars shall be taxed at the rate of two per cent;

(iii) Any amount in excess of one hundred million dollars shall be taxed at the rate of five per cent; and

(iv) An amount equal to two per cent of the first taxable ninety million dollars at each race meeting shall be retained by the licensee for capital improvements and for maintenance of the premises within the licensed racetrack enclosure and shall be a credit against the tax levied in subdivisions (b)(ii) and (b)(iii) of this subdivision; and

(2) For meets commencing on or after January 1, 1990, any amount in excess of twenty million dollars shall be taxed at the rate of four per cent.

The net tax due pursuant to subdivisions (1) and (2) of this section shall be paid to the Department of Revenue on the next-to-the-last business day of the month to allow for deposit in the General Fund on the last business day of each month during each race meeting. ~~The first seven million dollars shall not be taxed;~~

~~(2) For meets conducted on property owned by the state on which the Nebraska State Fair is also conducted, any amount in excess of seven million dollars shall be taxed at the rate of four per cent; and~~

~~(3) For all other meets commencing on or after January 1, 1986, any amount in excess of seven million dollars shall be taxed using the daily average parimutuel handle as reported in the State Racing Commission's annual report for 1985 for each licensed race meet as the standard as follows:~~

~~(a) Race meets which have an average daily parimutuel handle for the year which is less than ninety-five per cent of their 1985 average daily parimutuel handle shall be taxed at the rate of four per cent;~~

~~(b) Race meets which have an average daily parimutuel handle for the year which is equal to or exceeds ninety-five per cent of their 1985 average daily parimutuel handle but is less than one hundred per cent of such handle shall be taxed at the rate of four and one half per cent; and~~

~~(c) Race meets which have an average daily parimutuel handle which equals or exceeds one hundred per cent of their 1985 average daily parimutuel handle shall be taxed at the rate of five per cent.~~

~~The tax at the rate of four per cent shall be paid into the state treasury for deposit in the General Fund on the last day of each month during each race meeting. If the tax exceeds the four per cent rate at any race meet, the additional tax, plus a certification of the average daily parimutuel handle upon which such rate is based, shall be paid into the General Fund within ten days after the termination of each race meeting. If no additional tax is due, a certification of the average daily parimutuel handle shall be submitted to the Department of Revenue upon forms provided by the department.~~".

LEGISLATIVE BILL 74. Placed on Select File as amended.
E & R amendments to LB 74:
AM5171

1. In the Chambers amendment adopted April 1, 1987, found beginning on page 1434 of the Journal, in (1) insert a comma before and after "views"; and in (3)

after "decline" insert "to consent to such donation".

2. In the Standing Committee amendments, AM0416, adopted April 1, 1987, on page 1, line 5, strike "none" and insert "there is no such physician".

3. On page 2, line 8, strike "family" and insert "family's"; and in line 14 strike the first comma and insert "and" and strike the second comma.

4. On page 3, line 2, after "consent" insert "or decline".

5. On page 4, line 1, strike the second comma.

LEGISLATIVE BILL 564. Placed on Select File.

LEGISLATIVE BILL 564A. Placed on Select File as amended.
E & R amendment to LB 564A:
AM5172

1. On page 3, line 6, after "the" insert "Nebraska".

LEGISLATIVE BILL 504. Placed on Select File as amended.
E & R amendments to LB 504:
AM5173

1. In the Standing Committee amendments, AM0432, adopted April 1, 1987, on page 1, line 11 after "motorcycles" insert an underscored comma.

2. On page 1, line 8, after the first semicolon insert "to provide a penalty;".

3. On page 8, line 4; page 19, line 18; and page 24, line 21, strike "this act", show as stricken, and insert "sections 39-669.34 and 39-669.35".

4. On page 12, line 11, after "laws" insert ", rules,".

5. On page 31, line 16, strike "(10)", show as stricken, and insert "(9)".

6. On page 32, line 4, strike "(9)", show as stricken, and insert "(8)"; and in line 14 strike "39-666", show as stricken, and insert "this section".

7. On page 36, line 20, after the second comma insert "or" and strike the underscored comma; and in line 25 after "snow" insert an underscored comma.

LEGISLATIVE BILL 226A. Placed on Select File.
LEGISLATIVE BILL 603A. Placed on Select File.

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 307.

Correctly Engrossed

The following bills were correctly engrossed: 164, 358, and 456.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 164

The following changes, required to be reported for publication in the Journal, have been made:
ER0157

1. Because of the repeal of section 88-519 by section 4, LB 14, on page 1, line 10; and page 22, line 22, "88-519," has been struck.

2. On page 1, the matter beginning the "section" in line 2 through "and" in line 3 has been struck; the matter beginning with the second "to" in line 6 through the first semicolon in line 7 has been struck; and in line 8 "sections" has been struck and "section" inserted.

Enrollment and Review Change to LB 456

The following changes, required to be reported for publication in the Journal, have been made:
ER0160

1. On page 1, the matter beginning with "provide" in line 4 through "additional" in line 5 has been struck and "change the membership of the committee; to eliminate certain" inserted.

2. On page 2, line 8, "On" has been struck and "Commencing on" inserted; and in line 21 an underscored comma has been inserted after "shall".

3. On page 4, line 11, "section" has been inserted after "also".

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 75.

Introduced by Hefner, 19th District.

WHEREAS, 1987 marks the one hundredth anniversary of the Village of Verdigre, Nebraska; and

WHEREAS, George Quimby, the founder of Verdigre, named his youngest daughter, the first child born in Verdigre, Verdi; and

WHEREAS, Verdigre was named for the green, picturesque land on which Verdigre lies, resting serenely in the Verdigris Valley, beside the Verdigre Creek; and

WHEREAS, Verdigre is known as the Kolache Capital of the World and has a rich Czech heritage; and

WHEREAS, Verdigre has sponsored Kolache Days annually since 1969; and

WHEREAS, the citizens of the Verdigre community are deserving of special recognition during their Verdigre Centennial Celebration which occurs June 11 to 14, 1987.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its best wishes to the residents of Verdigre on the occasion of Verdigre's Centennial.

2. That the Legislature recognizes and commends the contributions and efforts put forth by the citizens of the Verdigre community, past and present, in making a better community and state.

3. That a copy of this resolution be presented to the Verdigre community at its Centennial Celebration.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Chizek asked unanimous consent to print the following amendment to LB 603A in the Journal. No objections. So ordered.

AM0872

1. On page 2, line 2, strike "39,149" and insert "16,312"; in line 3 strike "39,149" and insert "35,887"; in line 10 strike "34,470" and insert "14,363"; and in line 11 strike "34,470" and insert "31,598".

Mr. Landis asked unanimous consent to print the following amendment to LB 514 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0869.)

SELECT FILE

LEGISLATIVE BILL 185. Mr. V. Johnson moved to bracket until April 8, 1987.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hartnett offered the following amendment to the V. Johnson motion:
Bracket until May 15.

Mr. Chizek 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 25 ayes, 0 nays, and 24 not voting.

The Hartnett amendment lost with 8 ayes, 21 nays, 13 present and not voting, and 7 excused and not voting.

The V. Johnson motion to bracket lost with 16 ayes, 17 nays, 9 present and not voting, and 7 excused and not voting.

E & R amendments, AM5170, found in the Journal on page 1467 for the Fifty-Fourth Day were adopted.

Mr. Haberman renewed his pending amendment, AM0765, found in the Journal on page 1349.

Mr. Haberman withdrew his pending amendment, AM0765, found in the Journal on page 1349.

Mr. V. Johnson offered the following amendment:
AM0875
1. In the Standing Committee amendment, AM0377, adopted March 31, 1987, on page 1, line 2, strike "This" and insert "Sections 1, 2, 4, and 5 of this"; in line 3 after the period insert "The remaining sections shall become operative on their effective

date.".

2. Insert the following new sections:

"Sec. 3. That section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,132. (1) There is hereby created a fund to be designated the Tax Refund Fund which shall be set apart and maintained by the State Treasurer for prompt payments of all tax refunds under Chapter 66, article 4, the Special Fuel Tax Act, and the Nebraska Revenue Act of 1967 and for 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 such provisions. 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 the Nebraska Revenue Act of 1967. 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~~, commencing with all amounts credited on or after July 1, 1986, and on or before June 30, 1987,~~ credit to the Highway Trust Fund the portion of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers which is attributable to a sales and use tax rate of three and one half per cent. ~~, and (c) commencing with all amounts credited on or after July 1, 1987, credit to the Highway Trust Fund all of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers.~~ The balance of the amounts so paid shall be credited to the General Fund.

Sec. 6. That original section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after

its passage and approval, according to law.".

3. Renumber remaining sections accordingly.

Mr. Haberman requested a ruling of the Chair on whether the V. Johnson amendment is germane to the bill.

The Chair ruled the V. Johnson amendment is not germane to the bill.

Mr. V. Johnson challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Messrs. McFarland and Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

The V. Johnson motion to overrule the Chair lost with 8 ayes, 20 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Hartnett offered the following amendment:
AM0878

1. On page 35, line 2, strike "Farm" and insert "Used farm".

The Hartnett amendment lost with 7 ayes, 20 nays, 14 present and not voting, and 8 excused and not voting.

Messrs. R. Johnson and Schmit offered the following amendment:

1. On page 35, insert after line 3:

"(t) Materials and replacement parts purchased for use directly in the repair and maintenance of farm machinery, farm equipment, farm tractors as defined in section 39-602, or implements of husbandry".

Mr. V. Johnson offered the following amendment to the pending R. Johnson-Schmit amendment:
AM0874

"Strike R. Johnson-Schmit amendment and add."

1. Strike original sections 1 and 3 and all amendments thereto and insert the following new section:

"Sec. 3. That original section 77-2704, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 35, strike the new matter in lines 2 and 3 and insert:

"(s) Until September 1, 1989, repair parts and

materials, except tires and lubricants, purchased for use directly in the repair and maintenance of farm machinery, farm tractors, and implements of husbandry as defined in section 39-602".

3. Renumber the remaining sections accordingly.

Pending.

VISITORS

Visitors to the Chamber were 50 members of the Thayer County Extension Club; 35 members of the Nuckolls County Extension Club, Nelson; 30 sixth grade students and sponsor from Central City; 22 students and teachers from Stratton Public School and Palisade School; and 85 seniors and sponsors from Millard South High School, Omaha.

RECESS

At 12:01 p.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 Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Dierks, McFarland, Moore, Peterson, Schmit, Wesely, Withem, Mesdames Higgins, Labedz, Nelson, and Smith who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 185. The pending V. Johnson amendment, AM0874, to the pending R. Johnson-Schmit amendment found in this day's Journal was withdrawn.

The pending R. Johnson-Schmit amendment found in this day's Journal was withdrawn.

Messrs. R. Johnson and Haberman offered the following amendment: (Amendment on file in the Clerk's Office - Room 2018 - AM0885)

Mr. V. Johnson offered the following amendment to the pending R. Johnson-Haberman amendment:
Striking subsection "5" on page 35.

Mr. Schmit 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 26 ayes, 0 nays, and 23 not voting.

The V. Johnson amendment lost with 13 ayes, 20 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Landis requested a ruling of the Chair on whether the R. Johnson-Haberman amendment is germane to the bill.

The Chair ruled the R. Johnson-Haberman amendment is germane to the bill.

Mr. R. Johnson moved for a call of the house. The motion prevailed with 7 ayes, 4 nays, and 38 not voting.

Mr. V. Johnson requested a roll call vote on the R. Johnson-Haberman amendment.

Voting in the affirmative, 23:

Baack	Elmer	Lamb	Peterson	Schellpeper
Beyer	Goodrich	Moore	Remmers	Schmit
Conway	Haberman	Morehead	Rogers	Wehrbein
Coordsen	Hefner	Nelson	Rupp	Weihing
Dierks	Johnson, R.	Pappas		

Voting in the negative, 15:

Ashford	Barrett	Chambers	Chizek	Hall

Hannibal	Johnson, L.	Landis	Marsh	Warner
Hartnett	Johnson, V.	Lynch	Pirsch	Wesely

Present and not voting, 9:

Harris	Korshoj	McFarland	Scofield	Withem
Higgins	Langford	Miller	Smith	

Excused and not voting, 2:

Abboud Labedz

The R. Johnson-Haberman amendment lost with 23 ayes, 15 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 13 nays, and 11 not voting.

Mr. Haberman moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Beyer	Goodrich	McFarland	Pappas	Schellpeper
Chizek	Haberman	Miller	Peterson	Schmit
Conway	Hefner	Moore	Remmers	Wehrbein
Coordsen	Johnson, R.	Morehead	Rogers	Weihing
Dierks	Lamb	Nelson	Rupp	Withem
Elmer				

Voting in the negative, 21:

Ashford	Hannibal	Johnson, L.	Langford	Scofield
Baack	Harris	Johnson, V.	Lynch	Smith
Barrett	Hartnett	Korshoj	Marsh	Warner
Chambers	Higgins	Landis	Pirsch	Wesely
Hall				

Excused and not voting, 2:

Abboud Labedz

Advanced to E & R for Engrossment with 26 ayes, 21 nays, and 2 excused and not voting.

LEGISLATIVE BILL 185A. Advanced to E & R for Engrossment.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 270. Placed on General File.

LEGISLATIVE BILL 267. Indefinitely postponed.
LEGISLATIVE BILL 659. Indefinitely postponed.

(Signed) Vard Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 261 in the Journal. No objections. So ordered.

AM0886

1. Insert the following new sections:

"Sec. 5. In any civil action for injury to a person or property or wrongful death, the liability of each defendant for damages shall be several only and shall not be joint. Each defendant shall be liable only for the amount of damages allocated to that defendant in direct proportion to that defendant's percentage of fault, and a separate judgment shall be rendered against the defendant for that amount. To determine the amount of judgment to be entered against each defendant, the court, with regard to each defendant, shall multiply the total amount of damages recoverable by the claimant by the percentage of each defendant's fault, and that amount shall be the maximum recoverable against the defendant.

Sec. 6. In assessing percentages of fault the trier of fact shall consider the fault of all persons,

including the claimant and any person on whose behalf a claim is being made, who contributed to the alleged injury to person or property or death, tangible or intangible, regardless of whether such person was or could have been named as a party to the suit either as a defendant or plaintiff. Negligence or fault of a nonparty may be considered if the claimant entered into a settlement agreement with the nonparty or if the defending party gives notice thirty days prior to the date of trial that a nonparty was wholly or partially at fault. The notice shall be given by filing a pleading in the action designating such nonparty and setting forth such nonparty's name and last-known address, or the best identification of such nonparty which is possible under the circumstances, together with a brief statement of the basis for believing such nonparty to be at fault.

Sec. 7. Nothing in sections 5 to 10 of this act shall eliminate or diminish any defenses or immunities which currently exist, except as expressly noted in such sections. Assessments of percentages of fault for nonparties are used only for accurately determining the fault of named parties. When fault is assessed against nonparties, findings of such fault shall not subject any nonparty to liability in this or any other action nor shall such findings be introduced as evidence of liability in any action.

Sec. 8. Joint liability shall be imposed on all who pursue a common plan or design to commit a tortious act or actively take part in it. Any person held jointly liable under this section shall have a right of contribution from his or her fellow defendants acting in concert. A defendant shall be held responsible only for the portion of fault assessed to those with whom he or she acted in concert under this section.

Sec. 9. The burden of alleging and proving fault shall be upon the person who seeks to establish such fault.

Sec. 10. Nothing in sections 5 to 9 of this act shall be construed to create a cause of action. Nothing in such sections shall be construed in any way to alter the immunity of any person.

Sec. 11. Section 25-824 and sections 2 to 10

of this act shall apply to any civil action filed on or after the effective date of this act.".

2. Renumber the remaining section accordingly.

Messrs. R. Johnson and Schmit asked unanimous consent to print the following amendment to LB 656 in the Journal. No objections. So ordered.

1. The original Section 3, on page 3, line 18, strike the word "may" and reinsert the word "shall" and on line 20, after the semicolon, strike "(2) School of Technical Agriculture at" and on line 21, at the beginning of the line strike the word and semicolon "Curtis;" and renumber the remaining divisions accordingly.

Messrs. R. Johnson and Schmit asked unanimous consent to print the following amendment to LB 656 in the Journal. No objections. So ordered.

(Amendments to Standing Committee amendments)

1. On page 1, line 11, after "shall" insert ", subject to section 4 of this act,".

2. Insert the following new section:

"Sec. 4. If there is not appropriated from the General Fund the sum of $1,267,088 for the period July 1, 1987, to June 30, 1988, and the sum of $1,267,088 for the period July 1, 1988, to June 30, 1989, for the sole purpose of maintaining the programs and facilities of the Nebraska College of Technical Agriculture at Curtis until July 1, 1989, then the Board of Regents of the University of Nebraska shall have no duty or obligation to further maintain or continue operation of the Nebraska College of Technical Agriculture at Curtis.".

3. Renumber remaining sections accordingly.

Mr. Peterson asked unanimous consent to print the following amendment to LB 300 in the Journal. No objections. So ordered.

AM0827

1. In the Higgins amendment (1) found on page 894 of the Journal and adopted on page 917 of the Journal, strike amendment 2.

2. In the first Chambers amendment found and adopted on page 917 of the Journal, strike beginning

with "and" in line 3 through "information" in line 4 and insert "by the department in providing such information but shall not be required to pay any other fee required by law for such information".

Mr. Withem asked unanimous consent to print the following amendment to LB 444 in the Journal. No objections. So ordered.

AM0855

1. In the E & R amendment, AM5145, on page 2, line 1, after "sections" insert "79-402, 79-402.03 to 79-402.12, and".

2. On page 2, lines 7 and 8, strike "over fifty per cent", show the old matter as stricken, and insert "a majority".

3. On page 3, line 22, strike "over fifty per cent", show the old matter as stricken, and insert "a majority".

Mr. Haberman asked unanimous consent to print the following amendment to LB 60 in the Journal. No objections. So ordered.

AM0726

1. On page 1, lines 1 and 2, strike "the County Employees Retirement Act" and insert "retirement"; in line 2 strike "and" and insert ", 23-2317," and after the comma insert "and 84-1319,"; and in line 4 after the semicolon insert "to change provisions relating to retirement options for certain employees;".

2. Insert the following new sections:

"Sec. 2. That section 23-2317, Revised Statutes Supplement, 1986, be amended to read as follows:

23-2317. (1) The future service retirement benefit shall be an annuity, payable monthly with the first payment made as of the retirement date, which shall be the actuarial equivalent of the retirement value based on factors determined by the board, except that gender shall not be a factor when determining the amount of such payments pursuant to subsection (2) of this section. A retiring employee may elect to receive, in lieu of an annuity, a lump-sum settlement equal to the retirement value if the retirement value is less

than eight thousand dollars. A copy of the contract shall be kept on file with the board.

At any time before the retirement date, the retiring employee may choose to receive his or her annuity either in the form of a straight life annuity or any optional form that is determined by the board. In lieu of the future service retirement annuity, a retiring employee may, upon application to the board, receive a ~~retirement transition benefit which shall not exceed twenty-five per cent of the value of the member's~~ benefit not to exceed the amount in his or her employee account payable in a lump sum and an annuity which shall be equal to the actuarial equivalent of the remainder of the retirement value, and the employee may choose any form of such annuity as provided for by the board. ~~In the alternative, a retiring employee may elect to receive the entire amount in his or her employee account, except that if he or she selects such alternative, he or she shall forfeit the accumulated sums in his or her employer account.~~

In any case, the amount of the monthly payment shall be such that the annuity chosen shall be the actuarial equivalent of the retirement value, except as provided in this section.

The board shall provide to any county employee who is eligible for retirement, prior to his or her selecting any of the retirement options provided by this section, information on the federal and state income tax consequences of the various annuity or retirement benefit options.

(2) The monthly income payable to a member retiring on or after January 1, 1984, shall be as follows:

He or she shall receive at retirement the amount which may be purchased by the accumulated contributions based on annuity rates in effect on the date of purchase which do not utilize gender as a factor, except that such amounts shall not be less than the retirement income which can be provided by the sum of the amounts derived pursuant to subdivisions (a) and (b) of this subsection as follows:

(a) The income provided by the accumulated contributions made prior to January 1, 1984, based on male annuity purchase rates in effect on January 1,

1984, or male annuity purchase rates on the date of purchase, if greater than those in effect on January 1, 1984; and

(b) The income provided by the accumulated contributions made on and after January 1, 1984, based on the annuity purchase rates in effect on the date of purchase which do not use gender as a factor.

(3) Any amount, in excess of contributions, which may be required in order to purchase the retirement income specified in subsection (2) of this section shall be withdrawn from the County Equal Retirement Benefit Fund.

(4) Retirement benefits for persons who retire prior to January 1, 1984, shall not be affected by changes to this section which become operative on or after January 1, 1984.

Sec. 4. That section 84-1319, Revised Statutes Supplement, 1986, be amended to read as follows:

84-1319. (1) The future service retirement benefit shall be an annuity, payable monthly with the first payment made as of the retirement date, which shall be the actuarial equivalent of the retirement value based on factors determined by the board, except that gender shall not be a factor when determining the amount of such payments, except as provided in this section.

At any time before the retirement date, the retiring employee may choose to receive his or her annuity either in the form of a straight life annuity or any optional form that is determined acceptable by the board.

In lieu of the future service retirement annuity, a retiring employee may, upon application to the board, receive a ~~retirement transition benefit which shall not exceed twenty-five per cent of the value of the member's~~ benefit not to exceed the amount in his or her employee account payable in a lump sum and an annuity which shall be equal to the actuarial equivalent of the remainder of the retirement value, and the employee may choose any form of such annuity as provided for by the board. ~~In the alternative, a retiring employee may elect to receive the entire amount in his or her employee account, except that if he or she~~

~~selects such alternative, he or she shall forfeit the accumulated sums in his or her employer account.~~

In any case, the amount of the monthly payment shall be such that the annuity chosen shall be the actuarial equivalent of the retirement value, except as provided in this section.

The board shall provide to any state employee who is eligible for retirement, prior to his or her selecting any of the retirement options provided by this section, information on the federal and state income tax consequences of the various annuity or retirement benefit options.

(2) The monthly annuity income payable to a member retiring on or after January 1, 1984, shall be as follows:

He or she shall receive at retirement the amount which may be purchased by the accumulated contributions based on annuity rates in effect on the date of purchase which do not utilize gender as a factor, except that such amounts shall not be less than the retirement income which can be provided by the sum of the amounts derived pursuant to subdivisions (a) and (b) of this subsection as follows:

(a) The income provided by the accumulated contributions made prior to January 1, 1984, based on male annuity purchase rates in effect on January 1, 1984, or male annuity purchase rates on the date of purchase, if greater than those in effect on January 1, 1984; and

(b) The income provided by the accumulated contributions made on and after January 1, 1984, based on the annuity purchase rates in effect on the date of purchase which do not use gender as a factor.

(3) Any amounts, in excess of contributions, which may be required in order to purchase the retirement income specified in subsection (2) of this section shall be withdrawn from the State Equal Retirement Benefit Fund.

(4) Retirement benefits for persons who retire prior to January 1, 1984, shall not be affected by changes to this section which become operative on or after January 1, 1984.

(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.".

3. On page 4, line 25, strike "and" and insert ", 23-2317,".

4. On page 5, line 1, after the first comma insert "and 84-1319,".

5. Renumber the remaining sections accordingly.

MESSAGES FROM THE GOVERNOR

April 6, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 549, 559, 591, 712, and 440 were received in the Governor's Office on March 31, 1987.

These bills were signed by me on April 6, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 6, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 101, 101A, 200, 332, 344, 344A, 509, 524, 572, 581, 623, 637, and 650 were received in the Governor's Office on April 1, 1987.

These bills were signed by me on April 6, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. R. Johnson asked unanimous consent to have his name withdrawn as co-introducer to LB 114. No objections. So ordered.

VISITORS

Visitors to the Chamber were Judith, Kerrian, and Kalyn Kluge; Eva Jean Beltner from Scottsbluff; and former Senator Calvin Carsten.

ADJOURNMENT

At 3:32 p.m., on a motion by Mr. Wehrbein, the Legislature adjourned until 9:00 a.m., Tuesday, April 7, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY - APRIL 7, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 7, 1987

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Cecil Lackore, United Methodist Conference.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Conway, Haberman, Harris, R. Johnson, Lamb, Landis, Miller, Rupp, Schmit, Wehrbein, and Withem who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Sixth Day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 72 and LR 74.

RESOLUTION

LEGISLATIVE RESOLUTION 75. Read. Considered.

LR 75 was adopted with 27 ayes, 0 nays, and 22 not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 21CA. E & R amendment, AM5110, found in the Journal on page 968 for the Thirty-Ninth Day was adopted.

Mr. Hartnett offered the following amendment:
AM0624

1. Strike the Enrollment and Review amendment, AM5110.

2. On page 3, line 5, strike "The" and insert "Notwithstanding any other provision in the Constitution, the"; in line 8 strike "its general fund" and insert "local sources of revenue"; in line 12 after the first period insert "Notwithstanding any other provision in the Constitution, any incorporated city or village, including cities operating under home rule charters, may appropriate from revenue derived from state or federal sources such sums as may be deemed necessary for economic, community, or industrial development purposes subject to any applicable restrictions provided for in state or federal law. The powers provided for in this section shall be in addition and supplemental to any other powers conferred in the Constitution."; in line 21 strike "their general fund" and insert "local sources of revenue"; and in line 23 after "approval" insert "and to authorize incorporated cities and villages to use state and federal funds for economic, community, and industrial development".

The Hartnett amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. V. Johnson moved to indefinitely postpone LR 21CA.

Ms. Scofield moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

Mr. V. Johnson requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 16:

Chambers	Hall	Landis	Miller	Pirsch
Dierks	Higgins	Lynch	Morehead	Warner
Elmer	Johnson, V.	Marsh	Pappas	Wesely
Haberman				

Voting in the negative, 23:

Ashford	Goodrich	Korshoj	Remmers	Scofield
Baack	Hartnett	Labedz	Rogers	Smith
Beyer	Hefner	Lamb	Rupp	Wehrbein
Conway	Johnson, L.	Moore	Schmit	Weihing
Coordsen	Johnson, R.	Peterson		

Present and not voting, 8:

Barrett	Hannibal	McFarland	Schellpeper	Withem
Chizek	Langford	Nelson		

Excused and not voting, 2:

Abboud	Harris

The V. Johnson motion to indefinitely postpone lost with 16 ayes, 23 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Warner moved to bracket on Select File LR 21 until the 1988 session.

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.

The Warner motion to bracket prevailed with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

ATTORNEY GENERAL'S OPINION

DATE: April 3, 1987

SUBJECT: LB 547

REQUESTED BY: Senator Howard Lamb

WRITTEN BY: Robert M. Spire, Attorney General
Bernard L. Packett, Assistant Attorney General

In your letter you refer to the provisions of LB 547, which appears to be identical to the provisions of Article XII, Section 8 of the Constitution, or Initiative 300. You then ask if the provisions of Section 1(1)(A), which defines a family farm or ranch corporation, would permit a subsidiary corporation to own farm or ranch land if all of the stock of such corporation was held by a qualified family farm corporation.

First, we note that Section 2 of LB 547 provides that the act would not become operative until Article XII, Section 8 of the Constitution was repealed in its entirety, therefore its provisions would not have any immediate control or affect on the corporate ownership of farm or ranch land. Until repealed only the provisions of Article XII, Section 8 of the Constitution would control.

With regard to the ownership of farm or ranch land as described above, we enclosed herewith a copy of a letter written to the Director of the Department of Economic Development in which the corporate ownership of farm or ranch land provision is discussed. You will note that the discussion in that letter would indicate that a subsidiary corporation could own farm or ranch land if 100 percent of its stock was held by a qualified family farm corporation.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

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

March 23, 1987

Mr. Roger Christianson
Director
Department of Economic Development

301 Centennial Mall South
4th Floor, Box 94666
Lincoln, Nebraska 68509-4666

Re: Initiative 300 (Article XII, Section 8 of the Nebraska Constitution)

Dear Mr. Christianson:

In your recent letter you state than an officer of a corporation had requested that this office express an opinion as to whether or not, under the provisions of Article XII, Section 8 of the Constitution, this corporation is qualified to acquire farm or ranch land in Nebraska.

Because of the duties and responsibilities placed upon this office by the Legislature under the provisions of Chapter 84, Article 2 of the statutes, and more specifically by the provisions of Initiative 300 itself, it would be improper for us to issue such an opinion based upon hypothetical facts.

However, in order to assist you in your dealings with corporations interested in establishing farm or ranch related businesses in Nebraska, we would like to point out some of the provisions of Initiative 300 about which the most questions have been raised.

Simply stated, the first paragraph of Article XII, Section 8 (the Initiative 300 Amendment to the Nebraska Constitution), provides that no corporation shall acquire an interest in any real estate used for farming or ranching.

After defining certain terms, including corporation, farming and ranching, this Section 8 then makes fourteen exceptions to the restrictions placed upon corporate ownership of farm or ranch land. The first and probably the most discussed exception is with regard to ownership of land by family farm corporations.

Since Article XII, Section 8, was adopted by the initiative process there is insufficient history to assist one in determining the full intent of the proponents of its provisions, or the meaning of some of its provisions where there may be some ambiguity. In addition, there has been only one case before our Nebraska Supreme Court dealing with the provisions of Initiative 300. That case, Omaha National Bank v. Spire, 223 Neb. 209, dealt only with the limited issues of its constitutionality and the question of whether or not a bank could acquire farm or ranch land and hold it as trustee. In that case our court held that Initiative 300 was constitutional and that a corporate bank, acting as trustee, was not exempt from the prohibition against corporations acquiring an interest in farm or ranch land.

So, without the benefit of sufficient legislative history or court precedent on the point we submit the following as a guideline in your future dealings where corporate ownership of farm or ranch land may arise.

After prohibiting corporations from acquiring farm or ranch land Initiative 300 then proceeds to adopt fourteen exceptions to this restriction.

The first of these fourteen exceptions is that such land can be acquired by a "family farm corporation", which is a corporation in which the majority of the voting stock is held by members of a family related to each other within the fourth degree of kindred. A minority of the voting stock in such corporation may be held by persons not related to members of the family holding a majority of the stock, but they must not be non-resident aliens. A minority of the voting stock may also be held by other corporations or partnerships but in that event all of the partners, and stockholders of such other corporations, must be related within the fourth degree of kindred to the majority stockholders of the family farm corporation. In addition, a member of the "family" must reside on or actively engage in the day-to-day labor and management of the farm or ranch.

In our view, all of the elements of corporate ownership of farm or ranch land are clear and well defined except one, and that is the requirement that a member of the family must reside on "or actively engage in the day-to-day labor and management of the farm or ranch."

In this regard it appears that if a member of the "family" does not reside on the farm or ranch then such member must be actively engaged in the day-to-day labor and management of the farm or ranch.

With only the language of Initiative 300 to guide us, we are unable to say with any degree of certainty what would constitute being actively engaged in the day-to-day labor and management of the farm or ranch. This question is a factual one which, without further definition in the constitution, may only be determined by a court or jury. However, it is clear that to meet the constitutional test here the family member would have to be actively engaged in the operations in a substantial manner. This would mean spending a great amount of time on the farm or ranch and clearly being constantly involved in the necessary work and decisions required.

While there are many other problems raised by Initiative 300, we believe that the above will assist you in dealing with most farm or ranch businesses interested in establishing or expanding their operations in Nebraska.

Our office is available and anxious to advise and assist you in your good efforts. Please call upon us.

Very Truly Yours,
ROBERT M. SPIRE
Attorney General

RMS:BLP:jem

1/03

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 116. Placed on Select File as amended.
E & R amendments to LB 116:
AM5174

1. Strike original section 2 and all amendments thereto and insert the following new section:

"Sec. 2. That section 71-1,135.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,135.02. (1) No optometrist licensed in this state on or after July 17, 1986, except an optometrist who has been certified by the department or by another state with substantially equivalent requirements for certification to use topical ocular pharmaceutical agents for diagnostic purposes prior to the effective date of this act, shall use topical ocular pharmaceutical agents for diagnostic purposes authorized under subdivision (2) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry evidence of satisfactory completion of ~~all educational requirements as adopted by the department upon the recommendation of the Board of Examiners in Optometry~~ a pharmacology course at an institution accredited by a regional or professional accrediting organization which is recognized by the Council on Postsecondary Accreditation of the United States Department of Education and approved by the Department of Health, (b) passes an examination approved by the department, and (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry as qualified to use topical ocular pharmaceutical agents for diagnostic purposes. The

department may approve for certification pursuant to subdivision (1)(a) of this section a pharmacology course if such course includes:

(i) A study of ocular anesthetics, mydriatics, cycloplegics, ocular toxicity of pharmaceutical agents, ocular allergies of ocular agents, and pharmacologic effects of ocular drug substances;

(ii) The consideration of the mechanism of action of anesthetics, cycloplegics, and mydriatics in human beings and the uses of such substances in the diagnosis of occurring ocular disorders;

(iii) At least one hundred hours of classroom education, clinical training, and examination; and

(iv) The correlation of the utilization of pharmaceutical agents and optical instrumentation and procedures.

The department may approve for certification pursuant to subdivision (1)(b) of this section an examination if such examination is:

(A) Based upon the competencies taught in a pharmacology course; and

(B) Administered by an institution accredited by a regional or professional accrediting organization which is recognized by the Council on Postsecondary Accreditation of the United States Department of Education and approved by the Department of Health.

(2) No optometrist licensed in this state on or after ~~July 17, 1986~~ the effective date of this act, shall use topical ocular pharmaceutical agents for therapeutic purposes authorized under subdivision (3) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry evidence of satisfactory completion of a minimum of one hundred hours since January 1, 1984, of which forty hours shall be classroom education and sixty hours shall be supervised clinical training as it applies to optometry with particular emphasis on the examination, diagnosis, and treatment of the eye and adnexa ~~all educational requirements as adopted by the department upon the recommendation of the Board of Examiners in Optometry which are~~ offered by a school or college approved by the department, (b) passes an examination approved by the department, and (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical

ocular pharmaceutical agents for therapeutic purposes. The department may approve for certification pursuant to subdivision (2)(a) of this subsection a therapeutic course or courses of instruction, from an institution accredited by a regional or professional accrediting organization which is recognized by the Council on Postsecondary Accreditation of the United States Department of Education, that have been completed after January 1, 1984. Such course or courses shall include, but not be limited to:

(i) Review of general pharmacology and therapeusis;

(ii) Review of ocular therapeutic pharmacology;

(iii) Diagnosis and treatment of diseases of the lid, lacrimal system, conjunctiva, sclera, and episclera;

(iv) Diagnosis of corneal disease and trauma including corneal foreign bodies;

(v) Diagnosis and treatment of anterior segment eye diseases;

(vi) Clinical procedures related to the diagnosis and treatment of the eye and adnexa;

(vii) Ocular manifestations of systemic disease;

(viii) Review of systemic disease syndromes;

(ix) Ocular therapy including management of acute systemic emergencies; and

(x) Consultation criteria in ocular disease and trauma.".

2. On page 1, strike beginning with "eliminate" in line 3 through "renewals" in line 5 and insert "change licensing requirements related to pharmaceutical agents".

LEGISLATIVE BILL 335. Placed on Select File as amended.
E & R amendments to LB 335:
AM5176

1. In lieu of the Landis amendment adopted April 2, 1987, found on page 1452 of the Journal, insert the following new section and renumber the remaining sections accordingly:

"Sec. 3. This act shall be operative for actions filed after the effective date of this act.".

2. In the Coordsen amendment adopted April 2, 1987, found on page 1452 of the Journal:

a. In amendment 2, insert an underscored comma after "proceeds"; and

b. In amendment 3, strike "contact" and insert "contract" and insert an underscored comma after "proceeds".

3. On page 1, line 6, strike "the" and insert "an"; and in line 7 after the first semicolon insert "to provide an operative date;".

LEGISLATIVE BILL 345. Placed on Select File as amended.
E & R amendments to LB 345:
AM5177

1. In the Rogers-Lamb amendment, AM0813, adopted April 2, 1987, on page 1, line 10 strike the first comma; and in line 11 strike "section" and insert "sections".

2. In the Standing Committee amendments, AM0472, adopted April 2, 1987, on page 1, line 9, strike "herein contained" and insert "in this section".

3. On page 1, line 5, strike "and"; and in line 6 after "section" insert "; and to declare an emergency".

4. On page 2, strike beginning with the comma in line 9 through "such" in line 10, show as stricken, and insert ". No"; in line 10 strike "shall not", show as stricken, and insert "may"; in line 12 strike the new matter and insert ", except" and reinstate "that"; in line 13 reinstate the stricken matter; in line 15 strike the new matter and insert ". New"; and in line 16 strike the new matter and strike "that new" and show as stricken.

(Signed) Scott Moore, Chairperson

ANNOUNCEMENT

Mrs. Labedz announced an Executive Board meeting Thursday, April 9, 1987 at 1:00 p.m., in room 2102.

SELECT FILE

LEGISLATIVE BILL 211. Mr. Withem offered the following amendment:
AM0894

1. Strike the Langford/Miller amendments, AM0727, adopted April 6, 1987.

2. In the Standing Committee amendments, AM0357:

a. On page 2, line 5; page 3, line 4; page 4, line 17; page 6, line 11; and page 8, line 20, after "If" insert "a contract, the provisions of which are limited to the purchase of supplies or materials, is entered into pursuant to this section and if" and strike "ten" and insert "fifty";

b. Strike original sections 7 and 8;

c. On page 12, line 18, after "39-820," insert "and" and strike "52-118, and"; and in line 19 strike "52-118.01,"; and

d. Renumber the remaining sections accordingly.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Withem 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.

LEGISLATIVE BILL 467. E & R amendment, AM5169, found in the Journal on page 1506 for the Fifty-Sixth Day was adopted.

Mrs. Morehead offered the following amendment:
AM0851

1. Insert the following new section:

"Sec. 2. That section 2-1208.03, Revised Statutes Supplement, 1986, be amended to read as follows:

2-1208.03. For purposes of sections 2-1208.03 and 2-1208.04, unless the context otherwise requires:

(1) Exotic wagers shall mean daily double, exacta, quinella, trifecta, pick six, and other similar types of bets which are approved by the State Racing Commission;

(2) Gross exotic daily receipts shall mean the

total sum of all money wagered, on a daily basis, by means of exotic wagers at race meets;

(3) Race meet shall mean any exhibition of racing of horses at which the parimutuel or certificate method of wagering is used;

(4) Racetrack shall mean any racetrack licensed by the State Racing Commission to conduct race meets; and

(5) Recipient track shall mean a racetrack with a total annual parimutuel handle, based on the previous racing year, of ~~twelve~~ twenty million dollars or less.".

2. On page 6, line 22, after "2-1208.01" insert ", 2-1208.03,".

3. Renumber the remaining sections accordingly.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 5 nays, and 31 not voting.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 75.

SELECT FILE

LEGISLATIVE BILL 467. The pending Morehead amendment, AM0851, found in this day's Journal was renewed.

Mrs. Morehead requested a record vote on her amendment.

Voting in the affirmative, 14:

Elmer Harris Johnson, R. Landis Langford

Marsh	Moore	Nelson	Scofield	Wesely
McFarland	Morehead	Schellpeper	Warner	

Voting in the negative, 19:

Ashford	Hall	Higgins	Miller	Schmit
Beyer	Hannibal	Johnson, L.	Pappas	Smith
Conway	Hartnett	Johnson, V.	Remmers	Wehrbein
Dierks	Hefner	Lamb	Rupp	

Present and not voting, 12:

Baack	Coordsen	Labedz	Pirsch	Weihing
Barrett	Goodrich	Lynch	Rogers	Withem
Chambers	Korshoj			

Excused and not voting, 4:

Abboud	Chizek	Haberman	Peterson

The Morehead amendment lost with 14 ayes, 19 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Pappas offered the following amendment:
Add new section -
Starting with 1987 racing season and every year thereafter the State of Nebr will pay Aksarben, from the general fund - a additional 2% of Aksarben total waged handle.

Pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Moore and Remmers asked unanimous consent to print the following amendment to LB 444 in the Journal. No objections. So ordered.

AM0867

1. Insert the following new section:

"Sec. 4. That section 79-426.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-426.08. (1) Each county committee shall receive and consider all plans and procedures submitted

to it by the state committee. The county committee shall prepare and submit to the state committee, for its approval or disapproval, a plan of reorganization of school districts for the county. The inclusion of any school district which offers education in grades kindergarten through twelve, any Class VI school district, or any Class I school district which is part of a Class VI school district in such plan shall require an affirmative vote of the elected members of the school board of such school district. Such ~~plan~~ plans of reorganization shall be submitted to the state committee upon completion. ~~prior to January 1, 1966.~~

(2) When a proposed plan of reorganization of school districts for the county, or part thereof, shall have been tentatively agreed upon by a county committee, a map of the proposed district, or districts, shall be prepared showing the boundaries thereof and a statement of the description of the boundaries of such proposed district, or districts, and details of the plan. Such map and statement shall be placed on file with the county superintendent, together with a statement prepared by the committee setting forth the provisions of section 79-426.11 and other facts considered pertinent by said committee for the information of the public as to the reasons for and benefits to be had from such proposal.

(3) The county superintendent shall give notice of the filing of such map and statement by publication of said fact in a newspaper of general circulation in the area.".

2. On page 2, line 13, after "reorganization" insert ", except that the petitions shall be signed by at least sixty-five per cent of the legal voters of each school district affected if the proposed change is for attachment to a school district which provides education in grades kindergarten through twelve or a Class I school district which is part of a Class VI school district and the proposed change has been disapproved by either the state or county committee for school district reorganization"; and in line 14 after "approval" insert "or disapproval" and strike "granted" and insert "determined".

3. On page 6, strike lines 2 through 6 and show the old matter as stricken.

4. In the E & R amendments, AM5145, on page 3, line 9, after "79-426.05" insert ", 79-426.08".

5. Renumber the remaining sections accordingly.

Mr. Weihing asked unanimous consent to print the following amendment to LB 337 in the Journal. No objections. So ordered.

AM0876

1. On page 3, strike beginning with "A" in line 8 through line 11; in line 12 strike "(1)"; in line 24 strike "(a)" and insert "(1)"; and in line 25 strike "(b)" and insert "(2)".

2. On page 4, line 2, strike "(c)" and insert "(3)"; in line 4 strike "(d)" and insert "(4)"; and strike lines 7 through 25.

Mr. Weihing asked unanimous consent to print the following amendment to LB 337A in the Journal. No objections. So ordered.

AM0877

1. Strike original section 1.

2. Renumber the remaining section accordingly.

VISITORS

Visitors to the Chamber were 28 fourth grade students and teacher from Washington School, Norfolk; Sir Martin Holmes from Oxford, England and Dean Schwendiman from Lincoln; 115 fourth grade students and teacher from Cather Elementary, Omaha; 35 fourth grade students and teacher from Howard School, Fremont; 14 students and sponsor from Peru State College; and 24 members of the Norfolk Business and Professional Women.

RECESS

At 11:48 a.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 Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. R. Johnson, Withem, and Mrs. Pirsch who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 773. Title read. Considered.

Standing Committee amendments, AM0690, printed separate from the Journal and referred to on page 1414 for the Fifty-Third Day were considered.

Mr. McFarland renewed his pending amendment, AM0842, found in the Journal on page 1468 to the Standing Committee amendments.

Mr. V. Johnson requested a ruling of the Chair on whether the McFarland amendment is germane to the Standing Committee amendments.

The Chair ruled the McFarland amendment is not germane to the Standing Committee amendments, however, it is germane to the bill.

Mr. Hall offered the following amendment to the Standing Committee amendments:

1. Strike amendment number 6 on page 2, and
2. On page 3 line 22 strike "fifteen-hundredths" and insert "one-tenth".

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 16 nays, and 13 not voting.

PRESIDENT NICHOL PRESIDING

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 17 ayes, 10 nays, and 22 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Ashford	Hall	Labedz	Morehead	Schellpeper
Chambers	Hannibal	Lynch	Pappas	Schmit
Chizek	Higgins	McFarland	Pirsch	Smith
Dierks	Johnson, R.			

Voting in the negative, 30:

Abboud	Elmer	Johnson, V.	Miller	Rupp
Baack	Goodrich	Korshoj	Moore	Scofield
Barrett	Harris	Lamb	Nelson	Warner
Beyer	Hartnett	Landis	Peterson	Wehrbein
Conway	Hefner	Langford	Remmers	Weihing
Coordsen	Johnson, L.	Marsh	Rogers	Wesely

Excused and not voting, 2:

Haberman Withem

The Hall amendment lost with 17 ayes, 30 nays, and 2 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendments were adopted with 26 ayes, 2 nays, 19 present and not voting, and 2 excused and not voting.

Pending.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 679.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Lamb and Baack asked unanimous consent to print the following amendment to LB 444 in the Journal. No objections. So ordered.

To amend AM867 to LB 444
Pg 1 lines 13 & 14 strike "which is part of a Class VI school district".

Mr. Lynch asked unanimous consent to print the following amendment to LB 598A in the Journal. No objections. So ordered.

AM0880
1. On page 2, line 2, strike "$1,940" and insert "$9,590".

RESOLUTION

LEGISLATIVE RESOLUTION 76.

Introduced by Lynch, 13th District.

WHEREAS, the Church of Jesus Christ of Latter-day Saints chose Florence in north Omaha as a winter resting place on their journey to establish the church headquarters in Salt Lake City, Utah; and

WHEREAS, the Mormon pioneers stayed in the winter quarters community from September 1846 to May 1848; and

WHEREAS, six hundred Mormon pioneers, unable to finish the journey, died and were buried in this community; and

WHEREAS, the Church of Jesus Christ of Latter-day Saints leased land from the city of Omaha and established the Mormon Pioneer Cemetery and a memorial in 1936; and

WHEREAS, April 2, 1987, is the date of the dedication of a pioneer log cabin at the Mormon Pioneer Cemetery and Information Center; and

WHEREAS, the winter quarters of the Church of Jesus Christ of Latter-day Saints is an important chapter of Nebraska history.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the courage and dedication of the Mormon pioneers who journeyed to Salt Lake City, Utah, to establish church headquarters.

2. That the Legislature send a copy of this resolution to the Mormon Pioneer Cemetery and Information Center.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Pappas asked unanimous consent to have his name added as co-introducer to LB 261. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 773. Mr. McFarland renewed his pending amendment, AM0842, found in the Journal on page 1468 and referred to in this day's Journal.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. McFarland offered the following amendment to his pending amendment:

"the provisions of AM0842 shall be applicable for only the 1987 tax year."

Mr. Miller asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Pappas asked unanimous consent to be excused. No objections. So ordered.

Mr. McFarland moved for a call of the house. The motion lost with 14 ayes, 17 nays, and 18 not voting.

Mr. McFarland requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Ashford	Hall	McFarland	Schellpeper	Smith
Chambers	Higgins	Moore	Schmit	Warner
Chizek	Johnson, L.	Morehead	Scofield	Wehrbein
Dierks	Landis	Nelson		

Voting in the negative, 23:

Abboud	Goodrich	Johnson, V.	Marsh	Rogers
Barrett	Hannibal	Korshoj	Peterson	Rupp
Beyer	Harris	Labedz	Pirsch	Weihing
Conway	Hartnett	Lamb	Remmers	Wesely
Coordsen	Hefner	Langford		

Present and not voting, 4:

Baack	Elmer	Johnson, R.	Lynch

Excused and not voting, 4:

Haberman	Miller	Pappas	Withem

The McFarland amendment lost with 18 ayes, 23 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. McFarland moved for a call of the house. The motion prevailed with 15 ayes, 9 nays, and 25 not voting.

Mr. McFarland requested a roll call vote on his amendment.

Voting in the affirmative, 8:

Chambers	McFarland	Schellpeper	Smith	Wesely
Higgins	Morehead	Schmit		

Voting in the negative, 37:

Abboud	Dierks	Johnson, R.	Lynch	Remmers
Ashford	Elmer	Johnson, V.	Marsh	Rogers
Baack	Goodrich	Korshoj	Miller	Rupp
Barrett	Hall	Labedz	Moore	Scofield
Beyer	Hannibal	Lamb	Nelson	Warner
Chizek	Hartnett	Landis	Peterson	Wehrbein
Conway	Hefner	Langford	Pirsch	Weihing
Coordsen	Johnson, L.			

Excused and not voting, 4:

Haberman Harris Pappas Withem

The McFarland amendment lost with 8 ayes, 37 nays, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 398. Placed on Select File as amended.
E & R amendments to LB 398:
AM5180

1. In the Standing Committee amendments, AM0512, adopted April 2, 1987:

a. On page 4, line 15, strike the first "the" and insert "this";

b. On page 6, line 21, strike "shall determine" and insert "determines";

c. On page 7, line 8, strike "and sections 19" and insert ", 19,"; and

d. On page 11, line 10, before "and" insert an underscored comma; and in line 13 strike the underscored period.

2. In the Landis amendment, AM0686, adopted April 2, 1987, on page 1, line 10, after "that" insert an underscored comma.

3. On page 1, line 5, strike "and" and after the second comma insert "and 81-8,239.01,".

4. On page 2, line 20, after "Act" insert an underscored comma.

5. On page 4, line 12, strike the comma; and in line 15 strike "this" and insert "the".

6. On page 6, line 14, after the semicolon insert "and"; in lines 20 and 21 strike the comma; and in line 25 strike the third comma.

7. On page 8, line 25, strike "is not" and insert "shall not be considered".

8. On page 9, line 1, after "state" insert an underscored comma; in line 3 strike "does" and insert "shall"; and in line 16 strike the comma.

9. On page 12, line 12, strike "A" and insert "Subject only to any agreement with the holders of outstanding bonds, a"; strike beginning with "subject" in line 13 through the comma in line 15; in line 23 after "whatsoever" insert an underscored comma and after the first "or" insert "by"; and in line 25 after "commodity" insert an underscored comma.

10. On page 13, line 3, strike "shall deem" and insert "deems"; in line 6 strike the comma; in line 23 strike "and" and insert an underscored comma; and in line 25 after "series" insert an underscored comma.

11. On page 14, line 6, strike the first comma and insert "and"; in line 18 strike "of"; and in line 25 strike "of the".

12. On page 16, line 21, strike the comma.

13. On page 17, line 23, strike the second comma; and in line 25 after "pool" insert "as may".

14. On page 18, line 16, after "in" insert "a".

15. On page 20, line 18, strike "Stated" and insert "States".

16. On page 21, line 7, strike "the".

17. On page 22, line 4, after "or" insert an underscored comma; and in line 5 strike "of" and the second comma.

18. On page 23, line 7, after "which" insert "copy"; in line 10 strike "and"; and in line 19 after "contract" insert an underscored comma.

19. On page 24, line 4, strike "executors" and insert "personal representatives".

20. On page 25, line 23, after "Act" insert an underscored comma; and in line 24 after "inhabitants" insert an underscored comma.

21. On page 35, line 12, strike the comma.

22. On page 39, line 11, strike "compensation court" and insert "Nebraska Workers' Compensation Court"; and in line 18 after the first "the" insert "compensation".

23. On page 45, in lines 3, 6, and 8, strike "such".

LEGISLATIVE BILL 455. Placed on Select File as amended.
E & R amendment to LB 455:
AM5175

1. On page 1, line 6, strike "sections" and insert "section".

LEGISLATIVE BILL 337. Placed on Select File as amended.
E & R amendments to LB 337:
AM5178

1. On page 2, line 6, strike "an entity" and insert "entities".
2. On page 3, line 19, strike both commas.
3. On page 8, line 7, strike the comma.

LEGISLATIVE BILL 337A. Placed on Select File.

LEGISLATIVE BILL 741. Placed on Select File as amended.
E & R amendments to LB 741:
AM5179

1. In the Standing Committee amendments, AM0647, adopted April 2, 1987:
   a. On page 1, line 15, strike "sections 39-634.01 and" and insert "this section and section";
   b. On page 2, line 20, after "material" insert "for" and after "fabrication" insert "of"; and in line 24 after the comma insert "the";
   c. On page 3, line 1, after "material" insert "for"; in line 2 after "fabrication" insert "of"; and in line 7 strike the comma; and
   d. On page 4, line 4, strike "sections", show as stricken, and insert "section" and strike "39-634.02", show as stricken, and insert "this section".
2. On page 1, line 1, strike "tourism" and insert "outdoor advertising"; strike beginning with the second comma in line 3 through "duties" in line 6; and in line 8 after the semicolon insert "to define and redefine terms; to change provisions relating to fees; to eliminate a fund;".

LEGISLATIVE BILL 777. Placed on Select File as amended.
E & R amendments to LB 777:
AM5181

1. On page 2, line 13, strike "Green" and insert "Greer".
2. On page 3, line 19, strike "Gressford" and insert "Gessford".

(Signed) Scott Moore, Chairperson

GENERAL FILE

LEGISLATIVE BILL 773. Mr. Hall offered the following amendment:

On page 18 line 11 strike "one" and insert "five" and strike beginning with "For" in line 13 through the period in line 17.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall requested a record vote on his amendment.

Voting in the affirmative, 12:

Abboud	Dierks	Labedz	McFarland	Morehead
Ashford	Hall	Lynch	Moore	Schmit
Chizek	Higgins			

Voting in the negative, 28:

Baack	Hannibal	Korshoj	Pirsch	Smith
Barrett	Hartnett	Landis	Remmers	Warner
Beyer	Hefner	Langford	Rogers	Wehrbein
Coordsen	Johnson, L.	Marsh	Rupp	Weihing
Elmer	Johnson, R.	Nelson	Scofield	Withem
Goodrich	Johnson, V.	Peterson		

Present and not voting, 5:

Chambers	Lamb	Miller	Schellpeper	Wesely

Excused and not voting, 4:

Conway	Haberman	Harris	Pappas

The Hall amendment lost with 12 ayes, 28 nays, 5 present and not voting, and 4 excused and not voting.

Mrs. Morehead offered the following amendment:
pg 41 Sec 23 line 21 strike (.) insert (,) and that the Nebraska Legislative Council's tax study be ceased upon passage of this bill.

Mrs. Morehead withdrew her pending amendment.

Mr. Ashford 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 record vote on the advancement of the bill.

Voting in the affirmative, 37:

Abboud	Elmer	Johnson, V.	Marsh	Rogers
Ashford	Goodrich	Korshoj	Miller	Rupp
Baack	Haberman	Labedz	Moore	Scofield
Barrett	Hall	Lamb	Nelson	Smith
Beyer	Hannibal	Landis	Peterson	Wehrbein
Chizek	Hartnett	Langford	Pirsch	Weihing
Coordsen	Hefner	Lynch	Remmers	Withem
Dierks	Johnson, L.			

Voting in the negative, 6:

Chambers	McFarland	Morehead	Schellpeper	Wesely
Higgins				

Present and not voting, 3:

Johnson, R.	Schmit	Warner

Excused and not voting, 3:

Conway	Harris	Pappas

Advanced to E & R for Review with 37 ayes, 6 nays, 3 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 261 in the Journal. No objections. So ordered.

AM0902

1. Strike the Conway amendment, AM0886, beginning on page 1518 of the Journal.

2. Insert the following new sections:

"Sec. 5. (1) Contributory fault shall not bar recovery in an action by any person or the legal representative of such person to recover damages for fault resulting in death or in injury to person or property if the contributory fault of the claimant was not greater than the total fault of all persons against whom recovery is sought, but any damages allowed shall be diminished in proportion to the amount of fault attributable to the claimant. The court may, and when requested by any party shall, direct the jury to find separate special verdicts determining the amount of damages and the percentage of fault attributable to each party. The court shall then reduce the amount of damages in proportion to the amount of fault attributable to the claimant.

(2) Fault shall include acts or omissions that are in any measure negligent or reckless toward the person or property of the actor or others or that subjects a person to strict tort liability. The term shall also include breach of warranty, unreasonable assumption of risk not constituting an express consent, misuse of a product, and unreasonable failure to avoid an injury or to mitigate damages. Legal requirements of causal relation apply both to fault as the basis for liability and to contributory fault.

(3) Settlement with or any payment made to an injured person or to others on behalf of such injured person with the permission of such injured person or to anyone entitled to recover damages on account of injury or death of such person shall not constitute an admission of liability by the person making the payment or on whose behalf payment was made.

(4) Settlement with or any payment made to a person or on the behalf of such person to others for damage to or destruction of property shall not constitute an admission of liability by the person making the payment or on whose behalf the payment was

made.

(5) Except in an action in which settlement and release has been pleaded as a defense, any settlement or payment referred to in subsections (3) and (4) of this section shall be inadmissible in evidence on the trial of any legal action.

(6) All settlements and payments made under subsections (3) and (4) of this section shall be credited against any final settlement or judgment, except that in the event that judgment is entered against the person seeking recovery or if a verdict is rendered for an amount less than the total of any such advance payments in favor of the recipient thereof, such person shall not be required to refund any portion of such advance payments voluntarily made. Upon motion to the court in the absence of a jury and upon proper proof thereof, prior to entry of judgment on a verdict, the court shall first apply subsection (2) of this section and then shall reduce the amount of the damages so determined by the amount of the payments previously made to or on behalf of the person entitled to such damages.

Sec. 6. (1) When two or more persons are jointly liable, contributions to awards shall be in proportion to the percentage of fault attributable to each, except that each is jointly and severally liable for the whole award as prescribed in subsection (2) of this section.

(2) Upon a showing by the claimant made not later than one year after judgment is entered, the court shall determine whether all or part of an equitable share of a party of the obligation is uncollectible from that party and shall reallocate any uncollectible amount among the other parties, including a claimant at fault, according to their respective percentages of fault. If as a result of reallocation, a claimant's percentage of fault exceeds fifty per cent, further recovery is barred. A party whose liability is reallocated is nonetheless subject to contribution and to any continuing liability to the claimant on the judgment.

Sec. 7. That section 25-1222.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1222.01. ~~No~~ Except as provided in section 5 of this act, no advance payments or partial payment of

damages made by an insurance company or other person, firm, trust, or corporation as an accommodation to an injured person or on his or her behalf to others or to the heirs at law or dependents of a deceased person made under any liability insurance policy, or other voluntary payments made because of an injury, death claim, property loss, or potential claim against any insured or other person, firm, trust, or corporation thereunder shall be construed as an admission of liability by the insured or other person, firm, trust, or corporation, or the payer's recognition of such liability, with respect to such injured or deceased person or with respect to any other claim arising from the same accident or event. Any such payments shall constitute a credit and be deductible from any final settlement made or judgment rendered with respect to such injured or deceased person. In the event of a trial involving such a claim, the fact that such payments have been made shall not be admissible in evidence or brought to the attention of the jury, and the matter of any credit to be deducted from a judgment shall be determined by the court in a separate hearing or upon the stipulation of the parties.

Sec. 8. That section 27-408, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

27-408. ~~Evidence~~ Except as provided in subsections (3), (4), and (5) of section 5 of this act, evidence of (1) furnishing or offering or promising to furnish, or (2) accepting or offering or promising to accept, a valuable consideration in compromising or attempting to compromise a claim which was disputed as to either validity or amount, is not admissible to prove liability for or invalidity of the claim or its amount. Evidence of conduct or statements made in compromise negotiations is likewise not admissible. This rule does not require the exclusion of any evidence otherwise discoverable merely because it is presented in the course of compromise negotiations. This rule also does not require exclusion when the evidence is offered for another purpose, such as proving bias or prejudice of a witness, negativing a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

Sec. 9. That section 27-409, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

27-409. ~~Evidence~~ Except as provided in subsections (3), (4), and (5) of section 5 of this act, evidence of furnishing or offering or promising to pay medical, hospital, or similar expenses occasioned by an injury is not admissible to prove liability for the injury.

Sec. 10. That section 39-619, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-619. (1) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any traffic-control device or any railroad sign or signal or any part thereof.

(2) Any person who moves, alters, damages, or destroys warning devices placed upon roads which the Department of Roads or any local authority or its representative has closed in whole or in part for the protection of the public or for the protection of the highway from damage during construction, improvement, or maintenance operation; and thereby causes injury or death to any person or damage to any property, equipment, or material thereon shall be liable, subject to ~~the provisions of section 25-21,185~~ section 3 of this act, for the full amount of such death, injury, or damage, and such amount may be recovered by the injured or damaged party or his or her legal representative in a civil action brought in any court of competent jurisdiction.

Sec. 11. That section 44-2819, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-2819. Except as provided in section 5 of this act:

(1) In any action for damages for bodily injuries or for wrongful death when it is alleged that the claimant suffered damages for the cost of medical care, custodial care, or rehabilitation services, evidence which tends to establish that the claimant or another person so damaged has been or shall be reimbursed or paid for any such item of damage, cost, or expense, in whole or in part, by any nonrefundable medical reimbursement insurance shall not be admissible

in evidence or brought to the attention of the jury, but such nonrefundable medical reimbursement insurance benefits, less all premiums paid by or for the claimant, may be taken as a credit against any judgment rendered. The matter of any credit to be deducted from a judgment shall be determined by the court in a separate hearing or upon the stipulation of the parties; and -

(2) Damages recoverable in any action shall be those losses which have been or shall be sustained by the claimant as a direct and proximate result of the defendant's wrongful acts as established by a preponderance of the evidence. In wrongful death actions, pecuniary loss to a widow or widower, any dependent, or next of kin shall be subject to all of the terms and provisions of the Nebraska Hospital-Medical Liability Act. ~~sections 44-2801 to 44-2855.~~".

3. On page 6, line 14, strike "section 25-824" and insert "sections 25-824, 25-1222.01, 27-408, 27-409, 39-619, and 44-2819"; and in line 15 strike "is" and insert "and also sections 25-1302 and 25-21,185, Reissue Revised Statutes of Nebraska, 1943, are".

4. Renumber the remaining section accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 777 in the Journal. No objections. So ordered.

AM0905

(Amendments to Standing Committee amendment, AM0710)

1. On page 1, lines 4, 7, 11, 14, 17, and 21; page 2, lines 3, 6, 9, 12, 16, 19, and 22; and page 3, lines 2 and 5, after the zip code insert ", out of the General Fund".

Mr. Moore asked unanimous consent to print the following amendment to LB 561 in the Journal. No objections. So ordered.

AM0899

(Amendments to Standing Committee amendments, AM0632)

1. On page 1, line 17, strike "and (4)" and insert "(4) agricultural cooperatives, and (5)".

2. On page 2, line 14, after the comma insert "other state agencies,".

3. Insert the following new sections:

"Sec. 2. That section 2-3801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3801. Sections 2-3801 to 2-3811 and section 4 of this act shall be known and may be cited as the Nebraska Agricultural Products Marketing Act.

Sec. 3. That section 2-3804, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3804. Agricultural product or commodity shall include all products resulting from the conduct of farming or ranching activities, dairying, beekeeping, aquaculture, poultry or egg production, or comparable activities, and any byproducts resulting from such activities.

Sec. 4. Aquaculture shall mean the agricultural practice of controlled propagation and cultivation of aquatic plants or animals for commercial purposes. Unless the context otherwise requires, the term agriculture shall be construed to include aquaculture.

Sec. 5. That original sections 2-3801 and 2-3804, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

4. Underscore section 1.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Ashford asked unanimous consent to have his name added as co-introducer to LB 261. No objections. So ordered.

Mr. McFarland asked unanimous consent to have his name added as co-introducer to LB 261. No objections. So ordered.

VISITORS

Visitors to the Chamber were 40 fourth grade students and teacher from Neligh/Oakdale School; Doug Pick and Tony Grazziano; and 54 fourth grade students and teacher from Blumfield Elementary, Omaha.

ADJOURNMENT

At 5:29 p.m., on a motion by Mr. Moore, the Legislature adjourned until 9:00 a.m., Wednesday, April 8, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 8, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 8, 1987

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Charles Tyler, St. John's African Methodist, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Messrs. Abboud, Ashford, Baack, Conway, R. Johnson, V. Johnson, Landis, McFarland, Moore, Pappas, Rupp, Schmit, Warner, Wesely, Withem, Mesdames Higgins, Labedz, and Nelson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1520, line 21, strike "$1,267.088" and insert $1,267,088".
The Journal for the Fifty-Sixth Day was approved as corrected.
The Journal for the Fifty-Seventh Day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 76. Read. Considered.

LR 76 was adopted with 26 ayes, 0 nays, and 23 not voting.

GENERAL FILE

LEGISLATIVE BILL 430. Title read. Considered.

Standing Committee amendments, AM0858, printed separate from the Journal and referred to on page 1493 for the Fifty-Fifth Day were adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for Review with 38 ayes, 1 nay, 1 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Expedite LB 430

Mr. Chambers asked unanimous consent to expedite LB 430. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 757. Title read. Considered.

Mr. Chambers renewed his pending amendment, AM0626, printed separate from the Journal and referred to on page 1218.

Messrs. Haberman and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Chambers amendment was adopted with 25 ayes, 8 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Abboud moved to indefinitely postpone LB 757.

SPEAKER BARRETT PRESIDING

Mr. Abboud moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Abboud requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 20:

Abboud	Dierks	Johnson, R.	Miller	Smith
Barrett	Goodrich	Lamb	Moore	Warner
Beyer	Hefner	Langford	Peterson	Wehrbein
Coordsen	Johnson, L.	Marsh	Remmers	Wesely

Voting in the negative, 23:

Ashford	Elmer	Hartnett	Morehead	Schmit
Baack	Haberman	Johnson, V.	Nelson	Scofield
Chambers	Hall	Korshoj	Rogers	Weihing
Chizek	Hannibal	Landis	Schellpeper	Withem
Conway	Harris	Lynch		

Present and not voting, 2:

Labedz McFarland

Excused and not voting, 4:

Higgins Pappas Pirsch Rupp

The Abboud motion to indefinitely postpone lost with 20 ayes, 23 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mrs. Nelson asked unanimous consent to print the following amendment to LB 492 in the Journal. No objections. So ordered.

AM0824
(Amendments to Standing Committee amendments, AM0516)

1. On page 1, strike line 1 and insert "1. Strike the original sections and insert the following new sections:".

2. On page 2, line 6, after "liable" insert "in tort"; and in line 18 after the underscored period insert

"Sec. 2. That original section 25-21,187, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

10 3. Strike amendments 2 and 3.

Messrs. Lamb, Baack, and Remmers asked unanimous consent to print the following amendment to LB 444 in the Journal. No objections. So ordered.

To amend AM0867 to LB 444
Page 1 Line 13 and 14. Strike, "which is part of a Class VI school district".

ATTORNEY GENERAL'S OPINION

Opinion No. 87045

DATE: March 26, 1987

SUBJECT: Governor's Power to Appoint

REQUESTED BY: Senator Don Wesely

WRITTEN BY: Robert M. Spire, Attorney General
Lisa D. Martin-Price, Assistant Attorney General

QUESTION: Whether it is constitutional to limit the Governor's selection of the membership of a state board from a list provided by a private association such as the State Firemen's Volunteer Association?

CONCLUSION: This is not constitutionally suspect as long as it does not unreasonably restrict the Governor's right to appoint pursuant to Article IV, Section 10, of the Nebraska Constitution.

You have requested an opinion regarding the constitutionality of amending LB 460 so that it would limit the Governor's appointments to the Board of Ambulance Advisors from a list of names submitted by the State Firemen's Volunteer Association. There is no information at our disposal as to the number of qualified candidates from which the Governor would be able to choose.

The Nebraska Constitution at Article IV, Section 10, grants to the Governor the power to make appointments to state offices, and provides in pertinent part:

> The Governor shall appoint with the approval of a majority of the Legislature, all persons whose offices are established by the

> Constitution, or which may be created by law, and whose appointment or election is not otherwise by law or herein provided for; and no such person shall be appointed or elected by the Legislature . . . .

The Supreme Court applied this section of the Constitution in Wittler v. Baumgartner, 180 Neb. 446, 144 N.W.2d 62 (1966), overruled on other grounds, State ex. rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 283 N.W.2d 12 (1979). There, the constitutionality of an act creating a public electric corporation whose membership was composed of public power districts within the state was questioned. By this act, the Legislature created a system by which the Governor was to appoint a board of directors. In essence, the state was divided into regions, each region being represented by a person serving on one of the constituent public power district board of directors. Clearly, of the nine regions from which members were selected for the board of directors, five of the regions were only represented by one person qualified to receive an appointment to the board of directors. The court recognized that the Legislature has the power to define the qualifications for an office. However, it concluded that this system violated Article IV, Section 10, of the Nebraska Constitution because it limited the Governor's power of appointment. In so doing, the court stated:

> The right of the Legislature to prescribe reasonable qualifications of one to be appointed to office is not disputed. But the Legislature is prohibited by constitutional provision from appointing officers whose offices are created by law, either directly or indirectly. The provisions of the Act which limit the appointment of grid system directors by the Governor to a certain unnamed individual or to a limited few, is an encroachment by the Legislature upon the powers of the Governor, and is void as violative of Article IV, Section 10, of the Constitution of Nebraska. (Emphasis added.)

Thus, this language certainly raises a question as to the constitutionality of the proposed method of appointing members to the Board of Ambulance Advisors.

While we cannot say with certainty that the proposed method of appointing members to the Board of Ambulance Advisors is, per se, unconstitutional, there are some guidelines which should be considered. First, as indicated in Wittler, the list of candidates must contain more than one name. Moreover, the Governor's appointment choice must not be limited to just a "few" names. While this term is certainly ambiguous, we have advised in previous Attorney General Opinions that a list of three or fewer candidates is unconstitutional. See, Attorney General Opinion No. 227 (1978); Attorney General Opinion No. 151 (1979).

In short, there is no constitutional prohibition against the kind of legislation you have suggested as long as it does not unreasonably encroach upon the Governor's power to appoint by limiting the field of candidates from which the Governor may choose. Clearly, the Governor has the right to appoint individuals to state boards. Although it is the Legislature's perogative to set forth the qualifications which candidates must have for a certain position, these qualifications may not be so stringent as to essentially predetermine the Governor's selection. That is, the Legislature cannot do indirectly what it cannot do directly. Gaffney v. State Department of Education, 192 Neb. 358, 220 N.W.2d 550 (1974).

The proposed amendment to LB 460 would not be unconstitutional as long as the qualifications set by the Legislature for candidates to the Board of Ambulance Advisors are not too narrow so that only one person or "a limited few" are qualified for the appointment. The State Firemen's Volunteer Association should be required to submit a list to the Governor which includes the names of a number of qualified candidates for the position. In this manner, the Governor's constitutional right to appoint will not be unduly restricted.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Lisa D. Martin-Price
Assistant Attorney General

LMP:kb
cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 757. Considered.

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. Chambers moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Failed to advance to E & R for Review with 21 ayes, 21 nays, 3 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 419A. By Withem, 14th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 419, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 529A. By Withem, 14th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 529, Ninetieth Legislature, First Session, 1987.

VISITORS

Visitors to the Chamber were 18 fourth grade students and teacher from Brownell-Talbot, Omaha; a group from Thayer County; Jack Westerhoff from Alexandria; 15 students and sponsors from UNL; 7 high school students and sponsors from Odell; 15 fourth grade students and teacher from St. Joseph School, York; 30 seniors and teachers from Ft. Calhoun Public School; 17 seniors and teacher from Palmer High School; and 17 students and teacher from Cass County District 10, Union.

RECESS

At 12:05 p.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., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch and Mr. Weihing who were excused; and Messrs. Ashford, Chambers, Landis, McFarland, Rupp, Schellpeper, Withem, and Mrs. Higgins who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 708 in the Journal. No objections. So ordered.

AM0826

1. On page 4, line 9, after "2-1223" insert "which operates at least one live race meet during each calendar year".

2. On page 5, line 3, after the period insert "The written agreement between the receiving track and the sending track shall have the consent of the organization representing a majority of the horsepersons on the track at both the receiving track and the sending track.".

SELECT FILE

LEGISLATIVE BILL 467. The pending Pappas amendment found in the Journal on page 1539 was withdrawn.

Mr. Miller offered the following amendment:
On page 2, line 17, strike new language through and on line 23.

Mr. Miller moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Miller requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Baack	Coordsen	Johnson, L.	Langford	Peterson
Barrett	Elmer	Johnson, R.	Miller	Smith
Beyer	Haberman	Korshoj	Pappas	Wesely

Voting in the negative, 20:

Abboud	Goodrich	Johnson, V.	Marsh	Remmers
Chizek	Hannibal	Lamb	Moore	Rogers
Conway	Harris	Landis	Morehead	Schmit
Dierks	Hefner	Lynch	Nelson	Warner

Present and not voting, 6:

Hall	Hartnett	Labedz	Schellpeper	Scofield

Wehrbein

Excused and not voting, 8:

Ashford	Higgins	Pirsch	Weihing	Withem
Chambers	McFarland	Rupp		

The Miller 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. Lynch 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 Engrossment with 27 ayes, 11 nays, 6 present and not voting, and 5 excused and not voting.

Messrs. Lynch and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 656. Title read. Considered.

Standing Committee amendments, AM0634, found in the Journal on page 1136 for the Forty-Fourth Day were considered.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. R. Johnson, Schmit, and Goodrich renewed the pending R. Johnson-Schmit amendment found in the Journal on page 1520 to the Standing Committee amendments.

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 R. Johnson-Schmit-Goodrich amendment was adopted with 31 ayes, 1 nay, 10 present and not voting, and 7 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 32 ayes, 5 nays, 5 present and not voting, and 7 excused and not voting.

Messrs. R. Johnson and Schmit renewed their pending amendment found in the Journal on page 1520.

Mr. Pappas 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 moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The R. Johnson-Schmit amendment was adopted with 25 ayes, 11 nays, 6 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Messrs. V. Johnson and Withem moved to indefinitely postpone LB 656.

Messrs. V. Johnson and Withem withdrew their pending amendment to indefinitely postpone.

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for Review with 30 ayes, 5 nays, 6 present and not voting, and 8 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 430. Placed on Select File as amended.
E & R amendments to LB 430:
AM5183

1. In the Standing Committee amendments,
AM0858, adopted April 8, 1987:
a. On page 1, line 19, strike "sections

39-662", show as stricken, and insert "this section"; and in line 20 after "and" insert "section";

b. On page 2, lines 8 and 12; page 4, lines 8 and 13; page 5, line 24; and page 6, lines 5 and 10, strike the comma;

c. On page 6, line 5, strike "provded" and insert "provided "; and

d. On page 10, line 8, strike "39-666", show as stricken, and insert "this section".

2. On page 1, line 4, strike "change" and insert "eliminate"; in line 7 strike "and"; and in line 9 after "1943" insert "; and to declare an emergency".

LEGISLATIVE BILL 114. Placed on Select File as amended.
E & R amendments to LB 114:
AM5182

1. In the Standing Committee amendment, AM0556, adopted April 3, 1987, on page 2, line 1, after "applicant" insert an underscored comma.

2. In the Landis amendment, AM0849, adopted April 2, 1987, on page 1, line 5 strike "shall be as defined" and insert "found"; and in line 6 after "81-1502" insert "shall apply".

3. On page 1, line 10, after the semicolon insert "to provide an operative date;".

4. On page 3, line 9, after "for" insert "the".

5. On page 6, line 18, strike "fact-finding" and insert "factfinding".

6. On page 7, line 22, strike the first comma.

7. On page 9, line 1, after "proposed" insert "commercial".

8. On page 10, lines 15 and 17, after "be" insert "located".

9. On page 11, line 15, strike "shall approve", show as stricken, and insert "approves"; and in line 16 strike "disapprove" and insert "disapproves".

10. On page 12, line 3, after "facility" insert an underscored comma.

11. On page 14, line 17, after "Initially" insert an underscored comma.

12. On page 17, line 7, after "by" insert "the"; and in line 12 after "hearing" insert an

underscored comma.

13. On page 20, line 16, after "the" insert "initial"; and in line 19 after the comma insert "the final action taken by the local governing body if applicable,".

14. On page 22, line 17, strike "the".

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 368.

Correctly Engrossed

The following bills were correctly engrossed: 446 and 453.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 368
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0161

1. In the Higgins amendment adopted April 3, 1987, found beginning on page 1470 of the Journal, the first "physical" has been struck and "Physical" inserted; and "section 28-401(21)," has been struck and "subdivision (21) of section 28-401" inserted.

Enrollment and Review Change to LB 446

The following changes, required to be reported for publication in the Journal, have been made:
ER0162

1. On page 1, line 4, "computation" has been struck and "determination" inserted; and in line 5 "weekly" has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

ATTORNEY GENERAL'S OPINION

DATE: April 8, 1987

SUBJECT: Remedial Effect of Proposed Amendments to Optometry Law

REQUESTED BY: Senator Patricia S. Morehead

WRITTEN BY: Robert M. Spire, Attorney General
Marilyn B. Hutchinson, Assistant Attorney General

Dear Senator Morehead:

You have asked whether LB 116 with Standing Committee Amendment AM0424, Amendment AM0815, and another amendment offered by Senator Wesely, found on Journal page 1450, will remedy the constitutional problems referred to in Attorney General Opinions No. 86061 and 87040. We have concluded that they will.

Sincerely Yours,
ROBERT M. SPIRE
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:vs
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LB 261 in the Journal. No objections. So ordered.

AM0903

1. Strike the Conway amendment, AM0886, beginning on page 1518 of the Journal.

2. Insert the following new sections:

"Sec. 5. (1) Contributory fault shall not bar recovery in an action by any person or the legal representative of such person to recover damages for fault resulting in death or in injury to person or property if the contributory fault of the claimant was not greater than the total fault of all persons against whom recovery is sought, but any damages allowed shall be diminished in proportion to the amount of fault attributable to the claimant. The court may, and when

requested by any party shall, direct the jury to find separate special verdicts determining the amount of damages and the percentage of fault attributable to each party. The court shall then reduce the amount of damages in proportion to the amount of fault attributable to the claimant.

(2) Fault shall include acts or omissions that are in any measure negligent or reckless toward the person or property of the actor or others or that subjects a person to strict tort liability. The term shall also include breach of warranty, unreasonable assumption of risk not constituting an express consent, misuse of a product, and unreasonable failure to avoid an injury or to mitigate damages. Legal requirements of causal relation apply both to fault as the basis for liability and to contributory fault.

(3) Settlement with or any payment made to an injured person or to others on behalf of such injured person with the permission of such injured person or to anyone entitled to recover damages on account of injury or death of such person shall not constitute an admission of liability by the person making the payment or on whose behalf payment was made.

(4) Settlement with or any payment made to a person or on the behalf of such person to others for damage to or destruction of property shall not constitute an admission of liability by the person making the payment or on whose behalf the payment was made.

(5) Except in an action in which settlement and release has been pleaded as a defense, any settlement or payment referred to in subsections (3) and (4) of this section shall be inadmissible in evidence on the trial of any legal action.

(6) All settlements and payments made under subsections (3) and (4) of this section shall be credited against any final settlement or judgment, except that in the event that judgment is entered against the person seeking recovery or if a verdict is rendered for an amount less than the total of any such advance payments in favor of the recipient thereof, such person shall not be required to refund any portion of such advance payments voluntarily made. Upon motion to the court in the absence of a jury and upon proper proof

thereof, prior to entry of judgment on a verdict, the court shall first apply subsection (2) of this section and then shall reduce the amount of the damages so determined by the amount of the payments previously made to or on behalf of the person entitled to such damages.

Sec. 6. (1) When two or more persons are jointly liable, contributions to awards shall be in proportion to the percentage of fault attributable to each, except that each is jointly and severally liable for the whole award as prescribed in subsection (2) of this section.

(2) Upon a showing by the claimant made not later than one year after judgment is entered, the court shall determine whether all or part of an equitable share of a party of the obligation is uncollectible from that party and shall reallocate any uncollectible amount among the other parties, including a claimant at fault, according to their respective percentages of fault. If as a result of reallocation, a claimant's percentage of fault exceeds fifty per cent, further recovery is barred. A party whose liability is reallocated is nonetheless subject to contribution and to any continuing liability to the claimant on the judgment.

Sec. 7. That section 25-1222.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1222.01. ~~No~~ Except as provided in section 5 of this act, no advance payments or partial payment of damages made by an insurance company or other person, firm, trust, or corporation as an accommodation to an injured person or on his or her behalf to others or to the heirs at law or dependents of a deceased person made under any liability insurance policy~~,~~ or other voluntary payments made because of an injury, death claim, property loss, or potential claim against any insured or other person, firm, trust, or corporation thereunder shall be construed as an admission of liability by the insured or other person, firm, trust, or corporation, or the payer's recognition of such liability, with respect to such injured or deceased person or with respect to any other claim arising from the same accident or event. Any such payments shall constitute a credit and be deductible from any final settlement made or judgment rendered with respect to such injured or deceased

person. In the event of a trial involving such a claim, the fact that such payments have been made shall not be admissible in evidence or brought to the attention of the jury, and the matter of any credit to be deducted from a judgment shall be determined by the court in a separate hearing or upon the stipulation of the parties.

Sec. 8. That section 27-408, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

27-408. ~~Evidence~~ Except as provided in subsections (3), (4), and (5) of section 5 of this act, evidence of (1) furnishing or offering or promising to furnish, or (2) accepting or offering or promising to accept, a valuable consideration in compromising or attempting to compromise a claim which was disputed as to either validity or amount, is not admissible to prove liability for or invalidity of the claim or its amount. Evidence of conduct or statements made in compromise negotiations is likewise not admissible. This rule does not require the exclusion of any evidence otherwise discoverable merely because it is presented in the course of compromise negotiations. This rule also does not require exclusion when the evidence is offered for another purpose, such as proving bias or prejudice of a witness, negativing a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

Sec. 9. That section 27-409, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

27-409. ~~Evidence~~ Except as provided in subsections (3), (4), and (5) of section 5 of this act, evidence of furnishing or offering or promising to pay medical, hospital, or similar expenses occasioned by an injury is not admissible to prove liability for the injury.

Sec. 10. That section 39-619, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-619. (1) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any traffic-control device or any railroad sign or signal or any part thereof.

(2) Any person who moves, alters, damages, or

destroys warning devices placed upon roads which the Department of Roads or any local authority or its representative has closed in whole or in part for the protection of the public or for the protection of the highway from damage during construction, improvement, or maintenance operation~~,~~ and thereby causes injury or death to any person or damage to any property, equipment, or material thereon shall be liable, subject to ~~the provisions of section 25-21,185~~ section 3 of this act, for the full amount of such death, injury, or damage, and such amount may be recovered by the injured or damaged party or his or her legal representative in a civil action brought in any court of competent jurisdiction.

Sec. 11. That section 44-2819, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-2819. Except as provided in section 5 of this act:

(1) In any action for damages for bodily injuries or for wrongful death when it is alleged that the claimant suffered damages for the cost of medical care, custodial care, or rehabilitation services, evidence which tends to establish that the claimant or another person so damaged has been or shall be reimbursed or paid for any such item of damage, cost, or expense, in whole or in part, by any nonrefundable medical reimbursement insurance shall not be admissible in evidence or brought to the attention of the jury, but such nonrefundable medical reimbursement insurance benefits, less all premiums paid by or for the claimant, may be taken as a credit against any judgment rendered. The matter of any credit to be deducted from a judgment shall be determined by the court in a separate hearing or upon the stipulation of the parties; and ~~.~~

(2) Damages recoverable in any action shall be those losses which have been or shall be sustained by the claimant as a direct and proximate result of the defendant's wrongful acts as established by a preponderance of the evidence. In wrongful death actions, pecuniary loss to a widow or widower, any dependent, or next of kin shall be subject to all of the terms and provisions of the Nebraska Hospital-Medical Liability Act. ~~sections 44-2801 to 44-2855.~~".

3. On page 6, line 14, strike "section 25-824" and insert "sections 25-824, 25-1222.01, 27-408, 27-409, 39-619, and 44-2819"; and in line 15 strike "is" and insert "and also sections 25-1302 and 25-21,185, Reissue Revised Statutes of Nebraska, 1943, are".

4. Renumber the remaining section accordingly.

Mrs. Smith asked unanimous consent to print the following amendment to LB 42 in the Journal. No objections. So ordered.

AM0914

(Amendments to the Final Reading Copy)

1. Strike original sections 9, 10, 11, and 12.

2. On page 1, strike beginning with the second "to" in line 1 through the first semicolon in line 3; in line 6 after the first semicolon insert "and"; and strike beginning with the second semicolon in line 6 through "section" in line 10.

3. On page 7, strike beginning with "be" in line 9 through "(b)" in line 10; and in line 12 strike "(c)" and insert "(b)".

4. Remove the underscoring in sections 1 to 8.

Mr. Landis asked unanimous consent to print the following amendment to LB 517 in the Journal. No objections. So ordered.

AM0915

1. On page 10, line 9, strike "board or board of education" and insert "district superintendent or his or her designee"; in line 10 strike "composed of" and insert "which may include"; in line 14 strike "develop a" and insert "review"; and strike beginning with the first "board" in line 15 through "committee's" in line 17 and insert "administration on".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 261. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 656A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 4 nays, 12 present and not voting, and 8 excused and not voting.

VISITORS

Visitors to the Chamber were 14 fourth grade students from St. Edward; Dennis Keil from Plattsmouth; Charles and Irene Warga from Plattsmouth; 60 third and fourth grade students and teacher from Jefferson School, Omaha; and 22 fourth grade students and teacher from Louisville Elementary.

ADJOURNMENT

At 3:55 p.m., on a motion by Mr. Ashford, the Legislature adjourned until 9:00 a.m., Thursday, April 9, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 9, 1987

LEGISLATIVE JOURNAL

FIFTY-NINTH DAY - APRIL 9, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 9, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett 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. Abboud, Ashford, Dierks, Hannibal, Schellpeper, Warner, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Eighth Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 80. Placed on Select File as amended.
E & R amendments to LB 80:
AM5184

1. In the Barrett amendment adopted April 3, 1987, found on page 1469 of the Journal, after "valid" insert "motor vehicle" and strike "Sec. 60-407(5)" and insert "subsection (5) of section 60-407".

2. On page 1, line 4, strike "a term" and insert "and redefine terms".

3. On page 3, line 2, strike "main traveled" and insert "main-traveled".

4. On page 4, line 4, after "of" insert "time"; and in line 13 after the semicolon insert "and".

5. On page 5, line 21, strike "are" and insert "shall be".

6. On page 6, line 2, strike "sections 60-301 to 60-344", show as stricken, and insert "Chapter 60, article 3"; in line 5 strike the comma and show as stricken; and in line 13 after both "including" and "to" insert an underscored comma.

7. On page 7, lines 5, 6, 10, 11, and 15, strike the comma; and in line 16 strike the comma and show as stricken.

8. On page 10, line 14, strike the second comma and show as stricken; strike beginning with "beginning" in line 14 through the second comma in line 16 and show as stricken; and in line 24 strike the comma and show as stricken.

9. On page 11, line 9, after "plates" insert an underscored comma.

10. On page 14, line 18, strike the comma and show as stricken.

11. On page 17, line 1, after the comma insert "(a)"; in line 2 strike ", (a)" and show the comma as stricken; in line 5 strike the comma and show as stricken, reinstate the stricken "or", and strike "(b)"; and in line 7 strike "(c)" and insert "(b)".

12. On page 18, line 9, reinstate the stricken comma.

(Signed) Scott Moore, Chairperson

MESSAGE FROM THE GOVERNOR

April 8, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 67, 343, 367, 493, 569, 571, 573, 576, 577, 721, 753, 661, and 661A were received in my office on April 3, 1987.

These bills were signed by me on April 8, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

SELECT FILE

LEGISLATIVE BILL 146. Mr. Schmit renewed his pending amendment, AM0572, found in the Journal on page 1060.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 76.

SELECT FILE

LEGISLATIVE BILL 146. The pending Schmit amendment, AM0572, found in the Journal on page 1060 was renewed.

Mr. Pappas 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 Schmit amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Lamb renewed his pending amendment, AM0810, printed separate from the Journal and referred to on page 1445.

Mr. Lamb withdrew his pending amendment.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 5 nays, and 23 not voting.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Pending.

MESSAGES FROM THE GOVERNOR

April 9, 1987

Mr. Allen J. Beermann
Secretary of State
P.O. Box 94608
Lincoln, Nebraska 68509

Dear Mr. Secretary of State:

Engrossed Legislative Bill 683 was received in my office on April 1, 1987, after having been passed by the Legislature.

This bill rested with me five days, Sundays excepted. As provided in Article IV, Section 15, of the Constitution, I have neither signed nor vetoed LB 683 and have allowed it to become law without my signature.

Sincerely,
(Signed) KAY A. ORR
Governor

April 9, 1987

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

Dear Mr. President and Senators:

This is to advise you that LB 683 has been forwarded to the Secretary of State, without my signature. By allowing LB 683 to move forward, I wish to communicate my concerns regarding this legislation, which appears to be in conflict with the constitutional responsibilities of Nebraska's executive branch of government.

LB 683, through the procedure and limitations contained in it, places the Legislature between the courts, which awarded the oil overcharge funds, and the Governor, who accepted the responsibility of disbursing the funds in accordance with the court's guidelines and conditions. My respect for the Legislature's vital role in the democratic process remains undiminished; nevertheless, in the case of LB 683, the Legislature may have acted beyond its constitutional authority by imposing a specific procedure for, and limitations on, the expenditure of the overcharge funds. I have, therefore, requested the Nebraska Attorney General to assess the constitutionality of LB 683. (A copy of my request is attached.)

Raising this issue should not be perceived as an indication that our two branches of government are now engaged in a constitutional challenge which could interfere with our continued cooperation and good will. However, as Governor it is my obligation to attempt to clarify the relative authority of the Legislature and the Governor in the disbursement of the overcharge funds. This question is being raised for the purpose of promoting good government--which is identical to the spirit in which you adopted LB 683.

It is perhaps auspicious that this issue has surfaced as we prepare to celebrate the 200th anniversary of our nation's Constitution. The fact that such a question can be raised in relation to our state Constitution and resolved in a deliberate and civil manner, without shaking the foundation of our government, is a credit to our state's collective reverence for and dedication to the document we have each pledged to uphold.

Sincerely,
(Signed) KAY A. ORR
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 430 in the Journal. No objections. So ordered.

AM0920

1. In the Standing Committee amendment, AM0858, adopted April 8, 1987, on page 4, line 18, after "freeway" insert ", except as provided in subdivision (g) of this subsection".

2. On page 13, strike lines 9 and 10, show the old matter as stricken, and insert "(2)(c), (d), or (f) of section 39-662 or subdivision (1)(c), (d), (e),

or (g) or (3)(c), (d), or (h)"; and in line 23 strike "motorcycle" and show as stricken.

3. On page 14, line 1, strike "protective headgear violations," and show as stricken.

SELECT FILE

LEGISLATIVE BILL 146. Mr. Schmit offered the following amendment:

to add the emergency clause to LB 146.

The Schmit amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Warner reoffered the Lamb amendment, AM0810, printed separate from the Journal and referred to on page 1445 and considered in this day's Journal.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Mr. V. Johnson requested a roll call vote on the Warner amendment.

Voting in the affirmative, 21:

Barrett	Hefner	Korshoj	Nelson	Smith
Beyer	Higgins	Labedz	Pappas	Warner
Elmer	Johnson, L.	Miller	Schmit	Wehrbein
Haberman	Johnson, R.	Moore	Scofield	Wesely
Hall				

Voting in the negative, 21:

Baack	Harris	Landis	McFarland	Remmers
Chambers	Hartnett	Langford	Morehead	Rupp
Chizek	Johnson, V.	Lynch	Peterson	Weihing
Conway	Lamb	Marsh	Pirsch	Withem
Coordsen				

Present and not voting, 4:

Dierks	Goodrich	Hannibal	Schellpeper

Excused and not voting, 3:

Abboud Ashford Rogers

The 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. Schmit offered the following amendment:
AM0922

1. Strike original section 4 and insert the following new section:

"Sec. 4. That section 46-233.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-233.01. (1) Application may be made to the Department of Water Resources for a permit to appropriate any of the public surface waters of the State of Nebraska to be diverted or stored in Nebraska for use in any ~~adjoining~~ other state. ~~, but no applicant shall be entitled to divert or store water for such use without specific authorization by the Legislature of the State of Nebraska and then only in cases where the state in which the water is to be used shall grant reciprocal rights for the use of water in Nebraska.~~

(2) In determining whether to grant such application, the director shall consider the following factors:

(a) Whether unappropriated water exists in the source of supply named in the application;

(b) Whether such application and appropriation when perfected are not otherwise detrimental to the public welfare;

(c) Whether denial of the application is demanded by the public interest; and

(d) Whether the proposed use is a beneficial use of water.

(3) When determining whether denial of such application is demanded by the public interest, the director shall consider the following factors:

(a) The economic, environmental, and other benefits of the proposed use;

(b) Any adverse economic, environmental, and

other impacts of the proposed use;

(c) Any current beneficial uses being made of the unappropriated water;

(d) The economic, environmental, and other benefits of not allowing the appropriation and preserving the water supply for beneficial uses within the state;

(e) Alternative sources of water supply available to the applicant; and

(f) Any other factors consistent with the purposes of this section that the director deems relevant to protect the interests of the state and its citizens.

The application shall be deemed in the public interest if the overall benefits to Nebraska are greater than the adverse impacts to Nebraska. The director's order granting or denying an application shall specify the reasons for such action, including a discussion of the required factors for consideration, and shall document such decision by reference to the hearing record, if any, and to any other sources used by the director in making the decision.".

The Schmit amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment with 27 ayes, 2 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 146A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 300. Mr. Peterson renewed his pending amendment, AM0827, found in the Journal on page 1520.

Mr. Lynch 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 26 ayes, 0 nays, and 23 not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a record vote on the Peterson amendment.

Voting in the affirmative, 27:

Abboud	Goodrich	Lamb	Peterson	Smith
Barrett	Hall	Landis	Pirsch	Warner
Beyer	Harris	Langford	Rupp	Wehrbein
Coordsen	Hefner	Miller	Schellpeper	Weihing
Dierks	Johnson, L.	Nelson	Scofield	Wesely
Elmer	Johnson, V.			

Voting in the negative, 2:

Chambers Higgins

Present and not voting, 17:

Ashford	Hannibal	Labedz	Moore	Remmers
Baack	Hartnett	Marsh	Morehead	Schmit
Chizek	Johnson, R.	McFarland	Pappas	Withem
Conway	Korshoj			

Excused and not voting, 3:

Haberman Lynch Rogers

The Peterson amendment was adopted with 27 ayes, 2 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Messrs. R. Johnson, Hartnett, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Abboud	Hannibal	Landis	Nelson	Schellpeper
Barrett	Harris	Langford	Peterson	Warner
Beyer	Hefner	Marsh	Pirsch	Wehrbein
Dierks	Johnson, L.	Miller	Remmers	Weihing
Elmer	Johnson, V.	Moore	Rupp	Wesely
Goodrich	Lamb			

Voting in the negative, 4:

Ashford	Baack	Chambers	Higgins

Present and not voting, 11:

Chizek	Hall	McFarland	Pappas	Smith
Conway	Korshoj	Morehead	Scofield	Withem
Coordsen				

Excused and not voting, 7:

Haberman	Johnson, R.	Lynch	Rogers	Schmit
Hartnett	Labedz			

Advanced to E & R for Engrossment with 27 ayes, 4 nays, 11 present and not voting, and 7 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 77.

By Urban Affairs Committee: Hartnett, 45th District, Chairperson; Hall, 7th District; Higgins, 9th District; Korshoj, 16th District; Labedz, 5th District; Landis, 46th District; Smith, 33rd District.

PURPOSE: The purpose of this study is to determine parameters of future municipal development in Nebraska, the terms upon which such development should be permitted to proceed, and the impact of current zoning and annexation laws on that process.

Nebraska municipal law has always recognized the need for cities and villages to exercise certain forms of control through extra-territorial zoning and planning authority. The ability of a city or village to provide services to its residents in the most economical and efficient manner possible depends upon its ability to grow and to reasonably control the growth and development taking place along its perimeter. Keeping such growth orderly and in line with plans for

future provision of services is an important policy consideration for maintaining Nebraska municipal health.

Concerns have been raised about the manner in which that extra-territorial control has been exercised and whether it should be modified to conform to current realities. It is important for the Urban Affairs Committee, in line with its responsibility to monitor and report to the Legislature the current conditions of Nebraska cities and villages, to review the current situation and assess certain factors relative to the problem, including:

(1) The future growth patterns of Nebraska's cities and villages;

(2) Current and projected annexation plans;

(3) Growth along the fringes of cities and villages in Nebraska;

(4) Municipal and municipal-type services provided to such fringe areas;

(5) Zoning and planning functions of cities, villages, and counties and abuses of the current statutory scheme;

(6) The finances of municipal growth and infrastructure creation and improvement in urban areas; and

(7) Issues relating to development and the city and county planning, zoning, and development interface.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 78.

By Urban Affairs Committee: Hartnett, 45th District, Chairperson; Hall, 7th District; Higgins, 9th District; Korshoj, 16th District; Labedz, 5th District; Landis, 46th District; Smith, 33rd District.

PURPOSE: The purpose of this study is to address the issues and concerns raised by the members of the Legislature with regard to Legislative Resolution 21CA when the resolution was considered on select file on April 7, 1987, and to outline possible options and solutions for the Legislature to adopt in resolving the issues and concerns.

Legislative Resolution 21CA is a constitutional resolution sponsored by the Urban Affairs committee on behalf of the League of Nebraska Municipalities and several of its member cities. The purpose of the resolution is to permit cities in Nebraska to spend funds derived from local sources for economic development projects with the approval of the voters in those communities. The language is permissive and requires legislative authorization before any city could exercise the authority.

The resolution was heard by the Urban Affairs committee on February 17, 1987, and advanced to the floor of the Legislature by unanimous vote of the members. It moved from general to select file on March 6, 1987, with only a single dissenting vote, and was amended without dissent on April 7, 1987, to resolve concerns raised by bond counsel for several cities. At that time, vigorous debate by several members on a motion to indefinitely postpone the resolution raised concerns about legislative intent and direction and possible financial repercussions for local communities.

Following the rejection of the motion, the Legislature voted without dissent to bracket the resolution until the 1988 session. In his statement in support of the bracket motion, Sen. Hartnett, the Chairperson of the Urban Affairs committee, expressed his desire to resolve the legitimate concerns of his colleagues and members of the public about this important piece of economic development legislation and his intention to have the Urban Affairs committee review the resolution, take testimony on the issues presented by the resolution, and determine some possible legislative approaches to implementation of the amendment if the voters of Nebraska were to approve it at the general election in 1988.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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.

UNANIMOUS CONSENT - Print in Journal

Messrs. Withem and Miller asked unanimous consent to print the following amendment to LB 688 in the Journal. No objections. So ordered.

AM0917

(Amendments to Standing Committee amendments, AM0749)

1. On page 12, line 19, after "1" insert ", 1988,"; in line 21 strike "except that", show as stricken, and insert ". An"; in line 22 strike "an" and show as stricken; strike beginning with "June" in line 22 through "30" in line 23, show the old matter as stricken, and insert "February 1"; and in line 24 after "unit's" insert "subsequent".

2. On page 13, lines 11 and 17, strike "subdivision (1) of"; in line 20 strike "such" and insert "any"; and in line 24 strike "such" and insert "an".

3. On page 14, line 1, strike "the" and insert "such".

4. On page 21, strike beginning with "(1)" in line 4 through line 24 and show the old matter as stricken.

5. On page 22, strike lines 1 through 15 and show the old matter as stricken; and in line 16 strike "(3)", show as stricken, and insert "(1)".

6. On page 23, line 7, strike "(4)", show as stricken, and insert "(2)".

7. On page 24, line 3, strike "(5)" and insert "(3)".

8. On page 25, line 2, strike "(6)" and insert "(4)".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 250, 479, 514, 575, 575A, 603, and 776.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 250

The following changes, required to be reported for publication in the Journal, have been made:
ER0163

1. On page 1, line 4, "to provide for suspension and a fine;" has been inserted after the semicolon.

Enrollment and Review Change to LB 575

The following changes, required to be reported for publication in the Journal, have been made:
ER0167

1. On page 10, lines 12, 13, and 20 the comma has been struck; in line 21 both commas have been struck; and in line 22 the first comma has been struck.
2. On page 12, line 1, "and" has been inserted after the comma; and in line 4 the comma has been struck.
3. On page 15, line 21, "a" has been inserted after "Upon" and after the first "of".
4. On page 17, line 9, "a" has been inserted after "Upon".
5. On page 23, line 5, "is" has been struck and "shall" inserted; and in line 6 "be" has been inserted after "not".
6. On page 26, line 16, "will" has been struck and "shall" inserted.

Enrollment and Review Change to LB 603

The following changes, required to be reported for publication in the Journal, have been made:
ER0164

1. On page 1, line 4, "eliminate" has been struck and "change" inserted; the matter beginning with "on" in line 4 through "Parole" in line 5 has been struck and "to full-time positions" inserted; the matter beginning with "to" in line 6 through the first semicolon in line 7 has been struck and "and" inserted; and the matter beginning with the second semicolon in line 7 through "emergency" in line 8 has been struck.

Enrollment and Review Change to LB 776

The following changes, required to be reported for publication in the Journal, have been made:
ER0166

1. On page 4, line 21, "from" has been struck and "out of" inserted.
2. On page 6, line 16, "of" has been inserted after "out".

3. On page 8, line 12, "bill" has been struck and "act" inserted

(Signed) Mary E. Sommermeyer
E & R Attorney

VISITORS

Visitors to the Chamber were 33 fifth and sixth grade students and teacher from Kenesaw Elementary; 8 seventh and eighth grade students and teacher from Phelps County R-4; Senator Labedz's daughter, Toni Lenagh, and Bettie Lenagh; 30 fourth grade students and teachers from Seymour Elementary, Ralston; 45 seventh and eighth grade students and sponsor from Assumption School, Omaha; and 45 members of Buffalo County extension group.

RECESS

At 11:56 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., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mr. Rogers who was excused; and Messrs. Coordsen, Goodrich, Haberman, Hannibal, Harris, R. Johnson, V. Johnson, Peterson, Schellpeper, Mesdames Higgins, Labedz, Marsh, Pirsch, and Smith who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 444. E & R amendments, AM5145, found in the Journal on page 1367 for the Fifty-First Day were adopted.

Mr. Withem renewed his pending amendment, AM0855, found in the Journal on page 1521.

The Withem amendment was adopted with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

Messrs. Moore and Remmers asked unanimous consent to replace their pending amendment, AM0867, found in the Journal on page 1539, with a substitute amendment. No objections. So ordered.

Messrs. Moore and Remmers offered the following substitute amendment:

AM0916

1. Insert the following new section:

"Sec. 4. That section 79-426.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-426.08. (1) Each county committee shall receive and consider all plans and procedures submitted to it by the state committee. The county committee shall prepare and submit to the state committee, for its approval or disapproval, a plan of reorganization of school districts for the county. Such ~~plan~~ plans of reorganization shall be submitted to the state committee upon completion. ~~prior to January 1, 1966.~~

(2) When a proposed plan of reorganization of school districts for the county, or part thereof, shall have been tentatively agreed upon by a county committee, a map of the proposed district, or districts, shall be prepared showing the boundaries thereof and a statement of the description of the boundaries of such proposed district, or districts, and details of the plan. Such map and statement shall be placed on file with the county superintendent, together with a statement prepared by the committee setting forth the provisions of section 79-426.11 and other facts considered pertinent by said committee for the information of the public as to the reasons for and benefits to be had from such proposal.

(3) The county superintendent shall give notice of the filing of such map and statement by publication of said fact in a newspaper of general circulation in the area.

Sec. 5. That section 79-426.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-426.13. When such plan, or any part thereof, has been approved by the county committee and the state committee, it shall be designated as the final approved plan. Within thirty days after such

designation (1) any Class II, III, IV, or V school district or (2) any Class VI school district and all Class I school districts which are part of the Class VI school district may elect to remove itself from the final approved plan by an affirmative vote of the elected members of the school board of each such school district. The final approved plan, with any changes authorized in this section, ~~and~~ shall be submitted to a vote as provided in section 79-426.15.".

2. On page 2, line 13, after "reorganization" insert ", except that the petitions shall be signed by at least sixty-five per cent of the legal voters of each school district affected if the proposed change is for attachment to a school district which provides education in grades kindergarten through twelve or a Class I school district which is part of a Class VI school district and the proposed change has been disapproved by either the state or county committee for school district reorganization"; and in line 14 after "approval" insert "or disapproval" and strike "granted" and insert "determined".

3. On page 6, strike lines 2 through 6 and show the old matter as stricken; in line 11 after "after" insert "the later of"; and in line 12 after "plan" insert "or vote of the school board authorized in section 79-426.13".

4. In the E & R amendments, AM5145, on page 3, line 9, after "79-426.05" insert ", 79-426.08, 79-426.13".

5. Renumber the remaining sections accordingly.

Mr. Lamb offered the following amendment to the pending Moore-Remmers amendment:

To amend AM0916 to LB 444

Pg 2 lines 19 & 20 strike "which are part of the Class VI school district".

Mrs. Morehead and Mr. Haberman asked unanimous consent to be excused until they return. 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.

Mr. Lamb moved for a call of the house. The motion prevailed with 17 ayes, 6 nays, and 26 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud	Coordsen	Lamb	Remmers	Scofield
Baack	Dierks	Langford	Rupp	Smith
Barrett	Elmer	Miller	Schellpeper	Warner
Chambers	Hefner	Moore	Schmit	Weihing
Conway	Korshoj	Peterson		

Voting in the negative, 13:

Ashford	Hannibal	Higgins	McFarland	Wesely
Chizek	Harris	Landis	Pappas	Withem
Hall	Hartnett	Marsh		

Present and not voting, 7:

Beyer	Johnson, V.	Lynch	Nelson	Wehrbein
Johnson, L.	Labedz			

Excused and not voting, 6:

Goodrich	Johnson, R.	Morehead	Pirsch	Rogers
Haberman				

The Lamb amendment lost with 23 ayes, 13 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Moore moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Moore requested a roll call vote on the pending Moore-Remmers amendment.

Voting in the affirmative, 21:

Abboud	Hartnett	Landis	Nelson	Wehrbein
Ashford	Johnson, L.	Marsh	Pappas	Weihing
Beyer	Johnson, R.	Moore	Remmers	Wesely
Chizek	Johnson, V.	Morehead	Smith	Withem
Harris				

Voting in the negative, 21:

Baack	Dierks	Higgins	Langford	Schellpeper
Barrett	Elmer	Korshoj	Miller	Schmit
Chambers	Hall	Labedz	Peterson	Scofield
Conway	Hefner	Lamb	Rupp	Warner
Coordsen				

Present and not voting, 3:

Hannibal	Lynch	McFarland

Excused and not voting, 4:

Goodrich	Haberman	Pirsch	Rogers

The Moore-Remmers amendment lost with 21 ayes, 21 nays, 3 present and not voting, and 4 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.

Messrs. Lamb and Baack withdrew their pending amendment found in the Journal on page 1544.

Messrs. Lamb, Baack, and Remmers withdrew their pending amendment found in the Journal on page 1562.

Mr. Lamb offered the following amendment:
Pg. 8 lines 15 thru 23
Pg. 9 lines 1 thru 3
reinstate stricken language

Messrs. Chambers, Schmit, and Rupp 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 14 ayes, 1 nay, and 34 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud	Hefner	Labedz	Peterson	Scofield
Barrett	Higgins	Lamb	Remmers	Smith
Coordsen	Johnson, L.	Langford	Schellpeper	Warner
Dierks	Johnson, R.	Miller	Schmit	Weihing
Elmer	Korshoj	Nelson		

Voting in the negative, 19:

Ashford	Goodrich	Hartnett	Marsh	Wehrbein
Baack	Hall	Johnson, V.	McFarland	Wesely
Chizek	Hannibal	Landis	Morehead	Withem
Conway	Harris	Lynch	Pappas	

Present and not voting, 2:

Beyer	Moore

Excused and not voting, 5:

Chambers	Haberman	Pirsch	Rogers	Rupp

The Lamb amendment lost with 23 ayes, 19 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Messrs. Withem and Ashford offered the following amendment:
AM0936

1. Insert the following new section:

"Sec. 4. That section 79-426.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-426.08. (1) Each county committee shall receive and consider all plans and procedures submitted

to it by the state committee. The county committee shall prepare and submit to the state committee, for its approval or disapproval, a plan of reorganization of school districts for the county. Such ~~plan~~ plans of reorganization shall be submitted to the state committee upon completion. ~~prior to January 1, 1966.~~

(2) When a proposed plan of reorganization of school districts for the county~~,~~ or part thereof~~,~~ shall have been tentatively agreed upon by a county committee, a map of the proposed district~~,~~ or districts~~,~~ shall be prepared showing the boundaries thereof and a statement of the description of the boundaries of such proposed district~~,~~ or districts~~,~~ and details of the plan. Such map and statement shall be placed on file with the county superintendent, together with a statement prepared by the committee setting forth the provisions of section 79-426.11 and other facts considered pertinent by said committee for the information of the public as to the reasons for and benefits to be had from such proposal.

(3) The county superintendent shall give notice of the filing of such map and statement by publication of said fact in a newspaper of general circulation in the area.

Sec. 5. That section 79-426.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-426.13. When such plan~~,~~ or any part thereof~~,~~ has been approved by the county committee and the state committee, it shall be designated as the final approved plan. Within thirty days after such designation (1) any accredited Class II, III, IV, or V school district or (2) any accredited Class VI school district and all Class I school districts which are part of the Class VI school district may elect to remove itself from the final approved plan by an affirmative vote of the elected members of the school board of each such school district. The final approved plan, with any changes authorized in this section, ~~and~~ shall be submitted to a vote as provided in section 79-426.15.".

2. On page 2, line 13, after "reorganization" insert ", except that the petitions shall be signed by at least sixty-five per cent of the legal voters of each school district affected if the proposed change is for

attachment to an accredited school district which provides education in grades kindergarten through twelve or a Class I school district which is part of an accredited Class VI school district and the proposed change has been disapproved by either the state or county committee for school district reorganization"; and in line 14 after "approval" insert "or disapproval" and strike "granted" and insert "determined".

3. On page 6, strike lines 2 through 6 and show the old matter as stricken; in line 11 after "after" insert "the later of"; and in line 12 after "plan" insert "or vote of the school board authorized in section 79-426.13".

4. In the E & R amendments, AM5145, on page 3, line 9, after "79-426.05" insert ", 79-426.08, 79-426.13".

5. Renumber the remaining sections accordingly.

The Withem-Ashford amendment was adopted with 26 ayes, 7 nays, 11 present and not voting, and 5 excused and not voting.

Mr. Lamb moved to indefinitely postpone LB 444.

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 25 ayes, 0 nays, and 24 not voting.

The Lamb motion to indefinitely postpone lost with 14 ayes, 20 nays, 10 present and not voting, and 5 excused and not voting.

Mr. Withem offered the following amendment to LB 444:

In the Withem-Ashford amendment AM0936, starting on Page 2, line 17, strike the words "Class II, III, IV, or V" through "Class VI" on line 20.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 515. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Lynch and Hartnett asked unanimous consent to print the following amendment to LB 599 in the Journal. No objections. So ordered.

AM0906

1. In the E & R amendments, AM5156, on page 1, line 7, after the last semicolon insert "and"; strike beginning with the semicolon in line 8 through line 10 and insert a period.

2. On page 5, strike line 1 and insert "time in a public school district or private school system, the school of enrollment"; strike beginning with "Within" in line 19 through the period in line 24; and in line 25 strike "elementary or secondary".

3. On page 6, line 1, after "shall" insert "not"; in line 2 strike "unless" and insert "if"; and in line 25 after "out" insert "their responsibilities under".

4. Insert the following new section:

"Sec. 11. Any school or any person acting on behalf of a school shall be immune from civil and criminal liability for any acts or omissions which occur as a result of the requirements of the Missing Children Identification Act.".

5. Renumber the remaining section accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 564 in the Journal. No objections. So ordered.

to amend Senator Hefner's amendment to LB 564 by adding a new section as follows:

"Judge W. W. Nuernberger is hereby declared a State Saint."

Mr. Chambers asked unanimous consent to print the following amendment to LB 430 in the Journal. No objections. So ordered.

AM0928

1. On page 12, line 22, after "except" insert "(i)"; reinstate the stricken matter beginning with "that" in line 23 through "than" in line 24; after the reinstated "than" insert "five"; reinstate the stricken matter beginning with "miles" in line 24 through line 25; and in line 25 after the reinstated "Interstate" insert "and Defense Highways and (ii)".

2. On page 13, line 11, strike the semicolon; and reinstate the stricken matter beginning with "except" in line 11 through line 12.

Mr. Wesely and Mrs. Morehead asked unanimous consent to print the following amendment to LB 116 in the Journal. No objections. So ordered.

AM0934

(Amendments to the E & R amendments, AM5174)

1. On page 1, line 7, strike "on or after July 17, 1986,", show as stricken, and insert an underscored comma; in line 8 after "department" insert "prior to the effective date of this act"; and in line 10 after "certification" insert "as determined by the department upon recommendation of the Board of Examiners in Optometry".

2. On page 4, line 1, strike "and" and show as stricken; and in line 4 after "purposes" insert ", and (d) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 55, 185, 185A, 203, 211, 319, 538, 608, 615, and 642.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 211

The following changes, required to be reported for publication in the Journal, have been made:
ER0165
1. On page 1, line 2, "and" has been inserted after the last comma; and in line 3 "52-118, and 52-118.01," has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

MOTION - Adjournment

Mrs. Higgins moved to adjourn. The motion lost with 9 ayes, 18 nays, 16 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 444. The pending Withem amendment found in this day's Journal was renewed.

Mr. McFarland asked unanimous consent to be excused. No objections. So ordered.

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 Withem amendment was adopted with 25 ayes, 5 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Lamb requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Ashford	Haberman	Higgins	Marsh	Smith
Baack	Hall	Johnson, V.	Moore	Wehrbein
Beyer	Hannibal	Labedz	Morehead	Weihing
Chizek	Harris	Landis	Nelson	Wesely
Conway	Hartnett	Lynch	Pappas	Withem
Goodrich				

Voting in the negative, 14:

Barrett	Coordsen	Dierks	Hefner	Johnson, L.

Korshoj	Langford	Peterson	Schellpeper	Warner
Lamb	Miller	Remmers	Scofield	

Present and not voting, 2:

Elmer Johnson, R.

Excused and not voting, 7:

Abboud	McFarland	Rogers	Rupp	Schmit
Chambers	Pirsch			

Advanced to E & R for Engrossment with 26 ayes, 14 nays, 2 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 601. E & R amendment, AM5163, found in the Journal on page 1443 for the Fifty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 226A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 345. E & R amendments, AM5177, found in the Journal on page 1536 for the Fifty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 455. E & R amendment, AM5175, found in the Journal on page 1548 for the Fifty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 261 in the Journal. No objections. So ordered.

AM0931

1. Insert the following new sections:

"Sec. 5. For purposes of sections 5 to 11 of this act, unless the context otherwise requires, fault shall include acts or omissions that are in any measure negligent or reckless toward the person or property of the actor or others or that subjects a person to strict

tort liability. The term shall also include breach of warranty, unreasonable assumption of risk not constituting an express consent, misuse of a product, and unreasonable failure to avoid an injury or to mitigate damages.

Sec. 6. In any civil action for injury to a person or property or wrongful death, the liability of each defendant for damages shall be several only and shall not be joint. Each defendant shall be liable only for the amount of damages allocated to that defendant in direct proportion to that defendant's percentage of fault, and a separate judgment shall be rendered against the defendant for that amount. To determine the amount of judgment to be entered against each defendant, the trier of fact, with regard to each defendant, shall multiply the total amount of damages recoverable by the plaintiff by the percentage of each defendant's fault, and that amount shall be the maximum recoverable against the defendant.

Sec. 7. In assessing percentages of fault the trier of fact shall consider the fault of all persons, including the plaintiff and any person on whose behalf an action is brought, who contributed to the alleged injury to person or property or death, tangible or intangible, regardless of whether such person was or could have been named as a party to the suit either as a defendant or plaintiff. Negligence or fault of a nonparty may be considered if the plaintiff entered into a settlement agreement with the nonparty or if the defending party gives notice thirty days prior to the date of trial that a nonparty was wholly or partially at fault. The notice shall be given by filing a pleading in the action designating such nonparty and setting forth such nonparty's name and last-known address, or the best identification of such nonparty which is possible under the circumstances, together with a brief statement of the basis for believing such nonparty to be at fault.

Sec. 8. Nothing in sections 5 to 11 of this act shall eliminate or diminish any defenses or immunities which currently exist, except as expressly noted in such sections. Assessments of percentages of fault for nonparties are used only for accurately determining the fault of named parties. When fault is

assessed against nonparties, findings of such fault shall not subject any nonparty to liability in this or any other action nor shall such findings be introduced as evidence of liability in any action.

Sec. 9. Joint liability shall be imposed on all who pursue a common plan or design to commit a tortious act or actively take part in it. Any person held jointly liable under this section shall have a right of contribution from his or her fellow defendants acting in concert. A defendant shall be held responsible only for the portion of fault assessed to those with whom he or she acted in concert under this section.

Sec. 10. The burden of alleging and proving fault shall be upon the person who seeks to establish such fault.

Sec. 11. Nothing in sections 5 to 10 of this act shall be construed to create a cause of action. Nothing in such sections shall be construed in any way to alter the immunity of any person.

Sec. 12. Section 25-824 and sections 2 to 11 of this act shall apply to any civil action filed on or after the effective date of this act.".

2. Renumber the remaining section accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 74 in the Journal. No objections. So ordered.

AM0927

1. On page 2, line 24, after the period insert "Any designee of the chief administrator of a hospital or the attending physician appointed pursuant to this section shall be an employee of such hospital.".

VISITORS

Visitors to the Chamber were 60 students and teacher from Bremen Lutheran School, Bremen, Kansas; 50 fourth grade students and teachers from Wasmer Elementary, Grand Island; Mr. and Mrs. Jack Stuckey; Dr. Joe Rainman, wife, Shirley, and son Kermit from Ulyses, Kansas; 10 students and sponsor from School District No. 2, Page; 17 fourth grade students and teacher from Pleasanton Elementary; Correne Phillips from Pleasanton; and Laura Niederhause, and John and Dorothy Upton from McCool Junction.

ADJOURNMENT

At 4:14 p.m., on a motion by Mr. Remmers, the Legislature adjourned until 9:00 a.m., Friday, April 10, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - APRIL 10, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 10, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Vernon Jacobs, Holy Cross Lutheran Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Chambers, Goodrich, Hannibal, V. Johnson, Landis, Lynch, Warner, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Ninth Day was approved.

UNANIMOUS CONSENT - Withdraw Amendment to LB 60

Mr. Haberman withdrew his pending amendment, AM0726, found in the Journal on page 1521 to LB 60.

MOTION - Return LB 60 to Select File

Mr. Haberman moved to return LB 60 to Select File for the following specific amendment:
(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0940.)

The Haberman motion to return prevailed with 26 ayes, 2 nays, 12 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 60. The Haberman specific amendment, AM0940, printed separate from the Journal and referred to in this day's Journal was adopted with 26 ayes, 7 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. Haberman 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 78.

A BILL FOR AN ACT relating to insurance; to define terms; to authorize and restrict the release and provision of certain information as prescribed; to provide powers and duties; to limit liability; 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, 41:

Abboud	Elmer	Johnson, R.	Moore	Schellpeper
Ashford	Hall	Johnson, V.	Morehead	Schmit
Baack	Hannibal	Korshoj	Nelson	Scofield
Barrett	Harris	Langford	Peterson	Smith
Beyer	Hartnett	Lynch	Pirsch	Wehrbein
Chizek	Hefner	Marsh	Remmers	Weihing
Conway	Higgins	McFarland	Rogers	Wesely
Coordsen	Johnson, L.	Miller	Rupp	Withem
Dierks				

Voting in the negative, 0.

Present and not voting, 3:

Labedz Lamb Pappas

Excused and not voting, 5:

Chambers Goodrich Haberman Landis Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 329.

A BILL FOR AN ACT relating to technical community colleges; to amend section 79-2648, Reissue Revised Statutes of Nebraska, 1943, and section 79-2637, Revised Statutes Supplement, 1986; to authorize the issuance of bonds; to provide for the use of revenue from such bonds; to provide procedures; to exempt such bonds from taxation; to provide additional powers; to eliminate certain bond provisions; to harmonize provisions; and to repeal the original sections, and also sections 79-1438.04 and 79-1438.06 to 79-1438.12, Reissue Revised Statutes of Nebraska, 1943, and section 79-1438.05, Revised Statutes Supplement, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Elmer	Johnson, V.	Moore	Schellpeper
Ashford	Hall	Korshoj	Morehead	Scofield
Baack	Hannibal	Labedz	Nelson	Smith
Barrett	Harris	Lamb	Peterson	Warner
Beyer	Hartnett	Langford	Pirsch	Wehrbein
Chizek	Hefner	Lynch	Remmers	Weihing
Conway	Higgins	Marsh	Rogers	Wesely
Coordsen	Johnson, L.	McFarland	Rupp	Withem
Dierks	Johnson, R.	Miller		

Voting in the negative, 0.

Present and not voting, 2:

Pappas Schmit

Excused and not voting, 4:

Chambers Goodrich Haberman Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 164.

A BILL FOR AN ACT relating to grain warehouses; to amend section 88-502.02, Revised Statutes Supplement, 1986; to adopt the Grain Warehouse Act; to eliminate provisions relating to public grain warehouses; to provide penalties; and to repeal the original section, and also sections 88-501, 88-505 to 88-512, 88-514, 88-516, 88-523, and 88-524, Reissue Revised Statutes of Nebraska, 1943, and sections 88-502, 88-502.01, 88-503, 88-504, 88-513, 88-515, and 88-517, Revised Statutes Supplement, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Dierks	Johnson, R.	Miller	Schellpeper
Ashford	Elmer	Johnson, V.	Moore	Scofield
Baack	Hall	Korshoj	Morehead	Smith
Barrett	Hannibal	Lamb	Nelson	Warner
Beyer	Harris	Landis	Peterson	Wehrbein
Chambers	Hartnett	Langford	Pirsch	Weihing
Chizek	Hefner	Lynch	Remmers	Wesely
Conway	Higgins	Marsh	Rogers	Withem
Coordsen	Johnson, L.	McFarland	Rupp	

Voting in the negative, 0.

Present and not voting, 3:

Labedz Pappas Schmit

Excused and not voting, 2:

Goodrich Haberman

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 motor vehicles; to amend section 60-1307, Revised Statutes Supplement, 1986; to provide for the detention of certain vehicles as prescribed; to require a bond; 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	Dierks	Johnson, R.	Miller	Schellpeper
Ashford	Elmer	Johnson, V.	Moore	Scofield
Baack	Hall	Korshoj	Morehead	Smith
Barrett	Hannibal	Lamb	Nelson	Warner
Beyer	Harris	Landis	Peterson	Wehrbein
Chambers	Hartnett	Langford	Pirsch	Weihing
Chizek	Hefner	Lynch	Remmers	Wesely
Conway	Higgins	Marsh	Rogers	Withem
Coordsen	Johnson, L.	McFarland	Rupp	

Voting in the negative, 0.

Present and not voting, 3:

Labedz Pappas Schmit

Excused and not voting, 2:

Goodrich Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 358.

A BILL FOR AN ACT relating to state party conventions; to eliminate provisions relating to representation at state conventions; and to repeal section 32-554, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Elmer	Johnson, V.	Moore	Schellpeper
Ashford	Hall	Korshoj	Morehead	Scofield
Baack	Hannibal	Lamb	Nelson	Smith
Barrett	Harris	Landis	Peterson	Warner
Beyer	Hartnett	Langford	Pirsch	Wehrbein
Chambers	Hefner	Marsh	Remmers	Weihing
Chizek	Johnson, L.	McFarland	Rogers	Wesely
Conway	Johnson, R.	Miller	Rupp	Withem
Dierks				

Voting in the negative, 0.

Present and not voting, 6:

Coordsen	Labedz	Lynch	Pappas	Schmit
Higgins				

Excused and not voting, 2:

Goodrich Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 456.

A BILL FOR AN ACT relating to the Department on Aging Advisory Committee; to amend section 68-1101, Reissue Revised Statutes of Nebraska, 1943; to change the membership of the committee; to eliminate certain districts; and to repeal the original section, and also section 68-1102, 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	Dierks	Johnson, R.	Miller	Schellpeper
Ashford	Elmer	Johnson, V.	Moore	Schmit
Baack	Hall	Korshoj	Morehead	Scofield
Barrett	Hannibal	Lamb	Nelson	Smith
Beyer	Harris	Landis	Pappas	Warner
Chambers	Hartnett	Langford	Pirsch	Wehrbein
Chizek	Hefner	Lynch	Remmers	Weihing
Conway	Higgins	Marsh	Rogers	Wesely
Coordsen	Johnson, L.	McFarland	Rupp	Withem

Voting in the negative, 0.

Present and not voting, 2:

Labedz Peterson

Excused and not voting, 2:

Goodrich Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 526.

A BILL FOR AN ACT relating to conveyances; to authorize the sale and conveyance of certain property; to provide for the disposition of the proceeds of sale; and to create a fund.

Whereupon the 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	Barrett	Conway	Elmer	Harris
Ashford	Beyer	Coordsen	Hall	Hartnett
Baack	Chizek	Dierks	Hannibal	Hefner

Higgins	Landis	Moore	Remmers	Smith
Johnson, L.	Langford	Morehead	Rogers	Wehrbein
Johnson, R.	Lynch	Nelson	Schellpeper	Weihing
Johnson, V.	Marsh	Pappas	Schmit	Wesely
Korshoj	McFarland	Peterson	Scofield	Withem
Lamb	Miller	Pirsch		

Voting in the negative, 0.

Present and not voting, 4:

Chambers	Labedz	Rupp	Warner

Excused and not voting, 2:

Goodrich	Haberman

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 sanitary and improvement districts; to amend section 31-735, Revised Statutes Supplement, 1986; to change a filing deadline; to eliminate certain election procedures; to provide for elections by mail-in ballot; 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	Elmer	Johnson, V.	Moore	Schellpeper
Ashford	Hall	Korshoj	Morehead	Schmit
Baack	Hannibal	Lamb	Nelson	Scofield
Barrett	Harris	Landis	Pappas	Smith
Beyer	Hartnett	Langford	Peterson	Warner
Chambers	Hefner	Lynch	Pirsch	Wehrbein
Chizek	Higgins	Marsh	Remmers	Weihing
Conway	Johnson, L.	McFarland	Rogers	Wesely
Coordsen	Johnson, R.	Miller	Rupp	Withem
Dierks				

Voting in the negative, 0.

Present and not voting, 1:

Labedz

Excused and not voting, 2:

Goodrich Haberman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 679. With Emergency.

A BILL FOR AN ACT relating to municipal improvements; to amend sections 19-2427 to 19-2429, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to improvement districts 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, 45:

Abboud	Dierks	Johnson, R.	Moore	Schellpeper
Ashford	Elmer	Johnson, V.	Morehead	Schmit
Baack	Hall	Korshoj	Nelson	Scofield
Barrett	Hannibal	Lamb	Pappas	Smith
Beyer	Harris	Landis	Peterson	Warner
Chambers	Hartnett	Langford	Pirsch	Wehrbein
Chizek	Hefner	Lynch	Remmers	Weihing
Conway	Higgins	McFarland	Rogers	Wesely
Coordsen	Johnson, L.	Miller	Rupp	Withem

Voting in the negative, 0.

Present and not voting, 2:

Labedz Marsh

Excused and not voting, 2:

Goodrich Haberman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Withdraw LB 708

Mr. Schmit moved to withdraw LB 708.

Laid over.

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 9, 1987. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Beste, Patrick D. - Lincoln (Withdrawn 87/04/07), Nebraska Speech, Language & Hearing Association (Withdrawn 87/04/07)
Boyer, John K. - Omaha, Keep Capital in Nebraska Coalition
Mueller, William J./Knudsen, Berkheimer, et al.
Mueller, William J. - Lincoln, Retail Merchants Association of Nebraska Inc.
Ruth, Larry L./Knudsen, Berkheimer, et al.
Ruth, Larry L. - Lincoln, Retail Merchants Association of Nebraska Inc.
Solem, Calvin - Omaha, Associated General Contractors

SELECT FILE

LEGISLATIVE BILL 430. E & R amendments, AM5183, found in the Journal on page 1568 for the Fifty-Eighth Day were adopted.

Mr. Hall renewed his pending amendment, AM0920, found in the Journal on page 1582.

The Hall amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mesdames Morehead, Labedz, and Smith asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers renewed his pending amendment, AM0928, found in the Journal on page 1600.

Messrs. Schmit and Elmer offered the following amendment to the pending Chambers amendment:
AM0946
1. In the Chambers amendment, AM0928, on page 1, line 7, after "Highways" insert "or the state highway system".

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 78, 329, 164, 307, 358, 456, 526, 587, and 679.

SELECT FILE

LEGISLATIVE BILL 430. The pending Schmit-Elmer amendment, AM0946, found in this day's Journal was renewed.

Mrs. Higgins 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 13 ayes, 0 nays, and 36 not voting.

Mr. Schmit requested a roll call vote on the Schmit-Elmer amendment.

Voting in the affirmative, 22:

Baack	Coordsen	Hall	Johnson, L.	Lynch
Chambers	Dierks	Hartnett	Johnson, R.	Moore
Conway	Elmer	Higgins	Korshoj	Pappas

Pirsch	Schmit	Smith	Weihing	Withem
Rogers	Scofield			

Voting in the negative, 24:

Abboud	Hannibal	Landis	Morehead	Schellpeper
Ashford	Harris	Langford	Nelson	Warner
Barrett	Hefner	Marsh	Peterson	Wehrbein
Beyer	Johnson, V.	McFarland	Remmers	Wesely
Chizek	Lamb	Miller	Rupp	

Excused and not voting, 3:

Goodrich	Haberman	Labedz

The Schmit-Elmer amendment lost with 22 ayes, 24 nays, and 3 excused and not voting.

The Chair declared the call raised.

Mr. McFarland offered the following amendment to the pending Chambers amendment:
AM0957

1. In the Chambers amendment, AM0928, on page 1, line 4, strike "five" and insert "ten"; and strike lines 5 through 7 and insert "matter beginning with 'miles' in line 24 through 'on' in line 25; and in line 24 after the reinstated 'on' insert 'all portions of the National System of Interstate and Defense Highways located in the counties of Douglas and Dakota and that portion of the National System of Interstate and Defense Highways designated as Interstate 180 and that portion designated as Interstate 80 from reference post 395.41 to reference post 401.41 in the county of Lancaster and (ii)'.".

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.

Messrs. Baack and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

The McFarland amendment lost with 2 ayes, 23 nays, 19 present and not voting, and 5 excused and not voting.

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. Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 22:

Abboud	Coordsen	Hartnett	Korshoj	Rogers
Ashford	Dierks	Higgins	Lynch	Schmit
Baack	Elmer	Johnson, L.	Pappas	Scofield
Chizek	Hall	Johnson, R.	Pirsch	Smith
Conway	Hannibal			

Voting in the negative, 23:

Barrett	Lamb	Miller	Remmers	Wehrbein
Beyer	Landis	Moore	Rupp	Weihing
Harris	Langford	Morehead	Schellpeper	Wesely
Hefner	Marsh	Nelson	Warner	Withem
Johnson, V.	McFarland	Peterson		

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Goodrich Haberman Labedz

The Chambers amendment lost with 22 ayes, 23 nays, 1 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 773A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 773, Ninetieth Legislature, First Session, 1987.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 10, 1987, at 11:19 a.m., were the following bills: 78, 329, 164, 307, 358, 456, 526, 587, and 679.

(Signed) Pam Moravec, Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 467.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 398 in the Journal. No objections. So ordered.

AM0910

1. In the Landis amendment, AM0686, on page 1, strike beginning with "member" in line 11 through the first "agencies" in line 12 and insert "pool".

2. In the Standing Committee amendments, AM0512, on page 10, line 17, after the underscored period insert "(ii)".

3. On page 6, line 20, strike ", which" and insert ". (i) The governing authority".

Mrs. Langford asked unanimous consent to print the following amendment to LB 773 in the Journal. No objections. So ordered.

AM0944

1. On page 15, line 8, after "purposes" insert "if the obligation is purchased on or after September 1, 1987"; and in line 12 after "purposes" insert "if the investment in the regulated investment company is made on or after September 1, 1987,".

Mr. Chizek asked unanimous consent to print the following amendment to LB 582 in the Journal. No objections. So ordered.

AM0933

(Amendments to the Standing Committee amendments)

1. Strike amendment 1 and insert the following new amendment:

"1. Strike the original sections and insert the following new sections:

'Section 1. It is the intent of the Legislature through this act to help in the treatment and elimination of drug use and abuse in the work place while protecting the employee's rights.

Sec. 2. For purposes of this act, unless the context otherwise requires, drug shall mean any (1) alcoholic liquor as defined in section 53-103 or (2) substance, chemical, or compound as described, defined, or delineated in sections 28-405 and 28-419 or any metabolite or conjugated form thereof.

Sec. 3. Any results of any test performed on an employee, as directed by the employer, to determine the presence of drugs shall not be used to deny any continued employment or in any disciplinary action unless the following requirements are met:

(1) A positive finding of drugs by preliminary screening procedures shall be subsequently confirmed by gas chromatography-mass spectrometry or other scientific testing equivalent which has been or may be approved by the Department of Health, except that a positive finding of alcohol shall be confirmed by gas chromatography with a flame ionization detector or other scientific testing equivalent which has been or may be approved by the Department of Health. The department may approve confirmatory testing techniques or methods other than that required in this subdivision if such other techniques or methods provide comparably reliable analytical results;

(2) All confirmatory tests shall be performed

by a clinic, hospital, or laboratory which is licensed pursuant to the Federal Clinical Laboratories Improvement Act of 1967, 42 U.S.C. 263a, or which is accredited by the College of American Pathologists;

(3) All specimens which result in a finding of drugs shall be refrigerated and preserved in a sufficient quantity for retesting for a period of at least one hundred twenty days;

(4) A written record of the chain of custody of the specimen shall be maintained from the time of the collection of the specimen until the specimen is no longer required; and

(5) No employer or its, his, or her agents shall release or disclose test results to the public, except that such results shall be released as required by law or to the employee upon request. Test results may be released to those officers, agents, or employees of the employer who need to know the information for reasons connected with their employment.

Sec. 4. (1) It shall be unlawful to provide, acquire, or use body fluids for the purpose of altering the results of any test to determine the presence of drugs.

(2) Any person who violates subsection (1) of this section shall be guilty of a Class I misdemeanor.

Sec. 5. (1) No person shall tamper with or aid or assist another in tampering with body fluids at any time during or after the collection or analysis of such fluids for the purpose of altering the results of any test to determine the presence of drugs.

(2) Any employee who violates subsection (1) of this section may be subjected to the same discipline as if the test would have shown a positive result.

(3) Any person who violates subsection (1) of this section shall be guilty of a Class I misdemeanor.'.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 741 in the Journal. No objections. So ordered.

AM0897

(Amendments to Standing Committee amendments, AM0647)

1. On page 2, strike lines 5 through 10, show as stricken, and insert the following new subsection:

"(3) The minimum service that shall be available for each type of service shall include:

(a) Motor fuel services:

(i) Vehicle services, which shall include fuel, oil, tire repair, and water;

(ii) Restroom facilities and drinking water;

(iii) Continuous operation of such services for at least sixteen hours per day, seven days per week for freeways and expressways, and continuous operation of such services for at least twelve hours per day, seven days per week for conventional roads; and

(iv) Telephone services;

(b) Food services:

(i) Licensing or approval of such services, when required;

(ii) Continuous operation of such services to serve three meals per day, seven days per week; and

(iii) Telephone services;

(c) Lodging services:

(i) Licensing or approval of such service, when required;

(ii) Adequate sleeping accommodations; and

(iii) Telephone services; and

(d) Camping services:

(i) Licensing or approval of such services, when required;

(ii) Adequate parking accommodations; and

(iii) Modern sanitary facilities and drinking water."; in line 15 strike "using", show as stricken, and insert "for"; and in line 24 strike the comma and insert "and the".

2. On page 3, strike beginning with the comma in line 1 through "panels" in line 3; in line 4 after "signs" insert "where specific information sign panels have been installed"; and in line 9 after "act" insert "or section 3 of this act".

3. Insert the following new section:

"Sec. 3. It is the intent of sections 39-634.01 and 39-634.02 to allow the erection of specific information sign panels on the right-of-way of the state highways under the following conditions:

(1) No state funds shall be used for the erection, maintenance, or servicing of such signs;

(2) Such signs shall be erected in accordance

with federal standards and the rules and regulations adopted and promulgated by the Department of Roads;

(3) Such signs may be erected by the Department of Roads or by a contractor selected through the competitive bidding process; and

(4) The Department of Roads shall charge an annual fee in an amount equal to the fair market rental value of the sign site and any other cost to the state associated with the erection, maintenance, or servicing of specific information sign panels. If such sign is erected by a contractor the annual fee shall be limited to the fair market rental value of the sign site.".

4. Renumber the remaining section accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 74 in the Journal. No objections. So ordered.

AM0955

1. On page 2, line 24, after the period insert "Any designee of the chief administrator of a hospital or any designee of the attending physician appointed pursuant to this section shall be an employee of such hospital or another physician.".

VISITORS

Visitors to the Chamber were Mr. and Mrs. Ray E. Elwood, Sr. from Beatrice; 87 fourth grade students and teachers from Golden Hills Public School, Bellevue; 90 eighth grade students and teacher from St. Pius X, St. Leo's Elementary School, Omaha; Dan Williams and Al Senturias from the Phillipines; 22 third through sixth grade students and teacher from Holstein Public School; and 30 Girl Scouts and sponsor from across the state.

MOTION - Recess

Mrs. Marsh moved to recess. The motion prevailed with 27 ayes, 8 nays, and 14 not voting, and at 12:03 p.m., the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Baack, Haberman, and Schellpeper who were excused; and Messrs. Abboud, Goodrich, and Miller who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 430. Considered.

Mrs. Smith offered the following amendment:
AM0958

1. In the Standing Committee amendments, AM0858, on page 2, line 18; page 4, line 23; and page 6, line 19, after "Highways" insert "and upon that portion of the state highway system designated as the Tom Osborne Expressway on Highway 281 in the counties of Adams and Hall".

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Smith withdrew her pending amendment.

Mr. Chambers moved to reconsider the vote on his amendment, AM0928.

Mr. Hall 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 21 ayes, 0 nays, and 28 not voting.

The Chambers motion to reconsider prevailed with 25 ayes, 18 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Chambers reconsidered amendment, AM0928, found in the Journal on page 1600 and considered on page 1617, was renewed.

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.

Mrs. Labedz offered the following amendment to the pending Chambers amendment:

1. In the Chambers amendment, AM0928, on page 1, line 7, after "Highways" insert "or the state highway system as designated in Section 39-1309 R.R.S. of Neb. 1943."

Mr. Schmit moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Schmit requested a roll call vote on the Labedz amendment.

Voting in the affirmative, 24:

Ashford	Dierks	Johnson, L.	Nelson	Scofield
Chambers	Elmer	Johnson, R.	Pappas	Smith
Chizek	Hall	Korshoj	Pirsch	Weihing
Conway	Hartnett	Labedz	Rogers	Withem
Coordsen	Higgins	Lynch	Schmit	

Voting in the negative, 21:

Abboud	Hefner	Langford	Moore	Rupp
Barrett	Johnson, V.	Marsh	Morehead	Warner
Beyer	Lamb	McFarland	Peterson	Wehrbein
Hannibal	Landis	Miller	Remmers	Wesely
Harris				

Excused and not voting, 4:

Baack	Goodrich	Haberman	Schellpeper

The Labedz amendment lost with 24 ayes, 21 nays, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Miller asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore 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 16 ayes, 2 nays, and 31 not voting.

Mr. Chambers requested a roll call vote on his pending amendment.

Voting in the affirmative, 25:

Abboud	Dierks	Higgins	Lynch	Schmit
Ashford	Elmer	Johnson, L.	Moore	Scofield
Chambers	Hall	Johnson, R.	Nelson	Smith
Chizek	Hannibal	Korshoj	Pappas	Weihing
Conway	Hartnett	Labedz	Rogers	Withem

Voting in the negative, 19:

Barrett	Hefner	Langford	Peterson	Warner
Beyer	Johnson, V.	Marsh	Pirsch	Wehrbein
Coordsen	Lamb	McFarland	Remmers	Wesely
Harris	Landis	Morehead	Rupp	

Excused and not voting, 5:

Baack	Goodrich	Haberman	Miller	Schellpeper

The Chambers amendment was adopted with 25 ayes, 19 nays, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Beyer offered the following amendment:
Strike Standing Committee amendment #2.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Beyer moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Beyer requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Barrett	Lamb	Marsh	Peterson	Schmit
Beyer	Landis	McFarland	Pirsch	Warner
Dierks	Langford	Moore	Remmers	Wehrbein
Hannibal	Lynch	Nelson	Rogers	Wesely
Hefner				

Voting in the negative, 23:

Abboud	Coordsen	Higgins	Labedz	Scofield
Ashford	Elmer	Johnson, L.	Morehead	Smith
Chambers	Hall	Johnson, R.	Pappas	Weihing
Chizek	Harris	Johnson, V.	Rupp	Withem
Conway	Hartnett	Korshoj		

Excused and not voting, 5:

Baack	Goodrich	Haberman	Miller	Schellpeper

The Beyer amendment lost with 21 ayes, 23 nays, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 79.

Introduced by R. Johnson, 34th District; L. Johnson, 15th District; Morehead, 30th District; Nelson, 35th District; Warner, 25th District; Hefner, 19th District; Peterson, 21st District; Coordsen, 32nd District; Miller, 37th District; Lamb, 43rd District; Moore, 24th District; Elmer, 38th District; Schmit, 23rd District; Dierks, 40th District; Remmers, 1st District.

WHEREAS, 1987 marks the twenty-fifth anniversary of the University of Nebraska Research and Development Center at Mead; and

WHEREAS, the center serves as the hub of the University of Nebraska's agricultural and urban-oriented research and development; and

WHEREAS, the center's 9,500 acres are well suited to providing displays and field demonstrations of practices and equipment which are of interest to agricultural producers, those engaged in agribusiness, various professional persons, and urban residents; and

WHEREAS, the center has made great accomplishments in many areas, including, but no limited to, livestock improvement, crop improvement, irrigation scheduling, energy efficiencies, climatology and meteorology, turf improvement, and specific pathogen free cattle; and

WHEREAS, all citizens of Nebraska and the nation benefit from the work done at the University of Nebraska Research and Development Center at Mead.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the University of Nebraska Research and Development Center at Mead on its twenty-fifth anniversary.

2. That the Legislature recognizes the important work being done at the center.

3. That a copy of this resolution be sent to the University of Nebraska Research and Development Center at Mead.

Laid over.

CORRECTED STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 761. Corrected Standing Committee amendment to LB 761:

AM0954

1. Strike the original section and insert the following new section:

"Section 1. Any entity supplying electricity to rural areas shall install a main electrical disconnect when making improvements to or new installations of electrical service on any rural dwelling to which it supplies single-phase electrical service of two hundred amperes or below and which does not have a main electrical disconnect on the effective date of this act. The supplier may assess an

installation fee against the owner of such dwelling, which fee shall not exceed fifty per cent of the cost of installation including the cost of the equipment installed. Any equipment installed shall remain the property of the supplier.

For purposes of this section, (1) rural dwelling shall mean buildings to which electricity is supplied and which are located outside the legal boundaries of an incorporated municipality and (2) main electrical disconnect shall mean a device or group of devices or other means approved by the National Electrical Safety Code by which the conductor of a current can be disconnected from its source of supply.".

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Morehead asked unanimous consent to print the following amendment to LB 688 in the Journal. No objections. So ordered.

AM0942

(Amendments to Standing Committee amendments, AM0749)

1. On page 13, line 18, after "shall" insert "not"; and strike beginning with "The" in line 20 through line 24.

2. On page 14, strike lines 1 through 5.

Mrs. Morehead asked unanimous consent to print the following amendment to LB 688 in the Journal. No objections. So ordered.

AM0941

(Amendments to Standing Committee amendments, AM0749)

1. On page 3, line 3, strike "An" and insert "Except as provided in subdivision (5) of section 79-2202.02, an".

2. On page 13, line 15, strike "and"; and in line 20 after "unit" insert "; and (5) no school district which has opted to remove itself from an educational service unit shall be allowed to reenter the educational service unit for a period of ten years".

ATTORNEY GENERAL'S OPINION

Opinion No. 87047

DATE: April 10, 1987

SUBJECT: Constitutionality of LB 644 and Amendment #0081, Dealing With Nonresident Tuition

REQUESTED BY: Senator Dennis Baack
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Assistant Attorney General

LB 644 is an act to amend Neb.Rev.Stat. §79-1338 (Reissue 1981) and Neb.Rev.Stat. §79-4,102 (Supp. 1986). If enacted into operative law, LB 644 would change the calculations relating to nonresident tuition; it would change a provision relating to the School Foundation and Equalization Fund; and would repeal the original sections. Amendment thereto, #0081, describes certain calculations in detail. However, the calculations are not necessarily based upon the cost to a school district to provide high school education to nonresident students per se but are based, in part, upon certain percentage factors which may or may not have a rational basis with the cost of the high school education. Notably absent from the calculations is the cost of retiring bonded indebtedness.

In the absence of specific facts, it is impossible to determine if the calculations to be made pursuant to this legislative bill would result in the levy of a tax that would violate the rule as to uniformity. It would certainly seem possible in view of the weighted percentage factors to be applied to the calculations and the absence from the calculations in the cost of retiring bonded indebtedness. It must be kept in mind that a state cannot tax itself for the benefit of the people of another state. So imposing a tax on one municipality or part of the state, for the purpose of benefiting another municipality or part, violates the rule as to uniformity. "No taxing district can be taxed for the exclusive benefit of another district." See, Peterson v. Hancock, 155 Neb. 801, 817, 54 N.W.2d 85 (1952). Thus, given the right set of facts, a court, in our opinion, could quite properly find that LB 644 and the amendment thereto are unconstitutional.

Respectfully Submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher

Assistant Attorney General

HM:vs
cc: Patrick J. O'Donnell
Clerk of the Legislature

SELECT FILE

LEGISLATIVE BILL 430. Considered.

Mr. Wesely requested a machine vote on the advancement of the bill.

Mr. Hefner requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Abboud	Elmer	Johnson, L.	Moore	Rupp
Ashford	Hall	Johnson, R.	Nelson	Scofield
Chambers	Hannibal	Korshoj	Pappas	Smith
Chizek	Hartnett	Labedz	Pirsch	Weihing
Dierks	Higgins	Lynch	Rogers	Withem

Voting in the negative, 17:

Barrett	Hefner	Langford	Morehead	Warner
Beyer	Johnson, V.	Marsh	Peterson	Wehrbein
Coordsen	Lamb	McFarland	Remmers	Wesely
Harris	Landis			

Present and not voting, 2:

Conway Schmit

Excused and not voting, 5:

Baack	Goodrich	Haberman	Miller	Schellpeper

Advanced to E & R for Engrossment with 25 ayes, 17 nays, 2 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 146, 146A, and 300.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 146

The following changes, required to be reported for publication in the Journal, have been made:
ER0169

1. In the Schmit amendment, AM0922, adopted April 9, 1987, on page 3, line 1, "protect" has been struck and "protecting" inserted.

2. In the Schmit amendment, AM0572, adopted April 9, 1987:

a. On page 1, line 12, the comma has been struck; and in line 14 both commas have been struck; and

b. On page 2, line 7, "Nebraska" has been inserted after "the"; in line 14 the comma has been struck; and in line 19 "right" has been struck and "rights" inserted.

Enrollment and Review Change to LB 300

The following changes, required to be reported for publication in the Journal, have been made:
ER0168

1. In the first Chambers amendment adopted March 5, 1987, found on page 917 of the Journal, in line 2 " 'licenses' " has been struck and "the period" inserted.

2. In the third Chambers amendment adopted March 5, 1987, found on page 918 of the Journal, in line 1 "after 'licenses.' " has been struck and "before 'Such' " inserted.

3. On page 1, line 4, "furnishing and" has been inserted after "the"; and in line 5 "change and" has been inserted after "to".

4. On page 4, line 17, "for" has been struck; and in line 18 "licenses" has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 124 in the Journal. No objections. So ordered.

AM0951

1. Strike the original sections and all amendments thereto and insert the following new section:

"Section 1. That sections 2-4601 to 2-4613 and sections 46-1101 to 46-1148, Revised Statutes Supplement, 1986, are repealed.".

Mrs. Smith asked unanimous consent to print the following amendment to LB 42A in the Journal. No objections. So ordered.

AM0930

1. Insert the following new section:

"Section 1. It is the intent of the Legislature that the Department of Social Services shall apply for and implement a waiver as allowed under section 2176 of Public Law 97-35 in order to facilitate the use of community-based services and care management services as reasonably possible by all aged persons who are determined to be likely to require the level of care provided in a skilled nursing facility or intermediate care facility.".

2. On page 2, lines 2 and 4, after "Fund" insert "and $100,000 from the Care Management Services Cash Fund"; in line 12, strike "$23,139" and insert "$19,178" and strike "$13,154" and insert "$14,314"; in line 14 strike "$52,342" and insert "$34,274" and strike "$12,404" and insert "$14,477"; in line 22 strike "$29,486" and insert "28,254"; and in line 23 strike "$54,869" and insert "$42,175".

3. On page 3, line 1, strike "$43,160" and insert "$16,318" and strike "$64,015" and insert "$24,833"; in line 3 strike "$254,487" and insert "$208,676"; in line 4 strike "$377,463" and insert "$309,628"; in line 14 strike "$39,844" and insert "$9,567"; and in line 15 strike "$199,219" and insert "199,750".

4. Renumber the remaining sections accordingly.

Mr. McFarland asked unanimous consent to print the following amendment to LB 675 in the Journal. No objections. So ordered.

AM0889

1. Strike original sections 1, 2, 5, 6, and 9

and insert the following new sections:

"Sec. 3. That section 29-2519, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2519. The Legislature hereby finds that it is reasonable and necessary to establish mandatory standards for the imposition of the sentence of death, ; that the imposition of the death penalty in every instance of the commission of the ~~crimes~~ crime punishable by death specified in section 28-303 fails to allow for mitigating factors which may dictate against the penalty of death, ; and that the rational imposition of the death sentence requires the establishment of specific legislative guidelines to be applied in individual cases by the court. The Legislature therefore determines that the death penalty should be imposed only for the ~~crimes~~ crime set forth in section 28-303 and, in addition, that it shall only be imposed in those instances when the aggravating circumstances existing in connection with the crime outweigh the mitigating circumstances, as set forth in sections 29-2520 to 29-2524.

Sec. 4. That section 29-2520, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2520. Whenever any person is found guilty of a violation of section 28-303 which is punishable by death, the district court shall within seven days fix a date for hearing on determination of the sentence to be imposed. Such determination shall be made by: (1) The judge who presided at the trial or who accepted the plea of guilty; (2) a panel of three judges including the judge who presided or accepted the plea, the two additional judges having been designated by the Chief Justice of the Supreme Court after receiving a request therefor from the presiding judge; or (3) a panel of three district judges named by the Chief Justice of the Supreme Court when such Chief Justice has determined that the presiding judge is disabled or disqualified after receiving a suggestion of such disability or disqualification from the clerk of the court in which the finding of guilty was entered.

Sec. 7. That original sections 28-303, 29-2519, 29-2520, 83-1,107, and 83-1,107.01, Reissue

Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 6, line 21, after "felony" insert "unless the murder was committed by a person serving a prison term for murder in the first degree in which case the convicted person shall be guilty of a Class I felony punishable as determined pursuant to sections 29-2520 to 29-2524.".

3. Renumber the remaining sections accordingly.

Mr. McFarland asked unanimous consent to print the following amendment to LB 675 in the Journal. No objections. So ordered.

AM0890

1. Strike original sections 1, 2, 5, 6, and 9 and insert the following new sections:

"Sec. 3. That section 29-2519, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2519. The Legislature hereby finds that it is reasonable and necessary to establish mandatory standards for the imposition of the sentence of death, ; that the imposition of the death penalty in every instance of the commission of the ~~crimes~~ crime punishable by death specified in section 28-303 fails to allow for mitigating factors which may dictate against the penalty of death, ; and that the rational imposition of the death sentence requires the establishment of specific legislative guidelines to be applied in individual cases by the court. The Legislature therefore determines that the death penalty should be imposed only for the ~~crimes~~ crime set forth in section 28-303 and, in addition, that it shall only be imposed in those instances when the aggravating circumstances existing in connection with the crime outweigh the mitigating circumstances, as set forth in sections 29-2520 to 29-2524.

Sec. 4. That section 29-2520, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2520. Whenever any person is found guilty of a violation of section 28-303 which is punishable by death, the district court shall within seven days fix a date for hearing on determination of the sentence to be

imposed. Such determination shall be made by: (1) The judge who presided at the trial or who accepted the plea of guilty; (2) a panel of three judges including the judge who presided or accepted the plea, the two additional judges having been designated by the Chief Justice of the Supreme Court after receiving a request therefor from the presiding judge; or (3) a panel of three district judges named by the Chief Justice of the Supreme Court when such Chief Justice has determined that the presiding judge is disabled or disqualified after receiving a suggestion of such disability or disqualification from the clerk of the court in which the finding of guilty was entered.

Sec. 5. That section 29-2523, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2523. The aggravating and mitigating circumstances referred to in sections 29-2521 and 29-2522 shall be as follows:

(1) Aggravating Circumstances:

(a) The offender was previously convicted of another murder or a crime involving the use or threat of violence to the person; or has a substantial history of serious assaultive or terrorizing criminal activity;

(b) The murder was committed in an apparent effort to conceal the commission of a crime, or to conceal the identity of the perpetrator of a crime;

(c) The murder was committed ~~for hire, or~~ for pecuniary gain; or the defendant hired another to commit the murder for the defendant;

(d) The murder was especially heinous, atrocious, cruel, or manifested exceptional depravity by ordinary standards of morality and intelligence;

(e) At the time the murder was committed, the offender also committed another murder;

(f) The offender knowingly created a great risk of death to at least several persons;

(g) The victim was a law enforcement officer or a public servant having custody of the offender or another; or

(h) The crime was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of the laws.

(2) Mitigating Circumstances:

(a) The offender has no significant history of prior criminal activity;

(b) The offender acted under unusual pressures or influences or under the domination of another person;

(c) The crime was committed while the offender was under the influence of extreme mental or emotional disturbance;

(d) The age of the defendant at the time of the crime;

(e) The offender was an accomplice in the crime committed by another person and his participation was relatively minor;

(f) The victim was a participant in the defendant's conduct or consented to the act; or

(g) At the time of the crime, the capacity of the defendant to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of law was impaired as a result of mental illness, mental defect, or intoxication.

Sec. 8. That original sections 28-303, 29-2519, 29-2520, 29-2523, 83-1,107, and 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 6, line 21, after "felony" insert "unless the murder was committed for hire in which case the convicted person shall be guilty of a Class I felony punishable as determined pursuant to sections 29-2520 to 29-2524".

3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Sharon and Jami Riedel, Christi McDonald, Barbara McCullough, and Jeanne Lee Surls; Steven Muraski from Hadley, Massachusetts; 24 fourth grade students and teacher from Sacred Heart School, Falls City; Wendy Lietzen from Omaha, Kelly Burhoop from Utica, Ann Knappenberger from Bellevue, and Sarah Fitzsimmons from Omaha; Tara Long; Gina Bratton from North Platte and Kim Davis from Shubert; Marcia Daake from Lincoln and Carla Templien from North Platte; and Melissa Warren from Aurora.

MOTION - Adjournment

Ms. Scofield moved to adjourn. The motion prevailed with 21 ayes, 18 nays, and 10 not voting, and at 3:14 p.m., the Legislature adjourned until 9:00 a.m., Monday, April 13, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FIRST DAY - APRIL 13, 1987

LEGISLATIVE JOURNAL

SIXTY-FIRST DAY - APRIL 13, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SIXTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 13, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett 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. Chizek who was excused; and Messrs. Abboud, Ashford, Haberman, Hall, Hartnett, V. Johnson, Lamb, Landis, Lynch, Moore, Rupp, Wesely, Withem, Mesdames Higgins, Labedz, and Marsh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixtieth Day was approved.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 518A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 518, Ninetieth Legislature, First Session, 1987.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 185 in the Journal. No objections. So ordered.

AM0898

(Amendments to the Final Reading copy)

1. On page 1, strike beginning with "farm" in line 7 through "husbandry" in line 8 and insert "used farm machinery and equipment and new or used repair parts as prescribed".

2. On page 10, line 25, strike "Any", show as stricken, and insert "Except as provided in subdivision (6)(e) of this section, any" and reinstate the stricken matter.

3. On page 11, line 13, reinstate the stricken matter.

4. On page 12, strike beginning with "and" in line 9 through "Occasional" in line 10, show as stricken, and insert "(e) Any sale of used farm machinery or used equipment if such machinery or equipment was sold at auction or purchased from a retailer of such machinery or equipment; and

(f) Except as provided in subdivision (6)(e) of this section, occasional".

5. On page 35, strike beginning with "Farm" in line 10 through "39-602" in line 11 and insert "Materials and replacement parts, whether new or used, except tires and lubricants, purchased for use directly in the repair and maintenance of farm machinery, farm tractors as defined in section 39-602, or implements of husbandry".

RESOLUTION

LEGISLATIVE RESOLUTION 79. Read. Considered.

LR 79 was adopted with 28 ayes, 0 nays, and 21 not voting.

GENERAL FILE

LEGISLATIVE BILL 124. Title read. Considered.

Mr. Schmit moved to bracket LB 124 until May 15.

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. Schmit moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Schmit requested a roll call vote on his motion to bracket.

Voting in the affirmative, 18:

Beyer	Goodrich	Lamb	Peterson	Schmit
Conway	Hartnett	Langford	Remmers	Wehrbein
Coordsen	Johnson, L.	Moore	Rupp	Weihing
Dierks	Korshoj	Pappas		

Voting in the negative, 24:

Abboud	Hall	Landis	Morehead	Scofield
Ashford	Hannibal	Lynch	Nelson	Smith
Baack	Harris	Marsh	Pirsch	Warner
Barrett	Hefner	McFarland	Rogers	Wesely
Elmer	Johnson, R.	Miller	Schellpeper	

Present and not voting, 1:

Higgins

Absent and not voting, 1:

Chambers

Excused and not voting, 5:

Chizek	Haberman	Johnson, V.	Labedz	Withem

The Schmit motion to bracket lost with 18 ayes, 24 nays, 1 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Standing Committee amendments, AM0676, found in the Journal on page 1220 for the Forty-Seventh Day were adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Schmit offered the following amendment:
AM0953
1. Insert the following new section:
"Sec. 9. There is hereby appropriated four million dollars from the General Fund for the period July 1, 1987, to June 30, 1988, to the Nebraska Natural Resources Commission for the purpose of carrying out the provisions of the Grasslands Protection Act.".

Mr. Schmit moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

MRS. LABEDZ PRESIDING

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Baack	Elmer	Higgins	Lamb	Rogers
Beyer	Hall	Johnson, R.	Moore	Schmit
Conway	Hartnett	Korshoj	Nelson	Warner
Coordsen	Hefner	Labedz	Pappas	Weihing
Dierks				

Voting in the negative, 19:

Abboud	Harris	Lynch	Pirsch	Smith
Ashford	Johnson, L.	Marsh	Remmers	Wesely
Goodrich	Landis	Miller	Rupp	Withem
Hannibal	Langford	Morehead	Schellpeper	

Present and not voting, 5:

Chambers	McFarland	Peterson	Scofield	Wehrbein

Excused and not voting, 4:

Barrett	Chizek	Haberman	Johnson, V.

The Schmit amendment lost with 21 ayes, 19 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Schmit withdrew his pending amendment, AM0951, found in the Journal on page 1633.

Mr. Schmit offered the following amendment:
to amend LB 124
on page 4, Line 22 strike "but" and insert "and", and on Line 23 strike "need not" and insert "shall".

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Schmit moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Beyer	Hannibal	Labedz	Nelson	Schmit
Conway	Hartnett	Lamb	Pappas	Smith
Coordsen	Higgins	Langford	Peterson	Warner
Dierks	Johnson, L.	Moore	Remmers	Wehrbein
Goodrich	Korshoj	Morehead	Rupp	Weihing
Hall				

Voting in the negative, 15:

Abboud	Chambers	Hefner	Lynch	Pirsch
Ashford	Elmer	Johnson, R.	Marsh	Rogers
Baack	Harris	Landis	Miller	Wesely

Present and not voting, 3:

Barrett	McFarland	Schellpeper

Absent and not voting, 1:

Scofield

Excused and not voting, 4:

Chizek Haberman Johnson, V. Withem

The Schmit amendment was adopted with 26 ayes, 15 nays, 3 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 80.

Introduced by Lynch, 13th District; Goodrich, 20th District; Schellpeper, 18th District; Beyer, 3rd District; Pappas, 42nd District; Morehead, 30th District; Wesely, 26th District.

Purpose: The purpose of this resolution is to study motorcycle helmet usage and its relationship to medical costs and health and safety issues. The study shall include, but not be limited to, the following issues:

(1) State and federal health care costs spent in Nebraska for motorcycle-related disabilities;

(2) State and federal funds spent to support families of motorcycle fatality victims;

(3) The relationship between health care and insurance costs for all consumers and motorcycle accident injuries;

(4) The number of motorcycle accident victims covered by insurance;

(5) The relationship between motorcycle helmet usage and hearing and vision of the motorcycle driver;

(6) The relationship between motorcycle helmet usage and neck injuries;

(7) The relationship between motorcycle helmet usage and discomfort contributing to motorcycle accidents; and

(8) The overall safety effectiveness of motorcycle helmet usage.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature's Health and Human Services 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.

UNANIMOUS CONSENT - Print in Journal

Mrs. Nelson asked unanimous consent to print the following amendment to LB 492 in the Journal. No objections. So ordered.

AM0973

(Amendments to the Standing Committee amendments, AM0516)

1. On page 2, line 11, after "for" insert "supervision of"; in line 12 strike "specifically"; and strike beginning with "The" in line 15 through "this" in line 16 and insert "This".

Mrs. Nelson asked unanimous consent to print the following amendment to LB 536 in the Journal. No objections. So ordered.

AM0962

1. On page 4, strike beginning with "have" in line 1 through "30-2209" in line 2 and insert "mean any individual under seventeen years of age".

GENERAL FILE

LEGISLATIVE BILL 124. Considered.

Advanced to E & R for Review with 27 ayes, 11 nays, 8 present and not voting, and 3 excused and not voting.

VISITORS

Visitors to the Chamber were 35 fourth grade students and teacher from Valley Elementary; Irene and Jim Sprick from Omaha; 33

students and sponsors from across the state; 12 students from Union College, Lincoln; and 46 eighth grade students and teachers from Cathedral of the Risen Christ School, Lincoln.

RECESS

At 11:57 a.m., on a motion by Mr. Hefner, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mrs. Labedz presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chizek and Haberman who were excused; and Mr. V. Johnson who was excused until he arrives.

SPEAKER BARRETT PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 261. Title read. Considered.

Mr. Conway asked unanimous consent to replace his pending amendment, AM0886, found in the Journal on page 1518 with his substitute amendment, AM0931, found in the Journal on page 1603.

Mr. Ashford objected.

Mr. Conway renewed his pending amendment, AM0886, found in the Journal on page 1518.

Mr. Hall requested a ruling of the Chair on whether the Conway amendment is germane to the bill.

The Chair ruled the Conway amendment is not germane to the bill.

Mr. Conway challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Conway moved for a call of the house. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

Mr. Conway requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 20:

Baack	Elmer	Johnson, R.	Moore	Schellpeper
Beyer	Goodrich	Korshoj	Peterson	Smith
Conway	Hefner	Lamb	Pirsch	Wehrbein
Dierks	Johnson, L.	Langford	Remmers	Weihing

Voting in the negative, 23:

Abboud	Harris	Marsh	Pappas	Scofield
Ashford	Hartnett	McFarland	Rogers	Warner
Coordsen	Labedz	Miller	Rupp	Wesely
Hall	Landis	Morehead	Schmit	Withem
Hannibal	Lynch	Nelson		

Present and not voting, 2:

Barrett	Higgins

Excused and not voting, 4:

Chambers	Chizek	Haberman	Johnson, V.

The Conway motion to overrule the Chair lost with 20 ayes, 23 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Pappas moved to bracket LB 261 until April 21, 1987.

Mr. Pappas withdrew his pending motion.

Mr. Ashford withdrew his pending amendment, AM0902, found in the Journal on page 1552.

Mr. Pappas withdrew his pending amendment, AM0903, found in the Journal on page 1571.

Mr. Conway withdrew his pending amendment, AM0931, found in the Journal on page 1603.

Advanced to E & R for Review with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 352. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0932.)

(Signed) Lee Rupp, Chairperson

GENERAL FILE

LEGISLATIVE BILL 104. Title read. Considered.

Standing Committee amendments. AM0450, found in the Journal on page 1251 for the Forty-Eighth Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Lamb offered the following amendment:
Pg. 2, line 8, after "cat" add the following sentence:
Cat shall be defined as those cats which are household pets.

Mr. Rogers 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 amendment was adopted with 29 ayes, 1 nay, 15 present and not voting, and 4 excused and not voting.

Mr. Schmit 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 27 ayes, 2 nays, and 20 not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 442. Title read. Considered.

Standing Committee amendment, AM0684, found in the Journal on page 1258 for the Forty-Eighth 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 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 561. Title read. Considered.

Standing Committee amendment, AM0632, found in the Journal on page 1278 for the Forty-Ninth Day was considered.

Mr. Moore withdrew his pending amendment, AM0899, found in the Journal on page 1556 to the Standing Committee amendment.

Mr. Moore offered the following amendment to the Standing Committee amendment:
AM0956
(Amendments to Standing Committee amendments, AM0632)

1. On page 1, line 17, strike "agriculture, and (4)" and insert "acquaculture, (4) agricultural cooperatives, and (5)".

2. On page 2, line 14, after the comma insert "other state agencies,".

3. Insert the following new sections:

"Sec. 2. That section 2-3801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3801. Sections 2-3801 to 2-3811 and section 4 of this act shall be known and may be cited as the Nebraska Agricultural Products Marketing Act.

Sec. 3. That section 2-3804, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3804. Agricultural product or commodity shall include all products resulting from the conduct of farming or ranching activities, dairying, beekeeping, aquaculture, poultry or egg production, or comparable activities, and any byproducts resulting from such activities.

Sec. 4. Aquaculture shall mean the agricultural practice of controlled propagation and cultivation of aquatic plants or animals for commercial purposes. Unless the context otherwise requires, the term agriculture shall be construed to include aquaculture.

Sec. 5. That original sections 2-3801 and 2-3804, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

4. Underscore section 1.

The Moore amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Messrs. Peterson and Rupp asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mr. R. Johnson and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 561A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 163. Title read. Considered.

Standing Committee amendment, AM0671, found in the Journal on page 1306 for the Fiftieth Day was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 492. Title read. Considered.

Standing Committee amendments, AM0516, found in the Journal on page 1396 for the Fifty-Second Day were considered.

Mrs. Nelson renewed her pending amendment, AM0824, found in the Journal on page 1561 to the Standing Committee amendments.

The Nelson amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mrs. Nelson renewed her pending amendment, AM0973, found in this day's Journal on page 1646 to the Standing Committee amendments.

The Nelson amendment was adopted with 23 ayes, 0 nays, 18 present and not voting, and 8 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 688 in the Journal. No objections. So ordered.

AM0884

1. In the Standing Committee amendments, AM0749:

a. On page 8, reinstate the stricken matter beginning with "educational" in line 14 through line 24; and in line 14 before the reinstated "educational" insert "The";

b. On page 9, reinstate the stricken matter in

lines 1 through 24;

c. On page 10, reinstate the stricken matter in lines 1 through 6; and strike beginning with "The" in line 7 through line 24 and show the old matter as stricken; and

d. On page 11, strike lines 1 through 23 and show the old matter as stricken.

2. On page 17, line 16, strike "seventeen", show as stricken, and insert "nineteen".

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 536 in the Journal. No objections. So ordered.

AM0904

1. In the Standing Committee amendments, AM0764, beginning on page 1433 of the Journal, strike amendments 2 and 3.

2. On page 2, strike lines 10 through 14 and insert

"(i) Actual damage or loss sustained as a direct result of the incident of shoplifting which will fairly and reasonably compensate the owner of the merchandise;".

3. On page 3, strike beginning with "Guardian" in line 24 through line 25 and insert "Legal guardian shall not include any guardian ad litem appointed by a court; and".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 773. Placed on Select File as amended.
E & R amendments to LB 773:
AM5186

1. In the Standing Committee amendments, AM0690, adopted April 7, 1987:

a. On page 1, lines 2 and 4, strike "27" and insert "28"; and in line 14, strike "will" and insert "shall";

b. On page 2, line 15, strike "(1)" and strike "section" and insert "subsection"; and in line 18 strike "it is" and insert "they are";

c. On page 4, line 14, after "77-27,124" insert "and sections 4, 6, 8, 10, 17, and 28 of this

act"; in line 16 after "77-27,135" insert "and sections 4, 6, 8, 10, 17, and 28 of this act"; in line 17 after "under" insert "such"; and strike beginning with "77-2714" in line 17 through "77-27,135" in line 18 and show as stricken;

d. On page 6, line 8, after "in" insert "the";

e. On page 7, line 4, strike "is" and insert "shall be deemed to be"; and in line 7 after "and" insert "such corporation"; and

f. On page 9, line 17, after "for" insert "this" and strike "(1) of this section" and show as stricken.

2. For purposes of correlation with section 1, LB284:

a. On page 1, line 4; and page 41, line 24, strike "77-2753,";

b. On page 1, line 6; and page 42, line 1, after "1943" insert ", and section 77-2753, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 284, Ninetieth Legislature, First Session, 1987";

c. On page 29, line 7, after the second comma insert "as amended by section 1, Legislative Bill 284, Ninetieth Legislature, First Session, 1987,"; and in lines 16 to 17 strike "a tax computed" and insert "paid on or after March 1, 1987, an amount equal to twenty-one per cent of the amount of federal withholding until such withholding rate is changed by rule and regulation adopted and promulgated by the Tax Commissioner. In determining the withholding rate, the Tax Commissioner shall compute the rate".

3. Insert the following new section and renumber the remaining sections accordingly:

"Sec. 20. That section 77-2734.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2734.04. As used in sections 77-2734.01 to 77-2734.15, unless the context otherwise requires:

(1) Commercial domicile shall mean the principal place from which the trade or business of the taxpayer is directed or managed;

(2) Compensation shall mean wages, salaries, commissions, and any other form of remuneration paid to employees for personal services;

(3) Corporate taxpayer shall mean any corporation that is not a part of a unitary business or the part of a unitary business, whether it is one or more corporations, that is doing business in this state. Corporate taxpayer shall not include any corporation that has a valid election under subchapter S of the Internal Revenue Code or any financial institution as defined in section 77-3801;

(4) Corporation shall mean all corporations and all other entities that are taxed as corporations under the Internal Revenue Code;

(5) Doing business in this state shall mean the exercise of the corporation's franchise in this state or the conduct of operations in this state that exceed the limitations provided in 15 U.S.C. 381 on a state imposing an income tax;

(6) Federal taxable income shall mean the corporate taxpayer's federal taxable income as reported to the Internal Revenue Service or as subsequently changed or amended. Except as provided in subsection ~~(2) or (3)~~ (5) or (6) of section 77-2716, no adjustment shall be allowed for a change from any election made or the method used in computing federal taxable income. An election to file a federal consolidated return shall not require the inclusion in any unitary group of a corporation that is not a part of the unitary business;

(7) Sales shall mean all gross receipts of the taxpayer;

(8) Single economic unit shall mean a business in which there is a sharing or exchange of value between the parts of the unit. A sharing or exchange of value occurs when the parts of the business are linked by (a) common management or (b) common operational resources that produce material (i) economies of scale, (ii) transfers of value, or (iii) flow of goods, capital, or services between the parts of the unit.

(A) For the purposes of this subdivision, common management ~~includes~~ shall include, but ~~is~~ not be limited to, (I) a centralized executive force or (II) review or approval authority over long-term operations with or without the exercise of control over the day-to-day operations.

(B) For the purposes of this subdivision, common operational resources shall include, but ~~are~~ not

be limited to, centralization of any of the following: Accounting, advertising, engineering, financing, insurance, legal, personnel, pension or benefit plans, purchasing, research and development, selling, or union relations;

(9) State shall mean any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof;

(10) Subject to the Internal Revenue Code shall mean a corporation that meets the requirements of section 243 of the Internal Revenue Code in order for its distributions to qualify for the dividends received deduction;

(11) Taxable income shall mean federal taxable income as adjusted and, if appropriate, as apportioned;

(12) Taxable year shall mean the period the corporate taxpayer used on its federal income tax return;

(13) Unitary business shall mean a business that is conducted as a single economic unit by one or more corporations with common ownership and shall include all activities in different lines of business that contribute to the single economic unit.

For the purposes of this subdivision, common ownership shall mean one or more corporations owning fifty per cent or more of another corporation; and

(14) Unitary group shall mean the group of corporations that are conducting a unitary business.".

4. On page 1, line 2, after the first comma insert "77-2701.01,"; in line 3 after the fourth comma insert "77-2730,"; in line 4 after the first comma insert "77-2734.01, 77-2734.02, 77-2734.04,"; in line 8 after the semicolon insert "to change the income tax rate;"; and in line 12 after the semicolon insert "to require the Tax Commissioner to furnish certain information; to eliminate certain provisions relating to estates, trusts, joint returns, and certain nonresidents;".

5. On page 3, line 18, after "77-27,124" insert "and sections 4, 6, 8, 10, 17, and 28 of this act".

6. On page 4, line 15; and page 9, line 15,

strike "77-27,124" and insert "77-27,123 and sections 4, 6, 8, 10, 17, and 28 of this act".

7. On page 4, lines 18 and 24, after "nonresident" insert "individuals".

8. On page 5, line 11, after "nonresident" insert "of this state".

9. On page 6, line 9, after "nonresident" insert "individual".

10. On page 7, line 10, after "nonresident" insert "individual"; in lines 11 and 17 after "resident" insert "individual"; and in line 19 strike "his or her", show as stricken, and insert "the nonresident individual's or partial-year resident individual's".

11. On page 13, line 16, strike "following" and after "format" insert "set forth in this subsection".

12. On page 15, line 4, after the second comma insert "or"; and in line 17 strike "(1)" and strike "section" and insert "subsection,".

13. On page 16, line 4, strike the semicolon and insert an underscored period; in line 15 strike "new" and insert "net"; and in line 18 insert "individual" after both "nonresident" and "resident".

14. On page 18, lines 3 and 5, strike "(5)" and all amendments thereto and strike "section", show as stricken, and insert "subsection".

15. On page 19, lines 1 and 7, strike "joint" and insert "jointly".

16. On page 20, line 9, strike "a", show as stricken, and insert "an"; and in line 10 strike "consist", show as stricken, and insert "shall consist".

17. On page 24, line 10, after "nonresident" insert "individual"; in line 11 after both "resident" and "resident" insert "individual"; and in line 16 strike "residents", show as stricken, and insert "resident individuals,".

18. On page 25, line 8; and page 27, line 14, after "nonresident" insert "individual".

19. On page 28, line 18; and page 31, lines 13 and 15, after "resident" insert "individual".

20. On page 28, line 22, after "nonresident" insert "individual".

21. On page 35, line 11, after "deficiency" insert "determination".

22 22. On page 41, line 24, before "77-2753"
23 insert "77-2734.04,".

LEGISLATIVE BILL 656. Placed on Select File as amended.
E & R amendments to LB 656:
AM5185
1 1. In the R. Johnson-Schmit-Goodrich
2 amendment adopted April 8, 1987, found on page 1520 of
3 the Journal, on page 1, line 8 after the second "the"
4 insert "duties," and after "programs" insert an
5 underscored comma.
6 2. In the Standing Committee amendments,
7 AM0634, adopted April 8, 1987, on page 1, line 17,
8 strike "June 30" and insert "July 1" and strike "it",
9 show as stricken, and insert "the board".
10 3. On page 1, line 7, after the semicolon
11 insert "to provide for appropriations;".

LEGISLATIVE BILL 656A. Placed on Select File.

(Signed) Scott Moore, Chairperson

VISITORS

Visitors to the Chamber were 10 seventh and eighth grade students and teacher from Bee Junior High; and 15 fourth grade students and teacher from Sacred Heart Elementary, Lincoln.

ADJOURNMENT

At 4:12 p.m., on a motion by Mr. Conway, the Legislature adjourned until 9:00 a.m., Tuesday, April 14, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SECOND DAY - APRIL 14, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SIXTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 14, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett 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. Chizek and Haberman who were excused; and Messrs. Ashford, Hartnett, R. Johnson, V. Johnson, McFarland, Schellpeper, Schmit, Wesely, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-First Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 430.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 430

The following changes, required to be reported for publication in the Journal, have been made:

ER0172

1. In the Chambers amendment, AM0928, adopted April 10, 1987, on page 1, lines 9 and 10 have been struck and "in line 11 reinstate 'except as provided in' and after the reinstated 'in' insert 'subdivision (i) of'; and in line 12 reinstate 'this subdivision;'." inserted.

2. In the Hall amendment, AM0920, adopted April 10, 1987, on page 1, line 3, the comma has been struck; and "23" has been struck and "25" inserted.

3. In the E & R amendment, AM5183, adopted April 10, 1987, on page 1, the matter beginning with "line" in line 13 through the first "in" in line 14 has been struck.

4. On page 1, line 2, "39-662.02," has been inserted after the first comma; and the matter beginning with the first comma in line 8 through "1943" in line 9 has been struck.

5. The following section has been inserted:

"Sec. 2. That section 39-662.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-662.02. Any person convicted of exceeding by not more than ~~ten~~ five miles per hour the speed limit on the National System of Interstate and Defense Highways shall be fined not more than ten dollars, but no court costs shall be assessed against him or her.".

6. The remaining sections have been renumbered accordingly.

7. On page 14, line 11, "39-662.02," has been inserted after the comma; and the matter beginning with "and" in line 13 through the second comma in line 14 has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 324 in the Journal. No objections. So ordered.

AM0911

(Amendments to Final Reading copy)

1. On page 3, line 20, strike "the board or"; strike beginning with "and" in line 22 through the first "contracts" in line 24; and in line 24 strike "such contracts" and insert "any agenda item".

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 79.

MOTION - Return LB 42 to Select File

Mrs. Smith moved to return LB 42 to Select File for her specific amendment, AM0914, found in the Journal on page 1576.

The Smith motion to return prevailed with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 42. The Smith specific amendment, AM0914, found in the Journal on page 1576 was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Member Excused

Mrs. Labedz 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 368. With Emergency.

A BILL FOR AN ACT relating to housing; to amend section 71-1536, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to termination of certain tenancies 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, 37:

Abboud	Baack	Barrett	Beyer	Conway

Coordsen	Hefner	Langford	Pappas	Scofield
Dierks	Higgins	Lynch	Peterson	Smith
Elmer	Johnson, L.	Marsh	Remmers	Warner
Goodrich	Johnson, R.	Miller	Rogers	Wehrbein
Hall	Korshoj	Morehead	Rupp	Weihing
Hannibal	Lamb	Nelson	Schellpeper	Withem
Harris	Landis			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Moore

Excused and not voting, 10:

Ashford	Haberman	Johnson, V.	McFarland	Schmit
Chizek	Hartnett	Labedz	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 446.

A BILL FOR AN ACT relating to employment security; to amend sections 48-624 and 48-669, Revised Statutes Supplement, 1986, and section 48-627, Revised Statutes Supplement, 1986, as amended by section 1, Legislative Bill 469, Ninetieth Legislature, First Session, 1987; to change the weekly benefit amount; to change provisions relating to eligibility for unemployment benefits; 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, 38:

Abboud	Beyer	Elmer	Harris	Johnson, R.
Ashford	Conway	Goodrich	Hefner	Labedz
Baack	Coordsen	Hall	Higgins	Lamb
Barrett	Dierks	Hannibal	Johnson, L.	Landis

Langford	Moore	Remmers	Scofield	Wehrbein
Lynch	Morehead	Rogers	Smith	Weihing
Marsh	Nelson	Rupp	Warner	Withem
Miller	Pappas	Schellpeper		

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Korshoj	Peterson

Excused and not voting, 8:

Chizek	Hartnett	McFarland	Schmit	Wesely
Haberman	Johnson, V.	Pirsch		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 55.

A BILL FOR AN ACT relating to the County Purchasing Act; to amend section 23-3108, Revised Statutes Supplement, 1986; to authorize purchases by elected officials in certain counties 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, 38:

Abboud	Elmer	Johnson, R.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Morehead	Scofield
Baack	Hall	Lamb	Nelson	Smith
Barrett	Hannibal	Landis	Peterson	Warner
Beyer	Harris	Langford	Remmers	Wehrbein
Conway	Hefner	Lynch	Rogers	Weihing
Coordsen	Higgins	Marsh	Rupp	Withem
Dierks	Johnson, L.	Miller		

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Labedz	Pappas

Excused and not voting, 8:

Chizek	Hartnett	McFarland	Schmit	Wesely
Haberman	Johnson, V.	Pirsch		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 203.

A BILL FOR AN ACT relating to insurance; to eliminate provisions relating to open enrollment for health maintenance organizations; and to repeal sections 44-3255, 44-3256, and 44-3257, 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, 38:

Abboud	Elmer	Johnson, R.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Morehead	Scofield
Baack	Hall	Lamb	Nelson	Smith
Barrett	Hannibal	Landis	Peterson	Warner
Beyer	Harris	Langford	Remmers	Wehrbein
Conway	Hefner	Lynch	Rogers	Weihing
Coordsen	Higgins	Marsh	Rupp	Withem
Dierks	Johnson, L.	Miller		

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Labedz	Pappas

Excused and not voting, 8:

Chizek	Hartnett	McFarland	Schmit	Wesely
Haberman	Johnson, V.	Pirsch		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 211. With Emergency.

A BILL FOR AN ACT relating to contracts; to amend sections 23-315, 23-342, 31-118, 31-355, 39-820, and 39-825, Reissue Revised Statutes of Nebraska, 1943; to authorize persons awarded certain county contracts to furnish a letter of credit, certified check, or performance bond as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud	Dierks	Johnson, R.	Miller	Schellpeper
Ashford	Elmer	Korshoj	Moore	Scofield
Baack	Goodrich	Lamb	Morehead	Smith
Barrett	Hall	Landis	Nelson	Warner
Beyer	Hannibal	Langford	Peterson	Wehrbein
Chambers	Harris	Lynch	Remmers	Weihing
Conway	Hefner	Marsh	Rogers	Wesely
Coordsen	Johnson, L.	McFarland	Rupp	Withem

Voting in the negative, 0.

Present and not voting, 3:

Higgins	Labedz	Pappas

Excused and not voting, 6:

Chizek	Hartnett	Johnson, V.	Pirsch	Schmit
Haberman				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 250.

A BILL FOR AN ACT relating to nursing homes; to amend section 71-6024, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to nursing home inspections as prescribed; to provide for suspension and a fine; 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	Dierks	Johnson, L.	Moore	Schellpeper
Ashford	Elmer	Lamb	Morehead	Scofield
Baack	Goodrich	Landis	Nelson	Smith
Barrett	Hall	Langford	Pappas	Warner
Beyer	Hannibal	Lynch	Peterson	Wehrbein
Chambers	Harris	Marsh	Remmers	Weihing
Conway	Hefner	McFarland	Rogers	Wesely
Coordsen	Higgins	Miller	Rupp	Withem

Voting in the negative, 0.

Present and not voting, 2:

Johnson, R. Korshoj

Excused and not voting, 7:

Chizek	Hartnett	Labedz	Pirsch	Schmit
Haberman	Johnson, V.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 319.

A BILL FOR AN ACT relating to the Comprehensive Health Insurance Pool Act; to amend sections 44-4216 and 44-4222, Revised Statutes Supplement, 1986; to change membership provisions for the board of directors; to delete a limitation on certain premiums; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Elmer	Korshoj	Morehead	Schmit
Ashford	Goodrich	Lamb	Nelson	Scofield
Baack	Hall	Landis	Pappas	Smith
Barrett	Hannibal	Langford	Peterson	Warner
Beyer	Harris	Lynch	Remmers	Wehrbein
Chambers	Hefner	Marsh	Rogers	Weihing
Conway	Higgins	McFarland	Rupp	Wesely
Coordsen	Johnson, L.	Miller	Schellpeper	Withem
Dierks	Johnson, R.	Moore		

Voting in the negative, 0.

Excused and not voting, 6:

Chizek	Hartnett	Johnson, V.	Labedz	Pirsch
Haberman				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 538.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-364 and 75-366, Reissue Revised Statutes of Nebraska, 1943, and section 79-488, Revised Statutes Supplement, 1986; to change a date relating to the Federal Hazardous Material Regulations; to provide additional powers for the Nebraska State Patrol; to change provisions relating to the inspection of pupil transportation vehicles as prescribed; to change penalty provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Goodrich	Lamb	Morehead	Schmit
Ashford	Hall	Landis	Nelson	Scofield
Baack	Hannibal	Langford	Pappas	Smith
Beyer	Harris	Lynch	Peterson	Warner
Chambers	Hefner	Marsh	Remmers	Wehrbein
Conway	Higgins	McFarland	Rogers	Weihing
Coordsen	Johnson, L.	Miller	Rupp	Wesely
Dierks	Johnson, R.	Moore	Schellpeper	Withem
Elmer	Korshoj			

Voting in the negative, 0.

Present and not voting, 1:

Barrett

Excused and not voting, 6:

Chizek	Hartnett	Johnson, V.	Labedz	Pirsch
Haberman				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 575.

A BILL FOR AN ACT relating to banking and finance; to adopt the Commodity Code.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Elmer	Korshoj	Morehead	Schmit
Ashford	Goodrich	Lamb	Nelson	Scofield
Baack	Hall	Landis	Pappas	Smith
Barrett	Hannibal	Langford	Peterson	Warner
Beyer	Harris	Lynch	Remmers	Wehrbein
Chambers	Hefner	Marsh	Rogers	Weihing
Conway	Higgins	McFarland	Rupp	Wesely
Coordsen	Johnson, L.	Miller	Schellpeper	Withem
Dierks	Johnson, R.	Moore		

Voting in the negative, 0.

Excused and not voting, 6:

Chizek	Hartnett	Johnson, V.	Labedz	Pirsch
Haberman				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 575A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 575, Ninetieth Legislature, First Session, 1987.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Elmer	Korshoj	Morehead	Schmit
Ashford	Goodrich	Lamb	Nelson	Scofield
Baack	Hall	Landis	Pappas	Smith
Barrett	Hannibal	Langford	Peterson	Warner
Beyer	Harris	Lynch	Remmers	Wehrbein
Chambers	Hefner	Marsh	Rogers	Weihing
Conway	Higgins	McFarland	Rupp	Wesely
Coordsen	Johnson, L.	Miller	Schellpeper	Withem
Dierks	Johnson, R.	Moore		

Voting in the negative, 0.

Excused and not voting, 6:

Chizek	Hartnett	Johnson, V.	Labedz	Pirsch
Haberman				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 608. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-116, Reissue Revised Statutes of Nebraska, 1943; to change offenses relating to certificates of title; 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	Elmer	Korshoj	Moore	Schmit
Ashford	Goodrich	Lamb	Morehead	Scofield
Baack	Hall	Landis	Nelson	Smith
Barrett	Hannibal	Langford	Pappas	Warner
Beyer	Harris	Lynch	Peterson	Wehrbein
Chambers	Hefner	Marsh	Rogers	Weihing
Conway	Higgins	McFarland	Rupp	Wesely
Coordsen	Johnson, L.	Miller	Schellpeper	Withem
Dierks	Johnson, R.			

Voting in the negative, 0.

Present and not voting, 1:

Remmers

Excused and not voting, 6:

Chizek	Hartnett	Johnson, V.	Labedz	Pirsch
Haberman				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 615. With Emergency.

A BILL FOR AN ACT relating to financial institutions; to amend section 8-101, Reissue Revised Statutes of Nebraska, 1943, and section 8-157, Revised Statutes Supplement, 1986; to define and redefine terms; to change provisions relating to electronic funds transfers and electronic terminals; to provide powers and duties for

the Director of Banking and Finance; to provide for enforcement; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Elmer	Korshoj	Moore	Schellpeper
Ashford	Goodrich	Lamb	Morehead	Scofield
Baack	Hall	Landis	Nelson	Smith
Barrett	Hannibal	Langford	Pappas	Warner
Beyer	Harris	Lynch	Peterson	Wehrbein
Chambers	Hefner	Marsh	Remmers	Weihing
Conway	Higgins	McFarland	Rogers	Wesely
Coordsen	Johnson, L.	Miller	Rupp	Withem
Dierks	Johnson, R.			

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 6:

Chizek	Hartnett	Johnson, V.	Labedz	Pirsch
Haberman				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 642 to Select File

Mr. Wesely moved to return LB 642 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Wesely withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 642.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-602 and 8-816, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to fees for services provided by the Department of Banking and Finance; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Elmer	Johnson, L.	McFarland	Rupp
Ashford	Goodrich	Johnson, R.	Miller	Schellpeper
Baack	Hall	Korshoj	Moore	Schmit
Barrett	Hannibal	Lamb	Nelson	Scofield
Beyer	Harris	Landis	Pappas	Smith
Chambers	Hartnett	Langford	Peterson	Wehrbein
Conway	Hefner	Lynch	Remmers	Weihing
Coordsen	Higgins	Marsh	Rogers	Withem
Dierks				

Voting in the negative, 1:

Wesely

Present and not voting, 2:

Morehead Warner

Excused and not voting, 5:

Chizek	Haberman	Johnson, V.	Labedz	Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 776. 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 and concomitant appropriations for the employer share of F.I.C.A., retirement, and health and life insurance; 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, 43:

Abboud	Elmer	Johnson, R.	Morehead	Schmit
Ashford	Goodrich	Korshoj	Nelson	Scofield
Baack	Hall	Lamb	Pappas	Smith
Barrett	Hannibal	Landis	Peterson	Warner
Beyer	Harris	Langford	Remmers	Wehrbein
Chambers	Hartnett	Lynch	Rogers	Weihing
Conway	Hefner	Marsh	Rupp	Wesely
Coordsen	Higgins	Miller	Schellpeper	Withem
Dierks	Johnson, L.	Moore		

Voting in the negative, 0.

Present and not voting, 1:

McFarland

Excused and not voting, 5:

Chizek	Haberman	Johnson, V.	Labedz	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.

SELECT FILE

LEGISLATIVE BILL 74. E & R amendments, AM5171, found in the Journal on page 1508 for the Fifty-Sixth Day were adopted.

Mr. Chambers offered the following amendment:

Page 2, lines 10-12, strike, beginning with "hospital" in line 10, through "protocal" in line 12. Insert: "Hospitals shall be required to

consult with existing organ and tissue agencies preparatory to establishing a staff training and education program in the protocol".

Line 17, after "designee" add, "trained in the protocol".

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 776, 642, 608, 575A, 615, 575, 538, 319, 250, 211, 203, 55, 446, and 368.

SELECT FILE

LEGISLATIVE BILL 74. The pending Chambers amendment found in this day's Journal was renewed.

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Abboud	Dierks	Higgins	Morehead	Smith
Ashford	Elmer	Landis	Rupp	Warner
Baack	Goodrich	Marsh	Schellpeper	Wehrbein
Barrett	Hall	McFarland	Schmit	Wesely
Beyer	Harris	Miller	Scofield	Withem
Chambers				

Voting in the negative, 10:

Hannibal	Johnson, L.	Lamb	Moore	Peterson
Hefner	Johnson, R.	Langford	Nelson	Remmers

Present and not voting, 9:

Conway	Hartnett	Lynch	Pirsch	Weihing
Coordsen	Korshoj	Pappas	Rogers	

Excused and not voting, 4:

Chizek	Haberman	Johnson, V.	Labedz

The Chambers amendment was adopted with 26 ayes, 10 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Hall withdrew his pending amendment, AM0927, found in the Journal on page 1605.

Mr. Hall renewed his pending amendment, AM0955, found in the Journal on page 1624.

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.

The Hall amendment lost with 2 ayes, 17 nays, 26 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Reconsider Action on LB 642

Mr. Warner moved to reconsider the passage of LB 642 on Final Reading.

Laid over.

STANDING COMMITTEE REPORT
Education

The Committee on Education desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Jill Elston - Nebraska Educational Telecommunications Commission
Laura Gaebel - Nebraska Educational Telecommunications Commission
Jan Hall - Nebraska Educational Telecommunications Commission
Dr. Charles Harrington - Nebraska Educational Telecommunications Commission
Dr. Vance D. Rogers - Nebraska Educational Telecommunications Commission

Sally Stecker - Nebraska Educational Telecommunications Commission

Voting aye: Senators Withem, Baack, Dierks, McFarland, Nelson and Peterson. Voting nay: None. Absent: Senators V. Johnson and Chizek.

(Signed) Ron Withem, Chairperson

SELECT FILE

LEGISLATIVE BILL 564. Mr. Hefner offered the following amendment:
AM0845

1. On page 2, lines 15 and 17, strike "five", show as stricken, and insert "three"; and strike beginning with "On" in line 19 through the period in line 21 and show the old matter as stricken.

Mr. Wesely renewed his pending amendment found in the Journal on page 1600 to the Hefner amendment.

Mr. Wesely withdrew his pending amendment.

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. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner moved for a call of the house. The motion prevailed with 16 ayes, 6 nays, and 27 not voting.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Beyer	Hefner	Langford	Pirsch	Warner
Conway	Johnson, L.	Miller	Scofield	Wehrbein
Coordsen	Korshoj	Moore	Smith	Weihing
Elmer	Lamb	Peterson		

Voting in the negative, 24:

Abboud	Goodrich	Johnson, R.	Morehead	Rupp
Ashford	Hall	Johnson, V.	Nelson	Schmit
Baack	Hannibal	Landis	Pappas	Wesely
Chambers	Harris	Marsh	Remmers	Withem
Dierks	Hartnett	McFarland	Rogers	

Present and not voting, 3:

Barrett	Higgins	Schellpeper

Excused and not voting, 4:

Chizek	Haberman	Labedz	Lynch

The Hefner amendment lost with 18 ayes, 24 nays, 3 present and not voting, and 4 excused and not voting.

Mr. Warner offered the following amendment:

1. On page 2, strike beginning with "On" in line 19 through the period in line 21 and show the old matter as stricken.

The Warner amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Hefner requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 28 ayes, 9 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 564A. E & R amendment, AM5172, found in the Journal on page 1509 for the Fifty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 14, 1987, at 11:25 a.m., were the following bills: 368, 446, 55, 203, 211, 250, 319, 538, 575, 575A, 608, 615, and 776.

(Signed) Pam Moravec, Enrolling Clerk

VISITORS

Visitors to the Chamber were 30 fourth grade students and teacher from Jefferson School, Norfolk; 30 students and teacher from Elkhorn Valley Schools in Meadow Grove and Tilden; 16 students and teacher from Superior High School; and Mr. George Bean, U. S. State Department interpreter, Mr. Nelson Victor Andriamanohisoa Ranaivo, Mrs. Therese Razafindravao, Mr. Constant Zafinandro Razanaparany, and Rev. Albert Zakariasy, Assembly Members from Madagascar.

RECESS

At 12:00 noon, 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 Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chizek and Haberman who were excused; and Messrs. McFarland, Landis, and Mrs. Labedz who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 60.

Correctly Engrossed

The following bills were correctly engrossed: 226A, 345, 444, 455, and 601.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 60
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0171

1. In the Haberman-Pappas amendment, AM0940, adopted April 10, 1987, on page 1, line 8, a semicolon has been inserted after "benefits".

2. On page 1, line 4, "for county employees" has been inserted after "age".

Enrollment and Review Change to LB 444

The following changes, required to be reported for publication in the Journal, have been made:
ER0170

1. In the Withem-Ashford amendment, AM0936, adopted April 9, 1987:

a. On page 2, lines 3 and 8, "said" has been struck, shown as stricken, and "the" inserted; and in line 17 "(1)" has been struck and an underscored comma inserted; and

b. On page 3, line 17, "the" has been inserted after "or".

2. In the Withem amendment, AM0855, adopted April 9, 1987, on page 1, line 2, ", 79-402.03" has been struck; and in line 3 the comma has been struck.

3. In the E & R amendment, AM5145, adopted April 9, 1987:

a. On page 1, line 9, "metropolitan" has been struck and shown as stricken and "of the metropolitan class" has been inserted after "cities"; and

b. On page 2, line 2, "79-426.23" has been struck and "79-426.22" inserted.

4. On page 1, line 2, "79-426.08, 79-426.13," has been inserted before "79-426.15"; in line 7 "harmonize" has been struck; in line 8 "provisions" has been struck and "change provisions relating to plans of reorganization" inserted; and in line 10 "to harmonize provisions;" has been inserted after the semicolon.

5. On page 6, lines 17 and 19 "Class VI" has been inserted before "school"; the matter beginning with the second "of" in line 17 through "class" in line 18 has been struck and shown as stricken; and the matter beginning with "of" in line 19 through line 20 has been struck, shown as stricken, and an underscored period inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 772. Title read. Considered.

Standing Committee amendments, AM0707, found in the Journal on page 1276 for the Forty-Ninth Day were considered.

Messrs. Wehrbein, Dierks, and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendments 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 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 772A. 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.

SELECT FILE

LEGISLATIVE BILL 504. E & R amendments, AM5173, found in the Journal on page 1509 for the Fifty-Sixth Day were adopted.

Mr. Hall renewed the pending Labedz amendment found in the Journal on page 1493.

Mr. Wesely requested a ruling of the Chair on whether the Labedz amendment is germane to the bill.

The Chair ruled the Labedz amendment is germane to the bill.

The Labedz amendment was adopted with 25 ayes, 5 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 116. E & R amendments, AM5174, found in the Journal on page 1533 for the Fifty-Seventh Day were adopted.

Mr. Wesely and Mrs. Morehead renewed their pending amendment, AM0934, found in the Journal on page 1601.

The Wesely-Morehead amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 398. E & R amendments, AM5180, found in the Journal on page 1547 for the Fifty-Seventh Day were adopted.

Mr. Moore moved to bracket LB 398 until January 15, 1988.

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Moore motion to bracket lost with 3 ayes, 26 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Schmit renewed his pending amendment, AM0370, found in the Journal on page 976.

Mr. Miller asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schmit amendment was adopted with 26 ayes, 3 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Schmit asked unanimous consent to replace his pending amendment, AM0503, found in the Journal on page 977 with a substitute amendment. No objections. So ordered.

Mr. Schmit withdrew his pending amendment, AM0503, found in the Journal on page 977.

Mr. Schmit offered the following amendment:
AM0997

1. On page 7, line 3, after "insolvency" insert "<u>, except that the plan of management with regard to maintaining reserves, collecting assessments from members for deficiencies, or administering the pool in the event of insolvency shall not require any member to make payments not authorized under subsection (1) of</u>

section 12 of this act"

2. On page 10, after line 7, insert the following new subsection:

"(2) If any risk management pool becomes insolvent, has insufficient cash reserves for the payment of claims or deductibles, or has any deficiencies, the pool members which have the authority to levy a tax shall be authorized to levy a tax for such assessment or deficiency, except that pool members who do not have the authority to levy a tax shall not pay the costs of any such assessment or deficiency from any appropriation out of the General Fund of the state.";

and in line 8 strike "(2)" and insert "(3)".

Mr. Schmit withdrew his pending amendment.

Mr. Landis renewed his pending amendment, AM0910, found in the Journal on page 1620.

Mr. Rupp asked unanimous consent to be excused until he returns. No objections. So ordered.

The Landis amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 114. E & R amendments, AM5182, found in the Journal on page 1569 for the Fifty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 80. E & R amendments, AM5184, found in the Journal on page 1578 for the Fifty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 773 in the Journal. No objections. So ordered.

AM0980

1. In the Standing Committee amendments,

AM0690, on page 9, line 9, strike "fifty-one" and insert "fifty and eight-tenths"; and in line 14 after the period insert "The resultant rates shall be rounded to the nearest one hundredth of one per cent.".

2. On page 4, strike the new matter in lines 3 to 6 and insert "Any reference to either the Internal Revenue Code of 1954, the Internal Revenue Code of 1986, or the Internal Revenue Code shall mean and include a reference to the other, whenever appropriate."; and in line 21 after "state" insert "as provided in section 77-2715".

3. On page 13, line 12, after "cent" insert ", except for the primary rate which shall be expressed in hundredths of one per cent".

4. On page 24, line 6, strike beginning with "on" through the comma, show the old matter as stricken, and insert "jointly".

5. On page 25, line 22, after "77-2716" insert "and section 9 of this act".

Mr. Lynch asked unanimous consent to print the following amendment to LB 688 in the Journal. No objections. So ordered.

AM0991

(Amendments to the Standing Committee amendments)

1. Insert the following new amendment:

"2. On page 13, line 3, strike 'deciding to provide supplementary services' and show as stricken.".

2. Strike section 24 and insert the following new sections:

"Sec. 24. That section 79-2208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2208. When requested in writing by local boards of education or school boards, on forms prescribed by the Commissioner of Education, the board of each educational service unit may, at its discretion, ~~and within the limitations imposed by sections 79-2209 and 79-2210, (1) provide supplementary services to (a) the requesting school systems within its geographical area, (b) requesting school systems not within its geographical area to the extent allowed under section 79-2201.01, and subsection (3) of section 79-2203, and (c) any other educational service unit, (2) plan and~~

~~coordinate educational services within its geographical area whenever such services are offered on a cooperating basis between local school districts, and (3)~~ enter into a written contract for any educational services with ~~the board of any other educational service unit,~~ any school district or school system if such district or system has authority to provide such service, with any other educational agency, with the board of any other educational service unit, or with any appropriate state or federal officer or agency. Payment of costs of such services shall be contracted for between the parties to the contract or paid from any funds available to the educational service unit except revenue from property tax levied pursuant to section 79-2210. If ~~; PROVIDED, that~~ within that area of the service unit wherein there exists, or is hereinafter formed, an organized, full-time, and approved city-county, multicounty, or regional health department with health services available, the educational service unit, if health services are provided, shall first seek to contract for school health services with such department for an amount of compensation agreeable to both such unit and board. The board of each educational service unit may charge for a portion or all of the costs of the additional services authorized by this section. If an educational service unit on December 25, 1969, has a health service facility, nothing in this section shall prevent the continued use by the unit of such facility. The educational service unit may contract with such health department to provide school health services for that area of the educational service unit not served by such city-county, multicounty, or regional health department.

Sec. 25. That section 79-2209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2209. The board of each educational service unit shall use tax revenue from the levy of the unit for administrative costs of the educational service unit for which it was levied. The board of each educational service unit may receive, for the purpose for which made available, any school district, county, state, or federal funds made available to it; or funds or property received from any other source.

Administrative costs of the unit may be used for ~~, and may use tax revenue from the levy of the unit for operational expenses and for~~ the purpose of matching any funds that may be made available to it on a matching basis by any state or federal agency. The unit ~~, and~~ may utilize such personnel or services that may lawfully be offered by any state or federal agency or governmental unit.".

3. On page 27, line 21, strike "26" and insert "27".

4. On page 28, line 6, strike "and" and after the last comma insert "and 79-2209,"; and in line 10 strike "2." and insert "3.".

5. Renumber the remaining sections accordingly.

Mr. Remmers asked unanimous consent to print the following amendment to LB 453 in the Journal. No objections. So ordered.

AM0987

(Amendments to Final Reading Copy)

1. On page 1, line 2, strike "section 8-140" and insert "sections 8-140 and 8-148"; in line 4 after the second semicolon insert "to change provisions relating to a bank's ownership of capital stock as prescribed;"; and in line 5 strike "section" and insert "sections".

2. Insert the following new section:

"Sec. 2. That section 8-148, Revised Statutes Supplement, 1986, be amended to read as follows:

8-148. (1) Except as provided in subsection (2) of this section, no bank shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, nor purchase any securities convertible into stock, or, except as provided in section 8-149, the shares of any corporation, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith. Such stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale; or in default thereof, a receiver may be appointed to close up the business of the bank, except that such stock, if shares of another bank or a

bank holding company, shall be so sold or disposed of as the Director of Banking and Finance shall require. In no case shall the amount of stock so held at any one time exceed ten per cent of the paid-up capital of such bank.

(2) Any bank may subscribe to invest, purchase, and own Student Loan Marketing Association stock, Government National Mortgage Association stock, or Federal National Mortgage Association stock. Such bank shall not obligate more than five per cent of its capital surplus, undivided profits, and unencumbered reserves for such stock.".

3. On page 4, line 20, strike "section 8-140" and insert "sections 8-140 and 8-148"; and in line 21 strike "is" and insert "are".

4. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Morehead asked unanimous consent to have her name added as co-introducer to LB 163. No objections. So ordered.

Mrs. Morehead asked unanimous consent to have her name added as co-introducer to LB 561. No objections. So ordered.

VISITORS

Visitors to the Chamber were 28 fourth grade students and teachers from Pender Elementary, Thurston County; Sev Sorensen and Gregg Smith from Nebraska City; Robert Broom, Mary Clarkson, Ann Clarkson, Jeffrey Broom, and Emily Broom; 41 fourth grade students and teacher from Geneva Elementary; Ron Buthe, Don Kohler, Walt Tolman, and Jeff Koistra from Plattsmouth; and 49 students and teachers from Our Lady of Lourdes, Omaha.

ADJOURNMENT

At 3:49 p.m., on a motion by Mr. Baack, the Legislature adjourned until 9:00 a.m., Wednesday, April 15, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-THIRD DAY - APRIL 15, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SIXTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 15, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett 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. Ashford, Chambers, Conway, Goodrich, Hall, V. Johnson, McFarland, Moore, Rogers, Schellpeper, Mesdames Higgins, Labedz, Marsh, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Second Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 124. Placed on Select File as amended.

E & R amendments to LB 124:
AM5187

1. On page 2, line 8, a comma has been inserted after "discontinued"; and in line 17 strike "erosion stablized" and insert "erosion-stabilized".

2. On page 3, line 12, strike "erodability" and insert "erodibility".

LEGISLATIVE BILL 261. Placed on Select File as amended.
E & R amendment to LB 261:
AM5188

1. On page 4, line 8, strike "situations" and insert "any situation"; in line 10 strike "cases" and insert "case"; in line 14 after "25-824" insert an underscored comma; and in line 19 after "attorneys" insert "and parties".

LEGISLATIVE BILL 104. Placed on Select File as amended.
E & R amendments to LB 104:
AM5191

1. In lieu of the Lamb amendment adopted April 13, 1987, found on page 1649 of the Journal, on page 2, line 8, after "cat" insert ", and cat shall mean a cat which is a household pet".

2. In the Standing Committee amendments, AM0450, adopted April 13, 1987:

a. On page 2, line 6, strike the comma and show as stricken;

b. On page 3, line 7, strike "such" and insert "any"; and

c. On page 4, line 16, strike "such" and insert "a"; in lines 16 and 18 strike the comma; and in line 17 strike "such animal" and insert "which".

3. On page 1, line 3, after "to" insert "define and" and after the second semicolon insert "to change vaccination and other provisions;"; in line 4 strike "provide that certain" and insert "require that domestic" and strike "shall"; and in line 5 after the semicolon insert "to provide for the seizure and disposition of certain animals; to provide for rules and regulations;".

4. On page 3, line 14; page 6, line 14; page 7, line 5; page 10, lines 8 and 18; page 11, lines 3, 7, and 23; and page 12, line 24, after "71-4412" insert

"and section 12 of this act".

5. On page 2, line 14, strike "must", show as stricken, and insert "shall".

6. On page 8, line 20, strike the period, show as stricken, and insert "; and"; and in line 22 strike "is", show as stricken, and insert "has been".

7. On page 9, line 2, strike ", or", show as stricken, and insert an underscored semicolon; in line 3 after "revaccinated" insert an underscored comma; in line 6 strike the comma, show as stricken, and insert an underscored semicolon; in line 8 strike "subsection", show as stricken, and insert "subdivision"; and in line 13 strike "it" and show as stricken.

8. On page 11, lines 7 to 8, strike "Department of Health", show as stricken, and insert "department"; and in line 14 before "sections" insert "such" and strike "71-4401 to 71-4412" and show as stricken.

9. On page 12, line 17, after "that" insert an underscored comma.

LEGISLATIVE BILL 442. Placed on Select File.

LEGISLATIVE BILL 561. Placed on Select File as amended.
E & R amendments to LB 561:
AM5189

1. In the Standing Committee amendments, AM0632, adopted April 13, 1987, on page 2, lines 2 and 12, strike "Nebraska" and insert "Cooperative" and after "Service" insert "of the Universtiy of Nebraska"; in lines 4 and 14 before "United" insert "the"; and in line 20 strike "contacts" and insert "contracts".

2. In the Moore amendments, AM0956, adopted April 13, 1987, on page 1, line 10, strike "2-3811", show as stricken, and insert "2-3812".

3. On page 1, line 1, after the semicolon insert "to amend sections 2-3801 and 2-3804, Reissue Revised Statutes of Nebraska, 1943;" in line 3 strike the first "and"; and in line 4 after "Agriculture" insert "; to define and redefine terms; to harmonize provisions; and to repeal the original sections".

LEGISLATIVE BILL 561A. Placed on Select File.
LEGISLATIVE BILL 163. Placed on Select File.

LEGISLATIVE BILL 492. Placed on Select File as amended.
E & R amendments to LB 492:
AM5190

1. In the Standing Committee amendments, AM0516, adopted April 13, 1987:

a. On page 1, line 17, strike "section", show as stricken, and insert "subsection"; and

b. On page 2, line 7, after "injury" insert "to".

2. On page 1, strike beginning with "workers' " in line 1 through the semicolon in line 3 and insert "liability; to amend section 25-21,187, Reissue Revised Statutes of Nebraska, 1943;"; and in line 5 after "and" insert "professional".

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 42.

(Signed) Scott Moore, Chairperson

MESSAGES FROM THE GOVERNOR

April 14, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 78, 329, 164, 307, 358, 456, 526, 587, and 679 were received in my office on April 10, 1987.

These bills were signed by me on April 14, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 14, 1987

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.

Appointee: Dwayne Smith of Columbus

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:cfg

April 14, 1987

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 Natural Resources Commission, requiring legislative confirmation.

Appointee: Ralph Knobel of Fairbury

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:cfg

April 14, 1987

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 Natural Resources Commission, requiring legislative confirmation.

Appointee: Edward J. Schrock of Elm Creek

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:cfg

REPORTS

Received statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar month of March 1987, pursuant to Section 66-476, R.S. Supp. 1980.

Received minutes of the Board of Public Roads Classifications and Standards for March 20, 1987.

Received the Comprehensive Annual Financial Report from the Department of Administrative Services for the year ended June 30, 1986.

MOTION - Approve Appointments

Mr. Withem moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 1675: Nebraska Educational Telecommunications Commission - Jill Elston, Laura Gaebel, Jan Hall, Dr. Charles Harrington, Dr. Vance D. Rogers, and Sally Stecker.

Voting in the affirmative, 25:

Baack Barrett Beyer Coordsen Dierks

Elmer	Johnson, L.	Landis	Morehead	Rupp
Hannibal	Johnson, R.	Langford	Nelson	Wehrbein
Harris	Korshoj	Lynch	Peterson	Weihing
Hefner	Lamb	Miller	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 8:

Chizek	Pappas	Scofield	Warner	Wesely
Hartnett	Schmit	Smith		

Excused and not voting, 16:

Abboud	Goodrich	Higgins	Marsh	Pirsch
Ashford	Haberman	Johnson, V.	McFarland	Rogers
Chambers	Hall	Labedz	Moore	Schellpeper
Conway				

These appointments were confirmed with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 138. Title read. Considered.

Standing Committee amendments, AM0444, found in the Journal on page 1037 for the Forty-First Day were considered.

Mr. Abboud, Ms. Scofield, and Mr. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit offered the following amendment to the Standing Committee amendments:

Strike Section 5 and insert the following:

The Attorney General of the State of Nebraska shall be responsible for determining whether the political subdivisions are in strict compliance with the enforcement and control provisions of Sections 2-946 through 2-966. If the Attorney General finds that any political subdivision is not strictly enforcing the provisions of Sections 2-946 through 2-966, he or she shall use every means to ensure compliance. If the Attorney General does not take action to ensure compliance, then he or she shall be removed from office as provided by law.

6. Renumber the remaining Sections accordingly.

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Langford 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. Elmer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit withdrew his pending amendment.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. HEFNER PRESIDING

Mr. R. Johnson moved for a call of the house. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

The Standing Committee amendments were adopted with 25 ayes, 1 nay, 11 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb renewed his pending amendment, AM0599, found in the Journal on page 1329.

The Lamb amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit moved to indefinitely postpone LB 138.

SPEAKER BARRETT PRESIDING

The Schmit motion to indefinitely postpone lost with 11 ayes, 16 nays, 10 present and not voting, and 12 excused and not voting.

Mr. R. Johnson moved for a call of the house. The motion prevailed with 12 ayes, 3 nays, and 34 not voting.

Advanced to E & R for Review with 26 ayes, 10 nays, 3 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 772. Placed on Select File as amended.
E & R amendments to LB 772:
AM5192

1. In the Standing Committee amendments, AM0707, adopted April 14, 1987:
   a. On page 1, line 7, strike "is" and insert "shall be"; and
   b. On page 2, line 5, strike "use" and insert "used".
2. On page 1, line 2, after the second comma insert "77-2734.07,"; and in line 5 after the first semicolon insert "to change the allowable time periods for carryforwards and carrybacks;" and after the second semicolon insert "to provide operative dates;".
3. On page 2, line 18, after "shall" insert an underscored comma.

LEGISLATIVE BILL 772A. Placed on Select File.

(Signed) Scott Moore, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 81.

Introduced by Marsh, 29th District; Wehrbein, 2nd District; Dierks, 40th District; L. Johnson, 15th District; Remmers, 1st District.

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 Wednesday, April 22.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 and two 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, 1987, by planting trees.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 335 in the Journal. No objections. So ordered.

AM0993

1. Insert the following new sections:

"Sec. 3. All proceeds, cash values, and benefits accruing under any employer-funded retirement annuity which is funded with substantially equal, regular payments shall be exempt from attachment, garnishment, or other legal or equitable process and from all claims of creditors of the annuitant, unless a written assignment to the contrary has been obtained by the claimant.

Sec. 4. All proceeds and benefits accruing under any structured settlement providing periodic payments for personal injuries shall be exempt from attachment, garnishment, or other legal or equitable process and from all claims of creditors of the beneficiary of the structured settlement, unless a written assignment to the contrary has been obtained by the claimant.

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.".

2. On page 2, strike line 25.

3. On page 3, line 1, strike the new matter.

4. On page 4, strike beginning with "in" in line 9 through "States" in line 10.

5. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING
Education

Governor Appointment Thursday, April 23, 1987 1:15 P.M.
Dr. Thomas J. Reeves

(Signed) Ron Withem, Chairperson

GENERAL FILE

LEGISLATIVE BILL 529A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 312. Title read. Considered.

Standing Committee amendment, AM0740, found in the Journal on page 1355 for the Fifty-First Day was considered.

Mr. Warner offered the following amendment to the Standing Committee amendment:
AM0873

(Amendments to Standing Committee amendments)

1. On page 3, line 9, strike "eleven" and insert "twelve".

2. On page 4, after line 5, insert the following new subdivision:

"(8) One person shall be appointed by the Governor as a representative of the local data processing division of a political subdivision;" in line 6 strike "(8)" and insert "(9)"; and in line 8 strike "(9)" and insert "(10)".

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner amendment was adopted with 16 ayes, 0 nays, 21 present and not voting, and 12 excused and not voting.

The Standing Committee amendment, as amended, 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.

LEGISLATIVE BILL 312A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 688. Title read. Considered.

Standing Committee amendments, AM0749, printed separate from the Journal and referred to on page 1369 for the Fifty-First Day were considered.

Messrs. Withem and Miller renewed their pending amendment, AM0917, found in the Journal on page 1590 to the Standing Committee amendments.

The Withem-Miller amendment was adopted with 21 ayes, 0 nays, 17 present and not voting, and 11 excused and not voting.

Mrs. Morehead renewed her pending amendment, AM0942, found in the Journal on page 1630 to the Standing Committee amendments.

Mrs. Smith 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. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Morehead amendment lost with 5 ayes, 16 nays, 17 present and not voting, and 11 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. McFarland asked unanimous consent to print the following amendment to LB 773 in the Journal. No objections. So ordered.

AM0909

1. Strike the original sections and all amendments thereto and insert the following:

"Section 1. That section 77-2701.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2701.01. Pursuant to section 77-2715.01, the rate of the income tax levied pursuant to section 77-2715 shall be nineteen per cent, except that for taxable years beginning or deemed to begin on or after January 1, ~~1985~~ 1987, and on or before December 31, ~~1985~~ 1987, the rate shall be ~~twenty~~ twenty-one per cent.

Sec. 2. That original section 77-2701.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mr. McFarland asked unanimous consent to print the following amendment to LB 198 in the Journal. No objections. So ordered.

AM1005

(Amendments to Final Reading copy)

1. On page 1, line 2 strike "and" and insert a comma and after "23-2521," insert "and 23-2522,"; in line 6 after the semicolon insert "to provide additional

powers and duties for the personnel policy board as prescribed;"; in line 7 strike "and"; and in line 8 after "sections" insert "; and to declare an emergency".

2. Insert the following new sections:

"Sec. 3. That section 23-2522, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2522. The powers and duties of the personnel policy board shall be:

(1) To review and make recommendations to the board of county commissioners on the personnel rules and regulations and any amendments thereto prior to the approval by the commissioners;

(2) To advise and assist the personnel officer on matters of personnel policy, administration and practice;

(3) To cooperate with and advise the personnel officer in fostering interest and cooperation of institutions of learning and civic, professional and employee organizations in the improvement of personnel standards and the development of high public regard for the county as an employer and for careers in the county service;

(4) To require the personnel officer to make or to make on its own initiative any investigation which it may consider necessary concerning the management of personnel in the county service;

(5) To review any grievance or case of disciplinary action of a classified service employee when appealed by such employee in accordance with approved personnel rules and regulations and issue a determination that is binding on all parties concerned;

(6) To issue subpoenas to compel the attendance of witnesses and the production of documents, and to administer oaths, take testimony, hear proofs, and receive exhibits in evidence in connection with any of the powers and duties of such board. In case of a refusal to obey a subpoena issued to any county employee, the personnel policy board on its own motion, or a party to the proceedings, may make application to the district court of Lancaster County for an enforcement order, and any failure to obey such order may be punished by such court as contempt thereof.

(7) ~~(6)~~ To make annual reports and

recommendations to the board of county commissioners; and

(8) ~~(7)~~ To perform such other duties as may be expressly set forth in sections 23-2517 to 23-2533 and in the regulations adopted pursuant thereto.

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.".

3. On page 4, line 20, strike "and" and insert a comma; and in line 21 after the first comma insert "and 23-2522,".

4. Renumber the remaining section accordingly.

Mr. Wesely and Mrs. Smith asked unanimous consent to print the following amendment to LB 656 in the Journal. No objections. So ordered.

AM1007

(Amendments to AM0866)

1. On page 1, line 4, before "If" insert "(1)"; and in line 14 after the underscored period insert the following new subsection:

"(2) If there is appropriated from the General Fund the sum of $1,267,088 for the period July 1, 1987, to June 30, 1988, and the sum of $1,267,088 for the period July 1, 1988, to June 30, 1989, for the sole purpose of maintaining the programs and facilities of the Nebraska College of Technical Agriculture at Curtis until July 1, 1989, the remaining budget of the University of Nebraska and the budgets of the Nebraska state colleges and the technical community colleges shall not be reduced as a result of such appropriation.".

VISITORS

Visitors to the Chamber were Senator Schellpeper's mother and stepfather, Helen and Bart Schulz from Norfolk, and sister and nephew, Janet and Barry Hinkeldey from Prospect Heights, Illinois; 130 students and teachers from Stromsburg, Seward, Milford, and York; 80 fourth grade students and teachers from Aurora; 45 fourth grade students and teacher from Westpoint Elementary; 53 students and teachers from Clarkson and Northside Elementary Schools,

Fremont; former Senator Richard Lewis from Holbrook; 19 students from Trumball; and foreign officials from Togo, Africa and their escorts.

RECESS

At 12:04 p.m., on a motion by Mr. Korshoj, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mr. Haberman who was excused; and Messrs. Abboud, Conway, V. Johnson, Landis, McFarland, Peterson, Rogers, Schellpeper, Wehrbein, Mrs. Higgins, and Ms. Scofield who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 688. Mrs. Morehead renewed her pending amendment, AM0941, found in the Journal on page 1630 to the Standing Committee amendments.

Messrs. Rupp, Hannibal, and Warner asked unanimous consent to be excused until they return. No objections. So ordered.

The Morehead amendment lost with 4 ayes, 16 nays, 14 present and not voting, and 15 excused and not voting.

Mr. Lynch renewed his pending amendment, AM0991, found in the Journal on page 1683 to the Standing Committee amendments.

The Lynch amendment lost with 7 ayes, 13 nays, 17 present and not voting, and 12 excused and not voting.

Messrs. Lamb and Lynch offered the following amendment to the Standing Committee amendments:
AM1008
1. In the Standing Committee amendment,
AM0749, on page 12, line 14, strike the second "1988"

and insert "1990"; in line 19 after "1" insert "of each year listed in this section"; in lines 22 and 23 strike ", 1988," and show the old matter as stricken; and in line 23 after "30" insert "of the same year".

2. On page 3, line 3, after "serve" insert "only"; in line 4 strike "intermediate units" and insert "a supplemental service agency to local school districts"; in line 8 strike "an intermediate" and insert "a supplemental"; in line 11 strike "intermediate" and insert "supplemental service"; and in line 14 after "taxpayers" insert "and member school districts".

3. On page 4, strike lines 2 through 7 and insert the following new subdivision:

"(d) Subdivisions (2)(c) and (3)(d) of this section shall only be implemented when requested by the State Department of Education and a local school district.".

Mr. Lamb moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. Lamb requested a roll call vote on the Lamb-Lynch amendment.

Voting in the affirmative, 8:

Coordsen	Labedz	Langford	Peterson	Pirsch
Hefner	Lamb	Lynch		

Voting in the negative, 26:

Ashford	Dierks	Hartnett	Miller	Remmers
Baack	Goodrich	Johnson, L.	Moore	Smith
Beyer	Hall	Johnson, R.	Morehead	Weihing
Chambers	Hannibal	Marsh	Nelson	Wesely
Chizek	Harris	McFarland	Pappas	Withem
Conway				

Present and not voting, 6:

Barrett	Johnson, V.	Korshoj	Rupp	Schmit
Elmer				

Excused and not voting, 9:

Abboud	Higgins	Rogers	Scofield	Wehrbein
Haberman	Landis	Schellpeper	Warner	

The Lamb-Lynch amendment lost with 8 ayes, 26 nays, 6 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Lamb withdrew his pending amendment, AM0884, found in the Journal on page 1652.

The Standing Committee amendments, as amended, were adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Mr. Dierks asked unanimous consent to be excused. 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.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 146 in the Journal. No objections. So ordered.

AM1002

(Amendments to Final Reading Copy)

1. On page 2, line 5, strike "without compensation".

2. On page 3, line 8, after "protecting" insert "the environment and"; in line 13 strike "directly and"; in line 19 after "withdrawals" insert "and methods of transporting water"; in line 20 strike "sound" and insert "viable"; in line 22 strike "as a facilitator of" and insert "in facilitating and regulating"; and after line 23 insert:

"The Water Management Board shall submit a report to the Governor and the Legislature on or before September 30, 1988. Such report shall include findings of the board relating to all factors identified in this section.".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 74, 564, and 564A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 74

The following changes, required to be reported for publication in the Journal, have been made:
ER0174

1. In the Chambers amendment, adopted April 14, 1987, found beginning on page 1673 of the Journal, a comma has been inserted both before and after "trained in the protocol".
2. On page 2, line 18, "shall" has been inserted before the first comma and "shall," has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 536. Title read. Considered.

Standing Committee amendments, AM0764, found in the Journal on page 1433 for the Fifty-Third Day were considered.

Mrs. Pirsch withdrew her pending amendment, AM0904, found in the Journal on page 1653.

Mrs. Pirsch offered the following amendment to the Standing Committee amendments:

1. In the Standing Committee amendments, AM0764, beginning on page 1433 of the Journal, strike amendments 2 and 3.
2. On page 3, strike beginning with "Guardian" in line 24 through line 25 and insert "Legal guardian shall not include any guardian ad litem appointed by a court; and".

The Pirsch amendment was adopted with 19 ayes, 0 nays, 20 present and not voting, and 10 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. LABEDZ PRESIDING

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 3 nays, 6 present and not voting, and 12 excused and not voting.

Pending.

The Chair declared the call raised.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 87048

DATE: April 14, 1987

SUBJECT: Insurance Exemptions Under the Bankruptcy Laws (LB 335)

REQUESTED BY: Senator Loran Schmit
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Yvonne E. Gates, Assistant Attorney General

QUESTION: Do the personal exemptions provided by LB 335 unconstitutionally supersede the federal bankruptcy laws relative to annuities?

ANSWER: No, the State of Nebraska formally rejected the federal exemptions and elected to retain personal exemptions provided by state law.

DISCUSSION: The Federal Bankruptcy Code 11 USC §522(b)(1) provides that an individual debtor may exempt certain personal

property from the bankruptcy estate. It allows the debtor the option of choosing to use either the federal exemptions provided in the bankruptcy code §522(d) or exemptions provided by non-bankruptcy federal law or exemptions provided by state or local law unless the state law applicable to the debtor specifically does not so authorize.

Neb.Rev.Stat. §25-15,105 provides:

> The federal exemptions provided in 11 U.S.C. 522, subsection (d), are hereby rejected by the State of Nebraska. The State of Nebraska elects to retain the personal exemptions provided under Nebraska statutes and the Nebraska Constitution and to have such exemptions apply to any bankruptcy petition filed in Nebraska after April 17, 1980.

In enacting §25-15,105 the Legislature eliminated the option of using federal bankruptcy code exemptions for debtors filing bankruptcy in Nebraska. However, Nebraska debtors are still permitted to use personal exemptions provided by either state and local law or non-bankruptcy federal law. Because the rejection of Federal Bankruptcy Code §522(d) exemptions is permitted by §522(b)(1) and because the Legislature enacted §25-15,105, LB 335 does not unconstitutionally supersede the federal bankruptcy laws.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Yvonne E. Gates
Assistant Attorney General

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

Opinion No. 87049

DATE: April 15, 1987

SUBJECT: Art. IV, Section 15 of the Nebraska Constitution; On What Date Does a Bill Become Law When it is Neither Approved nor Vetoed by the Governor; What is the Effective Date of a Bill Passed With the Emergency Clause?

REQUESTED BY: Joanne M. Pepperl
Revisor of Statutes and Bill Drafter

WRITTEN BY: Robert M. Spire, Attorney General
Dale A. Comer, Assistant Attorney General

You have asked for our views concerning two separate issues regarding the date upon which a bill becomes law when it is neither approved nor vetoed by the Governor, and regarding the date upon which a bill becomes effective when it is passed with the emergency clause. We have researched the applicable law, and our opinions as to the questions which you have raised are set out below.

LB 432 was passed by the 90th Nebraska Legislature on March 20, 1987, and presented to the Governor for her action on that same date. On March 27, 1987, LB 432 was delivered to the Nebraska Secretary of State with correspondence from the Governor which indicated that she had neither vetoed nor signed the bill and that she had allowed it to become law without her signature. It is your responsibility to prepare the mat for the printing of the slip law for LB 432 which includes the following line: "Became law (date) without approval of the Governor." There has been some apparent confusion in the past concerning the date upon which a bill has become law under these circumstances. Accordingly, you first ask when LB 432 became law, and what date should be inserted for printing of the slip law.

Art. IV, Section 15 of the Nebraska Constitution provides, in pertinent part:

> Any bill which shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it; unless the Legislature by their adjournment prevent its return; in which case it shall be filed, with his objections, in the office of the Secretary of State within five days after such adjournment, or become a law.

Our Supreme Court has not addressed the issue of when the five day period set out in Art. IV, Section 15 of our Constitution begins to run and when that time period expires. However, the general rule in a number of other jurisdictions appears to be that where a certain number of days is prescribed within which the Governor of a state must either approve, veto or return a legislative bill, such days are to be computed by excluding the day on which the bill was presented to the Governor and by including the last day of the specified time period. Redmond v. Ray, 268 N.W.2d 849 (Iowa 1978); Advisory Opinion to the Governor, 131 So.2d 196 (Fla. 1961); 82 CJS Statutes, §49; 73 Am.Jur.2d Statutes, §78; 54 ALR 339. Also, the "days" within which a Governor must act on a legislative bill submitted to him, or within which the bill will become law without action on his part, are days of 24 hours each. 54 ALR 339.

Immediately upon the lapse of the time period provided for in the Constitution for the Governor to act upon a bill, the bill becomes law. State ex rel. Mass Transportation Authority v. Indiana Revenue Board, 144 In.A. 63, 242 N.E.2d 642 (1968); Ex parte Benight 53 Ocr. 293, 11 P.2d 208 (1932).

On the basis of the authority cited above, it is our conclusion that the five day period for approval or veto of a bill presented to the Governor begins on the day following presentation of the bill. The period ends at 12:00 a.m. on the fifth day thereafter, Sundays excluded. Therefore, a bill becomes law at 12:01 a.m. on the sixth day after the bill was presented to the Governor, Sundays excluded, when the Governor does not approve the bill or veto it. Under the specific circumstances which you described, LB 432 became law at 12:01 a.m. on March 27, 1987, which was the sixth day after its presentation to the Governor with Sunday, March 22 excluded from the calculation.

You also ask what is the effective date of a bill passed with the emergency clause. It is our view that the case which you cited to us, Wilson & Company, Inc. v. Otoe County et al., 140 Neb. 518, 300 N.W. 415 (1941) is dispositive of this issue. In that case, our Supreme Court stated, ". . . we conclude that where a statute provides that it shall take effect, 'from and after its passage and approval,' in computing the time when it takes effect, the day of its passage is excluded, and it goes into effect the next day." Id. at 520, 521; 300 N.W. at 417. Therefore, when a bill is passed and approved with the emergency clause, it goes into effect at 12:01 a.m. on the following day. LB 432 would therefore become effective at 12:01 a.m. on March 28, 1987. We understand that this latter opinion is consistent with your past practice.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

DAC:pa
cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 82.

Introduced by Moore, 24th District.

WHEREAS, the year of 1987 is the centennial year of the Village of Benedict, Nebraska; and

WHEREAS, Benedict was named after E.C. Benedict, the president of the railroad that was placed in Benedict in 1887; and

WHEREAS, Benedict was the site of the first Farmers Cooperative Grain Elevator in the State of Nebraska; and

WHEREAS, Benedict has begun its centennial celebration activities in this year; and

WHEREAS, the current residents deserve special recognition for the contributions that they and their ancestors have made to the state in all areas of history and culture as well as Nebraska's spirit itself; and

WHEREAS, those traditions and the heritage that made Nebraska great are still being carried on by the current residents of Benedict.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes in this centennial year to those residents of Benedict, both past and present, who have built Benedict into a successful and fine community in which to live and will continue to keep the Benedict community strong.

2. That a copy of this resolution be sent to Sanford Ratzlaff, the chairperson of the Board of Trustees of Benedict.

Laid over.

LEGISLATIVE RESOLUTION 83.

Introduced by Moore, 24th District.

WHEREAS, 1987 is the centennial year of the Village of Gresham, Nebraska; and

WHEREAS, the village was named after Walter Gresham, Secretary of State in Grover Cleveland's administration; and

WHEREAS, Gresham will be celebrating its centennial celebration with activities throughout the year; and

WHEREAS, the current residents of Gresham deserve special recognition for the contributions that they and their ancestors have made to the state in all areas well as to Nebraska's spirit itself; and

WHEREAS, those traditions and the heritage that made Nebraska great are still being carried on by the current residents of Gresham.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes in this centennial year to those residents of Gresham, both past and present, who have built Gresham into a successful and fine community in which to live and will continue to keep the Gresham community strong.

2. That a copy of this resolution be sent to Dean Avery, Chairperson of the Board of Trustees of the Village of Gresham.

Laid over.

LEGISLATIVE RESOLUTION 84.

Introduced by Moore, 24th District.

WHEREAS, the year of 1987 is the centennial year of the city of Henderson, Nebraska; and

WHEREAS, Henderson is a leader in irrigation with one of the deepest well centers in the nation; and

WHEREAS, the community was founded by David Henderson who was involved in farming which has made the area prosperous; and

WHEREAS, Henderson has begun and will continue to celebrate the centennial of its incorporation throughout the year; and

WHEREAS, the current residents of Henderson deserve special recognition for the contribution that they and their ancestors have made to the state in all areas of its history as well as its spirit itself; and

WHEREAS, those traditions and the heritage that made Nebraska great are still being carried on by the current residents of Henderson.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes in this centennial year to those residents of Henderson, both past and present, who have built Henderson into a successful and fine community in which to live and will continue to keep the Henderson community strong.

2. That a copy of this resolution be sent to Dexter Friesen, Mayor of the City of Henderson.

Laid over.

LEGISLATIVE RESOLUTION 85.

Introduced by Moore, 24th District.

WHEREAS, the year of 1987 is the centennial year of the Village of McCool Junction, Nebraska; and

WHEREAS, McCool Junction was named after Daniel McCool a railroad engineer and was one of only two railroad junctions in the state at the time; and

WHEREAS, McCool Junction will be celebrating with centennial activities throughout the year; and

WHEREAS, the current residents of McCool Junction deserve special recognition for the contributions that they and their ancestors have made to the state in all areas of the state as well as Nebraska's spirit itself; and

WHEREAS, those traditions and the heritage that made Nebraska great are still being carried on by the current residents of McCool Junction.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes in this centennial year to those residents of McCool Junction, both past and present, who have built McCool Junction into a successful and fine community in which to live and will continue to keep the McCool Junction community strong.

2. That a copy of this resolution be sent to Carol Smith and Roy Stuhr, Cochairpersons of the McCool Junction Centennial Committee.

Laid over.

LEGISLATIVE RESOLUTION 86.

Introduced by Moore, 24th District.

WHEREAS, the year of 1987 is the centennial year of the Village of Goehner, Nebraska; and

WHEREAS, the little town with a big heart was named after J. F. Goehner who was a member of the State Legislature as well as a prominent merchant in the town; and

WHEREAS, Goehner is located in the center of Seward County and is the site of the Seward County Historical Museum; and

WHEREAS, Goehner will begin its centennial celebration activities this year; and

WHEREAS, the current residents of Goehner deserve special recognition for the contributions that they and their ancestors have made to the state in all areas of their history as well as Nebraska's spirit itself; and

WHEREAS, those traditions and the heritage that made Nebraska great are still being carried on by the current residents of Goehner.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes in this centennial year to those residents of Goehner, both past and present, who have built Goehner into a successful and fine community in which to live and will continue to keep the Goehner community strong.

2. That the Legislature provide a copy of this resolution to Victor Bartlett, Mayor of Goehner.

Laid over.

LEGISLATIVE RESOLUTION 87.

Introduced by Moore, 24th District.

WHEREAS, the year of 1987 is the centennial year of the Village of Cordova, Nebraska; and

WHEREAS, Cordova is the site of a once famous opera house and a landmark windmill that was built and rebuilt in the town; and

WHEREAS, the community had survived and thrived through tornadoes and a fire that destroyed a good portion of the town; and

WHEREAS, Cordova will begin its centennial celebration activities in the month of July; and

WHEREAS, those traditions and the heritage that made Nebraska great are still being carried on by the current residents of Cordova; and

WHEREAS, the current residents of Cordova deserve special recognition for the contributions that they and their ancestors have made to all areas of the state's development and as well as to Nebraska's spirit itself.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes in this centennial year to those residents of Cordova, both past and present, who have built Cordova into a successful and fine community in which to live and will continue to keep the Cordova community strong.

2. That a copy of this resolution be sent to Jack Noler, Mayor of Cordova.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 642 in the Journal. No objections. So ordered.

AM1012

(Amendments to the Final Reading Copy)

1. On page 2, line 8, after the period insert "Such fees shall be in amounts sufficient to recover the costs incurred by the department in providing the services.".

GENERAL FILE

LEGISLATIVE BILL 536. Considered.

Mrs. Nelson renewed her pending amendment, AM0962, found in the Journal on page 1646.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

The Nelson amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 536.

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. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 12:

Baack	Conway	Labedz	Schmit	Warner
Barrett	Hall	McFarland	Smith	Wesely
Chambers	Johnson, V.			

Voting in the negative, 22:

Ashford	Harris	Lamb	Nelson	Rupp
Chizek	Hefner	Langford	Peterson	Schellpeper
Coordsen	Johnson, L.	Marsh	Pirsch	Wehrbein
Elmer	Johnson, R.	Miller	Remmers	Weihing
Goodrich	Korshoj			

Present and not voting, 6:

Hannibal	Lynch	Morehead	Pappas	Scofield
Hartnett				

Excused and not voting, 9:

Abboud	Dierks	Higgins	Moore	Withem
Beyer	Haberman	Landis	Rogers	

The Chambers motion to indefinitely postpone lost with 12 ayes, 22 nays, 6 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Messrs. Pappas and Wesely asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment:
Strike all of section 2 on pages 4, 5

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 88.

Introduced by Conway, 17th District; Hefner, 19th District; Korshoj, 16th District; Peterson, 21st District; Schellpeper, 18th District.

WHEREAS, the community of South Sioux City will be celebrating its one-hundredth anniversary on June 14, 1987; and

WHEREAS, one hundred years of pioneer spirit and courage have sustained South Sioux City through adversity, flood, and economic hardship; and

WHEREAS, that same spirit and courage have nonetheless created a vibrant, sustained, and developing community made up of people who represent the best that Nebraska's culture has to offer; and

WHEREAS, the future holds a bright promise for the citizens of this great city.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature offers its congratulations and best wishes to the citizens of South Sioux City for their past contributions and continued success.

2. That a copy of this resolution be sent to the Mayor and to the City Council of South Sioux City.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. McFarland asked unanimous consent to print the following amendment to LB 198 in the Journal. No objections. So ordered.

AM1017

(Amendments to Final Reading copy)

1. On page 1, line 2 strike "and" and insert a comma and after "23-2521," insert "and 23-2522,"; in line 6 after the semicolon insert "to provide additional powers and duties for the personnel policy board as prescribed;"; in line 7 strike "and"; and in line 8 after "sections" insert "; and to declare an emergency".

2. Insert the following new sections:

"Sec. 3. That section 23-2522, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2522. The powers and duties of the personnel policy board shall be:

(1) To review and make recommendations to the board of county commissioners on the personnel rules and regulations and any amendments thereto prior to the approval by the commissioners;

(2) To advise and assist the personnel officer on matters of personnel policy, administration and practice;

(3) To cooperate with and advise the personnel officer in fostering interest and cooperation of institutions of learning and civic, professional and employee organizations in the improvement of personnel standards and the development of high public regard for the county as an employer and for careers in the county service;

(4) To require the personnel officer to make or to make on its own initiative any investigation which it may consider necessary concerning the management of personnel in the county service;

(5) To review any grievance or case of disciplinary action of a classified service employee when appealed by such employee in accordance with approved personnel rules and regulations and issue a determination that is binding on all parties concerned;

(6) To issue subpoenas to compel the attendance of county employees as witnesses and the production of documents, and to administer oaths, take testimony, hear proofs, and receive exhibits in evidence in connection with any of the powers and duties of such board. In case of a refusal to obey a subpoena issued to any county employee, the personnel policy board on its own motion, or a party to the proceedings, may make application to the district court of Lancaster County for an enforcement order, and any failure to obey such order may be punished by such court as contempt thereof.

(7) ~~(6)~~ To make annual reports and recommendations to the board of county commissioners; and

(8) ~~(7)~~ To perform such other duties as may be expressly set forth in sections 23-2517 to 23-2533 and in the regulations adopted pursuant thereto.

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.".

3. On page 4, line 20, strike "and" and insert a comma; and in line 21 after the first comma insert "and 23-2522,".

4. Renumber the remaining section accordingly.

VISITORS

Visitors to the Chamber were 16 students and teacher from Thurman School, Bassett; 12 kindergarten and fourth grade students from Columbian Elementary, Omaha; Rod Kinning from West Point, and David Rogert and Randy Larsen from Herman; 74 students and teacher from Field School, Columbus; and Lord Mayor Gerhard Glogowski from Braunschweig, West Germany, son, Achim, an exchange student in Los Angeles, California, and interpreter, Hildegard Morgan from Washington, D.C.

MOTION - Adjournment

Mrs. Pirsch moved to adjourn. The motion prevailed with 18 ayes, 11 nays, and 20 not voting, and at 4:20 p.m., the Legislature adjourned until 9:00 a.m., Thursday, April 16, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FOURTH DAY - APRIL 16, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SIXTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 16, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett 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. Ashford, Baack, Dierks, and Haberman who were excused; and Messrs. Hall, Landis, Wesely, Mesdames Higgins, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Third Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 116 and 504.

(Signed) Scott Moore, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 87050

DATE: April 15, 1987

SUBJECT: Constitutionality of LB 184, a Bill Which Provides That State Statutes Requiring the Expenditure of State Funds Be Subject to Appropriation.

REQUESTED BY: Senator Jerome Warner
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Dale Comer, Assistant Attorney General

LB 184 provides, in its entirety: "Notwithstanding any other provision of law, any provision of law which requires, provides for, or necessitates the expenditure of state funds to enable its implementation shall be subject to appropriations by the Legislature." Certain proposed amendments to LB 184 would add the following language at the end of the bill, "except that this section shall not apply unless the appropriations bill identifies the program, service, or law for which, pursuant to this section, appropriations are not being made." You have requested our opinion as to the constitutionality of LB 184 along with the proposed amendments. Specifically, you ask whether LB 184 provides for an unconstitutional amendment or repeal of a substantive law by an appropriations bill, and you further inquire as to whether LB 184 violates Art. III, Section 14 of our state Constitution dealing with procedures for the amendment of statutes. We conclude that the provisions of LB 184 and its proposed amendments are constitutional.

The questions which you have raised concerning the constitutionality of LB 184 turn upon a determination as to whether the bill and its amendments constitute a "repeal" or an "amendment" of existing statutes. We conclude that they are neither. Rather, they appear to act in a manner more closely akin to a suspension of the existing laws. As such, they would not run afoul of the constitutional provisions you have referenced.

LB 184 and its proposed amendments do not specifically repeal any portions of the Nebraska statutes. Consequently, if that legislation effects a repeal of existing statutes, it must be by implication in the sense that a statute might become inoperative under LB 184 due to a lack of appropriations. Under Nebraska law,

such a repeal by implications is not favored. State v. Roth, 222 Neb. 119, 382 N.W.2d 348 (1986); Little Blue Natural Resources District v. Lower Platte North Natural Resources District, 206 Neb. 535, 294 N.W.2d 598 (1980). As a result, our courts will attempt to avoid a construction of LB 184 which would result in the repeal of other statutes.

Repeal generally means "to revoke", "to rescind", or "abrogate by authority." Golconda Lead Mines v. Neill, 82 Idaho 96, 350 P.2d 221 (1960). Moreover, there is a material difference between the repeal of a statute and the suspension of that statute. A repeal puts an end to the statute in question, a suspension holds it in abeyance. 82 CJS Statutes, §278.

It appears to us that LB 184 together with its proposed amendments would not revoke, rescind or put an end to any substantive statutes. Instead, by providing that statutes will not be implemented without an appropriation, the bill would simply hold implementation of a statute in abeyance. Therefore, LB 184 would result in a suspension of statutes rather than a repeal. Since, in our view, LB 184 and its proposed amendments would not result in the repeal of statutes, we do not believe that the bill provides for an unconstitutional repeal of a substantive law by an appropriations measure.

Your second question concerning the constitutionality of LB 184 and its proposed amendments involves Art. III, Section 14 of our state Constitution. That portion of our Constitution provides, in pertinent part, "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." You ask whether LB 184 and its amendments could be construed as improperly amending other statutes by implication since it would condition the implementation of other statutes upon appropriations, and since it does not enumerate any statutes so "amended."

Our Supreme Court has consistently maintained that when an act is complete and independent in itself, it may incidentally amend, modify, or have some impact upon the provisions of existing statutes without violating the provisions of our Constitution concerning amendments as set out in Art. III, Section 14. State ex rel. Douglas v. Gradwohl, 194 Neb. 745, 235, N.W.2d 854 (1975); Blackledge v. Richards, 194 Neb. 188, 231 N.W.2d 319 (1975). Furthermore, our constitutional provisions relating to amendments will receive a reasonable and liberal construction with the view of upholding the acts of the Legislature, and not unnecessarily hampering the Legislature in its work. State ex rel. Kaspar v. Lehmkuhl, 127 Neb. 812, 257 N.W. 229 (1934). In determining whether an act is complete

and independent in itself, our courts will consider whether the legislation in question is meaningless standing alone, an whether it makes changes in existing law by adding new provisions and mingling the new with the old on the same subject in such a manner as to confuse the interpretation and application of the whole legislation. State ex rel. Douglas v. Gradwohl, supra.

Under the criteria set out above, we believe that LB 184 together with its proposed amendments could be considered as complete and independent in itself since it is intelligible without reference to other legislation, and since it does not add new provisions to existing statutes or mingle new and old provisions on the same subject. If LB 184 is considered as complete in itself, it is not an amendment to other statutes, and it would not fall within the provisions of Art. III, Section 14 of the Nebraska Constitution.

Apart from the question of the independence of LB 184, we would note that an amendment to a statute is generally considered a change or an alteration of the law or of some of its provisions which continues the statute in a changed form. State ex rel. Strutz v. Baker, 71 N.D. 153, 299 N.W. 574 (1941). We do not believe that LB 184 involves a change or alteration of any of the substantive statutes upon which it might impact. Rather, as we stated earlier, we believe that LB 184 would act as a suspension of those statutes.

In sum, it is our view that LB 184 together with its proposed amendments would result in a suspension of existing statutes rather than a repeal or an amendment of those statutes. Therefore, LB 184 would not bring about an unconstitutional amendment or repeal of a substantive law by an appropriations bill. Neither would it violate Art. III, Section 14 of our Nebraska Constitution which prohibits statutory amendments which fail to state and repeal the section or sections amended.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

DAC:pa
cc: Patrick J. O'Donnell
Clerk of the Legislature

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Reengrossed Legislative Bill 683 was passed by the Ninetieth Legislature at its first session on April 1, 1987 and presented to the Governor on that day.

Further, I hereby certify that Reengrossed Legislative Bill 683 was not returned to the Legislature with a veto message but was presented to the Secretary of State on April 9, 1987 without her signature.

Further, I hereby certify that Reengrossed Legislative Bill 683 rested with the Governor for five days, Sunday excepted, and was presented to the Secretary of State, and pursuant to the Constitution has become law in like manner as if she had signed it on April 8, 1987.

Further, I hereby certify that Reengrossed Legislative Bill 683 is on file in the office of Secretary of State and is a matter of record.

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

Done at Lincoln this fourteenth day of April in the year of our Lord, one thousand nine hundred and eighty-seven.

(SEAL) Allen J. Beermann, Secretary of State

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Coordsen asked unanimous consent to have his name added as co-introducer to LB 561. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 81. Read. Considered.

LR 81 was adopted with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

MOTION - Return LB 324 to Select File

Mr. Schmit moved to return LB 324 to Select File for his specific amendment, AM0911, found in the Journal on page 1660.

The Schmit motion to return prevailed with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 324. The Schmit specific amendment, AM0911, found in the Journal on page 1660 was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 453 to Select File

Mr. Remmers moved to return LB 453 to Select File for his specific amendment, AM0987, found in the Journal on page 1685.

The Remmers motion to return prevailed with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 453. The Remmers specific amendment, AM0987, found in the Journal on page 1685 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.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 479.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1474.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certain political material 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	Goodrich	Johnson, V.	Miller	Schellpeper
Barrett	Hall	Korshoj	Morehead	Schmit
Beyer	Hannibal	Labedz	Nelson	Scofield
Chambers	Harris	Lamb	Pappas	Smith
Chizek	Hartnett	Langford	Peterson	Warner
Conway	Hefner	Lynch	Remmers	Wehrbein
Coordsen	Johnson, L.	Marsh	Rogers	Weihing
Elmer	Johnson, R.	McFarland	Rupp	Withem

Voting in the negative, 0.

Present and not voting, 1:

Moore

Excused and not voting, 8:

Ashford	Dierks	Higgins	Pirsch	Wesely
Baack	Haberman	Landis		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 300.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-412, Reissue Revised Statutes of Nebraska, 1943, and section 60-403, Revised Statutes Supplement, 1986; to provide for the furnishing and use of certain information as prescribed; to change and provide powers and duties; 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	Elmer	Johnson, L.	Lynch	Pappas
Barrett	Goodrich	Johnson, V.	Marsh	Peterson
Beyer	Hall	Korshoj	McFarland	Remmers
Chizek	Hannibal	Labedz	Miller	Rogers
Conway	Harris	Lamb	Morehead	Rupp
Coordsen	Hefner	Langford	Nelson	Schellpeper

Schmit	Smith	Wehrbein	Weihing	Wesely
Scofield	Warner			

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Hartnett	Johnson, R.	Moore	Withem

Excused and not voting, 7:

Ashford	Dierks	Higgins	Landis	Pirsch
Baack	Haberman			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION

LEGISLATIVE RESOLUTION 89.

Introduced by Warner, 25th District.

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 479 and 300.

SELECT FILE

LEGISLATIVE BILL 773. The pending McFarland amendment, AM0909, found in the Journal on page 1699 was renewed.

Mr. Wesely offered the following amendment to the pending McFarland amendment:

On line 11, after "twenty-one" insert "and one-half."

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 675. Mr. Ashford moved to indefinitely postpone.

Laid over.

SELECT FILE

LEGISLATIVE BILL 773. E & R amendments, AM5186, found in the Journal on page 1653 for the Sixty-First Day were adopted.

Mrs. Langford renewed her pending amendment, AM0944, found in the Journal on page 1620.

Mr. Schellpeper asked unanimous consent to be excused. No objections. So ordered.

The Langford amendment lost with 8 ayes, 15 nays, 18 present and not voting, and 8 excused and not voting.

Mr. V. Johnson renewed his pending amendment, AM0980, found in the Journal on page 1682.

The V. Johnson amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. McFarland renewed his pending amendment, AM0909, found in the Journal on page 1699.

Mr. Warner 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: 479 and 300.

SELECT FILE

LEGISLATIVE BILL 773. The pending McFarland amendment, AM0909, found in the Journal on page 1699 was renewed.

Mr. Wesely offered the following amendment to the pending McFarland amendment:

On line 11, after "twenty-one" insert "and one-half."

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 81.

SELECT FILE

LEGISLATIVE BILL 773. The pending Wesely amendment to the pending McFarland amendment was renewed.

The Wesely amendment lost with 13 ayes, 16 nays, 11 present and not voting, and 9 excused and not voting.

Mrs. Langford 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. McFarland moved for a call of the house. The motion prevailed with 15 ayes, 3 nays, and 31 not voting.

Mr. McFarland requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Chambers	Korshoj	Schmit	Scofield	Wesely
Johnson, R.	McFarland			

Voting in the negative, 31:

Abboud	Goodrich	Johnson, V.	Miller	Remmers
Barrett	Hannibal	Labedz	Moore	Rogers
Beyer	Harris	Lamb	Nelson	Rupp
Chizek	Hartnett	Landis	Pappas	Smith
Conway	Hefner	Langford	Peterson	Weihing
Coordsen	Johnson, L.	Marsh	Pirsch	Withem
Elmer				

Present and not voting, 2:

Hall Lynch

Excused and not voting, 9:

Ashford	Dierks	Higgins	Schellpeper	Wehrbein
Baack	Haberman	Morehead	Warner	

The McFarland amendment lost with 7 ayes, 31 nays, 2 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Wesely offered the following amendment:
AM1015

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 77-2701.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2701.01. Pursuant to section 77-2715.01, the rate of the income tax levied pursuant to section 77-2715 shall be nineteen per cent. For ~~, except that for~~ taxable years beginning or deemed to begin on or after January 1, ~~1985~~ 1987, ~~and on or before December 31, 1985, the rate shall be twenty per cent~~ any adjustments to such rate shall be made to reflect any changes in the consumer price index.

Sec. 2. That original section 77-2701.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Messrs. Miller, Schmit, and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely withdrew his pending amendment.

Mr. Hall offered the following amendment:

In the Committee Amendments:

1. On page 2 lines 1 through 3, strike amendment 6 and renumber remaining amendments.

2. On page 3, line 22 strike "fifteen-hundreths" and insert "one-tenth"

In the bill itself:

1. On page 13, line 9, strike "1.77" and insert "1.9"

Mrs. Nelson 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. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Abboud moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Abboud	Goodrich	Labedz	Nelson	Schmit
Chambers	Hall	Lynch	Pappas	Smith
Chizek	Johnson, R.	Moore	Pirsch	Wesely
Coordsen	Korshoj	Morehead	Rupp	Withem

Voting in the negative, 16:

Barrett	Hannibal	Johnson, L.	Langford	Remmers
Beyer	Hartnett	Johnson, V.	Marsh	Rogers
Conway	Hefner	Landis	Peterson	Weihing
Elmer				

Present and not voting, 2:

McFarland Scofield

Absent and not voting, 1:

Lamb

Excused and not voting, 10:

Ashford	Dierks	Harris	Miller	Warner
Baack	Haberman	Higgins	Schellpeper	Wehrbein

The Hall amendment lost with 20 ayes, 16 nays, 2 present and not voting, 1 absent and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Hall offered the following amendment:

On page 18, Line 11, strike "one" and insert "two" and strike beginning with "For" in line 13 through the period in line 17.

Mrs. Labedz asked unanimous consent to be excused. 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.

MR. LAMB PRESIDING

The Hall amendment lost with 7 ayes, 18 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Hartnett 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. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Beyer	Conway	Goodrich	Hartnett	Johnson, L.
Chizek	Elmer	Hannibal	Hefner	Johnson, V.

Lamb	Marsh	Pappas	Remmers	Smith
Langford	Miller	Peterson	Rogers	Weihing
Lynch	Nelson	Pirsch	Rupp	Withem

Voting in the negative, 8:

Abboud	Johnson, R.	McFarland	Scofield	Wesely
Chambers	Korshoj	Morehead		

Present and not voting, 5:

Barrett	Coordsen	Hall	Landis	Moore

Excused and not voting, 11:

Ashford	Haberman	Higgins	Schellpeper	Warner
Baack	Harris	Labedz	Schmit	Wehrbein
Dierks				

Advanced to E & R for Engrossment with 25 ayes, 8 nays, 5 present and not voting, and 11 excused and not voting.

ANNOUNCEMENT

Mrs. Labedz announced the Executive Board will meet at 1:00 p.m. on Wednesday, April 22, in Room 2102.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 16, 1987, at 10:57 a.m., were the following bills: 300 and 479.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LB 741 in the Journal. No objections. So ordered.

AM1003

1. Insert the following new section:

"Sec. 3. After consulting with the Department of Economic Development, the Department of Roads shall post at least three signs promoting historical state

tourism events on the National System of Interstate and Defense Highways at the border of the State of Nebraska and any other state. Such signs shall include the mileage from such sign to the site of such historical state tourism event. Such signs shall be funded by the Department of Roads.".

2. Renumber the remaining section accordingly.

Mr. Pappas asked unanimous consent to print the following amendment to LB 561 in the Journal. No objections. So ordered.

AM0990

1. Insert the following new section:

"Sec. 5. The Cooperative Extension Service of the University of Nebraska shall employ one person who has experience and knowledge in the area of aquaculture as defined in section 4 of this act.".

2. Renumber the remaining section accordingly.

Messrs. Remmers and Peterson asked unanimous consent to print the following amendment to LB 442 in the Journal. No objections. So ordered.

AM1011

1. Insert the following new sections:

"Sec. 2. That section 71-5108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5108. ~~On and after July 1, 1976, no~~ No ambulance shall be licensed to transport any patient upon any street, road, highway, or public way in the State of Nebraska unless such ambulance, when so transporting patients, is occupied by at least one certified ambulance attendant. Such requirement shall be met if any of the individuals providing the service is a licensed physician, ~~or~~ registered nurse, or licensed practical nurse as specified in section 3 of this act rather than a certified ambulance attendant.

Sec. 3. A licensed practical nurse may satisfy the requirements of section 71-5108 for the routine, nonemergency transporting of a patient from one licensed health care facility to another licensed health

care facility under the direction of a licensed physician and under a written protocol. Such a written protocol shall provide for the supervision of the licensed practical nurse by a licensed physician or a licensed registered nurse through appropriate radio or other electronic communication devices. For purposes of this section, a licensed health care facility shall mean any facility licensed pursuant to sections 71-2017 to 71-2029.".

2. On page 3, line 16, strike "section 71-5102" and insert "sections 71-5102 and 71-5108"; and in line 17 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

Mr. Chambers asked unanimous consent to print the following amendment to LB 757A in the Journal. No objections. So ordered.

AM0999

1. Strike the original section and insert the following new section:

"Section 1. There is hereby appropriated (1) $200,000 from the General Fund and $100,000 from the Sports Pool Operators Fund for the period July 1, 1987, to June 30, 1988, and (2) $220,000 from the Sports Pool Operators Fund for the period July 1, 1988, to June 30, 1989, to the Department of Revenue, for Program 504, to aid in carrying out the provisions of Legislative Bill 757, Ninetieth Legislature, First Session, 1987.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $144,000 for the period July 1, 1987, to June 30, 1988, nor $148,000 for the period July 1, 1988, to June 30, 1989.".

Mr. Peterson asked unanimous consent to print the following amendment to LB 442 in the Journal. No objections. So ordered.

AM0982

1. Insert the following new section:

"Sec. 2. That section 71-5111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5111. No certified ambulance attendant who

provides public emergency care or rescue service shall be liable in any civil action to respond in damages as a result of his or her acts of commission or omission arising out of and in the course of his or her rendering in good faith any such service. Nothing in this section shall be deemed to grant any such immunity for liability arising out of the operation of any motor vehicle, aircraft, or boat caused by such attendant or while he or she was impaired by alcoholic liquor or any controlled substance enumerated in section 28-405, in connection with such service, nor shall immunity apply to any person causing damage or injury by his or her willful, wanton, or grossly negligent act of commission or omission.".

2. On page 3, line 16, strike "section 71-5102" and insert "sections 71-5102 and 71-5111"; and in line 17 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 773A. Title read. Considered.

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. McFarland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

Advanced to E & R for Review with 26 ayes, 6 nays, 6 present and not voting, and 11 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 95 in the Journal. No objections. So ordered.

AM1019
(Amendments to Standing Committee amendments, AM0757)

1. On page 1, line 3, after the quotation marks insert "; in line 21 strike 'and' and insert an underscored comma; and in line 23 after 'employment'

insert ', and (3) the serving area of a bar is not a place of employment' "; and in line 4 after the first comma insert "line 5, strike 'Arrange' and insert 'Except in bars and restaurants having a serving area of less than twelve hundred square feet, arrange'; in line 7 after 'smoking' insert 'in nonsmoking areas';".

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 775. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0968.)

(Signed) Vard R. Johnson, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 80, 114, and 398.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 114

The following changes, required to be reported for publication in the Journal, have been made:
ER0173
1. On page 20, line 19, "license" has been struck and "permit" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 736. Title read. Considered.

Standing Committee amendment, AM0659, found in the Journal on page 1462 for the Fifty-Fourth Day was considered.

Ms. Scofield offered the following amendment to the Standing Committee amendment:

Page 2, lines 5 through 7 delete. Page 3, line 2 delete "Columbus, Fairbury, and McCook or such other sites as determined in consultation with the Small Business Division". Insert "and such other communities as the Small Business Division shall determine based on the applications of communities desiring to be the location of a small business development center. In determining the location of small business development centers, the Small Business Division shall consider several factors, including, but not limited to: (a) Preexisting small business development centers; (b) geographic accessibility; and (c) existing resources such as building space and office equipment or the willingness of a community to provide some or all of those resources. The Small Business Division shall prescribe the form of the application for location of a small business development center and take all actions necessary in the processing of such applications."

SPEAKER BARRETT PRESIDING

The Scofield amendment was adopted with 18 ayes, 0 nays, 18 present and not voting, and 13 excused and not voting.

The Standing Committee amendment, as amended, 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.

SELECT FILE

LEGISLATIVE BILL 777. E & R amendments, AM5181, found in the Journal on page 1549 for the Fifty-Seventh Day were adopted.

Mr. Hall renewed his pending amendment, AM0905, found in the Journal on page 1556.

The Hall amendment was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 42A. E & R amendments, AM5148, found in the Journal on page 1374 for the Fifty-Second Day were adopted.

Mrs. Smith renewed her pending amendment, AM0930, found in the Journal on page 1634.

The Smith amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 603A. Mr. Chizek renewed his pending amendment, AM0872, found in the Journal on page 1511.

The Chizek amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 363. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused Tuesday, April 21, 1987 through Thursday, April 23, 1987. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 87052

DATE: April 16, 1987

SUBJECT: Constitutionality of LB 642; Constitutionality of the Delegation of Legislative Authority in Establishing Administrative Fees

REQUESTED BY: Senator Don Wesely
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General

Dale A. Comer, Assistant Attorney General

You have requested our opinion as to the constitutionality of LB 642. That bill would replace those portions of Neb.Rev.Stat. §8-602 which set out specific fees for services rendered by the Department of Banking and Finance with language which states, "The Director of Banking and Finance shall charge and collect fees for services rendered by the Department of Banking and Finance in amounts as provided by the Director by rules and regulations." You inquire as to whether this is an unconstitutional delegation of legislative authority in establishing administrative fees.

In several previous instances, this office has indicated that an administrative agency may not be allowed to set administrative fees without sufficient standards or guidelines from the Legislature concerning the determination of the amount of those fees. Opinion of the Attorney General No. 201, February 19, 1982; Opinion of the Attorney General No. 134, August 12, 1981; Report of the Attorney General, 1975-1976, No. 10 at 11; Report of the Attorney General, 1971-1972, No. 134 at 305. These opinions are all based, at least in part, upon the notion that any grant of authority to an administrative agency by the Legislature must be administered in accordance with adequate standards and guidelines prescribed in the legislative act. Gillette Dairy, Inc. v. Nebraska Dairy Products Board, 192 Neb. 89, 219 N.W.2d 214 (1974); School District No. 39 of Washington County v. Decker, 159 Neb. 693, 68 N.W.2d 354 (1955).

It appears to us that LB 642 establishes no guidelines whatsoever for the determination of fees by the Director of Banking and Finance. Indeed, the bill does not even require those fees to be "reasonable" or "appropriate." As a result, it is our view that LB 642 involves an unconstitutional delegation of legislative authority since it does not contain adequate guidelines and standards for the determination of service fees by the Director of Banking and Finance.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

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

VISITORS

Visitors to the Chamber were a group of Young Republicans from Washington County; Jack and L. J. Eberle from David City; 55 fourth grade students and teacher from Jefferson Elementary, Grand Island; 50 students and teachers from Lincoln Elementary, Beatrice; Judy and Ed Schrock from Holdrege; and 12 fourth and fifth grade students and teacher from Lockwood Elementary, Grand Island.

ADJOURNMENT

At 1:23 p.m., on a motion by Mrs. Marsh, the Legislature adjourned until 9:00 a.m., Tuesday, April 21, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FIFTH DAY - APRIL 21, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SIXTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 21, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett 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. Rupp, Mesdames Langford, Marsh, and Smith who were excused; and Messrs. Abboud, Dierks, Haberman, Hall, Hannibal, R. Johnson, V. Johnson, Korshoj, Landis, Schmit, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Fourth Day was approved.

MESSAGES FROM THE GOVERNOR

April 17, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 368, 446, 55, 203, 211, 250, 319, 538, 575, 575A, 608, 615, and 776 were received in my office on April 14, 1987.

These bills were signed by me on April 17, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 17, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 479 and 300 were received in my office on April 16, 1987.

These bills were signed by me on April 17, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

ATTORNEY GENERAL'S OPINIONS

Opinion No. 87051

DATE: April 15, 1987

SUBJECT: Constitutionality of LB 775 - Employment and Investment Growth Act

REQUESTED BY: Senator Vard R. Johnson
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion on two questions pertaining to the constitutionality of a portion of LB 775, the Employment and Investment Growth Act. Your initial question concerns whether Section 6(3) of LB 775, which provides that "All personal property used by a qualified taxpayer in connection with a qualified project . . . shall constitute a separate class of personal property", violates either the uniformity requirement in Art. VIII, Section 1, of the Nebraska Constitution, or the prohibition against unreasonable class legislation contained in Art. III, Section 18, of the Nebraska Constitution.

Art. 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. . . ." With respect to the taxation of personal property, Art. VIII, Section 2, of the Nebraska Constitution, provides: "The Legislature may classify personal property in such manner as it sees fit, and may exempt any of such classes, or may exempt all personal property from taxation."

In Stahmer v. State, 192 Neb. 63, 218 N.W.2d 893 (1974), the Nebraska Supreme Court addressed the scope of the Legislature's authority to classify or exempt personal property from taxation under Art. VIII, Section 2. The plaintiffs in Stahmer challenged exemptions granted by the Legislature pertaining to personal property used in agricultural production, the products thereof, and business inventories, contending, in part, that the statutes violated Art. III, Section 18, prohibiting unreasonable class legislation, and Art. VIII, Section 1, requiring uniform taxation. In rejecting these contentions, the Court stated:

> The 1970 amendment of Art. VIII, Section 2, to provide "The Legislature may classify personal property in such manner as it sees fit, and may exempt any of such classes, or may exempt all personal property from taxation" specifically confers broad authority on the Legislature to classify and exempt personal property from taxation. (Emphasis supplied.) The amended portion of Article VIII, Section 2, represents a special constitutional provision adopted later than, and with full knowledge of, the constitutional provisions relied on by plaintiffs. Within the plain ambit of its meaning and purpose it stands supreme and effectively negates plaintiffs' contentions, with the possible exception of the one dealing with the reasonableness of the classifications exempted.
> * * *
>
> In view of the recent amendment of Art. VIII, Section 2, Constitution, it is doubtful if the statutes are subject to challenge

as violating Art. III, Section 18, dealing with special laws, or Art. VIII, Section 1, requiring uniform taxation. In any event, we do not find the classifications set forth in the act to be unreasonable. "Ability to bear the burden of the tax is everywhere recognized as a reasonable ground on which to base a classification in tax measures. Classification for tax purposes may be based on the manner of conducting business, and business conducted in one manner may be taxed differently from business conducted in another manner. The purpose for which property is kept or used has long been a recognized, if not a favorite, basis for distinction in taxation. The view has also been taken that reasonable discrimination with respect to tax matters to promote fair competitive conditions, equalize economic advantages, or encourage particular industries from consideration of public policy is lawful." 51 Am.Jur., Taxation, Section 182, p. 242. This court has held that: "It is competent for the Legislature to classify for purposes of legislation, if the classification rests on some reason of public policy, some substantial difference of situation or circumstance, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified." Shear v. County Board of Commissioners, 187 Neb. 849, 195 N.W.2d 151.

Id. at 67-68, 218 N.W.2d at 896.

Based on the foregoing, we believe the creation of a separate class of personal property under Section 6(3) of LB 775, consisting of personal property used by qualified taxpayers in qualified projects under the terms of the Act, would not constitute unreasonable class legislation under Art. III, Section 18, and would not violate the uniformity provision of Art. VIII, Section 1. In this regard, we note that Section 2 of the bill evinces an intent

> . . . to make revisions in Nebraska's tax structure in order to promote the general health, safety, and welfare of the people of the State of Nebraska by encouraging new businesses to relocate in Nebraska, retaining existing businesses and aiding in their expansion, promoting the creation and retention of new jobs in Nebraska, and attracting and retaining investment capital in the State of Nebraska.

These certainly constitute legitimate legislative purposes, and we cannot conclude that the separate classification for exemption purposes of personal property used in qualified projects under the Act is unconstitutionally unreasonable. In our view, the separate classification for purposes of exemption of such personal property is constitutional, since it bears a reasonable relation to the legitimate

purposes of the Act relating to the encouragement of new jobs and investment in the state.

Your second question concerns whether Section 6(3) of LB 775, which provides that "Any county board may determine that all personal property within such class and located within the county shall be exempt from the tax on personal property for a period of 15 years", constitutes an unlawful delegation of legislative authority to county boards, or results in a violation of the uniformity requirement of Art. VIII, Section 1, of the Nebraska Constitution.

While the Nebraska Supreme Court has not had occasion to discuss the authority of the Legislature to delegate its exemption powers under Art. VIII, Section 2, the Court has, in several instances, upheld the constitutionality of statutes wherein the Legislature has delegated its powers to a subordinate agency or body. In each instance, however, the Court has held that, in order for the Legislature to validly delegate legislative powers to others, the Legislature must provide reasonable limitations and standards regarding the manner in which the power delegated is to be exercised. E.g., In re 1969-70 County Tax Levy, 186 Neb. 752, 186 N.W.2d 729 (1971); Williams v. Buffalo County, 181 Neb. 233, 147 N.W.2d 776 (1967); DeJonge v. School District of Bloomington, 179 Neb. 539, 139 N.W.2d 246 (1966).

In our view, an examination of Section 6(3) of LB 775 reveals no standards or limitations are provided regarding the decision by a county board to exempt personal property in the county within the class established under this subsection. Indeed, the bill appears to grant the county board sole and unfettered discretion as to whether or not such property will be exempted from taxation. We believe this provision could result in potentially arbitrary application of the exemption provided, and, given the absence of any standards or guidance regarding the implementation or granting of the exemption, the provision would likely be held to be an unconstitutional delegation of the Legislature's exemption powers granted under Art. VIII, Section 2.

An additional concern arising as a result of granting each county board the authority to determine whether or not to grant the exemption authorized under Section 6(3) is the potential for unequal treatment with respect to taxpayers in overlapping tax districts. Under the present version of the bill, the tax status of property within the class created would be subject entirely to the discretion and determination of each individual county. In the case of an overlapping tax district, lying in two or more counties, one of which had granted the exemption, and the other of which had not, the result would be unequal treatment of taxpayers with regard to such class

of property within the taxing district. We believe this possibility presents a potential violation of the requirement of uniform and proportionate treatment within the class of property created under Section 6(3), as mandated by Art. VIII, Section 1, of the Nebraska Constitution.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

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

Opinion No. 87053

DATE: April 14, 1987

SUBJECT: Receiver for Commonwealth

REQUESTED BY: Senator David Landis

WRITTEN BY: Robert M. Spire, Attorney General
LeRoy W. Sievers, Assistant Attorney General

QUESTION: Whether a valid law could be enacted that would remove the State Banking Department as receiver to Commonwealth and provide for a new receiver to be selected by a vote of the creditors of the institution?

CONCLUSION: No.

QUESTION: Whether such an amendment would be germane to LB 113?

CONCLUSION: It is not necessary to answer this question based upon the answer to question number 1.

Article III, Section 18 of the Constitution of the State of Nebraska provides in part as follows:

> The Legislature shall not pass local or special laws in any of the following cases, that is to say:
>
> . . .

> Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever. . . . In all other cases where a general law can be made applicable, no special law shall be enacted.

Some understanding of this prohibition against special legislation can be gained by reference to case law interpreting this section. In that regard in Campbell v. City of Lincoln, 182 Neb. 459, 155 N.W.2d 444 (1968), the Nebraska Supreme Court interpreting the prohibition contained in this section relative to legislation applicable to cities said:

> The classification must be such that it can readily apply to other cities which might come into the class. . . . 'A valid classification of cities for purposes of legislation must admit of additions to it. It must not be so constituted as to preclude addition to the numbers included within it.'

Id. at 462. Thus, by analogy in order for the proposed legislation to not be in violation of the prohibition contained within the Constitution against special legislation, the classification must admit additions to it.

The legislation that you propose is simply directed at the removal of the State Department of Banking and Finance as receiver in the Commonwealth proceeding. It does not by its terms provide for additions to the class. As a result, it would constitute special legislation. For that reason, the proposed amendment appears to be unconstitutional.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) LeRoy W. Sievers
Assistant Attorney General

LWS:kmw
cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 89. Read. Considered.

LR 89 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 345. With Emergency.

A BILL FOR AN ACT relating to public power districts; to amend section 70-625, Reissue Revised Statutes of Nebraska, 1943; to provide public power districts with additional powers relating to telecommunications; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Ashford	Elmer	Higgins	Moore	Schellpeper
Baack	Goodrich	Johnson, L.	Morehead	Schmit
Barrett	Haberman	Labedz	Nelson	Scofield
Beyer	Hall	Lamb	Pappas	Warner
Chambers	Hannibal	Landis	Peterson	Wehrbein
Chizek	Harris	Lynch	Pirsch	Weihing
Conway	Hartnett	McFarland	Remmers	Wesely
Coordsen	Hefner	Miller	Rogers	Withem

Voting in the negative, 0.

Excused and not voting, 9:

Abboud	Johnson, R.	Korshoj	Marsh	Smith
Dierks	Johnson, V.	Langford	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 430 to Select File

Mr. Warner moved to return LB 430 to Select File for the following Warner - Lamb - Hefner - Wehrbein - Beyer - Peterson - Wesely specific amendment:
AM0984

(Amendments to Final Reading Copy)

1. On page 1, line 2, strike "39-662.02,"; in line 5 strike "change" and insert "eliminate"; and in

line 8 after "sections" insert ", and also section 39-662.02, Reissue Revised Statutes of Nebraska, 1943".

2. Strike original section 2.

3. On page 13, strike beginning with "(i)" in line 11 through "(ii)" in line 15 and show the old matter as stricken.

4. On page 14, strike beginning with "except" in line 2 through line 4, show the old matter as stricken, and insert an underscored semicolon.

5. On page 15, line 4, strike "39-662.02,"; and in line 5 after the second comma insert "and also section 39-662.02, Reissue Revised Statutes of Nebraska, 1943,".

6. Renumber the remaining sections accordingly.

Mr. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 10 nays, and 12 not voting.

The Warner motion to return prevailed with 29 ayes, 10 nays, 5 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 430. The Warner et al. specific amendment, AM0984, found in this day's Journal was considered.

Mr. Elmer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Mrs. Higgins requested a roll call vote on the Warner et al. amendment.

Voting in the affirmative, 32:

Abboud	Coordsen	Hannibal	Johnson, R.	Lynch
Ashford	Dierks	Harris	Korshoj	McFarland
Barrett	Elmer	Hefner	Lamb	Miller
Beyer	Goodrich	Johnson, L.	Landis	Moore

Morehead	Remmers	Scofield	Wehrbein	Wesely
Nelson	Rogers	Warner	Weihing	Withem
Peterson	Schellpeper			

Voting in the negative, 9:

Baack	Chizek	Hall	Labedz	Schmit
Chambers	Conway	Higgins	Pappas	

Present and not voting, 3:

Haberman	Hartnett	Pirsch

Excused and not voting, 5:

Johnson, V.	Langford	Marsh	Rupp	Smith

The Warner et al. amendment was adopted with 32 ayes, 9 nays, 3 present and not voting, and 5 excused and not voting.

Mr. Lamb 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 roll call vote on the advancement of the bill.

Voting in the affirmative, 36:

Abboud	Haberman	Johnson, R.	Miller	Rogers
Barrett	Hall	Korshoj	Moore	Schellpeper
Beyer	Hannibal	Labedz	Morehead	Scofield
Chizek	Harris	Lamb	Nelson	Warner
Coordsen	Hartnett	Landis	Peterson	Wehrbein
Dierks	Hefner	Lynch	Pirsch	Weihing
Elmer	Johnson, L.	McFarland	Remmers	Withem
Goodrich				

Voting in the negative, 7:

Baack	Conway	Pappas	Schmit	Wesely
Chambers	Higgins			

Present and not voting, 1:

Ashford

Excused and not voting, 5:

Johnson, V.	Langford	Marsh	Rupp	Smith

Advanced to E & R for Re-Engrossment with 36 ayes, 7 nays, 1 present and not voting, and 5 excused and not voting.

MOTION - Return LB 430 to Select File

Mr. Chambers moved to return LB 430 to Select File for the following specific amendment:
Strike the enacting clause.

Messrs. Schmit and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lamb 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. Chambers requested a record vote on his motion to return.

Voting in the affirmative, 7:

Baack	Chizek	Higgins	Pappas	Wesely
Chambers	Conway			

Voting in the negative, 30:

Abboud	Elmer	Johnson, R.	Morehead	Schellpeper
Ashford	Goodrich	Lamb	Nelson	Scofield
Barrett	Hannibal	Landis	Peterson	Warner
Beyer	Harris	McFarland	Pirsch	Wehrbein
Coordsen	Hefner	Miller	Remmers	Weihing
Dierks	Johnson, L.	Moore	Rogers	Withem

Present and not voting, 5:

Hall	Hartnett	Korshoj	Labedz	Lynch

Excused and not voting, 7:

Haberman	Langford	Rupp	Schmit	Smith
Johnson, V.	Marsh			

The Chambers motion to return lost with 7 ayes, 30 nays, 5 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.

MOTION - Bracket LB 430

Mr. Chambers moved to bracket LB 430 until May 31.

Mr. Chambers requested a record vote on his motion to bracket.

Voting in the affirmative, 5:

Baack	Chambers	Higgins	Pappas	Wesely

Voting in the negative, 26:

Abboud	Elmer	Hefner	Nelson	Scofield
Barrett	Goodrich	Johnson, L.	Peterson	Warner
Beyer	Hall	McFarland	Pirsch	Wehrbein
Chizek	Hannibal	Miller	Remmers	Weihing
Coordsen	Harris	Moore	Rogers	Withem
Dierks				

Present and not voting, 10:

Ashford	Johnson, R.	Labedz	Landis	Morehead
Hartnett	Korshoj	Lamb	Lynch	Schellpeper

Excused and not voting, 8:

Conway	Johnson, V.	Marsh	Schmit	Smith
Haberman	Langford	Rupp		

The Chambers motion to bracket lost with 5 ayes, 26 nays, 10 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 455.

A BILL FOR AN ACT relating to technical community colleges; to amend section 79-2650.07, Revised Statutes Supplement, 1986; to change a provision relating to a tax levy for capital construction 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, 36:

Abboud	Dierks	Hefner	McFarland	Schellpeper
Ashford	Elmer	Higgins	Miller	Scofield
Baack	Goodrich	Johnson, L.	Moore	Warner
Barrett	Hall	Korshoj	Nelson	Wehrbein
Beyer	Hannibal	Labedz	Peterson	Weihing
Chambers	Harris	Lamb	Pirsch	Wesely
Chizek	Hartnett	Lynch	Remmers	Withem
Coordsen				

Voting in the negative, 1:

Pappas

Present and not voting, 4:

Johnson, R.	Landis	Morehead	Rogers

Excused and not voting, 8:

Conway	Johnson, V.	Marsh	Schmit	Smith
Haberman	Langford	Rupp		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 601.

A BILL FOR AN ACT relating to county courts; to amend sections 72-240.14, 76-706, 76-710, 76-711, 76-712, 76-715.01, 76-723, and

77-2019, Reissue Revised Statutes of Nebraska, 1943, and section 24-519, Revised Statutes Supplement, 1986; to change requirements for issuance of certain warrants by clerk magistrates; to provide powers to clerk magistrates relating to garnishment proceedings and the appointment of certain appraisers; to change certain condemnation 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, 42:

Abboud	Elmer	Johnson, R.	Miller	Schellpeper
Ashford	Goodrich	Johnson, V.	Moore	Schmit
Baack	Hall	Korshoj	Nelson	Scofield
Barrett	Hannibal	Labedz	Pappas	Warner
Beyer	Harris	Lamb	Peterson	Wehrbein
Chambers	Hartnett	Landis	Pirsch	Weihing
Chizek	Hefner	Lynch	Remmers	Wesely
Coordsen	Higgins	McFarland	Rogers	Withem
Dierks	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 1:

Morehead

Excused and not voting, 6:

Conway	Langford	Marsh	Rupp	Smith
Haberman				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 138. Placed on Select File as amended.
E & R amendments to LB 138:
AM5193
1 1. In the Lamb amendment, AM0599, adopted

April 15, 1987, on page 1, insert an underscored comma in line 5 after "appropriate", in line 7 after "hearing", and in line 12 after "performed".

2. In the Standing Committee amendments, AM0444, adopted April 15, 1987:

a. On page 1, line 4, strike "Department of Agriculture" and insert "director"; in line 8 strike "through 25" and insert "and 24; in line 25 reinstate 'approval of the county board' and after the reinstated 'board' insert an underscored period"; strike line 10 and insert "beginning with 'Prior' in line 1 through line 2; in line 2 after the reinstated 'board' insert an underscored comma; reinstate beginning with 'shall' in line 3 through 'request' in line 9; in line 9 after the reinstated 'request' insert '. If'; reinstate beginning with 'approval' in line 9 through 'the' in line 10; and reinstate beginning with 'control' in line 10 through line 12."; in line 17 strike the underscored period; and in line 20 after "weed" insert "control"; and

b. On page 2, line 3, after "on" insert "the"; in line 10 strike "Director of Agriculture" and insert "director".

3. On page 1, strike beginning with "eliminate" in line 4 through "in" in line 5 and insert "define and redefine terms; to change provisions relating to".

4. On page 2, line 25; page 7, line 6; page 9, line 17; page 10, line 21; page 11, line 5; page 12, lines 5 and 16; page 13, line 16; page 18, line 2; page 21, line 16; page 23, lines 14 and 24; page 24, line 14; and page 25, line 9, after "2-963" insert "and section 5 of this act".

5. On page 3, line 18, strike "and"; and in line 22 before the period insert "; and

(6) Director shall mean the Director of Agriculture or his or her designated representative" and before "The" insert paragraphing.

6. On page 6, line 18, after "to" insert "the".

7. On page 7, line 8, after "in" insert "such" and strike "2-952 to", show as stricken, and insert an underscored period; in line 14 strike "2-963."; in line 19 after "out" insert "such" and strike "2-952", show as stricken, and insert an

underscored period; in line 20 strike "to" and "2-963." and show the old matter as stricken; in line 21 strike "covered in the", show as stricken, and insert "defined as"; and in line 22 strike "weed list", show as stricken, and insert "in section 2-953".

8. On page 8, line 13, strike the comma and insert ": With"; and in line 23 strike "with" and show as stricken.

9. On page 11, line 13, after "employment" insert an underscored comma and strike the comma and show as stricken.

10. On page 12, line 8, after "shall" insert ": Compile"; and in line 9 strike "compile" and show as stricken.

11. On page 13, line 11, strike the comma, show as stricken, and insert an underscored semicolon.

12. On page 15, at the end of line 13 insert "Dated"; and at the end of line 14 insert ".....".

13. On page 16, at the end of line 24 insert "Dated".

14. On page 17, line 19, after "section" insert an underscored comma.

15. On page 18, line 23, after "If" insert an underscored comma.

16. On page 20, line 16, strike the comma and show as stricken and after "and" insert "shall".

17. On page 21, line 12, after "which" insert "fund"; and in line 25 after "year" insert an underscored comma.

18. On page 24, line 14, strike the comma and show as stricken.

19. On page 25, line 8, strike "county weed" and show as stricken; in line 11 strike "county" and show as stricken; and in line 12 strike "weed".

LEGISLATIVE BILL 529A. Placed on Select File.

LEGISLATIVE BILL 312. Placed on Select File as amended.
E & R amendment to LB 312:
AM5194

1. In the Standing Committee amendments, AM0740, adopted April 15, 1987:

a. On page 2, line 1; and page 3, line 5, strike the comma;

b. On page 4, line 7, after "the" insert "Nebraska"; and in line 9 after "ex officio" insert a comma;

c. On page 6, line 14, after "concerning" insert "a"; in line 15 strike "projects" and insert "project"; and in line 24 strike "Subcommittee members" and insert "A subcommittee member"; and

d. On page 7, line 1, strike "their" and insert "his or her".

LEGISLATIVE BILL 312A. Placed on Select File.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 430 in the Journal. No objections. So ordered.

"On every part of the interstate system having a posted speed limit of 55 MPH, there shall be a fine of no more than $10, no court costs nor penalty points assessed upon conviction of exceeding by not more than 10 MPH such posted 55 MPH speed limit"

Add severability clause.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 183. Placed on General File as amended.
Standing Committee amendments to LB 183:
AM1001

1. On page 2, lines 5 and 23, strike "annually"; and in line 10 after the underscored period insert "The audits shall be conducted annually except that the Auditor of Public Accounts may determine an audit of less frequency to be appropriate but not less than once in any three-year period.".

2. On page 3, line 1, after the underscored period insert "The audits shall be conducted annually except that the Auditor of Public Accounts may determine an audit of less frequency to be appropriate but not less than once in any three-year period."; and in line 23 after "(3)" insert "(a)".

3. On page 4, after line 5, insert "and (b) to examine or cause to be examined, at the expense of the political subdivision, when the Auditor of Public Accounts determines such examination necessary or when requested by any political subdivision, agricultural association formed under Chapter 2, article 20, county agricultural society, joint airport authority formed under Chapter 3, article 7, city or county airport authority, council of government, drainage district, fire protection district, health district, historical society, hospital authority or district, county hospital, housing authority, irrigation district, regional, county, or municipal library, community mental health center, railroad transportation safety district, rural water district, or township or the Wyuka Cemetery,"; in line 14 strike "(a)", show as stricken, and insert "(i)"; in line 16 strike "(b)", show as stricken, and insert "(ii)"; in line 17 strike "(c)", show as stricken, and insert "(iii)"; and in line 20 strike "(d)", show as stricken, and insert "(iv)".

4. On page 5, line 2, strike "(e)", show as stricken, and insert "(v)"; in line 13 strike "county or", show as stricken, and insert "political subdivision"; in line 14 strike "educational service unit" and show as stricken; in line 15 after "required" insert "or provided for in"; in line 16 strike "by either" and after "70-2210.04" insert "or this section"; and in line 17 strike "county or educational service unit" and insert "political subdivision".

5. Insert the following new sections:

"Sec. 4. That section 23-252, Revised Statutes Supplement, 1986, be amended to read as follows:

23-252. In each town, the clerk, the treasurer, and the chairperson of the board shall examine the accounts of the overseers of highways for money received and disbursed by them and shall require all officers to account to such board for any and all such money received and disbursed by such officers in their official capacity. Such board shall examine and audit all charges and claims against the town and the compensation of all town officers. In case of the absence of any of such officers or their failure to attend any meeting of the board, the two attending may

appoint any qualified elector to act with them in the place of the absentee, and the appointee shall act, only for such meeting, in the place of such absentee as a member of such board. Each township shall make an annual budget statement as set out in ~~sections 23-921 to 23-933~~ the Nebraska Budget Act. ~~The~~ At its expense, the county board may require an audit of the accounts of any township within the county, whenever in its judgment such audit is necessary. The county board may contract with the Auditor of Public Accounts or select a licensed public accountant or certified public accountant or firm of such accountants to conduct the audit. The original copy of the audit shall be filed in the office of the Auditor of Public Accounts.

Sec. 5. That section 23-905, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-905. The form of the county budget and the form of the budget document, as required by ~~sections 23-901 to 23-920~~ the County Budget Act of 1937, shall be formulated by the Auditor of Public Accounts and the Attorney General. The Auditor of Public Accounts shall draft ~~said~~ the forms and act in an advisory capacity in the preparation of the budget and may authorize the use of computer equipment and processing in the preparation of the budget. He or she shall transmit copies of the ~~same~~ forms to the county clerk of each county in the state on or before June 1 of each year. The budget document form shall include such estimate blanks for the various offices and departments of the county and such other additional forms as ~~said officers~~ the Auditor of Public Accounts or the Attorney General shall deem necessary in the computation and preparation of the county budget. The expense of printing and transmitting the required copies to the counties by the Auditor of Public Accounts shall be borne by the state and included in the proper appropriation.

Sec. 6. That section 23-923, Revised Statutes Supplement, 1986, be amended to read as follows:

23-923. (1) Each governing body shall prepare in writing and file with its secretary or clerk, in the year of its organization and each year thereafter, not later than the first day of August of each year on forms prescribed and furnished by the auditor following

consultation with representatives of such governing bodies or as otherwise authorized by state law, a proposed budget statement containing the following information, except as provided by state law:

~~(1)~~ (a) For the immediate two prior fiscal years, the revenue from all sources, other than revenue received from taxation, allocated to each of the several funds and separately stated as to each such source, and for each fund: The unencumbered cash balance of such fund at the beginning and end of the year; the amount received by taxation allocated to each fund; and the amount of actual expenditure for each fund;

~~(2)~~ (b) For the current fiscal year, actual and estimated revenue from all sources, allocated to each of the several funds and separately stated as to each such source, and for each fund: The actual unencumbered cash balance available for such fund at the beginning of the year; the amount received from taxation allocated to each fund; and the amount of actual and estimated expenditure, whichever is applicable. Such statement shall contain the cash reserve for each such fund for each fiscal year and shall note whether or not such reserve is encumbered. Such cash reserve projections shall be based upon the actual experience of prior years. The cash reserve shall not exceed fifty per cent of the total budget adopted for such fund, exclusive of capital outlay items;

~~(3)~~ (c) For the immediately ensuing fiscal year, an estimate of revenue from all sources, other than revenue to be received from taxation, separately stated as to each such source, to be allocated to each of the several funds, and for each fund the actual or estimated unencumbered cash balances, whichever is applicable, to be available at the beginning of the year, amounts proposed to be expended during the year plus the amount of cash reserve, based on actual experience of prior years, which cash reserve shall not exceed fifty per cent of the total budget adopted, exclusive of capital outlay items; and

~~(4)~~ (d) A uniform summary of the proposed budget statement which shall include a separate total for each fund and a grand total of all funds maintained by the governing body.

(2) The actual or estimated unencumbered cash

balance of each fund required to be included in the budget statement by this section shall include bank deposits and investments of the political subdivision as well as any funds held by the county treasurer for the political subdivision and shall be accurately stated on the proposed budget statement.

(3) The political subdivision shall correct any material errors in the budget statement detected by the Auditor of Public Accounts or by other sources.".

LEGISLATIVE BILL 184. Placed on General File as amended.
Standing Committee amendments to LB 184:
AM1026

1. On page 2, line 5, after "Legislature" insert ", except that this section shall not apply unless the appropriations bill identifies the program, service, or law for which, pursuant to this section, appropriations are not being made".

2. Insert the following new section:

"Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Jerome Warner, Chairperson

ATTORNEY GENERAL'S OPINIONS

April 21, 1987

Senator Timothy J. Hall
State Capitol
Lincoln, Nebraska 68509

In Re: LB 716

Dear Senator Hall:

Here is the opinion from Special Assistant Attorney General Robert F. Bartle which is in response to your request of March 27, 1987.

As the state's chief law enforcement officer I respectfully submit to you this concern in the interest of unambiguous, informed and appropriate administration of the law. It is imperative that the

Legislature clearly set forth in the bill itself whether or not, and if so precisely to what extent, the bill affects pending criminal actions.

Very Truly Yours,
ROBERT M. SPIRE
Attorney General

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

Opinion No. 87054

DATE: April 17, 1987

SUBJECT: Retroactive Effect of LB 716

REQUESTED BY: Senator Timothy J. Hall

WRITTEN BY: Robert F. Bartle
Special Assistant Attorney General

QUESTION: Whether the passage of LB 716, as introduced, would affect the status of any criminal proceeding filed on the basis of current law?

CONCLUSION: The passage of LB 716 should not affect any pending criminal proceedings filed on the basis of the current law, except to the extent that the Legislature decided to change any penalty provisions applicable to anyone who may be convicted under the current law.

By your letter of March 27, 1987, you have requested an Attorney General's opinion concerning certain provisions of LB 716, a bill amending the current law relating to initiative and referendum petitions. You have asked whether the passage of LB 16, as originally introduced, would "affect the status of any criminal proceeding filed on the basis of current law." By current law, I assume you are referring to the legislative provisions regulating the circulation of such initiative and referendum petitions as set forth at Neb. Rev. Stat. §§32-702, et seq. (Reissue 1984).

As the Nebraska Attorney General's office has been involved in criminal proceedings relating to alleged violations of the current law, the Attorney General has appointed me as a special assistant to prepare this opinion.

Before I address the question raised, I should qualify my response by noting that I am unaware of any criminal proceeding against anyone accused of only an improper signing of an initiative or referendum petition. Rather, my understanding is that pending prosecutions in Nebraska involve circulators of petitions or individuals responsible for the verification of signatures on petitions, apparently acting as notaries public. Pending cases also involve allegations that certain circulators received payments beyond the expense reimbursement provision of current law.

To briefly summarize the proposed changes in current law embodied in LB 716, I note the amendments change the registered voter requirement to an "elector" requirement, provide for driver's license verification, change the requirements of qualifying circulators of petitions, and change the wording of the Class IV felony violations to language which proscribes the filing of "a false sworn statement" by a circulator or a false signature by a notary public. The proposed amendments, at Section 5, appear to remove the prohibition against paying circulators of petition any salary or wage. Under existing law, a circulator could only receive expense reimbursements. In summary, I would characterize the amendments as providing some substantive changes in both the circulation and verification process attendant to the initiative and referendum law.

With respect to criminal proceedings filed on the basis of current law, the general rule recognized by the Nebraska Supreme Court is when an offense is committed prior to a statutory change, the amendment to the statute occurring after the offense has been committed is not applicable. Berry v. Wolff, 193 Neb. 717, 228 N.W.2d 885 (1975). This general rule was also recognized in a number of cases considered by the court following the Legislature's passage of the new criminal code which became effective in January, 1979. The court consistently held that the new criminal code was only applicable to offenses committed after the adoption of the law and not applicable to offenses occurring prior to the effective date of January 1, 1979. State v. Fuller, 203 Neb. 233, 279 N.W.2d 756 (1979); State v. Munn, 203 Neb. 810, 280 N.W.2d 649 (1979); State v. Griggs, 203 Neb. 830, 280 N.W.2d 657 (1979). However, it should be noted that in each of the above-cited cases, the Supreme Court pointed out that the Legislature specifically provided that the provisions of the code shall not apply to any offense committed prior to January 1, 1979. See, e.g., Fuller, 203 Neb. at 242; Neb. Rev. Stat. §28-103 (Reissue 1985).

In your letter, you mentioned that it was not your intent, as the introducer of LB 716, to have the new provisions apply in criminal proceedings now pending. There is no provision of LB 716 that sets

forth that intent in writing, but our Supreme Court has held that no such legislative "pardon" is to be inferred in such cases. Lower v. State, 109 Neb. 590, 191 N.W. 674 (1923). Therefore, based upon the above analysis, I would conclude that the passage of LB 716 would not affect current criminal proceedings, at least with respect to the statutory definition of prohibited actions.

The matter of statutory penalties, however, requires separate analysis. If the Legislature chose to change the criminal penalty applicable to certain violations of initiative and referendum law, that decision could affect pending prosecutions. In State v. Randolph, 186 Neb. 297, 183 N.W.2d 225 (1971), cert. denied, 403 U.S. 909 (1972), the court stated:

> {We} therefore hold that where a criminal statute is amended by mitigating the punishment, after the commission of a prohibited act but before final judgment, the punishment is that provided by the amendatory act unless the legislature has specifically provided otherwise.

Id. at 301-302, 183 N.W.2d at 228 (emphasis added).

The so-called Randolph doctrine is also embodied in Nebraska statutory law at Neb. Rev. Stat. §29-2204.01 (Reissue 1985). The rule only applies in a situation where the Legislature decreases the penalty for a specified offense, and not in a situation where the Legislature decided to increase a penalty. State v. Peiffer, 212 Neb. 864, 326 N.W.2d 844 (1982). However, the rule only applies when the Legislature does not make a substantive change in the definition of a crime or a reclassification of the offense. Id., State v. King, 214 Neb. 855, 336 N.W.2d 576 (1983).

With respect to pending cases involving charges such as a false verification of petition signatures, the amendments of LB 716 appear to have no effect as the Class IV felony penalty remains the same. However, with regard to cases involving the alleged improper payment of circulators, the amendments raise questions not clearly answered by existing case law. Since the present version of LB 716 does not provide specific language regarding retroactive effect, it could be argued that anyone convicted for making or receiving improper payments should be sentenced under the amended law which has removed the penalty provisions.

On the other hand, since the amendments have reclassified the offenses significantly, I believe the better argument is that the Randolph doctrine would not apply, and therefore convictions would result in sentencing under the law existing at the time of the offense.

Sincerely,
ROBERT F. BARTLE

Special Assistant Attorney General

RFB:sjr
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 87056

DATE: April 17, 1987

SUBJECT: Matching Funds for Mental Health Services

REQUESTED BY: Senator Don Wesely
Nebraska Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Lisa D. Martin-Price, Assistant Attorney General

QUESTION: Whether a maintenance of effort provision which essentially provides for a minimum amount of funds in a "matching formula" violates Article VIII, Section 1A of the Nebraska Constitution?

ANSWER: Our analysis of Article VIII, Section 1A and the pertinent case law indicates that such a provision is constitutional.

You have requested an opinion regarding the constitutionality of LB 320. Although your opinion request does not raise any specific concerns, after speaking with a member of your staff, we understand that your primary concern is in regard to Article VIII, Section 1A of the Nebraska State Constitution. That section makes it unconstitutional for the state to levy a property tax for state purposes. After reviewing the pertinent law, we have concluded that LB 320 does not violate this provision in the Constitution.

As we understand it, LB 320 is a proposed amendment to Neb.Rev.Stat. §71-5009 (Reissue 1986). This statute currently provides that the regional governing boards shall provide funds for community mental health, drug abuse, and alcoholism programs funded from federal, private, and other sources. Exclusive of the foregoing sources, however, the state must provide 75 percent of the funds required to provide services in each region, while local, county, and other taxing resources must account for the other 25 percent of the funds.

The proposed amendment to this statute, however, deletes the provision requiring the counties to provide the other 25 percent. Instead, it sets forth a minimum amount which the counties must raise, and provides that 40 percent or more must be provided by local and county taxes. The new language reads:

> Of the amount provided by each governing board, not less than forty percent shall be provided by local and county taxes and the remainder shall come from other nonfederal sources. Funds provided by the regional governing boards for mental health services shall continue to be provided in an amount which is not less than the total amount contributed as certified matching funds for the fiscal year 1986.

After reviewing the language of LB 320, we find no constitutional prohibition in providing a minimum amount in the matching formula. The area of concern, however, appears to be with the language requiring the regional governing boards to raise not less than 40 percent of this minimum from local and county taxes. This language is seen as a possible violation of Article VIII, Section 1A which prohibits the state from levying property taxes for state purposes.

This concern has been addressed in a series of Nebraska Supreme Court cases. In the first of these, Craig v. Board of Equalization of Douglas County, 183 Neb. 779, 164 N.W.2d 445 (1969), the court addressed the constitutionality of a statute which required a county to levy a property tax in order to support institutional patients in state facilities. In determining that this statute was constitutional, the court stated: ". . .{A} statute requiring a county to levy a property tax for purposes substantially local does not contravene the prohibition against state levy of a property tax for state purposes, although the statute commingles state and local purposes." Id. at 784, 164 N.W.2d at 448. In concluding that state and local purposes were commingled, the court stated:

> While it is true that the hospital for the insane is . . . a state institution, yet, . . . maintenance of the insane is not necessarily a state burden, and therefore it is within the power of the legislature to require that the tax be levied and collected by each county for the purpose of reimbursing the state, ... {For such maintenance} it is the duty of the {county board} to levy the necessary taxes within the constitutional limit. . . .

Id. at 783, 164 N.W.2d at 447-448.

While a number of subsequent cases have reiterated the holding in this case in various factual situations, its facts are the most analogous to the proposed bill. Clearly, LB 320 deals with funding for community mental health services, including alcoholism and drug

abuse programs. These services are closely related to the services discussed in Craig. Therefore, we conclude that LB 320 does not violate Article VIII, Section 1A of the Nebraska Constitution.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Lisa D. Martin-Price
Assistant Attorney General

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

Opinion No. 87057

DATE: April 17, 1987

SUBJECT: County Road Right of Ways

REQUESTED BY: Senator Lee Rupp, Chairperson
Government, Military and Veterans Affairs Committee

WRITTEN BY: Robert M. Spire, Attorney General
Linda L. Willard, Assistant Attorney General

You have asked whether an individual placing traps on public lands such as wildlife management areas could be liable for injury to others resulting from the placement of the traps. Our answer is that a person could possibly be liable. Liability would depend on several factors involving, among other things, the placement of the traps and the type of traps used.

Determination of liability would normally involve a reasonable man's determination of whether the trapper placed the traps negligently, maliciously to cause injury to others, or with wreckless disregard for the safety of others who may be in the area or that he should have known would be in the area.

Your second question is whether permission must also be obtained from a private title holder of property for activities conducted on the easement other than trapping. Our answer to your second question is yes, permission must be obtained the same as for any other private property except for entry upon the property for these purposes in line with the easement right.

In the absence of any statutes or laws governing trespass on property, the common law would control. See, 28 C.J.S. §1. The common law rights of the title holder would of course depend on the type of interest held by the county. If the interest of the county is merely an easement interest for the purpose of transportation across the land, then the title holder of the property is entitled to all profits of the land including wild flowers, grasses, fruits, berries, and even aluminum cans. If the county title is strictly an easement across the land, then an individual launching a canoe from beneath a bridge would be on the property of the title holder and, absent consent, would be trespassing on the title holder's property. This would not affect the right of those who canoe to claim the affirmative defense to trespass contained in Neb.Rev.Stat. §28-522(4) (Reissue 1985).

We stress that the above would be the case where the county has only an easement interest. The rights of the title holder, the county, and the public at large may vary considerably depending upon the nature of the interest held by the county.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

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

SELECT FILE

LEGISLATIVE BILL 335. E & R amendments, AM5176, found in the Journal on page 1535 for the Fifty-Seventh Day were adopted.

Mr. Landis renewed his pending amendment, AM0993, found in the Journal on page 1696.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 345, 455, and 601.

SELECT FILE

LEGISLATIVE BILL 335. The pending Landis amendment, AM0993, found in the Journal on page 1696 was renewed.

Mr. Landis moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Landis requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud	Hannibal	Lynch	Pirsch	Scofield
Conway	Harris	Miller	Remmers	Warner
Coordsen	Hefner	Nelson	Rogers	Wehrbein
Dierks	Johnson, L.	Pappas	Schellpeper	Wesely
Elmer	Landis	Peterson		

Voting in the negative, 9:

Ashford	Johnson, R.	Labedz	Moore	Weihing
Baack	Johnson, V.	Lamb	Schmit	

Present and not voting, 10:

Barrett	Chizek	Hall	Higgins	McFarland
Beyer	Goodrich	Hartnett	Korshoj	Withem

Absent and not voting, 2:

Chambers Morehead

Excused and not voting, 5:

Haberman	Langford	Marsh	Rupp	Smith

The Landis amendment lost with 23 ayes, 9 nays, 10 present and not voting, 2 absent and not voting, and 5 excused and not voting.

Pending.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Korshoj asked unanimous consent to have his name added as co-introducer to LB 663. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 21, 1987, at 11:52 a.m., were the following bills: 345, 455, and 601.

(Signed) Pam Moravec, Enrolling Clerk

VISITORS

Visitors to the Chamber were 23 Harlan County Extension Club members; Steve Shannon and Greg Hall from North Bend Central High School; Rita Lipps from Tekamah; Eric Sheer from Omaha; a group of seniors from Pleasanton; Dr. Jassim Abbas Al-Safi from Baghdad, Republic of Iraq and interpreter, Dr. Richard Verdery; a group study exchange team from Thailand, M. R. Ophas Kanchanayijaya, Prawate Supalert, Sumedh Valaisathien, Vilas Wongtrakul, Visit Vinayavekhin, and Usawin Maneeras; fourth grade students from Crete; and 26 seventh and eighth grade students and teacher from District 9 in Columbus.

RECESS

At 12:07 p.m., on a motion by Mr. L. Johnson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mr. Rupp, Mesdames Langford, Marsh, and Smith who were excused; and Messrs. Ashford, Chambers, Haberman, Hartnett, McFarland, Wesely, Withem, Mesdames Labedz, and Pirsch who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

April 21, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building

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 Natural Resources Commission, requiring legislative confirmation.

Appointee: Robert J. Olson, 2203 Woodridge Lane, Grand Island, NE 68801

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

ATTORNEY GENERAL'S OPINION

Opinion No. 87058

DATE: April 21, 1987

SUBJECT: L.B. 337 (The Business Trust Act)

REQUESTED BY: Senator Jerry D. Miller
Legislature of the State of Nebraska

WRITTEN BY: Bernard L. Packett, Assistant Attorney General

In your recent letter you have asked if the provisions of L.B. 337, The Business Trust Act, violates the provisions of Article XII, Section 8 of the Constitution, also known as Initiative 300.

L.B. 337 simply provides that a business trust may hold title to real estate used for farming or ranching and may engage in farming or ranching.

It is a well-established principle of law that the substance of the law takes precedence over the form of the law. Or stated another way, you cannot do indirectly what you cannot do directly. It is our conclusion that a court could find a "business trust" to be the same thing as a "syndicate" under the meaning of Article XII, Section 8 of our Constitution. (Initiative 300). This is a fact determination. If the court so found, the "business trust" would fall within the

"syndicate" prohibition of Section 8(1). The point is this: No matter what an entity is called, if it in fact operates like a syndicate a court would find it violative of Section 8(1). Our reasoning for this conclusion is as follows.

Section 2 of L.B. 337 describes a business trust as "an entity separate and distinct from other forms of commercial organizations in Nebraska including partnerships, corporations, associations, syndicates, and other types of trust."

In determining who may or may not own farm or ranch land in Nebraska, it is necessary to look primarily to the provisions of Article XII, Section 8 of the Constitution which provides that no corporation or syndicate shall acquire farm or ranch land or engage in farming or ranching.

It would appear that a business trust referred to in L.B. 337 would not fall within the Constitutional definition of a corporation but the distinction between a business trust and a syndicate, as defined by Article XII, Section 8 of the Constitution is not as clear.

From an examination of the provisions of L.B. 337, it would appear that although Section 1 provides that a business trust is separate from "partnerships", it does not appear that the provisions of the bill contain any information which would clearly distinguish a business trust from a partnership.

In Adams v. United States, 328 F.Supp. 228, the court said that "the existence of a partnership is a matter of contract, and no particular form of contract is necessary to create the entity known as a partnership, and that any statutory definition of a partnership, as far as it goes, is controlling, but, beyond it, one must look to the general law." The court went on to say that although no one test is controlling, the test that have been found indicative of the existence of a partnership are:

1.) Mutual interest in profits,

2.) mutual liability, joint and several, for debts and loss of capital,

3.) mutual agency and responsibility in the conduct of the business,

4.) common contribution and ownership of the partnership property,

5.) the rendition of services by all partners and

6.) the non-alien ability of an interest in the business.

In South Sioux City Star v. Edwards, 218 Neb. 487, 357 N.W.2d 157 (1984), our Supreme Court said:

> Baum v. McBride, 143 Neb. 629, 630, 10 N.W.2d 477, 478 (1943), quoting Waggoner v. First Nat. Bank of Creighton, 43 Neb. 84, 61 N.W.112 (1894), defines a partnership as "'a contract of two or more competent persons to place their money, effects, labor, skill, or some or all of them, in lawful commerce or

business, and to divide the profit or bear the loss in certain proportions.'" Although the existence of a partnership depends upon the intention of the parties to form such an entity, that intention, where in dispute, is to be ascertained objectively from all the evidence and circumstance. Byram v. Thompson, 154 Neb. 756, 49 N.W.2d 628 (1951); Baum v. McBride, supra.

The sharing of profits is a primary factor to be considered in ascertaining the intention of the parties.

Considering the Constitutional definition of syndicate, the fact that a syndicate includes a limited partnership, and the above court's statements with regard to evidence to be considered in determining whether or not a partnership exists, we are unable to determine from the provisions of L.B. 337 how a business trust differs from a partnership, other than in name.

If there is a distinction, consideration must be given to that part of Article XII, Section 8, which provides that the Legislature "may enact, by general law, further restrictions prohibiting certain agricultural operations that the Legislature deems contrary to the intent of this section."

From the above, it is our conclusion that in an actual case in which the ownership of farm or ranchland by a "business trust" was an issue under the provisions of Article XII, Section 8 of the Constitution, considering the fact that the Legislature can only make the ownership of such land more restrictive, if the evidence before a court was that all of the elements of the syndicate, as defined in Article XII, Section 8 were present, the court would hold that the ownership would be in violation notwithstanding the fact that the land was held by a business trust.

The question would, in our opinion, seem to be not so much is the Business Trust Act in violation of Article XII, Section 8 of the Constitution, as do the facts in a particular case fall within the Constitutional definition of ownership by a "syndicate". If the entity which purchases farm or ranchland falls within the definition of a syndicate, whatever it may be called, we believe the courts would find it to be in violation.

ROBERT M. SPIRE
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

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

MOTION - Reconsider Action on LB 335

Mr. Beyer moved to reconsider the Landis amendment to LB 335.

Messrs. Hall, Dierks, and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

The Beyer motion to reconsider lost with 14 ayes, 8 nays, 15 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 335. Mr. Conway moved to indefinitely postpone.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 87059

DATE: April 20, 1987

SUBJECT: The case of Ewing et al. v. Scotts Bluff County Board of Equalization, et., Case No. 85-804, is awaiting argument before the Nebraska Supreme Court. If that court in the case cited were to find that so much of LB 930, Laws 1984, which authorizes receiving school districts to reduce the free high school tuition charge certified by the State Department of Education is unconstitutional and the remaining provisions of this legislative bill cannot stand without such authorization and if the Legislature fails to enact LB 182 or other corrective legislation, would the law existing prior to the enactment of LB 930, Laws 1984, be reinstated so that school districts could use the formula in LB 933, Laws 1982, to compute the free high school tuition?

REQUESTED BY: Senator Ron Withem
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Assistant Attorney General

The Nebraska Supreme Court has granted an expedited appeal in Ewing v. Scotts Bluff County Board Equalization, et al., supra. The case will be argued in May, 1987, and a decision in all probability will be announced by the Nebraska Supreme Court sometime this summer. Until it does so, however, there are several unknowns which make it impossible to fully answer your question.

At the outset, if the Nebraska Supreme Court were to find the reduced free high school tuition provision in Neb.Rev.Stat. §79-4,102(f) (Supp. 1986) is unconstitutional and the balance of LB 930, Laws 1984, cannot be severed therefrom it is certainly possible that the law existing prior thereto could be reinstated. The problem here is that the law existing prior thereto, LB 933, Laws 1982, has been found unconstitutional by the District Court of Lancaster County. A motion for a new trial has been filed in that case and is scheduled to be heard April 27, 1987. It is obviously unknown at this time whether or not the motion for a new trial will be granted and if not whether the case will be appealed to the Nebraska Supreme Court. If and when the case is appealed to the Nebraska Supreme Court is doubtful if it could be briefed and argued before sometime late in the fall of 1987.

It must also be kept in mind that the Nebraska Supreme Court could find the reduced free high school tuition authorized by LB 930, Laws 1984, to be constitutional and the reduced free high school tuition authorized by LB 933, Laws 1982, to be unconstitutional or vice-versa. It must also be kept in mind that the Nebraska Supreme Court could find that the plaintiffs in the Ewing case lack standing to maintain the action in which event the Nebraska Supreme Court in all probability would reverse the judgment of the District Court of Scotts Bluff County and order the case dismissed. In that event, LB 930, Laws 1984, would be operative law (assuming the Ninetieth Legislature, First Session, does not enact a free high school tuition law) but the question would remain if LB 930, Laws 1984, is constitutional. Thus there are simply too many unknowns at this time for us to give you an opinion in response to your question. We can tell you that we know of no case in which a court has found the free high tuition, as certified by the State Department of Education pursuant to LB 930, Laws 1984, to be noncompensatory. However, that statement must read with the caveat that the Nebraska Supreme Court could find LB 930, Laws 1984, is unconstitutional in which event the critical question would be whether or not the prior free high school tuition law is compensatory. That question, however, must wait until further facts become known.

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:pa
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 335 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0949.)

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 89.

SELECT FILE

LEGISLATIVE BILL 337. E & R amendments, AM5178, found in the Journal on page 1549 for the Fifty-Seventh Day were adopted.

Messrs. V. Johnson and Moore moved to indefinitely postpone LB 337.

Laid over.

LEGISLATIVE BILL 656. E & R amendments, AM5185, found in the Journal on page 1658 for the Sixty-First Day were adopted.

Mr. Wesely renewed the pending Wesely-Smith amendment, AM1007, found in the Journal on page 1701.

The Wesely-Smith amendment was adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

Ms. Scofield asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. V. Johnson requested a machine vote on the advancement of the bill.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 656A. Considered.

Mr. Goodrich moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Mr. Goodrich requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 28:

Ashford	Elmer	Korshoj	Morehead	Rogers
Baack	Goodrich	Lamb	Nelson	Schellpeper
Barrett	Haberman	Landis	Pappas	Warner
Conway	Harris	McFarland	Peterson	Wehrbein
Coordsen	Hefner	Miller	Remmers	Weihing
Dierks	Johnson, R.	Moore		

Voting in the negative, 6:

Abboud	Johnson, L.	Johnson, V.	Pirsch	Withem
Hannibal				

Present and not voting, 6:

Beyer	Hartnett	Higgins	Lynch	Wesely
Chizek				

Excused and not voting, 9:

Chambers	Labedz	Marsh	Schmit	Smith
Hall	Langford	Rupp	Scofield	

Advanced to E & R for Engrossment with 28 ayes, 6 nays, 6 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 335 in the Journal. No objections. So ordered.

AM1039

1. Insert the following new section:

"Sec. 3. In any forced sale of real or personal property conducted to satisfy the claims of creditors, any proceeds of such sale which exceed the claims of such creditors shall be retained by the debtor.".

2. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 324 and 453.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Members Excused

Messrs. Lamb and Rogers asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 124. E & R amendments, AM5187, found in the Journal on page 1687 for the Sixty-Third Day were adopted.

Mr. Wehrbein moved to bracket LB 124 until January, 1988.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Wehrbein moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. R. Johnson requested a roll call vote on the Wehrbein motion to bracket.

Voting in the affirmative, 23:

Baack	Elmer	Higgins	Pappas	Schmit
Beyer	Goodrich	Johnson, L.	Peterson	Warner
Conway	Haberman	Korshoj	Remmers	Wehrbein
Coordsen	Hannibal	Morehead	Schellpeper	Weihing
Dierks	Hartnett	Nelson		

Voting in the negative, 15:

Abboud	Chizek	Johnson, R.	Lynch	Moore
Ashford	Harris	Johnson, V.	McFarland	Wesely
Barrett	Hefner	Landis	Miller	Withem

Excused and not voting, 11:

Chambers	Lamb	Marsh	Rogers	Scofield
Hall	Langford	Pirsch	Rupp	Smith
Labedz				

The Wehrbein motion to bracket lost with 23 ayes, 15 nays, and 11 excused and not voting.

The Chair declared the call raised.

Mr. McFarland asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mrs. Morehead asked unanimous consent to print the following amendment to LB 561 in the Journal. No objections. So ordered.

AM1027
(Amendments to Standing Committee amendments, AM0632)
1. On page 1, after line 8 insert
paragraphing and insert:
"The University of Nebraska Institute of

Agriculture and Natural Resources shall employ a poultry pathologist.".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 104A. By Dierks, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 104, Ninetieth Legislature, First Session, 1987.

LEGISLATIVE BILL 517A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 517, Ninetieth Legislature, First Session, 1987.

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 261 in the Journal. No objections. So ordered.

AM1038

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. For purposes of sections 1 to 6 of this act, unless the context otherwise requires:

(1) Reasonable expenses shall mean expenses reasonably incurred by the prevailing party, including attorney's fees, parties' expenses, and court costs and expenses incurred by the court, such as court administration and jury costs; and

(2) Substantial justification shall mean not frivolous, groundless in fact or in law, or vexatious, as determined by the court.

Sec. 2. Every pleading, motion, or other paper of a party represented by an attorney shall be signed by at least one attorney of record in his or her individual name and state his or her address. A party who is not represented by an attorney shall sign his or her pleading, motion, or other paper and state his or

her address. If such pleading, motion, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the movant.

Sec. 3. (1) A pleading shall not be used against a party in any criminal prosecution or action or proceeding for a penalty or forfeiture, as proof of a fact admitted or alleged in such pleading.

(2) The signature of a party or of an attorney constitutes a certificate by him or her that he or she has read the pleading, motion, or other paper; that to the best of his or her knowledge, information, and belief, formed after reasonable inquiry, such pleading, motion, or other paper is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and that it is not interposed for any improper purpose, such as to harass, embarrass, injure, cause unnecessary delay, or cause needless increase in litigation cost.

(3) A pleading, motion, or other paper which is signed in violation of this section shall subject the party or attorney, or both, regardless of who signed it, to the payment of such reasonable expenses, to be taxed by the court at any time upon a motion or upon the court's initiative, as may have been necessarily incurred by the other party or the court by reason of such pleading, motion, or other paper.

(4) For purposes of this section, a pleading, motion, or other paper is not well grounded in fact nor warranted by existing law or a good faith argument if the party or attorney has no reasonable basis to believe that the facts underlying the party's or attorney's legal position are true or if the party's or attorney's legal position is devoid of arguable legal merit. If a pleading, motion, or other paper is not well grounded in fact or warranted by existing law or a good faith argument or if it is interposed for any improper purpose, such pleading, motion, or other paper shall be stricken upon a motion or upon the court's own initiative.

Sec. 4. In addition to the sanctions provided in subsection (3) of section 3 of this act, should it appear to the satisfaction of the court at any time that any affidavit presented pursuant to sections 25-1330 to

25-1335 is presented for any improper purpose, such as to harass, embarrass, injure, cause unnecessary delay, or cause needless increase in litigation cost, any offending party or attorney may be adjudged guilty of contempt.

Sec. 5. (1) Except as provided in subsection (4) of this section, in any civil action commenced or appealed in any court in this state, the court shall award at the conclusion of the civil action, as part of its judgment and in addition to any other costs otherwise assessed, reasonable expenses against any attorney or party who has brought or defended a civil action when a court determines that such bringing of the action or interposing of the defense lacks substantial justification either in whole or part.

(2) When a court determines that reasonable expenses should be assessed, the court shall allocate the payment of such expenses among the offending attorneys or parties, or both, as it determines most just.

(3) The court shall assess reasonable expenses if, at the conclusion of the civil action, upon the motion of any party or upon the court's own initiative, the court finds that an attorney or party brought or defended an action, or any part thereof, when such bringing of the action or interposing of the defense lacks substantial justification or that the action or defense, or any part thereof, was interposed for any improper purpose, such as to harass, embarrass, injure, cause unnecessary delay, or cause needless increase in litigation cost, including, but not limited to, abuses of discovery procedures.

(4) No reasonable expenses shall be assessed if a voluntary dismissal or withdrawal is filed as to any claim, action, or defense within a reasonable time after the attorney or party filing the dismissal or withdrawal knew or reasonably should have known that he or she would not prevail on such claim, action, or defense.

Sec. 6. (1) When determining the amount of reasonable expenses awarded as prescribed by section 5 of this act, the court shall exercise its sound discretion. When granting an award of reasonable expenses, the court shall specifically set forth the

reasons for such award and shall, when determining whether to assess reasonable expenses and the amount to be assessed against offending attorneys and parties, consider the following factors, including, but not limited to: (a) The extent to which any effort was made to determine the validity of any action or claim before the action was asserted; (b) the extent of any effort made after the commencement of an action to reduce the number of claims or defenses being asserted or to dismiss claims or defenses that have been found not to be valid; (c) the availability of facts to assist the party to determine the validity of a claim or defense; (d) the relative financial position of the parties involved; (e) whether or not the action was prosecuted or defended in whole or in part in bad faith; (f) whether or not issues of fact, determinative of the validity of a party's claim or defense, were reasonably in conflict; (g) the extent to which the party prevailed with respect to the amount of and number of claims in controversy; (h) the extent to which any claim or defense was asserted by an attorney or party in a good faith attempt to establish a new theory of law in the state; (i) the amount or conditions of any offer of judgment or settlement in relation to the amount or conditions of the ultimate relief granted by the court; (j) the extent to which a reasonable effort was made to determine, prior to the time of filing of a claim, that all parties sued or joined were proper parties owing a legally defined duty to the plaintiff or defendant; (k) the extent of any effort made after the commencement of an action to reduce the number of parties in the action; and (l) the amount, if any, assessed against the offending attorneys and parties under section 3 of this act.

(2) In determining the amount of reasonable expenses awarded pursuant to section 3 of this act, the court shall exercise its sound discretion. When granting an award of reasonable expenses, the court shall specifically set forth the reasons for such award and may, in determining whether to assess reasonable expenses and the amount to be assessed, consider the factors listed in this section which, in the court's discretion, may be applicable.

Sec. 7. That section 25-824, Reissue Revised

Statutes of Nebraska, 1943, is repealed.".

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 124 in the Journal. No objections. So ordered.

AM1030

1. On page 4, strike beginning with "or" in line 11 through "revegetation" in line 18; and strike lines 21 through 24.

2. On page 5, line 14, strike "or"; in lines 16 and 17 strike "or a revegetation plan when" and insert ", or who fails to properly revegetate the land if"; strike beginning with "as" in line 17 through "lands" in line 20 and insert "may be required to install permanent soil and water conservation practices as defined in section 2-4603 or revegetate the land if cost-share assistance is available"; strike beginning with "for" in line 21 through "and" in line 22 and insert "to investigate possible violations of the Grasslands Protection Act"; in line 22 strike "ten days'"; and strike beginning with "and" in line 23 through "needed" in line 24.

3. On page 6, line 18, strike "is located"; in line 19 after "decision" insert "is located"; and strike beginning with "and" in line 24 through line 25 and insert a period.

4. On page 7, strike lines 1 and 2.

5. Strike the Schmit amendment found on page 1644 of the Journal and adopted on page 1645 of the Journal.

VISITORS

Visitors to the Chamber were 20 fifth and sixth grade students and teacher from Henderson Elementary; and 26 fourth grade students from Watson School, Hastings.

ADJOURNMENT

At 4:11 p.m., on a motion by Mr. R. Johnson, the Legislature adjourned until 9:00 a.m., Wednesday, April 22, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SIXTH DAY - APRIL 22, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SIXTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 22, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett 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. Rupp, Mesdames Langford, Marsh, and Smith who were excused; and Messrs. Abboud, Chambers, Conway, Haberman, Hall, Harris, V. Johnson, Lamb, Remmers, Schmit, Withem, Mesdames Higgins, Labedz, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Fifth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 42A, 603A, and 777.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 42A

The following changes, required to be reported for publication in the Journal, have been made:
ER0175

1. On page 1, line 3, "to state intent relating to a waiver;" has been inserted after the semicolon.

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTIONS

LEGISLATIVE RESOLUTION 82. Read. Considered.

LR 82 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 83. Read. Considered.

LR 83 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 84. Read. Considered.

LR 84 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 85. Read. Considered.

LR 85 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 86. Read. Considered.

LR 86 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 87. Read. Considered.

LR 87 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 88. Read. Considered.

LR 88 was adopted with 29 ayes, 0 nays, and 20 not voting.

GENERAL FILE

LEGISLATIVE BILL 270. Title read. Considered.

Mr. Chizek renewed his pending amendment, AM0573, found in the Journal on page 1061.

Mr. Landis offered the following amendment to the pending Chizek amendment:

On page two, line 22, insert after "exceed" the words "fifty percent of"

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. Landis moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. Landis requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Chambers	Johnson, V.	McFarland	Morehead	Warner
Hartnett	Landis	Miller	Nelson	Wesely
Higgins	Lynch	Moore	Scofield	Withem
Johnson, R.				

Voting in the negative, 28:

Abboud	Conway	Hall	Labedz	Remmers
Ashford	Coordsen	Hannibal	Lamb	Rogers
Baack	Dierks	Harris	Pappas	Schellpeper
Barrett	Elmer	Hefner	Peterson	Wehrbein
Beyer	Goodrich	Johnson, L.	Pirsch	Weihing
Chizek	Haberman	Korshoj		

Excused and not voting, 5:

Langford	Marsh	Rupp	Schmit	Smith

The Landis amendment lost with 16 ayes, 28 nays, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 430.

(Signed) Scott Moore, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 90.

Introduced by Wesely, 26th District.

WHEREAS, Ed Johnson retired in 1986 after a thirty-seven-year career as a teacher and basketball coach at Lincoln Northeast High School; and

WHEREAS, during his coaching career at Lincoln Northeast High School, Ed Johnson's Rocket teams won five hundred twenty-three games, placing him third on the state's all-time victory list for high school coaches; and

WHEREAS, Coach Johnson won state championships on four different occasions, his first coming in his very first season at Lincoln Northeast High School in 1950 and his last occurring in 1982, was runner-up in two additional state tournaments, and took teams to the state tournament eighteen times; and

WHEREAS, Coach Johnson is the only two-time winner of the Sunday Journal-Star Prep Coach of the Year Award and is a three-time Regional Coach of the Year winner selected by the National Coaches Association; and

WHEREAS, Ed Johnson has been an inspiration to his players, students, friends, family, and many admirers for his leadership, commitment, and concern for others; and

WHEREAS, Ed Johnson died on April 11, 1987.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature express its condolences to Ed Johnson's wife Shirley and son Jay; and

2. That the Legislature express its appreciation to Coach Johnson's wife and son for sharing this great man during his lifetime with the state and the school he loved dearly.

Laid over.

LEGISLATIVE RESOLUTION 91.

Introduced by Abboud, 12th District.

WHEREAS, the hobby of collecting, preserving, restoring, and maintaining motor vehicles of historical and special interest is a constructive leisure pursuit; and

WHEREAS, there are a large number of Nebraska citizens who engage in this hobby which contributes to the enjoyment and to the preservation of the state's automotive memorabilia; and

WHEREAS, there are many vehicle-related activities such as car shows, swap meets, interclub meets, concours, and tours which feature historical and special interest vehicles, and such activities are often the focal point of healthful, outdoor, family-type recreation and are often used for nonprofit charitable causes; and

WHEREAS, there are many Nebraska citizens who could gain pleasure and knowledge from a greater involvement in vehicle memorabilia and vehicle-related activities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the period of May 9 through May 17, 1987, be designated as the Nebraska Historical and Special Interest Automobile Recognition Week.

2. That a copy of this resolution be delivered to the author for appropriate distribution.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 270. The pending Chizek amendment, AM0573, found in the Journal on page 1061 was renewed.

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.

The Chizek amendment was adopted with 30 ayes, 7 nays, 6 present and not voting, and 6 excused and not voting.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Conway offered the following amendment:
on page 2 lines 19 and 21 strike "Two Thousand" and insert "One Thousand Two Hundred"

Mr. Ashford offered the following amendment to the pending Conway amendment:
on Page 2 lines 19 and 21 Strike "$1200.00" and insert "$1500.00."

Mr. Ashford moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Ashford requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Abboud	Goodrich	Johnson, L.	Lamb	Rogers
Ashford	Haberman	Johnson, R.	Peterson	Schellpeper
Beyer	Harris	Korshoj	Pirsch	Wehrbein
Dierks	Hefner	Labedz	Remmers	Weihing
Elmer				

Voting in the negative, 17:

Baack	Hall	Landis	Morehead	Warner
Barrett	Hartnett	McFarland	Nelson	Wesely
Conway	Higgins	Miller	Pappas	Withem
Coordsen	Johnson, V.			

Present and not voting, 3:

Chizek	Hannibal	Scofield

Absent and not voting, 1:

Chambers

Excused and not voting, 7:

Langford	Marsh	Rupp	Schmit	Smith
Lynch	Moore			

The Ashford amendment was adopted with 21 ayes, 17 nays, 3 present and not voting, 1 absent and not voting, and 7 excused and not voting.

MRS. LABEDZ PRESIDING

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 92.

Introduced by Morehead, 30th District.

WHEREAS, the year of 1987 is the centennial year of the village of Virginia, Nebraska; and

WHEREAS, Virginia was founded by Mr. Ford Lewis, a businessman who recognized the many opportunities available in Nebraska; and

WHEREAS, Virginia was named after the only daughter of Mr. and Mrs. Ford Lewis; and

WHEREAS, Virginia will begin its centennial celebration activities in the month of June; and

WHEREAS, those traditions and the heritage that made Nebraska great are still being carried on by the current residents of Virginia; and

WHEREAS, the residents of Virginia deserve special recognition for the contributions that they and their ancestors have made in all areas of the state's development as well as to Nebraska's spirit itself.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes in this centennial year to those residents of Virginia both past and present who have built Virginia into a successful and fine community in which to live and who will continue to keep their community strong.

2. That a copy of this resolution be sent to Kirk Spilker, President of the Virginia Centennial Committee.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 688. Placed on Select File as amended.
E & R amendments to LB 688:
AM5196

1. In the Standing Committee amendments, AM0749, adopted April 15, 1987:

a. On page 1, line 6, strike the first comma and insert "and in" and strike the second comma; and in line 12 strike "shall be" and insert "is";

b. On page 2, line 12, strike "is" and insert "will be";

c. On page 5, line 1, after the first "courts" insert an underscored comma;

d. On page 7, line 10, strike "79-2201", show as stricken, and insert "1 of this act";

e. On page 12, line 21, strike the comma and show as stricken;

f. On page 14, line 24, strike "commission", show as stricken, and insert "commissioner";

g. On page 15, line 14; and page 25, line 16, strike "79-2212", show as stricken, and insert "79-2224 and sections 1 to 7 and 17 of this act";

h. On page 17, line 21; page 18, line 9; page 19, line 5; page 23, lines 1 and 11; page 24, line 9; and page 25, lines 7 and 24, strike "1" and insert "2";

i. On page 20, line 3; and page 23, line 16, strike the comma and show as stricken;

j. On page 33, line 21, strike "section" and insert "sections" and after "79-2221" insert an underscored comma;

k. On page 24, line 9, after "1" insert "of this act"; in line 14 strike "Should" and insert "If"; in line 15 strike "elect" and insert "elects"; in line 17 strike "will" and insert "shall"; and in line 21 after the first "district" insert "petitioning" and strike "a county" and insert "an educational service unit";

l. On page 25, lines 23 and 24, strike the comma;

m. On page 26, line 24, strike "with" and show as stricken;

n. On page 27, line 21, strike "1" and insert "2"; and

o. On page 28, line 1, strike the comma.

2. On page 1, line 2, strike "79-2205" and insert "32-4,101, 32-4,104, 79-2201.01, 79-2202, 79-2203, 79-2203.02, 79-2203.03, 79-2204, 79-2204.01, 79-2205, 79-2206, and 79-2208"; in line 3 strike the second "and"; in line 4 after the first comma insert " and 79-2202.02,"; in line 6 after the semicolon insert "to provide reorganization procedures;"; and in line 12 after the semicolon insert "to specify a penalty; to change and eliminate provisions relating to composition of, exclusion from, and inclusion in educational service units; to harmonize provisions; to provide operative dates;".

3. On page 12, line 23, after "to" insert an underscored comma.

4. On page 13, line 1, after "years" insert an underscored comma.

LEGISLATIVE BILL 773A. Placed on Select File as amended.
E & R amendment to LB 773A:
AM5197

1. On page 2, strike line 20 and insert "Ninetieth Legislature, First Session, 1987.".

LEGISLATIVE BILL 736. Placed on Select File as amended.
E & R amendments to LB 736:
AM5195

1. In the Scofield amendment adopted April 16, 1987, found on page 1737 of the Journal, strike the last period.

2. In the Standing Committee amendments, AM0659, adopted April 16, 1987:

a. On page 2, line 4, after the semicolon insert "and"; in line 8 strike "(6)" and insert "(5)"; and in line 20 after "services" insert an underscored comma;

b. On page 4, line 14, after "other" insert "profit or" and strike "or for profit".

3. On page 1, line 3, after "Business" insert "Development"; and in line 4 strike "provide a power" and insert "harmonize provisions".

4. On page 4, line 15, after "Business" insert "Development".

(Signed) Scott Moore, Chairperson

VISITORS

Visitors to the Chamber were Senator Korshoj's mother, and sisters, Betty and Marilyn; Senator Hefner's brother, Wendell Hefner, from So. Sioux City; Glenn and Harlan Kirchoff from Weeping Water; and Carl Schoenrock.

RECESS

At 11:54 a.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 Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Lynch, Rupp, Mesdames Langford, Marsh, and Smith who were excused; and Messrs. Dierks, Haberman, R. Johnson, and Moore who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following Governor appointments.

Natural Resources

Edward J. Schrock - Member, Natural Resources Commission
Ralph Knobel - Member, Natural Resources Commission
Dwayne Smith - Member, Environmental Control
Robert J. Olson - Member, Natural Resources Commission

(Signed) Bernice Labedz, Chairperson

Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 270. The pending Conway amendment, as amended, found in the Journal on page 1790 was renewed.

Mr. Conway offered the following amendment to the pending Conway amendment, as amended:
on page 2 lines 19 and 21 by striking "$1500.00" and inserting "$1000.00".

Mr. Pappas 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. Conway moved for a call of the house. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

Mr. Conway requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Baack	Goodrich	Higgins	McFarland	Scofield
Chambers	Hall	Johnson, L.	Miller	Warner
Conway	Hannibal	Johnson, V.	Morehead	Wesely
Coordsen	Hartnett	Landis	Nelson	Withem

Voting in the negative, 18:

Abboud	Chizek	Labedz	Remmers	Schmit
Ashford	Harris	Pappas	Rogers	Wehrbein
Barrett	Hefner	Peterson	Schellpeper	Weihing
Beyer	Korshoj	Pirsch		

Present and not voting, 2:

Elmer	Lamb

Excused and not voting, 9:

Dierks	Johnson, R.	Lynch	Moore	Smith
Haberman	Langford	Marsh	Rupp	

The Conway amendment was adopted with 20 ayes, 18 nays, 2 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

The pending Conway amendment, as amended, was adopted with 32 ayes, 1 nay, 9 present and not voting, and 7 excused and not voting.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 82, 83, 84, 85, 86, 87, and 88.

GENERAL FILE

LEGISLATIVE BILL 270. Considered.

Advanced to E & R for Review with 34 ayes, 1 nay, 7 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 775. Title read. Considered.

Standing Committee amendments, AM0968, printed separate from the Journal and referred to on page 1736 for the Sixty-Fourth Day were considered.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis withdrew his pending amendment, AM0574, printed separate from the Journal and referred to on page 1066.

Pending.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. V. Johnson asked unanimous consent to have his name added as co-introducer to LB 421. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 773 in the Journal. No objections. So ordered.

AM1052

(Amendments to Final Reading copy)

1. On page 3, line 19, strike "fifteen-hundredths" and insert "one-tenth".

2. On page 14, strike beginning with ".64" in line 11 through "1.87" in line 12 and insert ".65, 1.0, 1.55, 1.9, and 1.9".

Messrs. Conway, Baack, and Landis asked unanimous consent to print the following amendment to LB 335 in the Journal. No objections. So ordered.

AM1060

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 44-371, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-371. All proceeds, cash values, and benefits accruing under any annuity contract, ~~or~~ 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~~ or under any accident or health insurance policy~~, issued before, on, or after August 30, 1981,~~ 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. ~~The provisions of this~~ This section shall not apply to any loan value ~~in excess of five thousand dollars of an~~ or cash value of a matured or unmatured life insurance contract or to any proceeds, cash value, or benefits accruing under any annuity contract, accrued or accumulated during the

immediately preceding two years from the date of the filing of the action in which such loan value or cash value of such life insurance contract or such proceeds, cash value, or benefits of such annuity contract are sought to be attached or garnished or are subject to other legal or equitable process, if it has the effect of increasing the exemptions allowed by law. No insurance company shall be liable or responsible to any person to determine or ascertain the cumulative total of life insurance policy or annuity contract loan values, cash values, proceeds, or benefits for any policyowner or annuitant.

Sec. 2. That section 44-1089, Revised Statutes Supplement, 1986, be amended to read as follows:

44-1089. (1) No noninsurance benefit, charity, relief, or aid to be paid, provided, or rendered by any society shall be liable to attachment, garnishment, or other process, or to be seized, taken, appropriated, or applied by any legal or equitable process or operation of law to pay any debt or liability of a member or beneficiary, or any other person who may have a right thereunder, either before or after payment by the society.

(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~~ or cash value of a matured or unmatured life insurance contract or to any proceeds, cash value, or benefits accruing under any annuity contract, accrued or accumulated during the immediately preceding two years from the date of the filing of the action in which such loan value or cash value of such life insurance contract or such proceeds, cash value, or benefits of such annuity

contract are sought to be attached or garnished or are subject to other legal or equitable process, if it has the effect of increasing the exemptions allowed by law. No fraternal benefit society shall be liable or responsible to any person to determine or ascertain the cumulative total of policy or certificate of life insurance or annuity contract loan values, cash values, proceeds, or benefits for any policy or certificate owner or annuitant.

Sec. 3. All proceeds and benefits accruing under any structured settlement providing periodic payments for personal injuries shall be exempt from attachment, garnishment, or other legal or equitable process and from all claims of creditors of the beneficiary of the structured settlement, unless a written assignment to the contrary has been obtained by the claimant.

Sec. 4. All proceeds, cash values, and benefits accruing under any employer-funded retirement annuity, individual retirement account, or individual pension plan, which is funded with substantially equal, regular payments, shall be exempt from attachment, garnishment, or other legal or equitable process and from all claims of creditors of the annuitant, unless a written assignment to the contrary has been obtained by the claimant.

This section shall not apply to any proceeds, cash values, or benefits accruing under any employer-funded retirement annuity, individual retirement account, or individual pension plan, accrued or accumulated during the immediately preceding two years from the date of filing the action in which such proceeds, cash values, or benefits of such employer-funded retirement annuity, individual retirement account, or individual pension plan are sought to be attached or garnished or are subject to other legal or equitable process, if it has the effect of increasing the exemptions allowed by law.

Sec. 5. That original section 44-371, Reissue Revised Statutes of Nebraska, 1943, and section 44-1089, Revised Statutes Supplement, 1986, are repealed.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 146 in the Journal. No objections. So ordered.

AM1043

(Amendments to Final Reading Copy)

1. On page 2, line 5, strike "are likely to" and insert "may".

2. On page 3, line 5, strike "impediments to" and insert "aspects of"; in line 7 strike "Develop" and insert "Evaluate whether" and after "framework" insert "should be developed"; and in line 11 after "a" insert "proposed".

3. On page 5, lines 5 and 22, strike "and"; in line 7 strike the period and insert "; and"; after line 7 insert the following new subdivision:

"(e) The effect of a proposed withdrawal on water supplies needed to meet reasonable future demands for water in the area of the proposed diversion."; after line 16 insert the following new subdivision:

"(d) Any reasonable foreseeable beneficial uses of the water in the basin of origin;" in line 17 strike "(d)" and insert "(e)"; in line 21 strike "(e)" and insert "(f)"; after line 22 insert the following new subdivision:

"(g) Alternative sources of water available to the basin of origin for future beneficial uses; and"; and in line 23 strike "(f)" and insert "(h)".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 773.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 773

The following changes, required to be reported for publication in the Journal, have been made:

ER0176

1. In the V. Johnson amendment, AM0980, adopted April 16, 1987, on page 1, line 20, "9" has been struck and "10" inserted.

2. On page 15, line 12, "that" has been inserted after "except".

3. On page 29, line 12, "(4)" has been struck, shown as stricken, and "(3)" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 775. Mr. Landis offered the following amendment to the Standing Committee amendments:
to strike on page 10 lines 16 & 17.

Mr. Landis moved for a call of the house. The motion prevailed with 21 ayes, 8 nays, and 20 not voting.

Mr. Landis requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Baack	Chizek	Johnson, R.	McFarland	Scofield
Barrett	Dierks	Korshoj	Moore	Wesely
Chambers	Hall	Landis	Schellpeper	Withem

Voting in the negative, 23:

Abboud	Hannibal	Johnson, V.	Nelson	Schmit
Beyer	Harris	Labedz	Peterson	Warner
Coordsen	Hartnett	Lamb	Remmers	Wehrbein
Elmer	Hefner	Miller	Rogers	Weihing
Goodrich	Johnson, L.	Morehead		

Present and not voting, 2:

Higgins Pirsch

Absent and not voting, 2:

Ashford Conway

Excused and not voting, 7:

Haberman	Lynch	Pappas	Rupp	Smith
Langford	Marsh			

The Landis amendment lost with 15 ayes, 23 nays, 2 present and not voting, 2 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mrs. Nelson offered the following amendment to the Standing Committee amendments:
AM1049
(Amendments to Standing Committee amendments, AM0968)
1. Strike sections 9, 10, and 12.
2. On page 36, line 21, strike "13 and 18" and insert "10 and 15".
3. On page 37, line 12, strike the comma; and in line 13 strike "77-2701,".
4. Renumber the remaining sections accordingly.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 656 and 656A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 656

The following changes, required to be reported for publication in the Journal, have been made:
ER0177
1. In the Wesely-Smith amendment, AM1007, adopted April 21, 1987, on page 1, line 8, "duties," has been inserted after "the" and an underscored comma has been inserted after "programs".

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 93.

Introduced by Rogers, 41st District; Wehrbein, 2nd District.

WHEREAS, the creation of the farm credit system was born out of a need to provide assistance to America's farmers, ranchers, and agricultural cooperatives during times of extreme hardship; and

WHEREAS, the farm credit system has since provided dependable, competitive agricultural credit to generations of farm and ranch families and their cooperatives in the State of Nebraska; and

WHEREAS, the farm credit system is now the largest single agricultural lender in the State of Nebraska, serving thousands of borrowers in the state; and

WHEREAS, the Legislature is vitally interested in preserving the stability of agricultural credit in Nebraska and the stability of our rural communities; and

WHEREAS, the farm credit system, due to a number of uncontrollable events and in spite of the fact that it is undertaking an aggressive program of loan restructuring to keep rural America's farmers and ranchers in business, is quickly using its resources in an effort to continue serving the credit needs of this state and others.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby calls upon the Congress of the United States to provide assistance sufficient to strengthen borrower and bondholder confidence and safeguard borrower stock, keeping the farm credit system responsive to the needs of borrowers on a local level and helping it remain as a viable, dependable, competitive lender in the State of Nebraska and other rural states, in the interest of our farmers, ranchers, agricultural cooperatives, and others in rural America.

2. That a copy of this resolution be sent to each of the members of the congressional delegations of the states of Nebraska, Iowa, South Dakota, and Wyoming who represent the states belonging to the Omaha district of the farm credit system.

Laid over.

ANNOUNCEMENT

Mr. Schmit announced the Natural Resources Committee will meet in Executive Session at 8:45 a.m., April 23, 1987, in Senator Schmit's office.

UNANIMOUS CONSENT - Print in Journal

Mr. Chizek asked unanimous consent to print the following amendment to LB 261 in the Journal. No objections. So ordered.

AM1061

1. On page 3, line 2, after "that" insert "alleges a claim or defense which"; in line 3 after "frivolous" insert "or made in bad faith"; in line 15 after "interposed" insert "solely"; in line 19 strike "available under Chapter 25"; and in line 22 after "if" insert "a claim or defense was asserted by an attorney or party in a good faith attempt to establish a new theory of law in this state or if".

2. On page 4, lines 6 and 7, strike "lacked substantial justification" and insert "was frivolous or made in bad faith".

3. On page 5, strike beginning with "the" in line 11 through "(9)" in line 14; in line 17 strike "(10)" and insert "(9)"; and in line 21 strike "(11)" and insert "(10)".

UNANIMOUS CONSENT - Member Excused

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Adjournment

Mrs. Higgins moved to adjourn. The motion lost with 9 ayes, 16 nays, 16 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 775. Mr. Chambers moved to bracket until May 31, 1987.

Messrs. Remmers and McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 1:

Baack

Voting in the negative, 29:

Abboud	Goodrich	Johnson, V.	Morehead	Rogers
Barrett	Hannibal	Labedz	Nelson	Warner
Beyer	Harris	Lamb	Pappas	Wehrbein
Coordsen	Hartnett	Landis	Peterson	Weihing
Dierks	Hefner	Miller	Pirsch	Wesely
Elmer	Johnson, L.	Moore	Remmers	

Present and not voting, 12:

Ashford	Conway	Johnson, R.	Schellpeper	Scofield
Chambers	Hall	Korshoj	Schmit	Withem
Chizek	Higgins			

Excused and not voting, 7:

Haberman	Lynch	McFarland	Rupp	Smith
Langford	Marsh			

The Chambers motion to bracket lost with 1 aye, 29 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Chambers moved to reconsider his motion to bracket.

Pending.

VISITORS

Visitors to the Chamber were Dr. and Mrs. Kevin Homewood from O'Neill; 26 fourth grade students and sponsor from Williams School, Omaha; and 8 students and sponsors from "Challenge World Group," Weeping Water.

ADJOURNMENT

At 4:48 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Thursday, April 23, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SEVENTH DAY - APRIL 23, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SIXTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 23, 1987

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Barrett 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. Miller, Rupp, Mesdames Langford, Marsh, and Smith who were excused; and Messrs. Abboud, Coordsen, Haberman, R. Johnson, Schellpeper, Mesdames Higgins, Labedz, Morehead, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Sixth Day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 90. Read. Considered.

LR 90 was adopted with 27 ayes, 0 nays, and 22 not voting.

GENERAL FILE

LEGISLATIVE BILL 775. The pending Chambers motion to reconsider the motion to bracket until May 31, 1987 was renewed.

Mr. Abboud 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, 8:

Chambers	Harris	McFarland	Schellpeper	Schmit
Haberman	Korshoj	Pappas		

Voting in the negative, 29:

Abboud	Dierks	Hefner	Landis	Scofield
Ashford	Elmer	Johnson, L.	Moore	Warner
Baack	Goodrich	Johnson, R.	Nelson	Wehrbein
Barrett	Hall	Johnson, V.	Peterson	Weihing
Beyer	Hannibal	Labedz	Remmers	Wesely
Chizek	Hartnett	Lamb	Rogers	

Present and not voting, 5:

Conway	Lynch	Morehead	Pirsch	Withem

Excused and not voting, 7:

Coordsen	Langford	Miller	Rupp	Smith
Higgins	Marsh			

The Chambers motion to reconsider lost with 8 ayes, 29 nays, 5 present and not voting, and 7 excused and not voting.

Mr. Chambers moved to bracket LB 775 until May 28, 1987.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a record vote on his motion to bracket.

Voting in the affirmative, 9:

Baack	Dierks	Higgins	McFarland	Schmit
Chambers	Haberman	Korshoj	Schellpeper	

Voting in the negative, 30:

Abboud	Elmer	Hefner	Morehead	Scofield
Ashford	Goodrich	Johnson, L.	Nelson	Warner
Barrett	Hall	Johnson, V.	Peterson	Wehrbein
Beyer	Hannibal	Labedz	Pirsch	Weihing
Chizek	Harris	Lamb	Remmers	Wesely
Conway	Hartnett	Landis	Rogers	Withem

Present and not voting, 3:

Johnson, R.	Lynch	Moore

Excused and not voting, 7:

Coordsen	Marsh	Pappas	Rupp	Smith
Langford	Miller			

The Chambers motion to bracket lost with 9 ayes, 30 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Nelson renewed her pending amendment, AM1049, found in the Journal on page 1802 to the Standing Committee amendments.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Mrs. Nelson moved for a call of the house. The motion prevailed with 5 ayes, 1 nay, and 43 not voting.

Mrs. Nelson requested a roll call vote on her amendment.

Voting in the affirmative, 19:

Baack	Dierks	Johnson, R.	Moore	Scofield
Barrett	Elmer	Korshoj	Morehead	Warner
Chambers	Haberman	Lamb	Nelson	Wehrbein
Conway	Higgins	McFarland	Schellpeper	

Voting in the negative, 20:

Abboud	Hall	Hefner	Landis	Rogers
Beyer	Hannibal	Johnson, L.	Peterson	Schmit
Chizek	Harris	Johnson, V.	Pirsch	Weihing
Goodrich	Hartnett	Labedz	Remmers	Withem

Present and not voting, 1:

Wesely

Excused and not voting, 9:

Ashford	Langford	Marsh	Pappas	Smith
Coordsen	Lynch	Miller	Rupp	

The Nelson amendment lost with 19 ayes, 20 nays, 1 present and not voting, and 9 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 708 in the Journal. No objections. So ordered.

AM1057

1. Insert the following new section:

"Sec. 6. That section 2-1213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1213. (1) No racing under sections 2-1201 to 2-1218 shall be permitted on Sunday except when approved by a majority of the members of the State Racing Commission upon application for approval by any racetrack. Such approval shall be given after the commission has considered: (a) Whether Sunday racing at the applicant track will tend to promote and encourage agriculture and horse breeding in Nebraska; (b) whether the applicant track operates under a license granted by the State Racing Commission; (c) whether the applicant track is in compliance with all applicable health, safety, fire, and police rules and regulations or ordinances; (d) whether the denial of Sunday racing at the applicant track would impair such track's economic ability to continue to function under its license; and (e) whether the record of the public hearing held on the issue of Sunday racing at the applicant track shows reasonable public support. Notice of such public hearing shall be given at least ten days prior thereto by publication in a newspaper having general circulation in the county in which the applicant track is operating, and the commission shall conduct a public hearing in such county. The commission may ~~prescribe~~ adopt, promulgate, and enforce rules and regulations governing the application and approval for Sunday racing in addition to its powers in section 2-1203. If the State Racing Commission permits racing on Sunday, the voters may prohibit such racing in the manner prescribed in section 2-1213.01. If approval by the commission for Sunday racing at the applicant track is granted, no racing shall occur on Sunday until after 1:00 p.m.

No license shall be granted for racing on more than one racetrack in any one county, except that the commission may, in its discretion, grant a license to any county agricultural society to conduct racing during its county fair notwithstanding license may have been issued for racing on another track in such county. Since the purpose of sections 2-1201 to 2-1218 is to encourage agriculture and horse breeding in Nebraska, every licensee shall hold at least one race on each racing day limited to Nebraska-bred horses. Three per cent of the first money of every purse won by a Nebraska-bred horse shall be paid to the breeder of such horse.

(2) For purposes of this section, Nebraska-bred horse shall mean a horse registered with the Nebraska Thoroughbred or Quarter Horse Registry and meeting the following requirements: (a) It must have been foaled in Nebraska; (b) its dam must have been registered, prior to foaling, with the Nebraska Thoroughbred or Quarter Horse Registry; (c) its owner or owners, or, if the owner is a corporation, all stockholders thereof, must have been bona fide citizens of Nebraska continually from January 1 of the year of conception through the date of foaling; and (d) its dam must have been continuously owned by a bona fide citizen of Nebraska and have been continuously in Nebraska for six months immediately prior to foaling, except that this period may be reduced to ~~ninety~~ thirty days in the case of a mare in foal and which is either (i) registered as a brood mare with the Nebraska Thoroughbred or Quarter Horse Registry but which is being actively trained and raced outside Nebraska and is returned to this state and remains herein continuously for ~~ninety~~ thirty days immediately prior to foaling~~,~~ or (ii) purchased at a nationally recognized thoroughbred or quarter horse blood stock sale, the name and pedigree of the mare being listed in the sale catalog, and which is brought into this state and remains ~~herein~~ in this state for ~~ninety~~ thirty days immediately prior to foaling. The requirement that a dam must be continuously in Nebraska for either six months or ninety days as specified in subdivision (2)(d) of this section shall not apply to a dam which is taken outside of Nebraska to be placed up for sale at a nationally recognized thoroughbred or quarter horse blood stock sale, the name and pedigree of the mare being listed in the sale catalog, or for the treatment of an extreme sickness or injury, if written notice of such proposed sale or treatment is provided to the secretary of the commission within three days of the date such horse is taken out of the state.

The State Racing Commission may designate official registrars for the purpose of registration and to certify the eligibility of Nebraska-bred horses. An official registrar shall perform such duties in accordance with policies and procedures adopted and promulgated by the State Racing Commission in the

current rules and regulations of the commission. The commission may authorize the official registrar to collect specific fees as would reasonably compensate the registrar for expenses incurred in connection with registration of Nebraska-bred horses. The amount of such fee or fees shall be established by the commission and shall not be changed without commission approval. Fees shall not exceed ~~fifty~~ one hundred dollars per horse.

Any decision or action taken by the official registrar shall be subject to review by the commission or may be taken up by the commission on its own initiative.".

2. On page 8, line 16, after "section" insert "2-1213, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 17 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

Mrs. Morehead asked unanimous consent to print the following amendment to LB 773 in the Journal. No objections. So ordered.

AM1068

(Amendments to the Final Reading copy)

1. On page 16, line 13, after "purposes" insert "if the obligation is purchased on or after April 1, 1987"; and in line 17 after "purposes" insert "if the investment in the regulated investment company is made on or after April 1, 1987,".

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 270. Placed on Select File as amended.
E & R amendments to LB 270:
AM5198

1. In lieu of the first Conway amendment and the Ashford amendment found on page 1790 of the Journal and the second Conway amendment found on page 1795 of the Journal, all adopted April 22, 1987, on page 2, lines 19 and 21, strike "two" and insert "one".

2. In the Chizek amendment, AM0573, adopted April 22, 1987:

a. On page 2, line 24, strike "(5)" and insert

"(6)";

b. On page 3, line 23, before "(a)" insert "(2)" and strike "subsection" and insert "section";

c. On page 4, line 21, strike "(e)", show as stricken, and insert "(d)"; and in lines 21 and 24 strike "subsection", show as stricken, and insert "subdivision";

d. On page 8, line 12, after the comma insert "and"; and

e. On page 9, line 9, after the sixth comma insert "and".

3. On page 1, line 2, after "Investment" insert "Incentive" and strike "section 77-27,188," and insert "sections 77-27,187, 77-27,188, 77-27,189, 77-27,190, 77-27,191, and 77-27,193,"; in line 4 after the semicolon insert "to change provisions relating to the applicability of, eligibility for, calculation of, and limitations on the credit; to redefine a term; to harmonize provisions; to provide an operative date;"; and in line 5 strike "section" and insert "sections".

(Signed) Scott Moore, Chairperson

GENERAL FILE

LEGISLATIVE BILL 775. Mr. Hall offered the following amendment to the Standing Committee amendments:

to amend LB 775 by striking lines 10 thru 24 on page 10, and lines 1 thru 4 on page 11.

Messrs. Hartnett and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

VISITORS

Visitors to the Chamber were 75 fourth grade students and teacher from Newell Elementary, Grand Island; 46 fourth grade students and teacher from Pierce Elementary; 45 members of Heritage Club from Bellevue; 14 sixth grade students and sponsor from Sterling; 34 fourth grade students and teacher from Shelby Public Schools; 27 eighth grade students from Osceola; and 25 seventh and eighth grade students and teacher from Stanton.

RECESS

At 11:56 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., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Miller, Rupp, Mesdames Langford, Marsh, and Smith who were excused; and Messrs. Lamb and Pappas who were excused until they arrive.

NOTICE OF COMMITTEE HEARING
Education and Appropriations

Thursday, April 30, 1987 Noon

Joint meeting to receive testimony of the Postsecondary Coordinating Commission as prescribed in Sections 85-9,107 and 85-9,108.

(Signed) Ron Withem, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 94.

Introduced by Wesely, 26th District.

PURPOSE, The safety and well being of the public in the State of Nebraska are of paramount concern to the Legislature. The transportation industry has been a partner in Nebraska's progress historically and remains vital to the economic health of the state. There is a compelling need to determine areas of state and federal jurisdiction relating to safety inspections, hazardous material transportation, and overall risk to the general public of this state and to transportation industry professionals. It is the purpose of this resolution to study and determine the areas of state and federal jurisdiction relating to the transportation issues listed in this resolution. In addition, when conducting the study, specific and

factual information shall be obtained to assist the Legislature in making future decisions relating to the transportation industry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Transportation Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 775. The pending Hall amendment found in the Journal on page 1814 to the Standing Committee amendments was renewed.

Mr. Landis requested a division of the question on the Hall amendment to the Standing Committee amendment.

The Chair sustained the division of the question.

The first Hall amendment to the Standing Committee amendments is as follows:

Pg. 10 of AM968 strike lines 10 and 11

Mr. Moore 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 17 ayes, 2 nays, and 30 not voting.

Mr. Chambers raised a point of order, requesting the Chair to interpret Rule 2, Section 4(b) to require that absent members be compelled to return to the Legislative Chamber.

The Chair ruled that because some of the absent members had been excused, only those members who were absent from the Legislative Chamber and were unexcused would be compelled to return to the Chamber. Excused members would not be compelled to return.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Chambers requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 22:

Ashford	Dierks	Higgins	Moore	Schellpeper
Baack	Haberman	Johnson, R.	Morehead	Scofield
Chambers	Hall	Landis	Nelson	Wesely
Chizek	Harris	McFarland	Pirsch	Withem
Conway	Hartnett			

Voting in the negative, 19:

Abboud	Goodrich	Korshoj	Peterson	Warner
Beyer	Hefner	Labedz	Remmers	Wehrbein
Coordsen	Johnson, L.	Lamb	Rogers	Weihing
Elmer	Johnson, V.	Lynch	Schmit	

Present and not voting, 2:

Barrett	Hannibal

Excused and not voting, 6:

Langford	Miller	Pappas	Rupp	Smith
Marsh				

The Chambers motion to overrule the Chair prevailed with 22 ayes, 19 nays, 2 present and not voting, and 6 excused and not voting.

Mr. Landis moved to compel the presence of the absent members.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Landis motion to compel the presence of the members lost with 0 ayes, 40 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Hall moved for a call of the house. The motion prevailed with 19 ayes, 4 nays, and 26 not voting.

Mr. Hall requested a roll call vote on his first pending amendment to the Standing Committee amendments found in this day's Journal.

Voting in the affirmative, 20:

Baack	Dierks	Johnson, R.	McFarland	Schellpeper
Barrett	Haberman	Korshoj	Moore	Scofield
Chambers	Hall	Labedz	Morehead	Wesely
Conway	Higgins	Landis	Nelson	Withem

Voting in the negative, 23:

Abboud	Elmer	Hefner	Peterson	Schmit
Ashford	Goodrich	Johnson, L.	Pirsch	Warner
Beyer	Hannibal	Johnson, V.	Remmers	Wehrbein
Chizek	Harris	Lamb	Rogers	Weihing
Coordsen	Hartnett	Lynch		

Excused and not voting, 6:

Langford	Miller	Pappas	Rupp	Smith
Marsh				

The Hall amendment lost with 20 ayes, 23 nays, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Baack and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

The second Hall amendment to the Standing Committee amendments is as follows:

Pg 10 of AM968 Strike lines 18 thru 23

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 90.

GENERAL FILE

LEGISLATIVE BILL 775. The pending second Hall amendment to the Standing Committee amendments was renewed.

Mr. Goodrich 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. Hall requested a record vote on his amendment.

Voting in the affirmative, 10:

Chambers	Hall	Korshoj	Moore	Schellpeper
Dierks	Higgins	Labedz	Nelson	Warner

Voting in the negative, 24:

Abboud	Coordsen	Hartnett	Morehead	Scofield
Ashford	Elmer	Hefner	Pirsch	Wehrbein
Barrett	Goodrich	Johnson, L.	Remmers	Weihing
Beyer	Hannibal	Johnson, V.	Rogers	Wesely
Chizek	Harris	Landis	Schmit	

Present and not voting, 7:

Conway	Johnson, R.	Lynch	McFarland	Peterson
Haberman	Lamb			

Excused and not voting, 8:

Baack	Marsh	Pappas	Smith	Withem
Langford	Miller	Rupp		

The second Hall amendment lost with 10 ayes, 24 nays, 7 present and not voting, and 8 excused and not voting.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

MESSAGE FROM THE GOVERNOR

April 23, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 345, 455 and 601 were received in my office on April 21, 1987.

These bills were signed by me on April 23, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 114 in the Journal. No objections. So ordered.

AM0985

1. Strike original sections 2, 4, and 13 to 20, and all amendments thereto, and insert the following new sections:

"Sec. 2. For purposes of sections 2 to 17 of this act, unless the context otherwise requires:

(1) Chief executive officer shall mean the mayor, city manager, or chairperson of the board of trustees of a municipality;

(2) Commercial hazardous waste management facility shall mean a hazardous waste management facility which accepts hazardous waste for treatment, storage, or disposal which is generated by any person other than the person which owns or operates such facility;

(3) Committee shall mean the specific site review committee established in response to a notice of intent filed pursuant to section 3 of this act;

(4) Hazardous waste management facility shall mean all contiguous land, and structures, other appurtenances, and improvements on the land, used for treatment, storing, or disposing of hazardous waste. A hazardous waste management facility may consist of several treatment, storage, or disposal operational units such as one or more landfills or surface impoundments or any combination of such operational units;

(5) Municipality shall mean an incorporated city or village; and

(6) Other definitions shall be as defined in section 81-1502.

Sec. 4. (1) The committee shall consist of twelve members, six of whom shall be local members and six of whom shall be regional members.

(2) The six local members shall be chosen as follows:

(a) If the proposed facility will be located within the zoning jurisdiction of a municipality, the chief executive officer of the municipality shall appoint six members who reside within such zoning jurisdiction;

(b) If the proposed facility will be located in an unincorporated area which is within five miles of the zoning jurisdiction of one or more municipalities, the chief executive officer of each such municipality shall appoint a member who resides within the zoning jurisdiction of the respective municipality and the chairperson of the county board of the county in which the facility would be located shall appoint additional members who reside within five miles of the proposed facility for a total of six members; and

(c) If the proposed facility will be located in an unincorporated area which is more than five miles from the zoning jurisdiction of any municipality, the chairperson of the county board of the county in which the facility would be located shall appoint six members who reside within five miles of the proposed facility.

(3) The six regional members shall be appointed by the director to represent various interests affected by a proposed facility and shall include at least one environmental representative, one academic expert, one industry representative, one community

planner, one representative of public interest groups, and one representative of the medical community. The regional members shall be appointed for two-year terms and shall serve whenever a committee is needed during that time. Alternates shall be appointed to serve in case a regional member is unable to do so or is already serving on a committee.

Sec. 12. The disapproval decision made by the local governing body may be appealed to district court. The court may affirm the decision or it may reverse or modify the decision if the substantial rights of the petitioner may have been prejudiced because the decision is:

(1) In violation of constitutional provisions;

(2) In excess of the statutory authority or jurisdiction of the local governing body;

(3) Made upon unlawful procedure;

(4) Unsupported by competent, material, and substantial evidence in view of the entire record as made on review; or

(5) Arbitrary or capricious.".

2. On page 4, line 18, strike "recommendation" and insert "decision"; and in line 19 strike "12" and insert "13".

3. In section 7 insert underscoring.

4. On page 12, line 12, after the period insert "If the local governing body disapproves the application, the department may not take further action on the application unless the disapproval is reversed by court order. For purposes of appeal, the decision of the local governing body to disapprove the application shall be deemed a final order."; and in line 23 after "Following" insert "approval".

5. On page 13, line 10, strike "recommend approval or disapproval of" and insert " decide whether to approve or disapprove".

6. On page 20, line 18, strike "recommendation" and insert "decision"; strike beginning with the first "the" in line 18 through the comma in line 19; and in line 19 strike "license" and insert "permit".

7. On page 21, line 8, strike "12" and insert "13".

8. On page 22, line 24, strike "24" and

insert "17".

9. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORTS

Education

The Committee on Education desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Dr. Thomas J. Reeves - Nebraska Educational Telecommunications Commission

Voting Aye: Senators Withem, Baack, Dierks, McFarland, Nelson, Peterson and Chizek. Voting nay: None. Absent: Senator Vard Johnson.

(Signed) Ron Withem, Chairperson

General Affairs

LEGISLATIVE BILL 421. Placed on General File as amended.
Standing Committee amendment to LB 421:
AM1077

1. Strike the original sections and insert the following new sections:

"Section 1. That at the general election in November, 1988, 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:

CIII-24 'The Legislature shall not authorize any game of chance, nor any lottery, or gift enterprise ~~where~~ when 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, except ~~; PROVIDED,~~ that it may authorize and regulate a state ticket lottery to provide additional revenue for the General Fund and such 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, except that such ~~; PROVIDED,~~ bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.'

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by 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 Legislature to establish a state ticket lottery for the purpose of raising additional revenue for the General Fund.

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.".

(Signed) Patricia S. Morehead, Chairperson

MOTION - Recommit LB 775 to Committee

Mr. Chambers moved to recommit LB 775 to the Revenue Committee.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Moore, L. Johnson, and Mrs. Pirsch asked unanimous consent to print the following amendment to LB 80 in the Journal. No objections. So ordered.

AM1079

(Amendments to Final Reading Copy)

1. On page 3, line 18, insert ", industrial, or commercial".

Mr. Hall asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

Page 10, line 17, after "and" insert "no qualifying aircraft shall be outfitted with parachutes while in use; and"

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 523 in the Journal. No objections. So ordered.

AM0966

(Amendments to Final Reading Copy)

1. On page 1, line 8 after "1943", insert ", and section 2, Legislative Bill 67, Ninetieth Legislature, First Session, 1987".

2. On page 2, line 16, after the second semicolon insert "to provide an exception to certain immunity;"

3. On page 45, line 24, strike "or who willfully falsifies any such statement" and show as stricken.

4. Insert the following new section:

"Sec. 38. That section 2, Legislative Bill 67, Ninetieth Legislature, First Session, 1987, be amended to read as follows:

Sec. 2. (1) On or after the effective date of this act, any person who serves as a director, officer, or trustee of a not-for-profit organization and who is not compensated for his or her services as a director, officer, or trustee on a salary or a prorated equivalent basis shall be immune from civil liability for any act or omission which results in damage or injury if such person was acting within the scope of his or her official functions and duties as a director, officer, or

trustee unless such damage or injury was caused by the willful or wanton act or omission of such director, officer, or trustee.

(2) Such immunity shall not apply to any obligation of a not-for-profit organization to any federal agency, state agency, or local political subdivision for any taxes, fees, or assessments or any other liability for which such directors, officers, or trustees may otherwise be legally responsible.

(3) ~~(2)~~ Nothing in this section shall be construed to establish, diminish, or abrogate any duties that a director, officer, or trustee of a not-for-profit organization has to the not-for-profit organization for which the director, officer, or trustee serves.

(4) ~~(3)~~ For purposes of this section, a director, officer, or trustee shall not be considered compensated solely by reason of the payment of his or her actual expenses incurred in attending meetings or in executing such office, the receipt of meals at meetings, or the receipt of gifts not exceeding a total value of one hundred dollars in any twelve consecutive months.".

5. On page 107, line 7, strike "39" and insert "40"; in line 10 strike "40" and insert "41" and in line 11 after the period insert "Section 38 of this act shall become operative three calendar months after the adjournment of this legislative session.".

6. Renumber remaining sections accordingly.

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 60 in the Journal. No objections. So ordered.

AM1016

(Amendments to Final Reading Copy)

1. On page 3, after line 5, insert the following new subsection:

"(4) Any person who becomes an employee after December 31, 1987, shall, upon retirement, receive an annuity provided by the retirement value.".

2. On page 7, after line 22, insert the following new subsection:

"(5) Any person who becomes an employee after December 31, 1987, who ceases to be an employee before becoming eligible for retirement under section 23-2315 shall, if vested, receive a paid-up deferred annuity

provided by the employee account and the employer account. At the option of the terminating member, the paid-up deferred annuity provided by this subsection may commence as of the first of the month at any time after such member attains the age of fifty-five or may be deferred no later than the sixtieth day after the end of the year in which the employee has both attained at least seventy and one-half years of age and has terminated his or her employment with the county. Any person who becomes an employee after December 31, 1987, and who terminates employment prior to vesting may receive a termination benefit equal to the amount in his or her employee account.".

3. On page 11, after line 2, insert the following new subsection:

"(6) Any person who becomes an employee after December 31, 1987, shall upon retirement receive an annuity provided by the retirement value.".

4. On page 13, after line 8, insert the following new subsection:

"(5) Any person who becomes an employee after December 31, 1987, who ceases to be an employee before becoming eligible for retirement under section 84-1317 shall, if vested, receive a paid-up deferred annuity provided by the employee account and the employer account. At the option of the terminating member, the paid-up deferred annuity provided by this subsection may commence as of the first of the month at any time after such member attains the age of fifty-five or may be deferred no later than the sixtieth day after the end of the year in which the employee has both attained at least seventy and one-half years of age and has terminated his or her employment with the state. Any person who becomes an employee after December 31, 1987, and who terminates employment prior to vesting may receive a termination benefit equal to the amount in his or her employee account.".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 775A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 775, Ninetieth Legislature, First Session, 1987.

MOTION - Adjournment

Mr. Moore moved to adjourn until 9:00 a.m., April 24.

Mr. Chambers requested a record vote on the motion to adjourn.

Voting in the affirmative, 2:

Haberman Moore

Voting in the negative, 27:

Abboud	Coordsen	Johnson, V.	Nelson	Schmit
Ashford	Elmer	Korshoj	Peterson	Warner
Beyer	Goodrich	Labedz	Pirsch	Wehrbein
Chambers	Harris	Lamb	Remmers	Weihing
Chizek	Hartnett	Landis	Rogers	Wesely
Conway	Johnson, L.			

Present and not voting, 11:

Barrett	Hannibal	Higgins	Lynch	Schellpeper
Dierks	Hefner	Johnson, R.	Morehead	Scofield
Hall				

Excused and not voting, 9:

Baack	Marsh	Miller	Rupp	Withem
Langford	McFarland	Pappas	Smith	

The Moore motion to adjourn lost with 2 ayes, 27 nays, 11 present and not voting, and 9 excused and not voting.

MOTION - Recommit LB 775 to Committee

The pending Chambers motion to recommit LB 775 to the Revenue Committee was renewed.

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

MOTION - Adjournment

Mr. Abboud moved to adjourn until 9:00 a.m., Friday, April 24, 1987.

Mr. Abboud moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Abboud requested a roll call vote on his motion to adjourn.

Voting in the affirmative, 17:

Abboud	Haberman	Landis	Schellpeper	Warner
Barrett	Hannibal	Moore	Schmit	Wehrbein
Coordsen	Johnson, L.	Morehead	Scofield	Wesely
Dierks	Johnson, R.			

Voting in the negative, 21:

Ashford	Elmer	Hartnett	Lynch	Remmers
Beyer	Goodrich	Johnson, V.	Nelson	Rogers
Chambers	Hall	Korshoj	Peterson	Weihing
Chizek	Harris	Lamb	Pirsch	Withem
Conway				

Present and not voting, 1:

Hefner

Absent and not voting, 1:

Labedz

Excused and not voting, 9:

Baack	Langford	McFarland	Pappas	Smith
Higgins	Marsh	Miller	Rupp	

The Abboud motion to adjourn lost with 17 ayes, 21 nays, 1 present and not voting, 1 absent and not voting, and 9 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Members Excused

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

MOTION - Recommit LB 775 to Committee

The pending Chambers motion to recommit LB 775 to the Revenue Committee was renewed.

Mr. Elmer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Chambers requested a roll call vote on his motion to recommit to committee.

Voting in the affirmative, 4:

Chambers	Korshoj	McFarland	Schmit

Voting in the negative, 31:

Abboud	Goodrich	Hefner	Moore	Schellpeper
Barrett	Haberman	Johnson, L.	Morehead	Scofield
Beyer	Hall	Johnson, V.	Peterson	Warner
Chizek	Hannibal	Labedz	Pirsch	Wehrbein
Coordsen	Harris	Landis	Remmers	Weihing
Dierks	Hartnett	Lynch	Rogers	Wesely
Elmer				

Present and not voting, 4:

Ashford	Conway	Lamb	Withem

Excused and not voting, 10:

Baack	Higgins	Johnson, R.	Langford	Marsh

Miller Nelson Pappas Rupp Smith

The Chambers motion lost with 4 ayes, 31 nays, 4 present and not voting, and 10 excused and not voting.

Messrs. Schmit, Haberman, and Mrs. Pirsch asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Reconsider Action on LB 775

Mr. Chambers moved to reconsider the vote on the motion to recommit LB 775 to committee.

Mr. V. Johnson raised a point of order on whether the motion was out of order since Mr. Chambers did not vote on the prevailing side as is required by Rule 7, Section 7.

The Chair sustained the point of order.

Mr. Chambers moved to bracket LB 775 until January 10, 1988.

Mr. V. Johnson raised a point of order pursuant to Rule 7, Section 6 on whether a motion to bracket to a time certain can be offered on a bill more than once, on the same day at the same stage of consideration.

The Chair sustained the point of order and declared the motion out of order.

Mr. Chambers moved to bracket LB 775.

Mr. V. Johnson raised a point of order on whether a motion to bracket can be offered where other motions to bracket to a date certain have been offered.

The Chair overruled the point of order distinguishing between the motion to bracket as opposed to the motion to bracket to a date certain.

Mr. V. Johnson challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chambers requested a roll call vote on the V. Johnson motion to overrule the Chair.

Voting in the affirmative, 21:

Ashford	Hannibal	Johnson, V.	Lynch	Remmers
Beyer	Hartnett	Labedz	Morehead	Rogers
Dierks	Hefner	Lamb	Nelson	Wehrbein
Elmer	Johnson, L.	Landis	Peterson	Weihing
Goodrich				

Voting in the negative, 8:

Abboud	Coordsen	Harris	Moore	Warner
Chambers	Hall	Korshoj		

Present and not voting, 8:

Barrett	Conway	Schellpeper	Wesely	Withem
Chizek	McFarland	Scofield		

Excused and not voting, 12:

Baack	Johnson, R.	Miller	Pirsch	Schmit
Haberman	Langford	Pappas	Rupp	Smith
Higgins	Marsh			

The V. Johnson motion to overrule the Chair prevailed with 21 ayes, 8 nays, 8 present and not voting, and 12 excused and not voting.

VISITORS

Visitors to the Chamber were Lon W. Weber and Earl Rademacher from Kearney; 35 seventh grade students and teacher from Guardian Angels, Westpoint; 25 seventh grade students and sponsor from Holy Trinity School, Hartington; 42 fifth and sixth grade students and teachers from Silver Lake Elementary, Bladen; Mr. and Mrs. Orville Geller from Pilger and Mr. and Mrs. Leonard Karel from Clarkson; and 14 members of Hamilton County Republican Women's Group.

MOTION - Adjournment

Mr. Landis moved to adjourn. The motion prevailed with 19 ayes, 4 nays, 14 present and not voting, and 12 excused and not voting, and at 5:20 p.m., the Legislature adjourned until 9:00 a.m., Friday, April 24, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-EIGHTH DAY - APRIL 24, 1987

LEGISLATIVE JOURNAL

SIXTY-EIGHTH DAY - APRIL 24, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SIXTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 24, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Senator Dierks.

ROLL CALL

The roll was called and all members were present except Messrs. Moore and Peterson who were excused; and Messrs. Abboud, Ashford, Chambers, Goodrich, Hall, Schellpeper, Mesdames Higgins, Labedz, and Nelson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Seventh Day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 92. Read. Considered.

LR 92 was adopted with 26 ayes, 0 nays, and 23 not voting.

WITHDRAW - Amendment to LB 60

Mr. V. Johnson withdrew his pending amendment, AM1016, found in the Journal on page 1826 to LB 60.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 60.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2315, 23-2317, 23-2319, 84-1319, and 84-1321, Revised Statutes Supplement, 1986; to change the voluntary retirement age for county employees; to change provisions relating to retirement options for certain employees; to change provisions relating to early retirement termination benefits; 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	Haberman	Labedz	Morehead	Schmit
Baack	Hannibal	Lamb	Nelson	Scofield
Barrett	Harris	Landis	Pappas	Smith
Beyer	Hartnett	Langford	Pirsch	Warner
Chizek	Hefner	Lynch	Remmers	Wehrbein
Conway	Higgins	Marsh	Rogers	Weihing
Coordsen	Johnson, L.	McFarland	Rupp	Wesely
Dierks	Johnson, R.	Miller	Schellpeper	Withem
Elmer	Korshoj			

Voting in the negative, 1:

Johnson, V.

Excused and not voting, 6:

Ashford	Goodrich	Hall	Moore	Peterson
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 198

Mr. McFarland withdrew his pending amendment, AM1005, found in the Journal on page 1699 to LB 198.

MOTION - Return LB 198 to Select File

Mr. McFarland moved to return LB 198 to Select File for the specific amendment, AM1017, found in the Journal on page 1716.

The McFarland motion to return prevailed with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 198. The McFarland specific amendment, AM1017, found in the Journal on page 1716 was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 413 to Select File

Mr. Warner moved to return LB 413 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Warner withdrew his pending motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 413. With Emergency.

A BILL FOR AN ACT relating to special education; to amend section 43-648, Revised Statutes Supplement, 1986, as amended by section 2, Legislative Bill 2, Eighty-ninth Legislature, Fourth Special Session, 1986; to change reimbursement provisions; to eliminate an operative date provision; to repeal the original section, and also section 3, Legislative Bill 2, Eighty-ninth Legislature, Fourth Special Session, 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	Goodrich	Johnson, V.	Miller	Schmit
Baack	Haberman	Korshoj	Morehead	Scofield
Barrett	Hannibal	Labedz	Nelson	Smith
Beyer	Harris	Lamb	Pappas	Warner
Chizek	Hartnett	Landis	Pirsch	Wehrbein
Conway	Hefner	Langford	Remmers	Weihing
Coordsen	Higgins	Lynch	Rogers	Wesely
Dierks	Johnson, L.	Marsh	Rupp	Withem
Elmer	Johnson, R.	McFarland	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 5:

Ashford	Chambers	Hall	Moore	Peterson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB 514

Mr. Landis withdrew his pending amendment, AM0869, printed separate from the Journal and referred to on page 1511 to LB 514.

MOTION - Return LB 514 to Select File

Messrs. Landis and Wesely moved to return LB 514 to Select File for the following specific amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1076).

Mr. Warner requested a ruling of the Chair on whether the Landis-Wesely amendment is germane to the bill.

The Chair ruled the Landis-Wesely amendment is not germane to the bill.

Mr. Haberman 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 74.

A BILL FOR AN ACT relating to public health and welfare; to provide duties regarding organ and tissue donation; and to provide an exemption from liability.

Whereupon the 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	Elmer	Johnson, V.	Miller	Smith
Baack	Goodrich	Korshoj	Morehead	Warner
Barrett	Hannibal	Lamb	Nelson	Wehrbein
Chizek	Harris	Landis	Pirsch	Weihing
Conway	Hefner	Langford	Remmers	Wesely
Coordsen	Johnson, L.	Lynch	Rupp	Withem
Dierks	Johnson, R.	Marsh	Scofield	

Voting in the negative, 7:

Beyer	Higgins	Rogers	Schellpeper	Schmit
Hartnett	Labedz			

Present and not voting, 2:

McFarland Pappas

Excused and not voting, 6:

Ashford	Haberman	Hall	Moore	Peterson
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 80

Messrs. Moore, L. Johnson, and Mrs. Pirsch withdrew their pending amendment, AM1079, found in the Journal on page 1825 to LB 80.

MOTION - Return LB 80 to Select File

Messrs. L. Johnson, Moore, and Mrs. Pirsch moved to return LB 80 to Select File for the following specific amendment:

(Amendments to Final Reading Copy)

1. On page 3, line 18, after the word agricultural insert ", industrial, or commercial".

The L. Johnson-Moore-Pirsch motion to return lost with 11 ayes, 27 nays, 6 present and not voting, and 5 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 80.

A BILL FOR AN ACT relating to all-terrain vehicles; to amend sections 60-301, 60-401, 60-501, and 60-2102, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to regulate the operation and equipping of all-terrain vehicles; to require notice of accidents; to provide penalties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud	Coordsen	Hefner	Langford	Rogers
Ashford	Dierks	Higgins	Lynch	Schellpeper
Baack	Elmer	Johnson, V.	Marsh	Smith
Barrett	Goodrich	Korshoj	McFarland	Wehrbein
Beyer	Haberman	Labedz	Miller	Weihing
Chizek	Harris	Lamb	Pappas	Wesely
Conway	Hartnett	Landis	Remmers	Withem

Voting in the negative, 9:

Johnson, L.	Johnson, R.	Morehead	Nelson	Pirsch

Rupp Schmit Scofield Warner

Present and not voting, 1:

Hannibal

Excused and not voting, 4:

Chambers Hall Moore Peterson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 114 to Select File

Mr. Landis moved to return LB 114 to Select File for his pending specific amendment, AM0985, found in the Journal on page 1820.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Landis motion to return prevailed with 25 ayes, 9 nays, 10 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 114. The Landis specific amendment, AM0985, found in the Journal on page 1820 was considered.

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 Landis specific amendment was adopted with 26 ayes, 11 nays, 7 present and not voting, and 5 excused and not voting.

Messrs. Landis and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?"

Mr. Withem requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 23:

Abboud	Conway	Johnson, V.	McFarland	Wehrbein
Ashford	Coordsen	Korshoj	Miller	Weihing
Barrett	Goodrich	Langford	Pappas	Wesely
Beyer	Harris	Lynch	Warner	Withem
Chizek	Hartnett	Marsh		

Voting in the negative, 19:

Baack	Hefner	Lamb	Remmers	Schmit
Dierks	Higgins	Morehead	Rogers	Scofield
Elmer	Johnson, L.	Nelson	Rupp	Smith
Hannibal	Johnson, R.	Pirsch	Schellpeper	

Absent and not voting, 2:

Chambers Labedz

Excused and not voting, 5:

Haberman	Hall	Landis	Moore	Peterson

The motion to cease debate lost with 23 ayes, 19 nays, 2 absent and not voting, and 5 excused and not voting.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 60, 413, 74, and 80.

UNANIMOUS CONSENT - Members Excused

Messrs. Withem and McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 114. Considered.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem moved to bracket LB 114 until April 27, 1987.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

The Withem motion to bracket prevailed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 24, 1987, at 11:53 a.m., were the following bills: 74, 413, 60, and 80.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. R. Johnson asked unanimous consent to have his name withdrawn as co-introducer to LB 421. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 95.

Introduced by Abboud, 12th District; Ashford, 6th District; Baack, 47th District; Barrett, 39th District; Beyer, 3rd District; Chambers, 11th District; Chizek, 31st District; Conway, 17th District; Coordsen, 32nd District; Dierks, 40th District; Elmer, 38th 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; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Korshoj, 16th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Langford, 36th District; Lynch, 13th District; Marsh, 29th District; McFarland, 28th District; Miller, 37th District; Moore, 24th District; Morehead, 30th District; Nelson, 35th District; Pappas, 42nd District; Peterson, 21st District; Pirsch, 10th District; Remmers,

1st District; Rogers, 41st District; Rupp, 22nd District; Schellpeper, 18th District; Schmit, 23rd District; Scofield, 49th District; Smith, 33rd District; Warner, 25th District; Wehrbein, 2nd District; Weihing, 48th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, Rev. Dr. Robert E. Palmer is the chaplain coordinator for the Legislature and has served in that capacity since 1965; and

WHEREAS, Dr. Palmer has steadfastly served the Legislature by providing daily inspiration; and

WHEREAS, after serving his congregation at Westminster Presbyterian Church for twenty-three and one half years, Dr. Palmer is moving to Naples, Florida to become senior minister at another church; and

WHEREAS, Dr. Palmer's service to this Legislature and the people of the state has been greatly appreciated and will be greatly missed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its best wishes to the Rev. Dr. Robert E. Palmer in his new calling.

2. That the Legislature expresses its gratitude to Dr. Palmer for his many years of service.

3. That the Clerk of the Legislature present this resolution to Rev. Palmer.

Laid over.

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 23, 1987. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Anderson, Robert L. - Lincoln, Anderson Management Services, Inc.
Boyer, John K. - Omaha, IBM
DeCamp Legal Services, P.C.
DeCamp, John W. - Lincoln, Loran Schmit on Behalf of Farmers

Licht, Alice L. - Lincoln, Automotive Service Council of Nebraska; Nebraska Autobody Association; Nebraska Fertilizer & Ag-Chemical Institute, Inc.
Litjen, Thomas R. - Omaha, Valmont Industries, Inc.
Noren, Charles F. - Hickman, Vickers, Tom
Skochdopole, Robert A. - Omaha, Valmont Industries, Inc.
Vickers, Tom - Lincoln, Danehey, Tom; Joint Strategy Action Team
Wright, Norman H. - Omaha, IBM

SELECT FILE

LEGISLATIVE BILL 773A. E & R amendment, AM5197, found in the Journal on page 1793 for the Sixty-Sixth Day was adopted.

Mr. V. Johnson offered the following amendment:
on page 2
in line 2, strike "$2,621,589" and insert "$2,176,488",
in line 3, strike "$2,810,504" and insert "$2,271,045",
in line 10, strike "$1,415,681" and insert "$1,107,529",
in line 11, strike "$1,959,830" and insert "$1,544,588".

The V. Johnson amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

VISITORS

Visitors to the Chamber were 45 fourth grade students and teachers from Tri County Elementary, DeWitt; and 40 fifth grade students and teacher from Westlawn School, Grand Island.

RECESS

At 11:58 a.m., on a motion by Mr. Warner, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Baack, Hefner, L. Johnson, Moore, Peterson, and Wehrbein who were excused; and Messrs. Chambers, Conway, R. Johnson, McFarland, and Schellpeper who were excused until they arrive.

NOTICE OF COMMITTEE HEARING
Natural Resources

Governor Appointments Wednesday, May 13, 1987 8:45 a.m.
Robert J. Olson - Natural Resources Commission
Ralph Knobel - Natural Resources Commission
Ed Schrock - Natural Resources Commission
Dwayne G. Smith - Department of Environmental Control

(Signed) Loran Schmit, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 426. Placed on General File as amended.
Standing Committee amendments to LB 426:
AM1037

1. On page 3, line 5, strike "sections 15 and 16" and insert "section 14"; in line 20 strike "a"; in line 21 strike "facility" and reinstate "facilities"; and in line 25 strike "and".

2. On page 4, reinstate beginning with "To" in line 1 through line 3 and insert "(b)" before the reinstated matter; in line 4 strike "(b)" and insert "(c)"; in lines 6 through 8 strike the new matter and reinstate the stricken matter; and strike lines 17 through 22.

3. On page 6, line 3, after "property" insert "selected pursuant to the Central Interstate Low-level Radioactive Waste Compact and"; and in line 4 strike "management" and insert "storage, treatment, or disposal".

4. On page 8, strike beginning with the comma in line 9 through "exposure" in line 12.

5. On page 10, strike lines 4 through 14; in line 24 strike "department", show as stricken, and insert "Legislature"; and strike line 25 and insert

"(2) The applicant shall notify the Governor and the Legislature before beginning any onsite

geological activity, such as soil core sampling, to determine the suitability of a site in the State of Nebraska for use as a facility.".

6. On page 11, strike line 1.

7. On page 12, line 5, after "arrangement" insert "sufficient to accomplish any necessary corrective action or clean-up on real or personal property caused by releases of radiation from a disposal site during the operational life of the facility and"; in line 9 after "licensee" insert "abandons the facility or"; in line 10 after "performing" insert "its operational or other"; in line 11 after the period insert "In addition to the surety requirements, the licensee shall purchase property and third-party liability insurance, and pay the necessary periodic premiums at all times in such amounts as determined by the council pursuant to rules and regulations adopted and promulgated pursuant to the Low-level Radioactive Waste Disposal Act."; and in lines 24 and 25 reinstate the stricken matter.

8. On page 13, lines 1 through 6, reinstate the stricken matter.

9. On page 14, line 1, strike "(4)" and reinstate "(5)".

10. On page 15, lines 24 and 25, reinstate the stricken matter.

11. On page 16, lines 1 through 8, strike the new matter and reinstate the stricken matter.

12. On page 17, line 21, strike "affected area" and insert "county in which the proposed facility is to be located"; and strike beginning with "The" in line 22 through the period in line 25.

13. Strike original sections 15 and 16 and insert the following new sections:

Sec. 14. No license for the operation of a facility shall be granted to any applicant who proposes a disposal design which uses traditional shallow land burial as used prior to 1979. An applicant shall present a disposal design for above ground disposal or other technology which contains one or more engineered, artificially constructed barriers to isolate the waste from the surrounding environment. An applicant shall present a plan of continuous environmental monitoring to detect any releases of radiation from the disposal

facility and having the capability of providing early warning of releases of radiation from the facility. The monitoring plan shall cover the operational life of the facility and such time period following site closure and stabilization that is necessary to protect the health and safety of the public. An applicant shall present a plan for the recovery, clean-up, or other corrective action necessary as a result of the release of radiation from the facility. The facility design shall include a plan for retrievability and removal of all waste.

Sec. 16. That section 81-15,113, Revised Statutes Supplement, 1986, be amended to read as follows:

81-15,113. The state's annual contribution to the Central Interstate Low-level Radioactive Waste Compact Commission's budget shall be paid by generators of low-level radioactive waste in this state which dispose of such waste in low-level radioactive waste disposal facilities through fees assessed by the department pursuant to section 81-15,104. Fees may be reasonably assessed on the basis of volume of the waste shipped and shall be deposited in the Low-level Radioactive Waste Cash Fund. Such fees shall be due the first of July beginning in 1986 and shall continue until surcharges are collected pursuant to Article IV, section (h)(2) of the compact. There shall be no state General Fund appropriation for the construction, maintenance, or long-term monitoring and care of a low-level waste disposal facility.".

14. On page 21, line 4, strike "and"; and in line 5 after the second comma insert "and 81-15,113,".

15. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 427. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

MOTION - Reconsider Action on LB 775

Mr. Lynch moved to reconsider the vote on the Nelson amendment, April 23, 1987, to remove capital gains.

Laid over.

MOTION - Return LB 398 to Select File

Mr. Schmit moved to return LB 398 to Select File to reoffer his specific amendment, AM0997, found in the Journal on page 1681.

Mr. Abboud 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 be excused until he returns. No objections. So ordered.

The Schmit motion to return lost with 12 ayes, 16 nays, 8 present and not voting, and 13 excused and not voting.

Mr. Landis moved to return LB 398 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Landis withdrew his pending motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 398. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend sections 23-2413 and 81-8,231, Reissue Revised Statutes of Nebraska, 1943, and sections 48-128, 48-144.02, 48-144.04, 48-146, 48-146.02, 48-162.02, 48-178.01, and 81-8,239.01, Revised Statutes Supplement, 1986; to adopt the Intergovernmental Risk Management Act; 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, 35:

Abboud	Beyer	Conway	Dierks	Goodrich
Ashford	Chizek	Coordsen	Elmer	Haberman

Hall	Johnson, R.	Langford	Morehead	Smith
Hannibal	Johnson, V.	Lynch	Nelson	Warner
Harris	Labedz	Marsh	Pappas	Weihing
Hartnett	Lamb	McFarland	Remmers	Wesely
Higgins	Landis	Miller	Scofield	Withem

Voting in the negative, 5:

Barrett	Korshoj	Pirsch	Rupp	Schmit

Present and not voting, 1:

Rogers

Excused and not voting, 8:

Baack	Hefner	Moore	Schellpeper	Wehrbein
Chambers	Johnson, L.	Peterson		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 398.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB 398.

(Signed) Roger R. Wehrbein

RESOLUTIONS

LEGISLATIVE RESOLUTION 96.

Introduced by Smith, 33rd District; Lynch, 13th District; Wesely, 26th District; Schellpeper, 18th District; Morehead, 30th District; Lamb, 43rd District; Goodrich, 20th District; Beyer, 3rd District; Pappas, 42nd District.

WHEREAS, pursuant to legislation which became effective on April 11, 1986, the people of Nebraska created the Alzheimer's Disease Task Force, authorized such task force to exist from twelve to eighteen months, and directed such task force to explore private sector solutions to the problem of providing long-term health care insurance for persons with Alzheimer's disease or a related disorder; and

WHEREAS, the Alzheimer's Disease Task Force has submitted an Interim Report to the Governor and the Legislature of the State of Nebraska with the following findings:

(1) Alzheimer's disease and related disorders include all untreatable forms of dementia. Alzheimer's disease is an organic brain disorder which results in the progressive deterioration of its victims' memories. During the victim's lifetime, the disease is diagnosed by eliminating other potential causes of the symptoms found in the victim. Actual final diagnosis requires microscopic examination of the victim's brain tissue obtained by autopsy. There are a number of disorders related to Alzheimer's disease. All share similar symptoms of dementia but have different causes. Since they are not currently medically treatable, all ultimately result in the need for long-term care, either in the victim's home or in an institution;

(2) Prior to the age of sixty-five years, approximately five per cent of the country's population suffers from untreatable dementia. This increases to ten per cent at age of seventy-five years and up to twenty-five per cent at the ages of eighty years and above. Since many more millions of family members and other care-givers are involved in the care of these patients, as many as ten to fifteen million Americans are directly impacted by these disorders. While the victim's family often serves as the care-giver to these victims, especially in the early stages, it frequently becomes necessary to institutionalize the victims. Currently, there are in excess of one million two hundred fifty thousand nursing home patients in the United States. As many as one half of these may be victims of Alzheimer's disease and related disorders. The problem with these disorders is particularly acute in Nebraska since our population is much older than the norm for the United States. Various studies have rated Nebraska's population from the sixth to eighth most aged in the country;

(3) Health care related costs incurred by, and on behalf of, the victims of Alzheimer's disease and related disorders can be devastating. While certain treatment costs such as hospitalization and medical bills may be covered by group and individual insurance policies and Medicare, costs incurred for long-term care generally are not covered. Therefore, the very substantial costs incurred for home

care or institutionalization of these victims may not be covered by insurance and can bankrupt victims and their families;

(4) Insurance companies offer coverages and benefits and charge premiums which, for the most part, are dependent on the forces of the free market economic system. While the State of Nebraska could mandate that all health insurance policies issued in Nebraska provide benefits for long-term care, such action would substantially add to the costs of insurance borne by this state's citizens. In addition, there is a real possibility that mandating such a benefit would cause insurers to withdraw from writing health insurance in the State of Nebraska;

(5) Certain health insurers have developed long-term care policies which would provide benefits for the care of victims of Alzheimer's disease and related disorders. Model legislation enabling the marketing of these policies have been developed by the National Association of Insurance Commissioners and has been introduced for adoption in Nebraska. Adoption of this legislation is highly desirable;

(6) There are many other important issues relating to untreatable dementia which should be reviewed and addressed. Unfortunately, due to the charge contained in LB 804, Eighty-ninth Legislature, Second Session, 1986, issues other than insurance are beyond the current scope of the Alzheimer's Disease Task Force; and

(7) There is a great need for more consumer education concerning the cost of long-term care services and the current problem of inadequate coverage provided by Medicare, Medicare Supplement insurance, and nursing home policies. The general public often erroneously believes that these products provide total coverage for illnesses such as Alzheimer's disease and related disorders; and

WHEREAS, the multidisciplinary makeup of the Alzheimer's Disease Task Force brings a broad perspective to the problems of Alzheimer's disease and its related disorders and its existence should be continued.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature of the State of Nebraska hereby deems it desirable and recommends to the Governor that the Alzheimer's Disease Task Force be rechartered and directed to investigate, research, and examine all relevant issues relating to untreatable dementing disorders, which include Alzheimer's disease and its related disorders, and to provide the Governor and the Legislature with periodic status reports of its activities and findings.

2. That, without restricting the generality of its charge, the Legislature recommends that the rechartered Alzheimer's Disease Task Force:

(a) Investigate desirable statutory changes which would relieve the spouses and families of victims of Alzheimer's disease and related disorders from the prospects of financial ruin in order to qualify the victim for public financial assistance;

(b) Serve as a resource for information on untreatable dementia by:

(i) Receiving input on the problem from the people of Nebraska;

(ii) Disseminating information on the disorders, on agencies and other resources providing assistance to victims and their families, and on financial alternatives available to victims of the disease; and

(iii) Coordinating statewide efforts dealing with the various aspects of the disorders; and

(c) Develop and promote policies in the State of Nebraska which encourage the availability of long-term care for victims of untreatable dementia.

Laid over.

LEGISLATIVE RESOLUTION 97.

Introduced by Pirsch, 10th District.

WHEREAS, in Nebraska as a result of crime, thousands of victims sustained not only injury, financial loss, or death, but also the expense, suffering, and indignities of the criminal justice process.

WHEREAS, many Nebraska citizens have volunteered their support and time in noble efforts to assist victims of crime in this state;

WHEREAS, the Nebraska Legislature has been responsive to the needs of crime victims in the past by enacting legislation giving them statutory rights and greater participation in the criminal justice process;

WHEREAS, the Legislature recognizes the need for greater public awareness of the plight of the crime victim; and

WHEREAS, the Legislature recognizes the need of victims for increased support from elected and appointed officials involved with the criminal justice process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature acknowledges the plight of crime victims and wishes to encourage public awareness and support for the needs of victims of crime.

2. That the Legislature hereby declares the week of April 26 to May 2, 1987, to be Victims Rights Week in Nebraska.

Laid over.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 768. Placed on General File.

LEGISLATIVE BILL 130. Placed on General File as amended.
Standing Committee amendment to LB 130:
AM1036

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 131. Placed on General File as amended.
Standing Committee amendments to LB 131:
AM1000

1. On page 2, line 24, strike "July 15", show as stricken, and insert "September 1".
2. Insert the following new section:
"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 218. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0975.)

LEGISLATIVE BILL 763. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1065.)

LEGISLATIVE BILL 769. Placed on General File as amended.
Standing Committee amendment to LB 769:
AM1070

1. Strike original section 1 and insert the following new section:

"Section 1. There is hereby appropriated out of any money in the General Fund, not otherwise appropriated, for the year beginning July 1, 1987, and ending June 30, 1988, and the year beginning July 1, 1988, and ending June 30, 1989, the sums specified in this section, or so much as may be necessary, for the salaries and benefits of officers of the Nebraska state government.

APPROPRIATIONS FROM GENERAL FUND

	FY1987-88	FY1988-89
JUDICIARY		
Seven Supreme Court Judges	466,860	468,466
Clerk of the Supreme Court	36,000	37,800
Reporter of the Supreme Court	36,000	37,800
Fifty-two district and juvenile court judges	3,222,011	3,234,360
Fifty-seven county court judges	3,268,102	3,281,285
EXECUTIVE		
Governor	66,690	66,856
Lieutenant Governor	46,920	46,920
Secretary of State	47,474	47,549
Auditor of Public Accounts	41,110	41,173
Attorney General	66,376	66,379
State Treasurer	41,064	41,131
PUBLIC SERVICE COMMISSION		
Five Public Service Commissioners	205,481	206,985
ADMINISTRATIVE DEPARTMENTS		
Tax Commissioner	64,350	64,515".

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Members Excused

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Messrs. Goodrich and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Reconsider Action on LB 642

Mr. Warner renewed his pending motion found in the Journal on page 1675 to reconsider the passage of LB 642 on Final Reading.

Mr. Lamb raised a point of order on whether the motion is in order as is required by Rule 7, Section 7.

The Chair sustained the point of order.

MOTION - Suspend Rules

Mr. Warner moved that Rule 7, Section 7 be suspended so that the Warner motion to reconsider the vote on Final Reading of LB 642 may be read today.

The Warner motion to suspend the rules prevailed with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Reconsider Action on LB 642

Mr. Warner renewed his pending motion found in the Journal on page 1675 to reconsider the passage of LB 642 on Final Reading.

The motion to reconsider prevailed with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

Mr. Remmers asked unanimous consent to have LB 642 laid over. No objections. So ordered.

MOTION - Introduce New Bills

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1134.

The Warner motion prevailed with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

Messrs. Abboud and Remmers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1147.

The Warner motion prevailed with 30 ayes, 0 nays, 6 present and not voting, and 13 excused and not voting.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1155.

The Warner motion prevailed with 30 ayes, 0 nays, 6 present and not voting, and 13 excused and not voting.

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1153.

The Warner motion prevailed with 30 ayes, 0 nays, 5 present and not voting, and 14 excused and not voting.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1159.

The Warner motion prevailed with 30 ayes, 0 nays, 4 present and not voting, and 15 excused and not voting.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1160.

The Warner motion prevailed with 30 ayes, 0 nays, 4 present and not voting, and 15 excused and not voting.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1096.

The Warner motion prevailed with 30 ayes, 0 nays, 5 present and not voting, and 14 excused and not voting.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1148.

The Warner motion prevailed with 31 ayes, 0 nays, 4 present and not voting, and 14 excused and not voting.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1161.

The Warner motion prevailed with 30 ayes, 0 nays, 5 present and not voting, and 14 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 779. By Appropriations Committee: Warner, 25th District, Chairperson; Abboud, 12th District; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Marsh, 29th District; Moore, 24th District; Scofield, 49th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of civil action claims against the state; to provide how payment shall be made; and to declare an emergency.

LEGISLATIVE BILL 780. By Appropriations Committee: Warner, 25th District, Chairperson; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Moore, 24th District; Scofield, 49th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to appropriations; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 1989; to provide an operative date; to repeal Laws 1986, LB 131A, Laws 1986, LB 153A, Laws 1986, LB 217A, Laws 1986, LB 277A, Laws 1986, LB 284A, Laws 1986, LB 286A, Laws 1986, LB 310A, Laws 1986, LB 318A, Laws 1986, LB 325A, Laws 1986, LB 333A, Laws 1986, LB 355A, Laws 1986, LB 438A, Laws 1986, LB 474A, Laws 1986, LB 575A, Laws 1986, LB 579A, Laws 1986, LB 643A, Laws 1986, LB 757A, Laws 1986, LB 774A, Laws 1986, LB 775A, Laws 1986, LB 795A, Laws 1986, LB 835A, Laws 1986, LB 850A, Laws 1986, LB 851A, Laws 1986, LB 894A, Laws 1986, LB 900A, Laws 1986, LB 925A, Laws 1986, LB 967, Laws 1986, LB 992A, Laws 1986, LB 1001A, Laws 1986, LB 1004A, Laws 1986, LB 1007, section 3, Laws 1986, LB 1027A, Laws 1986, LB 1036A, Laws 1986, LB 1037A, Laws 1986, LB 1041A, Laws 1986, LB 1049A, Laws 1986, LB 1051A, Laws 1986, LB 1105A, Laws 1986, LB 1124A, Laws 1986, LB 1143A, Laws 1986, LB 1230A, and Laws 1986, LB 1258A; and to declare an emergency.

LEGISLATIVE BILL 781. By Appropriations Committee: Warner, 25th District, Chairperson; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Marsh, 29th District; Moore, 24th District; Scofield, 49th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to appropriations; to make appropriations for capital construction as prescribed; to state intent; to repeal capital construction provisions; to provide an operative date; to repeal Laws 1986, LB 1038, and Laws 1986, LB 1252; and to declare an emergency.

LEGISLATIVE BILL 782. By Appropriations Committee: Warner, 25th District, Chairperson; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Marsh, 29th District; Moore, 24th District; Scofield, 49th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to public employees; to amend section 81-1341.01, Revised Statutes Supplement, 1986; to state intent; to change provisions relating to salary increases as prescribed; to repeal obsolete provisions; to provide an operative date; to repeal the original section, and also sections 48-840 and 48-841, Revised Statutes Supplement, 1986; and to declare an emergency.

LEGISLATIVE BILL 783. By Appropriations Committee: Warner, 25th District, Chairperson; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Marsh, 29th District; Moore, 24th District; Scofield, 49th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to group health insurance; to amend section 44-1620.01, Reissue Revised Statutes of Nebraska, 1943; to change the state's contribution to the state employee health insurance program; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 784. By Appropriations Committee: Warner, 25th District, Chairperson; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Marsh, 29th District; Moore, 24th District; Scofield, 49th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to appropriations; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 1989; to authorize capital construction projects as prescribed; and to declare an emergency.

LEGISLATIVE BILL 785. By Appropriations Committee: Warner, 25th District, Chairperson; Abboud, 12th District; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Marsh, 29th District; Moore, 24th District; Scofield, 49th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-212 and 37-1273, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to an appropriation to the Game and Parks Commission; to provide for the use of certain funds and fees for publications as prescribed; to provide restrictions and limitations on commission publications; and to repeal the original sections.

LEGISLATIVE BILL 786. By Appropriations Committee: Warner, 25th District, Chairperson; Abboud, 12th District; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Marsh, 29th District; Moore, 24th District; Scofield, 49th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to the Nebraska Investment Council; to amend section 72-1249.02, Reissue Revised Statutes of Nebraska, 1943, and section 80-401, Revised Statutes Supplement, 1986; to change procedures for the allocation of charges to certain funds; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 787. By Appropriations Committee: Warner, 25th District, Chairperson; Abboud, 12th District; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Marsh, 29th District; Scofield, 49th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to appropriations; to appropriate and reappropriate certain funds to the State Energy Office.

LEGISLATIVE BILL 782A. By Appropriations Committee: Warner, 25th District, Chairperson; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Marsh, 29th District; Moore, 24th District; Scofield, 49th District; Wehrbein, 2nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 782, Ninetieth Legislature, First Session, 1987; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 783A. By Appropriations Committee: Warner, 25th District, Chairperson; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Marsh, 29th District; Moore, 24th District; Scofield, 49th District; Wehrbein, 2nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 783, Ninetieth Legislature, First Session, 1987; 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, Section 1, to place LBs 779, 780, 781, 782, 783, 784, 785, 786, and 787 on General File.

The Warner motion prevailed with 30 ayes, 0 nays, 6 present and not voting, and 13 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 24, 1987, at 2:35 p.m., was the following bill: 398.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mrs. Morehead asked unanimous consent to print the following amendment to LB 295 in the Journal. No objections. So ordered.

AM1083

(Amendments to Standing Committee amendments, AM0607)

1. Insert the following new sections:

"Sec. 24. That section 9-243, Revised Statutes Supplement, 1986, be amended to read as follows:

9-243. (1) Any person conducting bingo, any designated supervising member, and any member designated responsible for the proper utilization of gross receipts shall be a member or officer of the licensed organization and shall not receive any compensation greater than an amount equal to four dollars per hour for each hour such person actually conducted bingo

during a bingo occasion or limited period bingo occasion or such designated members actually acted as such.

(2) Nothing in this section shall, in the case of any veterans' organization which is nationally chartered by the Congress of the United States or any auxiliary thereof, or any nonprofit organization holding a certificate of exemption under subsection (c), subdivision 8, 10, or 19 of section 501 of the Internal Revenue Code, prohibit a member of an auxiliary of such organization from assisting in the conduct of bingo on behalf of its companion organization which is licensed to conduct bingo, or, in the case of an auxiliary licensed to conduct bingo, prohibiting a member of the companion organization from assisting in the conduct of bingo on behalf of the auxiliary.

Sec. 28. That section 9-251, Revised Statutes Supplement, 1986, be amended to read as follows:

9-251. Except for limited period bingo, the location of a bingo occasion, the time it is to be or has been conducted, and the prizes awarded or to be awarded shall not be advertised, except as follows:

(1) Two signs ~~not exceeding six square feet in area,~~ may be displayed on the premises where the bingo occasion is to be conducted;

(2) A licensed organization may make an advance announcement of the bingo occasion in its regular bulletin or publication; and

(3) A licensed organization may distribute flyers not exceeding eight and one half inches by eleven inches in size to announce its future bingo occasions.".

2. Strike amendments 8 and 37 and insert the following new amendment:

"22. On page 50, line 4, strike 'or', show as stricken, and insert an underscored comma and after 'sells' insert ', and delivers'.".

3. On page 3, line 24, strike the second "32" and insert "34".

4. On page 4, line 1, strike "33" and insert "35"; and in line 10 strike "32" and insert "34".

5. On page 6, line 6, after the second semicolon insert "and"; strike beginning with the semicolon in line 7 through "stricken" in line 9; in line 10 strike "line 22," and insert "line 14, after the comma insert 'advertising conducted in accordance with

section 9-251,'; and in line 22"; in line 13 strike "41, 43, 58, and 62" and insert "43, 45, 60, and 64"; in line 15 strike "41" and insert "43"; and in line 21 strike "58" and insert "60".

6. On page 8, strike beginning with the semicolon in line 4 through "stricken" in line 6; in line 8 strike "69, 77, and 79" and insert "71, 79, and 81"; and strike lines 14 through 16 and insert "'79'; in line 14 reinstate the stricken 'and'; and strike beginning with the comma in line 16 through 'drawing' in line 20.'".

7. On page 9, line 15, strike "84" and insert "86"; in line 17 strike "86" and insert "88"; strike beginning with "26" in line 18 through "87" in line 19 and insert "27, 29, 41, 42, 50, 59, 68, 69, 82, and 89"; in line 20 strike the second "and"; and in line 21 after the last quotation mark insert "; and in line 17 after the third comma insert '9-243,' and after the fifth comma insert '9-251,'".

8. Renumber the remaining amendments accordingly.

9. Renumber the remaining sections accordingly.

The Appropriations Committee asked unanimous consent to print the following amendment to LB 787 in the Journal. No objections. So ordered.

AM1087

1. Insert the following new section:

"Sec. 3. There is hereby appropriated $2,054,800 from the Nebraska Energy Settlement Fund for the period July 1, 1987, to June 30, 1988, to the State Energy Office, for Program 106, for agricultural projects.

The unexpended balance of the appropriation in this section existing on June 30, 1988, is hereby reappropriated for FY1988-89.".

SELECT FILE

LEGISLATIVE BILL 104. E & R amendments, AM5191, found in the Journal on page 1688 for the Sixty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 163. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 492. E & R amendments, AM5190, found in the Journal on page 1690 for the Sixty-Third Day were adopted.

Advanced to E & R for Engrossment.

VISITORS

Visitors to the Chamber were Senator Marsh's nephew, Dr. Gerald Hodgson, son, Craig, and daughter, Pam from Buffalo, New York; 54 fourth grade students and teacher from Holy Cross Elementary, Omaha; 32 eleventh and twelfth grade students and teacher from Wheeler Central High School, Bartlett; and 71 fourth grade students and teacher from Montclair Elementary, Omaha.

ADJOURNMENT

At 3:10 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Monday, April 27, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-NINTH DAY - APRIL 27, 1987

LEGISLATIVE JOURNAL

SIXTY-NINTH DAY - APRIL 27, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SIXTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 27, 1987

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. David Lux, St. Paul United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Peterson who was excused; and Messrs. Abboud, Ashford, Chambers, Dierks, R. Johnson, V. Johnson, Landis, McFarland, Moore, Pappas, Rupp, Schmit, and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1837, strike lines 24 and 25 and insert "(Amendment on file in the Clerk's Office - Room 2018 - AM1076)."
The Journal for the Sixty-Eighth Day was approved as corrected.

ANNOUNCEMENT

Mrs. Labedz announced the Executive Board will meet at 1:00 p.m. on Thursday, April 30, in Room 2102.

COMMUNICATION

Received communication from the City of Lincoln proclaiming April 27, through May 1, 1987 as "Lincoln Loves The Legislature Week."

ATTORNEY GENERAL'S OPINIONS

Opinion No. 87061

DATE: April 21, 1987

SUBJECT: Constitutionality of LB 663 - Due Process Requirements Regarding Natural Gas Rate-Making by Nebraska Municipalities

REQUESTED BY: Senator David Landis
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion regarding the constitutionality of LB 663. Generally, LB 663 proposes to amend Nebraska statutory provisions relating to the establishment of natural gas rates by municipalities. Your question concerns to what extent procedural due process safeguards are constitutionally required with regard to a municipality enacting an ordinance making or changing rates of a gas supplier operating as a public utility.

The general rule regarding the application of the due process requirements of notice and hearing in the context of public utility rate determination proceedings is stated in 73B C.J.S. Public Utilities §44 (1983) as follows:

> The nature of a rate determination proceeding before a public service commission depends on constitutional and statutory provisions, which may determine whether notice and hearing are necessary before tariffs become effective. Where the nature of proceedings is judicial or quasi-judicial in character, notice and hearing are necessary, and hearings not in accordance with constitutional and statutory provisions contravene procedural due process. However, it has been held that where tariff procedures are described and characterized as being legislative in nature, a due process hearing is not necessary. (Footnotes omitted).

The Nebraska Supreme Court has adopted the view that the act of a public body in determining a rate for a public utility constitutes action in a legislative, as opposed to a judicial, capacity. City of

Scottsbluff v. United Tel. Co. of the West, 171 Neb. 229, 106 N.W.2d 12 (1960); Yellow Cab Co. v. Nebraska State Railway Commission, 176 Neb. 711, 127 N.W.2d 211 (1964). Specifically, with regard to the actions of a municipality in the context of determining gas rates within the city, the court has stated:

> A municipal corporation in fixing rates to be charged by a public utility acts in a legislative rather than a judicial capacity. (Citations omitted). By statute, the Legislature has delegated to municipalities the authority to regulate, determine, and fix rates. This power being legislative in nature, it cannot be assumed by the courts and this court cannot usurp the functions of a rate-making body.

Kansas-Nebraska Natural Gas Co., Inc. v. City of Sidney, 186 Neb. 168, 170, 181 N.W.2d 682, 683 (1970). See also Kansas-Nebraska Natural Gas Co. v. City of St. Edward, 167 Neb. 15, 91 N.W.2d 69 (1958). See generally 64 Am.Jur.2d Public Utilities §89 (1972).

The mere characterization of rate setting as a legislative function, however, is not in and of itself sufficient to determine the necessity to provide notice and hearing comporting with full procedural due process requirements to utilities regarding rate determinations. It is well-established that public utilities are entitled to a just and reasonable compensation or a fair return on property used for public service. Kansas-Nebraska Natural Gas Co. v. City of Sidney, supra. Rates fixed by government authorities which are not sufficient to yield a fair return to a public utility are deemed unjust, unreasonable, and confiscatory. American Toll Bridge Co. v. Railroad Commission of California, 307 U.S. 486 (1938). Enforcement of such confiscatory rates deprives the utility of its property in violation of constitutional guarantees safeguarding private property against taking for a public use and due process of law. West v. Chesapeake and Potomac Tel. Co., 295 U.S. 662 (1934); U.S. Const., amend. 5 and amend. 14; Neb. Const., art. I, sec. 3, and Art. I, sec. 21; See generally 64 Am.Jur.2d Public Utilities §134 (1972).

Based on the property right implications associated with public utility rate-making, courts have recognized the need for procedural due process safeguards in the rate-making process. In essence, the right to procedural due process in this context requires providing the utility with adequate notice and an opportunity to be heard, consistent with the essentials of a fair trial. Railroad Commission of California v. Pacific Gas and Electric Company, 302 U.S. 388 (1937); Ohio Bell Tel. Co. v. Public Utilities Commission, 301 U.S. 292 (1937); Morgan v. United States, 298 U.S. 468 (1936).

While it is clear that a public utility is entitled to notice and an opportunity to be heard at a trial-type hearing in the course of the

rate setting process, there is authority to support the proposition that such hearing need not be provided at the legislative or administrative level if provision is made for a trial de novo before a court in which evidence may be offered and a full opportunity provided to address the propriety of rates established as a result of the legislative process. Mayfield Gas Co. v. Public Service Commission, 259 S.W.2d 8 (Ky. 1953); See Jordan v. American Eagle Fire Ins. Co., 169 F.2d 281 (D.C. Cir. 1948); See also Ohio Bell Tel. Co. v. Public Utilities Commission, supra. In Jordan v. American Eagle Fire Ins. Co., supra, the court, after citing a number of cases dealing with due process requirements in the public utility rate setting process, summarized these decisions as follows:

> Rate-making procedures differ. Sometimes they are state or local tasks and sometimes federal tasks, and the functions of particular courts differ according to the place of the court in the procedure involved. . . . {T}he state legislature may prescribe a procedure in which the initial order is upon legislative or wholly administrative consideration and the full hearing is afforded in a court action. If the court proceeding includes the full right to present evidence, to meet issues, and to explore the evidence and conclusions of the legislative or administrative agent, due process of law exists. . . . However, if the the state procedure consists of administrative consideration without hearing, and court consideration merely by way of review of the determination below without new evidence or exploration by cross-examination, a federal court will set aside the final order as without due process. In modern times, most states, like the federal government, provide for a full hearing in the course of the administrative consideration, thus making that proceeding quasi-judicial. In such instances the addition of a judicial review of the record, findings and conclusions made below, constitutes a combination of actions which satisfies the requirements of due process.

169 F.2d at 289-90.

Reversing the lower court's determination that a full due process hearing was necessary at the legislative or administrative level, the court in Jordan stated:

> The District Court rightly held that in rate-making proceedings, such as this, a full hearing in the judicial sense is required. We think it was in error in holding that that hearing must in all cases be afforded in the administrative or legislative process. As we see it, the modern custom of placing that hearing in that part of the procedure is a matter of desirability by reason of expertise, and not a matter of constitutional necessity.

Id. at 290-91.

Based on the foregoing, the Legislature has two options to consider with respect to satisfying procedural due process requirements regarding the establishment of natural gas rates by municipalities. One alternative would be to provide, by statute, for a complete, trial-type hearing before the municipal rate setting body. The other alternative, under the holding in Jordan v. American Eagle Fire Ins. Co., supra, would be to provide procedural due process in the form of a trial de novo in court following action by the municipal body.

An examination of LB 663 reveals that the bill appears to follow the second course of action, permitting a gas supplier to institute a court action in the event a municipality does not grant a requested rate increase. LB 663, §5(3). In view of Nebraska case law characterizing the rate setting process as legislative in nature, we cannot say that such a procedure, on its face, would be held unconstitutional as a denial of procedural due process. The right of a gas supplier to a trial de novo before a court under LB 663 provides the gas supplier with the entire panoply of rights accorded in a judicial proceeding, in the event the supplier is dissatisfied with the action taken by the municipal body in the rate setting process. The provision of a trial-type hearing at the judicial level, as opposed to the administrative or legislative level, has been held sufficient to satisfy due process requirements.

While there is authority to support such a procedure, it should be noted that the modern trend of practice appears to provide, by statute, for a hearing before the rate setting agency, either state public service commission or municipal rate setting body, including the essential elements of a trial-type hearing. E.g., Arkansas Public Service Commission v. Continental Tel. Co., 262 Ark. 821, 561 S.W.2d 645 (1978); City of Los Angeles v. Public Utilities Commission, 15 Cal. 3d 680, 542 P.2d 1371, 125 Cal. Rptr. 779 (1975); Glen Oaks Utilities, Inc. v. City of Houston, 161 Tex. 417, 340 S.W.2d 783 (1960). Generally, while rate-making has traditionally been labeled a "legislative" activity, these cases recognize the rate-making process actually partakes of a proceeding which is quasi-judicial in nature, involving the determination of factual findings relating to the individual company's operations, rate base, and required rate of return on investment. Arkansas Public Service Commission v. Continental Telephone Company, supra.

In light of these considerations, it is possible that the Nebraska Supreme Court, if called upon to reexamine the nature of the rate setting process in the context of addressing the issue of the need for a full due process hearing before a rate setting agency or body, may hold that such a proceeding actually constitutes a quasi-judicial

process, necessitating procedural due process requirements of notice and an evidentiary, trial-type hearing. In this regard, we note that our Court has recognized the applicability of fundamental due process rights in the context of quasi-judicial proceedings. E.g., First Federal Savings & Loan Association of Lincoln v. Department of Banking, 187 Neb. 562, 192 N.W.2d 736 (1971) (Establishment of savings and loan associations); City of Auburn v. Eastern Nebraska Public Power District, 179 Neb. 439, 138 N.W.2d 629 (1965) (Granting of certificate of public convenience and necessity to construct electric transmission line); Block v. Lincoln Tel. and Tel. Co., 170 Neb. 531, 103 N.W.2d 312 (1960) (Withdrawal of existing telephone service from subscriber).

In summary, it is our opinion that, to the extent that LB 663 provides a gas supplier with the opportunity to receive a trial de novo before a court on the propriety of a full or partial denial of a requested rate increase, the bill could likely be successfully defended against constitutional attack on procedural due process grounds under the principles enunciated in Jordan v. American Eagle Fire Ins. Co., supra. This is particularly true in light of current Nebraska case law viewing the municipal rate setting process for public utilities as constituting a legislative activity. Kansas-Nebraska Natural Gas Co. v. City of Sidney, supra. Given the nature of the determinations involved in the rate setting process, however, including the various factual determinations previously discussed, we cannot definitively state that, if the Nebraska Supreme Court were called upon to examine the issue, the Court would not conclude that the determinations involved rendered the process quasi-judicial in character, and that the rate setting decision, affecting the rights and property of a specific company, necessitated a full due process hearing in the first instance before the rate setting agency or body.

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. 87062

DATE: April 23, 1987

SUBJECT: Gambling

REQUESTED BY: Senator Chris Abboud
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Melvin K. Kammerlohr, Senior Assistant Attorney General

QUESTION: Does L.B. 757, the Sports Operation Act, violate the Nebraska Constitution?

CONCLUSION: Yes.

As you know, the Nebraska Constitution strictly limits the Legislature on what it may do in authorizing gambling.

Article III, Section 24 of the Nebraska Constitution provides in part:

> The Legislature shall not authorize any game of chance, nor any lottery, or gift enterprise where the consideration for the 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; . . .

Prior to 1934, the above portion of Section 24 of Article III prohibiting the Legislature from authorizing any games of chance, etc., constituted the entire context of Section 24, Article III.

Since that time there have been three Constitutional Amendments to that section authorizing the Legislature to permit three general areas of gambling; these are:

1. Horse racing by the parimutuel or certificate method when conducted by licensees within the racetrack enclosure.

2. Non-profit lotteries, raffles, and gift enterprises intended solely as business promotions or the proceeds of which are used solely for charitable or community betterment purposes without profit to the promoter.

3. Licensing and regulation of Bingo games conducted by non-profit associations which have been in existence for a period of five years.

Other than the exceptions made to Section 24, Article III of the Constitution as listed above, the Constitution prohibits the Legislature from authorizing any games of chance which require the payment of money or substantial effort or time to play.

L.B. 757 attempts to authorize persons who accept orders on sporting events totalling more than $1,000 in any seven consecutive

days or $10,000 in any 365 consecutive days if they obtain a sports pool operator's license from the Department of Revenue. "Order" is defined by the bill as "the making of an offer to an operator, by means of a sum of money, and the acceptance by the operator of the offer resulting in the sum of money being at risk contingent upon the outcome of a sporting event;"

This bill does not restrict the operator or participants from making a profit nor does it require the proceeds to be used solely for charitable or community betterment purposes.

The only question then, under the existing provisions of Section 24, Article III of the Nebraska Constitution is whether or not this bill would authorize a game of chance?

In the case of United States v. Thompson, 409 F.Supp. 1044, defendant was convicted of conducting an illegal gambling business. The business involved was one in which defendant printed forecast cards which listed college and professional football games to be played on the following weekend. The card showed a point spread in each game. A player selected 3 to 12 teams and, in effect, bet that the teams selected would do better than the point spread shown. If a player selected all teams right, he would be paid a multiple of his bet, which multiple increased with the number of teams selected.

Defendant argued that the football parlay played was not prohibited by Montana law. The Federal Court stated: "There is no doubt that betting on the outcome of an athletic event is a 'game of chance' . . ." The court cited State v. Kilburn, 109 P.2d 113.

The Federal Court also determined the card involved was a gambling device.

State v. Kilburn, 109 P.2d 1113, held that even if a pinball machine involved more skill than chance to win, the betting (paying money to play with chance to win merchandise certificates) made it a game of chance, the court stated:

> {W}e believe the correct rule as applied to a case such as this was applied in the case of Peers v. Caldwell, 85 L.J.K.B., N.S., Eng. 754, where the court held that a machine through which a game of skill was played was nevertheless a gambling device when used for the purpose of betting. In other words, an innocent game involving the element of skill alone becomes a gambling device when players bet on the outcome. To illustrate: A game of poker may involve more skill than chance and is innocent when played for pastime and amusement, but constitutes gambling when played for money. In Miller v. United States, 6 App.D.C. 6, the court said: "It has from an early time been held that a horse race is a game of chance, and so is a game of baseball, and so a foot race, where wagers have been made upon them." See, also, note in 60

A.L.R. 343; Sparks v. State, 48 Ga. App. 498, 173 S.E. 216, and State v. Livingston, 135 Me. 323, 196 A.407.

The Nebraska Supreme Court has also held pinball machines which awarded free games to winners to be illegal. See discussion in the attached opinion.

In 1985 this office issued official opinion #25 to Senator Ernest Chambers concerning L.B. 72, then pending which authorized wagering on sporting events.

That opinion which determined that betting upon sporting events constituted a game of chance and could not be authorized by the Legislature is still valid. The Supreme Court of Nebraska cases and other authorities discussed therein are still current statements of the law and that opinion applies with equal force to your present question concerning L.B. 757. We therefore attach a copy thereof for your convenience and make it a part of this opinion.

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Melvin K. Kammerlohr
Senior Assistant Attorney General

MKK/kb
cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 96. Read. Considered.

LR 96 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 97. Read. Considered.

LR 97 was adopted with 31 ayes, 0 nays, and 18 not voting.

MOTION - Return LB 116 to Select File

Mrs. Morehead moved to return LB 116 to Select File for the following specific amendment:

to amend Section 1, 71-1,133 subsection (3) strike on line 19 ophthalmic.

Mrs. Morehead withdrew her pending motion to return.

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 optometry; to amend sections 71-1,133 and 71-1,135.02, Reissue Revised Statutes of Nebraska, 1943; to change licensing requirements related to pharmaceutical agents; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Abboud	Harris	Labedz	Moore	Rupp
Barrett	Hartnett	Lamb	Morehead	Schellpeper
Chizek	Hefner	Landis	Nelson	Scofield
Conway	Higgins	Langford	Pappas	Smith
Coordsen	Johnson, L.	Lynch	Pirsch	Warner
Elmer	Johnson, R.	McFarland	Remmers	Wehrbein
Hannibal	Korshoj	Miller	Rogers	Wesely

Voting in the negative, 5:

Baack	Beyer	Goodrich	Hall	Withem

Present and not voting, 4:

Haberman	Marsh	Schmit	Weihing

Excused and not voting, 5:

Ashford	Chambers	Dierks	Johnson, V.	Peterson

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 resolution: LR 92.

MOTION - Return LB 504 to Select File

Mr. Haberman moved to return LB 504 to Select File for the following specific amendment:
AM1092

(Amendments to Final Reading Copy)

1. Insert the following new sections:

"Sec. 3. That section 39-669.15, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.15. If a person arrested pursuant to section 39-669.08 refuses to submit to the chemical test of blood, breath, or urine required by that section, the test shall not be given and the arresting officer shall make a sworn report to the Director of Motor Vehicles. Such report shall state (1) that the person was validly arrested pursuant to section 39-669.08 and the reasons for such arrest, (2) that such person was requested to submit to the required test, and (3) that such person refused to submit to the required test. Failure, refusal, or neglect by an officer to comply with any of the provisions of this section shall constitute misconduct in office and shall be grounds for his or her removal therefrom.

Sec. 4. That section 39-669.24, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.24. To enable the Director of Motor Vehicles punctually and economically to perform his or her ministerial duties in revoking or suspending operators' licenses and to insure uniformity in the keeping of the records of operators' licenses suspended or revoked by courts of the state, such director shall prepare and furnish to all courts of the state a standard form of abstract for conviction report. In lieu of furnishing the form, the director may authorize the use of uniform forms provided by the courts or law enforcement agencies. This shall include all necessary information as to the parties to the case, the nature of the offense, the date of hearing, the plea, the judgment, and the amount of the fine or forfeiture, as

the case may be. Every such abstract shall be certified by the judge or clerk of any court of record as a true abstract of the record of the court. In the administration of sections 39-669.22 to 39-669.24 or of any section of the Motor Vehicle Operators' License Act, the powers and duties conferred upon the Director of Motor Vehicles, his or her subordinates, or his or her successors, with respect to the revocation or suspension of any operator's license or driving privileges are ministerial in character. The Director of Motor Vehicles shall have authority to revoke or suspend operators' licenses only when positively directed to do so by the terms of the certified abstract of the judgment of conviction forwarded to him or her by the trial court, except as otherwise provided in section 39-669.27 and Chapter 60, articles 4 and 5. The Director of Motor Vehicles shall not have the authority to set aside or expunge any conviction pursuant to sections 39-669.07 and 39-669.08. Failure, refusal, or neglect by the Director of Motor Vehicles or any officer of the court to comply with any of the provisions of this section shall constitute misconduct in office and shall be grounds for removal.".

2. On page 1, line 2, after the first comma insert "39-669.15, 39-669.24,"; and in line 5 after the semicolon insert "to change provisions relating to reporting of certain chemical tests by arresting officers; to change provisions relating to the powers of the Director of Motor Vehicles;".

3. On page 2, line 5, strike "4 to 6" and insert "6 to 8".

4. On page 36, line 13, strike "4 or 5" and insert "6 or 7".

5. On page 37, line 7, after the comma insert "39-669.15, 39-669.24,".

6. Renumber the remaining sections accordingly.

Mr. Hall requested a ruling of the Chair on whether the Haberman amendment is germane to the bill.

The Chair ruled the Haberman amendment is not germane to the bill.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 504.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-666, 39-6,131, and 39-6,136, Reissue Revised Statutes of Nebraska, 1943, and section 39-602, Revised Statutes Supplement, 1986; to change provisions relating to tire requirements; to prohibit certain acts; to provide for requirement of windshields; to provide a penalty; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Goodrich	Johnson, L.	Marsh	Rogers
Ashford	Haberman	Korshoj	McFarland	Schellpeper
Baack	Hall	Labedz	Miller	Smith
Barrett	Hannibal	Lamb	Nelson	Warner
Beyer	Harris	Landis	Pappas	Wehrbein
Chizek	Hefner	Langford	Pirsch	Weihing
Coordsen	Higgins	Lynch	Remmers	Withem
Elmer				

Voting in the negative, 11:

Chambers	Hartnett	Moore	Rupp	Scofield
Conway	Johnson, R.	Morehead	Schmit	Wesely
Dierks				

Excused and not voting, 2:

Johnson, V. Peterson

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 municipal cooperative financing; to amend sections 18-2408, 18-2409, and 18-2410, Reissue Revised

Statutes of Nebraska, 1943, and sections 18-2438 and 84-1412, Revised Statutes Supplement, 1986; to redefine terms; to provide for the appointment of alternate directors; to authorize certain meetings outside of the state; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goodrich	Johnson, R.	Miller	Schellpeper
Ashford	Haberman	Korshoj	Moore	Schmit
Baack	Hall	Labedz	Morehead	Scofield
Barrett	Hannibal	Lamb	Nelson	Smith
Beyer	Harris	Landis	Pappas	Warner
Chizek	Hartnett	Langford	Pirsch	Wehrbein
Conway	Hefner	Lynch	Remmers	Weihing
Coordsen	Higgins	Marsh	Rogers	Wesely
Dierks	Johnson, L.	McFarland	Rupp	Withem
Elmer				

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Johnson, V. Peterson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 453. With Emergency.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-140 and 8-148, Revised Statutes Supplement, 1986; to change provisions governing certain loans; to define a term; to change provisions relating to a bank's ownership of capital stock as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Elmer	Johnson, R.	Miller	Rupp
Ashford	Goodrich	Korshoj	Moore	Schellpeper
Baack	Hall	Labedz	Morehead	Scofield
Barrett	Hannibal	Lamb	Nelson	Smith
Beyer	Harris	Landis	Pappas	Warner
Chizek	Hartnett	Langford	Pirsch	Wehrbein
Conway	Hefner	Lynch	Remmers	Weihing
Coordsen	Higgins	Marsh	Rogers	Withem
Dierks	Johnson, L.	McFarland		

Voting in the negative, 3:

Chambers	Schmit	Wesely

Present and not voting, 1:

Haberman

Excused and not voting, 2:

Johnson, V. Peterson

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. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 430 to Select File

Mr. Chambers moved to return LB 430 to Select File for his specific amendment found in the Journal on page 1757.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 21:

Abboud	Conway	Higgins	McFarland	Pirsch
Ashford	Haberman	Johnson, R.	Miller	Schmit
Baack	Hall	Korshoj	Morehead	Smith
Chambers	Hartnett	Labedz	Pappas	Withem
Chizek				

Voting in the negative, 25:

Barrett	Goodrich	Lamb	Nelson	Scofield
Beyer	Hannibal	Langford	Remmers	Warner
Coordsen	Harris	Lynch	Rogers	Wehrbein
Dierks	Hefner	Marsh	Rupp	Weihing
Elmer	Johnson, L.	Moore	Schellpeper	Wesely

Excused and not voting, 3:

Johnson, V.	Landis	Peterson

The Chambers motion to return lost with 21 ayes, 25 nays, and 3 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 430. With Emergency.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-662, 39-666, and 39-669.26, Reissue Revised Statutes of Nebraska, 1943; to raise speed limits as prescribed; to eliminate provisions relating to penalties for exceeding the speed limit on

certain highways; to harmonize provisions; to repeal the original sections, and also section 39-662.02, 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	Elmer	Johnson, L.	Miller	Rupp
Ashford	Goodrich	Johnson, R.	Moore	Schellpeper
Baack	Haberman	Korshoj	Morehead	Scofield
Barrett	Hall	Labedz	Nelson	Smith
Beyer	Hannibal	Lamb	Pappas	Warner
Chizek	Harris	Langford	Pirsch	Wehrbein
Conway	Hartnett	Lynch	Remmers	Weihing
Coordsen	Hefner	Marsh	Rogers	Withem
Dierks	Higgins	McFarland		

Voting in the negative, 3:

Chambers	Schmit	Wesely

Excused and not voting, 3:

Johnson, V.	Landis	Peterson

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 777 to Select File

Mr. Haberman moved to return LB 777 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman withdrew his pending motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 777. 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, 42:

Abboud	Dierks	Johnson, L.	Miller	Schellpeper
Ashford	Elmer	Johnson, R.	Moore	Schmit
Baack	Goodrich	Korshoj	Morehead	Scofield
Barrett	Hall	Labedz	Nelson	Smith
Beyer	Hannibal	Lamb	Pappas	Wehrbein
Chambers	Harris	Langford	Remmers	Weihing
Chizek	Hartnett	Lynch	Rogers	Wesely
Conway	Hefner	Marsh	Rupp	Withem
Coordsen	Higgins			

Voting in the negative, 2:

Haberman Pirsch

Present and not voting, 1:

McFarland

Excused and not voting, 4:

Johnson, V. Landis Peterson 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

Mr. Haberman 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: 116, 504, 324, 453, 430, and 777.

GENERAL FILE

LEGISLATIVE BILL 104A. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 283. Title read. Considered.

Mr. Withem moved to bracket LB 283 until January 1, 1988.

The Withem motion to bracket prevailed with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 198.

Correctly Engrossed

The following bills were correctly engrossed: 104, 163, 492, and 773A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 198
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0178

1. In the McFarland amendment, AM1017, adopted April 24, 1987:

a. On page 1, line 18, an underscored comma has been inserted after "administration";

b. On page 2, line 2, an underscored comma has been inserted after "professional"; and in line 18 the first comma has been struck; and

c. On page 3, line 2, the period has been struck and an underscored semicolon inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 675. Title read. Considered.

Mr. Ashford withdrew his pending motion to indefinitely postpone.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. McFarland renewed his pending amendment, AM0889, found in the Journal on page 1634.

Messrs. Lamb, Weihing, and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

ATTORNEY GENERAL'S OPINION

Opinion No. 87063

DATE: April 24, 1987

SUBJECT: Pursuant to amendment 0744 to LB 444, whether an existing school district when reorganized into a new consolidated school district may elect by a majority of the legal voters to form a new subdistrict of the reorganized school district.
Pursuant to the above stated amendment, whether the reorganized school district can have two elections, one by the new subdistrict voters

for a governing body and one as part of the larger new school district for its governing body.

REQUESTED BY: Senator W. Owen Elmer
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Assistant Attorney General

Subsection (1) of section 1 of LB 444 of the Ninetieth Legislature, First Session, would amend Neb.Rev.Stat. §79-402 (Supp. 1986) and authorize, subject to certain conditions precedent, the county superintendent of schools to create a new school district from other school districts or change the boundaries of any school district "upon petitions signed by over fifty per cent of the legal voters of each school district affected and approved by both the state and county committees for school district reorganization." Amendment 0744 to LB 444 states as follows:

1. On page 2, line 4, before "The" insert "(1)"; and after line 21 insert:

(2) When a Class I school district is affected by the creation of a new school district or a change in the boundaries of an existing school district, the legal voters of the affected or changed Class I school district may elect to operate the affected or changed Class I school district as a subdistrict of the new or changed school district. If the legal voters of the affected or changed Class I school district elect to so operate, such voters shall elect a subdistrict school board of five members and shall be entitled to cast their ballots in the election of the school board of the new or changed school district. At the first meeting of the subdistrict school board, the elected members of such board shall select one of its members as chairperson. A subdistrict created under this subsection shall have the same powers and duties as a school district operating an elementary school.

The legal voters of the subdistrict shall have the power at any annual or special meeting (a) to direct the purchasing or leasing of any appropriate site and the building, hiring, or purchasing of a schoolhouse, teacherage for the purpose of providing housing facilities for the school employees of the district, or other school buildings, (b) to determine the amount necessary to be expended for such purposes in the succeeding year, and (c) to vote a tax on the property of the subdistrict for the payment of the same for their elementary school children. Persons in the subdistrict shall pay the annual taxation levy set by the new or changed school

district for operation and maintenance of the high school portion of such school district.

If a Class II or III school district is affected by the creation of a new school district or a change in boundaries of an existing school district, the legal voters of the Class II or III school district may elect, by either an election or petition of over fifty per cent of the legal voters of such school district, to be excluded from the new or changed school district or operate an elementary school as pursuant to this subsection.

Conceptually, we are unable to generalize a particular instance whereby the above quoted amendment would operate on a Class I school district as the result of the creation of a new school district or the change in the boundaries of an existing school district pursuant to Neb.Rev.Stat. §79-402 (Supp. 1986), as amended by this legislative bill. The creation of a new school district or the change in the boundaries of an existing school district pursuant to subsection (1) of section 1 of this legislative bill can only be initiated "upon petitions signed by over fifty per cent of the legal voters of each school district affected." If less than "fifty per cent of the legal voters of each school district affected" failed to sign the petitions in the first instance the creation or change could not occur and the above quoted amendment would have nothing to operate on. If "over fifty per cent of the legal voters of each school district affected" signed the petitions in the first instance the change would occur if all other conditions were met and again the above quoted amendment would have nothing to operate on.

Perhaps a few additional comments are in order in the event we have overlooked an instance whereby the above quoted amendment could be operational. Specifically, we note that it does not contain a time or a date whereby the legal voters of the affected or changed Class I school district may elect to operate as a subdistrict or how the election is to be called or who is to conduct the election. The amendment does state:

> If a Class II or III school district is affected by the creation of a new school district or a change in boundaries of an existing school district, the legal voters of the Class II or III school district may elect, by either an election or petition of over fifty per cent of the legal voters of such school district, to be excluded from the new or changed school district or operate an elementary school pursuant to this subsection.

The amendment, however, does not state the date or time such election is to be held or who is to determine the sufficiency of the petitions or who is to conduct the election.

In summary, it appears to us that the above quoted amendment would not permit an existing school district, when reorganized into a new consolidated school district, to form a new subdistrict of the reorganized school district. Nor would the above quoted amendment permit the reorganized school district to have two elections, one by the new subdistrict voters for a governing body and one as part of the larger new school district for its governing body.

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

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

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 27, 1987, at 11:40 a.m., were the following bills: 116, 504, 324, 453, 430, and 777.

(Signed) Jan Loder, Enrolling Clerk

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 688A. By Miller, 37th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 688, Ninetieth Legislature, First Session, 1987.

VISITORS

Visitors to the Chamber were 14 Buffalo County 4-H members; 30 students and teacher from Plattsmouth Public Schools; Mr. Nuri Korkmaz from Adana, Turkey and escort, Erboy Gonen; 35 fourth grade students and teacher from Shoemaker Elementary, Grand Island; 26 students and teacher from Deshler High School; 20 ninth through twelfth grade students and teacher from Flanagan High School, Omaha; 14 juniors and seniors from Ralston High School; and 37 members of the Benson Women's Republican Club, Omaha.

RECESS

At 12:04 p.m., on a motion by Mr. L. Johnson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mr. Peterson who was excused; and Messrs. Landis and Moore 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 96 and LR 97.

GENERAL FILE

LEGISLATIVE BILL 675. The pending McFarland amendment, AM0889, found in the Journal on page 1634 and considered in this day's Journal was renewed.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. McFarland moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Mr. McFarland requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Ashford Chambers Conway Dierks Elmer

Goodrich	Higgins	Miller	Remmers	Warner
Hall	Johnson, V.	Morehead	Rupp	Weihing
Harris	Marsh	Nelson	Schmit	Wesely
Hartnett	McFarland	Pappas	Scofield	Withem

Voting in the negative, 20:

Abboud	Chizek	Johnson, L.	Lamb	Rogers
Baack	Coordsen	Johnson, R.	Langford	Schellpeper
Barrett	Hannibal	Korshoj	Lynch	Smith
Beyer	Hefner	Labedz	Pirsch	Wehrbein

Present and not voting, 1:

Haberman

Excused and not voting, 3:

Landis Moore Peterson

The McFarland amendment was adopted with 25 ayes, 20 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Pappas and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. McFarland renewed his pending amendment, AM0890, found in the Journal on page 1636.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

The McFarland amendment lost with 11 ayes, 21 nays, 12 present and not voting, and 5 excused and not voting.

Mr. Hefner moved to indefinitely postpone LB 675.

Mr. R. Johnson 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 25 ayes, 0 nays, and 24 not voting.

Mr. Hefner moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Goodrich requested a roll call vote on the Hefner motion to indefinitely postpone.

Voting in the affirmative, 20:

Abboud	Chizek	Haberman	Korshoj	Miller
Baack	Coordsen	Hannibal	Labedz	Pirsch
Barrett	Elmer	Hefner	Lamb	Schellpeper
Beyer	Goodrich	Johnson, L.	Langford	Wehrbein

Voting in the negative, 25:

Ashford	Harris	Lynch	Remmers	Smith
Chambers	Hartnett	Marsh	Rogers	Warner
Conway	Higgins	McFarland	Rupp	Weihing
Dierks	Johnson, V.	Morehead	Schmit	Wesely
Hall	Landis	Nelson	Scofield	Withem

Excused and not voting, 4:

Johnson, R.	Moore	Pappas	Peterson

The Hefner motion to indefinitely postpone lost with 20 ayes, 25 nays, and 4 excused and not voting.

Mr. Goodrich requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 19:

Ashford	Hall	McFarland	Rupp	Warner
Chambers	Johnson, V.	Morehead	Schmit	Wesely
Conway	Lynch	Nelson	Scofield	Withem
Dierks	Marsh	Rogers	Smith	

Voting in the negative, 23:

Abboud	Coordsen	Harris	Lamb	Remmers
Baack	Elmer	Hefner	Langford	Schellpeper
Barrett	Goodrich	Johnson, L.	Miller	Wehrbein
Beyer	Haberman	Korshoj	Pirsch	Weihing
Chizek	Hannibal	Labedz		

Present and not voting, 3:

Hartnett	Higgins	Landis

Excused and not voting, 4:

Johnson, R.	Moore	Pappas	Peterson

Failed to advance to E & R for Review with 19 ayes, 23 nays, 3 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 98.

Introduced by Chambers, 11th District.

WHEREAS, the State of Nebraska has a compulsory school attendance law; and

WHEREAS, all children have the right to human dignity and personal respect in the classroom; and

WHEREAS, section 79-213 recognizes that "youth is the time most susceptible to the acceptance of principles and doctrines that will influence (them) throughout their lives," and therefore, the education system "must conduct its activities . . . in such a way that the love of liberty, justice, democracy, and America will be instilled in the heart and mind of the youth of the State"; and

WHEREAS, teachers and administrators have an obligation under the law to provide proper instruction and guidance to school children; and

WHEREAS, On April 9, 1987 Monroe Jr. High School in Omaha presented a skit to an audience of 500 people, which skit disparaged persons of Hispanic origin by ridiculing their family structure and portraying the mother of the stereotyped "family" as a thief who squandered rent money on basketball shoes for herself; and

WHEREAS, holding any person up to ridicule and scorn because of his or her race, color or national origin teaches neither respect for oneself or others; and

WHEREAS, a White parent who was "shocked by the material in the skit" and embarrassed because her child performed in it, complained to the executive director of the Chicano Awareness Center in Omaha; and

WHEREAS, poverty and hunger are not fit subjects for jesting and ridicule in the public schools; and

WHEREAS, humiliating portrayals of any group because of race, color or national origin is intolerable and in violation of Nebraska law when done in a public school with official sanction; and

WHEREAS, teachers are given the responsibility under the law (section 79-214) to "give special emphasis to. . .respect for parents and the home. . .and other lessons of a steadying influence which tend to promote and develop an upright and desirable citizenry"; and

WHEREAS, the role of the public schools is perverted by activities which degrade any child or group because of race, color or national origin; and

WHEREAS, the Monroe Jr. High School skit does not comport with the requirements of section 79-213; and

WHEREAS, the degrading skit, titled, "Lifestyles of the Poor and Hungry", was previewed and then approved for performance by Teacher John Kelley and Principal James Vincent; and

WHEREAS, section 79-213(7) declares: "Every school board, the State Board of Education, and each county superintendent of schools, and the superintendent of each individual school in the state shall be held directly responsible, in the order named, for the carrying out of the provisions of (79-213), and neglect thereof by any employee or appointed official shall be considered a dereliction of duty and cause for dismissal".

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature reaffirms the principle of equal treatment and dignity for all school children throughout Nebraska.

2. That the Legislature strongly objects to such racially demeaning portrayals and stereotyping as those advanced by the Monroe Jr. High School skit.

3. That the Legislature calls upon the officials specified in section 79-213(7) to conduct an investigation into this matter and take appropriate corrective action.

4. That a copy of this Resolution be sent to each Member of the Omaha School Board, each Member of the State Board of Education, the Douglas County Superintendent of Schools and the Superintendent of the Omaha Public Schools.

Laid over.

EXPLANATION OF VOTE

Had I been present on April 22, 1987, I would have voted aye on LB 270.

(Signed) Jacklyn Smith

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 708 in the Journal. No objections. So ordered.

AM1088

1. Insert the following new section:

"Sec. 6. That section 2-1213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1213. (1) No racing under sections 2-1201 to 2-1218 shall be permitted on Sunday except when approved by a majority of the members of the State Racing Commission upon application for approval by any racetrack. Such approval shall be given after the commission has considered: (a) Whether Sunday racing at the applicant track will tend to promote and encourage agriculture and horse breeding in Nebraska; (b) whether the applicant track operates under a license granted by the State Racing Commission; (c) whether the applicant track is in compliance with all applicable health, safety, fire, and police rules and regulations or ordinances; (d) whether the denial of Sunday racing at the applicant track would impair such track's economic ability to continue to function under its license; and (e) whether the record of the public hearing held on the issue of Sunday racing at the applicant track shows reasonable public support. Notice of such public hearing shall be given at least ten days prior thereto by publication in a newspaper having general circulation in the county in which the applicant track is operating, and the commission shall conduct a public hearing in such county. The commission may ~~prescribe~~ adopt, promulgate, and enforce rules and regulations governing the application and approval for Sunday racing in

addition to its powers in section 2-1203. If the State Racing Commission permits racing on Sunday, the voters may prohibit such racing in the manner prescribed in section 2-1213.01. If approval by the commission for Sunday racing at the applicant track is granted, no racing shall occur on Sunday until after 1:00 p.m.

No license shall be granted for racing on more than one racetrack in any one county, except that the commission may, in its discretion, grant a license to any county agricultural society to conduct racing during its county fair notwithstanding license may have been issued for racing on another track in such county. Since the purpose of sections 2-1201 to 2-1218 is to encourage agriculture and horse breeding in Nebraska, every licensee shall hold at least one race on each racing day limited to Nebraska-bred horses. Three per cent of the first money of every purse won by a Nebraska-bred horse shall be paid to the breeder of such horse.

(2) For purposes of this section, Nebraska-bred horse shall mean a horse registered with the Nebraska Thoroughbred or Quarter Horse Registry and meeting the following requirements: (a) It must have been foaled in Nebraska; (b) its dam must have been registered, prior to foaling, with the Nebraska Thoroughbred or Quarter Horse Registry; (c) its owner or owners, or, if the owner is a corporation, all stockholders thereof, must have been bona fide citizens of Nebraska continually from January 1 of the year of conception through the date of foaling; and (d) its dam must have been continuously owned by a bona fide citizen of Nebraska and have been continuously in Nebraska for six months immediately prior to foaling, except that ~~this~~ such six-month period may be reduced to (i) ninety days in the case of a mare in foal ~~and~~ which is ~~either~~ ~~(i)~~ registered as a brood mare with the Nebraska Thoroughbred or Quarter Horse Registry but which is being actively trained and raced outside Nebraska and is returned to this state and remains herein continuously for ninety days immediately prior to foaling~~,~~ or (ii) thirty days in the case of a mare in foal which is purchased at a nationally recognized thoroughbred or quarter horse blood stock sale, the name and pedigree of the mare being listed in the sale catalog, and which is

brought into this state and remains ~~herein~~ in this state for ~~ninety~~ thirty days immediately prior to foaling.

The requirement that a dam must be continuously in Nebraska for either six months, ninety days, or thirty days, as specified in subdivision (2)(d) of this section, shall not apply to a dam which is taken outside of Nebraska to be placed up for sale at a nationally recognized thoroughbred or quarter horse blood stock sale, the name and pedigree of the mare being listed in the sale catalog, or for the treatment of an extreme sickness or injury, if written notice of such proposed sale or treatment is provided to the secretary of the commission within three days of the date such horse is taken out of the state.

The State Racing Commission may designate official registrars for the purpose of registration and to certify the eligibility of Nebraska-bred horses. An official registrar shall perform such duties in accordance with policies and procedures adopted and promulgated by the State Racing Commission in the current rules and regulations of the commission. The commission may authorize the official registrar to collect specific fees as would reasonably compensate the registrar for expenses incurred in connection with registration of Nebraska-bred horses. The amount of such fee or fees shall be established by the commission and shall not be changed without commission approval. Fees shall not exceed ~~fifty~~ one hundred dollars per horse.

Any decision or action taken by the official registrar shall be subject to review by the commission or may be taken up by the commission on its own initiative.".

2. On page 8, line 16, after "section" insert "2-1213, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 17 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

MESSAGE FROM THE GOVERNOR

April 27, 1987

Patrick J. O'Donnell

Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 430 was received in my office on April 27, 1987.

This bill was signed by me on April 27, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 104A. Placed on Select File.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 780 in the Journal. No objections. So ordered.

AM1044

1. On page 113, line 9, strike "169,224,779" and insert "180,444,882" and strike "170,571,039" and insert "181,791,142"; in line 13 strike "486,479,041" and insert "497,699,144" and strike "489,477,837" and insert "500,697,940"; and strike lines 14 through 25.

2. On page 114, strike lines 1 through 9; and after line 13 insert:

"There is included in the appropriation to this program for FY1987-88 and FY1988-89 $11,220,103 General Funds to increase faculty salaries at the University of Nebraska-Lincoln. It is the intent of the Legislature to increase salaries, employee benefits tied to salaries, and required contributions tied to salaries so that the salaries for faculty at the University of Nebraska-Lincoln are on parity with salaries at American Association of Universities Land Grant institutions.".

Mrs. Smith asked unanimous consent to print the following amendment to LB 42 in the Journal. No objections. So ordered.

AM1104

1. Insert the following new sections:

"Section 1. That section 71-516, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-516. There is hereby established the Alzheimer's Disease Task Force. The task force shall coordinate activities, provide information, and investigate health care issues regarding Alzheimer's disease and other related disorders. ~~to explore private sector solutions to the problem of providing long-term health care insurance for persons with Alzheimer's disease or a related disorder.~~ The Legislature recognizes Alzheimer's disease as a progressive and irreversible neurological disorder. Many persons afflicted with Alzheimer's disease or related disorders require long-term health care and are unable to procure satisfactory health insurance coverage to aid in the payment of the cost of such care.

Sec. 2. That section 71-518, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-518. The Alzheimer's Disease Task Force shall be in existence for not less than twelve months or more than thirty-six ~~eighteen~~ months after April 11, 1986. The task force shall meet at least four times per year. A report shall be issued to the Governor and the Legislature at least yearly ~~the termination of the task force~~ detailing the task force's ~~its~~ findings and suggestions for solutions to the problem.

Sec. 3. That original sections 71-516 and 71-518, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. Renumber the remaining sections accordingly.

Mesdames Morehead and Langford asked unanimous consent to print the following amendment to LB 773 in the Journal. No objections. So ordered.

AM1095

(Amendments to the Final Reading copy)

1. On page 16, line 13, after "purposes" insert "if the obligation is purchased on or after February 2, 1987"; and in line 17 after "purposes" insert "if the investment in the regulated investment company is made on or after February 2, 1987,".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 523 in the Journal. No objections. So ordered.

AM1098

(Amendments to the Final Reading Copy)

1. On page 1, line 5, after the second comma insert "77-2753,".

2. On page 2, line 8, after the semicolon insert "to change a provision relating to withholding of wages as prescribed;".

3. On page 13, line 9, strike "36" and insert "37".

4. Insert the following new sections:

"Sec. 18. That section 77-2753, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2753. (1)(a) Every employer and payor maintaining an office or transacting business within this state and making payment of any wages or other payments as defined in subsection (4) of this section which are taxable under the provisions of the Nebraska Revenue Act of 1967 to a resident or nonresident individual shall deduct and withhold from such wages for each payroll period and from such payments a tax computed in such manner as to result, so far as practicable, in withholding from the employee's wages and payments to the payee during each calendar year an amount substantially equivalent to the tax reasonably estimated to be due from the employee or payee under the provisions of such act with respect to the amount of such wages and payments included in his or her taxable income during the calendar year. The method of determining the amount to be withheld shall be prescribed by regulations of the Tax Commissioner.

(b) Every payor conducting a horserace meeting and making payment of any awards, purses, or payments

for personal or professional services to any individual licensed as a racing industry participant who is not an employee of the payor shall deduct and withhold from such payments six per cent of the amount of such payments.

(2) For purposes of this section, an employee or payee shall be entitled to the same number of withholding exemptions as the number of withholding exemptions to which he or she is entitled for federal income tax withholding purposes. An employer or payor may rely upon the number of federal withholding exemptions claimed by the employee.

(3) The Tax Commissioner may enter into agreements with the tax departments of other states, which require income tax to be withheld from the payment of wages, salaries, and such other payments, so as to govern the amounts to be withheld from the wages and salaries of and other payments to residents of such states. Such agreements may provide for recognition of anticipated tax credits in determining the amounts to be withheld and, under regulations prescribed by the Tax Commissioner, may relieve employers and payors in this state from withholding income tax on wages, salaries, and such other payments paid to nonresident employees and payees. The agreements authorized by this subsection shall be subject to the condition that the tax department of such other states grant similar treatment to residents of this state.

(4) Wages and other payments subject to withholding shall mean payments described in subdivision (1)(b) of this section or that are subject to withholding under the Internal Revenue Code of ~~1954~~ 1986, as amended, and are (a) payments made by employers to employees, except such payments subject to 26 U.S.C. section 3405 or 3406, (b) payments of gambling winnings, or (c) pension or annuity payments when the recipient has requested the payor to withhold from such payments.

Sec. 43. That original section 77-2753, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

5. On page 102, lines 20 and 25, strike "30 to 34" and insert "31 to 35".

6. On page 107, line 7, strike "23, 28, and 39" and insert "24, 29, and 40"; in line 10 after the

period insert "Sections 18 and 43 of this act shall become operative on the first day of the first month which is at least ten days after the effective date of this act." and strike "24 to 27, 29 to 37, and 40" and insert "25 to 28, 30 to 38, and 41".

7. Renumber the remaining sections accordingly.

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 523 in the Journal. No objections. So ordered.

AM1096

(Amendments to Final Reading Copy)

1. On page 1, line 8 after "1943", insert ", and section 2, Legislative Bill 67, Ninetieth Legislature, First Session, 1987".

2. On page 2, line 16, after the second semicolon insert "to provide an exception to certain immunity;"

3. On page 45, line 24, strike "or who willfully falsifies any such statement" and show as stricken.

4. Insert the following new sections:

"Sec. 38. That section 2, Legislative Bill 67, Ninetieth Legislature, First Session, 1987, be amended to read as follows:

Sec. 2. (1) On or after the effective date of this act, any person who serves as a director, officer, or trustee of a not-for-profit organization and who is not compensated for his or her services as a director, officer, or trustee on a salary or a prorated equivalent basis shall be immune from civil liability for any act or omission which results in damage or injury if such person was acting within the scope of his or her official functions and duties as a director, officer, or trustee unless such damage or injury was caused by the willful or wanton act or omission of such director, officer, or trustee.

(2) Such immunity shall not apply to any obligation of a not-for-profit organization to any federal agency, state agency, or local political subdivision for any taxes, fees, assessments or other tax liability for which such directors, officers, or trustees may otherwise be legally responsible.

(3) ~~(2)~~ Nothing in this section shall be construed to establish, diminish, or abrogate any duties that a director, officer, or trustee of a not-for-profit organization has to the not-for-profit organization for which the director, officer, or trustee serves.

(4) ~~(3)~~ For purposes of this section, a director, officer, or trustee shall not be considered compensated solely by reason of the payment of his or her actual expenses incurred in attending meetings or in executing such office, the receipt of meals at meetings, or the receipt of gifts not exceeding a total value of one hundred dollars in any twelve consecutive months.

Sec. 42. That original section 2, Legislative Bill 67, Ninetieth Legislature, First Session, 1987, is repealed.".

5. On page 107, line 7, strike "39" and insert "40"; in line 10 strike "40" and insert "41" and in line 11 after the period insert "Sections 38 and 42 of this act shall become operative three calendar months after the adjournment of this legislative session.".

6. Renumber remaining sections accordingly.

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 780 in the Journal. No objections. So ordered.

AM1108

1. On page 33, line 10, strike "9,212,164" and insert "9,657,266" and strike "9,207,025" and insert "9,746,484"; in line 12 strike "9,639,352" and insert "10,084,454" and strike "9,632,731" and insert "10,172,190"; in line 14 strike "$5,850,434" and insert "$6,158,586"; in line 17 strike "$5,850,434" and insert "$6,265,676"; and after line 24 insert:

"There is included in the appropriation to this program for FY1987-88 $445,102 General Funds and for FY1988-89 $539,459 General Funds for additional enforcement of tax programs other than income tax.".

Mrs. Nelson asked unanimous consent to print the following amendment to LB 492 in the Journal. No objections. So ordered.

AM1111

(Amendments to Final Reading Copy)

1. On page 3, line 2, strike "person" and

insert "employee working on a construction project"; in line 6 after "unless" insert "(a)"; in line 7 after "contract" insert "is negligently performed"; in line 8 strike "by" and insert "(b) the"; in line 10 strike "is" and insert "are"; and in line 12 after "specifications" insert "or other contract documents".

VISITORS

Visitors to the Chamber were 45 spouses of Delegates to the International Association of Fairs and Expositions from Canada and the United States; 10 fourth grade students and teacher from Covenant Christian School, Omaha; and 24 fourth grade students and teacher from Axtell Community School.

ADJOURNMENT

At 4:49 p.m., on a motion by Mr. Abboud, the Legislature adjourned until 9:00 a.m., Tuesday, April 28, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTIETH DAY - APRIL 28, 1987

LEGISLATIVE JOURNAL

SEVENTIETH DAY - APRIL 28, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SEVENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 28, 1987

Pursuant to adjournment, the Legislature met at 9:03 a.m., President 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. Peterson who was excused; and Messrs. Abboud, Ashford, Chambers, Conway, Hartnett, R. Johnson, Moore, Rupp, Wesely, Withem, Mesdames Higgins, Labedz, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Ninth Day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 95. Read. Considered.

LR 95 was adopted with 33 ayes, 0 nays, and 16 not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 95.

RESOLUTIONS

LEGISLATIVE RESOLUTION 93. Read. Considered.

LR 93 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 99.

Introduced by Wehrbein, 2nd District.

WHEREAS, the year 1987 is the centennial year of the village of Union, Nebraska, located in Cass County; and

WHEREAS, Union, with a population of three hundred persons, was in 1856 first the site of Folden Union Mills and was later surveyed with the arrival of the Missouri Pacific Railroad; and

WHEREAS, the community of Union has for the last "100 years been pulling together" and is known for its agriculture, orchard, and friendly people; and

WHEREAS, the traditions and heritage that made Nebraska great are still being carried on by the residents of Union; and

WHEREAS, Union will be celebrating its centennial on June 6 and 7, 1987.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the residents of Union, past and present, for their hard work and dedication in building a community that all Nebraskans can take pride in.

2. That a copy of this resolution be sent to Ruth Stine and Barbara Lechner, cochairpersons of the Union Centennial Committee.

Laid over.

LEGISLATIVE RESOLUTION 100.

Introduced by Wehrbein, 2nd District.

WHEREAS, the year of 1987 is the centennial year of the village of Nehawka, Nebraska, located in Cass County; and

WHEREAS, Nehawka was first settled by Sammuel Kirkpatrick in 1854 and was the home of the first native Nebraska Governor, George L. Sheldon, who held office from 1907-1909; and

WHEREAS, Nehawka is remembered for Issac Pollard's orchard which produced sweet cider and for Harry M. Knabe and Son Hampshire Hogs; and

WHEREAS, George C. Sheldon developed the cement mixer and marketed it worldwide from his plant in Nehawka; and

WHEREAS, those traditions and heritage that made Nebraska great are still being carried on by the residents of Nehawka; and

WHEREAS, the community of Nehawka will celebrate its centennial on July 25 and 26, 1987;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Nehawka's residents on its fine traditions of being innovative and hard working which have resulted in the building of a better community and a more prosperous state.

2. That a copy of this resolution be sent to Rosemary Reddenn, chairperson of the Nehawka Centennial Committee.

Laid over.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 294. Placed on General File as amended.
Standing Committee amendment to LB 294:
AM1101

1. Strike the original sections and insert the following new sections:

"Section 1. That section 77-2734.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2734.02. (1) A tax is hereby imposed for each taxable year on the taxable income of every corporate taxpayer that is doing business in this state at a rate equal to ~~twenty-five~~ one hundred fifty and eight-tenths per cent of the primary rate imposed on individuals under section ~~77-2715~~ 77-2701.01 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, and

at the rate of two hundred forty-six per cent of such rate on all taxable income in excess of seven hundred fifty thousand dollars. The resultant rates shall be rounded to the nearest hundredth of one per cent.

(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.

Sec. 2. That section 77-3804, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3804. (1) The limitation rate shall be ~~forty-eight and eight-tenths per cent of the maximum corporate income tax rate~~ two hundred eleven per cent of the primary rate of the income tax in effect for the taxable year, as prescribed in section ~~77-2734.02~~ 77-2701.01, rounded to the nearest hundredth of one per cent.

(2) The limitation amount shall be the product of the net financial income of the financial institution multiplied by the limitation rate.

Sec. 3. This act shall become operative for all taxable years beginning or deemed to begin on or after January 1, 1987.

Sec. 4. That original sections 77-2734.02 and 77-3804, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

(Signed) Vard R. Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 775. Mr. Lynch renewed his pending motion found in the Journal on page 1847 to reconsider the vote on the Nelson amendment, found in the Journal on page 1802, April 23, 1987, to the Standing Committee amendments, to remove capital gains.

Messrs. Barrett, Remmers, Dierks, and Pappas asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Rupp 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 17 ayes, 0 nays, and 32 not voting.

Mr. Chambers requested a roll call vote on the Lynch motion to reconsider.

Voting in the affirmative, 17:

Baack	Hall	Lynch	Schellpeper	Smith
Chambers	Higgins	McFarland	Schmit	Warner
Conway	Johnson, R.	Nelson	Scofield	Wesely
Coordsen	Korshoj			

Voting in the negative, 25:

Ashford	Hannibal	Johnson, V.	Marsh	Rogers
Beyer	Harris	Labedz	Miller	Rupp
Chizek	Hartnett	Lamb	Moore	Wehrbein
Elmer	Hefner	Landis	Morehead	Weihing
Goodrich	Johnson, L.	Langford	Remmers	Withem

Present and not voting, 2:

Barrett Haberman

Absent and not voting, 1:

Pirsch

Excused and not voting, 4:

Abboud Dierks Pappas Peterson

The Lynch motion to reconsider lost with 17 ayes, 25 nays, 2 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

SPEAKER BARRETT PRESIDING

Mr. Schmit offered the following amendment to the Standing Committee amendments:

to amend the committee amendment by striking lines 10 through 23 on page 10, and by striking the new language on 24 and inserting: "Any personal property, up to a maximum of fifteen million dollars shall be exempt from the tax on"

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 26 ayes, 0 nays, and 23 not voting.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schmit amendment lost with 8 ayes, 19 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Haberman offered the following amendment to the Standing Committee amendments:

AM1084

(Amendments to AM0968)

1. On page 4, line 9, strike "(v)" and insert "(vi)"; and after line 24 insert:

"(iv) Farming or ranching;".

2. On page 5, line 1, strike "(iv)" and insert "(v)"; and in line 4 strike "(v)" and insert "(vi)".

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. V. Johnson moved for a call of the house. The motion prevailed with 13 ayes, 6 nays, and 30 not voting.

Mr. V. Johnson requested a roll call vote on the Haberman amendment.

Voting in the affirmative, 15:

Baack	Dierks	Higgins	Langford	Rupp
Conway	Elmer	Johnson, R.	Moore	Schmit
Coordsen	Haberman	Korshoj	Pappas	Scofield

Voting in the negative, 31:

Ashford	Harris	Lamb	Morehead	Smith
Barrett	Hartnett	Landis	Nelson	Warner
Beyer	Hefner	Lynch	Pirsch	Wehrbein
Chizek	Johnson, L.	Marsh	Remmers	Weihing
Goodrich	Johnson, V.	McFarland	Rogers	Wesely
Hall	Labedz	Miller	Schellpeper	Withem
Hannibal				

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Abboud Peterson

The Haberman amendment lost with 15 ayes, 31 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Haberman offered the following amendment to the Standing Committee amendments:
AM1071

(Amendments to AM0968)

1. On page 11, line 22, strike "and"; after

line 22 insert:
"(iv) Tangible personal property used in the production of income of an enterprise engaged in agriculture; and"; and in line 23 strike "(iv)" and insert "(v)".

The Haberman amendment lost with 5 ayes, 18 nays, 24 present and not voting, and 2 excused and not voting.

Mr. Wesely offered the following amendment to the Standing Committee amendments:
to amend the Committee amendment, AM0968, on pg 21, line 18, after the word "have," insert (i), and after the word "and," insert (ii)

The Wesely amendment was adopted with 24 ayes, 0 nays, 23 present and not voting, and 2 excused and not voting.

Mr. Baack asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall renewed his pending amendment found in the Journal on page 1825 to the Standing Committee amendments.

Mr. Hall withdrew his pending amendment.

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LB 781 in the Journal. No objections. So ordered.

Page 9, line 1 strike "and" and insert after "Norfolk Regional Center" and the School of Technical Agriculture at Curtis facilities.

VISITORS

Visitors to the Chamber were 39 fourth grade students and teachers from Westside Public Schools, Norfolk; 25 fourth grade students and teacher from Fourth Central School, Plattsmouth; 19 kindergarten through third grade students and teacher from District 110,

Memphis; 25 members of the Southeast Republican Womens Club, Omaha; Georgia Hawthorne from Omaha; and 12 seventh and eighth grade students and teacher from Funk Public Schools.

RECESS

At 11:50 a.m., on a motion by Mr. McFarland, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mr. Peterson who was excused; and Messrs. Abboud, Chambers, Haberman, Hefner, R. Johnson, Landis, Schellpeper, Schmit, Mesdames Higgins, Morehead, and Pirsch who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. McFarland asked unanimous consent to be excused. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 93.

RESOLUTION

LEGISLATIVE RESOLUTION 101.

Introduced by Haberman, 44th District.

WHEREAS, 1987 is the centennial year of the village of Madrid, Nebraska; and

WHEREAS, Madrid was founded by Mr. McKenzie, a businessman who founded a bank in Madrid; and

WHEREAS, legend has it that a Spaniard who worked for the railroad named the village after Madrid, Spain; and

WHEREAS, Madrid will begin its centennial activities in the month of May; and

WHEREAS, those traditions and the heritage that made Nebraska great are still being carried on by the current residents of Madrid; and

WHEREAS, the residents of Madrid deserve special recognition for the contributions that they and their ancestors have made to all areas of the state's development as well as to Nebraska's spirit itself.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes in this centennial year to those residents of Madrid, both past and present, who have built Madrid into a successful and fine community in which to live and who will continue to keep their community strong.

2. That a copy of this resolution be sent to Ron Regier, chairperson of the Madrid Centennial Committee, Madrid, Nebraska.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 775. Mr. Lynch offered the following amendment to the Standing Committee amendments:
AM1128

(Amendments to Standing Committee amendments, AM0968)

1. On page 10, line 17, after "aircraft" insert ", except when any such aircraft is used for fundraising for or for the transportation of an elected official".

2. On page 11, line 19, after "project" insert ", except when any such property is to be used for fundraising for or for the transportation of an elected official".

The Lynch amendment was adopted with 23 ayes, 0 nays, 13 present and not voting, and 13 excused and not voting.

Mr. V. Johnson offered the following Chambers amendment to the Standing Committee amendments:
AM1102

(Amendments to Standing Committee amendments, AM0968)

1. On page 1, strike beginning with "lack" in line 11 through the second comma in line 12; in line 13 after the semicolon insert "and"; and strike beginning

with "It" in line 14 through "(c)" in line 19.

2. On page 2, strike beginning with "promote" in line 5 through "encouraging" in line 6 and insert "encourage"; in line 7 strike "retaining" and insert "retain"; in line 8 strike "aiding" and insert "aid" and strike "promoting" and insert "promote"; and in line 10 strike "attracting and retaining" and insert "attract and retain".

The Chambers amendment was adopted with 20 ayes, 0 nays, 19 present and not voting, and 10 excused and not voting.

Mr. Wesely offered the following amendment to the Standing Committee amendments:

AM1129

(Amendments to the Standing Committee amendments, AM0968)

1. On page 9, after line 12, insert the following new subsection:

"(7) It is the intent of the Legislature that any taxpayer who wishes to utilize the incentives set forth in the Employment and Investment Growth Act shall, as a condition for receiving such incentives, submit to the Clerk of the Legislature the following information:

(a) Annual corporate income and sales and use taxes owed the state prior to the election of the incentives prescribed in the act;

(b) Annual corporate income and sales and use tax credits and refunds realized; and

(c) The level and nature of the investment made and employment generated.".

Mr. Wesely withdrew his pending amendment.

Mr. Chambers offered the following amendment to the Standing Committee amendments:

P. 23, Strike lines 5-20

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 4:

Chambers Korshoj Miller Weihing

Voting in the negative, 27:

Abboud	Dierks	Johnson, L.	Lynch	Scofield
Ashford	Elmer	Johnson, V.	Morehead	Smith
Baack	Hall	Labedz	Nelson	Wehrbein
Barrett	Hannibal	Lamb	Pappas	Wesely
Chizek	Harris	Landis	Pirsch	Withem
Conway	Hefner			

Present and not voting, 14:

Beyer	Haberman	Marsh	Rogers	Schmit
Coordsen	Hartnett	Moore	Rupp	Warner
Goodrich	Langford	Remmers	Schellpeper	

Excused and not voting, 4:

Higgins	Johnson, R.	McFarland	Peterson

The Chambers amendment lost with 4 ayes, 27 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Schmit offered the following amendment to the Standing Committee amendments:

On page 21, strike lines 16 through 24, and on page 22, strike lines 1 through 4.

PRESIDENT NICHOL PRESIDING

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. V. Johnson requested a roll call vote on the Schmit amendment.

Voting in the affirmative, 22:

Baack	Harris	Morehead	Rogers	Scofield
Chambers	Johnson, R.	Nelson	Rupp	Smith
Coordsen	Korshoj	Pappas	Schellpeper	Wehrbein
Dierks	Lamb	Remmers	Schmit	Weihing
Elmer	Moore			

Voting in the negative, 19:

Abboud	Conway	Hartnett	Lynch	Warner
Ashford	Goodrich	Hefner	Marsh	Wesely
Barrett	Hall	Landis	Miller	Withem
Chizek	Hannibal	Langford	Pirsch	

Present and not voting, 5:

Beyer	Higgins	Johnson, L.	Johnson, V.	Labedz

Excused and not voting, 3:

Haberman	McFarland	Peterson

The Schmit amendment was adopted with 22 ayes, 19 nays, 5 present and not voting, and 3 excused and not voting.

Mr. V. Johnson moved to reconsider the vote on the Schmit amendment.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Withem 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 V. Johnson motion to reconsider prevailed with 26 ayes, 10 nays, 10 present and not voting, and 3 excused and not voting.

The Schmit amendment found in this day's Journal on page 1913 was reconsidered.

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.

Mr. Schmit moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Baack	Elmer	Korshoj	Nelson	Smith
Chambers	Higgins	Labedz	Rupp	Warner
Coordsen	Johnson, L.	Lamb	Schellpeper	Wehrbein
Dierks	Johnson, R.	Moore	Schmit	

Voting in the negative, 27:

Abboud	Goodrich	Johnson, V.	Miller	Rogers
Ashford	Hall	Landis	Morehead	Scofield
Barrett	Hannibal	Langford	Pappas	Weihing
Beyer	Harris	Lynch	Pirsch	Wesely
Chizek	Hartnett	Marsh	Remmers	Withem
Conway	Hefner			

Excused and not voting, 3:

Haberman	McFarland	Peterson

The Schmit amendment lost with 19 ayes, 27 nays, and 3 excused and not voting.

PRESIDENT NICHOL PRESIDING

Mr. Chambers requested a division of the question on the Standing Committee amendments.

The Chair sustained the division of the question.

Mr. Beyer asked unanimous consent to be excused. No objections. So ordered.

The first Standing Committee amendment is as follows:
Sections 1 through 4, 7, 8, 12, 13 and 15 through 19 - Provides intent language, definitions, application procedure, recapture and transfer provisions, the repeal of LB 3 and operative provisions.

Messrs. 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 26 ayes, 1 nay, and 22 not voting.

Mr. Chambers requested a record vote on the first Standing Committee amendment.

Voting in the affirmative, 36:

Abboud	Hall	Labedz	Morehead	Schellpeper
Ashford	Hannibal	Lamb	Nelson	Scofield
Chizek	Harris	Langford	Pappas	Smith
Conway	Hartnett	Lynch	Pirsch	Warner
Coordsen	Hefner	Marsh	Remmers	Wehrbein
Dierks	Johnson, L.	Miller	Rogers	Weihing
Elmer	Johnson, V.	Moore	Rupp	Withem
Goodrich				

Voting in the negative, 1:

Chambers

Present and not voting, 6:

Baack	Johnson, R.	Korshoj	Landis	Wesely
Higgins				

Excused and not voting, 6:

Barrett	Haberman	McFarland	Peterson	Schmit
Beyer				

The first Standing Committee amendment was adopted with 36 ayes, 1 nay, 6 present and not voting, and 6 excused and not voting.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Scofield asked unanimous consent to be excused. No objections. So ordered.

The second Standing Committee amendment is as follows:

Sections 5(1) and 14 - Permits sales-only apportionment of corporate income by election.

Mr. Remmers asked unanimous consent to be excused. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a record vote on the second Standing Committee amendment.

Voting in the affirmative, 29:

Ashford	Goodrich	Johnson, L.	Moore	Smith
Barrett	Hall	Johnson, R.	Morehead	Warner
Chizek	Hannibal	Johnson, V.	Nelson	Wehrbein
Conway	Harris	Lynch	Pirsch	Weihing
Coordsen	Hartnett	Marsh	Rogers	Withem
Elmer	Hefner	Miller	Rupp	

Voting in the negative, 1:

Chambers

Present and not voting, 12:

Abboud	Higgins	Lamb	Langford	Schellpeper
Baack	Korshoj	Landis	Pappas	Wesely
Dierks	Labedz			

Excused and not voting, 7:

Beyer	McFarland	Remmers	Schmit	Scofield
Haberman	Peterson			

The second Standing Committee amendment was adopted with 29 ayes, 1 nay, 12 present and not voting, and 7 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 95 in the Journal. No objections. So ordered.

AM1126

1. Insert the following new sections:

"Sec. 14. The Legislature finds that air quality is of vital concern to the citizens of the State of Nebraska because of its affects on health and quality of life. Since exhaust emissions from motor vehicles, especially carbon monoxide, directly impact the irreplaceable resource of clean air, the purpose sections 14 to 16 of this act is to develop a program for the use of oxygenated fuels which have been shown to effectively lower carbon monoxide exhaust emissions. As used in sections 14 to 16 of this act, oxygenated fuels shall mean gasolines blended with a component or components containing oxygen.

Sec. 15. Commencing July 1, 1989, a retailer who makes gasoline available for sale in any city of the metropolitan or primary class shall make available for sale oxygenated fuels which contain a minimum of three and one half per cent oxygen by weight.

Sec. 16. Any person who violates section 2 of this act shall be guilty of a Class V misdemeanor. Each day a violation continues to exist shall constitute a separate offense.".

2. Renumber the remaining sections accordingly.

Messrs. Withem and Baack asked unanimous consent to print the following amendment to LB 780 in the Journal. No objections. So ordered.

AM1114

1. On page 143, lines 15 and 16, strike all occurrences of "175,000" and insert "275,000"; and after line 22 insert "There is included in the appropriation to this program for FY1987-88 $100,000 General Funds and for FY1988-89 $100,000 General Funds which shall only be used for the six Nebraska technical community college areas for federal Carl Perkins Short-Term Job Training Funds for proposals submitted to the State Department of Education, division of vocational education. Regulations governing allocation of funds shall be agreed upon in negotiations between the technical community colleges and the Department of Economic

Development. Unexpended funds shall lapse to the General Fund.".

2. On page 158, lines 13 and 14, strike the first "21,773,507" and insert "22,284,524" and strike the second "21,773,507" and insert "22,826,683"; in line 16 strike "$21,773,507" and insert "$22,284,524"; and in line 19 strike "$21,773,507" and insert "$22,826,683".

Mr. McFarland asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

(Amendments to the Standing Committee amendments)

1. Insert the following new section:

"Sec. 11. The Tax Commissioner shall submit an annual report to the Legislature no later than March 15 of each year stating the amount of taxes exempted during the previous calendar year pursuant to sections 1 to 10 of this act.".

2. On page 36, line 21, strike "13 and 18" and insert "14 and 19".

3. Renumber the remaining sections accordingly.

Messrs. Pappas, Hall, and Mrs. Labedz asked unanimous consent to print the following amendment to LB 288 in the Journal. No objections. So ordered.

AM1099

1. Strike original sections 5, 6, and 7.

2. On page 21, line 22, strike "ninety-five" and insert "ninety".

3. On page 23, line 24, strike "77-3507" and insert "77-3509.01".

4. Renumber the remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 780 in the Journal. No objections. So ordered.

AM1135

1. On page 144, lines 3 and 4, strike "70,646" and insert "93,646" and strike "73,646" and insert "96,049".

2. On page 148, line 15, strike "4,079,447" and insert "4,102,447" and strike "4,087,446" and insert "4,109,849"; and in line 18 strike "18,697,800" and insert "18,720,800" and strike "18,732,940" and insert

8 "18,755,343".

GENERAL FILE

LEGISLATIVE BILL 775. The third Standing Committee amendment is as follows:

Sections 5(3), 5(4), and 6 - Permits sales tax refunds for depreciable personal property and credits for jobs creation and investment.

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.

The third Standing Committee amendment was adopted with 31 ayes, 1 nay, 10 present and not voting, and 7 excused and not voting.

The fourth Standing Committee amendment is as follows:

Section 5(2) and 11 - Provides personal property tax exemption for aircraft and computers.

Mr. Withem 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 requested a record vote on the fourth Standing Committee amendment.

Voting in the affirmative, 27:

Abboud	Harris	Lamb	Morehead	Rupp
Ashford	Hartnett	Langford	Nelson	Smith
Chizek	Hefner	Lynch	Pappas	Wehrbein
Elmer	Johnson, L.	Marsh	Pirsch	Weihing
Goodrich	Johnson, V.	Miller	Rogers	Withem
Hannibal	Labedz			

Voting in the negative, 11:

Baack	Conway	Dierks	Johnson, R.	Landis
Barrett	Coordsen	Hall	Korshoj	Moore
Chambers				

Present and not voting, 5:

Higgins	Schellpeper	Schmit	Warner	Wesely

Excused and not voting, 6:

Beyer	McFarland	Peterson	Remmers	Scofield
Haberman				

The fourth Standing Committee amendment was adopted with 27 ayes, 11 nays, 5 present and not voting, and 6 excused and not voting.

The fifth Standing Committee amendment is as follows:

Sections 9 and 10 - Provides for gains on capital stock sales to be exempt from taxation under certain circumstances.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Mr. Chambers requested a roll call vote on the fifth Standing Committee amendment.

Voting in the affirmative, 25:

Abboud	Goodrich	Johnson, L.	Marsh	Rogers
Ashford	Hannibal	Johnson, V.	Miller	Rupp
Barrett	Harris	Labedz	Morehead	Weihing
Chizek	Hartnett	Landis	Pappas	Wesely
Elmer	Hefner	Langford	Pirsch	Withem

Voting in the negative, 16:

Baack	Dierks	Korshoj	Moore	Smith
Chambers	Hall	Lamb	Nelson	Warner
Conway	Johnson, R.	Lynch	Schmit	Wehrbein
Coordsen				

Absent and not voting, 2:

Higgins	Schellpeper

Excused and not voting, 6:

Beyer	McFarland	Peterson	Remmers	Scofield
Haberman				

The fifth Standing Committee amendment was adopted with 25 ayes, 16 nays, 2 absent and not voting, and 6 excused and not voting.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 30:

Abboud	Goodrich	Johnson, V.	Marsh	Rupp
Ashford	Hannibal	Labedz	Miller	Smith
Barrett	Harris	Lamb	Morehead	Wehrbein
Chizek	Hartnett	Landis	Pappas	Weihing
Coordsen	Hefner	Langford	Pirsch	Wesely
Elmer	Johnson, L.	Lynch	Rogers	Withem

Voting in the negative, 10:

Baack	Conway	Johnson, R.	Moore	Schmit
Chambers	Dierks	Korshoj	Nelson	Warner

Present and not voting, 3:

Hall	Higgins	Schellpeper

Excused and not voting, 6:

Beyer	McFarland	Peterson	Remmers	Scofield
Haberman				

Advanced to E & R for Review with 30 ayes, 10 nays, 3 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 775A. Title read. Considered.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Abboud	Harris	Lamb	Moore	Smith
Barrett	Hartnett	Langford	Pappas	Warner
Chizek	Hefner	Lynch	Pirsch	Wehrbein
Elmer	Johnson, L.	Marsh	Rogers	Weihing
Goodrich	Johnson, V.	Miller	Rupp	Wesely
Hannibal	Labedz			

Voting in the negative, 3:

Chambers	Korshoj	Schmit

Present and not voting, 13:

Ashford	Coordsen	Higgins	Morehead	Schellpeper
Baack	Dierks	Johnson, R.	Nelson	Withem
Conway	Hall	Landis		

Excused and not voting, 6:

Beyer	McFarland	Peterson	Remmers	Scofield
Haberman				

Advanced to E & R for Review with 27 ayes, 3 nays, 13 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1119

(Amendments to Standing Committee amendments, AM0968)

1. Strike original sections 9 and 10 and insert the following new section:

"Sec. 9. (1)(a) Every resident individual may elect a period of three consecutive taxable years, commencing at any time after the individual reaches the age of fifty-five, during which period the individual may subtract from federal adjusted gross income for the applicable taxable year the gain from the sale or exchange of capital assets acquired by the individual on

account of his or her employment or occupation and when the sale or exchange occurred during that year. The subtraction from income shall be applied to the taxable year of the three-year period in which the gain was realized, except that (i) the subtraction from income may be carried over for up to five years until fully utilized and (ii) any gains received over a period of years may be subtracted proportionately for up to the five years succeeding the sale or exchange of the capital asset.

(b) The election may be made for taxable years beginning or deemed to begin on or after January 1, 1989, except that such election may be made with respect to one half of such gain included in federal adjusted gross income for taxable years beginning or deemed to begin on or after January 1, 1987.

(2)(a) Each individual shall be entitled to one election under subsection (1) of this section during his or her lifetime.

(b) The election shall apply only once to the same capital asset.

(c) The election shall not apply to any capital asset acquired during the three-year period.

(d) After the individual makes an election, such election shall apply to the sale or exchange of the capital asset transferred by inter vivos gift from the individual to his or her spouse if such capital asset was sold or exchanged as provided in subsection (1) of this section. This subdivision shall apply only if the spouse was married to such individual on the date of the sale or exchange or the date of death of the individual.

(e) If the individual dies without making an election, the surviving spouse may make the election for the capital assets that would have qualified under subdivision (d) of this subsection.

(3) An election under subsection (1) of this section shall be made by including a written statement with the individual's Nebraska income tax return or an amended return, for the taxable years for which the election is made. The written statement shall identify the grounds for the election under this section and shall state that the individual elects to have this section apply.".

2. On page 27, line 5, strike "sections 9 and

10 10" and insert "section 9".
11 3. On page 36, line 21, strike "13 and 18"
12 and insert "12 and 17".
13 4. Renumber the remaining sections
14 accordingly.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet in Room 1003 on April 29, 1987, at 1:20 p.m.

VISITORS

Visitors to the Chamber were 45 fourth grade students and teachers from Christ Lutheran Elementary, Norfolk; 24 fifth grade students and teacher from Henderson Elementary; 35 fourth grade students and teachers from Stoddard School, Beatrice; and 70 fourth and fifth grade students and sponsor from Stolley Park Elementary, Grand Island.

ADJOURNMENT

At 6:22 p.m., on a motion by Mr. Moore, the Legislature adjourned until 9:00 a.m., Wednesday, April 29, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FIRST DAY - APRIL 29, 1987

LEGISLATIVE JOURNAL

SEVENTY-FIRST DAY - APRIL 29, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SEVENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 29, 1987

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rusty Miller, Capitol City Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, R. Johnson, V. Johnson, McFarland, Schmit, and Mrs. Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventieth Day was approved.

PRESIDENT NICHOL PRESIDING

RESOLUTION

LEGISLATIVE RESOLUTION 98. Read. Considered.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner moved to refer LR 98 to the Reference Committee for reference to a Standing Committee for public hearing.

The Hefner motion to refer lost with 3 ayes, 18 nays, 22 present and not voting, and 6 excused and not voting.

Mr. Ashford offered the following amendment to the Chambers resolution:

Strike last 3 "WHEREAS clauses"

Mr. Chambers requested a record vote on the Ashford amendment.

Voting in the affirmative, 25:

Ashford	Elmer	Lamb	Moore	Remmers
Beyer	Goodrich	Landis	Morehead	Rupp
Chizek	Haberman	Langford	Nelson	Schellpeper
Coordsen	Hefner	Lynch	Peterson	Smith
Dierks	Johnson, L.	Marsh	Pirsch	Weihing

Voting in the negative, 14:

Baack	Hannibal	Higgins	Pappas	Wehrbein
Chambers	Harris	Korshoj	Schmit	Withem
Hall	Hartnett	Labedz	Warner	

Present and not voting, 7:

Barrett	Johnson, R.	Rogers	Scofield	Wesely
Conway	Miller			

Excused and not voting, 3:

Abboud	Johnson, V.	McFarland

The Ashford amendment was adopted with 25 ayes, 14 nays, 7 present and not voting, and 3 excused and not voting.

Mr. Chambers requested a record vote on the adoption of the resolution.

Voting in the affirmative, 35:

Ashford	Chambers	Coordsen	Hall	Hartnett
Baack	Chizek	Dierks	Hannibal	Higgins
Beyer	Conway	Elmer	Harris	Johnson, L.

Korshoj	Langford	Nelson	Rogers	Warner
Labedz	Marsh	Pappas	Schellpeper	Wehrbein
Lamb	McFarland	Pirsch	Schmit	Weihing
Landis	Morehead	Remmers	Smith	Withem

Voting in the negative, 1:

Hefner

Present and not voting, 11:

Barrett	Johnson, R.	Miller	Peterson	Scofield
Goodrich	Lynch	Moore	Rupp	Wesely
Haberman				

Excused and not voting, 2:

Abboud Johnson, V.

LR 98 was adopted with 35 ayes, 1 nay, 11 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Withem and Miller asked unanimous consent to print the following amendment to LB 688 in the Journal. No objections. So ordered.

AM1146

1. In the Standing Committee amendments, AM0749:

a. On page 2, strike beginning with "and" in line 11 through "(c)" in line 16 and insert "(2)"; and in line 18 after "plan" insert the following new subdivision: "; and (3) in cases when a petition proposes the dissolution of an entire educational service unit or units for attachment to an existing educational service unit or for the merger of two or more educational service units into a new educational service unit, a summary of the terms on which such reorganization is made, including: (a) Provision for the utilization of existing facilities, equipment, and materials; and (b) provision for the disposition of assets and any unbonded indebtedness of affected

educational service units";

b. On page 13, strike beginning with "notwithstanding" in line 15 through the first comma in line 16;

c. On page 22, line 18, strike "1990" and insert "1989"; and

d. On page 26, line 17, strike beginning with "79-2201.01" through "79-2203", show the old matter as stricken, and insert "79-2202.02".

2. On page 3, line 4, strike "intermediate units" and insert "educational service providers"; in line 8 strike "an intermediate" and insert "a"; and in line 11 strike "intermediate".

3. In the E & R amendment, AM5196:

a. On page 1, strike lines 6 and 7; and

b. Renumber the remaining amendments to the Standing Committee amendments accordingly.

GENERAL FILE

LEGISLATIVE BILL 131. Title read. Considered.

Standing Committee amendments, AM1000, found in the Journal on page 1853 for the Sixty-Eighth Day were adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 779. 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.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 763. Title read. Considered.

Standing Committee amendments, AM1065, printed separate from the Journal and referred to on page 1853 for the Sixty-Eighth Day 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 781. Title read. Considered.

SPEAKER BARRETT PRESIDING

Mr. Pappas withdrew his pending amendment found in the Journal on page 1909.

Mr. Pappas offered the following amendment:

Page 9, line 1 strike "and" and insert after "Norfolk Regional Center" and any other state or university owned facility that may be vacated in the near future.

The Pappas 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 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 780. Title read. Considered.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis renewed his pending amendment, AM1044, found in the Journal on page 1895.

Ms. Scofield offered the following amendment to the pending Landis amendment:

1. On page 104, line 14, strike "276,024" and insert "1,328,533" and strike "277,799" and insert "1,330,308"; in line 15, strike "276,024" and insert "1,328,533" and strike "277,799" and insert "1,330,308"; in line 17, strike "193,131" and insert "1,112,690"; in line 20, strike "193,131" and insert "1,112,690".

2. After line 20 insert:

"There is included in the appropriation to this program for FY1987-88 and FY1988-89 $1,052,509 General Funds to increase faculty salaries and employee benefits tied to salaries so that the salaries for faculty at the four Nebraska State Colleges are approaching parity with salaries of their counterparts in the state college's 21-member reference group".

Messrs. Hartnett, Lynch, and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Moore 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 15 ayes, 0 nays, and 34 not voting.

The Scofield amendment was adopted with 25 ayes, 7 nays, 12 present and not voting, and 5 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 102.

Introduced by R. Johnson, 34th District.

WHEREAS, tropical fats from imported palm and coconut oils totaled nearly two billion pounds displacing the equivalent of one hundred seventy-one million bushels of soybeans last year and taking away markets for the Nebraska soybean farmer; and

WHEREAS, imported palm and coconut oils are used in snack foods, baked goods, and breakfast cereals and are often labeled as vegetable oil; and

WHEREAS, the tropical fats are higher in saturated fatty acids than lard, while soybean oil is low in saturated fat and contains no cholesterol; and

WHEREAS, Americans know fatty acids and cholesterol contribute to heart disease and understand the importance of proper diet and good health, and consumers should be aware of the fats and oils used in the products they purchase; and

WHEREAS, the American Soybean Association has submitted a petition to the Food and Drug Administration asking for more stringent labeling regulations to require food manufacturers to specify on the label that a saturated fat is being used as an ingredient.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature support the efforts of the American Soybean Association for stricter label regulations requiring labeling of products showing that a saturated fat is being used in the product.

2. That the Legislature support the Nebraska soybean farmers by urging the Food and Drug Administration to act quickly on the petition of the American Soybean Association (FDA Docket Number 87P-0026/CP) filed January 27, 1987.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 780 in the Journal. No objections. So ordered.

AM1142

1. On page 19, line 23, strike "122,780,867" and insert "172,780,867" and strike "122,781,039" and insert "172,781,039"; in line 25 strike "144,227,715" and insert "194,227,715" and strike "144,229,982" and insert "194,229,982".

2. On page 21, after line 4, insert the following new paragraphs:

"It is the intent of the Legislature to appropriate an additional $50,000,000 for the support of public education in the state. The Legislature finds that a sound system of public education from kindergarten through high school is crucial to the development of sound economic growth in the state. The Legislature further finds that an increase in support for public education in Nebraska is necessary to maintain the quality and viability of Nebraska schools in light of sizeable investments made in education by other midwestern states.

There is included in the amount shown for FY1987-88 $50,000,000 General Funds for state aid to education. Of the $50,000,000 General Funds, there is hereby appropriated $50,000,000, from which $33,000,000 shall be used to fulfill the requirements of sections 79-1335 to 79-1339 and $17,000,000 shall be used to fulfill the requirements of section 79-1334.

There is included for the amount shown for FY1987-88 $50,000,000 General Funds for state aid to education. Of the $50,000,000 General Funds, there is

hereby appropriated $50,000,000, from which $33,000,000 shall be used to fulfill the requirements of sections 79-1335 to 79-1339 and $17,000,000 shall be used to fulfill the requirements of section 79-1334.".

3. On page 30, line 13, strike "188,217,218" and insert "238,217,218" and strike "190,514,708" and insert "240,514,708"; and in line 17 strike "262,636,254" and insert "312,636,254" and strike "264,642,055" and insert "314,642,055".

4. On page 104, after line 2, insert the following:

"(4) Program No. 645 - Nebraska Coordinating Commission for Postsecondary Education

	FY1987-88	FY1988-89
General Fund	2,000,000	2,000,000
Program Total	2,000,000	2,000,000"

in line 6 strike "227,174" and insert "2,227,174" and strike "228,358" and insert "2,228,358"; and in line 9 strike "854,799" and insert "2,854,799" and strike "855,983" and insert "2,855,983".

5. On page 105, after line 20, insert the following new paragraph:

"It is the intent of the Legislature to appropriate an additional $50,000,000 for the support of public education in the state. The Legislature finds that a sound system of public education at the post-secondary level is crucial to development of sound economic growth in the state. The Legislature further finds that an increase in support for public education in Nebraska is necessary to maintain the quality and viability of Nebraska schools in light of sizeable investments made in education by other midwestern states."; and in line 24 strike "5,951,042" twice and insert "8,451,042".

6. On page 106, line 3, strike "11,539,530" and insert "14,039,530" and strike "11,685,867" and insert "14,185,867".

7. On page 107, line 17, strike "12,016,706" and insert "16,016,706" and strike "12,280,543" and insert "16,280,543"; and in line 21 strike "25,249,497" and insert "29,249,497" and strike "25,799,893" and insert "29,799,893".

8. On page 109, line 14, strike "2,998,076" and insert "3,998,076" and strike "3,270,966" and insert

"4,270,966"; and in line 18 strike "5,645,096" and insert "6,645,096" and strike "5,719,438" and insert "6,719,438".

9. On page 111, line 6, strike "6,206,808" and insert "8,706,808" and strike "6,218,884" and insert "8,718,884"; and in line 10 strike "12,010,340" and insert "14,510,340" and strike "12,155,772" and insert "14,655,772".

10. On page 113, line 9, strike "169,224,779" and insert "197,224,779" and strike "170,571,039" and insert "198,571,039"; in line 13 strike "486,479,041" and insert "514,479,041" and strike "489,477,837" and insert "517,477,837"; after line 13 insert the following new paragraph:

"It is the intent of the Legislature to appropriate an additional $50,000,000 for the support of public education in the state. The Legislature finds that a sound system of public education at the post-secondary level is crucial to development of sound economic growth in the state. The Legislature further finds that an increase in support for public education in Nebraska is necessary to maintain the quality and viability of Nebraska schools in light of sizeable investments made in education by other midwestern states."; in line 22 strike "59,417,921" and insert "72,417,921" and strike "59,669,259" and insert "72,669,259"; and in line 24 strike "31,819,373" and insert "36,819,373" and strike "32,160,558" and insert "37,160,558".

11. On page 114, line 1, strike "91,237,294" and insert "109,237,294" and strike "91,829,817" and insert "109,829,817"; in line 3 strike "48,539,979" and insert "53,539,979" and strike "49,068,850" and insert "54,068,850"; and in line 5 strike "24,116,550" and insert "29,116,550" and strike "24,269,117" and insert "29,269,117".

12. On page 158, lines 13 and 14, strike both occurrences of "21,773,507" and insert "31,773,507"; and after line 14 insert the following new paragraph:

"It is the intent of the Legislature to appropriate an additional $50,000,000 for the support of public education in the state. The Legislature finds that a sound system of public education at the post-secondary level is crucial to development of sound

economic growth in the state. The Legislature further finds that an increase in support for public education in Nebraska is necessary to maintain the quality and viability of Nebraska schools in light of sizeable investments made in education by other midwestern states."; and in lines 16 and 19 strike "$21,773,507" and insert $31,773,507".

Messrs. Ashford, Hartnett, Withem, and Chizek asked unanimous consent to print the following amendment to LB 780 in the Journal. No objections. So ordered.

AM1131

Purpose: To increase state aid to education by $5,043,297 to a total 127,010,525.

1. On page 19, line 23, strike "122,780,867" and insert "127,824,164" and strike "122,781,039" and insert "127,824,336"; and in line 25 strike "144,227,715" and insert "149,271,012" and strike "144,229,982" and insert "149,273,279".

2. On page 20, lines 7, 8, 13, 14, 19, 20, and 25, strike "$87,615,626" and insert "$91,238,000".

3. On page 21, line 1, strike "$87,615,626" and insert "$91,238,000"; in line 6 strike "$34,351,602" and insert "$35,772,525"; and in line 12 strike "$35,351,602" and insert "$35,772,525".

4. On page 22, lines 17 and 21, strike "$122,730,335" and insert "$127,773,632".

5. On page 30, line 13, strike "188,217,218" and insert "193,260,515" and strike "190,514,708" and insert "195,558,005"; and in line 17 strike "262,636,254" and insert "267,679,551" and strike "264,642,055" and insert "269,685,352".

Mr. Haberman asked unanimous consent to print the following amendment to LB 224 in the Journal. No objections. So ordered.

AM1143

(Amendments to Standing Committee amendments)

1. Insert the following new section:

"Sec. 10. That section 39-6,179, Revised Statutes Supplement, 1986, be amended to read as follows:

39-6,179. (1)(a) No vehicle shall exceed a

length of forty feet, extreme overall dimensions, inclusive of front and rear bumpers including load, except that (i) a bus may exceed the forty-foot limitation by up to but not to exceed six inches when such excess length is caused by the projection of a front or rear safety bumper constructed, treated, or manufactured so that it absorbs energy upon impact, (ii) a truck-tractor may exceed the forty-foot limitation, (iii) a semitrailer operating in a truck-tractor single semitrailer combination, which semitrailer was actually and lawfully operating in the State of Nebraska on December 1, 1982, may exceed the forty-foot limitation, and (iv) a semitrailer operating in a truck-tractor single semitrailer combination, which semitrailer was not actually and lawfully operating in the State of Nebraska on December 1, 1982, may exceed the forty-foot limitation but shall not exceed a length of fifty-three feet including load.

(b) No combination of vehicles shall exceed a length of sixty-five feet extreme overall dimensions inclusive of front and rear bumpers and including load, except (i) one truck and one trailer used when transporting a combine to be engaged in harvesting if used during daylight hours and the total length does not exceed seventy feet and a four-foot allowable rear overhang, (ii) a truck-tractor single semitrailer combination, and ~~(ii)~~ (iii) a truck-tractor semitrailer trailer combination, but the semitrailer trailer portion of such combination shall not exceed sixty-five feet inclusive of connective devices.

(c) Two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each when the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six, thirty-seven, or thirty-eight feet, except as provided in section 39-6,180.02. Such vehicles shall be subject to section 39-6,185.

(d) A truck shall be construed to be one vehicle for the purpose of determining length.

(e) A trailer shall be construed to be one vehicle for the purpose of determining length.

(2) Subsection (1) of this section shall not apply to: Extra-long vehicles which have been issued a permit pursuant to section 39-6,179.01; vehicles which

have been issued a permit pursuant to section 39-6,181.01; the temporary moving of farm machinery during daylight hours in the normal course of farm operations; the movement of unbaled livestock forage vehicles, loaded or unloaded; the movement of public utility or other construction and maintenance material and equipment at any time; farm equipment dealers hauling, driving, delivering, or picking up farm equipment or implements of husbandry within the county in which the dealer maintains his or her place of business, or in any adjoining county or counties, and return; the overhang of any motor vehicle being hauled upon any lawful combination of vehicles, but such overhang shall not exceed the distance from the rear axle of the hauled motor vehicle to the closest bumper thereof; or any rubber-tired crane with a fixed load when (a) such vehicle will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city, (b) the city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads, (c) such vehicle will be escorted by another vehicle or vehicles assigned by the city, (d) such vehicle's gross weight does not exceed eighty-five thousand pounds, if a four-axle crane, or sixty-seven thousand pounds, if a three-axle crane, and (e) if a four-axle crane, the maximum weight on each set of tandem axles does not exceed forty-two thousand five hundred pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty-two thousand five hundred pounds.

(3) The length limitations of this section shall be exclusive of safety and energy conservation devices, such as rearview mirrors, turnsignal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mudflaps and splash and

spray suppressant devices, load-induced tire bulge, refrigeration units or air compressors, and other devices necessary for safe and efficient operation of commercial motor vehicles, except that no device excluded from the limitations of this section shall have by its design or use the capability to carry cargo.".

2. On page 30, line 5, after the third comma insert "and section 39-6,179, Revised Statutes Supplement, 1986,".

3. Renumber remaining sections accordingly.

VISITORS

Visitors to the Chamber were 17 kindergarten through eighth grade students and teacher from Wahoo; 14 kindergarten through eighth grade students and teacher from Colon; 47 fourth grade students and teachers from Lincoln and Northern Hills Schools, Norfolk; 20 fourth grade students and teacher from North Bend Elementary; 60 fourth grade students and teacher from Gates School, Grand Island; and 10 seniors and juniors from South High School, Omaha, and counselor from the Chicano Awareness Center.

RECESS

At 12:04 p.m., on a motion by Mr. Weihing, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mr. Hannibal who was excused; and Messrs. Abboud, Conway, Haberman, Hall, R. Johnson, V. Johnson, Lynch, Peterson, Schellpeper, Schmit, Warner, Mesdames Higgins, and Labedz who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 688A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 536. Considered.

Mrs. Smith offered the following amendment:
AM1041

1. On page 2, strike beginning with the second "or" in line 4 through "control" in line 5.
2. On page 3, lines 4 and 5, strike "or legal guardian"; and strike beginning with the semicolon in line 23 through line 25 and insert "minor".
3. On page 4, line 1, strike "(b) Minor".
4. On page 9, lines 9 and 10, strike "and 30-2613"; and in line 10 strike "are" and insert "is".
5. Strike original section 3.
6. In the Pirsch Amendment, found on page 1705 of the Journal, strike amendment 2.
7. Renumber the remaining section accordingly.

The Smith amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 95. Title read. Considered.

Standing Committee amendments, AM0757, found in the Journal on page 1488 for the Fifty-Fifth Day were considered.

Mrs. Marsh renewed her pending amendment, AM1019, found in the Journal on page 1735 to the Standing Committee amendments.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

The Marsh amendment was adopted with 16 ayes, 0 nays, 25 present and not voting, and 8 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.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit renewed his pending amendment, AM1126, found in the Journal on page 1917.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 98.

GENERAL FILE

LEGISLATIVE BILL 95. The pending Schmit amendment, AM1126, found in the Journal on page 1917 was renewed.

Mrs. Marsh requested a ruling of the Chair on whether the Schmit amendment is germane to the bill.

The Chair ruled the Schmit amendment is not germane to the bill.

Mr. Schmit offered the following amendment:
AM1127

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature finds that air quality is of vital concern to the citizens of the State of Nebraska because of its affects on health and quality of life. Since exhaust emissions from motor vehicles, especially carbon monoxide, directly impact the irreplaceable resource of clean air, the purpose is to develop a program for the use of oxygenated fuels which have been shown to effectively lower carbon monoxide exhaust emissions. As used in this act, oxygenated fuels shall mean gasolines blended with a component or components containing oxygen.

Sec. 2. Commencing July 1, 1989, a retailer who makes gasoline available for sale in any city of the metropolitan or primary class shall make available for sale oxygenated fuels which contain a minimum of three and one half per cent oxygen by weight.

Sec. 3. Any person who violates section 2 of this act shall be guilty of a Class V misdemeanor. Each day a violation continues to exist shall constitute a separate offense.".

The Chair ruled the Schmit amendment is not germane to the bill.

Mr. Schmit challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. R. Johnson raised a point of order on whether the Chair can rule an amendment not germane without a request for a ruling from a member.

The Chair withdrew his ruling on the germaneness of the Schmit amendment.

Mrs. Marsh requested a ruling of the Chair on whether the Schmit amendment is germane to the bill.

The Chair ruled the Schmit amendment is not germane to the bill.

Mr. Schmit challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mrs. Marsh moved for a call of the house. The motion prevailed with 12 ayes, 9 nays, and 28 not voting.

Mr. Schmit withdrew his motion to challenge the Chair.

Mr. Schmit moved to suspend the rules, Rule 7, Section 3(d), to permit consideration of AM1127 to LB 95.

Mrs. Marsh requested a record vote on the Schmit motion to suspend the rules.

Voting in the affirmative, 22:

Baack Chizek Conway Coordsen Elmer

Goodrich	Higgins	Langford	Remmers	Schellpeper
Hall	Johnson, R.	Moore	Rogers	Schmit
Hartnett	Korshoj	Pappas	Rupp	Weihing
Hefner	Labedz			

Voting in the negative, 18:

Abboud	Johnson, L.	Miller	Scofield	Wehrbein
Ashford	Landis	Nelson	Smith	Wesely
Beyer	Marsh	Peterson	Warner	Withem
Dierks	McFarland	Pirsch		

Present and not voting, 4:

Barrett	Harris	Lamb	Morehead

Excused and not voting, 5:

Chambers	Haberman	Hannibal	Johnson, V.	Lynch

The Schmit motion to suspend the rules lost with 22 ayes, 18 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Messrs. Landis and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Rupp offered the following amendment:
strike subsection 6 of sect. 10 (lines 9 thru 12, pg. 7)

PRESIDENT NICHOL PRESIDING

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

The Rupp amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Hall offered the following amendment:
In the Marsh amendment, AM1019, line 8 strike "twelve" and insert "twenty five"

Mr. Chizek and Ms. Scofield asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Marsh requested a record vote on the Hall amendment.

Voting in the affirmative, 25:

Baack	Dierks	Hefner	Langford	Remmers
Barrett	Elmer	Higgins	Miller	Rogers
Beyer	Goodrich	Johnson, L.	Moore	Schellpeper
Conway	Hall	Labedz	Morehead	Smith
Coordsen	Harris	Lamb	Pappas	Wehrbein

Voting in the negative, 3:

Marsh	Warner	Wesely

Present and not voting, 12:

Abboud	Johnson, R.	McFarland	Pirsch	Schmit
Ashford	Korshoj	Peterson	Rupp	Weihing
Hartnett	Landis			

Excused and not voting, 9:

Chambers	Haberman	Johnson, V.	Nelson	Withem
Chizek	Hannibal	Lynch	Scofield	

The Hall amendment was adopted with 25 ayes, 3 nays, 12 present and not voting, and 9 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 103.

Introduced by Marsh, 29th District.

WHEREAS, there are estimated to be over four hundred thousand polio survivors in the United States today, many of whom may experience polio's late effects; and

WHEREAS, knowledge about the late effects of polio is slowly spreading to the health care community and to the general public; and

WHEREAS, the Nebraska Polio Survivors Association, in an effort to call attention to the problem, will distribute polio information throughout the state on June 1-7, 1987; and

WHEREAS, the State of Nebraska joins the nation in focusing on the late effects of polio.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the week of June 1-7, 1987, is hereby designated Polio Survivors Week in Nebraska.

Laid over.

MESSAGES FROM THE GOVERNOR

April 29, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 60, 74, 80, 413, and 398 were received in my office on April 24, 1987.

These bills were signed by me on April 29, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 29, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 116, 504, 324, 453, and 777 were received in my office on April 27, 1987.

These bills were signed by me on April 29, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

UNANIMOUS CONSENT - Print in Journal

Messrs. Moore, R. Johnson, Warner, and L. Johnson asked unanimous consent to print the following amendment to LB 684 in the Journal. No objections. So ordered.

AM1085

1. On page 2, line 9, after "Nebraska" insert "or by any official test station or organization with whom a reciprocity agreement exists"; and in line 24 after "Nebraska" insert "or to any official test station or organization with whom a reciprocity agreement exists".

2. On page 5, strike beginning with "(a)" in line 6 through the period in line 18, show the old matter as stricken, and insert "For testing performed by the University of Nebraska, the Board of Regents of the University of Nebraska shall adopt and promulgate current standards for the testing of tractors as published by the Society of Automotive Engineers and the American Society of Agricultural Engineers or those published by other internationally recognized organizations."; and in line 21 after the colon insert the following new subdivision:

"(a) Enter into any reciprocity agreements with other offical test stations or organizations;".

3. On page 6, line 4, strike "(a)" and insert "(b)"; and in line 5 strike "(b)" and insert "(c)".

4. On page 6, line 10, after "Nebraska" insert "or by any offcial test station or organization with whom a reciprocity agreement exists".

VISITORS

Visitors to the Chamber were 24 sixth grade students and teacher from Henderson Public School; 37 third and fourth grade students and teacher from Waterloo Elementary; 9 second, fifth and eighth grade students and teacher from District 30, Nebraska City; 12 fourth grade students, teacher, and sponsors from Elmwood Public School; and 50 kindergarten through sixth grade students and teacher from St. Bridges' School, Omaha.

ADJOURNMENT

At 4:04 p.m., on a motion by Mr. Pappas, the Legislature adjourned until 9:00 a.m., Thursday, April 30, 1987.

CEREMONY

The ceremony for the former State Legislators was held in the Chamber following adjournment.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SECOND DAY - APRIL 30, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SEVENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 30, 1987

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Gerald Lundby, American Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Messrs. Abboud, Ashford, Barrett, Chizek, Conway, Goodrich, Haberman, Hall, R. Johnson, V. Johnson, McFarland, Moore, Peterson, Rupp, Schmit, Mesdames Higgins, Labedz, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-First Day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 99. Read. Considered.

LR 99 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 100. Read. Considered.

LR 100 was adopted with 25 ayes, 0 nays, and 24 not voting.

MOTION - Approve Appointment

Mr. Withem moved the adoption of the report of the Education Committee for the following Governor appointment found in the Journal on page 1823: Dr. Thomas J. Reeves - Nebraska Educational Telecommunications Commission.

Voting in the affirmative, 25:

Beyer	Harris	Lamb	Nelson	Smith
Coordsen	Hartnett	Landis	Pappas	Warner
Dierks	Hefner	Langford	Remmers	Wehrbein
Elmer	Johnson, L.	Miller	Rogers	Wesely
Hannibal	Korshoj	Morehead	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 6:

Ashford	Chambers	Lynch	Marsh	Weihing
Baack				

Excused and not voting, 18:

Abboud	Goodrich	Johnson, R.	Moore	Rupp
Barrett	Haberman	Johnson, V.	Peterson	Schmit
Chizek	Hall	Labedz	Pirsch	Scofield
Conway	Higgins	McFarland		

The appointment was confirmed with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 780. The pending Landis amendment, AM1044, found in the Journal on page 1895 and considered on page 1930 was renewed.

Messrs. Ashford, Goodrich, and Chizek offered the following amendment to the pending Landis amendment:

PURPOSE: To increase the average faculty salary at the University of Nebraska at Omaha to the average faculty salary at peer institutions ($1,400,000):

On page 113, line 9, strike "169,224,779" and insert "170,624,779" and strike "170,571,039" and insert "171,971,039"; and in line 13 strike "486,479,041: and insert "487,879,041" and strike "489,477,837" and insert "490,877,837"; and

On page 114, line 5, strike "24,116,550" and insert "25,516,550" and strike "24,269,117" and insert "25,669,117".

SPEAKER BARRETT PRESIDING

Messrs. Elmer and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

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.

Mr. Moore requested a record vote on the Ashford et al. amendment.

Voting in the affirmative, 25:

Ashford	Goodrich	Johnson, L.	Marsh	Scofield
Baack	Hall	Labedz	Morehead	Smith
Chizek	Hannibal	Landis	Nelson	Weihing
Dierks	Harris	Langford	Remmers	Wesely
Elmer	Hartnett	Lynch	Schellpeper	Withem

Voting in the negative, 7:

Coordsen	Lamb	Peterson	Rupp	Wehrbein
Korshoj	Moore			

Present and not voting, 9:

Barrett	Chambers	Hefner	Rogers	Warner
Beyer	Conway	Pappas	Schmit	

Excused and not voting, 8:

Abboud	Higgins	Johnson, V.	Miller	Pirsch
Haberman	Johnson, R.	McFarland		

The Ashford et al. amendment was adopted with 25 ayes, 7 nays, 9 present and not voting, and 8 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 104.

Introduced by General Affairs Committee: Morehead, 30th District, Chairperson; Elmer, 35th District; Miller, 37th District; Smith, 33rd District; Weihing, 48th District.

PURPOSE: The Nebraska Liquor Control Act was enacted in 1935. It is a broad act which contains specific regulations relating to the manufacture, sale, and consumption of alcoholic beverages and many parts of the act have not been reviewed or modified since its enactment. Other areas have been changed on a piece-meal basis, leaving inconsistencies and outdated provisions in the current statute.

It is the intent of this study to undertake an in-depth review of the Nebraska Liquor Control Act and propose any changes, including a total rewrite, as the committee deems necessary. The study shall include, but not be limited to, a review of the following elements:

(1) Whether there should be a separate Nebraska Liquor Control Commission, or whether that function should become a part of the Department of Revenue;

(2) Whether changes should be made to the present act, which would update its provisions and eliminate inconsistencies currently existing; and

(3) Whether there should be a total rewrite of the act, using any model act or legislation in other states as a basis for such a rewrite.

After a review of the preceding elements, and any others which the committee may deem to be pertinent, the committee shall draft and offer a proposal for public review. Individuals will have an opportunity to express an opinion and offer suggestions on any proposed changes. After this process is completed, the committee shall finalize any proposals and prepare them for introduction in the 1988 legislative session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the General 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.

STANDING COMMITTEE REPORT
General Affairs

The Committee on General Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Pauline M. Dye - Nebraska Arts Council
Helen L. Hayes - Nebraska Arts Council

Voting aye: Senators Morehead, Smith, Miller, Hartnett, Elmer, and Weihing. Voting nay: None. Absent: Senators Higgins and R. Johnson

(Signed) Patricia S. Morehead, Chairperson

CORRECTED STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 294. Corrected Standing Committee amendments:
AM1150

1. Strike the original sections and insert the following new sections:

"Section 1. That section 77-2734.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2734.02. (1) A tax is hereby imposed for each taxable year on the taxable income of every corporate taxpayer that is doing business in this state at a rate equal to ~~twenty-five~~ one hundred fifty and eight-tenths per cent of the primary rate imposed on individuals under section ~~77-2715~~ 77-2701.01 on the first fifty thousand dollars of taxable income, ~~and~~ at the rate of ~~thirty-five~~ two hundred eleven per cent of such rate on all taxable income in excess of fifty thousand dollars, and at the rate of two hundred

forty-six per cent of such rate on all taxable income in excess of seven hundred fifty thousand dollars. The resultant rates shall be rounded to the nearest hundredth of one per cent.

(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.

Sec. 2. That section 77-3804, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3804. (1) The limitation rate shall be ~~forty-eight and eight-tenths per cent of the maximum corporate income tax rate~~ two hundred eleven per cent of the primary rate of the income tax in effect for the taxable year, as prescribed in section ~~77-2734.02~~ 77-2701.01, rounded to the nearest hundredth of one per cent.

(2) The limitation amount shall be the product of the net financial income of the financial institution multiplied by the limitation rate.

Sec. 3. This act shall become operative for all taxable years beginning or deemed to begin on or after January 1, 1987.

Sec. 4. That original sections 77-2734.02 and 77-3804, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

(Signed) Elroy M. Hefner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 270 in the Journal. No objections. So ordered.

AM1144

1. In the Chizek amendment, AM0573:

a. On page 3, line 23, strike "(d)" and insert "(g)"; and

b. On page 4, line 19, after "(e)" insert "Farming or ranching;" and reinstate the stricken "(f)"; in line 23 strike the new matter and reinstate the stricken matter; and in line 24 strike "(e)" and insert "(f)".

2. In the E and R amendments, AM5198, on page 1, strike beginning with "line" in line 12 through "in" in line 13; and in line 13 after "24" insert a comma.

Mr. Haberman asked unanimous consent to print the following amendment to LB 185 in the Journal. No objections. So ordered.

AM1156

(Amendments to Final Reading copy)

1. On page 1, strike beginning with "farm" in line 7 through "husbandry" in line 8 and insert "repair and replacement parts of certain farm vehicles, machinery, and equipment".

2. On page 35, strike beginning with "Farm" in line 10 through "39-602" in line 11 and insert "Materials and replacement parts, except lubricants, used directly in the repair and maintenance of farm machinery, equipment, and tractors, used exclusively in a farming operation undertaken for profit, for the raising and feeding of livestock or poultry, or for producing milk for sale, except that materials and replacement parts used in the repair and maintenance of all-terraine vehicles, passenger cars, motorcycles, airplanes, and all trucks as defined in section 60-301 shall not be exempt".

Mr. Withem asked unanimous consent to print the following amendment to LB 182 in the Journal. No objections. So ordered.

AM1137

1. On page 6, line 4, strike "The", show as

stricken, and insert "After the effective date of this act and on or before July 15, 1987, the"; in lines 5 and 13 strike "certify", show as stricken, and insert "recertify" and after "charge" insert "for the 1987-88 school year"; and strike beginning with "March" in line 15 through the period in line 16, show as stricken, and insert "July 31.".

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.".

GENERAL FILE

LEGISLATIVE BILL 780. Mr. Ashford offered the following amendment to the pending Landis amendment:

PURPOSE: To increase the average faculty salary at the University of Nebraska Medical Center to the average faculty salary at peer institutions ($1,900,000)

On page 113, line 9, strike "169,224,779" and insert "171,124,779", strike "170,571,039" and insert "172,471,039", in line 13 strike "486,479,041" and insert "488,379,041", strike "489,477,837 and insert "491,377,837".

On page 114, line 3, strike "48,539,979" and insert "50,439,979" strike "49,068,850" and insert "50,968,580".

Mr. Withem 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. Lamb requested a record vote on the Ashford amendment.

Voting in the affirmative, 25:

Ashford	Goodrich	Hefner	Lynch	Remmers
Baack	Hall	Johnson, L.	Marsh	Scofield
Chizek	Hannibal	Johnson, R.	Morehead	Smith
Conway	Harris	Labedz	Nelson	Weihing
Elmer	Hartnett	Landis	Pappas	Withem

Voting in the negative, 8:

Beyer	Dierks	Lamb	Rupp	Wehrbein
Coordsen	Korshoj	Langford		

Present and not voting, 9:

Barrett	Moore	Rogers	Schmit	Wesely
Chambers	Peterson	Schellpeper	Warner	

Excused and not voting, 7:

Abboud	Higgins	McFarland	Miller	Pirsch
Haberman	Johnson, V.			

The Ashford amendment was adopted with 25 ayes, 8 nays, 9 present and not voting, and 7 excused and not voting.

Mr. Withem 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. Landis moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Chambers requested a roll call vote on the Landis pending amendment.

Voting in the affirmative, 15:

Ashford	Chizek	Harris	Marsh	Remmers
Baack	Goodrich	Landis	McFarland	Weihing
Chambers	Hall	Lynch	Pappas	Wesely

Voting in the negative, 24:

Barrett	Hannibal	Labedz	Nelson	Schmit
Beyer	Hefner	Lamb	Peterson	Smith
Coordsen	Johnson, L.	Langford	Rogers	Warner
Dierks	Johnson, R.	Moore	Rupp	Wehrbein
Elmer	Korshoj	Morehead	Schellpeper	

Present and not voting, 4:

Conway	Hartnett	Scofield	Withem

Excused and not voting, 6:

Abboud	Higgins	Johnson, V.	Miller	Pirsch
Haberman				

The pending Landis amendment lost with 15 ayes, 24 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

MOTION - Place LB 297 on General File

Messrs. McFarland, Wesely, Harris, Chambers, Warner, Landis, and Mrs. Marsh moved to place LB 297 on General File pursuant to Rule 3 Section 19.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 780. Messrs. Withem and Baack renewed their pending amendment, AM1114, found in the Journal on page 1918.

Mr. Lamb requested a record vote on the Withem-Baack amendment.

Voting in the affirmative, 25:

Ashford	Elmer	Johnson, R.	Nelson	Schmit
Baack	Hall	Labedz	Pappas	Smith
Chizek	Harris	Landis	Remmers	Weihing
Coordsen	Hartnett	Lynch	Rupp	Wesely
Dierks	Hefner	Marsh	Schellpeper	Withem

Voting in the negative, 10:

Barrett	Hannibal	Lamb	Moore	Warner
Beyer	Johnson, L.	Langford	Morehead	Wehrbein

Present and not voting, 8:

Chambers	Goodrich	McFarland	Rogers	Scofield
Conway	Korshoj	Peterson		

Excused and not voting, 6:

Abboud Higgins Johnson, V. Miller Pirsch Haberman

The Withem-Baack amendment was adopted with 25 ayes, 10 nays, 8 present and not voting, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mrs. Nelson asked unanimous consent to print the following amendment to LB 780 in the Journal. No objections. So ordered.

AM1168

1. On page 105, line 24, strike both occurrences of "5,951,042" and insert "6,201,042".

2. On page 106, line 3, strike "11,539,530" and insert "11,789,530" and strike "11,685,867" and insert "11,935,867".

3. On page 107, line 17, strike "12,016,706" and insert "12,416,706" and strike "12,280,543" and insert "12,680,543"; and in line 21 strike "25,249,497" and insert "25,649,497" and strike "26,199,893".

4. On page 109, line 14, strike "2,998,076" and insert "3,098,076" and strike "3,270,966" and insert "3,370,966"; and in line 18 strike "5,645,096" and insert "5,745,096" and strike "5,719,438" and insert "5,819,438".

5. On page 111, line 6, strike "6,206,808" and insert "6,256,808" and strike "6,218,884" and insert "6,468,818"; and in line 10 strike "12,010,340" and insert "12,260,340" and strike "12,155,772" and insert "12,405,772".

6. On page 113, line 9, strike "169,224,779" and insert "172,724,779" and strike "170,571,039" and insert "174,071,039"; in line 13 strike "486,479,041" and insert "489,979,041" and strike "489,477,837" and insert "492,977,837"; in line 22 strike "59,417,921" and insert "61,417,921" and strike "59,669,259" and insert "61,669,259"; and in line 24 strike "31,819,373" and insert "32,819,373" and strike "32,160,558" and insert "33,160,558".

7. On page 114, line 1, strike "91,237,294" and insert "94,237,294" and strike "91,829,817" and

insert "94,829,817"; and in line 5 strike "24,116,550" and insert "24,616,550" and strike "24,269,117" and insert "24,769,117".

VISITORS

Visitors to the Chamber were 15 sixth, seventh, and eighth grade students and teacher from Happy Dale School, Alliance; 9 seventh and eighth grade students and teacher from St. Andrew's School, Tecumseh; Hank Thieman from Boone County, Les Rhoades from Keith County, Gerald Bucher from Richardson County, and Dale Kastens from Garden County; 20 fifth grade students and sponsor from Adams School, Omaha; 14 K1 and K2 students and teachers from Elk Creek; 22 fourth grade students and teacher from Pawnee City Elementary; 17 eleventh grade students and teacher from Wood River High School; and 47 members of the Polk County Extension Club.

RECESS

At 11:58 a.m., on a motion by Mr. Wesely, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Haberman, Hartnett, Lynch, Miller, Withem, and Mrs. Pirsch who were excused; and Messrs. Ashford, R. Johnson, and V. Johnson who were excused until they arrive.

MRS. LABEDZ PRESIDING

UNANIMOUS CONSENT - Members Excused

Mrs. Morehead and Mr. Baack asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 95. Considered.

Mrs. Marsh moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mrs. Marsh requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 13:

Chambers	Marsh	Peterson	Warner	Weihing
Dierks	McFarland	Rupp	Wehrbein	Wesely
Landis	Nelson	Smith		

Voting in the negative, 19:

Barrett	Elmer	Johnson, L.	Langford	Rogers
Chizek	Hall	Korshoj	Moore	Schellpeper
Conway	Hannibal	Labedz	Pappas	Scofield
Coordsen	Hefner	Lamb	Remmers	

Present and not voting, 5:

Beyer	Goodrich	Harris	Higgins	Schmit

Absent and not voting, 1:

Abboud

Excused and not voting, 11:

Ashford	Hartnett	Johnson, V.	Miller	Pirsch
Baack	Johnson, R.	Lynch	Morehead	Withem
Haberman				

Failed to advance to E & R for Review with 13 ayes, 19 nays, 5 present and not voting, 1 absent and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 375. Mr. Hall moved to indefinitely postpone.

Laid over.

LEGISLATIVE BILL 183. Title read. Considered.

Standing Committee amendments, AM1001, found in the Journal on page 1757 for the Sixty-Fifth Day were considered.

Mr. Warner offered the following amendment to the Standing Committee amendments:

(Amendments to Committee amendments, AM1001)

1. On page 1, line 17, strike "any" and insert "the".

The Warner amendment was adopted with 14 ayes, 0 nays, 23 present and not voting, and 12 excused and not voting.

The Standing Committee amendments, as amended, 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, 11 present and not voting, and 11 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 105.

Introduced by Nelson, 35th District.

WHEREAS, the Legislature recognizes the importance of training Nebraska's volunteer fire and rescue personnel; and

WHEREAS, the Nebraska State Volunteer Firefighters Association provides this training opportunity each May in Grand Island, Nebraska at the Nebraska State Fire School; and

WHEREAS, more than seventeen hundred volunteer firefighters take advantage of the educational sessions presented yearly at fire school; and

WHEREAS, the Nebraska State Fire School has continually provided quality education to the state's volunteer fire and rescue personnel since 1937.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby recognizes and applauds the efforts of the Nebraska State Volunteer Firefighters Association in making

such specialized training available to the state's volunteer firefighters and rescue personnel.

2. That the Legislature hereby congratulates the Nebraska State Volunteer Firefighters Association on the fiftieth anniversary of the Nebraska State Fire School.

3. That a copy of this resolution be sent to the Nebraska State Firefighters Association Executive Board and Fire School Committee.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 131. Placed on Select File as amended.
E & R amendment to LB 131:
AM5200

1. On page 1, line 6, strike "and"; and in line 7 after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 779. Placed on Select File as amended.
E & R amendment to LB 779:
AM5201

1. On page 4, line 2, strike "State"; and in line 15 after "C." insert a comma.

(Signed) Scott Moore, Chairperson

GENERAL FILE

LEGISLATIVE BILL 184. Title read. Considered.

Standing Committee amendments, AM1026, found in the Journal on page 1761 for the Sixty-Fifth Day were considered.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Beyer asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendments were adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

STANDING COMMITTEE REPORT
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Patricia (Pat) Dorwart - Power Review Board

Voting aye: Senators Schmit, Weihing, Lamb, Labedz, Hall, R. Johnson, and Elmer. Absent: Senator Harris.

(Signed) Loran Schmit, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 99 and LR 100.

GENERAL FILE

LEGISLATIVE BILL 426. Title read. Considered.

Standing Committee amendments, AM1037, found in the Journal on page 1845 for the Sixty-Eighth Day were considered.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendments were adopted with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

UNANIMOUS CONSENT - Bracket LB 375

Mr. Coordsen asked unanimous consent to bracket LB 375 until May 25, 1987.

Mr. Hall objected.

VISITORS

Visitors to the Chamber were 5 fourth grade students and teacher from Lincoln Elementary School, York; 33 seventh and eighth grade students and teachers from Trinity Lutheran School, Fremont; 10 fourth and fifth grade students and teacher from Antelope County, Neligh; 43 fourth grade students and teacher from Willard School, York; a group of students, teacher, and sponsors from St. Michael School, Fairbury; members and sponsors of Plymouth Triple A Trouble Shooting contest; Senator Schmit's mother, Mrs. Nick Schmit, and wife, Irene Schmit; 47 first through sixth grade students and teacher from District 88, Eastern Dodge County; and 75 members of Extension Clubs from across the state.

ADJOURNMENT

At 4:01 p.m., on a motion by Mr. Pappas, the Legislature adjourned until 9:00 a.m., Friday, May 1, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-THIRD DAY - MAY 1, 1987

LEGISLATIVE JOURNAL

SEVENTY-THIRD DAY - MAY 1, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SEVENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 1, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Steven Doe, Faith Orthodox Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Haberman and Miller who were excused; and Messrs. Baack, Beyer, Chambers, Conway, Hall, Hannibal, Harris, V. Johnson, Landis, Lynch, Withem, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Second Day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 91. Read. Considered.

LR 91 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 102. Read. Considered.

LR 102 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 103. Read. Considered.

LR 103 was adopted with 33 ayes, 0 nays, and 16 not voting.

LEGISLATIVE RESOLUTION 105. Read. Considered.

LR 105 was adopted with 32 ayes, 0 nays, and 17 not voting.

MOTION - Approve Appointments

Mrs. Morehead moved the adoption of the report of the General Affairs Committee for the following Governor appointments found in the Journal on page 1951: Pauline M. Dye - Nebraska Arts Council, Helen L. Hayes - Nebraska Arts Council.

Voting in the affirmative, 33:

Abboud	Elmer	Johnson, R.	Morehead	Scofield
Ashford	Goodrich	Korshoj	Peterson	Smith
Barrett	Hannibal	Lamb	Pirsch	Warner
Chambers	Harris	Landis	Remmers	Wehrbein
Chizek	Hartnett	Langford	Rupp	Weihing
Coordsen	Hefner	Marsh	Schellpeper	Wesely
Dierks	Johnson, L.	Moore		

Voting in the negative, 0.

Present and not voting, 8:

Baack	Lynch	Nelson	Rogers	Schmit
Conway	McFarland	Pappas		

Excused and not voting, 8:

Beyer	Hall	Johnson, V.	Miller	Withem
Haberman	Higgins	Labedz		

These appointments were confirmed with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Mr. Lamb moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found

in the Journal on page 1962: Patricia (Pat) Dorwart - Power Review Board.

Voting in the affirmative, 34:

Abboud	Dierks	Johnson, L.	Morehead	Scofield
Ashford	Elmer	Johnson, R.	Peterson	Smith
Barrett	Goodrich	Korshoj	Pirsch	Warner
Chambers	Hannibal	Lamb	Remmers	Wehrbein
Chizek	Harris	Landis	Rogers	Weihing
Conway	Hartnett	Langford	Rupp	Wesely
Coordsen	Hefner	Marsh	Schellpeper	

Voting in the negative, 0.

Present and not voting, 7:

Baack	McFarland	Nelson	Pappas	Schmit
Lynch	Moore			

Excused and not voting, 8:

Beyer	Hall	Johnson, V.	Miller	Withem
Haberman	Higgins	Labedz		

The appointment was confirmed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 780. Mr. Schmit withdrew his pending amendment, AM1135, found in the Journal on page 1919.

Messrs. Chambers, Schmit, Pappas, and R. Johnson offered the following amendment:
AM1160

1. On page 144, lines 3 and 4, strike "70,646" and insert "93,646" and strike "73,646" and insert "96,049"; and in lines 6 and 9 strike "$41,140" and insert "$59,000".

2. On page 148, line 15, strike "4,079,447" and insert "4,102,447" and strike "4,087,446" and insert "4,109,849"; and in line 18 strike "18,697,800" and insert "18,720,800" and strike "18,732,940" and insert

9 "18,755,343".

Mr. Abboud 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 the Chambers et al. amendment.

Voting in the affirmative, 24:

Ashford	Coordsen	Johnson, R.	McFarland	Schmit
Baack	Goodrich	Labedz	Nelson	Weihing
Chambers	Hall	Landis	Pappas	Wesely
Chizek	Harris	Lynch	Rogers	Withem
Conway	Hartnett	Marsh	Rupp	

Voting in the negative, 19:

Abboud	Hefner	Lamb	Peterson	Smith
Dierks	Johnson, L.	Langford	Pirsch	Warner
Elmer	Johnson, V.	Moore	Remmers	Wehrbein
Hannibal	Korshoj	Morehead	Scofield	

Present and not voting, 2:

Barrett	Schellpeper

Excused and not voting, 4:

Beyer	Haberman	Higgins	Miller

The Chambers et al. amendment lost with 24 ayes, 19 nays, 2 present and not voting, and 4 excused and not voting.

Mr. Withem renewed his pending amendment, AM1142, found in the Journal on page 1932.

Mr. Withem withdrew his pending amendment.

Mr. Peterson asked unanimous consent to be excused. No objections. So ordered.

Mr. V. Johnson moved to reconsider the Chambers et al. amendment, AM1160, found in this day's Journal.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. LABEDZ PRESIDING

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Moore and Rupp asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" 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 17 ayes, 1 nay, and 31 not voting.

Mr. V. Johnson requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 24:

Ashford	Goodrich	Labedz	Nelson	Schmit
Baack	Hall	Landis	Pappas	Weihing
Chambers	Harris	Lynch	Rogers	Wesely
Chizek	Hartnett	Marsh	Rupp	Withem
Conway	Johnson, V.	McFarland	Schellpeper	

Voting in the negative, 16:

Abboud	Hefner	Lamb	Pirsch	Smith
Coordsen	Johnson, L.	Langford	Remmers	Warner
Dierks	Korshoj	Morehead	Scofield	Wehrbein
Hannibal				

Present and not voting, 1:

Elmer

Excused and not voting, 8:

Barrett	Haberman	Johnson, R.	Moore	Peterson
Beyer	Higgins	Miller		

The V. Johnson motion to reconsider lost with 24 ayes, 16 nays, 1 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Withem, Ashford, Hartnett, and Chizek renewed their pending amendment, AM1131, found in the Journal on page 1935.

Mr. Schellpeper asked unanimous consent to be excused. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Withem requested a roll call vote on the Withem et al. amendment.

Voting in the affirmative, 23:

Ashford	Dierks	Johnson, V.	McFarland	Rogers
Baack	Goodrich	Labedz	Nelson	Schmit
Chambers	Hall	Landis	Pappas	Weihing
Chizek	Harris	Lynch	Pirsch	Withem
Conway	Hartnett	Marsh		

Voting in the negative, 10:

Abboud	Hefner	Lamb	Moore	Warner
Hannibal	Johnson, L.	Langford	Rupp	Wehrbein

Present and not voting, 8:

Coordsen	Korshoj	Remmers	Smith	Wesely
Elmer	Morehead	Scofield		

Excused and not voting, 8:

Barrett	Haberman	Johnson, R.	Peterson	Schellpeper
Beyer	Higgins	Miller		

The Withem et al. amendment lost with 23 ayes, 10 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Nelson renewed her pending amendment, AM1168, found in the Journal on page 1957.

SPEAKER BARRETT PRESIDING

Mrs. Nelson withdrew her pending amendment.

Mr. V. Johnson renewed his pending amendment, AM1108, found in the Journal on page 1900.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 163A. By Abboud, 12th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 163, Ninetieth Legislature, First Session, 1987.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 87060

DATE: April 21, 1987

SUBJECT: State highways; logo signs

REQUESTED BY: Senator Don Wesely
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Warren D. Lichty, Jr., Assistant Attorney General

You have submitted the three amendments to LB 741, Ninetieth Legislature First Session, inquiring as to the constitutionality of LB 741 with these amendments attached. The amendments are the Standing Committee Amendment Number AM0647, the E & R Amendment Number AM5179, and proposed Amendment Number AM0897, which amend the Standing Committee amendment. There is still some question, however, about the point raised in our Opinion No. 115, dated May 18, 1983, which has to do with use of the State right-of-way. The Standing Committee Amendment does provide, in addition to the actual cost of material, fabrication and erecting of specific information sign panels, of an annual fee, which according Amendment Number 897, is to cover fair market rental value. But in section (3), it provides that all revenue received shall be in the Highway Cash Fund and used only for construction and maintenance of the specific information sign panels and administration of these sections. It would appear to us that in order to meet the objections of Opinion No. 115, and avoid the prohibition against loaning the credit of the State, the annual fee (but not the cost of material, fabrication and erecting of the signs) should be placed in the Highway Cash Fund without restriction. If all the funds the Department receives have to be used on the logo program, it would appear arguable that the logo program, and thus the private advertisers are receiving free use of the highway right-of-way.

Also, we have a problem with E & R Amendment Number AM5179. The language of the Standing Committee Amendment was "...business sign and the actual cost of material, fabrication, and erecting the specific information sign panels...." The E & R Amendment Number 5179, changes this language to read: "...business sign and the actual cost of material for fabrication of and erecting the specific information sign panels...." In other words, the original

amendment states a series, that is "material, fabrication, and erecting", while the E & R Amendment provides only for the cost of material. We therefore believe that while the actual expenditures are all covered in the Standing Committee Amendment, the E & R Amendment recreates some possible expenditures, that is fabricating and erecting costs, which would not be reimbursed and therefore, would provide for unconstitutional expenditures.

Finally, our Opinion No. 115 raises the question of granting of special or exclusive privileges. We are informed, however, that other states have been allowed to put up more than one food, gas or lodging logo at certain interchanges. Also, the federal regulations allow a sort of "bumping" whereby the service existing closest to the interchange would have a preference. Since the purpose of the logo program is to make known to traffic on the interstate highway, those services which are most readily available, this bumping privilege and the right to erect additional signs (if there is one), would certainly seem to reduce or eliminate the chance of the location on these signs being considered to be the granting of a special or exclusive privilege or franchise.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Warren D. Lichty, Jr.
Assistant Attorney General

WDL/ta
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 87065

DATE: April 30, 1987

SUBJECT: Proposed Amendment(s) to Claims Payable by the Nebraska Property and Liability Insurance Guaranty Association

REQUESTED BY: Senator R. Wiley Remmers, Chairman
Banking, Commerce & Insurance Committee

WRITTEN BY: Robert M. Spire, Attorney General
Fredrick F. Neid, Assistant Attorney General

You have requested the opinion of this office concerning the constitutionality of proposed amendments to Legislative Bill 700. The proposed amendment(s) would serve to create an exception to covered claims for certain policyholders of insolvent insurers provided in Neb.Rev.Stat. §44-2406 (Supp. 1986).

It is our opinion that the proposed amendment would constitute special legislation in violation of Article III, §18 of the Constitution of the State of Nebraska.

Neb.Rev.Stat. §44-2406 (Supp. 1986) provides, in summary, that the Nebraska Property and Liability Insurance Guaranty Association investigates, hears, settles and determines claims of policyholders of member companies which have become insolvent. The claims have prescribed dollar limitations of three hundred thousand dollars or an amount not exceeding the face amount of the policy from which the claim arises.

The part of the amendment which appears to be the focus of your inquiry provides that: "(b) the association shall pay the amount of a judgment against a school district arising out of an occurrence prior to or on November 16, 1985, if the insurer becomes an insolvent insurer prior to January 1, 1987." Accordingly, the amendment would create an exception to the statutory dollar limits for covered claims for a school district meeting this specific criteria.

It is 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. Our Supreme Court has held that a statute must be general and uniform throughout the state and must operate alike on all persons of a class with reference to relations and circumstances provided for. State v. Edwards, 211 Neb. 380 (1982). Accordingly, it is appropriate to review the application of the proposed amendment to the special class to be created by the amendment.

The amendment serves to relieve only school districts as policyholders from the statutory restrictions applicable to covered claims. Further, the exception is so narrowly constructed as to exclude members of the class created by the exception. In State ex rel. Douglas v. Marsh, 207 Neb. 598 (1980), it was held by the Nebraska Supreme Court that a classification which limits the application of the law to a presently existing class and leaves no room for an increase in the members of the class is special and a violation of the Constitution of the State of Nebraska.

The special class created by the proposed amendment consists of school districts having judgments against them arising out of an incident occurring prior to or on November 16, 1985, if the insurer becomes insolvent prior to January 1, 1987. Thus, school districts having judgments against them would not be members of the class if

the incident occurred after November 16, 1985, or if the insurer did not become insolvent. School districts in similar circumstances would therefore be precluded from the special class created.

In conclusion, it is our opinion that the proposed amendment would render Neb.Rev.Stat. §44-2406 (Supp. 1986) unconstitutional in that it contains an arbitrary and unreasonable classification prohibited by the Constitution of the State of Nebraska.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Fredrick F. Neid
Assistant Attorney General

FFN:jem
cc: Patrick J. O'Donnell
Clerk of the Legislature

3/19

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 30, 1987. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Alice, Joyletta A. - Lincoln, Nebraska Civil Liberties Union

VISITORS

Visitors to the Chamber were Jim Bachman, Mike Jensen, and Deana Reif from Kearney State College; 13 seventh and eighth grade students and teacher from District 84, Platte Center; 26 seventh and eighth grade students from West Catholic Elementary, Fordyce; 9 sixth grade students and teacher from Mt. View, Omaha; 30 kindergarten through fourth grade students and sponsor from Jewish Day School, Omaha; 16 fourth grade students and sponsor from Beaver City Public School; 28 eighth grade students and teacher from St. Joan of Arc School, Omaha; 6 sixth grade students and teacher from Taylor Elementary; 60 fourth grade students and sponsor from

Miller Park School, Omaha; and 38 third grade students and sponsors from Milford School.

RECESS

At 11:55 a.m., on a motion by Mr. Moore, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Mr. Pappas presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Dierks, Haberman, Hannibal, R. Johnson, Miller, Peterson, and Schellpeper who were excused; and Messrs. Beyer, Chambers, Elmer, Goodrich, V. Johnson, and Mrs. Higgins who were excused until they arrive.

SPEAKER BARRETT PRESIDING

REPORT

Received annual report from the Nebraska Investment Finance Authority.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 91, 102, 103, and 105.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 376.

A BILL FOR AN ACT relating to hearing-impaired persons; to amend sections 25-2401 to 25-2405, 71-4720, 71-4721, 71-4724, 71-4725, and 71-4728, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to provide interpreters for hearing-impaired persons in certain proceedings as prescribed; to

provide procedures; to change certain provisions relating to interpreters; to change provisions relating to the Commission for the Hearing Impaired; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Harris	Landis	Nelson	Scofield
Ashford	Hartnett	Langford	Pappas	Smith
Baack	Hefner	Lynch	Pirsch	Warner
Barrett	Johnson, L.	Marsh	Remmers	Wehrbein
Chizek	Korshoj	McFarland	Rogers	Weihing
Conway	Labedz	Moore	Rupp	Wesely
Coordsen	Lamb	Morehead	Schmit	Withem
Hall				

Voting in the negative, 0.

Excused and not voting, 13:

Beyer	Elmer	Hannibal	Johnson, V.	Peterson
Chambers	Goodrich	Higgins	Miller	Schellpeper
Dierks	Haberman	Johnson, R.		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Mr. Hall moved to suspend the rules, Rule 5, Section 6 (f) and Section 6 (g) to permit consideration of LB 376 without the A bill attached.

The Hall motion to suspend the rules prevailed with 32 ayes, 0 nays, 4 present and not voting, and 13 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 514. With Emergency.

A BILL FOR AN ACT relating to insurance; to adopt the Risk Retention 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, 37:

Abboud	Hall	Landis	Nelson	Scofield
Ashford	Harris	Langford	Pappas	Smith
Baack	Hartnett	Lynch	Pirsch	Warner
Barrett	Hefner	Marsh	Remmers	Wehrbein
Chizek	Johnson, L.	McFarland	Rogers	Weihing
Conway	Korshoj	Moore	Rupp	Wesely
Coordsen	Labedz	Morehead	Schmit	Withem
Elmer	Lamb			

Voting in the negative, 0.

Excused and not voting, 12:

Beyer	Goodrich	Higgins	Johnson, V.	Peterson
Chambers	Haberman	Johnson, R.	Miller	Schellpeper
Dierks	Hannibal			

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 198. With Emergency.

A BILL FOR AN ACT relating to the county personnel system; to amend sections 23-2520, 23-2521, and 23-2522, Reissue Revised Statutes of Nebraska, 1943; to provide for the appointment of an additional personnel policy board member as prescribed; to change a restriction on board membership; to provide additional powers and duties for the personnel policy board 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, 36:

Abboud	Hall	Lamb	Morehead	Scofield
Ashford	Harris	Landis	Nelson	Smith
Baack	Hartnett	Langford	Pappas	Warner
Barrett	Hefner	Lynch	Pirsch	Wehrbein
Chizek	Johnson, L.	Marsh	Remmers	Weihing
Conway	Korshoj	McFarland	Rogers	Wesely
Coordsen	Labedz	Moore	Rupp	Withem
Elmer				

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 12:

Beyer	Goodrich	Higgins	Johnson, V.	Peterson
Chambers	Haberman	Johnson, R.	Miller	Schellpeper
Dierks	Hannibal			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 104A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 114. Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 335. Mr. Conway withdrew his pending motion to indefinitely postpone.

Mr. Schmit renewed his pending amendment, AM1039, found in the Journal on page 1778.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 376, 514, and 198.

SELECT FILE

LEGISLATIVE BILL 335. The pending Schmit amendment, AM1039, found in the Journal on page 1778 was renewed.

PRESIDENT NICHOL PRESIDING

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

The pending Schmit amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Messrs. Conway, Baack, and Landis renewed their pending amendment, AM1060, found in the Journal on page 1797.

Mr. Ashford offered the following amendment to the pending Conway et al. amendment:

Inserting "one year" for "two years" on line 3 Page 2 and line 19 Page 3

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 9 ayes, 4 nays, and 36 not voting.

Messrs. Lynch, Hefner, and Pappas asked unanimous consent to be excused. No objections. So ordered.

Mr. Ashford moved for a call of the house. The motion prevailed with 9 ayes, 3 nays, and 37 not voting.

Mr. Ashford requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Abboud	Hall	Morehead	Schmit	Warner
Ashford	Hartnett	Nelson	Scofield	Wesely
Chizek	Labedz	Pirsch	Smith	Withem

Voting in the negative, 18:

Baack	Elmer	Lamb	Moore	Rupp
Barrett	Harris	Landis	Remmers	Wehrbein
Conway	Johnson, L.	Langford	Rogers	Weihing
Coordsen	Korshoj	McFarland		

Excused and not voting, 16:

Beyer	Haberman	Higgins	Lynch	Pappas
Chambers	Hannibal	Johnson, R.	Marsh	Peterson
Dierks	Hefner	Johnson, V.	Miller	Schellpeper
Goodrich				

The Ashford amendment lost with 15 ayes, 18 nays, and 16 excused and not voting.

Pending.

The Chair declared the call raised.

LEGISLATIVE BILL 312. E & R amendment, AM5194, found in the Journal on page 1756 for the Sixty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 312A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 736. E & R amendments, AM5195, found in the Journal on page 1793 for the Sixty-Sixth Day were adopted.

Ms. Scofield offered the following amendment:
AM1174

1. In the Standing Committee amendments,
AM0659, adopted on page 1737 of the Journal:
a. On page 2, line 1, strike "centers" and
insert "services"; in line 3 after "coordinate" insert
", administrate,"; in line 8 strike "$225,000" and
insert "$121,000"; and in line 20 after "administer"
insert ", manage, and deliver";
b. On page 4, line 6, strike "and"; in line 10
strike the period and insert "; and"; after line 10
insert the following new subdivision:

"(10) Provide other services as determined in consultation with the Small Business Division."; in line 20 strike "(1)"; and strike beginning with the semicolon in line 21 through "services" in line 24; and

c. On page 5, line 9, strike "and"; and in line 10 after "services" insert ", and evaluates the performance of service deliverers".

The Scofield amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Advanced to E & R for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 1, 1987, at 3:00 p.m., were the following bills: 376, 514, and 198.

(Signed) Pam Moravec, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 781. Placed on Select File as amended.
E & R amendments to LB 781:
AM5203

1. In the Pappas amendment adopted April 29, 1987, found on page 1930 of the Journal, strike "strike 'and' and".

2. On page 3, line 1, strike the comma.

3. On page 7, line 25; and page 8, line 2, strike the first "the".

4. On page 10, strike beginning with "Laws" in line 2 through the last comma in line 4 and insert "section 77-2602"; in line 10 strike the comma; and in lines 13 and 18 strike "Laws 1983, LB 410" and insert "sections 85-322 and 85-323".

5. On page 11, line 13, after "construction" insert "projects".

6. On page 12, strike beginning with "Laws" in line 14 through the last comma in line 16 and insert "section 77-2602"; in line 24 strike "Laws"; and in line 25 strike "1983, LB 410" and insert "sections 85-1,111 and 85-1,112".

7. On page 13, line 4, strike "Laws"; in line 5 strike "1983, LB 410" and insert "sections 85-1,111 and 85-1,112"; and in line 14 strike beginning with the first "Laws" through "by".

8. On page 14, line 24, strike "appropriations" and insert "directive"; and in line 25 after "of" insert "the".

9. On page 15, line 1, after "and" insert "the"; in line 3 strike "Laws 1986, LB 842," and insert "section 77-2602"; in line 4 strike the second "of" and insert "on"; in line 5 after "$4,414,000" insert a comma; in line 9 strike "4 of Laws 1986, LB 842," and insert "85-1,114"; and in lines 18 and 22 to 23 strike "Laws 1986, LB 842" and insert "sections 85-1,113 and 85-1,114".

10. On page 16, line 22, strike the first comma.

11. On page 17, line 10, strike "projects" and insert "projects' ".

12. On page 18, lines 16 and 19, after "such" insert "renovation," and after "preservation" insert a comma.

13. On page 19, line 14, after "Department" insert "of".

14. On page 21, strike beginning with "Laws" in line 19 through the first comma in line 20 and insert "section 77-2602"; and in line 20 strike "June" and insert "July".

15. On page 24, lines 14 and 21, strike the last comma; and in line 25 strike the comma.

16. On page 25, line 4, strike the last comma; and in line 5 after "relating" insert "to".

17. Strike original section 34 and insert the following new section:

"Sec. 34. Gifts, Bequests, and Devises.

Any gift, bequest, or devise made available to the State of Nebraska for any purpose or purposes, together with the income thereof, shall be allocated to the expending agency designated by the donor or, if none is designated by the donor, by the Governor. Acceptance of a gift, bequest, or devise shall be subject to approval by the expending agency and the following restrictions:

(1) No matching of state funds shall be

required as a condition of acceptance;

(2) Any gift or bequest of personal property in excess of $10,000 shall be approved by the Governor before acceptance; and

(3) Any gift or devise of real property in excess of $10,000 shall be approved by the Governor and the Legislature before acceptance.

For purposes of this section, gifts, bequests, and devises shall include donations, gifts, bequests, devises, and grants from individuals, organizations, corporations, and similar entities and from nonfederal governmental agencies.

Expenditures of funds from any gift, bequest, or devise may be expended through any existing cash fund account, in which case the actual amount of the gift, bequest, or devise is hereby appropriated to the expending agency, for the purpose or purposes designated by the donor, in addition to the amounts appropriated in this act. If no such cash fund account exists, the Accounting Administrator may create such fund and account as is necessary to properly and separately account for the gift, bequest, or devise, in which case the actual amount of the gift, bequest, or devise is hereby appropriated to the expending agency, for the purpose or purposes designated by the donor, in addition to the amounts appropriated in this act.

This section shall not apply to the University of Nebraska.".

LEGISLATIVE BILL 763. Placed on Select File as amended.
E & R amendments to LB 763:
AM5202

1. In the Standing Committee amendments, AM1065, adopted April 29, 1987:

a. On page 11, line 24, strike "$54,169,088" and insert "$54,169,061";

b. On page 14, line 10, strike "9,675,433" and insert "9,675,453"; and

c. On page 16, line 5, strike "200,860,200" and insert "220,860,200"; in line 21 strike "5,100,290" and insert "5,097,290"; in line 23 strike "35,168,080" and insert "35,165,080"; and in line 24 strike "41,598,329" and insert "41,595,329".

2. On page 1, line 3, strike "8," and strike

"42" and insert "35"; in line 4 after "1986" insert a comma; in line 5 strike "section 4, and" and insert "sections 4 and 22," and strike "9" and insert "8"; in line 6 strike "20" and insert "17"; in line 8 after "1986" insert ", and section 9, Legislative Bill 449, Ninetieth Legislature, First Session, 1987"; and in line 10 after the semicolon insert "to change and eliminate provisions relating to appropriations;".

3. On page 35, line 19, strike "40,234,494" and insert "40,184,494".

4. On page 61, line 18, strike "8,"; in line 19 strike "42" and insert "35" and after "1986" insert a comma; in line 20 strike "section 4, and" and insert "sections 4 and 22," and strike "9" and insert "8"; in line 21 strike "20" and insert "17"; and in line 22 after the third comma insert "and section 9, Legislative Bill 449, Ninetieth Legislature, First Session, 1987,".

LEGISLATIVE BILL 688A. Placed on Select File.

(Signed) Scott Moore, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 106.

Introduced by Scofield, 49th District; Chizek, 31st District; Moore, 24th District; Barrett, 39th District; Landis, 46th District; Withem, 14th District; Hall, 7th District; Wesely, 26th District; Marsh, 29th District; Smith, 33rd District; Labedz, 5th District; McFarland, 28th District; Pirsch, 10th District; Morehead, 30th District; Hannibal, 4th District; Warner, 25th District.

WHEREAS, the Children's Select Committee was established in March 1986 by Legislative Resolution 393 to inventory federal and state programs and policies which affect children and to develop public policy options and strategies to address the needs of children; and

WHEREAS, children are the most important resource of the State of Nebraska and are an investment in the future of the state; and

WHEREAS, government programs and policies which affect children have been implemented on an ad hoc basis without a clear, purposeful, overall design; and

WHEREAS, the Children's Select Committee has worked extensively with the executive branch in developing coordinated services and policies for children and families; and

WHEREAS, the coordination of services has the potential to better utilize state funds to more efficiently serve the needs of children in times of economic distress; and

WHEREAS, the Children's Select Committee and the Legislature have received praise at the national level for the introduction and passage of a family policy bill; and

WHEREAS, the Children's Select Committee, in conjunction with the other branches of government, has received national attention for the state's innovative approach to improving the coordination of services to children and families; and

WHEREAS, as a result of the efforts of the Children's Select Committee and the executive and judicial branches, a national foundation has expressed interest in investing a substantial amount of money in the state to develop Nebraska as a national model for services to children and families; and

WHEREAS, the Children's Select Committee has been working with the state child-serving agencies, the Governor's office, and the judiciary to develop a plan to be submitted to the national foundation to coordinate and improve services and programs that affect children and families at the state and local level; and

WHEREAS, the Children's Select Committee has developed the specific expertise and has the ability to devote the amount of time required to continue the planning with the executive and judicial branches.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the life of the Children's Select Committee be extended for the express purpose of continuing its efforts to coordinate and improve programs and policies in conjunction with the executive and judicial branches.

2. That the membership of the Children's Select Committee remain the same as when the committee was created.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 773 in the Journal. No objections. So ordered.

AM1180

(Amendments to Final Reading copy)

1. On page 7, line 25, after "77-2716" insert "and section 10 of this act".

2. On page 29, lines 11 and 12, strike the new matter.

Mr. Lamb asked unanimous consent to print the following amendment to LB 763 in the Journal. No objections. So ordered.

AM1173

(Amendments to AM1065)

Purpose: To reduce $274,471 General Funds which would provide for the unclaimed costs of special education programs operated by Lincoln and Papillion - LaVista school districts.

1. On page 3, line 4, strike "57,731,904" and insert "57,457,433"; in line 5 strike "67,204,129" and insert "66,929,658"; in line 6 strike "$57,073,875" and insert "$56,799,404"; in line 22 strike "191,605,311" and insert "191,330,840"; and in line 24 strike "254,830,961" and insert "254,556,490".

VISITORS

Visitors to the Chamber were 31 fourth grade students and sponsor from Wisner; 29 fourth grade students and sponsor from Wakefield Elementary; 17 seventh and eighth grade students and teacher from R-7 Holdrege School; 3 students from Milford, Theresa Salvo from Boston, Kathleen Lenzen, and Edith McKeag; and 90 fourth grade students and sponsor from Carriage Hill School, Papillion.

ADJOURNMENT

At 3:41 p.m., on a motion by Mr. Wehrbein, the Legislature adjourned until 9:00 a.m., Monday, May 4, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FOURTH DAY - MAY 4, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SEVENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 4, 1987

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Frank Munkel, Christ Unity Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Baack who was excused; and Messrs. Abboud, Beyer, Chambers, Conway, and Moore who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Third Day was approved.

GENERAL FILE

LEGISLATIVE BILL 780. Mr. V. Johnson renewed his pending amendment, AM1108, found in the Journal on page 1900 and considered on page 1970.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 4 nays, and 25 not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Ashford	Hall	Johnson, V.	Miller	Rupp
Chizek	Harris	Labedz	Nelson	Schmit
Elmer	Hartnett	Landis	Pappas	Weihing
Goodrich	Hefner	Lynch	Remmers	Wesely
Haberman	Johnson, R.	McFarland	Rogers	Withem

Voting in the negative, 17:

Barrett	Higgins	Langford	Pirsch	Smith
Coordsen	Johnson, L.	Marsh	Schellpeper	Warner
Dierks	Korshoj	Morehead	Scofield	Wehrbein
Hannibal	Lamb			

Present and not voting, 1:

Peterson

Excused and not voting, 6:

Abboud	Beyer	Chambers	Conway	Moore
Baack				

The V. Johnson amendment was adopted with 25 ayes, 17 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Schmit offered the following amendment:
AM1190

1. Insert the following new section:

"Sec. 85. There is hereby appropriated for FY1987-88 fifty thousand dollars from the General Fund to the Executive Board of the Legislative Council for the purpose of funding Nebraska's contribution to the Interstate Compact on Agricultural Grain Marketing.".

2. Renumber the remaining sections accordingly.

The Schmit amendment was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Mr. Haberman offered the following amendment:
AM1133

1. On page 6, line 23, after the period
insert "It is the intent of the Legislature that no
expenditures for Council of State Government dues shall
be made from funds appropriated to the Legislative
Council in FY1987-88.".

SPEAKER BARRETT PRESIDING

Mr. Lamb 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 19 ayes, 1 nay, and 29 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Coordsen	Hartnett	Landis	Peterson	Rupp
Elmer	Hefner	Langford	Pirsch	Wesely
Haberman	Higgins	Pappas	Remmers	Withem

Voting in the negative, 29:

Abboud	Hall	Korshoj	Miller	Scofield
Ashford	Hannibal	Labedz	Moore	Smith
Barrett	Harris	Lamb	Morehead	Warner
Chizek	Johnson, L.	Lynch	Nelson	Wehrbein
Dierks	Johnson, R.	Marsh	Rogers	Weihing
Goodrich	Johnson, V.	McFarland	Schmit	

Present and not voting, 1:

Schellpeper

Excused and not voting, 4:

Baack Beyer Chambers Conway

The Haberman amendment lost with 15 ayes, 29 ayes, 1 present and not voting, and 4 excused and not voting.

Mr. Hall offered the following amendment:
AM1188
1. On page 4, lines 23 and 24, strike "2,689,844" and insert "2,875,786" and strike "2,824,013" and insert "2,984,955".
2. On page 5, after line 6 insert:
"There is included in the appropriation to this program $185,942 General Funds in FY1987-88, and $160,942 General Funds in FY1988-89, for the purchase of computer equipment and software for use in legislator's offices.".

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall withdrew his pending amendment.

Advanced to E & R for Review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 270. No objections. So ordered.

ANNOUNCEMENT

Mrs. Labedz announced an Executive Board meeting will be held Wednesday, May 6, 1987, at 8:45 a.m., in Room 2102.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 270A. By Chizek, 31st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 270, Ninetieth Legislature, First Session, 1987.

UNANIMOUS CONSENT - Member Excused

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 782. 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 782A. 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 783. 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 783A. 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 784. Title read. Considered.

Mr. Hall offered the following amendment:
AM1191

1. Insert the following new section:

"Sec. 3. There is hereby appropriated (1) $185,942 from the General Fund for the period July 1, 1987, to June 30, 1988, and (2) $160,942 from the General Fund for the period July 1, 1988, to June 30, 1989, to the Legislative Council, for Program 122, to provide for the purchase of computer equipment and software for use in each senator's office.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. Renumber the remaining sections

13 accordingly.

Messrs. Harris and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 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:

Ashford	Hall	Korshoj	Pirsch	Smith
Chizek	Hartnett	Labedz	Rogers	Weihing
Elmer	Higgins	Landis	Schellpeper	Wesely
Haberman	Johnson, V.	Pappas	Scofield	Withem

Voting in the negative, 24:

Abboud	Goodrich	Lamb	Miller	Remmers
Barrett	Hannibal	Langford	Moore	Rupp
Beyer	Hefner	Lynch	Morehead	Warner
Coordsen	Johnson, L.	Marsh	Nelson	Wehrbein
Dierks	Johnson, R.	McFarland	Peterson	

Excused and not voting, 5:

Baack	Chambers	Conway	Harris	Schmit

The Hall amendment lost with 20 ayes, 24 nays, and 5 excused and not voting.

Advanced to E & R for Review with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Messrs. Hall and V. Johnson asked unanimous consent to print the following amendment to LB 780 in the Journal. No objections. So ordered.

AM1189

1. On page 129, strike line 22 and insert the following:

"(1) Program No. 189 - Command and Support

	FY1987-88	FY1988-89
GENERAL FUND	6,255,050	6,245,920
PROGRAM TOTAL	6,255,050	6,245,920

Total expenditures for permanent and temporary salaries and per diems shall not exceed $2,746,240 for FY1987-88. Total expenditures for permanent and temporary salaries and per diems shall not exceed $2,746,240 for FY1988-89.

(2) Program No. 190 - Criminal Investigations"; and in line 24 strike "18,196,600" and insert "3,475,288" and strike "18,312,567" and insert "3,474,928".

2. On page 130, line 1, strike "18,596,488" and insert "3,875,176" and strike "18,712,779" and insert "3,875,140"; and in lines 3 and 6 strike "$12,393,739" and insert "$2,740,180"; and strike lines 7 through 13.

3. On page 132, after line 23, insert the following:

(3) Program No. 195 - Protection of People and Property

	FY1987-88	FY1988-89
GENERAL FUND	8,466,262	8,591,719
PROGRAM TOTAL	8,466,262	8,591,719

Total expenditures for permanent and temporary salaries and per diems shall not exceed $6,907,319 for FY1987-88. Total expenditures for permanent and temporary salaries and per diems shall not exceed $6,907,319 for FY1988-89."; and in line 24 strike "(2)" and insert "(4)".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 775. Placed on Select File as amended.
E & R amendments to LB 775:

AM5199

1. In the Lynch amendment, AM1128, adopted April 28, 1987, on page 1, line 6, strike the comma.

2. In the Standing Committee amendments, AM0968, adopted April 28, 1987:

a. On page 1, line 11, strike "and" and insert an underscored comma;

b. On page 3, line 2, after "withholding" insert "for Federal income tax purposes"; in line 9 strike "it" and insert "the value"; in line 15 strike the period and insert an underscored semicolon; in line 16 after "mean" insert "any" and strike "vehicles" and insert "vehicle"; and in line 17 strike "trailers, and semitrailers" and insert "trailer, or semitrailer";

c. On page 4, line 9, before "(i)" insert "(b)" and strike "subsection" and insert "subdivision";

d. On page 5, line 5, strike "subsection" and insert "subdivision (10)";

e. On page 6, line 4, after "Act" insert an underscored comma; in line 8 strike "qualifying" and insert "qualified"; and in line 24 strike the comma;

f. On page 7, line 24, after "project" insert an underscored comma;

g. On page 9, line 19, strike the comma;

h. On page 10, line 1, strike "following"; in line 2 after "incentive" insert "provided in this subsection"; in line 3 strike "shall" and insert "will"; and in line 10 strike the comma;

i. On page 11, line 13, strike the first comma;

j. On page 12, line 6, after the first "the" insert "Nebraska"; and in line 10 after "period" insert "in";

k. On page 13, line 9, after the semicolon insert "and"; in line 11 strike the semicolon and insert an underscored period; strike line 12; in line 13 strike "(c)(i)"; in line 14 strike "are" and insert "shall be"; in line 18 strike "(ii)" and after "credit" insert "prescribed"; in line 19 strike "is also" and insert "shall also be"; and in line 24 after "credits" insert "prescribed in section 5 of this act";

l. On page 16, line 7, strike "and"; in line 10 strike "is" and insert "shall be"; and in line 23 after "be" insert "as follows";

m. On page 17, lines 4 and 18, strike the comma; and in line 19 after "credits" insert "shall be";

n. On page 18, line 8, strike the comma; in lines 10 and 17, strike the semicolon; and in line 14 strike "shall become" and insert "becomes";

o. On page 19, line 3, strike the comma; in line 7 strike "were" and insert "was"; in line 17 after "liabilities" insert an underscored comma; in line 18 after "and" insert "such partners, shareholders, or beneficiaries"; and in line 24 strike the comma;

p. On page 21, line 20, after the second "each" insert "of which"; and in line 23 strike "are" and insert "shall be considered to be";

q. On page 23, line 17, after "or" insert an underscored comma; in line 19 strike "a"; and in line 24 strike the comma;

r. Strike sections 15 and 17 and insert the following new section:

"Sec. 15. The refund of sales and use taxes which was authorized by section 77-27,186 shall not be available for purchases made on or after the effective date of this act. For purposes of this section, a purchase shall be considered made on or after the effective date of this act if there was no binding contract to purchase or rent executed prior to the effective date of this act or the purchase qualifies for any incentive under the Employment and Investment Growth Act.";

s. On page 37, line 15, strike "section" and insert "sections 77-202, 77-2701," and after the comma insert "and 77-2734.05,"; and

t. Renumber the remaining sections accordingly.

2. On page 1, line 2, after the second comma insert "77-2708,"; in line 7 after the semicolon insert "to eliminate provisions relating to a sales and use tax refund;"; and in line 9 after "sections" insert ", and also sections 77-27,185 and 77-27,186, Reissue Revised Statutes of Nebraska, 1943".

LEGISLATIVE BILL 775A. Placed on Select File.

LEGISLATIVE BILL 536. Placed on Select File as amended.
E & R amendments to LB 536:

AM5204

1. On page 1, line 1, strike "sections" and insert "section"; in line 2 strike "and 30-2613"; in line 6 strike "terms" and insert "a term"; in line 8 strike "to"; in line 9 strike "harmonize provisions;"; and in line 10 strike "sections" and insert "section".

2. On page 3, line 23, after "section" insert an underscored comma.

3. On page 9, line 9, strike "sections" and insert "section".

LEGISLATIVE BILL 183. Placed on Select File as amended.
E & R amendments to LB 183:
AM5205

1. In the Standing Committee amendments, AM1001, adopted April 30, 1987:

a. On page 1, lines 3 and 8, after "annually" insert an underscored comma; and in line 13 strike "and";

b. On page 2, line 17, strike "by";

c. In amendment 5, renumber sections 4 to 6 as sections 1 to 3 respectively; and

d. Insert the following new amendment;

"6. Renumber the remaining sections accordingly.".

2. On page 1, line 2, after "amend" insert "section 23-905, Reissue Revised Statutes of Nebraska, 1943, and" and after "sections" insert "23-252, 23-923,"; and strike beginning with "annual" in line 4 through "provisions" in line 6 and insert "political subdivisions to pay the cost of certain audits; to provide powers and duties for the Auditor of Public Accounts; to require certain matters to be included in budget statements; to provide for annual audits as prescribed".

3. On page 2, line 25, strike "each", show as stricken, and insert "the".

4. On page 4, line 6, after "and" insert "(c)".

5. On page 5, line 16, strike "70-2210.04" and insert "79-2210.04".

6. On page 6, line 2, after "original" insert "section 23-905, Reissue Revised Statutes of Nebraska, 1943, and" and after "sections" insert "23-252,

10 23-923,".

LEGISLATIVE BILL 184. Placed on Select File as amended.
E & R amendment to LB 184:
AM5206
1 1. On page 1, line 3, after "prescribed"
2 insert "; and to declare an emergency".

(Signed) Scott Moore, Chairperson

VISITORS

Visitors to the Chamber were Sue Moser from Omaha; 40 eighth grade students and teacher from Raymond Central; 17 seniors and teacher from Elmwood High School; and 22 fifth and sixth grade students and teacher from Staplehurst.

RECESS

At 12:00 noon, on a motion by Mrs. Langford, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Barrett, Chambers, Hannibal, Warner, Mrs. Higgins, and Ms. Scofield who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 335. Mr. Schmit moved to bracket until January 1, 1988.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Smith asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Schmit moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Landis requested a roll call vote on the Schmit motion to bracket.

Voting in the affirmative, 20:

Abboud	Hartnett	Labedz	Pappas	Warner
Ashford	Johnson, L.	Lamb	Rogers	Weihing
Goodrich	Johnson, R.	Langford	Schmit	Wesely
Haberman	Johnson, V.	Nelson	Scofield	Withem

Voting in the negative, 23:

Baack	Elmer	Landis	Moore	Remmers
Beyer	Hall	Lynch	Morehead	Schellpeper
Conway	Harris	Marsh	Peterson	Smith
Coordsen	Hefner	McFarland	Pirsch	Wehrbein
Dierks	Korshoj	Miller		

Present and not voting, 3:

Chizek	Hannibal	Rupp

Excused and not voting, 3:

Barrett	Chambers	Higgins

The Schmit motion lost with 20 ayes, 23 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Pirsch and Mr. Chizek asked unanimous consent to be excused until they return. No objections. So ordered.

The Conway-Baack-Landis pending amendment, AM1060, found in the Journal on page 1797 and considered on page 1979 was renewed.

Mr. Haberman offered the following amendment to the Conway et al. amendment:

Strike Section 4.

Pending.

Mr. Landis asked unanimous consent to pass over LB 335. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 107.

Introduced by Coordsen, 32nd District.

WHEREAS, 1987 marks the one hundredth anniversary of the community of Daykin, Nebraska; and

WHEREAS, the community of Daykin was platted on June 8, 1887; and

WHEREAS, the good farm land and the railroad were factors which convinced pioneers to settle in Daykin; and

WHEREAS, Daykin was known as the Town of Windmills and had the distinction of having more windmills per capita of any town in Nebraska; and

WHEREAS, Daykin residents, both past and present, have built and are continuing to build a strong, vibrant community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes to the residents of Daykin, Nebraska.

2. That a copy of this resolution be presented to the Daykin Centennial Committee.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 104A, 312, and 312A.

LEGISLATIVE BILL 426. Placed on Select File as amended.
E & R amendments to LB 426:
AM5207

1. In the Standing Committee amendments, AM1037, adopted April 30, 1987:

a. On page 1, line 2, strike "14" and insert "13"; in line 20 after "strike" insert "beginning with 'Legislature' through 'necessary' in"; and in line 21 strike "(2)";

b. On page 2, line 16, strike the comma;

c. On page 4, line 23, strike "state"; and

d. On page 5, lines 1 to 2, strike "low-level waste disposal".

2. Strike original section 12 and all amendments thereto and renumber the remaining sections accordingly.

3. On page 1, line 3, strike "and"; in line 4 strike "to" and insert ", 81-15,101 to 81-15,104, 81-15,106," and after "81-15,107," insert "and 81-15,113,"; in line 5 strike "provide"; in line 6 strike beginning with "for" through "act" and insert "eliminate a definition"; and in line 11 strike "create a committee" and insert "prohibit certain appropriations; to harmonize provisions".

4. On page 6, line 4, after "of" insert "low-level radioactive".

5. On page 21, line 4, strike "to" and insert ", 81-15,101 to 81-15,104, 81-15,106,".

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 124 in the Journal. No objections. So ordered.

AM1171

1. Insert the following new section:

"Sec. 6. Any person desiring to walk on the grass area at the State Capitol in Lincoln shall file an application for a permit with the natural resources district within which the State Capitol is located. Upon the filing of the application and payment of a fee of five dollars, the natural resources district shall grant a permit for such purpose.

Any person walking on the grass area at the State Capitol without the permit required by this section shall be fined an amount not to exceed ten dollars and shall be liable for damages which result

from such action.".

2. Renumber the remaining sections accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 784 in the Journal. No objections. So ordered.

AM1191

1. Insert the following new section:

"Sec. 3. There is hereby appropriated (1) $185,942 from the General Fund for the period July 1, 1987, to June 30, 1988, and (2) $160,942 from the General Fund for the period July 1, 1988, to June 30, 1989, to the Legislative Council, for Program 122, to provide for the purchase of computer equipment and software for use in each senator's office.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 337. Messrs. V. Johnson and Moore renewed their pending motion found in the Journal on page 1776 to indefinitely postpone.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?"

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

The Withem motion to cease debate prevailed with 27 ayes, 5 nays, and 17 not voting.

Mr. V. Johnson requested a roll call vote on the V. Johnson-Moore motion to indefinitely postpone.

Voting in the affirmative, 21:

Ashford	Dierks	Johnson, L.	Korshoj	McFarland
Coordsen	Hefner	Johnson, V.	Lamb	Miller

Moore	Rogers	Schmit	Smith	Wehrbein
Nelson	Schellpeper	Scofield	Warner	Wesely
Remmers				

Voting in the negative, 25:

Abboud	Elmer	Harris	Landis	Pappas
Baack	Goodrich	Hartnett	Langford	Peterson
Barrett	Haberman	Higgins	Lynch	Rupp
Beyer	Hall	Johnson, R.	Marsh	Weihing
Conway	Hannibal	Labedz	Morehead	Withem

Excused and not voting, 3:

Chambers	Chizek	Pirsch

The V. Johnson-Moore motion to indefinitely postpone lost with 21 ayes, 25 nays, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Conway offered the following amendment:
(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM0995).

Mr. Ashford asked unanimous consent to be excused. 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.

Mr. Conway moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Conway requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Abboud	Elmer	Johnson, R.	Lynch	Remmers
Baack	Haberman	Labedz	McFarland	Rupp
Barrett	Hall	Landis	Pappas	Weihing
Beyer	Harris	Langford	Peterson	Withem
Conway	Hartnett			

Voting in the negative, 22:

Coordsen	Johnson, L.	Miller	Rogers	Smith
Dierks	Johnson, V.	Moore	Schellpeper	Warner
Hannibal	Korshoj	Morehead	Schmit	Wehrbein
Hefner	Lamb	Nelson	Scofield	Wesely
Higgins	Marsh			

Present and not voting, 1:

Goodrich

Excused and not voting, 4:

Ashford	Chambers	Chizek	Pirsch

The Conway amendment lost with 22 ayes, 22 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. R. Johnson moved to reconsider the V. Johnson-Moore motion to indefinitely postpone LB 337.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendments to LB 688 in the Journal. No objections. So ordered.

(1)

AM0879

1. In the Standing Committee amendments, AM0749, on page 11, line 5, strike "Howard, Greeley," and show as stricken; in line 6 strike "Sherman, Dawson," and show as stricken; in line 7 strike "Buffalo,", show as stricken, and insert "and"; strike beginning with the second comma in line 7 through the semicolon in line 8, show as stricken, and insert an underscored semicolon; in line 21 strike "and" and show as stricken; and in line 23 after "Cherry" insert "; and

(18) The counties of Howard, Greeley, Sherman,

Dawson, Buffalo, and that portion of Hall lying north of the Platte River".

2. On page 17, line 16, strike "seventeen" show as stricken, and insert "eighteen".

(2)

AM0969

(Amendments to the Standing Committee amendments)

1. Insert the following new section:

"Sec. 8. The board of any educational service unit established pursuant to section 79-2202 or formed pursuant to sections 1 to 7 of this act which includes over eight thousand square miles shall establish and maintain more than one office at different locations in order to adequately serve the students and school districts located in the educational service unit.".

2. On page 17, lines 17 and 21; page 18, lines 5, 9, and 19; page 19, lines 5, 13, and 18; page 22, line 19; and page 23, line 1, strike "17" and insert "18".

3. On page 27, strike line 21 and insert "Sec. 25. Sections 1 to 8, 22, 24, and 27 of".

4. Renumber the remaining sections accordingly.

Mr. Peterson asked unanimous consent to print the following amendment to LB 442 in the Journal. No objections. So ordered.

AM1202

1. Insert the following new section:

"Sec. 2. That section 71-5111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5111. No certified ambulance attendant who provides public emergency care or rescue service shall be liable in any civil action to respond in damages as a result of his or her acts of commission or omission arising out of and in the course of his or her rendering in good faith any such service. Nothing in this section shall be deemed to grant any such immunity for liability arising out of the operation of any motor vehicle, aircraft, or boat or while the certified ambulance attendant was impaired by alcoholic liquor or any controlled substance enumerated in section 28-405, in

connection with such service, nor shall immunity apply to any person causing damage or injury by his or her willful, wanton, or grossly negligent act of commission or omission.".

2. On page 3, line 16, strike "section 71-5102" and insert "sections 71-5102 and 71-5111"; and in line 17 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 470 in the Journal. No objections. So ordered.

AM1167

1. Insert the following new sections:

"Section 1. That section 66-477, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-477. In addition to the tax imposed by sections 66-410 and 66-473, each dealer shall pay an excise tax of ~~two~~ three cents per gallon on all motor vehicle fuels received, imported, produced, refined, manufactured, blended, or compounded by such dealer within the State of Nebraska.

Sec. 2. That section 66-478, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-478. In addition to the tax imposed by sections 66-428 and 66-473, each dealer shall pay an excise tax of ~~two~~ three cents per gallon on all motor vehicle fuel or special fuel used in the State of Nebraska.

Sec. 3. That section 66-605.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-605.03. In addition to the tax imposed by sections 66-605 and 66-605.02, each dealer shall pay an excise tax of ~~two~~ three cents per gallon on all special fuels subject to taxation under section 66-605.".

2. On page 3, line 14, strike "section" and insert "sections 66-477, 66-478, 66-605.03, and"; and in line 15 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 780 in the Journal. No objections. So ordered.

AM1195

1. On page 46, line 3, strike each occurrence of "3,116,511" and insert "3,416,511"; in line 6 strike each occurrence of "9,679,260" and insert "9,979,260"; and in lines 8 and 11 strike "$6,169,563" and insert "$6,387,694".

2. On page 48, line 18, strike each occurrence of "3,968,710" and insert "4,268,710"; and in line 21 strike each occurrence of "26,111,946" and insert "26,411,946".

Mr. Landis asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1151

1. Insert the following new sections:

"Sec. . That section 77-2734.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2734.02. (1) A tax is hereby imposed for each taxable year on the taxable income of every corporate taxpayer that is doing business in this state at a rate equal to ~~twenty-five~~ one hundred fifty and eight-tenths per cent of the primary rate imposed on individuals under section ~~77-2715~~ 77-2701.01 on the first fifty thousand dollars of taxable income, ~~and~~ at the rate of ~~thirty-five~~ two hundred eleven per cent of such rate on all taxable income in excess of fifty thousand dollars, and at the rate of two hundred forty-six per cent of such rate on all taxable income in excess of seven hundred fifty thousand dollars. The resultant rates shall be rounded to the nearest hundredth of one per cent.

(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.

Sec. . That section 77-3804, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3804. (1) The limitation rate shall be ~~forty-eight and eight-tenths per cent of the maximum corporate income tax rate~~ two hundred eleven per cent of the primary rate of the income tax in effect for the taxable year, as prescribed in section ~~77-2734.02~~ 77-2701.01, rounded to the nearest hundredth of one per cent.

(2) The limitation amount shall be the product of the net financial income of the financial institution multiplied by the limitation rate.

Sec. . This act shall become operative for all taxable years beginning or deemed to begin on or after January 1, 1987.".

MOTION - Place LB 547 on General File

Messrs. Pappas and Baack moved to place LB 547 on General File pursuant to Rule 3, Section 19.

Laid over.

MOTION - Place LR 10 on General File

Messrs. Pappas and Baack moved to place LR 10 on General File pursuant to Rule 3, Section 19.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 642 in the Journal. No objections. So ordered.

AM1147

(Amendments to the Final Reading Copy)

1. Strike original section 1 and insert the following new section:

"Section 1. 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~~ one hundred dollars, and for cooperative credit associations and credit unions, ~~five~~ fifty dollars;

(2) For filing and examining an amendment to articles of incorporation, association, and bylaws, excepting cooperative credit associations and credit unions, ~~ten~~ fifty dollars, for cooperative credit associations, ~~three~~ twenty-five dollars, and for credit unions, ~~two~~ fifteen 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, except ~~; PROVIDED,~~ that the minimum fee in each case shall be ~~fifty~~ two hundred twenty-five dollars, and ~~; AND PROVIDED FURTHER, that~~ all foreign building and loan associations shall pay annually a fee of ~~one~~ two 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~~ fifty dollars at the time of the initial license and ~~five~~ fifteen dollars on or before January 15 in each year thereafter, except cooperative credit associations and credit unions for which the fee

shall be ~~five~~ twenty-five dollars at the time of the initial license and ~~five~~ fifteen dollars thereafter on or before January 15 each year;

(6) For affixing certificate and seal, ~~two~~ five 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~~ fifteen 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~~ two thousand five hundred dollars, (b) section 8-331 of ~~one~~ two thousand dollars, (c) section 8-403 of ~~eight~~ two thousand five hundred dollars, (d) sections 8-201, 21-1312, and 21-1313 of ~~two hundred fifty~~ one thousand 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 pursuant to section 8-157, two hundred fifty dollars;

(14) For investigating an application for approval of an electronic satellite facility, fifteen dollars; and

(15) For investigating a notice of acquisition of control under subsection (1) of section 8-1502, five hundred 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 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.".

RESOLUTION

LEGISLATIVE RESOLUTION 108.

Introduced by Morehead, 30th District.

WHEREAS, the year of 1987 is the centennial year of the official opening of the Beatrice State Developmental Center; and

WHEREAS, the Beatrice State Developmental Center provides residential, habilitative, and medical services to mentally retarded persons in Nebraska; and

WHEREAS, in the mid-1960's, the Beatrice State Developmental Center served over two thousand two hundred residents and currently serves over six hundred fifty residents; and

WHEREAS, the Beatrice State Developmental Center is instrumental in habilitation and return of its residents to the community; and

WHEREAS, the center's centennial activities will begin in May of this year; and

WHEREAS, the pride and spirit that makes Nebraskans great is still alive and well among the residents and staff of the Beatrice State Developmental Center; and

WHEREAS, the residents and staff of the Beatrice State Developmental Center deserve special recognition for the contributions that they and their predecessors have made to the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes in this centennial year to those residents and staff of the Beatrice State Developmental Center who have built the center into an institution of which all Nebraskans can be proud.

2. That a copy of this resolution be sent to Willa Mae Ray, author of Learning for Living: A History of the Beatrice State Developmental Center and Director of Volunteer Services.

Laid over.

VISITORS

Visitors to the Chamber were 24 seventh and eighth grade students and teacher from Lewiston Jr. High; Senator Moore's grandmother, Ruth Moore, brother and sister-in-law, Kurt and Diane Moore, and nephews, Bradley and Tyler Moore from Stromsburg; 12 seniors and teacher from Adams; 32 sixth grade students and teacher from St. Michael Elementary, Hastings; 11 seventh and eighth grade students and teachers from Middle School, York; and 50 first and second grade students and teachers from Hawthorne School, Lincoln.

ADJOURNMENT

At 3:59 p.m., on a motion by Mr. Weihing, the Legislature adjourned until 9:00 a.m., Tuesday, May 5, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FIFTH DAY - MAY 5, 1987

LEGISLATIVE JOURNAL

SEVENTY-FIFTH DAY - MAY 5, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SEVENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 5, 1987

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Father Doug Morin, St. Joseph's Catholic Church, York, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, Chambers, Conway, Coordsen, Goodrich, Haberman, Hall, R. Johnson, V. Johnson, Miller, Rupp, Schmit, Mesdames Higgins, Labedz, Marsh, and Nelson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Fourth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 87066

DATE: May 4, 1987

REQUESTED BY: Senator Rod Johnson

WRITTEN BY: Bernard L. Packett, Assistant Attorney General
Robert M. Spire, Attorney General

QUESTION: Does the provision making the operation of LB 68 effective upon all contiguous states passing an identical act constitute an unlawful delegation of legislative authority?

CONCLUSION: No.

QUESTION: Does LB 68 violate the Interstate Commerce clause of the United States Constitution?

CONCLUSION: Although LB 68's violation of the Commerce clause is not clear, considering the fact that the state, and most if not all other states, have adhered to a lower federal rate of MSNF (Milk-Solids-Not-Fat) content of milk for many years would make defense of the increase difficult, particularly if there was evidence that the purpose of the increase was to promote the economic well-being of producers within the state at the expense of those in other states.

You have asked if Section 2 of LB 68 constitutes an unlawful delegation of legislative authority.

Section 2 provides that the act shall become operative "when all states contiguous to the borders of the State of Nebraska have in effect milk content requirements identical to those requirements established by this legislative bill."

As a general rule a statute may take effect upon the happening of a contingency, such as a passage of a law in another jurisdiction, the vote of the people, or the passage of a constitutional amendment. Sutherland Statutory Construction, Section 33.07 (1986).

In State v. Padley, 195 Neb. 358, 237 N.W.2d 883 (1976), our supreme court dealt with a statute which fixed highway speeds at a maximum of 55 mph and then provided that when the president terminates the Emergency Highway Energy Conservation Act the permissible speed shall be 75 mph "or such speed as Congress requires for compliance with such act, whichever is the lesser."

To the issue of whether or not the legislature could delegate to Congress the authority to designate the speed limit in Nebraska our supreme court held:

> The legislature cannot delegate its powers to make a law, but it can make a law to become operative on the happening of a certain contingency or on ascertainment of a fact upon which the law intends to make its own action depend.

See also, Lennox v. Housing Authority of the City of Omaha, 137 Neb. 582, 290 N.W. 451 (1940).

The same rule was applied in State ex rel. Douglas v. Sporhause, 208 Neb. 703, 305 N.W.2d 614 (1981) where a law authorizing the granting of a permit to transport water for irrigation out-of-state contingent upon the receiving state granting its landowners the same right was held not to be an unlawful delegation of its powers to make a law.

It is therefore our conclusion that the provision making LB 68 effective upon the enactment of its same provisions by all states bordering upon Nebraska would not be an unlawful delegation of the legislature's authority.

You have also asked if LB 68 violates the Interstate Commerce clause of the United States Constitution by establishing a different milk-content requirement for milk sold in Nebraska than that sold in other states.

In answer we call particular attention to the provision of LB 68 which would raise the milk-solids-not-fat content of pasteurized milk to 8.7 percent from the federally established 8.25 percent.

From our examination of a number of cases dealing generally with the subject of higher state standards for dairy products that that prescribed under the federal standards we cannot say with any degree of certainty how the provisions of LB 68 would be treated by the courts.

In 1916 the United States Supreme Court in Hutchinson Ice Cream Company v. Iowa, 242 U.S. 153, upheld Pennsylvania and Iowa laws establishing minimum butter-fat levels for ice cream on the ground that the states police power authorized the enactment of laws to protect consumers from fraud and deception, but did not reach the issue of whether states could prohibit altogether the sale of dairy products containing less than the prescribed minimums.

This and a number of other cases prior to the establishment of federal standards for milk and ice cream made it fairly clear that the state police power was regarded as adequate to authorize the establishment of minimum non-fat or butter-fat levels for particular products and these standards were upheld if they did not prohibit the sale of products containing less than the prescribed minimums, but instead required adequate labeling to distinguish such less expensive products from the identified products (such as ice cream or milk) for which the minimums had been established.

After the federal government established a standard for ice cream, prescribing a 10 percent minimum butter-fat level, Iowa prescribed a minimum of 12 percent. In a challenge before a three-judge federal district court, the court did not resolve the issue of whether a state standard higher than the federal would constitute an excessive burden on Interstate Commerce because the court felt there was insufficient

evidence before the court to decide the issue. Borden Company v. Liddy, 239 F.Supp. 289 (S.D. Iowa 1965).

Since 1935 there have been a number of cases in which the U.S. Supreme Court has invalidated various local milk regulations on the ground that they excessively burden the Interstate Commerce.

In Baldwin v. G.A.F. Seelig, Inc., 294 U.S. 511 (1935), the court struck down a New York statute that prohibited the sale of milk bought outside the state unless the price paid to producers was one that would be lawful upon a like transaction within the state; in H. P. Hood and Sons, Inc. v. DuMond, 336 U.S. 527 (1949) the court invalidated a New York law limiting the right of out-of-state milk processors to operate within the state, on the ground that its purpose was to protect local commercial interests; in Dean Milk Company v. Madison, 340 U.S. 349 (1951) the court held that a city ordinance requiring that milk be pasteurized within five miles of the city went beyond what was necessary to assure the wholesomeness of milk sold an imposed an undue burden on Interestate Commerce; in Polar Ice Cream and Creamery Company v. Andrews, 375 U.S. 361 (1964), the court invalidated a Florida law requiring Florida processors to purchase all milk offered by Florida producers before they could purchase milk from out-of-state producers; and in Greater A & P Tea Company v. Cottrell, 424 U.S. 366 (1976), the court held that an excessive burden on Interstate Commerce was imposed by a Mississippi law which provided that milk from another state could be sold in Mississippi only if the regulatory agency of the other state accepted milk purchased in Mississippi on a reciprocal basis.

In a case before the Wisconsin Supreme Court, Coffee Rich, Inc. v. Wisconsin Department of Agriculture, 79 Wis.2d 265, 234 N.W.2d 270 (1975) the court held that although a state law prohibiting the sale of non-dairy coffee whiteners was a legitimate exercise of the state police power to prevent fraud and deception, the law was nevertheless invalid since it placed an excessive burden on Interstate Commerce in relation to the local benefits to consumers.

In a more recent non-dairy product case the Supreme Court of the United States struck down an Iowa law which prohibited the use of 65 foot double trailer trucks on its highways. In Kassel v. Consolidated Freightways Corp., 450 U.S. 662 (1981), the court found that the Iowa law, which was more stringent than those of all other states in the west or midwest, imposed an unreasonable burden on Interstate Commerce in relation to the purported public health and safety benefits which the state cited as justifying its enactment.

These decision involving regulations affecting Interstate Commerce provide considerable guidance in seeking to determine the validity of legislation attempting to establish minimum levels for non-fat milk

solids in excess of those prescribed by the federal standards, and although none of these cases directly address state non-fat or milk-fat standards that are higher than the levels prescribed under federal laws, the opinions seem to make clear that the court will carefully scrutinize local regulations which may reduce the flow of Interstate milk into the state in order to determine whether such regulations are intended to achieve a legitimate constitutional purpose, or whether the purpose is merely to advance the economic interests of milk producers within the state.

Another matter which we believe must be considered is the fact that it appears that the state has adhered to the 8.25 percent minimum federal level for many years and that might militate against a conclusion that the higher 8.7 percent was necessary to prevent deception of consumers. The long adherence of the federal government and most other states to the 8.25 percent level might suggest that that level of milk solids is consistent with the expectation and understanding of consumers.

It is therefore our conclusion that although we cannot say that LB 68 is or is not, as a matter of law, in violation of the Commerce clause of the United States Constitution, we believe that in an action challenging the validity of LB 68, if the opponents of the legislation were able to show that the dominant purpose of raising the MSNF level from the federal 8.25 percent level to 8.7 percent was that of increasing the sale of milk solids within the state and promoting the economic well-being of producers within the state at the expense of producers in other states, considering the fact that the state has adhered to the federal 8.25 percent level for many years, defense of the increase in MSNF level on the grounds that the purpose of the bill was to protect the health, safety or welfare of consumers within the state might be very difficult.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

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

REPORT

Received quarterly report from the Department of Roads for the Nebraska State Highway Commission as of March 31, 1987.

GENERAL FILE

LEGISLATIVE BILL 218. Title read. Considered.

Standing Committee amendments, AM0975, printed separate from the Journal and referred to on page 1853 for the Sixty-Eighth Day were considered.

Mr. Warner offered the following amendment to the Standing Committee amendments:
AM1161

(Amendments to Standing Committee amendments)

1. On page 9, line 11, strike "ten" and insert "eleven".

2. On page 12, line 18, strike "ten" and insert "eleven".

The Warner amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Pending.

ANNOUNCEMENT

The Chair announced today is Senator Hannibal's birthday.

GENERAL FILE

LEGISLATIVE BILL 218. The pending Standing Committee amendments, as amended, were renewed.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Mr. Abboud 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 be excused until he returns. No objections. So ordered.

The Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Abboud moved to indefinitely postpone LB 218.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Abboud motion to indefinitely postpone lost with 3 ayes, 27 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Abboud offered the following amendment:
to strike sections 5 and 6 in the Committee amendment. (Kearney State and Peru projects)

Mrs. Langford 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 Abboud amendment lost with 8 ayes, 26 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Hall offered the following amendment:
It is the intent of the Legislature that a fee of not more than one dollar per person be collected for admission to Morrill Hall, and that the proceeds shall be utilized to assist in the future repair and maintenance of the Morrill Hall facility.

MR. LAMB PRESIDING

Mr. Pappas offered the following amendment to the pending Hall amendment:
to amend the Hall amendment to LB 218 by striking the language "not more than" and inserting "not less than"

Mr. Lynch 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 Pappas amendment lost with 5 ayes, 22 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

SPEAKER BARRETT PRESIDING

Mr. Hall moved for a call of the house. The motion prevailed with 16 ayes, 8 nays, and 25 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Abboud	Conway	Hall	Lynch	Rupp
Ashford	Coordsen	Johnson, V.	Morehead	Schellpeper
Beyer	Elmer	Labedz	Pappas	Schmit
Chizek	Haberman	Lamb	Pirsch	

Voting in the negative, 27:

Baack	Harris	Langford	Nelson	Warner
Barrett	Hartnett	Marsh	Remmers	Wehrbein
Chambers	Hefner	McFarland	Rogers	Weihing
Dierks	Johnson, L.	Miller	Scofield	Wesely
Goodrich	Korshoj	Moore	Smith	Withem
Hannibal	Landis			

Present and not voting, 1:

Peterson

Absent and not voting, 1:

Johnson, R.

Excused and not voting, 1:

Higgins

The Hall amendment lost with 19 ayes, 27 nays, 1 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Ms. Scofield asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Abboud offered the following amendment:
On page 10, strike line 24 and on page 11, strike lines 1 through 6 and in line 7 through "sources."

Mr. Abboud withdrew his pending amendment.

Mr. V. Johnson offered the following amendment:
to amend LB 218 by adding the following new section to the Committee Amendment to LB 218:
"Notwithstanding any other provision contained herein, no money shall be allotted to the renovation of Morrill Hall until the Board of Regents of the University of Nebraska establish an admission fee to the general public of at least $1.00 per person per such Hall."

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The V. Johnson amendment lost with 15 ayes, 23 nays, 9 present and not voting, and 2 excused and not voting.

Messrs. Schmit and Beyer asked unanimous consent to be excused until they return. 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.

Advanced to E & R for Review with 30 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 109.

Introduced by R. Johnson, 34th District; Rogers, 41st District; Nelson, 35th District; Moore, 24th District; Wehrbein, 2nd District;

Miller, 37th District; Weihing, 48th District; Schmit, 23rd District; Elmer, 38th District.

WHEREAS, the year 1987 marks the centennial of the Hatch Act which was passed by the Congress of the United States to create an Agricultural Experiment Station in each state; and

WHEREAS, each state was directed to conduct research "basic to the problems of agriculture in its broadest aspects...the development and improvement of the rural home and rural life and the maximum contribution by agriculture to the welfare of the consumer"; and

WHEREAS, the Nebraska Legislature adopted provisions of the Hatch Act by an act approved March 31, 1887, and assigned the responsibility for the Agricultural Experiment Station to the University of Nebraska which is now being carried out by the Agricultural Research Division in the Institute of Agriculture and Natural Resources; and

WHEREAS, the State of Nebraska has received significant benefits from this 100-year state-federal partnership; and

WHEREAS, research is carried out in Agriculture, Home Economics, and Natural Resources at the University of Nebraska-Lincoln East Campus, the District Research and Extension Centers at Clay Center, Concord, North Platte, and Scottsbluff, the Agricultural Research and Development Center near Mead, the Gudmundsen Sandhills Laboratory near Whitman, and other University Agricultural Research Division facilities across the state; and

WHEREAS, researchers in the Agricultural Research Division work cooperatively with scientists at the state and federal levels as well as those in business and industry in this country and around the world in addressing priority problems of state, regional, national, and international importance; and

WHEREAS, among many noteworthy achievements, research supported by programs at the University of Nebraska has resulted in development of twenty-eight new wheat varieties which are grown on ninety-seven per cent of Nebraska's hard red winter wheat acreage resulting in a fifty-five per cent increase in yields and an estimated one hundred million dollars additional farm income each year; and

WHEREAS, research at the University of Nebraska resulted in discovery of a rotavirus that causes diarrhea, a major cause of death in baby calves, and the University of Nebraska developed a vaccine against this virus which has been licensed and marketed under a University of Nebraska-Lincoln patent and sells approximately four million doses annually, greatly reducing economic losses of the cattle industry. Rotavirus infection is also a major cause of infant death

and associated deaths in third world countries and a human rotavirus vaccine is now being manufactured and distributed as a direct result of the University of Nebraska-Lincoln research, resulting in a great saving of human lives; and

WHEREAS, Agricultural Research Division researchers developed a fluorescent antibody test which was adopted as the official test for the eradication procedures and made eradication of hog cholera possible. There has been no case of hog cholera in the United States since 1973, saving American swine producers millions of dollars annually and opening international markets for exportation of swine and pork products; and

WHEREAS, conservation tillage practices developed by the Agricultural Research Division were used on nearly six and one half million of the fifteen million acres of cropland in 1986 and no-till increased to five hundred fifty-one thousand acres in 1986 resulting in extensive savings of soil, water, energy, and labor; and

WHEREAS, Nebraska scientists developed the concepts for restructured meat products which now account for an estimated fifteen per cent of the animal products consumed in the United States today; and

WHEREAS, researchers in Nebraska developed a unique system to evaluate and to use less expensive protein sources which result in an estimated three to five million dollar savings in feed costs for beef cattle each year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby recognizes researchers in the University of Nebraska Agricultural Research Division for their outstanding contributions to the development of knowledge in agriculture, home economics, and natural resources that has benefited all Nebraskans.

2. That the Legislature appreciates the need to continually expand the knowledge base for future developments in production, processing, and distribution of agricultural products as well as natural and human resources.

3. That the Legislature hereby congratulates researchers who have made significant contributions to University of Nebraska Agricultural Research Division programs over the past one hundred years for their outstanding efforts to improve agriculture and the quality of life for all Nebraskans and encourages continuing progress in the future.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 768. 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 769. Title read. Considered.

Standing Committee amendment, AM1070, found in the Journal on page 1853 for the Sixty-Eighth 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 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 130. Title read. Considered.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Standing Committee amendment, AM1036, found in the Journal on page 1853 for the Sixty-Eighth 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 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 785. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 786. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused May 6 through May 8, 1987. No objections. So ordered.

VISITORS

Visitors to the Chamber were 100 fourth grade students and teachers from Holling Heights, Omaha; 26 twelfth grade students and teacher from NE Christian High School, Central City; Kristen Moore from Gresham; 52 fourth grade students and teacher from Park View Heights Elementary, LaVista; 25 fourth grade students and sponsor from Starr Elementary, Grand Island; and Mr. Mouloud Ikhlef from Algeria, Mr. Ahmad Mohamed Hussein Shaheen from Egypt, Mr. Adnan Ahmed Mohammed from Iraq, Mr. Hisham Muhaisen from Jordan, Mr. Waleed Mijbel Sa'eed Al-azmi from Kuwait, Mr. Sharaf Al-Sayaidi from Yemen, escorts and interpreters, Mr. Muean Aljabiry and Mr. Toufic Maged.

RECESS

At 11:55 a.m., on a motion by Mr. Coordsen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Hannibal, Mesdames Marsh, and Pirsch who were excused; and Messrs. Haberman, Lynch, McFarland, Schmit, and Ms. Scofield who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

May 5, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 376, 514, and 198 were received in my office on May 1, 1987.

These bills were signed by me on May 5, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

SELECT FILE

LEGISLATIVE BILL 131. E & R amendment, AM5200, found in the Journal on page 1961 for the Seventy-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 779. E & R amendment, AM5201, found in the Journal on page 1961 for the Seventy-Second Day was adopted.

Advanced to E & R for Engrossment.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 337. The pending R. Johnson motion to reconsider the V. Johnson-Moore motion to indefinitely postpone was renewed.

Mr. Withem 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. R. Johnson moved for a call of the house. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

Mr. Baack requested a roll call vote on the R. Johnson motion to reconsider.

Voting in the affirmative, 25:

Ashford	Dierks	Johnson, V.	McFarland	Nelson
Chambers	Hefner	Korshoj	Miller	Remmers
Chizek	Johnson, L.	Lamb	Moore	Rogers
Coordsen	Johnson, R.	Landis	Morehead	Schellpeper

Schmit	Smith	Warner	Wehrbein	Wesely

Voting in the negative, 18:

Abboud	Conway	Harris	Lynch	Rupp
Baack	Elmer	Hartnett	Pappas	Weihing
Barrett	Goodrich	Labedz	Peterson	Withem
Beyer	Hall	Langford		

Excused and not voting, 6:

Haberman	Higgins	Marsh	Pirsch	Scofield
Hannibal				

The R. Johnson motion to reconsider prevailed with 25 ayes, 18 nays, and 6 excused and not voting.

The Chair declared the call raised.

The V. Johnson-Moore motion to indefinitely postpone was renewed.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. Moore requested a record vote on the motion to indefinitely postpone.

Voting in the affirmative, 25:

Ashford	Dierks	Korshoj	Moore	Schmit
Beyer	Hefner	Lamb	Morehead	Smith
Chambers	Johnson, L.	Landis	Nelson	Warner
Chizek	Johnson, R.	McFarland	Rogers	Wehrbein
Coordsen	Johnson, V.	Miller	Schellpeper	Wesely

Voting in the negative, 15:

Abboud	Elmer	Harris	Lynch	Rupp
Baack	Goodrich	Labedz	Pappas	Weihing
Conway	Hall	Langford	Peterson	Withem

Present and not voting, 3:

Barrett Hartnett Remmers

Excused and not voting, 6:

Haberman Higgins Marsh Pirsch Scofield Hannibal

The V. Johnson-Moore motion to indefinitely postpone prevailed with 25 ayes, 15 nays, 3 present and not voting, and 6 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 183A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 183, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1220
(Amendments to Standing Committee amendments, AM0968)

1. On page 10, line 17, strike the second "and"; in line 23 after "computers" insert "; and"; and after line 23 insert the following new subdivision:

"(c) Personal property which is business equipment located in a single project if (i) the business equipment is utilized in a business which is involved directly in the manufacture or processing of agricultural products, (ii) the business equipment has a minimum aggregate value of ten million dollars, and (iii) the use and value of the business equipment has been certified by the Tax Commissioner".

WITHDRAW - Amendment to LB 337A

Mr. Weihing withdrew his pending amendment, AM0877, found in the Journal on page 1541 to LB 337A.

MOTION - Suspend Rules

Mr. Pappas moved to suspend the rules, Rule 5, Section 2(b) and (d) and 6(g) and (h) and Rule 7, Sections 3(d) and 7 to permit consideration of AM1010 to LB 337A.

Mr. Barrett 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. Pappas requested a record vote on his motion to suspend the rules.

Voting in the affirmative, 11:

Chambers	Korshoj	Langford	Pappas	Schmit
Chizek	Labedz	Lynch	Rupp	Withem
Johnson, V.				

Voting in the negative, 18:

Abboud	Dierks	Landis	Remmers	Wehrbein
Barrett	Hefner	Morehead	Smith	Weihing
Beyer	Johnson, L.	Nelson	Warner	Wesely
Coordsen	Lamb	Peterson		

Present and not voting, 14:

Ashford	Elmer	Harris	McFarland	Rogers
Baack	Goodrich	Hartnett	Miller	Schellpeper
Conway	Hall	Johnson, R.	Moore	

Excused and not voting, 6:

Haberman	Higgins	Marsh	Pirsch	Scofield
Hannibal				

The Pappas motion to suspend the rules lost with 11 ayes, 18 nays, 14 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 114.

Correctly Engrossed

The following bill was correctly engrossed: 736.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 114
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0179

1. The Landis amendment, AM0985, adopted April 24, 1987, was drafted to the bill as introduced and has been incorporated into the Final Reading copy as follows:

a. In lieu of amendment 1:

i. On page 2, line 16, "24" has been struck and "17" inserted; and lines 18 to 22 have been struck and the remaining subdivisions renumbered accordingly;

ii. On page 3, line 13, "treating, storing, or disposing" has been struck and "treatment, storage, or disposal" inserted;

iii. On page 4, line 23, "fourteen" has been struck and "twelve" inserted; and in lines 23 and 25 "eight" has been struck and "six" inserted;

iv. On page 5, lines 5, 16, and 21, "eight" has been struck and "six" inserted;

v. Original sections 13 to 19 have been struck, original section 12 has been renumbered as section 13, original section 20 has been renumbered as section 12, and the remaining sections renumbered accordingly;

vi. On page 19, the matter beginning with "If" in line 17 through line 25 has been struck; and

vii. On page 20, lines 1 through 10 have been struck; and in line 11 "disapproval" has been inserted after "The";

b. Amendments 3 and 9 have been struck and the remaining amendments renumbered accordingly; and

c. In lieu of amendment 6, on page 21, line 9, "initial" has been struck; and the matter beginning with "recommendation" in line 11 through "applicable" in line 13 has been struck and "decision" inserted.

Enrollment and Review Change to LB 736

The following changes, required to be reported for publication in the Journal, have been made:
ER0180

1. In the Standing Committee amendments, AM0659, adopted April 16, 1987, on page 4, line 19, the colon has been struck; and in line 20 the paragraphing has been struck and "Preference" has been struck and "preference" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

ATTORNEY GENERAL'S OPINION

Opinion No. 87068

DATE: May 5, 1987

REQUESTED BY: Senator Gary Hannibal

WRITTEN BY: Robert M. Spire, Attorney General
John R. Thompson, Deputy Attorney General

In your March 24, 1987, letter you asked whether the notice and dollar limitations provisions of LB 258 constitute a denial of due process and what is meant by the phrase "after such claim accrued."

First, we do not see any denial of due process in the notice and dollar limitations. Any potential claimants have a method and procedure whereby they may proceed against the employees as well as the subdivision.

Arguments might be raised as to equal protection under the United States and Nebraska Constitutions or the special legislation provision of the Nebraska Constitution. However, these questions have been fully addressed in Campbell v. City of Lincoln, 195 Neb. 703, 240 N.W.2d 339 (1976). The court in Campbell held that requiring claims against a political subdivision to be filed within one year and suits to be filed within two years did not violate the equal protection clauses of either the United States or the Nebraska Constitutions or Article III, Section 18, of the Nebraska Constitution. The court held that classifying all Nebraska political subdivisions as a separate class was a reasonable classification, operated uniformly upon all members of the class, and was not constitutionally defective.

Further, the placing of dollar limitations or caps on recovery in certain tort actions has been addressed on a number of occasions and found not to violate the equal protection, special legislation, or due process provisions of the state and United States Constitution. In Canley v. City of Jacksonville, 403 So.2d 379 (1981), the Supreme Court of Florida held a statute limiting recovery against a municipality to $100,000.00 was constitutional. A similar holding was enunciated in Sambs v. City of Brookfield, 97 Wis.2d 356, 293 N.W.2d 504 (1980), by the Wisconsin Supreme Court. See also, Jetton v. Jacksonville Electric Authority, 399 So.2d 396 (1981).

The Nebraska Supreme Court in Prendergast v. Nelson, 199 Neb. 97, 256 N.W.2d 657 (1977), upheld the Nebraska Hospital-Medical Liability Act which, among other things, limited the dollar recovery in medical malpractice cases. The court again held that a person has no vested interest in any rule of the common law.

We believe the court would hold similarly with respect to employees of political subdivisions, there being a legitimate legislative purpose in doing so. The subdivisions have an interest in being able to hire and retain competent personnel. If not given some protection from lawsuits for actions in the course of their employment, that might arguably be difficult. There may be other similarly acceptable purposes such as limiting the financial burdens of the political subdivision which has agreed to indemnify its employees for acts in the scope of employment.

You also inquired when a "claim accrues" under the statute. The Nebraska courts have consistently held that a cause of action accrues when a person can institute and maintain a suit against another. Department of Banking v. Mullen, 134 Neb. 338, 278 N.W. 551 (1938); Weiss v. Weiss, 179 Neb. 714, 140 N.W.2d 15 (1966), and; Condon v. A. H. Robins Co., Inc., 217 Neb. 60, 349 N.W.2d 622 (1984).

In Condon, the court held that under Neb.Rev.Stat. §25-244(1) the four year statute of limitations does not begin to run until the aggrieved person discovers or reasonably could have discovered the injury. The time of the negligent act alone is not the key. There must also be injury. If the injury cannot reasonably be discovered, the statute will not start to run until the injury is or could reasonably be discovered. This appeart to be the rule in Nebraska, and we believe it would be applied with respect to actions under the Political Subdivision Tort Claims Act as proposed to be amended by LB 258.

Very truly yours,
ROBERT M. SPIRE
Attorney General

(Signed) John R. Thompson
Deputy Attorney General

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

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 773 in the Journal. No objections. So ordered.

AM1229

(Amendments to the Final Reading copy)

1. On page 7, line 25, after "77-2716" insert "and section 10 of this act".

2. On page 15, line 22, after "income" insert ", or for corporations federal taxable income,".

3. On page 18, line 21, after "income" insert ", or for corporations federal taxable income,".

4. On page 29, lines 11 and 12, strike the new matter.

SELECT FILE

LEGISLATIVE BILL 124. Mr. Lamb asked unanimous consent to bracket until January 10, 1988. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 87069

DATE: May 5, 1987

SUBJECT: Proposed Amendment of Legislative Bill 335 Concerning Exemption of Retirement Plan Benefits

REQUESTED BY: Senator Don Wesely
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Fredrick F. Neid, Assistant Attorney General

This is in response to your questions concerning proposed amendment No. 1060 to Legislative Bill 335. Your specific inquiries are related to Section 4 of the proposed amendment to Neb.Rev.Stat. §44-1089 (Supp. 1986) appearing on page 1799 of the Legislative Journal for April 22, 1987.

Your inquiry appears to be the effect on state retirement and similar plans of the assignability provision of retirement plans contained in Section 4. The amendatory language of Section 4, in part, states:

> All proceeds, cash values, and benefits accruing under any employer-funded retirement annuity, individual retirement account, or individual pension plan, which is funded with substantially equal, regular payments, shall be exempt from attachment, garnishment, or other legal or equitable process and from all claims of creditors of the annuitant, unless a written assignment to the contrary has been obtained by the claimant.

This provision, in general, subjects these types of retirement benefits to legal process if the claimant has obtained a written assignment from the annuitant (beneficiary). It is our opinion that the proposed amendment would have no effect on the non-assignability of benefits of the state, school, and retirement plans you have inquired about.

Neb.Rev.Stat. §44-1089 (Supp. 1986), is a general statute having general application. The governmental retirement plans you have inquired about are established by separate legislative acts which include specific exemption provisions. For example, Neb.Rev.Stat. §84-1324 (Supp. 1986) provides:

> All annuities or benefits which any person shall be entitled to receive under the State Employees Retirement Act shall not be subject to garnishment, attachment, levy, the operation of bankruptcy or insolvency, or any other process of law whatsoever and shall not be assignable, except that a judgment, decree, or order including approval of a property settlement agreement made pursuant to law that relates to child support, alimony payments, or marital property rights of a spouse, former spouse, child, or other dependent shall be complied with.

The same or similar exemption provisions are contained in statutes pertaining to retirement systems for counties, school employees, judges, legislators, and the state patrol. These statutes expressly

provide that the retirement benefits are not assignable and are exempt from legal process.

It is a well-established rule that special provisions of a statute in regard to a particular subject will prevail over general provisions in the same or other statutes so far as there is a conflict. Hall v. Cox Cable of Omaha, Inc., 212 Neb. 887 (1982). Kibbon v. School District of Omaha, Inc., 196 Neb. 293 (1976). Accordingly, where general and special statutes are in conflict, the general law yields to the special. For this reason, it is our opinion the the proposed amendatory language concerning assignability would have no application to the state and similar retirement plans you have inquired about.

You have also inquired concerning the potential liability of the retirement plans if benefits were assigned by a state employee who terminated employment and amounts in the employers account were forfeited as a result. It is our opinion that the forfeited amounts would not be subject to legal process because of express provisions precluding assignability. A purported assignment would be invalid. Further, even if retirement plan benefits were assignable, an assignee (creditor) is entitled to no greater rights or benefits in the plan than the assignor (beneficiary). Accordingly, forfeited amounts would continue to be forfeited in the event of a valid permissible assignment.

While the exemption provisions for these plans remain intact, it is important to point out that this protection from legal process is limited. The protection exists and continues only while the funds and benefit amounts are in the hands of the retirement system. Once benefits or annuity amounts are released to the beneficiary, the amounts are subject to legal process the same as any other property or assets in the hands of a debtor obligor.

Since it is our opinion that the proposed amendment would not "countermand" the existing exemption provisions and would not increase the liability of the retirement plans, it is not necessary to address the other questions you have raised.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Fredrick F. Neid
Assistant Attorney General

FFN:jem
cc: Patrick J. O'Donnell
Clerk of the Legislature

3/20

VISITORS

Visitors to the Chamber were 8 eighth grade students and teacher from Inman; Eloise Riha from Omaha, and Carol and Bob Traynor from New York, New York; 11 kindergarten through eighth grade students and teacher from School District 53, Nebraska City; 27 fourth grade students and teacher from Mockingbird Elementary, Omaha; 22 third and fourth grade students and teacher from Bradshaw; 18 students and teachers from Rideau Valley Middle School, Kars, Ontario (Canada); 4 students and teacher from Wilber-Clatonia School; 22 third grade students and teacher from Tecumseh; and 80 fourth grade students and teachers from Lakeview School, Lincoln.

ADJOURNMENT

At 3:51 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 8:00 a.m., Wednesday, May 6, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SIXTH DAY - MAY 6, 1987

LEGISLATIVE JOURNAL

SEVENTY-SIXTH DAY - MAY 6, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SEVENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 6, 1987

Pursuant to adjournment, the Legislature met at 8:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Jimmy Shelbourn, First Presbyterian Church, Beatrice, Nebraska.

ROLL CALL

The roll was called and all members were present except Mesdames Marsh and Pirsch who were excused; and Messrs. Abboud, Ashford, Baack, Beyer, Chambers, Conway, Coordsen, Hall, Hannibal, Harris, Hartnett, R. Johnson, V. Johnson, Landis, McFarland, Moore, Peterson, Remmers, Wesely, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Fifth Day was approved.

GENERAL FILE

LEGISLATIVE BILL 451. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 2 present and not voting, and 22 excused and not voting.

LEGISLATIVE BILL 652. Title read. Considered.

Standing Committee amendments, AM0544, found in the Journal on page 1218 for the Forty-Seventh Day were considered.

Mr. Remmers offered the following amendment to the Standing Committee amendments:

1. On page 1, line 1 after the comma insert "and"; and in line 2 strike "15, and"

Mr. Remmers withdrew his pending amendment.

The Standing Committee amendments were adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 390. Title read. Considered.

Standing Committee amendments, AM0682, found in the Journal on page 1255 for the Forty-Eighth Day were adopted with 26 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 390A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 684. Title read. Considered.

Messrs. Moore, R. Johnson, Warner, and L. Johnson withdrew their pending amendment, AM1085, found in the Journal on page 1945.

Mr. L. Johnson offered the following amendment:
AM1238

1. On page 2, line 9, after "Nebraska" insert "or by any official test station or organization sanctioned by a governmental agency with whom a reciprocity agreement exists"; and in line 24 after "Nebraska" insert "or to any official test station or organization sanctioned by a governmental agency with

whom a reciprocity agreement exists".

2. On page 5, strike beginning with "(a)" in line 6 through the period in line 18, show the old matter as stricken, and insert "For testing performed by the University of Nebraska, the Board of Regents of the University of Nebraska shall adopt and promulgate current standards for the testing of tractors as published by the Society of Automotive Engineers and the American Society of Agricultural Engineers or those published by other internationally recognized organizations."; and in line 21 after the colon insert the following new subdivision:

"(a) Enter into any reciprocity agreements with other offical test stations or organizations sanctioned by a governmental agency;".

3. On page 6, line 4, strike "(a)" and insert "(b)"; and in line 5 strike "(b)" and insert "(c)"; and in line 10 after "Nebraska" insert "or by any offcial test station or organization sanctioned by a governmental agency with whom a reciprocity agreement exists".

The L. Johnson amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 279. Title read. Considered.

Standing Committee amendment, AM0510, found in the Journal on page 1016 for the Forty-First Day was considered.

Mr. Schmit renewed his pending amendment, AM0811, found in the Journal on page 1428 to the Standing Committee amendment.

The Schmit amendment was adopted with 18 ayes, 0 nays, 22 present and not voting, and 9 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 29 ayes, 1 nay, 10 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 736A. By Scofield, 49th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 736, Ninetieth Legislature, First Session, 1987.

STANDING COMMITTEE REPORT
Agriculture

LEGISLATIVE RESOLUTION 10CA. Placed on General File as amended.
Standing Committee amendments to LR 10CA:
AM1217

1. On page 4, line 20, after "poultry" insert "or producing eggs or other poultry products".
2. On page 8, line 9, after "by" insert "allowing the production of eggs or other poultry products,"; and in line 11 after "allowed" insert a comma.

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 787. Title read. Considered.

Mr. Warner renewed the pending Appropriations Committee amendment, AM1087, found in the Journal on page 1862.

Mr. Wehrbein offered the following amendment to the pending Appropriations Committee amendment:
(1) on page 1, line 3, strike "2,054,800" and insert "1,536,350";

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 12 nays, and 25 not voting.

Mr. Goodrich moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. Wehrbein requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Ashford	Hall	Johnson, L.	Landis	Warner
Barrett	Hannibal	Johnson, R.	Lynch	Wehrbein
Beyer	Harris	Johnson, V.	McFarland	Wesely
Chizek	Hartnett	Labedz	Morehead	Withem
Goodrich	Hefner			

Voting in the negative, 25:

Abboud	Dierks	Lamb	Pappas	Schellpeper
Baack	Elmer	Langford	Peterson	Schmit
Chambers	Haberman	Miller	Remmers	Scofield
Conway	Higgins	Moore	Rogers	Smith
Coordsen	Korshoj	Nelson	Rupp	Weihing

Excused and not voting, 2:

Marsh Pirsch

The Wehrbein amendment lost with 22 ayes, 25 nays, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner offered the following amendment to the pending Appropriations Committee amendment:
In line 3 strike "2,054,800" and insert "$518,450.00"

PRESIDENT NICHOL PRESIDING

Mr. Remmers 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. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner moved for a call of the house. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Ashford	Hannibal	Johnson, R.	McFarland	Smith
Barrett	Harris	Johnson, V.	Morehead	Warner
Chizek	Higgins	Landis	Nelson	Wesely
Hall	Johnson, L.	Langford	Scofield	

Voting in the negative, 23:

Abboud	Coordsen	Lamb	Peterson	Schellpeper
Baack	Dierks	Lynch	Remmers	Schmit
Beyer	Elmer	Miller	Rogers	Wehrbein
Chambers	Goodrich	Moore	Rupp	Weihing
Conway	Korshoj	Pappas		

Present and not voting, 3:

Hartnett	Labedz	Withem

Excused and not voting, 4:

Haberman	Hefner	Marsh	Pirsch

The Warner amendment lost with 19 ayes, 23 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?"

Mr. R. Johnson moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

The motion to cease debate prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. Warner requested a roll call vote on the Appropriations Committee amendment.

Voting in the affirmative, 20:

Ashford	Goodrich	Johnson, L.	Lamb	Smith
Barrett	Hall	Johnson, R.	Landis	Warner
Beyer	Hannibal	Johnson, V.	McFarland	Wehrbein
Chizek	Harris	Labedz	Morehead	Wesely

Voting in the negative, 23:

Abboud	Dierks	Miller	Remmers	Schmit
Baack	Elmer	Moore	Rogers	Scofield
Chambers	Higgins	Nelson	Rupp	Weihing
Conway	Korshoj	Pappas	Schellpeper	Withem
Coordsen	Lynch	Peterson		

Present and not voting, 2:

Hartnett Langford

Excused and not voting, 4:

Haberman Hefner Marsh Pirsch

The Appropriations Committee amendment lost with 20 ayes, 23 nays, 2 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. No objections. So ordered.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 110.

Introduced by Barrett, 39th District; Labedz, 5th District.

WHEREAS, the Nebraska Association of Former Legislators met with the Legislature on April 29, 1987; and

WHEREAS, Wally Barnett, president of the association, and Ross Rasmussen, organizer of the association, on behalf of the association presented two portable podiums to the Legislature at such meeting; and

WHEREAS, both podiums are beautifully finished in American walnut to match the walnut used throughout the capitol building; and

WHEREAS, both podiums will have multiple uses by the Legislature, governmental agencies, and outside groups meeting at the capitol; and

WHEREAS, this was an especially thoughtful gift inasmuch as there has been a need in the past for portable podiums but none were available for such multiple uses; and

WHEREAS, the podiums will be used by the people of Nebraska for many years to come.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature expresses its thanks and appreciation to the Nebraska Association of Former Legislators for the gift of the podiums and the thoughtfulness in which the gift was chosen.

2. That a copy of this resolution be sent to Wally Barnett, President, Nebraska Association of Former Legislators.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. Landis, Ashford, V. Johnson, and Chizek asked unanimous consent to print the following amendment to LB 270 in the Journal. No objections. So ordered.

AM1236

1. In the Chizek amendment, AM0573:

a. On page 2, line 22, after "exceed" insert "fifty per cent of";

b. On page 3, line 23, strike "(d)" and insert "(f)"; and

c. On page 4, line 3, after "business" insert "activity"; and in line 24, strike "subdivisions (a) to

(e) of this subsection", show the old matter as stricken, and insert "this section".

2. In the E & R amendment, AM5198, on page 1, line 13, strike "lines" and insert "line" and strike "and 24".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1233

(Amendments to Standing Committee amendments, AM0968)

1. On page 2, line 21, after "was" insert "employed in Nebraska and".

2. On page 3, line 23, strike "Nebraska".

3. On page 4, line 12, after "business" insert "activity".

4. On page 6, line 22, strike "72-1269" and insert "72-1276".

5. On page 10, line 22, strike "year" and insert "user".

6. On page 16, after line 2 insert the following new subsection:

"(e) Interest shall not be allowed on any sales and use taxes refunded under the Employment and Investment Growth Act.".

7. On page 18, strike lines 1 and 2; in line 3 strike "(4)" and insert "(3)"; in line 11 strike "(5)" and insert "(4)"; in line 18 strike "(6)" and insert "(5)"; and in line 24 strike "(7)" and insert "(6)".

8. On page 19, line 5, strike "(8)" and insert "(7)"; strike lines 8 and 9 and insert "of God or national emergency."; and in line 24 strike "qualified".

9. On page 21, line 18, after "shall" insert ", at the time of the first sale or exchange for which the election is made,".

10. On page 22, line 2, after the second "the" insert "brother, sister,".

Mr. Hartnett asked unanimous consent to print the following amendment to LB 780 in the Journal. No objections. So ordered.

AM1221

Purpose: To add 1 FTE maintenance staff position to SAC museum operations.

1. On page 148, in lines 5 and 6, strike "355,344" and insert "369,449" and strike "379,341" and insert "393,446"; in line 8 strike "$144,511" and insert "$158,616"; in line 11 strike "$150,316" and insert "$164,421"; in line 16 strike "1,739,677" and insert "1,753,792" and strike "1,766,818" and insert "1,780,923"; in line 18 strike "18,697,800" and insert "18,711,915" and strike "18,732,940" and insert "18,747,045".

Messrs. Withem, Hall, Landis, Ashford, Wesely, and Chizek asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1234
(Amendments to Standing Committee amendments, AM0968)

1. Insert the following new sections:

"Sec. 16. The Legislature hereby finds and declares that sections 17 to 19 of this act are necessary for the creation of jobs and economic development within the state. The implementation of such sections will lead to job creation and economic development through the development of a better trained and qualified workforce within the state.

Sec. 17. The Legislature hereby finds and declares that a sound elementary and secondary education system is an important factor to induce businesses to locate in the state and that therefore it is necessary to demonstrate the state's commitment to maintain the elementary and secondary education system and to become more of an equal partner in support of the system. It is the intent of the Legislature to increase state support of elementary and secondary education in order that each school district in the state may provide quality educational services for its residents.

Sec. 18. The Legislature hereby finds and declares that there is a need to maintain a strong viable postsecondary education system which will provide the academic support for a statewide economic development program and strategy. The Legislature further finds that retention of current faculty and attraction of new faculty of high caliber is a key factor in maintaining the strength of the postsecondary education systems. It is the intent of the Legislature

to increase the salary levels of faculty at all of the state colleges and at the three campuses of the University of Nebraska in order to retain the current faculty and attract new faculty.

Sec. 19. The Legislature hereby finds and declares that the state's commitment to the improvement of elementary and secondary schools is an important factor in business location decisions and that funding of authorized school improvement programs authorized by the Legislature in Legislative Bill 994, Eighty-eighth Legislature, Second Session, 1984, will demonstrate the state's commitment to upgrade the teaching and instruction available in the elementary and secondary schools of the state. It is the intent of the Legislature to provide funding for the programs authorized by such legislative bill.".

2. Renumber the remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1227

(Amendments to AM0968)

1. Insert the following new sections:

"Sec. 16. Sections 9, 10, 12, and 17 of this act shall become operative for all taxable years beginning or deemed to begin on or after January 1, 1988. The remaining sections of this act shall become operative on their effective date.

Sec. 17. That original section 77-2701, Reissue Revised statutes of Nebraska, 1943, is repealed.".

2. In the E and R amendments, on page 4, line 4, strike "77-2701,".

3. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 288. Title read. Considered.

Standing Committee amendments, AM0525, found in the Journal on page 991 for the Fortieth Day were considered.

Pending.

VISITORS

Visitors to the Chamber were 60 fourth grade students and teacher from May Morley School, Lincoln; 36 sixth grade students and teacher from Morton School, Hastings; 30 fourth grade students and teacher from West Park School, Columbus; and 10 members of the Omaha Chamber of Commerce.

RECESS

At 11:24 a.m., on a motion by Mr. Chambers, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hall, Hartnett, R. Johnson, Rupp, Wehrbein, Mesdames Marsh, and Pirsch who were excused; and Messrs. Hannibal, Lynch, and Withem who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mrs. Smith asked unanimous consent to print the following amendment to LB 787 in the Journal. No objections. So ordered.

1. Insert the following new section:
"Sec. 3. There is hereby appropriated

$518,450 from the Nebraska Energy Settlement Fund for the period July 1, 1987, to June 30, 1988, to the State Energy Office, for Program 106, for agricultural projects.

The unexpended balance of the appropriation in this section existing on June 30, 1988, is hereby reappropriated for FY1988-89.".

RESOLUTION

LEGISLATIVE RESOLUTION 111.

Introduced by Warner, 25th District.

WHEREAS, former Sergeant at Arms Ray Wilson and his wife, Letha, will celebrate their 70th wedding anniversary on May 8, 1987; and

WHEREAS, Ray Wilson served the Legislature as Sergeant at Arms for nineteen years before his retirement in 1984; and

WHEREAS, Ray and Letha Wilson's children are Donna Bennett of Kansas City, Mr. and Mrs. Max E. Wilson of Rancho Santa Fe, California, Mr. and Mrs. H. Eugene Wilson of Modesto, California, and Mrs. Jack Wilson of Denver; and

WHEREAS, a 70th wedding anniversary is a joyous occasion worthy of recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature extend their best wishes to Ray and Letha Wilson on their 70th wedding anniversary.

2. That a copy of this resolution be presented to Ray and Letha Wilson.

Laid over.

MOTION - Place LB 297 on General File

Messrs. McFarland, Wesely, Harris, Chambers, Warner, Landis, and Mrs. Marsh renewed their pending motion found in the Journal on page 1956 to place LB 297 on General File pursuant to Rule 3, Section 19.

Mrs. Nelson 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. Higgins requested a record vote on the McFarland et al. motion.

Voting in the affirmative, 13:

Chambers	Higgins	McFarland	Pappas	Warner
Chizek	Labedz	Moore	Schmit	Wesely
Harris	Landis	Morehead		

Voting in the negative, 20:

Ashford	Conway	Haberman	Langford	Rogers
Baack	Coordsen	Johnson, L.	Nelson	Schellpeper
Barrett	Elmer	Johnson, V.	Peterson	Scofield
Beyer	Goodrich	Lamb	Remmers	Weihing

Present and not voting, 6:

Dierks	Hefner	Korshoj	Miller	Smith
Hannibal				

Excused and not voting, 10:

Abboud	Hartnett	Lynch	Pirsch	Wehrbein
Hall	Johnson, R.	Marsh	Rupp	Withem

The McFarland et al. motion lost with 13 ayes, 20 nays, 6 present and not voting, and 10 excused and not voting.

LB 297 stands indefinitely postponed.

RESOLUTIONS

LEGISLATIVE RESOLUTION 112.

By Judiciary Committee: Chizek, 31st District, Chairperson; Ashford, 6th District; Korshoj, 16th District; McFarland, 28th District; Nelson, 35th District; and Lynch, 13th District; Morehead, 30th District; Pappas, 42nd District; Scofield, 49th District.

PURPOSE: The purpose of this resolution is to examine the conflicting rights of employers to determine standards of conduct for their employees at the workplace and the right of employees to conduct their private lives with regard to the use of alcohol and drugs. Drug and alcohol testing is often conducted as a condition of and during the course of employment. Both employees and employers are concerned about the effects of drug and alcohol intoxication and impairment on safety in the workplace. They are also concerned that the testing procedures and chain of custody are accomplished in a method which guards against mistake, happenstance, and inaccurate or incomplete test results.

The study proposed by this resolution would examine the level of ingestion of alcohol, prescription drugs, and nonprescription drugs, which according to the most recent available scientific information, would cause impairment of the employees duties in the workplace in light of the particular industry which the employee works and the functions performed. The study would also examine and determine what function or role, if any, the State of Nebraska and its subdivisions should assume in implementing drug and alcohol standards for private and public employers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 113.

By Judiciary Committee: Chizek, 31st District, Chairperson; Conway, 17th District; Korshoj, 16th District; McFarland, 28th District; Nelson, 35th District.

PURPOSE: The purpose of this resolution is to determine whether the laws of the State of Nebraska pertaining to Nebraska civil procedure should be amended to conform to the practices and procedures of the federal courts. Citizens, lawyers, and judges must use the civil procedures of Nebraska courts, which have been in place for generations while the federal civil procedures have been revamped

on an ongoing basis by the federal judiciary and Congress. It is a concern to the citizens, lawyers, and judges of Nebraska that the procedures and rules of practice of the Nebraska civil procedures often conflict with the federal court procedures and may cause confusion and inefficiency in the courts and hinder justice.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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.

SELECT FILE

LEGISLATIVE BILL 261. E & R amendment, AM5188, found in the Journal on page 1688 for the Sixty-Third Day was adopted.

Mr. Conway renewed his pending amendment, AM1038 found in the Journal on page 1780.

Mr. Conway withdrew his pending amendment.

Mr. Chizek renewed his pending amendment, AM1061, found in the Journal on page 1804.

The Chizek 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 442. Messrs. Remmers and Peterson renewed their pending amendment, AM1011, found in the Journal on page 1733.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Remmers-Peterson amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Peterson withdrew his pending amendment, AM0982, found in the Journal on page 1734.

Mr. Peterson offered the following amendment:
AM1042
1. Insert the following new section:
"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Peterson amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

PRESIDENT NICHOL PRESIDING

Mr. Peterson renewed his pending amendment, AM1202, found in the Journal on page 2004.

The Peterson amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 114.

Introduced by Coordsen, 32nd District.

WHEREAS, the Village of Gilead is celebrating its centennial this year; and

WHEREAS, Gilead was named after Mt. Gilead, Palestine because its proximity to Hebron mirrors the proximity of Mt. Gilead to Hebron in Palestine; and

WHEREAS, the Village of Gilead lay between the Rose Creek settlement and the Oregon Trail and was the center of a prosperous farming region; and

WHEREAS, Lovaine Gibson, a former mayor, was one of two women who were the first women mayors in Nebraska;

WHEREAS, community spirit thrives in Gilead and is representative of the enduring pioneer spirit of the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its best wishes to Gilead for its centennial celebration.

2. That a copy of this resolution be sent to Viola Gaston, mayor of Gilead.

Laid over.

LEGISLATIVE RESOLUTION 115.

Introduced by Hannibal, 4th District.

WHEREAS, in 1982 the Omaha Public Schools, with support from an initial grant from the Nebraska State Division on Alcoholism and Drug Abuse and the Omaha Council of Parent Teacher Association/Parent Teacher Student Association, initiated one of the nation's first "I Can Say NO" programs encouraging young people to say "NO" to drugs and alcohol; and

WHEREAS, the Omaha Public Schools implemented a curriculum of drug awareness and information in each OPS sixth grade classroom which has benefited more than 15,000 students since 1982; and

WHEREAS, the Omaha Public Schools and concerned parents have assisted in forming and supporting Parent Peer Prevention Power Clubs (4 PC) comprised of students in each of the system's ten junior high schools; and

WHEREAS, the Omaha Public Schools, with the assistance of the Omaha business community, have sponsored annual rallies at Rosenblatt Stadium since 1983, at which sixth through ninth grade students have publicly pledged to say "NO" to drugs and alcohol under the inspiring leadership of Bob Boozer and Coach Tom Osborne; and

WHEREAS, the Omaha Public Schools' 4 PC "I Can Say NO" Program is creating youthful leaders to combat drug and alcohol abuse in the Omaha community and the State of Nebraska; and

WHEREAS, the week of May 1-7, 1987, has been designated 4 PC "I Can Say NO Week" in the Omaha Public Schools; and

WHEREAS, approximately 5,000 Omaha Public Schools' elementary and junior high students, supported by their parents, are pledging to say "NO" to drugs and alcohol at rallies conducted at the Omaha Music Hall and Rosenblatt Stadium during the 1987 4 PC "I Can Say NO Week"; and

WHEREAS, in a time when drug and alcohol abuse among our youth is becoming of increasing concern in the State of Nebraska, the Omaha Public Schools 4 PC "I Can Say NO" Program offers a prime example of how schools, students, parents, and their communities can succeed together in preventing drug and alcohol abuse among our youth; and

WHEREAS, the Omaha Public Schools deserve special recognition for the 4 PC "I Can Say NO" Program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature recognize and commend the Omaha Public Schools for the initiative and leadership shown in organizing and conducting a successful and model program of drug and alcohol awareness and abuse prevention which sets an example for the rest of the State.

2. That the Legislature endorses the 4 PC "I Can Say NO" Program, and urges other Nebraska school districts and communities who have not done so to follow the lead of the Omaha Public Schools in adopting and implementing similar programs.

3. That copies of this Resolution be sent by the Clerk of the Legislature to the Superintendent and each member of the Board of Education of the Omaha Public Schools, as well as to the Nebraska Council of School Administrators and the Nebraska Association of School Boards for public distribution to all Nebraska school districts.

Laid over.

SELECT FILE

LEGISLATIVE BILL 561. E & R amendments, AM5189, found in the Journal on page 1689 for the Sixty-Third Day were adopted.

Mr. Pappas renewed his pending amendment, AM0990, found in the Journal on page 1733.

Mr. Pappas moved for a call of the house. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

The Pappas amendment was adopted with 25 ayes, 6 nays, 8 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Remmers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Morehead renewed her pending amendment, AM1027, found in the Journal on page 1779.

Mrs. Morehead moved for a call of the house. The motion prevailed with 8 ayes, 1 nay, and 40 not voting.

The Morehead amendment was adopted with 28 ayes, 1 nay, 8 present and not voting, and 12 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.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 561A. Mr. Moore offered the following amendment:
AM1232

1. Insert the following new sections:

"Sec. 2. There is hereby appropriated $50,000 from the General Fund for the period July 1, 1987, to June 30, 1988, to the University of Nebraska, Institute of Agriculture and Natural Resources, for Program 715, for an aquaculture position to aid in carrying out the provisions of Legislative Bill 561, Ninetieth Legislature, First Session, 1987.

Sec. 3. There is hereby appropriated $50,000 from the General Fund for the period July 1, 1987, to June 30, 1988, to the University of Nebraska, Institute of Agriculture and Natural Resources, for Program 715, for a poultry pathologist position to aid in carrying out the provisions of Legislative Bill 561, Ninetieth Legislature, First Session, 1987.".

Mr. Moore moved for a call of the house. The motion prevailed with 8 ayes, 1 nay, and 40 not voting.

Mr. Moore requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Ashford	Coordsen	Hefner	McFarland	Pappas
Baack	Dierks	Johnson, L.	Miller	Rogers
Chambers	Elmer	Johnson, V.	Moore	Schellpeper
Chizek	Goodrich	Labedz	Morehead	Weihing
Conway	Harris	Lamb	Nelson	Wesely

Voting in the negative, 2:

Hannibal	Peterson

Present and not voting, 9:

Barrett	Higgins	Langford	Scofield	Warner
Beyer	Korshoj	Schmit	Smith	

Excused and not voting, 13:

Abboud	Hartnett	Lynch	Remmers	Wehrbein
Haberman	Johnson, R.	Marsh	Rupp	Withem
Hall	Landis	Pirsch		

The Moore amendment was adopted with 25 ayes, 2 nays, 9 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 772. E & R amendments, AM5192, found in the Journal on page 1695 for the Sixty-Third Day were adopted.

Mrs. Higgins requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 772A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 138. E & R amendments, AM5193, found in the Journal on page 1754 for the Sixty-Fifth Day were adopted.

Mr. Schmit moved to indefinitely postpone LB 138.

Laid over.

LEGISLATIVE BILL 688. E & R amendments, AM5196, found in the Journal on page 1792 for the Sixty-Sixth Day were adopted.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Withem and Miller renewed their pending amendment, AM1146, found in the Journal on page 1928.

Mr. Withem moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

The Withem-Miller amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Mr. Lamb asked unanimous consent to pass over LB 688.

Mr. Withem objected.

Mr. Lamb moved to bracket until May 7, 1987.

Mr. Lamb withdrew his motion to bracket.

Mr. Withem withdrew his objection to pass over.

The Lamb unanimous consent request to pass over was renewed. No objections. So ordered.

LEGISLATIVE BILL 536. Mr. Pappas asked unanimous consent to bracket until May 7, 1987. No objections. So ordered.

LEGISLATIVE BILL 183. E & R amendments, AM5205, found in the Journal on page 1996 for the Seventy-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 184. E & R amendment, AM5206, found in the Journal on page 1997 for the Seventy-Fourth Day was adopted.

Mr. V. Johnson moved to indefinitely postpone LB 184.

Laid over.

LEGISLATIVE BILL 426. E & R amendments, AM5207, found in the Journal on page 1999 for the Seventy-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 599. E & R amendments, AM5156, found in the Journal on page 1403 for the Fifty-Second Day were adopted.

Mr. Wesely renewed the pending Lynch-Hartnett amendment, AM0906, found in the Journal on page 1600.

The Lynch-Hartnett amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. V. Johnson moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM1237 to LB 599.

The V. Johnson motion to suspend the rules prevailed with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

Mr. V. Johnson offered the following amendment:
AM1237

1. Insert the following new sections:

"Sec. 12. That section 43-512.07, Revised Statutes Supplement, 1986, be amended to read as follows:

43-512.07. The application for and acceptance of an aid to dependent children payment by a parent, other relative, or a custodian shall constitute an assignment of the right to child and spousal support payments and arrearages, from the inception of the court order, to the Department of Social Services up to the amount of aid to dependent children paid to the recipient. Child and spousal support payments made pursuant to a court order shall be paid to the Department of Social Services upon notice by the department to the clerk of the district court that the child is a recipient of public assistance. Upon receipt of notice from the department of such assignment of support payments, each clerk of the district court shall transmit the payments received to the department in

accordance with the cooperative agreement provided for in section 43-512.05 without the requirement of a subsequent order by the court. The clerk of the district court shall continue to transmit the payments for as long as the aid to dependent children payment continues. Any court-ordered child or spousal support remaining unpaid during the period of the assignment to the department shall constitute a debt and a continuing assignment at the termination of aid to dependent children payments, collectible by the department as reimbursement for aid to dependent children payments. The continuing assignment shall only apply to support payments made during a calendar period which exceed the specific amount of support ordered for that period. When aid to dependent children payments have ceased and upon notice by the department, the clerk of the district court shall continue to transmit to the department any support payments received on arrearages in excess of the amount of support ordered for that specific calendar period, until notified by the department that the debt has been paid in full, except that any amount of support arrearages that accrued after termination of aid to dependent children payments shall be paid first by the clerk to the person to whom support is due before any reimbursement is made to the department or the other state.

Sec. 13. That original section 43-512.07, Revised Statutes Supplement, 1986, is repealed.".

2. Insert underscoring in sections 1 to 11.

3. On page 2, line 1, strike "This" and insert "Sections 1 to 11 of this".

The V. Johnson amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Peterson asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 780. Placed on Select File as amended.
E & R amendments to LB 780:
AM5209

1. On page 4, line 12, strike "94" and insert "95".

2. On page 8, line 3, strike "7,314,342" and insert "7,061,502".

3. On page 15, strike line 11 and insert "shall only be used for such purpose.".

4. On page 22, lines 17 and 21, strike "Fund" and insert "Funds".

5. On page 32, line 3, strike "1,856,883" and insert "1,651,402" and strike "1,883,495" and insert "1,676,510"; and in line 5 strike "1,872,057" and insert "1,666,576" and strike "1,898,669" and insert "1,691,684".

6. On page 35, line 18, strike "41,821,003" and insert "42,201,755" and strike "43,323,668" and insert "43,798,612"; and in line 21 strike "44,250,756" and insert "44,631,508" and strike "45,747,862" and insert "46,222,806".

7. On page 45, line 5, strike "FY1986-87 and FY1987-88" and insert "FY1987-88 and FY1988-89".

8. On page 49, line 4, strike "1,676,922" and insert "1,677,390"; in lines 12 and 17 strike "Cash"; in line 13 strike beginning with the first "the" through the last comma and insert "FY1987-88"; in line 17 strike beginning with "the" through the last comma and insert "FY1988-89"; and in line 20 after "Products" insert "and".

9. On page 57, line 18, after "Funds" insert a comma.

10. On page 64, line 22, strike the comma; and in line 25 strike "'region(s)'" and insert "region or regions".

11. On page 65, line 12, strike "region/provider" and insert "region or provider"; and in line 14 strike "regions/providers" and insert "region's or provider's".

12. On page 66, line 11, strike "providers" and insert "provider's".

13. On page 68, line 11, strike the period

and insert a colon.

14. On page 70, line 10, strike "$54,713,019" and insert "$54,731,019".

15. On page 71, line 7, strike "year" and insert "years"; and in line 13 strike "1986-87" and insert "FY1987-88 and FY1988-89".

16. On page 74, line 8, strike "3,787,898" and insert "3,787,896".

17. On page 76, strike line 5 and insert:

"No expenditures for personal services"; in line 6 strike "employees" and strike "appropriations" and insert "funds appropriated"; in lines 9 and 12 strike the first and third commas; in line 15 after the second "the" insert "Nebraska"; and in line 16 strike "Cash".

18. On page 94, line 24, after the second "the" insert "Nebraska".

19. On page 95, line 6, after "the" insert "Nebraska"; in line 12 strike the second comma; and in lines 13 and 14 strike the comma.

20. On page 103, line 12, strike "appropriation" and insert "appropriations"; and in line 13 strike beginning with "fiscal" through "provides" and insert "FY1987-88 and FY1988-89 provide".

21. On page 106, line 13; page 108, line 6; page 110, line 3; page 111, line 20, and page 115, lines 4 and 9, after "remissions" insert a comma.

22. On page 106, line 25; page 108, line 18; page 110, line 14; and page 112, line 7, strike "budget" and insert "budgets".

23. On page 113, strike line 7; and in lines 10, 11, and 12, strike "est" and insert "est.".

24. On page 115, lines 6 and 11, strike the first comma; and in line 22 after "Funds" insert a comma.

25. On page 116, line 3, after "Funds" insert a comma; in line 11 strike "University of Nebraska" and insert "Eugene C."; strike beginning with "University" in line 14 through "Center-Eppley" in line 15 and insert "Eugene C. Eppley"; strike beginning with "The" in line 16 through the period in line 21; and strike beginning with "University" in line 23 through "Center-Eppley" in line 24 and insert "Eugene C. Eppley".

26. On page 118, line 24, strike "1990-92"

and insert "1989-91".

27. On page 128, line 13, after "salaries" insert "and per diems".

28. On page 129, lines 16 and 18, after "$6,600" insert "Cash Funds".

29. On page 130, line 19, after "laws" insert "in FY1987-88" and in line 25 after "laws" insert "in FY1988-89".

30. On page 131, line 12, after "expenses" insert "in FY1987-88"; and in line 24 after "expenses" insert "in FY1988-89".

31. On page 132, lines 1 and 13 after "Fund" insert "for".

32. On page 133, lines 10 and 14 strike "Nebraska State Patrol".

33. On page 136, line 9, strike "June 30, 1987,"; and in line 10 after "balance" insert "existing on June 30, 1987,".

34. On page 137, line 12, strike "1,467,942" and insert "1,467,947".

35. On page 138, line 5, strike "4,080,807" and insert "4,080,785"; in line 6 strike "2,485,831" and insert "2,485,836"; and in line 8 strike "49,355,936" and insert "49,355,941" and strike "53,716,148" and insert "53,716,126".

36. On page 140, lines 21 and 24, strike the comma.

37. On page 142, line 23, strike "the most recently completed" and "fiscal"; and in line 24, strike "year" and insert "FY1986-87".

38. On page 143, line 1, strike "the current"; and in line 2 strike "fiscal year" and insert "FY1987-88 and FY1988-89".

39. On page 145, lines 7 and 24, after "FUND" insert "est."; and in lines 15 and 18 after "Funds" insert "estimate".

40. On page 146, line 15, after "(9)" insert "Program No. 604 -"; in line 22 after "program" insert "for FY1987-88"; and in line 24 after "program" insert "for FY1988-89".

41. On page 148, line 15, strike "4,079,447" and insert "4,179,447" and strike "4,087,446" and insert "4,187,446"; in line 16 strike "1,739,677" and insert "1,739,687"; and in line 18 strike "18,697,800" and

insert "18,797,810" and strike "18,732,940" and insert "18,832,940".

42. On page 150, line 21, strike the last comma.

43. On page 162, line 12, strike "FY1986-87" and insert "FY1987-88 and FY1988-89".

44. On page 165, line 4, strike "FY1987-89" and insert "FY1987-88"; and in line 18 strike "Employees'" and insert Employees" and after "Program" insert "No.".

45. On page 173, line 5, strike "Department of".

46. On page 190, line 9, after "include" insert ", but not be limited to,".

LEGISLATIVE BILL 782. Placed on Select File as amended.
E & R amendments to LB 782:
AM5208

1. On page 1, line 5, strike "repeal obsolete provisions" and insert "eliminate provisions relating to salaries and other terms and conditions of employment".

2. On page 2, line 5, strike the last comma and show as stricken.

3. On page 5, line 2, strike "1988" and insert "Ninetieth" and after "Legislature" insert ", Second Session,".

LEGISLATIVE BILL 782A. Placed on Select File as amended.
E & R amendments to LB 782A:
AM5212

1. On page 11, line 5, strike "12,948" and insert "11,948".

2. On page 27, line 17, strike "3,939" and insert "5,322" and strike "8,007" and insert "10,809"; and in line 19 strike "117,213" and insert "118,596" and strike "243,400" and insert "246,202".

3. On page 28, lines 20 and 21, strike "61,854" and insert "67,854".

4. On page 48, line 23, strike "est.".

5. On page 68, line 22, strike "63,796" and insert "63,795"; and in line 25 strike "306,145" and insert "306,144".

6. On page 84, line 24, strike the comma; and in line 25 strike "have actually been" and insert

"approved by the Governor.".

7. On page 85, strike beginning with "reviewed" in line 1 through the period in line 3; in line 5 strike "(a)" and after the last comma insert "relative to FY1987-88"; in line 6 strike "(b)" and insert "on" and before the period insert ", relative to FY1988-89"; in lines 10 and 22 strike "within" and insert "in"; in line 24 after "diems" insert "for FY1988-89"; and in line 25 strike "FY1989-90".

8. On page 86, line 1, strike "and FY1990-91" and after "funding" insert "for each fiscal year of the succeeding biennium.

(5) The limitation on expenditures for permanent and temporary salaries and per diems for FY1988-89 shall be increased by amounts encumbered from FY1987-88 for permanent and temporary salaries and per diems. Encumbered amounts shall be calculated in accordance with section 81-138.01.

(6) The limitation on expenditures for permanent and temporary salaries and per diems shall only apply to remuneration paid to state employees or per diem payments made to members of state boards or commissions. Such limitations shall not apply to expenditures made by local governmental entities utilizing state aid funds appropriated in this act"; and in lines 11 and 16 strike "is" and insert "are".

LEGISLATIVE BILL 783. Placed on Select File.

LEGISLATIVE BILL 783A. Placed on Select File as amended.
E & R amendments to LB 783A:
AM5211

1. On page 1, line 3, after the semicolon insert "to provide an operative date;".

2. On page 32, line 5, strike "est."; and in lines 23 and 25 insert "Nebraska" before "Commission".

3. On page 38, line 23, strike "$7,772" and insert "$0".

4. On page 38, line 25; and page 39, line 3, strike "Nebraska State Patrol".

5. On page 40, strike line 5.

6. On page 45, line 17, strike "section" and insert "sections"; and in line 18 strike "section".

LEGISLATIVE BILL 784. Placed on Select File as amended.
E & R amendments to LB 784:
AM5210

1. On page 5, line 19, strike the first comma.

2. On page 7, line 16, after "Funds" insert "each fiscal year".

3. On page 8, line 15, after "the" insert "Nebraska".

RESOLUTIONS

LEGISLATIVE RESOLUTION 116.

Introduced by Ashford, 6th District; Conway, 17th District.

PURPOSE: Nebraska legislators have been faced with various proposals each recent legislative session to modify our state's comparative fault statutes, the related doctrine of joint and several liability, and the collateral source rule. The issues involved are complex and deserving of a thorough study to determine whether changes in Nebraska law on comparative fault would be timely and would result in more fair administration of civil justice in this state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 117.

Introduced by Judiciary Committee: Ashford, 6th District; Chambers, 11th District; Conway, 17th District; Korshoj, 16th District; Nelson, 35th District; and Baack, 47th District; V. Johnson, 8th District; Rogers, 41st District.

PURPOSE: There is concern whether the gambling statutes are selectively enforced. Similarly, the citizens of this state are concerned

whether the gambling laws of this state reflect the community standards within which they are enforced. Additionally, there is a need to determine whether the technical legal standards set forth in the gambling statutes and the procedures pertaining to such statutes fairly and accurately describe the conduct prohibited and the responsibility of law enforcement officers and prosecutors in implementing such statutes and procedures.

The purpose of this study is to review these concerns with the gambling statutes of the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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. Chambers asked unanimous consent to print the following amendment to LB 768 in the Journal. No objections. So ordered.

Add new section: "The warrants by which Legislators are paid their monthly salary shall be printed on paper no larger in size than 20% of the size of the paper on which other state warrants are printed."

Mr. Lynch asked unanimous consent to print the following amendment to LB 184 in the Journal. No objections. So ordered.

AM1209

(Amendments to Standing Committee amendments AM1026)

1. On page 1, line 3, strike "the appropriations bill" and insert "legislation, subsequent to such provision of law".

Mr. Wesely asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1244

(Amendments to Standing Committee amendments, AM0968)

1. On page 9, after line 12, insert the following new subsection:

"(7)(a) Any taxpayer who utilizes the incentives set forth in the Employment and Investment Growth Act shall, as a condition to qualify for such incentives, submit to the Clerk of the Legislature the following information:

(i) State corporate income tax credits, state sales and use tax refunds, and the local taxes forgone through the personal property tax exemption which are earned;

(ii) State corporate income tax credits, state sales and use tax refunds, and the local taxes forgone through the personal property tax exemptions which are used;

(iii) The amount and type of investment made as part of each qualifying project;

(iv) The number of new full-time employees employed as part of each qualifying project;

(v) The number of part-time employees employed as part of each qualifying project;

(vi) The total compensation and average compensation paid to the new full-time employees employed as part of each qualifying project; and

(vii) The total compensation and average compensation paid to the new part-time employees employed as part of each qualifying project.

(b) For purposes of this subsection:

(i) Full-time employee shall mean a Nebraska employee hired on a permanent basis working an average of forty hours per week or more;

(ii) Incentives shall mean (A) state corporate income tax credits, (B) state sales and use tax refunds, and (C) local personal property exempted pursuant to the Employment and Investment Growth Act; and

(iii) Part-time employee shall mean a Nebraska employee hired on a temporary basis or working less than an average of forty hours per week.".

2. Insert the following new section:

"Sec. 11. The Employment and Investment Growth Act and sections 9 and 10 of this act shall terminate on January 1, 1991. Any rights or benefits existing prior to January 1, 1991, shall not be affected

by such termination.".

3. Renumber the remaining sections accordingly.

MOTION - Withdraw LB 708

Mr. Schmit withdrew his pending motion found in the Journal on page 1616 to withdraw LB 708.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wesely asked unanimous consent to have his name added as co-introducer to LB 561. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 126. Title read. Considered.

Mr. Pappas moved to indefinitely postpone LB 126.

Laid over.

LEGISLATIVE BILL 474. Title read. Considered.

Standing Committee amendment, AM0337, found in the Journal on page 821 for the Thirty-First Day was adopted with 25 ayes, 1 nay, 8 present and not voting, and 15 excused and not voting.

Advanced to E & R for Review with 26 ayes, 3 nays, 6 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 767. Title read. Considered.

Standing Committee amendment, AM0398, found in the Journal on page 855 for the Thirty-Third Day was considered.

Mr. Lamb renewed his pending amendment, AM0701, found in the Journal on page 1329 to the Standing Committee amendment.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Lamb amendment was adopted with 15 ayes, 0 nays, 19 present and not voting, and 15 excused and not voting.

Mr. Beyer offered the following amendment:
to amend Lamb's amendment, to: "exempt any entity required by federal law to have these on file"

Mr. Beyer withdrew his pending amendment.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 1 nay, 8 present and not voting, and 15 excused and not voting.

Mr. Coordsen withdrew his pending amendment, AM0612, found in the Journal on page 1129.

Mr. Coordsen renewed his pending amendment, AM0752, found in the Journal on page 1320.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the pending Coordsen amendment:
On any part of the Interstate where the speed limit is 55 MPH, any person exceeding such limit by 10 MPH or less, shall be fined no more than $10, with no court costs nor penalty points assessed.

Mr. Lamb requested a ruling of the Chair on whether the Chambers amendment is germane to the bill.

The Chair ruled the Chambers amendment is not germane to the bill.

The pending Coordsen amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 767.

Messrs. Moore and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 3 nays, and 33 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 7:

Chambers	Labedz	Nelson	Pappas	Smith
Korshoj	Morehead			

Voting in the negative, 21:

Ashford	Coordsen	Hannibal	Lamb	Schellpeper
Baack	Dierks	Hefner	Langford	Warner
Barrett	Elmer	Johnson, L.	Miller	Weihing
Chizek	Goodrich	Johnson, V.	Rogers	Wesely
Conway				

Present and not voting, 3:

Beyer	Higgins	McFarland

Excused and not voting, 18:

Abboud	Hartnett	Marsh	Remmers	Scofield
Haberman	Johnson, R.	Moore	Rupp	Wehrbein
Hall	Landis	Peterson	Schmit	Withem
Harris	Lynch	Pirsch		

The Chambers motion to indefinitely postpone lost with 7 ayes, 21 nays, 3 present and not voting, and 18 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following motion in the Journal. No objections. So ordered.

I move that no Legislator be paid a per-diem if missing more than 80% of the votes on any given day.

Referred to the Executive Board.

Mr. Wesely asked unanimous consent to print the following amendment to LB 741 in the Journal. No objections. So ordered.

AM1121

1. In the Standing Committee amendments, AM0647, on page 4, strike beginning with "Such" in line 1 through line 4 and show the old matter as stricken.

2. In the E & R amendments, AM5179, on page 1, in line 7 after the semicolon insert "and"; strike beginning with the semicolon in line 10 through the quotation marks in line 14; and strike beginning with "line" in line 15 through the semicolon in line 16.

VISITORS

Visitors to the Chamber were 62 third, fourth, fifth, and sixth grade students and teachers from Bancroft-Rosalie School, Rosalie; 33 third and fourth grade students and teacher from Emerson-Hubbard, Emerson; 90 fourth grade students and teacher from Meadowlane School, Lincoln; and 75 fourth grade students and teachers from Pawnee Elementary School, Omaha.

MOTION - Adjournment

Mr. Lamb moved to adjourn. The motion prevailed with 22 ayes, 4 nays, 5 present and not voting, and 18 excused and not voting, and at 5:05 p.m., the Legislature adjourned until 9:00 a.m., Thursday, May 7, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SEVENTH DAY - MAY 7, 1987

LEGISLATIVE JOURNAL

SEVENTY-SEVENTH DAY - MAY 7, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SEVENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 7, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Louise Munkel, Christ Unity Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. R. Johnson, Peterson, Mesdames Marsh, Pirsch, and Ms. Scofield who were excused; and Messrs. Abboud, Baack, Moore, Rupp, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2056, show Senator Wehrbein as excused and not voting, instead of present and not voting.
Page 2069, line 6, after "amendment" insert ", as amended,".
The Journal for the Seventy-Sixth Day was approved as corrected.

GENERAL FILE

LEGISLATIVE BILL 288. The pending Standing Committee amendments, AM0525, found in the Journal on page 991 for the Fortieth Day and considered on page 2047 were renewed.

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 Standing Committee amendments were adopted with 27 ayes, 4 nays, 8 present and not voting, and 10 excused and not voting.

Mrs. Labedz, Messrs. Pappas, and Hall renewed their pending amendment, AM1099, found in the Journal on page 1919.

Mr. Coordsen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mrs. Labedz moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mrs. Labedz requested a roll call vote on the Labedz et al. amendment.

Voting in the affirmative, 25:

Ashford	Chizek	Johnson, V.	Morehead	Schmit
Baack	Conway	Korshoj	Nelson	Warner
Barrett	Haberman	Labedz	Pappas	Weihing
Beyer	Hall	Landis	Rupp	Wesely
Chambers	Hartnett	McFarland	Schellpeper	Withem

Voting in the negative, 10:

Coordsen	Hefner	Lamb	Miller	Rogers
Hannibal	Johnson, L.	Langford	Remmers	Wehrbein

Present and not voting, 7:

Dierks	Goodrich	Higgins	Lynch	Smith
Elmer	Harris			

Excused and not voting, 7:

Abboud	Marsh	Peterson	Pirsch	Scofield
Johnson, R.	Moore			

The Labedz et al. amendment was adopted with 25 ayes, 10 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Pappas moved to indefinitely postpone LB 288.

Mr. Withem 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. Warner moved for a call of the house. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

Mr. Warner requested a roll call vote on the Pappas motion to indefinitely postpone.

Voting in the affirmative, 22:

Baack	Coordsen	Hefner	McFarland	Rogers
Barrett	Dierks	Higgins	Morehead	Schellpeper
Beyer	Elmer	Korshoj	Pappas	Smith
Chambers	Goodrich	Lynch	Remmers	Weihing
Chizek	Harris			

Voting in the negative, 18:

Ashford	Hannibal	Lamb	Nelson	Warner
Conway	Hartnett	Landis	Rupp	Wehrbein
Haberman	Johnson, L.	Langford	Schmit	Wesely
Hall	Johnson, V.	Miller		

Present and not voting, 2:

Labedz	Withem

Excused and not voting, 7:

Abboud	Marsh	Peterson	Pirsch	Scofield
Johnson, R.	Moore			

The Pappas motion to indefinitely postpone prevailed with 22 ayes, 18 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mrs. Morehead and Mr. Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 218A. By Warner, 25th District; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Scofield, 49th District; Wehrbein, 2nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 218, Ninetieth Legislature, First Session, 1987.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 218. Placed on Select File as amended.
E & R amendments to LB 218:
AM5214

1. In the Standing Committee amendments, AM0975, adopted May 5, 1987:

a. On page 6, lines 9 to 10; and page 13, lines 19 to 20, strike "Reissue Revised Statutes of Nebraska, 1943" and insert "Revised Statutes Supplement, 1986";

b. On page 7, line 13, strike "a" and insert "the"; and in line 21 strike "is authorized to" and insert "may";

c. On page 8, lines 7 and 10 to 11, strike "is authorized to" and insert "may";

d. On page 10, line 11, strike "a" and insert "the"; and in line 19 strike "is authorized to" and insert "may";

e. On page 11, line 3, strike "is further authorized to" and insert "may"; in line 8 strike "is" and insert "shall be"; and in lines 14 and 17 to 18 strike "is authorized to" and insert "may"; and

f. On page 12, line 11, after "act" insert an underscored comma.

2. On page 1, strike beginning with "the" in

line 1 through "authorization" in line 4 and insert "capital construction; to amend section 85-122, Revised Statutes Supplement, 1986, and section 77-2602, Reissue Revised Statutes of Nebraska, 1943, as amended by section 27, Legislative Bill 730, Ninetieth Legislature, First Session, 1987; to change provisions for the distribution of cigarette tax proceeds; to create funds; to provide for capital construction projects; to harmonize provisions; to repeal the original sections".

LEGISLATIVE BILL 768. Placed on Select File.

LEGISLATIVE BILL 769. Placed on Select File as amended.
E & R amendments to LB 769:
AM5215

1. In the Standing Committee amendments, AM1070, adopted May 5, 1987, on page 1, strike beginning with "the" in line 5 through "1989" in line 7 and insert "FY1987-88 and FY1988-89".

2. On page 1, line 3, after "the" insert "fiscal".

3. On page 3, lines 8 and 9, strike "is" and insert "shall mean".

LEGISLATIVE BILL 130. Placed on Select File as amended.
E & R amendment to LB 130:
AM5213

1. On page 1, line 6, strike "and"; and in line 7 after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 785. Placed on Select File.
LEGISLATIVE BILL 786. Placed on Select File.

(Signed) Scott Moore, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 118.

Introduced by Withem, 14th District.

WHEREAS, as of July 1, 1987, the University of Nebraska and Creighton University psychiatric departments will combine to form one department for education, research, and patient care; and

WHEREAS, the combined department will result in financial savings through operational efficiencies and the reduction of duplication; and

WHEREAS, the combined psychiatric department will result in enhanced education, research, and service to the community than could be provided by either institution separately; and

WHEREAS, the joint department is an example of cooperative efforts in higher education encouraged by the 1984 Citizens' Commission for the Study of Higher Education; and

WHEREAS, the joint department has the support of the community and the process of combining the two previously separate departments has received national recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby recognize the significant step that has been taken in this cooperative higher education effort.

2. That the Legislature commend and congratulate Dr. Richard O'Brien, Vice President for Health Services at Creighton University, and Dr. Charles Andrews, Chancellor of the University of Nebraska Medical Center, and all other parties involved in the Creighton-Nebraska Health Foundation for their leadership.

3. That the Legislature encourage further cooperative efforts between the two institutions.

4. That the Legislature encourage all other higher education institutions, public and private, in Nebraska to pursue such cooperative efforts to strengthen both quality and efficiency in Nebraska higher education.

5. That the Legislature and its standing committees take further steps to encourage and accommodate cooperative efforts among all sectors of Nebraska higher education.

Laid over.

LEGISLATIVE RESOLUTION 119.

Introduced by Coordsen, 32nd District.

WHEREAS, the Village of Milligan is celebrating its centennial this year; and

WHEREAS, Milligan is located in Fillmore County; and

WHEREAS, Milligan derives its name from Mr. Milligan who was an official of the Kansas City and Omaha Railroad; and

WHEREAS, a centennial celebration exemplifies the community spirit found in this great state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends congratulations to the Village of Milligan on its centennial celebration.

2. That a copy of this resolution be sent to John Kassick, chairperson of the Village Board of Milligan.

Laid over.

LEGISLATIVE RESOLUTION 120.

Introduced by Coordsen, 32nd District.

WHEREAS, Deshler, Nebraska, located in Thayer County, is celebrating its centennial this year; and

WHEREAS, this city of nine hundred ninety-seven inhabitants was originally named for John Deshler who owned the town site; and

WHEREAS, the residents of Deshler deserve special recognition for the contributions that they and their forefathers have made to the history, culture, and settlement of Nebraska; and

WHEREAS, the current residents of Deshler are carrying on the positive traditions and heritage that makes the State of Nebraska the great state that it is.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the community of Deshler, Nebraska on its centennial celebration in 1987.

2. That the Legislature commends the citizens of Deshler for a century of contributions to the good life of Nebraska and its people.

3. That a copy of this resolution be sent to Mayor Harold W. Struve and the City Council of Deshler, Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 121.

Introduced by Coordsen, 32nd District.

WHEREAS, 1987 marks the one hundredth anniversary of the community of Bruning; and

WHEREAS, Bruning was named after Frank Bruning and his three brothers who settled in the area; and

WHEREAS, the residents of Bruning continuously strive to maintain and build a thriving community; and

WHEREAS, the residents of Bruning through their centennial celebration can honor the past and anticipate the future.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the residents of Bruning on their community's centennial.

2. That a copy of this resolution be presented to the Bruning Centennial Committee.

Laid over.

LEGISLATIVE RESOLUTION 122.

Introduced by Coordsen, 32nd District.

WHEREAS, the Village of Ohiowa is celebrating its one-hundredth anniversary in 1987; and

WHEREAS, Ohiowa derives its name from the fact that its settlers came from both Iowa and Ohio in equal numbers; and

WHEREAS, a centennial celebration demonstrates not only perseverance but also demonstrates that the pioneer spirit is alive and well in this fine community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends best wishes and commendations to the citizens of Ohiowa on its centennial celebration.

2. That a copy of this resolution be sent to Wes Cradduck, Chairperson of the Village Board of Ohiowa.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 288A. Mr. Pappas moved to indefinitely postpone.

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. Chambers requested a record vote on the Pappas motion to indefinitely postpone.

Voting in the affirmative, 17:

Baack	Dierks	Higgins	McFarland	Rupp
Barrett	Elmer	Korshoj	Pappas	Schellpeper
Chambers	Goodrich	Lynch	Rogers	Smith
Coordsen	Harris			

Voting in the negative, 20:

Chizek	Hartnett	Labedz	Nelson	Wehrbein
Conway	Hefner	Landis	Remmers	Weihing
Hall	Johnson, L.	Langford	Schmit	Wesely
Hannibal	Johnson, V.	Miller	Warner	Withem

Present and not voting, 2:

Haberman Lamb

Excused and not voting, 10:

Abboud	Beyer	Marsh	Morehead	Pirsch
Ashford	Johnson, R.	Moore	Peterson	Scofield

The Pappas motion to indefinitely postpone lost with 17 ayes, 20 nays, 2 present and not voting, and 10 excused and not voting.

Mrs. Higgins moved to bracket LB 288A until May 30, 1988.

Mrs. Higgins withdrew her motion to bracket.

MOTION - Reconsider Action on LB 288

Mr. Remmers moved to reconsider the motion to indefinitely postpone LB 288.

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. Miller asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Remmers moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Mr. Remmers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 20:

Conway	Hefner	Landis	Nelson	Warner
Haberman	Johnson, L.	Langford	Remmers	Wehrbein
Hannibal	Johnson, V.	McFarland	Rupp	Weihing
Hartnett	Lamb	Moore	Schmit	Wesely

Voting in the negative, 19:

Baack	Coordsen	Hall	Labedz	Schellpeper
Barrett	Dierks	Harris	Lynch	Smith
Chambers	Elmer	Higgins	Pappas	Withem
Chizek	Goodrich	Korshoj	Rogers	

Excused and not voting, 10:

Abboud	Beyer	Marsh	Morehead	Pirsch
Ashford	Johnson, R.	Miller	Peterson	Scofield

The Remmers motion to reconsider lost with 20 ayes, 19 nays, and 10 excused and not voting.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 123.

Introduced by Hefner, 19th District; V. Johnson, 8th District.

WHEREAS, the commerce clause of the Constitution of the United States reserves to Congress the power to regulate and control interstate commerce; and

WHEREAS, the subcommittee on Select Revenue Measures, Committee on Ways and Means, United States House of Representatives, will hold a public hearing on HR 1242, the Interstate Sales Tax Collection Act of 1987, on May 13, 1987; and

WHEREAS, HR 1242 would authorize states to require retailers to collect sales and use taxes on interstate sales and require such retailers to file information returns with the Internal Revenue Service for the purpose of assisting states in the collection of such taxes; and

WHEREAS, the Legislature passed LB 304 on February 25, 1987, and the Governor signed the bill on March 2, 1987; and

WHEREAS, the purpose of LB 304 is to broaden the state's authority in collecting sales and use taxes on mail order sales; and

WHEREAS, it is unfair to businesses operating within the state to collect and remit sales and use taxes while out-of-state competition doing business through the mail does not collect or remit such taxes; and

WHEREAS, HR 1242 would greatly assist the State of Nebraska in pursuing the goals of LB 304; and

WHEREAS, the Advisory Committee on Intergovernmental Relations has estimated that under the present scheme Nebraska may be losing up to an estimated 13 million dollars annually.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature encourages the United States House Ways and Means Committee and its Subcommittee on Select Revenue Measures to support HR 1242.

2. That the Legislature encourages Congress to swiftly adopt the provisions of HR 1242.

3. That a copy of this resolution be presented to United States Representative Charles B. Rangel, Chairperson of the Subcommittee on Select Revenue Measures at the public hearing on HR 1242.

4. That copies of this resolution be sent to Representative Dan Rostenkowski, Chairperson of the House Ways and Means Committee, Representatives Byron L. Dorgan, Hal Daub, and Sander Levin, sponsors of HR 1242, and Representatives Virginia Smith and Doug Bereuter.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1253

1. In the Standing Committee amendments, AM0968, strike sections 9, 10, and 12 and all amendments thereto.

2. In the E & R amendments, AM5199, on page 4, line 4, strike "77-2701,".

3. Renumber the remaining sections accordingly.

Mr. Chambers asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

Strike the original sections and all amendments thereto and insert the following: "On every part of the interstate having a speed limit of 55 mph, any person exceeding such limit by 10 mph or less shall be fined no more than $10, with no court costs or penalty points assessed."

Mr. Hefner asked unanimous consent to print the following amendment to LB 279 in the Journal. No objections. So ordered.

AM0596

(Amendments to the Standing Committee amendments, AM0510)

1. Insert the following new section:

"Sec. 2. That section 66-1308, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-1308. (1) There is hereby levied an ethanol excise tax upon all wheat, corn, and grain sorghum sold through commercial channels in the State of Nebraska. The tax shall be one and one half cents per bushel for corn and wheat and one and one half cents per hundredweight for grain sorghum for the period July 1, 1986, to January 1, 1988. The tax shall be in addition to any tax or fee imposed pursuant to sections 2-2311, 2-3623, 2-3627, and 2-4012. The tax shall be levied and imposed on the grower at the time of sale or delivery and shall be collected by the first purchaser. No wheat, corn, or grain sorghum shall be subject to the

tax more than once.

(2) No tax shall be levied, imposed, or collected pursuant to this section unless the amount of the tax at the time of sale or delivery is ten dollars or greater. Any corn, wheat, or grain sorghum exempt from taxation under this subsection shall be exempt from taxation upon any subsequent sale or delivery.

~~(2)~~ (3) For purposes of this section, corn, wheat, and grain sorghum which are received by a grower pursuant to any federal program shall not be subject to the ethanol excise tax levied and imposed pursuant to this section until sold or delivered by such grower and shall not be construed as having previously been subject to such tax.".

2. On page 5, line 23, after the comma insert "66-1308,".

3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 24 seventh grade students and teacher from Emerson-Hubbard; 11 eighth grade students and teacher from St. Paul Lutheran School, Omaha; 20 third and fourth grade students and teacher from Prescott School, Lincoln; 24 seniors and teachers from Dodge Public School; 17 students and sponsor from St. Paul's Lutheran School, Utica; 3 eighth grade students and teacher from Newport; 27 eighth grade students and teacher from St. Columbkille School, Papillion; 39 eighth grade students and teacher from Holy Ghost School, Omaha; 39 fifth grade students and teacher from Sacred Heart School, Norfolk; and 12 seventh through twelfth grade students and teacher from North Platte Christian School.

RECESS

At 12:12 p.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 Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, Lynch, Peterson, Mesdames Marsh, Pirsch, and Ms. Scofield who were excused; and Messrs. Abboud, Chambers, Coordsen, Hannibal, Harris, L. Johnson, R. Johnson, Moore, Warner, Wehrbein, Mesdames Labedz, Langford, and Morehead who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 703 in the Journal. No objections. So ordered.

AM1256
(Amendments to Standing Committee amendments, AM0527)

1. On page 1, line 2, strike "one hundred" and insert "the boundaries of any Class 6 or Class 7 county as classified under section 23-1114.01 or within five"; in line 4 strike "one"; and in line 5 strike "hundred" and insert "five".

Mr. Pappas asked unanimous consent to print the following amendment to LB 703 in the Journal. No objections. So ordered.

AM1257
(Amendments to Standing Committee amendments, AM0527)

1. Insert the following new amendments:

"2. On page 3, line 22, strike 'With', show as stricken, and insert 'Nothwithstanding the distance limitation provided in subsection (1) of this section, with'.

3. On page 4, line 7, before the stricken '(4)' insert '(3)' and after the stricken 'with' insert 'Notwithstanding the distance limitation provided in subsection (1) of this section, with'; reinstate beginning with the first stricken 'the' in line 7 through the stricken 'establish' in line 9; in line 9 after the reinstated 'establish' insert 'a branch bank'; reinstate beginning with the stricken 'within' in line 10 through the stricken period in line 14; in line 25 reinstate beginning with the stricken 'For' through the stricken 'subsection' and after the reinstated 'subsection' insert ', financial institution shall mean a bank, building and loan association, savings and loan association, industrial loan and investment company, or

credit union.'.

4. On page 5, line 8, strike '(3)' and insert '(4)'; and in line 16 strike '(4)' and insert '(5)'.

5. On page 6, reinstate the stricken matter in lines 13 through 17.

6. On page 8, line 13, strike '(5)' and insert '(6)'; and in line 19 strike '(6)' and insert '(7)'.

7. On page 9, line 3, strike '(7)' and insert '(8)'; and in line 19 strike '(8)' and insert '(9)'.

8. On page 10, line 3, strike '(9)' and insert '(10)'; in line 15 strike '(10)' and insert '(11)'; and in line 24 strike '(11)' and insert '(12)'.

10. On page 16, line 5, strike the new matter and reinstate the stricken matter and strike 'subsection', show as stricken, and insert 'subsections (2) and'.".

2. Renumber the remaining amendment accordingly.

GENERAL FILE

LEGISLATIVE BILL 183A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

LEGISLATIVE BILL 270A. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 4 present and not voting, and 14 excused and not voting.

MOTION - Return LB 185 to Select File

Mr. Haberman moved to return LB 185 to Select File for his specific amendment, AM1156, found in the Journal on page 1953.

Mr. Rupp moved to bracket all bills for 2 weeks.

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Rupp withdrew his pending motion to bracket.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis moved to bracket all bills except the Speaker's list of committee priority bills found on the May 6, 1987 agenda.

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 Landis motion to bracket lost with 12 ayes, 24 nays, 4 present and not voting, and 9 excused and not voting.

Mr. Haberman withdrew his pending motion to return LB 185 to Select File.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 258. With Emergency.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend section 23-2402, Reissue Revised Statutes of Nebraska, 1943, and section 23-2420, Revised Statutes Supplement, 1986; to provide procedures for suits against employees of political subdivisions; to provide time limitations on such suits; to provide maximum amounts of recovery; to redefine a term; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Ashford	Goodrich	Higgins	Miller	Rupp
Baack	Haberman	Johnson, L.	Moore	Schellpeper
Barrett	Hall	Korshoj	Morehead	Schmit
Chizek	Hannibal	Labedz	Nelson	Smith
Conway	Harris	Lamb	Pappas	Warner
Coordsen	Hartnett	Landis	Remmers	Wehrbein
Elmer	Hefner	Langford	Rogers	Weihing

Wesely Withem

Voting in the negative, 3:

Chambers Johnson, V. McFarland

Excused and not voting, 9:

Abboud	Dierks	Lynch	Peterson	Scofield
Beyer	Johnson, R.	Marsh	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.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 258.

MOTION - Return LB 773 to Select File

Mr. Hall moved to return LB 773 to Select File for his specific amendment, AM1052, found in the Journal on page 1797.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Hall requested a record vote on his motion to return.

Voting in the affirmative, 14:

Chambers	Hall	Labedz	Pappas	Smith
Coordsen	Higgins	Moore	Schellpeper	Wesely
Goodrich	Korshoj	Morehead	Schmit	

Voting in the negative, 23:

Barrett	Harris	Lamb	Nelson	Warner
Chizek	Hartnett	Landis	Remmers	Wehrbein
Conway	Hefner	Langford	Rogers	Weihing
Elmer	Johnson, L.	McFarland	Rupp	Withem
Hannibal	Johnson, V.	Miller		

Present and not voting, 3:

Ashford	Baack	Haberman

Excused and not voting, 9:

Abboud	Dierks	Lynch	Peterson	Scofield
Beyer	Johnson, R.	Marsh	Pirsch	

The Hall motion to return lost with 14 ayes, 23 nays, 3 present and not voting, and 9 excused and not voting.

Mr. McFarland moved to return LB 773 to Select File for the following specific amendment:
AM0909

1. Strike the original sections and all amendments thereto and insert the following:

"Section 1. That section 77-2701.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2701.01. Pursuant to section 77-2715.01, the rate of the income tax levied pursuant to section 77-2715 shall be nineteen per cent, except that for taxable years beginning or deemed to begin on or after January 1, ~~1985~~ 1987, and on or before December 31, ~~1985~~ 1987, the rate shall be ~~twenty~~ twenty-one per cent.

Sec. 2. That original section 77-2701.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mr. Elmer 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. Chambers requested a record vote on the McFarland motion to return.

Voting in the affirmative, 8:

Chambers	Higgins	McFarland	Schellpeper	Wesely
Dierks	Korshoj	Morehead		

Voting in the negative, 27:

Barrett	Hannibal	Labedz	Nelson	Smith
Chizek	Harris	Lamb	Pappas	Warner
Conway	Hartnett	Landis	Remmers	Wehrbein
Elmer	Hefner	Langford	Rogers	Weihing
Goodrich	Johnson, L.	Miller	Rupp	Withem
Hall	Johnson, V.			

Present and not voting, 6:

Ashford	Coordsen	Haberman	Moore	Schmit
Baack				

Excused and not voting, 8:

Abboud	Johnson, R.	Marsh	Pirsch	Scofield
Beyer	Lynch	Peterson		

The McFarland motion to return lost with 8 ayes, 27 nays, 6 present and not voting, and 8 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 124.

Introduced by Rogers, 41st District.

PURPOSE: The maintenance of public buildings is a substantial and continuing expense at all levels of government in the State of Nebraska. Many large public buildings are constructed with flat roofs which are prone to damage and deterioration due to the action of water and weather. Premature replacement of such roofs presents a backbreaking expense to small towns and other divisions of government.

The purpose of this study is to determine if there is a method to ensure that roofs are designed to prevent as much as possible the deterioration caused by the freezing and thawing of standing water and to eliminate undue maintenance and repair costs for this state's taxpayers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall study the feasibility of setting

standards for construction and drainage of roofs of buildings built and maintained by the public funds in the State of Nebraska.

2. That such committee shall consult with architects, engineers, and representatives of municipal, county, and state government to determine the scope of the problem, develop guidelines for flat roof construction, determine the size and type of buildings which should be subject to such regulation, and identify the most effective means of enforcing such construction standards for public buildings in Nebraska.

3. That such committee prepare a report to be submitted to the Legislature by December 1, 1987, which summarizes the study and recommends solutions.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 125.

Introduced by Coordsen, 32nd District.

PURPOSE: The Department of Insurance is given the statutory responsibility to promote the public welfare by regulating insurance rates to ensure that they are not excessive, inadequate, or unfairly discriminatory. Within the past few years, the cost of certain types of liability insurance, including professional errors and omissions liability insurance, liability insurance for day car centers, liability insurance for political subdivisions, and products or completed operations liability insurance, has increased dramatically for many Nebraska policyholders. Nebraska policyholders who have experienced increased premiums and decreased coverages in liability insurance often have had no claims against their insurance policies, and they have received no suitable explanations for increased premiums and decreased coverage from their liability insurance carrier.

The 1987 Nebraska Legislature had before it a series of legislative bills offered in response to the plea of Nebraska policyholders to do something about liability insurance rates. The various insurance carriers who sell liability insurance in Nebraska have information concerning losses, premiums, and other pertinent factors which would be of benefit to the Department of Insurance and to the Legislature in determining whether the liability insurance rates charged by those carriers are not excessive, inadequate, or unfairly discriminatory.

The purpose for this resolution is to study the types of information already available from insurance carriers and to study the mechanisms available to the Department of Insurance for collecting

and analyzing information with regard to losses, premiums, and other factors. The study should also include suggestions for reporting appropriate information to the Legislature so the members may have more facts before them when they are next asked to deliberate on issues regarding insurance, particularly liability insurance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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. When conducting this study, the committee is directed to work with the Department of Insurance.

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.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 218 in the Journal. No objections. So ordered.

AM1245

(Amendments to AM0975)

1. On page 1, line 21, strike "Sixteen" and insert "Until July 1, 1988, eighteen cents of such tax shall be placed in the General Fund, and commencing July 1, 1988, sixteen".

2. On page 8, line 2, after "planning" insert an underscored comma; and in line 3 strike "costs,".

Mr. Warner asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

AM1267

1. Insert the following new sections:

"Sec. 11. Nothing in sections 1 to 10 of this act, the repeal of any sections in Chapter 15, article 10, or the unilateral action of any city of the primary class shall in any manner diminish the right of any person receiving or entitled to receive, now or in the future, pension or other benefits provided for in

Chapter 15, article 10, as the sections of such article existed immediately prior to the repeal of any such sections, to receive such pension or other benefits in all respects the same as if such repealed sections remained in full force and effect.

Sec. 15. 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. In the Standing Committee amendments AM0570 beginning on page 1087 of the Journal:

(a) On page 1, line 14, strike "13" and insert "14"; and in line 18 strike the first "to" and insert a comma; and

(b) On page 2, strike beginning with "section" in line 1 through the first comma in line 3; and in line 6 strike "9" and insert "8".

3. Renumber remaining sections accordingly.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 7, 1987, at 3:50 p.m., was the following bill: 258.

(Signed) Pam Moravec, Enrolling Clerk

RESOLUTIONS

LEGISLATIVE RESOLUTION 126.

Introduced by Schellpeper, 18th District.

WHEREAS, The village of Pilger is celebrating its centennial on July 24, 25, and 26 of this year; and

WHEREAS, Pilger is located in the northeast quarter of Stanton County, bordered on the south by the Elkhorn River and on the west by Humbug Creek; and

WHEREAS, Since its beginnings, Pilger has had a strong agricultural background, and the surrounding acres of the Elkhorn River Valley has provided an abundance of food; and

WHEREAS, One hundred years of existence demonstrates perseverance not only by the early settlers of Pilger but also by its present day citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the accomplishments of the citizens of Pilger and extends its best wishes for the centennial celebration.

2. That a copy of this resolution be sent to the chairperson of the board of trustees of the village of Pilger.

Laid over.

LEGISLATIVE RESOLUTION 127.

Introduced by Schellpeper, 18th District.

WHEREAS, the village of Leigh was incorporated on March 7, 1887; and

WHEREAS, Leigh will be celebrating its centennial on June 26, 27, and 28; and

WHEREAS, the achievement of this milestone demonstrates the vibrant spirit of the founders of Leigh and which continues today.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends congratulations to the citizens of Leigh on their centennial celebration.

2. That a copy of this resolution be sent to Nancy Schaad, Clerk/Treasurer of the village of Leigh.

Laid over.

LEGISLATIVE RESOLUTION 128.

Introduced by Schellpeper, 18th District.

WHEREAS, the Village of Howells celebrates its centennial this year; and

WHEREAS, Howells is located in Colfax County; and

WHEREAS, this centennial celebration reflects well on the pioneer spirit of the founders of Howells and on the fortitude of their descendants; and

WHEREAS, the Village of Howells will be celebrating its first one hundred years on July 3, 4, and 5, 1987.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes to the Village of Howells on its centennial celebration.

2. That a copy of this resolution be sent to Carolyn Kulhanek, Village Clerk of Howells.

Laid over.

LEGISLATIVE RESOLUTION 129.

Introduced by Schellpeper, 18th District.

WHEREAS, the town of Rogers in Colfax County was platted October 4, 1886, and the school began operation in 1887; and

WHEREAS, the town and school will jointly celebrate their centennials this year; and

WHEREAS, the town of Rogers was named after an official of the Union Pacific Railroad; and

WHEREAS, community spirit thrives in Rogers and is representative of the enduring pioneer spirit of the State of Nebraska; and

WHEREAS, the centennial celebration will begin at 1 p.m. on June 14, 1987.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its best wishes to the community of Rogers for its centennial celebration.

2. That a copy of this resolution be sent to Bob Glodowski, Mayor of Rogers.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 288A in the Journal. No objections. So ordered.

Strike everything from the bill except its number, and insert the following: "On any part of the Interstate having a speed limit of 55 MPH, any person exceeding such limit by 10 MPH or less shall be

fined no more than $10, with no court costs or penalty points assessed."

WITHDRAW - Amendment to LB 773

Mrs. Morehead withdrew her pending amendment, AM1068, found in the Journal on page 1813.

MOTION - Return LB 773 to Select File

Mesdames Morehead and Langford moved to return LB 773 to Select File for their specific amendment, AM1095, found in the Journal on page 1896.

Mr. Hefner 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 Morehead-Langford motion to return lost with 11 ayes, 21 nays, 9 present and not voting, and 8 excused and not voting.

WITHDRAW - Amendments to LB 773

Mr. Landis withdrew his pending amendment, AM1180, found in the Journal on page 1986.

Mr. V. Johnson withdrew his pending amendment, AM1229, found in the Journal on page 2032.

MOTION - Suspend Rules

Mr. V. Johnson moved to suspend the rules, Rule 6, Section 7 & 8 and Rule 7, Section 3, to permit consideration of LB 773 on final passage without further amendments or debate.

Mr. Hefner 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. Chambers requested a roll call vote on the V. Johnson motion to suspend the rules.

Voting in the affirmative, 30:

Ashford	Elmer	Hefner	Langford	Rupp
Baack	Goodrich	Johnson, L.	Miller	Smith
Barrett	Haberman	Johnson, V.	Nelson	Warner
Chizek	Hannibal	Labedz	Pappas	Wehrbein
Conway	Harris	Lamb	Remmers	Weihing
Coordsen	Hartnett	Landis	Rogers	Withem

Voting in the negative, 8:

Chambers	Hall	Korshoj	Schellpeper	Wesely
Dierks	Higgins	McFarland		

Present and not voting, 2:

Moore Morehead

Absent and not voting, 1:

Schmit

Excused and not voting, 8:

Abboud	Johnson, R.	Marsh	Pirsch	Scofield
Beyer	Lynch	Peterson		

The V. Johnson motion to suspend the rules prevailed with 30 ayes, 8 nays, 2 present and not voting, 1 absent and not voting, and 8 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 773.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.01, 77-2714 to 77-2715.01, 77-2716, 77-2724, 77-2725, 77-2729, 77-2730, 77-2732, 77-2733, 77-2734.01, 77-2734.02, 77-2734.04, 77-2765, 77-2775, 77-2781, 77-2786, 77-2793, and 77-27,119.01, Reissue Revised Statutes of Nebraska, 1943, and section 77-2753, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 284, Ninetieth Legislature, First Session, 1987; to define terms; to change provisions relating to income taxes as prescribed; to change the income tax rate; to provide

for adjustment to income as prescribed; to establish tax rate schedules; to provide for computation of income; to change provisions relating to deficiency determinations; to require the Tax Commissioner to furnish certain information; to eliminate certain provisions relating to estates, trusts, joint returns, and certain nonresidents; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 77-2718, 77-2719, 77-2721, 77-2723, 77-2762, and 77-2766, Reissue Revised Statutes of Nebraska, 1943.

Mr. Chambers requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Ashford	Goodrich	Hefner	Langford	Rupp
Baack	Haberman	Johnson, L.	Miller	Smith
Barrett	Hall	Johnson, V.	Nelson	Warner
Chizek	Hannibal	Labedz	Pappas	Wehrbein
Conway	Harris	Lamb	Remmers	Weihing
Elmer	Hartnett	Landis	Rogers	Withem

Voting in the negative, 11:

Chambers	Higgins	McFarland	Morehead	Schmit
Coordsen	Korshoj	Moore	Schellpeper	Wesely
Dierks				

Excused and not voting, 8:

Abboud	Johnson, R.	Marsh	Pirsch	Scofield
Beyer	Lynch	Peterson		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 773A to Select File

Mr. Chambers moved to return LB 773A to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Chambers withdrew his pending motion to return.

MOTION - Suspend Rules

Mr. V. Johnson moved to suspend Rule 6, Section 7 & 8 and Rule 7, Section 3 to permit consideration of LB 773A on Final Reading without further amendment or debate.

Mr. Lamb 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 the V. Johnson motion to suspend the rules.

Voting in the affirmative, 30:

Ashford	Elmer	Hefner	Langford	Rogers
Baack	Goodrich	Johnson, L.	Miller	Rupp
Barrett	Haberman	Johnson, V.	Moore	Smith
Chizek	Hannibal	Labedz	Nelson	Wehrbein
Conway	Harris	Lamb	Pappas	Weihing
Coordsen	Hartnett	Landis	Remmers	Withem

Voting in the negative, 11:

Chambers	Higgins	McFarland	Schellpeper	Warner
Dierks	Korshoj	Morehead	Schmit	Wesely
Hall				

Excused and not voting, 8:

Abboud	Johnson, R.	Marsh	Pirsch	Scofield
Beyer	Lynch	Peterson		

The V. Johnson motion to suspend the rules prevailed with 30 ayes, 11 nays, and 8 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 773A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 773, Ninetieth Legislature, First Session, 1987.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Ashford	Goodrich	Hefner	Langford	Rupp
Baack	Haberman	Johnson, L.	Miller	Smith
Barrett	Hall	Johnson, V.	Nelson	Warner
Chizek	Hannibal	Labedz	Pappas	Wehrbein
Conway	Harris	Lamb	Remmers	Weihing
Coordsen	Hartnett	Landis	Rogers	Withem
Elmer				

Voting in the negative, 10:

Chambers	Higgins	McFarland	Morehead	Schmit
Dierks	Korshoj	Moore	Schellpeper	Wesely

Excused and not voting, 8:

Abboud	Johnson, R.	Marsh	Pirsch	Scofield
Beyer	Lynch	Peterson		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Print in Journal

Mrs. Nelson and Mr. Ashford asked unanimous consent to print the following amendment to LB 492 in the Journal. No objections. So ordered.

(Amendments to Final Reading copy)

1. On page 2, line 21, strike "or any" and insert "and no".

2. On page 3, line 2, strike "person" and insert "employee working on a construction project"; in line 6 after "project" insert "and occurring as a result

of a violation of a safety practice by any third party";
in line 7 after "practices" insert "has been"; and
strike lines 8 through 12 and insert "by other conduct. This subsection shall not be construed to establish, diminish, or abrogate any duty, standard of care, or liability of any person or individual except as expressly provided in this subsection.".

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet in executive session on Friday, May 8th, at 8:15 a.m., in Room 1003.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 773 and 773A.

VISITORS

Visitors to the Chamber were Reinhardt Soeln from Vienna, Austria; Mrs. Logan (Adeline) Otto from York; 12 eighth grade students and sponsors from St. Patrick's School, McCook; 24 eighth grade students from Holt County; 24 fifth and sixth grade students and teachers from Elgin Public School; Mr. and Mrs. Eldon Windhorst from Davenport; 13 fourth grade students and teacher from Seedling Mile Elementary, Grand Island; 9 fourth, fifth, and sixth grade students and teacher from Howells Public School; 50 fourth grade students and teacher from Oak Valley School, Omaha; and Dennis and Marie Poeschl from Stanton.

ADJOURNMENT

At 5:23 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Friday, May 8, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-EIGHTH DAY - MAY 8, 1987

LEGISLATIVE JOURNAL

SEVENTY-EIGHTH DAY - MAY 8, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SEVENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 8, 1987

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Robert S. Peterson, Back to the Bible, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, R. Johnson, Lynch, Peterson, Mesdames Marsh, and Pirsch who were excused; and Messrs. Ashford, Chambers, Conway, Hall, Harris, V. Johnson, Landis, Miller, Remmers, Schmit, Mesdames Higgins, Labedz, and Nelson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Seventh Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 7, 1987, at 6:15 p.m., were the following bills: 773 and 773A.

(Signed) Pam Moravec, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 131 and 779.

(Signed) Scott Moore, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 101. Read. Considered.

LR 101 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 106. Read. Considered.

LR 106 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 107. Read. Considered.

LR 107 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 108. Read. Considered.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

LR 108 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 110. Read. Considered.

LR 110 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 111. Read. Considered.

LR 111 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 114. Read. Considered.

LR 114 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 115. Read. Considered.

LR 115 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 118. Read. Considered.

LR 118 was adopted with 31 ayes, 0 nays, and 18 not voting.

LEGISLATIVE RESOLUTION 120. Read. Considered.

LR 120 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 121. Read. Considered.

LR 121 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 122. Read. Considered.

LR 122 was adopted with 31 ayes, 0 nays, and 18 not voting.

LEGISLATIVE RESOLUTION 123. Read. Considered.

LR 123 was adopted with 30 ayes, 0 nays, and 19 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 451. Placed on Select File as amended.
E & R amendments to LB 451:
AM5217

1. On page 1, line 6, after "penalties" insert "for false statements as prescribed; to harmonize provisions".

2. On page 2, line 8, strike "3" and insert "2"; and in line 23 strike "includes" and insert "shall include".

3. On page 3, line 14, strike "does" and insert "shall"; and in line 24 strike "includes" and insert "shall include".

4. On page 4, line 22, strike "is" and insert "shall be"; and in line 25 strike "is no" and insert "shall not be a".

5. On page 5, line 3, strike "is" and insert "shall be"; in line 4 strike "(3)" and insert "(4)" and strike "is not" and insert "shall not be"; in line 12 strike "(4)" and insert "(5)"; and in line 18 strike "(5)" and insert "(6)".

6. On page 6, line 3, strike "(6)" and insert

"(7)"; and in line 23 strike "(3) to (6)" and insert "(4) to (7)".

LEGISLATIVE BILL 652. Placed on Select File as amended.
E & R amendments to LB 652:
AM5216

1. In the Standing Committee amendments, AM0544, adopted May 6, 1987, on page 3, line 2, eliminate the paragraphing.

2. On page 1, strike lines 2 through 14 and insert "32-491, 32-530, and 32-1402, Reissue Revised Statutes of Nebraska, 1943; to authorize certain write-in votes to be counted and listed together; to change provisions relating to who can vote in a party's primary election; to provide for recall of certain officials;".

3. On page 2, strike beginning with line 1 through the second semicolon in line 8.

(Signed) Scott Moore, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 130.

Introduced by Rupp, 22nd District.

PURPOSE: The incidence of attempts to recall public officials appears to be increasing, and any abuse of the recall process has serious implications for representative democracy. The possibility of recall may have a more detrimental impact on some public offices than others. The recall procedure should be available to citizens whenever a government official's performance in office threatens to bring discredit on the office or impedes the efficient functioning of government but the recall procedure should not be available to be used by citizens to harass public officials on the basis of personality, administrative style, or any other factors which reflect administrative judgment. The purpose of this resolution is to study the recall process at all levels of government with an eye towards (1) developing statutory criteria specifying the types of actions that could make a public official subject to recall and (2) determining whether some public offices should be exempt from recall.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 131.

Introduced by Rupp, 22nd District.

PURPOSE: It is in the best interests of the State of Nebraska that the land under the control of the Board of Educational Lands and Funds be utilized only in accordance with sound conservation practices and that, within the context of sound conservation practices, the maximum return is obtained from such land. The purpose of this resolution is to study the administration of school lands in the state with the goal of (1) identifying all such lands, (2) determining how the lands are being used, (3) determining whether sound conservation practices are being utilized by individuals leasing the lands, (4) determining whether the school districts are receiving the maximum return possible from the lands, and (5) ensuring that the administration of the lands is undertaken with the goal of maximizing return and conserving the land.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a Standing Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 462. Title read. Considered.

Standing Committee amendments, AM0537, found in the Journal on page 1027 for the Forty-First Day were adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 462A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 416. Title read. Considered.

Standing Committee amendments, AM0529, printed separate from the Journal and referred to on page 1068 for the Forty-Third Day were adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 635. Title read. Considered.

Standing Committee amendments, AM0241, found in the Journal on page 1131 for the Forty-Fourth Day were considered.

Ms. Scofield offered the following amendment to the Standing Committee amendments:
AM1275

1. Insert the following new section:

"Sec. 3. That section 43-255, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-255. Whenever a juvenile is detained or placed under the provisions of section 43-253 or 43-254, such juvenile shall not be ~~released within forty-eight~~ detained in a locked facility for longer than twenty-four hours after having been ~~placed or detained~~

~~or~~ taken into custody, excluding nonjudicial days, unless, ~~within such period of time (1) a petition has been filed alleging such juvenile has violated an order of the juvenile court, (2) a petition has been filed~~ pursuant to section ~~43-274~~ 43-253, ~~or (3) a criminal complaint has been filed in a court of competent jurisdiction and, whenever a petition is filed pursuant to subdivision (1) or (2) of this section,~~ the juvenile court (1) enters an order continuing detention or placement until the adjudication hearing, after a reasonable showing that the need for detention or placement still exists or (2) authorizes the release of such juvenile on any condition specified in section 29-901. This section shall not affect the subsequent filing of a petition or complaint by the county attorney.".

2. On page 7, line 17, after the comma insert "43-255,".

3. Renumber the remaining sections accordingly.

The Scofield amendment was adopted with 21 ayes, 0 nays, 20 present and not voting, and 8 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 638. Title read. Considered.

Standing Committee amendments, AM0577, found in the Journal on page 1159 for the Forty-Fifth Day 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 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 237. Title read. Considered.

Standing Committee amendment, AM0643, found in the Journal on page 1185 for the Forty-Sixth Day was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Rupp asked unanimous consent to print the following amendment to LB 652 in the Journal. No objections. So ordered.

AM1269

(Amendments to AM0544)

1. On page 1, line 20, strike "subsection (2)" and insert "subsections (2) and (3)".

2. On page 3, after line 5 insert the following new subsection:

"(3) Notwithstanding any other provision of law, any unaffiliated voter desiring to vote in any primary election for the office of United States Senator or United States Representative may request a partisan ballot for such offices from any political party. No unaffiliated voter shall receive more than one such partisan ballot.".

Mr. Rupp asked unanimous consent to print the following amendment to LB 652 in the Journal. No objections. So ordered.

AM1268

1. On page 27, line 17, strike "candidate" and insert "particular office"; and in line 18 strike "an" and insert "such".

Mr. Landis asked unanimous consent to print the following amendment to LB 416 in the Journal. No objections. So ordered.

AM1280

(Amendments to Standing Committee amendments)

1. On page 1, line 3, strike "This" and insert "Sections 1 to 17 of this".

2. Insert the following new sections:

"Sec. 18. That section 44-222, Revised Statutes Supplement, 1986, be amended to read as

follows:

44-222. (1) Except as otherwise provided by law, no insurance company shall expose itself to any loss on any one risk in an amount exceeding ten per cent of its surplus to policyholders as reflected by the last annual statement of the company, except that domestic assessment associations organized for the primary purpose of writing insurance coverage on farm properties and which write such insurance in less than thirty-one counties in Nebraska shall not write any policy for an amount in excess of one-eighth of one per cent of its insurance in force. The term any one risk shall mean, in the case of property insurance, all properties insured by the same insurance company which are customarily considered by underwriters to be subject to loss or destruction from the same hazard or occurrence except hazards or occurrences of a catastrophic nature. The term surplus to policyholders shall mean the amount obtained by subtracting, from the admitted assets, actual liabilities, including any reserves which by law must be maintained. In the case of a stock company, surplus to policyholders shall also include the paid-up and outstanding capital stock. Any reinsurance, taking effect simultaneously with the policy or bond, shall be deducted in determining whether any one risk or policy exceeds the limitation of risk or policy prescribed in this section. This section shall not be applicable to marine insurance, as distinguished from inland marine insurance, title insurance, or workers' compensation or employer's liability insurance, nor to any policy or type of coverage as to which the maximum possible loss to the insurance company is not ascertainable on issuance of the policy.

(2) Upon the written consent of the Director of Insurance, any insurance company chartered and licensed in Nebraska and writing coverage pursuant to the federal Liability Risk Retention Act of 1986 and Legislative Bill 514, Ninetieth Legislature, First Session, 1987, may be exempted from the provisions of this section. Prior to any approval of such exemption, such insurance company shall submit to the Director of Insurance an application setting forth its proposed plan of operation, as defined in subdivision (10) of section 3, Legislative Bill 514, Ninetieth Legislature, First

Session, 1987, and detailing the reasons why such exemption should be granted. If after review of the application, and any other material the director may require, the director, upon a determination that the capital and surplus of such insurance company will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, may grant such exemption.

Sec. 20. That original section 44-222, Revised Statutes Supplement, 1986, is repealed.

Sec. 21. 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. Underscore sections 1 to 17.

4. Renumber the remaining section accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 132.

Introduced by Wehrbein, 2nd District.

WHEREAS, the Syracuse Volunteer Fire Department has served the community since March 24, 1887; and

WHEREAS, the firefighters who volunteer their services unselfishly provide the citizens of Syracuse with fire and rescue protection; and

WHEREAS, the firefighters of the Syracuse Volunteer Fire Department risk personal injury and death in their daily service to the community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby recognizes and applauds the efforts of the Syracuse Volunteer Fire Department on the occasion of the one hundredth anniversary of the founding of the department.

2. That a copy of this resolution be presented to the members of the Syracuse Volunteer Fire Department.

Laid over.

LEGISLATIVE RESOLUTION 133.

Introduced by Smith, 33rd District.

WHEREAS, the Village of Roseland was founded in 1887; and

WHEREAS, Roseland was named by Postmaster B. F. Evans and was named after the wild roses that grew in the area; and

WHEREAS, Roseland is an optomistic, progressive, and vibrant community which is still growing; and

WHEREAS, 1987 marks the centennial celebration for the citizens of Roseland; and

WHEREAS, it is fitting for the Legislature to take notice of the milestones reached by its communities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the residents of Roseland on their centennial.

2. That a copy of this resolution be sent to the Roseland Centennial Committee.

Laid over.

LEGISLATIVE RESOLUTION 134.

Introduced by Ashford, 6th District.

WHEREAS, the Joslyn Castle, one of Omaha's finest historic sites, will become surplus property circa 1989 when the Omaha School Board vacates it; and

WHEREAS, the Joslyn Castle has been open to the public view since the Joslyn family willed the property to the Joslyn Liberal Arts Society and they in turn deeded it to the Omaha School Board, and this public view, along with the preservation of the property itself, is consistent with the intent of the Joslyn gift; and

WHEREAS, the Nebraska State Historical Society currently has no property or representation in Omaha, our state's largest city; and

WHEREAS, a rare opportunity is before us to secure this property in perpetuity for the public use, enjoyment, and appreciation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature request that the Nebraska State Historical Society investigate the feasibility of the acquisition, maintenance, and operation of the property known as Joslyn Castle in Omaha.

2. That a copy of this resolution be sent to James A. Hanson, Director, Nebraska State Historical Society.

Laid over.

MESSAGE FROM THE GOVERNOR

May 7, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 773 and 773A were received in my office on May 7, 1987.

These bills were signed by me on May 7, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

PROPOSED RULE CHANGE

Mr. Pappas offered the proposed rule change:

If at any time a bill is brought up on the floor of the Legislature and the introducer of that bill is absent, such bill shall then be placed last in order of the particular stage that it is presently in.

Referred to the Rules Committee.

GENERAL FILE

LEGISLATIVE BILL 470. Passed over.

LEGISLATIVE BILL 767. Considered.

Mr. Chambers moved to indefinitely postpone LB 767.

Mr. Schellpeper asked unanimous consent to be excused. No objections. So ordered.

MRS. LABEDZ PRESIDING

Mr. Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 6:

Baack	Haberman	Hall	Labedz	Schmit
Chambers				

Voting in the negative, 24:

Chizek	Hannibal	Lamb	Rogers	Wehrbein
Conway	Harris	Landis	Rupp	Weihing
Dierks	Hefner	Langford	Scofield	Wesely
Elmer	Higgins	Morehead	Smith	Withem
Goodrich	Johnson, L.	Remmers	Warner	

Present and not voting, 10:

Ashford	Beyer	Hartnett	Miller	Nelson
Barrett	Coordsen	Korshoj	Moore	Pappas

Excused and not voting, 9:

Abboud	Johnson, V.	Marsh	Peterson	Schellpeper
Johnson, R.	Lynch	McFarland	Pirsch	

The Chambers motion to indefinitely postpone lost with 6 ayes, 24 nays, 10 present and not voting, and 9 excused and 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 the advancement of the bill.

Voting in the affirmative, 32:

Ashford	Conway	Goodrich	Hefner	Lamb
Barrett	Coordsen	Hannibal	Higgins	Landis
Beyer	Dierks	Harris	Johnson, L.	Langford
Chizek	Elmer	Hartnett	Korshoj	Miller

Moore	Remmers	Scofield	Wehrbein	Wesely
Morehead	Rogers	Warner	Weihing	Withem
Nelson	Rupp			

Voting in the negative, 9:

Baack	Haberman	Labedz	Pappas	Smith
Chambers	Hall	McFarland	Schmit	

Excused and not voting, 8:

Abboud	Johnson, V.	Marsh	Pirsch	Schellpeper
Johnson, R.	Lynch	Peterson		

Advanced to E & R for Review with 32 ayes, 9 nays, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 182. Title read. Considered.

Standing Committee amendments, AM0482, found in the Journal on page 936 for the Thirty-Eighth Day were considered.

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 Standing Committee amendments lost with 13 ayes, 15 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Withem withdrew his pending amendment, AM1137, found in the Journal on page 1953.

Mr. Withem offered the following amendment:
AM1288

1. On page 6, line 4, strike "The", show as stricken, and insert "After the effective date of this act and on or before July 15, 1987, the"; in lines 5 and 13 strike "certify", show as stricken, and insert "recertify" and after "charge" insert "for the 1987-88

school year"; and strike beginning with "March" in line 15 through the period in line 16, show as stricken, and insert "July 31. On July 15, 1988, and each year thereafter, the State Department of Education shall certify the total high school tuition charge to the receiving district. The superintendent of the receiving district shall certify the nonresident high school tuition charge for the 1988-89 school year and each school year thereafter to the county superintendent for transmittal to the county treasurer and each receiving district on or before July 31 of each year.".

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. 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 Withem amendment was adopted with 26 ayes, 4 nays, 10 present and not voting, and 9 excused and not voting.

Mr. Wesely and Mrs. Morehead asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lamb moved to bracket LB 182 to January 10, 1988.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Chambers 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 10 ayes, 1 nay, and 38 not voting.

Mr. Lamb requested a roll call vote on his motion to bracket.

Voting in the affirmative, 6:

Barrett	Coordsen	Haberman	Hefner	Lamb

Langford

Voting in the negative, 29:

Baack	Hall	Korshoj	Nelson	Smith
Chizek	Hannibal	Labedz	Remmers	Warner
Conway	Harris	Landis	Rogers	Wehrbein
Dierks	Hartnett	McFarland	Rupp	Weihing
Elmer	Higgins	Miller	Schmit	Withem
Goodrich	Johnson, L.	Moore	Scofield	

Present and not voting, 1:

Beyer

Excused and not voting, 13:

Abboud	Johnson, R.	Marsh	Peterson	Schellpeper
Ashford	Johnson, V.	Morehead	Pirsch	Wesely
Chambers	Lynch	Pappas		

The Lamb motion to bracket lost with 6 ayes, 29 nays, 1 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Review with 28 ayes, 4 nays, 4 present and not voting, and 13 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 787. Placed on Select File as amended.
E & R amendment to LB 787:
AM5220
1. On page 2, lines 12 and 21, strike "FY1988-89" and insert "the period July 1, 1988, to June 30, 1989".

LEGISLATIVE BILL 270A. Placed on Select File.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 763 in the Journal. No objections. So ordered.

AM1207

1. Purpose: To make a personal services limitation adjustment previously approved but omitted in the first committee amendment.

Amendment: Insert the following new section:

"Sec. 12. That Laws 1986, LB 1251, section 70, be amended to read as follows:

Sec. 70. Agency No. 78 -- Nebraska Commission on Law Enforcement and Criminal Justice

(1) Program No. 196 - Local Distribution of Aid

GENERAL FUND	64,696
PROGRMA TOTAL	64,696

There shall be no personal services expenditures for state employees from the appropriation to this program.

There is included in the appropriation to this program $64,525 General Funds, for state aid, which shall only be used for such purpose.

(2) Program No. 198 - State and Local Planning

GENERAL FUND	130,738
CASH FUND	5,000
FEDERAL FUND est.	843,931
PROGRAM TOTAL	979,669

Total expenditures for permanent and temporary salaries and per diems for state employees shall not exceed $135,644.

There is included in the appropriation to this program $775,000 Federal Funds estimate, for state aid, which shall only be used for such purpose.

(3) Program No. 199 - Nebraska Law Enforcement Training Center

CASH FUND	710,981
FEDERAL FUND est.	82,000
PROGRAM TOTAL	792,981

Total expenditures for permanent and temporary salaries and per diems shall not exceed ~~$360,044~~ $374,604.

(4) Program No. 201 - Crime Victim - Witness Assistance

FEDERAL FUND est.	342,000
PROGRAM TOTAL	342,000

There shall be no personal services expenditures for state employees from the appropriation to this program.

There is included in the appropriation to this program $342,000 Federal Funds estimate, for state aid, which shall only be used for such purpose.

(5) Program No. 203 - Jail Standards Board

GENERAL FUND	131,391
FEDERAL FUND est.	13,000
PROGRAM TOTAL	144,391

Total expenditures for permanent and temporary salaries and per diems shall not exceed $91,803.

For Informational Purposes Only: Total Appropriations to Agency No. 78 and Fund Source

GENERAL FUND	326,825
CASH FUND	715,981
FEDERAL FUND est.	1,280,931
AGENCY TOTAL	2,323,737".

2. Purpose: To reimburse Douglas County Hospital for costs of inpatient treatment for mentally ill persons.

Amendment: In the Standing Committee amendment, AM1065:

a. On page 6, line 24, strike "24,419,550", show as stricken, and insert "24,497,760"; and

b. On page 7, line 3, strike "34,970,889", show as stricken, and insert " 35,049,099"; and in line 8, strike "$5,514,161", show as stricken, and insert "$5,592,371".

3. Purpose: To increase the Cash Fund appropriation for the State Health Laboratory and Community Health Nursing.

Amendment: a. On page 41, line 13, strike "2,650,363", show as stricken, and insert " 3,150,363"; and in line 15 strike "21,749,560" and insert "22,249,560"; and

b. On page 43, line 1, strike "5,244,639", show as stricken, and insert "5,744,639"; and in line 3, strike "24,566,299" and insert "25,066,299".

4. Purpose: To strike the capital construction amount already authorized in Legislative Bill 449, Ninetieth Legislature, First Session, 1987.

Amendment: Strike original section 29.

5. Purpose: To provide an appropriation for

fire control improvements and reappropriate an unexpended balance.
Amendment: Insert the following new section:
"Sec. 32. There is hereby appropriated $319,500 from the State Building Fund for the period July 1, 1986, to June 30, 1987, to the Department of Administrative Services, for Program 900, for fire control improvements. The unexpended balance on June 30, 1987, is hereby reappropriated.".
6. Purpose: To correct a transcription error and insert the correct General Fund amount.
Amendment: In the Standing Committee amendment, AM1065, on page 7, line 21, strike "7,553,513", show as stricken, and insert "7,441,587" and move such matter to line 20.
7. Purpose: To correct a calculation error in agency 65 - Department of Administrative Services.
Amendment: a. In the Standing Committee amendment, AM1065, on page 16, line 20, strike "3,286,616" and insert "3,289,616".
b. In the E & R amendment, on page 1 strike beginning with the semicolon in line 8 through the final quotation marks in line 11.
8. Purpose: Allow the reimbursement rate provided for in the intermediate care facility for the mentally retarded settlement for Omaha Manor or Beatrice State Development Center clients.
Amendment: In the Standing Committee amendment, AM1065, on page 16, line 13, strike "$34.40", show as stricken, and insert "$38.81".

Mr. Warner asked unanimous consent to print the following amendment to LB 781 in the Journal. No objections. So ordered.

AM1277
1. Insert the following new section:
"Sec. 3. The Department of Public Institutions shall prepare and submit to the Appropriations Committee of the Legislature on or before December 31, 1987, a program statement for the need to provide additional residential housing at the Beatrice State Developmental Center to provide space for persons at risk of admission to an intermediate care facility for the mentally retarded. The program statement shall

include the project description, purpose and objectives, justification of need, space requirements, the estimated cost of construction, and an estimated projection of added operational cost for staffing and operation. The study shall specifically identify the number of beds required, levels of care to be provided, and the impact the additional beds will have on the existing programmatic and service space serving the needs of the residents. Sources of funding for the proposed project and a timeline schedule of activity from the time the funding approval is given through completion of construction shall be identified.

Such program statement shall not be required if the State of Nebraska implements a Home and Community-based Waiver that provides services during the next three years for all persons with mental retardation who are at risk of admission to an intermediate care facility for the mentally retarded.".

2. On page 12, after line 3, insert:

"The Board of Regents of the University of Nebraska is hereby authorized to make deferred repairs to and undertake miscellaneous renovation of the Trailside Museum facility including the staff cabin at Fort Robinson State Park. There is hereby appropriated $70,000 from the State Building Fund for the fiscal year ending June 30, 1988, for such improvements.".

3. Renumber the remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 782 in the Journal. No objections. So ordered.

AM1185

1. On page 2, line 12, after "permanent" insert "and temporary"; in line 13 strike "continuous" and show as stricken; strike beginning with "and" in line 14 through "regulations" in line 16 and show as stricken; in line 19 strike "(6)", show as stricken, and insert "(5)"; and in line 20 strike "A permanent", show as stricken, and insert "An".

2. On page 3, line 1, strike "permanent" and show as stricken; strike lines 15 through 18 and show the old matter as stricken; in line 19 strike "(7)", show as stricken, and insert "(6)"; and in line 25

strike "(8)", show as stricken, and insert "(7)".

Mr. Warner asked unanimous consent to print the following amendment to LB 782A in the Journal. No objections. So ordered.

AM1278

1. Purpose: To provide a three per cent salary increase for temporary employees employed by the Nebraska State Historical Society.

Amendment: On page 59, line 9, strike "55,155" and insert "59,640" and strike "112,200" and insert "121,305"; in line 11 strike "58,026" and insert "62,511" and strike "118,040" and insert "127,145"; in line 13 strike "$52,155" and insert "$56,640"; and in line 16 strike "$105,874" and insert "$114,979".

2. Purpose: To transfer money from the Department of Roads Operation Cash Fund to the Carrier Enforcement Cash Fund.

Amendment: On page 64, after line 20, insert the following:

"The Department of Roads shall transfer $42,222 from the Department of Roads Operation Cash Fund for FY1987-88 to the Carrier Enforcement Cash Fund. The Department of Roads shall transfer $85,710 from the Department of Roads Operation Cash Fund for FY1988-89 to the Carrier Enforcement Cash Fund.".

Messrs. Haberman, Schellpeper, Coordsen, Beyer, Ashford, Chizek, Lynch, Wesely, Barrett, and Baack asked unanimous consent to print the following amendment to LB 784 in the Journal. No objections. So ordered.

AM1243

1. Insert the following new section:

"Sec. 21. There is hereby appropriated (1) $15,000 from the General Fund for the period July 1, 1987, to June 30, 1988, and (2) $15,000 from the General Fund for the period July 1, 1988, to June 30, 1989, to the State Foster Care Review Board, for Program 116, to provide for a full-time supervisor's position.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither $15,000 for the period July 1, 1987, to June 30, 1988, nor $15,000, for the period

July 1, 1988, to June 30, 1989.".

2. Renumber the remaining section accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1266

(Amendments to AM0968)

1. On page 21, line 12, strike "and"; and in line 15 after "section" insert "; and

(iii) A family farm corporation pursuant to Article XII, section 8, of the Constitution of Nebraska".

Mr. Schmit asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1265

(Amendments to AM0968)

1. On page 14, line 6, strike "may" and insert "shall first".

Mr. Schmit asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1264

(Amendments to AM0968)

1. On page 12, line 16, strike "five" and insert "three".

2. On page 13, line 10, strike "ten" and insert "five".

Mr. Schmit asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1263

(Amendments to AM0968)

1. On page 12, line 16, strike "five" and insert "four".

2. On page 13, line 10, strike "ten" and insert "eight".

Mr. Schmit asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1262

(Amendments to AM0968)

1. On page 12, line 16, strike "five" and insert "three".

2. On page 13, line 10, strike "ten" and insert "six".

Mr. Schmit asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1261

(Amendments to AM0968)

1. On page 12, line 16, strike "five" and insert "two".

2. On page 13, line 10, strike "ten" and insert "four".

Mr. Schmit asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1260

(Amendments to AM0968)

1. On page 12, line 16, strike "five" and insert "one".

2. On page 13, line 10, strike "ten" and insert "three".

GENERAL FILE

LEGISLATIVE BILL 598. Title read. Considered.

Standing Committee amendments, AM0563, found in the Journal on page 1033 for the Forty-First 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 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 108, 111, 115, and 123.

GENERAL FILE

LEGISLATIVE BILL 598A. Title read. Considered.

Mr. Hartnett renewed the pending Lynch amendment, AM0880, found in the Journal on page 1544.

The Lynch amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 408. Title read. Considered.

Standing Committee amendments, AM0570, found in the Journal on page 1087 for the Forty-Third Day were adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Baack asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner renewed his pending amendment, AM1267, found in the Journal on page 2092.

The Warner amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 224. Title read. Considered.

Standing Committee amendments, printed separate from the Journal and referred to on page 1229 for the Forty-Eighth Day were considered.

Mr. Coordsen offered the following amendment to the Standing Committee amendments:

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1032.)

The Coordsen amendment was adopted with 21 ayes, 0 nays, 15 present and not voting, and 13 excused and not voting.

Mr. Haberman withdrew his pending amendment, AM1143, found in the Journal on page 1935.

Mr. Haberman offered the following amendment to the Standing Committee amendments:
AM1218

(Amendments to Standing Committee amendments)

1. Insert the following new section:

"Sec. 10. That section 39-6,179, Revised Statutes Supplement, 1986, be amended to read as follows:

39-6,179. (1)(a) No vehicle shall exceed a length of forty feet, extreme overall dimensions, inclusive of front and rear bumpers including load, except that (i) a bus may exceed the forty-foot limitation by up to but not to exceed six inches when such excess length is caused by the projection of a front or rear safety bumper constructed, treated, or manufactured so that it absorbs energy upon impact, (ii) a truck-tractor may exceed the forty-foot limitation, (iii) a semitrailer operating in a truck-tractor single semitrailer combination, which semitrailer was actually and lawfully operating in the State of Nebraska on December 1, 1982, may exceed the forty-foot limitation, and (iv) a semitrailer operating in a truck-tractor single semitrailer combination, which semitrailer was not actually and lawfully operating in the State of Nebraska on December 1, 1982, may exceed the forty-foot limitation but shall not exceed a length of fifty-three feet including load.

(b) No combination of vehicles shall exceed a length of sixty-five feet extreme overall dimensions inclusive of front and rear bumpers and including load, except (i) <u>one truck and one trailer, loaded or unloaded, used in transporting a combine to be engaged in harvesting, while being transported into or through the state during daylight hours and the total length does not exceed seventy-five feet including load, (ii)</u> a

truck-tractor single semitrailer combination, and ~~(ii)~~ (iii) a truck-tractor semitrailer trailer combination, but the semitrailer trailer portion of such combination shall not exceed sixty-five feet inclusive of connective devices.

(c) Two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each when the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six, thirty-seven, or thirty-eight feet, except as provided in section 39-6,180.02. Such vehicles shall be subject to section 39-6,185.

(d) A truck shall be construed to be one vehicle for the purpose of determining length.

(e) A trailer shall be construed to be one vehicle for the purpose of determining length.

(2) Subsection (1) of this section shall not apply to: Extra-long vehicles which have been issued a permit pursuant to section 39-6,179.01; vehicles which have been issued a permit pursuant to section 39-6,181.01; the temporary moving of farm machinery during daylight hours in the normal course of farm operations; the movement of unbaled livestock forage vehicles, loaded or unloaded; the movement of public utility or other construction and maintenance material and equipment at any time; farm equipment dealers hauling, driving, delivering, or picking up farm equipment or implements of husbandry within the county in which the dealer maintains his or her place of business, or in any adjoining county or counties, and return; the overhang of any motor vehicle being hauled upon any lawful combination of vehicles, but such overhang shall not exceed the distance from the rear axle of the hauled motor vehicle to the closest bumper thereof; or any rubber-tired crane with a fixed load when (a) such vehicle will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city, (b) the city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a

state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads, (c) such vehicle will be escorted by another vehicle or vehicles assigned by the city, (d) such vehicle's gross weight does not exceed eighty-five thousand pounds, if a four-axle crane, or sixty-seven thousand pounds, if a three-axle crane, and (e) if a four-axle crane, the maximum weight on each set of tandem axles does not exceed forty-two thousand five hundred pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty-two thousand five hundred pounds.

(3) The length limitations of this section shall be exclusive of safety and energy conservation devices, such as rearview mirrors, turnsignal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mudflaps and splash and spray suppressant devices, load-induced tire bulge, refrigeration units or air compressors, and other devices necessary for safe and efficient operation of commercial motor vehicles, except that no device excluded from the limitations of this section shall have by its design or use the capability to carry cargo.".

2. On page 30, line 5, after the third comma insert "and section 39-6,179, Revised Statutes Supplement, 1986,".

3. Renumber remaining sections accordingly.

The Haberman amendment was adopted with 15 ayes, 0 nays, 22 present and not voting, and 12 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mr. Haberman offered the following amendment:
to add the emergency clause

The Haberman amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Landis asked unanimous consent to have his name added as co-introducer to LB 663. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1272

(Amendments to Standing Committee amendments, AM0968)

1. On page 2, line 9, after the comma insert "foster a public-private partnership in expansion of business in the state by encouraging businesses to utilize the state's postsecondary educational research resources that could aid in expansion by the business,".

2. On page 11, line 9, after "of" insert "seventy-five per cent of".

3. On page 12, line 5, after "of" insert "seventy-five per cent of"; and in line 16 strike "five" and insert "three and three-fourths".

4. On page 13, line 10, strike "ten" and insert "seven and one half"; and after line 23 insert the following new subsection:

"(5) The taxpayer who is or has been allowed a refund under subsection (3) of this section or credit under subsection (4) of this section shall be entitled to elect an additional credit for a contribution made by the taxpayer during the entitlement period to a Nebraska public postsecondary baccalaureate institution for purposes of endowing or partially endowing a faculty chair whose responsibilities include research and which is in a field designated by the taxpayer and approved by the governing board of the institution. The contribution may, at the option of the taxpayer, be contingent upon the taxpayer subsequently receiving the credit for the contribution provided for in this subsection. The amount of the credit allowed shall be two times the amount of the contribution, except that the total amount of credits allowed under this

subsection shall not exceed one-third of the amount of sales and use tax refunds allowed the taxpayer under subsection (3) of this section plus credits allowed under subsection (4) of this section for the project. The institution shall then request from the first regular session of the Legislature following its receipt of the contribution one dollar of matching funds from the General Fund for every four dollars of contribution made by the taxpayer. If matching funds are not provided within one year of the contribution, the amount of the contribution may, at the option of the taxpayer, be returned to the taxpayer. Such return shall not affect the credit allowed under this subsection. It is the intent of the Legislature that the contribution and the matching funds shall not be used to replace existing funds.".

5. On page 14, line 13, after the period insert "The credits shall be used in the following order: First, the credit provided in subsection (3) of section 5 of this act; second, the credit provided in subdivision (4)(a) of section 5 of this act; and third, the credit provided in subdivision (4)(b) of section 5 of this act.".

EXPLANATION OF VOTE

Had I been present, I would have voted nay on LB 773 and 773A.

(Signed) Sandra K. Scofield

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 7, 1987. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Furst, Kurt A. - Denver, CO (Withdrawn 87/05/04), US Sprint (Withdrawn 87/05/04)
Knott, Timothy R. - Lincoln, National Audubon Society

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1289
(Amendments to Standing Committee amendments, AM0968)

1. On page 10, line 17, strike the second "and"; in line 23 after "computers" insert "; and"; and after line 23 insert the following new subdivision:

"(c) Personal property which is business equipment located in a single project if (i) the business equipment is utilized in a business which is involved directly in the manufacture or processing of agricultural products, (ii) the business equipment has a minimum aggregate value of ten million dollars, and (iii) the use and value of the business equipment has been certified by the Tax Commissioner. If a taxpayer chooses to utilize the property tax exemption prescribed in this subdivision, for every dollar of property tax exempted pursuant to this subdivision, the amount of any credit earned by such taxpayer pursuant to the Employment and Investment Growth Act shall be reduced by one dollar and twenty-five cents. The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this subdivision.".

Mr. Schmit asked unanimous consent to print the following amendment to LB 185 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1279.)

GENERAL FILE

LEGISLATIVE BILL 708. Title read. Considered.

Mr. R. Johnson withdrew his pending amendment, AM1057, found in the Journal on page 1810.

Messrs. Hefner, Hartnett, and Miller asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit renewed the pending R. Johnson amendment, AM1088, found in the Journal on page 1892.

The R. Johnson amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Schmit renewed his pending amendment, AM0826, found in the Journal on page 1566.

The Schmit amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Schmit offered the following amendment:
to add the emergency clause to LB 708

The Schmit amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 780 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1251.)

VISITORS

Visitors to the Chamber were 9 seventh, eighth, and ninth grade students and teacher from Park Avenue Christian School, Norfolk; 33 sixth grade students and teachers from Ravenna; 60 fourth grade students and teacher from Tekamah-Herman; 70 fourth grade students, parents, and teachers from Chandler View Elementary School, Omaha; 35 seventh and eighth grade students and teacher from Silver Creek; 37 fourth grade students and teacher from Norris Elementary, Omaha; 14 students and instructors from Clarkson College of Nursing, Omaha; 13 seventh and eighth grade students, sponsors, and teacher from St. Mary's School, Ord; 25 sixth grade

students and teacher from Overton Elementary School; 21 eighth grade students and teacher from Bassett Grade School; and 22 seventh and eighth grade students and teacher from Cedar Hollow District 3.

MOTION - Adjournment

Mr. Hannibal moved to adjourn. The motion prevailed with 14 ayes, 10 nays, 11 present and not voting, and 14 excused and not voting, and at 1:55 p.m., the Legislature adjourned until 9:00 a.m., May 11, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-NINTH DAY - MAY 11, 1987

LEGISLATIVE JOURNAL

SEVENTY-NINTH DAY - MAY 11, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

SEVENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 11, 1987

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Ron Elliott, Calvary Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chambers, Coordsen, R. Johnson, Peterson, Rupp, and Schmit 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 390. Placed on Select File as amended.
E & R amendments to LB 390:
AM5221

1. In the Standing Committee amendments, AM0682, adopted May 6, 1987:

a. On page 2, line 6, strike "to" and insert "on";

b. On page 3, lines 13 and 16, strike "United

States" and insert "federal";

c. On page 4, line 2, strike "generating" and insert "radiation-generating"; and in line 13 strike "meet" through "qualifications"; and

d. On page 6, line 10, strike "requirement" and insert "requirements"; and in line 21 strike "subdivision" and insert "subsection".

2. On page 1, line 6, after "to" insert "powers and"; and in line 14 after the second semicolon insert "to create funds;".

3. On page 2, line 4, after the semicolon insert "to provide requirements for certain operators of X-ray systems;"; and in line 5 after the second semicolon insert "to provide operative dates;".

4. On page 6, line 22, strike "radiation generating", show "radiation" as stricken, and insert "radiation-generating".

5. On page 10, line 11, after the first comma insert "rules,".

6. On page 26, line 9, after the first "the" insert "rules and".

7. On page 27, lines 2 and 23, strike "effective" and insert "operative" and strike "act" and insert "section"; and in lines 8 and 18 strike "shall" and insert "will".

8. On page 28, line 3, strike "effective" and insert "operative"; in line 4 strike "act" and insert "section"; in line 9 after "state" insert an underscored comma; and in line 11 strike ", shall" and insert "will".

9. On page 29, strike line 7 and insert "to this section.".

10. On page 32, line 12, strike "are not" and insert "shall not be"; and in line 24 strike "activity" and insert "activities".

11. On page 33, line 23, strike "activity" and insert "activities".

12. On page 35, line 9, strike "and"; and in line 11 strike the comma.

13. On page 37, line 25; and page 38, line 23, strike the comma and show as stricken.

14. On page 44, line 1, strike "penalties" and insert "penalty"; and in line 22 strike "shall" and insert "will".

LEGISLATIVE BILL 390A. Placed on Select File.

LEGISLATIVE BILL 684. Placed on Select File as amended.
E & R amendments to LB 684:
AM5218

1. In the L. Johnson amendment, AM1238, adopted May 6, 1987, on page 1, line 15, strike "those" and insert "as".

2. On page 1, strike beginning with "eliminate" in line 3 through "prescribed" in line 6 and insert "change provisions for the authority for and location of tractor engine testing; to change provisions relating to rules and regulations; to provide for reciprocity agreements; to eliminate certain powers".

LEGISLATIVE BILL 279. Placed on Select File as amended.
E & R amendments to LB 279:
AM5219

1. In the Schmit amendment, AM0811, adopted May 6, 1987:

a. On page 1, line 6, strike "3 and 4" and insert "4 and 5"; and in line 13 strike "shall" and insert "will";

b. On page 2, line 6, strike "section" and insert "sections"; in line 18 strike "3" and insert "4"; and in lines 19 to 20 strike "Ethanol Authority and Development Cash Fund" and insert "fund"; and

c. On page 3, line 3, strike "9" and insert "10" and strike "8" and insert "9".

2. In the Standing Committee amendments, AM0510, adopted May 6, 1987:

a. On page 4, lines 16 to 17, strike "Ethanol Authority and Development Cash Fund", show as stricken, and insert "fund"; and in line 23, strike "affects" and insert "effects"; and

b. On page 5, line 10 after "Legislature" insert "hereby"; and in lines 13 and 15 strike the comma.

3. Insert the following new section and renumber the remaining sections accordingly:

"Sec. 2. That section 66-1302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-1302. The Legislature finds that Nebraska should immediately develop an ethanol development program to provide for:

(1) Expanded use of Nebraska agricultural products;

(2) Efficient and less-polluting energy sources and reserves which will make Nebraska more independent energy-wise and which will retain Nebraska dollars in the Nebraska economy to achieve a pyramid effect thereby generating additional jobs and tax income to the state rather than the export of Nebraska dollars;

(3) Development of protein which will be more efficiently stored and marketed to foreign nations rather than the present method of simple export of unprocessed grain products; and

(4) Alternative local outlets for Nebraska agricultural products which can be particularly utilized in times of depressed grain prices so as to give Nebraskans greater control of their crop marketing procedures rather than have crop marketing procedures too dependent upon federal agencies, major grain exporters, and foreign purchasers. Local outlets may include ethanol and ~~fructose~~ other agricultural byproduct production and distribution plants and facilities.".

4. On page 1, strike beginning with "ethanol" in line 1 through line 6 and insert "energy; to amend sections 66-1301, 66-1302, 66-1307, 66-1317, 66-1323, and 66-1324, Reissue Revised Statutes of Nebraska, 1943; to provide additional uses of certain ethanol funds; to provide procedures; to provide for facilities for agricultural byproducts as prescribed; to authorize grants to Indian tribes; to state intent; to define a term; to provide for a study of the effects of motor vehicle exhaust emissions as prescribed; to require a report; to eliminate provisions relating to ethanol grants; to harmonize provisions; and to repeal the original sections, and also section 66-1318, Reissue Revised Statutes of Nebraska, 1943.".

(Signed) Scott Moore, Chairperson

Correctly Engrossed

The following bills were correctly engrossed: 183, 261, 442, 561, 561A, 772, and 772A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 183

The following changes, required to be reported for publication in the Journal, have been made:
ER0185

1. On page 2, line 7, "every" has been struck, shown as stricken, and "the" inserted; and in lines 7 to 8 "in the state" has been struck and shown as stricken.

Enrollment and Review Change to LB 261

The following changes, required to be reported for publication in the Journal, have been made:
ER0184

1. On page 3, line 14, "is" has been struck and "was" inserted.

Enrollment and Review Change to LB 442

The following changes, required to be reported for publication in the Journal, have been made:
ER0181

1. In the Peterson amendment, AM1202, adopted May 6, 1987:

a. On page 1, line 2, "2" has been struck and "4" inserted; and

b. Amendment 2 has been struck and the remaining amendment renumbered accordingly.

2. In the Peterson amendment, AM1042, adopted May 6, 1987, on page 1, line 2, "3" has been struck and "6" inserted.

3. In the Remmers-Peterson amendment, AM1011, adopted May 6, 1987:

a. On page 1, line 16, "requirements" has been struck and "requirement" inserted; in line 17 "transporting" has been struck and "transportation" inserted; and in line 20 the second "a" has been struck; and

b. Amendment 2 has been struck and the remaining amendment renumbered accordingly.

4. On page 1, line 2, "section 71-5102" has been struck and "sections 71-5102, 71-5108, and 71-5111" inserted; in line 4 "and" has been struck and "to change provisions relating to the transportation of patients; to change immunity provisions;" inserted; and in line 5

"section" has been struck and "sections; and to declare an emergency" inserted.

5. On page 2, line 5, "and section 3 of this act" has been inserted after "71-5123".

6. On page 3, line 16, "section 71-5102" has been struck and "sections 71-5102, 71-5108, and 71-5111" inserted; and in line 17 "is" has been struck and "are" inserted.

Enrollment and Review Change to LB 561

The following changes, required to be reported for publication in the Journal, have been made:
ER0183

1. On page 1, line 4, "and the University of Nebraska" has been inserted after "Agriculture".

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 135.

Introduced by L. Johnson, 15th District; Moore, 24th District; Warner, 25th District; Goodrich, 20th District; Lamb, 43rd District; Remmers, 1st District; Hefner, 19th District; Schmit, 23rd District; Rupp, 22nd District; Smith, 33rd District.

PURPOSE: To study the issues raised by Legislative Bill 80, Ninetieth Legislature, First Session, 1987, which provides for the regulation of the operation and equipping of all-terrain vehicles.

The topics for consideration shall include, but not be limited to:

(1) Providing for the registration and licensing of all-terrain vehicles;

(2) Requiring operator qualifications for all-terrain vehicles;

(3) Providing limitations upon the operation of all-terrain vehicles upon public streets and highways; and

(4) Requiring safety equipment for all-terrain vehicles and operators.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Transportation Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 523 in the Journal. No objections. So ordered.

AM1247

(Amendments to Final Reading Copy)

1. On page 2, line 12, after "to" insert "assessment of property,".

2. Insert the following new section:

"Sec. 38. Notwithstanding the provisions of sections 77-1209, 77-1209.02 and 77-1209.03, (1) all improvements which would be assessed as real property except for the fact that they are put on leased lands or leased public lands and (2) the leasehold interest of each lessee of leased lands or leased public lands shall be assessed to the owner thereof as real property if a portion of the ad valorem tax thereon has been allocated and pledged pursuant to subdivision (2) of section 18-2147 and section 18-2150.".

3. On page 107, line 7, strike "39" and insert "40"; and in line 10 strike "40" and insert "41".

4. Renumber original sections 38 to 42 as sections 39 to 43, respectively.

REPORT

Received annual report of the Nebraska Public Counsel (Ombudsman) pursuant to Section 81-8,251, R.R.S. 1943.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 101, 106, 107, 110, 114, 118, 120, 121, and 122.

SELECT FILE

LEGISLATIVE BILL 270. E & R amendments, AM5198, found in the Journal on page 1813 for the Sixty-Seventh Day were adopted.

Messrs. Landis, Ashford, V. Johnson, and Chizek renewed their pending amendment, AM1236, found in the Journal on page 2043.

The Landis et al. amendment was adopted with 33 ayes, 1 nay, 8 present and not voting, and 7 excused and not voting.

Mr. Haberman renewed his pending amendment, AM1144, found in the Journal on page 1953.

Mr. Withem 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. LABEDZ PRESIDING

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Haberman amendment was adopted with 27 ayes, 5 nays, 13 present and not voting, and 4 excused and not voting.

Mrs. Higgins offered the following amendment:

In the Chizek amendment, AM0573, adopted April 22, 1987, page 3, line 17, after "employment" insert ", until the credit used is repaid in full".

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

The Higgins amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mrs. Higgins offered the following amendment:

1. Strike on page 2, line 9 and 17 "the equivalent of" and show as stricken.

2. In the Chizek amendment, AM0573, adopted April 22, 1987, strike on page 5, lines 21 through 24, and strike page 6, lines 1 through 2.

The Higgins amendment was adopted with 25 ayes, 4 nays, 17 present and not voting, and 3 excused and not voting.

Mrs. Higgins offered the following amendment:

In the Chizek amendment, AM0573, adopted April 22, 1987, page 6, after the period in line 17 insert "(7) A new employee may not be a member of the taxpayer's immediate family. The immediate family shall mean: spouse, children, parents, grandparents, grandchildren, brothers, sisters, or persons bearing the same relationship to the spouse.".

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins requested a record vote on her amendment.

Voting in the affirmative, 17:

Abboud	Hartnett	Lynch	Pappas	Schellpeper
Conway	Higgins	Moore	Remmers	Wesely
Coordsen	Johnson, V.	Morehead	Rupp	Withem
Hannibal	Labedz			

Voting in the negative, 19:

Baack	Elmer	Johnson, L.	Marsh	Warner
Beyer	Goodrich	Johnson, R.	Miller	Wehrbein
Chizek	Hall	Korshoj	Nelson	Weihing
Dierks	Hefner	Langford	Rogers	

Present and not voting, 9:

Ashford	Harris	McFarland	Schmit	Smith
Haberman	Lamb	Pirsch	Scofield	

Excused and not voting, 4:

Barrett	Chambers	Landis	Peterson

The Higgins amendment lost with 17 ayes, 19 nays, 9 present and not voting, and 4 excused and not voting.

Mrs. Morehead offered the following amendment:

to amend LB 270 by amending the Chizek Amendment found on Journal Page 1061 and adopted 4/22/87.

Section 3. Add new subsection (7) "No claim for refund of sales and use taxes under this section may be filed prior to January 1, 1989."

Section 9. Change 1988 to 1987.

The Morehead amendment was adopted with 25 ayes, 5 nays, 15 present and not voting, and 4 excused and not voting.

SPEAKER BARRETT PRESIDING

Mrs. Higgins requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 41 ayes, 1 nay, 5 present and not voting, and 2 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 136.

Introduced by Elmer, 38th District.

WHEREAS, Wallace, Nebraska is celebrating its centennial this year; and

WHEREAS, Wallace is located in Lincoln County which has contributed many fine citizens to this state; and

WHEREAS, the pioneer spirit which forged Wallace is still alive and strong today; and

WHEREAS, a centennial celebration provides an opportunity to reflect upon those places which contribute to the good life of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes to the community of Wallace on the occasion of its centennial.

2. That a copy of this resolution be sent to Lyle Clapp, chairperson of the Village board of Wallace.

Laid over.

LEGISLATIVE RESOLUTION 137.

Introduced by R. Johnson, 34th District.

PURPOSE: The purpose of this resolution is:

(1) To compile a history of attempts by the Department of Agriculture and Department of Economic Development to enhance the marketing of agricultural commodities and products;

(2) To evaluate legislation, budgets, and programs of other states for the marketing of agricultural commodities and products. The national and international marketing efforts of these various states shall be considered; and

(3) To recommend changes in statutory authorities and budgeting as warranted by the study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 138.

Introduced by R. Johnson, 34th District.

PURPOSE: The purpose of this resolution is to study the soybean, corn, wheat, beef, grain sorghum, poultry and eggs, and potato commodity boards and to consider (1) whether board members should be elected or appointed, (2) whether such boards should be coordinated by the Department of Agriculture or other appropriate body, (3) whether the use by the commodity boards of their check-off money has been effective in achieving the objectives of each commodity group, and (4) any other questions that arise in the course of the study relative to such commodity boards.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 committee shall upon the conclusion of its 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 R. Johnson, 34th District.

PURPOSE: The purpose of this resolution is to study grasslands protection. To fully conduct such study, the objectives and provisions of Legislative Bill 124, Ninetieth Legislature, First Session, 1987, shall be reviewed. In addition, the study shall:

(1) Assess the extent of revegetation needed in native grassland areas of the state;

(2) Assess the extent of erosion and sedimentation problems in native grassland areas of the state;

(3) Assess public acceptance of possible regulatory measures, such as those proposed in LB 124;

(4) Consider whether penalties or sanctions should be imposed on landowners who convert highly erodible grassland into crops and then fail to revegetate such land when cropping is discontinued;

(5) Determine the affect of the federal Conservation Reserve provisions on state regulation of highly erodible native grasslands; and

(6) Consider methods of funding and enforcing possible native grassland regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 474. Placed on Select File as amended.
E & R amendments to LB 474:
AM5222

1. Insert the following new section:

"Sec. 2. That section 48-1206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1206. (1) The Commissioner of Labor shall have the authority to subpoena records and witnesses related to the enforcement of ~~the provisions of this act~~ section 48-1203 and this section. ~~He~~ The commissioner or his or her agent may inspect all related records and gather testimony on any matter relative to the enforcement of ~~sections 48-1201 to 48-1209~~ the Wage and Hour Act.

(2) Any employer who violates any of the provisions of ~~sections~~ section 48-1203 ~~and 48-1204~~ shall be guilty of a Class IV misdemeanor.

(3) It shall be the duty of the county attorney for the county ~~wherein~~ in which any violation of ~~sections 48-1201 to 48-1209~~ the Wage and Hour Act occurs to prosecute the same in the district court in the county where the offense occurred.

(4) Any employer who violates any provision of section 48-1203 shall be liable to the employees affected in the amount of their unpaid minimum wages, as the case may be.

(5) Action to recover unpaid minimum wages as provided in subsection (4) of this section may be maintained in any court of competent jurisdiction by any one or more employees for and in behalf of himself, herself, or themselves and other employees similarly situated, or such employee or employees may designate an agent or representative to maintain such action for and in behalf of all employees similarly situated. The court in which any action is brought under this subsection shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow costs of the action and reasonable attorney's fees to be paid by the

defendant. In any proceedings brought pursuant to ~~the provisions of~~ this subsection, the employee shall not be required to pay any filing fee or other court costs necessarily incurred in such proceedings.".

2. On page 1, line 1, strike "section 48-1203" and insert "sections 48-1203 and 48-1206"; in line 3 strike "rate" and insert "rates; to eliminate obsolete provisions"; and in line 5 after the semicolon insert "to harmonize provisions;" and strike "section" and insert "sections".

3. On page 2, line 5, after "his" insert "or her"; and in line 20 strike "section 48-1203" and insert "sections 48-1203 and 48-1206".

4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 183A. Placed on Select File.

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 462 in the Journal. No objections. So ordered.

AM1284
(Amendments to Standing Committee amendments, AM0537)

1. On page 2, line 4, strike "Steam Pressure"; and in line 5 strike "Vessels and".

SELECT FILE

LEGISLATIVE BILL 775. E & R amendments, AM5199, found in the Journal on page 1993 for the Seventy-Fourth Day were adopted.

Mr. McFarland renewed his pending amendment found in the Journal on page 1919.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Wesely and V. Johnson offered the following amendment to the pending McFarland amendment:
AM1301

1. In the McFarland amendment found on page 1919 of the Journal, on page 1, strike beginning with "stating" in line 3 through the underscored period in line 5 and insert ". The report shall list the agreements which have been signed during the year and the agreements which are still in effect, with the identity of the taxpayer, the location of the project, and the planned levels of employment and investment for the project.

The report shall also state in the aggregate the refunds allowed on the investment, the credits earned, the credits used to reduce the income tax, and the credits used to obtain sales tax refunds, except that no report of the incentives used shall be made if there are less than ten taxpayers receiving benefits under the Employment and Investment Growth Act. All reports shall be for the previous calendar year, except when a report is not made because of the number of taxpayers, the next report shall include the total benefits allowed since the last reported year.".

2. On page 1, line 4, after "8" insert "and 11".

The Wesely-V. Johnson amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

The McFarland amendment, as amended, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Mr. Warner renewed his pending amendment, AM1119, found in the Journal on page 1923.

Messrs. Lynch, Harris, and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Warner moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Baack	Elmer	Johnson, R.	McFarland	Scofield
Chambers	Haberman	Korshoj	Morehead	Smith
Conway	Hall	Labedz	Nelson	Warner
Coordsen	Higgins	Lamb	Schellpeper	Wehrbein
Dierks	Johnson, L.			

Voting in the negative, 21:

Abboud	Hannibal	Langford	Pappas	Rupp
Ashford	Hartnett	Marsh	Pirsch	Weihing
Barrett	Hefner	Miller	Remmers	Wesely
Chizek	Johnson, V.	Moore	Rogers	Withem
Goodrich				

Excused and not voting, 6:

Beyer	Landis	Lynch	Peterson	Schmit
Harris				

The Warner amendment lost with 22 ayes, 21 nays, and 6 excused and not voting.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 638A. By Scofield, 49th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 638, Ninetieth Legislature, First Session, 1987.

RESOLUTIONS

LEGISLATIVE RESOLUTION 140.

Introduced by Business and Labor Committee: Hall, 7th District, Chairperson; Chambers, 11th District; Coordsen, 32nd District; Hefner, 19th District; Korshoj, 16th District; Labedz, 5th District.

PURPOSE: The problems relating to Nebraska's economy have resulted in hardships both for some Nebraska businesses and the employees of those businesses. This study should examine the possibility of creating, financing, and administering a fund to pay all or some of the unpaid wages of employees who are out of work due to business failure. This study should examine:

(1) The past and projected amounts of such unpaid wages;

(2) Possibilities for financing such a fund; and

(3) Possible procedures for disbursements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature 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 this study 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 Business and Labor Committee: Hall, 7th District, Chairperson; Chambers, 11th District; Coordsen, 32nd District; Hefner, 19th District; Korshoj, 16th District; Labedz, 5th District.

PURPOSE: To review Nebraska's workers compensation system, Chapter 48, article 1. This study shall examine, but shall not be limited to:

(1) Maximum and minimum benefit amounts;

(2) Benefit determination;

(3) Administration of the Second Injury Fund; and

(4) Administration and operation of the Workers' Compensation Court.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 142.

Introduced by Business and Labor Committee: Hall, 7th District, Chairperson; Chambers, 11th District; Coordsen, 32nd District; Hefner, 19th District; Korshoj, 16th District; Labedz, 5th District.

PURPOSE: To review Nebraska's employment security system, Chapter 48, article 6. This study shall examine, but shall not be limited to:

(1) Eligibility for benefits;

(2) Determination of benefits; and

(3) Determination of contribution rates and taxable base.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 143.

Introduced by Business and Labor Committee: Hall, 7th District, Chairperson; Chambers, 11th District; Coordsen, 32nd District; Hefner, 19th District; Korshoj, 16th District; Labedz, 5th District.

PURPOSE: To study the possibility and limits of state regulation of hazardous materials in the workplace, including, but not limited to, regulation of storage, handling, and the right-to-know.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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.

VISITORS

Visitors to the Chamber were Rudolf and Hildegunde Giese from Osnabruck, West Germany; Mr. and Mrs. Steve Tucker and daughter, Robin, from Blair; Mary Martin and Pat Savory from Frankville, Alabama; Monika Lanskau-Herrman from Bonn, West Germany, Eva-Maria Schwende from Munich, West Germany, Gabriela Steckmeister from Stuttgart, West Germany, and escort, Sheila DeTurk; and 24 fourth grade students and teacher from Macy Public Schools.

RECESS

At 11:57 a.m., on a motion by Mr. Moore, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Conway, Haberman, Harris, R. Johnson, Landis, McFarland, Peterson, Rogers, Schmit, Wehrbein, Withem, Mesdames Higgins, and Marsh who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 426 and 599.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 426

The following changes, required to be reported for publication in the Journal, have been made:
ER0186

1. On page 1, line 9, after the semicolon "to eliminate a provision relating to the transfer of funds as prescribed;" has been inserted.
2. On page 17, line 10, "a" has been inserted after the first "for".

Enrollment and Review Change to LB 599

The following changes, required to be reported for publication in the Journal, have been made:
ER0182

1. In the V. Johnson amendment, AM1237, adopted May 6, 1987:
a. On page 2, line 23, "or the other" has been struck; and in line 24 "state" has been struck; and
b. On page 3, line 5, "11" has been struck and "12" inserted.
2. In the Lynch-Hartnett amendment, AM0906, adopted May 6, 1987, amendment 1 has been struck.
3. On page 1, line 1, "to amend section 43-512.07, Revised Statutes Supplement, 1986;" has been inserted after the semicolon; and in line 2 "; to change a provision relating to the payment of arrearages of support payments; and to repeal the original section" has been inserted after "Act".

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 163A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 218A. Title read. Considered.

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.

Advanced to E & R for Review with 30 ayes, 4 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 736A. Title read. Considered.

Messrs. R. Johnson, Ashford, Rogers, Conway, Dierks, Baack, and Pappas offered the following amendment:

1. Insert the following new sections:

There is hereby appropriated $100,000 from the General Fund to the University of Nebraska, Insititute of Agriculture and Natural Resources, Cooperative Extension Service Program 715, for the period July 1, 1987 to June 30, 1988 for "A Managing Main Street Business" a comprehension Management Education program for small business to aid in carrying out the provision of Legislation Bill 736, Ninetieth Legislature, First Session, 1987."

The R. Johnson et al. amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 767A. By Barrett, 39th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 767, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 144.

Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Beyer, 3rd District; Goodrich, 20th District; Lynch, 13th District; Morehead, 30th District; Pappas, 42nd District.

PURPOSE: Securing the delivery of appropriate services for persons with mental retardation constitutes a significant commitment by the state. Part of the state's commitment involves the continuing attempt to serve all persons with mental retardation in programs appropriate to the individual and, whenever possible, in community-based settings. In continually striving to improve the system, the Legislature has had the opportunity to examine new ideas and various alternatives, with the hope of finding a better plan. During

the 1987 Legislature, several bills were introduced which addressed new concepts.

Because of the complexity of the issues in those bills which included the transfer of ICF/MR residents into community programs, a bid-for-services system of payment for community-based services and others, those topics should be part of a comprehensive study of the mental retardation delivery system. This resolution proposes to study the mental retardation services delivery system, with specific emphasis upon the issues addressed in LB 556, LB 693, LB 259, LB 668, and LB 195.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 145.

Introduced by Rogers, 41st District.

WHEREAS, the village of Farwell began as the settlement of Posen in 1883; and

WHEREAS, in 1887 the town was moved three miles to its present site to be near the railroad line; and

WHEREAS, the name of the town was changed to Farwell; and

WHEREAS, the village of Farwell will celebrate its centennial on June 19-21, 1987; and

WHEREAS, this celebration will include a melodrama, dances, a parade, a free barbecue, tractor pull, talent show, auction, and a reunion of friends of the community of Farwell.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes to the community of Farwell on the occasion of its centennial.

2. That a copy of this resolution be sent to the Farwell Centennial Committee, P.O. Box 1987, Farwell, NE 68838.

Laid over.

LEGISLATIVE RESOLUTION 146.

Introduced by Rogers, 41st District.

WHEREAS, the town of Wolbach was incorporated in November, 1887; and

WHEREAS, this Greeley County community has been the home of some of Nebraska's finest citizens for a hundred years; and

WHEREAS, the town of Wolbach will celebrate its centennial on June 26 to 28, 1987, with three days of events for the whole family; and

WHEREAS, a centennial celebration offers a community a unique opportunity to recall its past and look ahead to the future.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends it congratulations and best wishes to the community of Wolbach on the occasion of its centennial.

2. That a copy of this resolution be sent to the Wolbach Centennial Committee, in care of Mrs. Colleen Zyntek, Wolbach, NE 68882.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hartnett asked unanimous consent to have his name added as co-introducer to LB 598. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 763. E & R amendments, AM5202, found in the Journal on page 1983 for the Seventy-Third Day were adopted.

Mr. Lamb renewed his pending amendment, AM1173, found in the Journal on page 1986.

Mr. Lamb withdrew his pending amendment.

Mr. Warner renewed his pending amendment, AM1207, found in the Journal on page 2118.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

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.

LEGISLATIVE BILL 781. E & R amendments, AM5203, found in the Journal on page 1981 for the Seventy-Third Day were adopted.

Mr. Warner renewed his pending amendment, AM1277, found in the Journal on page 2120.

The Warner 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 780. E & R amendments, AM5209, found in the Journal on page 2060 for the Seventy-Sixth Day were adopted.

Messrs. Hall and V. Johnson renewed their pending amendment, AM1189, found in the Journal on page 1993.

Mr. Hall requested a record vote on the Hall-V. Johnson amendment.

Voting in the affirmative, 12:

Chizek	Johnson, V.	Pappas	Rupp	Wesely
Hall	Lynch	Remmers	Schmit	Withem
Higgins	Nelson			

Voting in the negative, 22:

Abboud	Coordsen	Hartnett	Langford	Morehead
Ashford	Dierks	Johnson, L.	Marsh	Scofield
Baack	Elmer	Korshoj	Miller	Warner
Barrett	Goodrich	Lamb	Moore	Wehrbein
Beyer	Hannibal			

Present and not voting, 12:

Chambers	Hefner	McFarland	Rogers	Smith
Conway	Johnson, R.	Pirsch	Schellpeper	Weihing
Harris	Labedz			

Excused and not voting, 3:

Haberman	Landis	Peterson

The Hall-V. Johnson amendment lost with 12 ayes, 22 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Rupp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely withdrew his pending amendment, AM1195, found in the Journal on page 2006.

MRS. MOREHEAD PRESIDING

Mr. Hartnett renewed his pending amendment, AM1221, found in the Journal on page 2044.

The Hartnett amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner renewed his pending amendment, AM1251, printed separate from the Journal and referred to on page 2132.

The Warner amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 147.

Introduced by Hefner, 19th District.

PURPOSE: To review the computation of the contributions of employers to the employment security system under the Employment

Security Law. The study shall include, but not be limited to, an examination of the contribution rates for employers with experience accounts exhibiting a positive balance compared to employers with experience accounts exhibiting a negative balance and shall make a determination whether the contribution rates need to be adjusted to provide a fairer rate for employers with differing experience accounts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 148.

Introduced by R. Johnson, 34th District.

PURPOSE: The purpose of this resolution is to study the impact of Article XII, section 8, of the Constitution of the State of Nebraska on the economy of Nebraska. The study shall examine the appropriateness of statutory and constitutional amendments in order to enhance both the state's agriculture-based economy and preserve its family farm heritage.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the chairpersons of the Agriculture Committee and Banking Commerce and Insurance Committee shall designate the membership of a select committee chosen equally from the Agriculture Committee and Banking, Commerce and Insurance Committee by the respective chairperson of each committee to conduct an interim study to carry out the purpose of this resolution. The chairpersons of the Agriculture Committee and Banking, Commerce and Insurance Committee shall serve as members of the select committee and shall designate a membership which reflects the full spectrum of opinion on the issues presented by this resolution. The chairperson of the Agriculture Committee shall serve as chairperson of the select committee.

2. That the select committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 149.

Introduced by Remmers, 1st District.

WHEREAS, the week of May 3 to 9, 1987, was National Volunteer Week; and

WHEREAS, on May 9, 1987, Darrell E. Wininger, Ph. D., of Peru, Nebraska, was named Volunteer of the Year by the Nebraska Organization of Volunteer Leaders; and

WHEREAS, Dr. Wininger has been a volunteer for a variety of organizations in Southeast Nebraska for thirty-five years; and

WHEREAS, such an exemplary record of service is worthy of recognition by the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That Dr. Darrell E. Wininger is congratulated for being named Volunteer of the Year and is commended for his lengthy record of service.

2. That a copy of this resolution be forwarded to Dr. Wininger.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mrs. Nelson and Mr. Ashford asked unanimous consent to print the following amendment to LB 492 in the Journal. No objections. So ordered.

AM1315

(Amendments to Final Reading copy)

1. On page 2, line 21, strike "or any" and insert "and no".

2. On page 3, strike beginning with "person" in line 2 through line 4 and insert "employee working on a construction project"; in line 6 after "project" insert "and occurring as a result of a violation of a safety practice by any third party"; in line 7 after

"practices" insert "has been"; and strike lines 8 through 12 and insert "by other conduct. This subsection shall not be construed to establish, diminish, or abrogate any duty, standard of care, or liability of any person or individual except as expressly provided in this subsection.".

SELECT FILE

LEGISLATIVE BILL 780. Mr. Abboud offered the following amendment:

PURPOSE: To reduce the University's General Fund appropriation by the amount of the cash fund replacement.

AMENDMENT:

On page 113, in line 9, strike "169,224,779" and insert "167,464,050" and strike "170,571,039" and insert "168,719,797"; in line 13, strike "486,479,041" and insert "484,718,312" and strike "489,477,837" and insert "487,626,595"; in line 22, strike "59,417,921" and insert "59,011,585" and strike "59,669,259" and insert "59,127,426"; in line 24, strike "31,819,373" and insert "31,518,559" and strike "32,160,558" and insert "31,926,133".

On page 114, in line 1, strike "91,237,294" and insert "90,530,144" and strike "91,829,817" and insert "91,053,559"; in line 3, strike "48,539,979" and insert "47,798,848" and strike "49,068,850" and insert "48,367,794"; in line 5, strike "24,116,550" and insert "23,804,102" and strike "24,269,117" and insert "23,895,189".

Messrs. Schmit and Baack asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Abboud moved for a call of the house. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

Mr. Abboud requested a roll call vote on his amendment.

Voting in the affirmative, 3:

Abboud	Lamb	Pirsch

Voting in the negative, 35:

Ashford	Chambers	Dierks	Hall	Hartnett
Barrett	Chizek	Elmer	Hannibal	Hefner
Beyer	Conway	Goodrich	Harris	Johnson, L.

Johnson, R.	Lynch	Morehead	Rogers	Wehrbein
Johnson, V.	Marsh	Nelson	Scofield	Weihing
Korshoj	McFarland	Pappas	Smith	Wesely
Labedz	Moore	Remmers	Warner	Withem

Present and not voting, 5:

Coordsen	Higgins	Langford	Miller	Schellpeper

Excused and not voting, 6:

Baack	Landis	Peterson	Rupp	Schmit
Haberman				

The Abboud amendment lost with 3 ayes, 35 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. R. Johnson offered the following amendment:

1. On page 144, lines 3 and 4, strike "70,646" and insert "93,646" and strike "73,646" and insert "96,049"; and in lines 6 and 9 strike "$41,140" and insert "$59,000".

2. On page 148, line 15, strike "4,079,447" and insert "4,102,447" and strike "4,087,446" and insert "4,109,849"; and in line 18 strike "18,697,800" and insert "18,720,800" and strike "18,732,940" and insert "18,755,343".

The R. Johnson amendment was adopted with 25 ayes, 9 nays, 10 present and not voting, and 5 excused and not voting.

Mr. Lynch offered the following amendment:
AM1318

1. In the Warner amendment, AM1251, on page 12, line 19, strike "region" and insert "provider".

The Lynch amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 417 in the Journal. No objections. So ordered.

AM1314

1. Strike the original sections and insert the following new sections:

"Section 1. That at the general election in November, 1988, 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:

CIII-24 'The Legislature shall not authorize any game of chance~~,~~ nor any lottery~~,~~ or gift enterprise ~~where~~ when 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, except ~~; PROVIDED,~~ that it may authorize and regulate a lottery or lotteries to provide additional revenue for public purposes and such 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~~ horseraces by the parimutuel or certificate method, when conducted by licensees within the ~~race track~~ racetrack 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, except that such ~~; PROVIDED,~~ bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.'

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by 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 Legislature to establish a lottery or lotteries for the purpose of raising additional revenue 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.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 150.

Introduced by Schmit, 23rd District; Moore, 24th District; Pappas, 42nd District.

Purpose: The University of Nebraska Medical Center became affiliated with the university system in 1902 and has throughout the years provided health care services for the citizens of the state. The University of Nebraska Medical Center provides educational opportunities in medicine, nursing, and allied health, dentistry, and pharmacy programs which are currently being duplicated by a private medical college for substantially less money. The statewide hospital occupancy rate has decreased by twenty-eight per cent over the last five years and the occupancy rate for the University of Nebraska Medical Center has decreased by thirty-two per cent with a fifteen percent decrease in patient volume over the last five years. The total budget for the University of Nebraska Medical Center has increased from $127,800,000 in 1983-84 to $168,600,000 for 1986-87 while the enrollment has decreased by more than two hundred students during the same period.

The purpose of this resolution is to:

(1) Identify and examine those programs at the University of Nebraska Medical Center currently being offered by the Creighton University Medical School;

(2) Determine the feasibility of eliminating those programs offered by the University of Nebraska Medical Center that are currently being duplicated by the Creighton University Medical School; and

(3) Study the fiscal impact to the state if the Legislature chooses to close the University of Nebraska Medical Center and to contract

with the Creighton University Medical School for those programs which are being duplicated.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 committee shall upon the conclusion of its 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 Rules Committee: Lynch, 13th District, Chairperson; McFarland, 28th District; Moore, 24th District; Rogers, 41st District; Withem, 14th District.

Purpose: The purpose of this resolution is to study the rules of the Nebraska Legislature. Because the rules are essential to ensuring that the Legislature is conducted in a smooth and orderly fashion, the Legislature needs to study its present rules for inadequacies and omissions. The study shall include, but not be limited to, the following issues:

(1) A procedure for legislative approval of university and state college bond issues;

(2) A procedure for legislative approval of civil action claims;

(3) A revision of the index's to the legislative rules handbook; and

(4) Any other issues the committee deems necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Rules Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its 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 Beyer, 3rd District.

WHEREAS, trucks, buses, trains and airplanes provide essential transportation services to all Americans; and

WHEREAS, America's lifeline is its transportation system allowing the unrestricted movement of persons and property; and

WHEREAS, the safe maintenance and operation of all means of transportation is vital to the health and safety of all who use our nation's transportation systems; and

WHEREAS, improvements in the safe operation of trucks, buses, trains and airplanes result from the cooperative efforts of management and labor; and

WHEREAS, Governor Orr has declared the week of May 10-16 as Transportation Week.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature honors the transportation industry and encourages all Nebraskans to honor the transportation industry by observing Transportation Week from May 10 to May 16, 1987.

Laid over.

SELECT FILE

LEGISLATIVE BILL 782. E & R amendments, AM5208, found in the Journal on page 2063 for the Seventy-Sixth Day were adopted.

Mr. Warner renewed his pending amendment, AM1185, found in the Journal on page 2121.

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 782A. E & R amendments, AM5212, found in the Journal on page 2063 for the Seventy-Sixth Day were adopted.

Mr. Warner renewed his pending amendment, AM1278, found in the Journal on page 2122.

The Warner amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Abboud offered the following amendment:
AM1310

PURPOSE: To reduce the state employee salary increases for FY1988-89 by the amount of the appropriation required for increased health insurance costs for state employee coverage. This amendment will reduce the appropriation for such salary increases by: $764,042 General Funds; $332,819 Cash Funds; $201,212 Federal Funds; $34,505 Revolving Funds; and $1,332,578 Total Funds.

1. Insert the following new section:

"Sec. 76. The appropriations for FY1988-89 made in sections 1 to 75 of this act are hereby reduced by the amounts appropriated for FY1988-89 to each agency and program in Legislative Bill 783A for FY1988-89.".

2. As part of the regular engrossing process, the legislative fiscal office and the bill drafting office shall adjust Program Totals and Agency Totals to reflect the changes made by this amendment.

SPEAKER BARRETT PRESIDING

Mr. Abboud withdrew his pending amendment.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 783. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 783A. E & R amendments, AM5211, found in the Journal on page 2064 for the Seventy-Sixth Day were adopted.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 153.

Introduced by R. Johnson, 34th District.

PURPOSE: The purpose of this resolution shall be to study the Agricultural Stabilization and Conservation Service and assess:

(1) Whether the Agricultural Stabilization and Conservation Service can adequately fulfill the demands placed upon it under the federal Food Security Act of 1985; and

(2) Whether state leadership is adequately addressing the need for uniform application of the laws and procedures under its jurisdiction.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature, the United States Department of Agriculture, and the Nebraska congressional delegation.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 154.

Introduced by Miller, 37th District.

WHEREAS, Ruskin, Nebraska, located in Nuckolls County, is celebrating its centennial this year; and

WHEREAS, this community of two hundred twenty-four people was named for the English author, John Ruskin; and

WHEREAS, Ruskin was the terminus for the Chicago, Rock Island and Pacific Railroad from Horton, Kansas; and

WHEREAS, the residents of Ruskin have the opportunity to honor their past and strive to maintain community spirit through their centennial celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the residents of Ruskin on its centennial celebration, June 13-14, 1987.

2. That a copy of this resolution be sent to Delbert Jeppesen, Mayor of Ruskin.

Laid over.

LEGISLATIVE RESOLUTION 155.

Introduced by Haberman, 44th District.

PURPOSE: The purpose of this resolution is to study the Nebraska Criminal Code definition of deadly weapon to determine whether the definition requires revisions to include instruments and weapons such as those used in the martial arts. The term deadly weapon is used several times in the Nebraska Criminal Code and it is unclear whether the term includes weapons such as the assassin's knife, throwing stars, or ninja sticks, and therefore, it is unclear whether the statutes utilizing the term prohibit the use or the carrying of such weapons. The use of martial arts weapons is capable of taking a human life and is increasing. The study shall: (1) Review current state statutes and caselaw relating to the term deadly weapon; (2) review statutory provisions and caselaw of other jurisdictions relating to such weapons; and (3) study the current use and availability of such weapons in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 156.

Introduced by Haberman, 44th District.

WHEREAS, 1987 marks the one hundredth anniversary of the community of Lamar, Nebraska; and

WHEREAS, Lamar is located in Chase County and was originally known as Lexon until the Lincoln Land Company donated a section of land and the town of Lexon was moved two miles east to the present location of Lamar; and

WHEREAS, Lexon was renamed Lamar after Lucius Q. C. Lamar, the Secretary of Interior under President Grover Cleveland; and

WHEREAS, those traditions and the heritage that made Nebraska great are still being carried on by the current residents of Lamar.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes to the residents of Lamar, Nebraska.

2. That a copy of this resolution be presented to the Lamar Centennial Committee.

Laid over.

LEGISLATIVE RESOLUTION 157.

Introduced by Haberman, 44th District.

WHEREAS, the year 1987 is the centennial year of the village of Venango, Nebraska, located in Perkins, County, one and a half miles east of the Colorado border; and

WHEREAS, Venango, with a population of two hundred and thirty persons, was founded by Mr. and Mrs. Levi Hafer, the first residents; and

WHEREAS, Mr. Holdrege, a B & M Railroad official, named the town Venango after a city and county of that name in Pennsylvania; and

WHEREAS, the centennial celebration is dedicated "to those pioneers who carved with their plows their means of livelihood from the prairie wilderness, who built the town, and this way of life; and especially to those who believed in this country enough to inspire in their posterity the vision of success, in short, to those who came and stayed."; and

WHEREAS, Venango will be celebrating its centennial on Old Settlers' Day, September 5, 1987.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes in this centennial year to those residents of Venango, both past and present, who have built Venango into a successful and fine community.

2. That a copy of this resolution be sent to Betty Dudden, Centennial Committee, Venango, Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 158.

Introduced by Haberman, 44th District.

WHEREAS, 1987 marks the one hundredth anniversary of Perkins County; and

WHEREAS, Perkins County was named in honor of Charles Elliot Perkins, President of the C. B. & Q. Railroad; and

WHEREAS, Perkins County has thrived during the past one hundred years because of the enterprising and energetic communities in Perkins County; and

WHEREAS, Perkins County has been "feeding the nation and the world" for one hundred years; and

WHEREAS, the traditions and heritage that made Nebraska great are still being carried on by the residents of Perkins County.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes to Perkins County during its one hundredth anniversary celebration.

2. That a copy of this resolution be sent to Perkins County Centennial Committee, Box 94, Elsie, NE 69134.

Laid over.

LEGISLATIVE RESOLUTION 159.

Introduced by Haberman, 44th District.

WHEREAS, 1987 marks the one hundredth anniversary of the community of Elsie, Nebraska; and

WHEREAS, the community of Elsie is located in Perkins County; and

WHEREAS, the good farm land and the railroad were factors which convinced pioneers to settle in Elsie; and

WHEREAS, Elsie, Nebraska was named after Alice "Elsie" Forbes Perkins, the daughter of C. E. Perkins, President of the C. B. & Q. Railroad; and

WHEREAS, the traditions and heritage that made Nebraska great are still being carried on by the residents of Elsie.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations to those residents of Elsie, both past and present, who have worked in unison and harmony during the past one hundred years for the advancement of their community.

2. That a copy of this resolution be presented to the Elsie Centennial Committee.

Laid over.

SELECT FILE

LEGISLATIVE BILL 784. E & R amendments, AM5210, found in the Journal on page 2065 for the Seventy-Sixth Day were adopted.

Mr. Hall reoffered his amendment, AM1191, considered on page 1991 and reprinted on page 2001.

Mr. Schmit 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.

Mr. Hall moved for a call of the house. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Ashford	Elmer	Labedz	Pappas	Scofield
Chambers	Hall	Lynch	Remmers	Smith
Chizek	Hartnett	McFarland	Rogers	Weihing
Conway	Higgins	Morehead	Schellpeper	Wesely
Dierks	Korshoj	Nelson	Schmit	Withem

Voting in the negative, 17:

Abboud	Goodrich	Johnson, V.	Marsh	Pirsch
Barrett	Hannibal	Lamb	Miller	Warner
Beyer	Hefner	Langford	Moore	Wehrbein
Coordsen	Johnson, L.			

Present and not voting, 2:

Haberman Johnson, R.

Excused and not voting, 5:

Baack Harris Landis Peterson Rupp

The Hall 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.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 160.

Introduced by Conway, 17th District.

PURPOSE: The purpose of this resolution is to study the funding of higher education in Nebraska. Postsecondary education is and has always been a significant contributor to the building of Nebraska's economy and culture. Nebraskans have long recognized that it is highly desirable to support postsecondary education through a university system, state college system, and system of technical community colleges. State aid is an important element in the funding mixture supporting higher education in Nebraska. There is a need for adequate support and efficient allocation of funding sources to all parts of Nebraska's higher education system.

Such study should include, but not be limited to:

(1) An inventory of current and past funding policies;

(2) A comparison of Nebraska's system of higher education funding with alternative methods utilized in other states; and

(3) A projection of future higher education funding needs and Nebraska's ability to fulfill them.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a special committee of the Legislature shall be designated by the Executive Board to conduct a priority select interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the next regular session of the Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 462. Placed on Select File as amended.
E & R amendments to LB 462:
AM5223

1. On page 7, line 6, strike the comma and show as stricken.
2. On page 8, move the material beginning with the comma in line 12 through the comma in line 13 to line 14 after "Act".
3. On page 9, line 11, strike "the" and show as stricken.
4. On page 11, line 15, strike the comma and show as stricken.
5. On page 12, line 25, strike "a".
6. On page 13, lines 2, 6, 11, and 24; and page 14, line 2, strike "Boiler Inspection Act" and insert "act".
7. On page 15, line 2, strike the comma and show as stricken; and in line 23 strike "shall continue", show as stricken, and insert "continues".
8. On page 16, line 18, strike the second comma and show as stricken; and in line 23 after "equity" insert an underscored comma.

LEGISLATIVE BILL 462A. Placed on Select File.

LEGISLATIVE BILL 416. Placed on Select File as amended.
E & R amendments to LB 416:
AM5229

1. In the Standing Committee amendment, AM0529, adopted May 8, 1987:
   a. On page 1, line 20, strike the comma;
   b. On page 2, line 4, strike "need not" and insert "shall not be required to";
   c. On page 3, line 11, strike the comma; line 14 strike "that" and insert ", which policy"; and in

line 22 strike both occurrences of "to";

d. On page 5, line 6, after "filing" insert a comma; and in line 12 strike "subsection" and insert "subdivision";

e. On page 6, line 7, strike "(1)(d)" and insert "(4)" and strike "9" and insert "8";

f. On page 7, line 20, strike the comma;

g. On page 9, line 16; and page 10, line 5, strike "shall have" and insert "has"; and

h. Renumber original sections 5, 6, 7, 8, and 9 as sections 9, 5, 6, 7, and 8 respectively.

2. On page 1, strike beginning with "amend" in line 1 through line 7 and insert "adopt the Long-term Care Insurance Act; and to provide severability.".

LEGISLATIVE BILL 635. Placed on Select File as amended.
E & R amendments to LB 635:
AM5227

1. In the Scofield amendment, AM1275, adopted May 8, 1987, on page 1, line 2, strike "3" and insert "2".

2. In the Standing Committee amendments, AM0241, adopted May 8, 1987:

a. On page 1, lines 7, 16, 18, 20, and 21, strike "child" and insert "juvenile"; and

b. On page 2, line 10, strike beginning with the semicolon through "comma".

3. On page 1, line 2, strike "43-248" and insert "43-255"; and strike beginning with "define" in line 5 through "review" in line 10 and insert "require written determinations by the court in certain circumstances; to change provisions relating to the release of a juvenile in custody".

4. On page 3, line 19, strike "child" and insert "juvenile".

5. On page 5, lines 12, 15, 16, and 22, strike "child", show as stricken, and insert "juvenile".

LEGISLATIVE BILL 638. Placed on Select File as amended.
E & R amendments to LB 638:
AM5228

1. In the Standing Committee amendments, AM0577, adopted May 8, 1987:

a. On page 1, lines 8, 10, and 12, strike

"child" and insert "juvenile"; and in line 14 strike the comma; and

b. On page 2, line 9, strike "shall" and insert "will".

2. On page 1, line 1, after "sections" insert "43-274,"; in line 6 strike "require" and insert "provide for"; and in line 7 strike "insurance" and insert "health care benefits".

3. On page 6, line 13; and page 8, line 15, after "section" insert an underscored comma.

4. On page 7, line 14, strike the comma and show as stricken.

5. On page 11, line 20, after the second comma insert "or".

6. On page 14, line 8, strike "child" and insert "juvenile".

LEGISLATIVE BILL 237. Placed on Select File as amended.
E & R amendments to LB 237:
AM5224

1. For purposes of correlation with section 2, LB 453:

a. On page 1, line 3; page 2, line 2; and page 3, line 11, after "1986" insert ", as amended by section 2, Legislative Bill 453, Ninetieth Legislature, First Session, 1987"; and

b. On page 2, line 16, after "bank" insert ", except that such stock, if shares of another bank or a bank holding company, shall be so sold or disposed of as the Director of Banking and Finance shall require".

2. On page 1, line 3, after "of" insert "shares of"; in line 4 strike "company shares" and insert "companies"; and in line 5 strike "a power" and insert "for rules and regulations".

3. On page 2, lines 7 and 8, reinstate the stricken comma; and in line 9 strike the first comma and show as stricken.

LEGISLATIVE BILL 767. Placed on Select File as amended.
E & R amendment to LB 767:
AM5225

1. On page 1, line 3, after the first semicolon insert "to change provisions for the deposit of such fees;".

LEGISLATIVE BILL 182. Placed on Select File as amended.
E & R amendments to LB 182:
AM5226

1. In the Withem amendment, AM1288, adopted May 8, 1987, on page 1, line 8, after "31" insert ", 1987".

2. On page 1, line 5, strike "and" and insert "to change certification provisions for high school tuition charges;"; and in line 6, after "section" insert "; and to declare an emergency".

(Signed) Scott Moore, Chairperson

SELECT FILE

LEGISLATIVE BILL 784. Messrs. Haberman, Schellpeper, Coordsen, Beyer, Ashford, Chizek, Lynch, Wesely, Barrett, and Baack renewed their pending amendment, AM1243, found in the Journal on page 2122.

Mrs. Higgins and Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Mr. McFarland 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 25 ayes, 0 nays, and 24 not voting.

The Haberman et al. amendment was adopted with 27 ayes, 15 nays, and 7 excused and not voting.

Messrs. Withem, Hall, V. Johnson, Ashford, Wesely, and Chizek offered the following amendment:
AM1304

1. Insert the following new sections:

"Sec. 5. There is hereby appropriated (1) $1,900,000 from the General Fund for the period July 1, 1987, to June 30, 1988, and (2) $1,900,000 from the General Fund for the period July 1, 1988, to June 30, 1989, to the State Department of Education, for Program 143, for state aid to education.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

There is included in the amount shown for FY1987-88 and FY1988-89 $1,364,200 General Funds for state aid to education. Of the $1,364,200 General Funds, there is hereby appropriated to the School Foundation and Equalization Fund, which fund is hereby appropriated, an amount necessary to fully fund the provisions of (a) section 79-1334, not to exceed sixty per cent of the $1,364,200, (b) section 79-1340, and (c) section 79-1339. The remaining funds of the $1,364,200 which are not appropriated to the School Foundation and Equalization Fund shall be distributed under the provisions of section 79-4,160.

There is included in the amount shown for FY1987-88 and FY1988-89 $535,800 General Funds for state aid to education which is hereby appropriated to the School Foundation and Equalization Fund, which fund is hereby appropriated, to be distributed pursuant to section 79-1334 for FY1987-88 and FY1988-89.

Sec. 6. There is hereby appropriated $8,600,000 from the General Fund for the period July 1, 1988, to June 30, 1989, to the State Department of Education, for Program 143, for state aid to education.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

There is included in the amount shown for FY1988-89 $6,174,800 General Funds for state aid to education. Of the $6,174,800 General Funds, there is hereby appropriated to the School Foundation and Equalization Fund, which fund is hereby appropriated, an amount necessary to fully fund the provisions of (a) section 79-1334, not to exceed sixty per cent of the $6,174,800, (b) section 79-1340, and (c) section 79-1339. The remaining funds of the $6,174,800 which are not appropriated to the School Foundation and Equalization Fund shall be distributed under the provisions of section 79-4,160.

There is included in the amount shown for FY1988-89 $2,425,200 General Funds for state aid to education which is hereby appropriated to the School Foundation and Equalization Fund, which fund is hereby

appropriated, to be distributed pursuant to section 79-1334 for FY1988-89.

Sec. 8. There is hereby appropriated (1) $1,000,000 from the General Fund for the period July 1, 1987, to June 30, 1988, and (2) $2,000,000 from the General Fund for the period July 1, 1988, to June 30, 1989, to the State Department of Education, for Program 508, to provide an appropriation for extended teacher contracts.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 14. (1) There is hereby appropriated (a) $156,250 from the General Fund for the period July 1, 1987, to June 30, 1988, and (b) $156,250 from the General Fund for the period July 1, 1988, to June 30, 1989, to the Board of Trustees of the Nebraska State Colleges, for Program 48, to increase faculty salaries and benefits tied to faculty salaries at the four Nebraska state colleges.

(2) There is hereby appropriated $896,250 from the General Fund for the period July 1, 1988, to June 30, 1989, to the Board of Trustees of the Nebraska State Colleges, for Program 48, to increase faculty salaries and benefits tied to faculty salaries at the four Nebraska state colleges.

It is the intent of the Legislature that funds appropriated in this section be allocated by the Board of Trustees of the Nebraska State Colleges among the four Nebraska state colleges for faculty salary enhancement in recognition of merit, performance, or marketplace adjustments.

Sec. 16. (1) There is hereby appropriated (a) $2,343,750 from the General Fund for the period July 1, 1987, to June 30, 1988, and (b) $2,343,750 from the General Fund for the period July 1, 1988, to June 30, 1989, to the Board of Regents of the University of Nebraska, for Program 799, to increase faculty salaries and benefits tied to faculty salaries universitywide.

(2) There is hereby appropriated $12,532,613 from the General Fund for the period July 1, 1988, to June 30, 1989, to the Board of Regents of the University of Nebraska, for Program 799, to increase faculty salaries and benefits tied to faculty salaries

universitywide.

It is the intent of the Legislature that funds appropriated in this section be allocated by the Board of Regents of the University of Nebraska among all three campuses for faculty salary enhancement in recognition of merit, performance, or marketplace adjustments.".

2. Renumber the remaining sections accordingly.

Mrs. Smith offered the following amendment to the pending Withem et al. amendment:

On page 2, strike the new section 6;

On page 3, strike the new section 8;

On page 4, strike lines 3 through 8; and strike beginning with line 22 on page 4 through line 3 on page 5.

Mr. Wehrbein asked unanimous consent to be excused. 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 Smith amendment lost with 5 ayes, 20 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Withem requested a roll call vote on the Withem et al. amendment.

Voting in the affirmative, 23:

Ashford	Goodrich	Labedz	Miller	Rogers
Chambers	Hall	Landis	Morehead	Weihing
Chizek	Hartnett	Lynch	Nelson	Wesely
Conway	Johnson, R.	Marsh	Pappas	Withem
Dierks	Johnson, V.	McFarland		

Voting in the negative, 18:

Abboud	Elmer	Johnson, L.	Pirsch	Scofield
Barrett	Haberman	Korshoj	Remmers	Smith
Beyer	Hannibal	Lamb	Schellpeper	Warner
Coordsen	Hefner	Langford		

Present and not voting, 1:

Moore

Excused and not voting, 7:

Baack	Higgins	Rupp	Schmit	Wehrbein
Harris	Peterson			

The Withem et al. amendment lost with 23 ayes, 18 nays, 1 present and not voting, and 7 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 784 in the Journal. No objections. So ordered.

AM1322

1. Insert the following new sections:

"Sec. 21. There is hereby appropriated (1) $2,300,000 from the General Fund for the period July 1, 1987, to June 30, 1988, and (2) $2,300,000 from the General Fund for the period July 1, 1988, to June 30, 1989, to the University of Nebraska for merit, performance, or marketplace adjustments.

Sec. 22. There is hereby appropriated (1) $200,000 from the General Fund for the period July 1, 1987, to June 30, 1988, and (2) $200,000 from the General Fund for the period July 1, 1988, to June 30, 1989, to the Nebraska state colleges for merit, performance, or marketplace adjustments.".

2. Renumber the remaining section accordingly.

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 784 in the Journal. No objections. So ordered.

AM1319

PURPOSE: To eliminate funding for administrative computer hardware and software upgrade and replacement throughout the state college system.

1. Strike original section 11.

2. Renumber the remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 784 in the Journal. No objections. So ordered.

AM1308

PURPOSE: To add $256,045 General Funds in FY1987-88 and $485,130 General Funds in FY1988-89 to match anticipated Federal Funds for vocational rehabilitation services.

1. On page 4, line 1, strike "$55,728" and insert "$311,773" and strike "$222,912" and insert "$1,247,092"; in line 5 strike "$32,679" and insert "$517,809"; in line 6 strike "$130,716" and insert "$2,071,236".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 598. Placed on Select File as amended.
E & R amendment to LB 598:
AM5230

1. On page 1, line 9, strike "report of certain complaints" and insert "registry of holders of certain permits and license plates".

LEGISLATIVE BILL 598A. Placed on Select File.

(Signed) Scott Moore, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 161.

Introduced by Wesely, 26th District.

WHEREAS, there are more than one hundred museums in the State of Nebraska; and

WHEREAS, these museums make a vital contribution to our history and culture; and

WHEREAS, museums are an especially important resource for the school children of the state; and

WHEREAS, May 18, 1987, is International Museum Day.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature designates May 18 of each year as Nebraska State Museum Day.

2. That the Legislature urges museums, schools, and civic organizations to recognize and celebrate Nebraska State Museum Day through appropriate activities.

3. That the Legislature supports private fundraising efforts, such as those initiated by Nebraska school children in support of Morrill Hall, to help maintain and improve the museums in our state.

Laid over.

VISITORS

Visitors to the Chamber were 5 eighth grade students and teacher from District 32, Arthur; 23 eighth grade students and teachers from St. Michael's School, So. Sioux City; 23 fourth grade students and teacher from Southeast Nebraska Consolidated; and 75 fourth grade students and sponsors from Schuyler Grade School.

ADJOURNMENT

At 6:48 p.m., on a motion by Mr. Dierks, the Legislature adjourned until 9:00 a.m., Tuesday, May 12, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTIETH DAY - MAY 12, 1987

LEGISLATIVE JOURNAL

EIGHTIETH DAY - MAY 12, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

EIGHTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 12, 1987

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Senator Dierks.

ROLL CALL

The roll was called and all members were present except Mr. Schmit who was excused; and Messrs. Abboud, Chambers, Lynch, Warner, Withem, Mesdames Higgins, and Marsh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Ninth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 87070

DATE: May 12, 1987

SUBJECT: The Legality of Closed Primary Elections in Light of Recent Decisions by the United States Supreme Court

REQUESTED BY: Senator Lee Rupp

Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General

SUMMARY OF OPINION

Must independent voters in Nebraska, who are qualified and allowed to vote in our nonpartisan legislative primaries, also be allowed to vote in our partisan congressional and senatorial primaries? Yes. Qualified independent voters in Nebraska must be allowed to vote in partisan congressional primary elections. This conclusion is based primarily upon the 1986 United States Supreme Court Tashjian v. Republican Party of Connecticut decision, which holds:

(a) The United States Constitution Qualifications Clause requires that all of those allowed to vote for the more numerous branch of the state legislature (in Nebraska, our unique nonpartisan unicameral) must also be allowed to vote in congressional elections.

(b) This requirement applies to primary as well as general elections. Therefore, it requires that qualified independent voters who vote in the Nebraska primary nonpartisan unicameral elections must also be allowed to vote in the Nebraska primary partisan congressional elections.

DETAILED OPINION

You have asked whether a recent United States Supreme Court decision {Tashjian v. Republican Party of Connecticut, 93 L.Ed.2d 514, 107 S.Ct. 544 (1986)} requires that independent voters in Nebraska, who are qualified and permitted to vote in our nonpartisan legislative primaries, must be allowed to vote in our partisan congressional and senatorial primaries.

We have reviewed the Tashjian decision together with other applicable law, and have concluded that the answer to your question must be yes. Tashjian does require that independent voters allowed to cast ballots in our nonpartisan legislative primaries also must be allowed to vote in our partisan congressional primaries.

I. Our legal reasoning.

(1) The Tashjian case involved a Connecticut statute which allowed only party members to vote in a primary election for a nomination to public office by a major political party. Contrary to that statute, the state's Republican Party adopted a rule which attempted to permit independent voters to vote in the party's primaries for federal and statewide public offices but which remained silent as to the party's primaries for nominations for the state legislature.

(a) The Republican Party then challenged the state statute in federal district court, and the district court granted summary judgment in favor of the Party.

(b) On appeal, the United States Supreme Court affirmed the judgment of the district court which struck down the state statute.

(c) Among other things, the Supreme Court held that the Qualifications Clause contained in Article I, § 2 and the Seventeenth Amendment of the United States Constitution are applicable to primary elections in precisely the same fashion that they apply to general congressional elections.

(d) The court also held that those constitutional provisions require that all those qualified to participate in the selection of members of the more numerous branch of the state Legislature must also be qualified to participate in the election of Senators and Members of the House of Representatives.

(2) Under our unique nonpartisan, unicameral legislative system, our state statutes provide that independent voters may participate in primaries for the selection of state senators. However, those same statutes do not allow independent voters to cast ballots in the partisan primary elections for the Senate and for the House of Representatives. Therefore, our current primary system conflicts with the holding of the Tashjian case.

(3) In Tashjian, the Supreme Court began its analysis of the qualifications issue by discussing the purpose in enacting the first Qualifications Clause. The court determined that the purpose of the Qualifications Clause was actually increased federal suffrage, and the Court stated, "Far from being a device to limit the federal suffrage, the Qualifications Clause was intended by the Framers to prevent the mischief which would arise if state voters found themselves disqualified from participation in federal elections." 93 L.Ed.2d at 532. The Court went on to state,

> The fundamental purpose of the Qualifications Clauses contained in Article I, § 2, and the Seventeenth Amendment is satisfied if all those qualified to participate in the selection of members of the more numerous branch of the state legislature are also qualified to participate in the election of Senators and Members of the House of Representatives.
>
> Our conclusion that these provisions do not require a perfect symmetry of voter qualifications in state and federal legislative elections takes additional support from the fact that we have not previously required such absolute symmetry when the federal franchise has been expanded. . . .
>
> We hold that the implementation of the Party rule does not violate the Qualifications Clause or the Seventeenth Amendment

> because it does not disenfranchise any voter in a federal election who is qualified to vote in a primary or general election for the more numerous house of the state legislature.

93 L.Ed.2d at 532, 533 (Emphasis added).

(4) It therefore appears clear that the Qualification Clause and the Seventeenth Amendment of the United States Constitution do not require that voter qualifications for the state Legislature and for the United States Congress be identical if voter qualifications for the congressional elections are expanded. However, it appears clear that a statute which would reduce the persons qualified to vote in the congressional elections in comparison to those qualified to vote in the elections for the state Legislature would be questionable under the Tashjian analysis. The latter situation is exactly that which we face under our current Nebraska statutes. Independent voters in Nebraska can participate in the primary elections for our state Legislature. They cannot, however, participate in the partisan primaries for selection of candidates for the House of Representatives and for the United States Senate.

(5) Our research has disclosed very little additional law about this issue. Our own Nebraska Supreme Court has not dealt with this specific question, although it has indicated that in the exercise of the right of suffrage, statutes are to be construed liberally in favor of the voter. Shaw v. Stewart, 115 Neb. 315, 212 N.W. 760 (1927). This holding would support the notion that statutes which unduly restrict those who shall be allowed to vote are suspect.

(6) In addition, there are a number of cases which deal with the legitimacy of state regulation of the voting process. For example, in Rosario v. Rockefeller, 410 U.S. 752 (1973), the United States Supreme Court upheld primary election registration requirements designed to prevent party fragmentation and interparty raiding. In these various cases, it is clear that the right of suffrage is a fundamental right, and that the state must demonstrate a compelling interest which is addressed by the regulatory statute in question in order for that statute to have legitimacy. Libertarian Party of Nebraska v. Beermann, 598 F.Supp. 57 (D.Neb. 1984).

(7) In any event, the real question in the present instance is not whether the state has unduly burdened the primary election process in Nebraska, but rather whether our statutory framework complies with the Qualifications Clauses of the Unites States Constitution as they are explained in the Tashjian decision. As the Supreme Court has said on at least one earlier occasion,

> The States in prescribing the qualifications of voters for the most numerous branch of their own Legislatures, do not do this with reference to the election for members of Congress. . . . They

> define who are to vote for the popular branch of their own Legislature, and the Constitution of the United States says the same person shall vote for members of Congress in that State. It adopts the qualification thus furnished as the qualification of its own electors for members of Congress.

In the matter of Jasper Yarbrough, 110 U.S. 651, 663 (1884) (Emphasis added).

(8) On the basis of the Tashjian decision and on the general law supporting expanded suffrage, it is therefore our view that our current statutory framework which does not allow independent voters to vote in the partisan primary elections for Congress conflicts with the Qualifications Clauses of the United States Constitution. It is further our view that those portions of the federal Constitution require that independent voters who vote in the nonpartisan primary for the Legislature should be given whichever partisan ballot they desire for the partisan congressional elections.

II. Where does this leave us?

You have asked whether or not current Nebraska election laws conflict with the recent United States Supreme Court Tashjian ruling. We have answered you by stating and explaining our conclusion that our laws do conflict with this ruling. Perhaps we should stop there. However, because of the significance and urgency of this issue, it may be helpful if we comment upon related legal concerns and share with you our thoughts about precisely what legal options the Legislature, political parties and people of Nebraska have as a result of this significant United States Supreme Court decision:

(1) Humility and experience both teach us that our legal opinion here may be wrong. Others may reach different conclusions. However, we do not consider this a close case. In our judgment the Tashjian Case is clear in what it says and thus it is clear how it affects our unique Nebraska situation.

(2) Tashjian was a 5-4 Supreme Court decision. And so it is always possible that a future Court (with different members) might rule otherwise. But, irrespective of this possibility, we must respect and adhere to the law as it now is, not as it might be at some future undefined time. To proceed in any other fashion would result in legal anarchy.

(3) Timing is important here. We have primary elections next year and so compliance in some form with the requirements of this decision should be addressed promptly. A failure to comply could cast some legal shadows on the 1988 Nebraska primary congressional elections.

(4) What are the actual legal options for the Legislature, the political parties and the people of Nebraska?

(a) The Legislature could amend our state election laws so as to allow independents to vote in partisan congressional primaries. Legislation which merely gives the parties the option to let independents so vote would not meet the Tashjian case requirements. The case requires that the independents must be allowed to so vote. It is important to remember that the Tashjian Case relates to federal congressional elections only. It does not affect the partisan elections of state officeholders, such as the Governor and Secretary of State.

(b) Nebraska could change to a partisan legislature. Doing this would require a state constitutional amendment.

(c) Nebraska could do away with direct partisan primary Congressional elections. The parties themselves, through procedures they would establish, would then designate nominees for the general election. This would replace the present direct vote of the people nomination system. Doing this would require statutory changes.

III. Concluding thoughts.

(1) This Tashjian Case decision raises truly significant public policy and political science issues. For example, its effect upon an established and effective two-party governmental system is of concern to many. It also raises questions about nonpartisanship in the legislature, the policies and procedures of the major political parties, and other related concerns. On all of these questions we quite properly express no opinion. Our task here has been to interpret the meaning and effects of the law and nothing else. How to react to the requirements of the law is the province of the people and their elected representatives.

(2) Special recognition should be given to Ms. Cynthia Johnson, Legal Counsel for the Legislature's Government, Military and Veterans Affairs Committee. Ms. Johnson, a wise and constructive attorney, studied, analyzed and effectively brought this important issue to the attention of all of us.

(3) As a personal matter, I particularly appreciate the substantial assistance on this issue provided by Dale A. Comer, Assistant Attorney General and Chief of our Department of Justice General Legal Services Section, and Chief Deputy Attorney General A. Eugene Crump.

Perhaps because of the difficult policy decisions the law confronts us with here, we find ourselves a fronte praecipitium a tergo lupi (literally "a precipice in front, wolves behind;" i.e. between a rock and a hard place).

Sincerely,

ROBERT M. SPIRE
Attorney General

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

MOTION - Place LB 547 on General File

Messrs. Baack and Pappas renewed their pending motion found in the Journal on page 2007 to place LB 547 on General File pursuant to Rule 3, Section 19.

Messrs. Baack and Pappas withdrew their pending motion.

SELECT FILE

LEGISLATIVE BILL 270A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 775. Mr. Hall offered the following amendment:
strike on page 10, line 16 & 17

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Hall requested a roll call vote on his amendment:

Voting in the affirmative, 23:

Baack	Dierks	Korshoj	McFarland	Schellpeper
Barrett	Haberman	Labedz	Moore	Smith
Chizek	Hall	Lamb	Morehead	Wehrbein
Conway	Johnson, L.	Landis	Nelson	Wesely
Coordsen	Johnson, R.	Langford		

Voting in the negative, 19:

Abboud	Goodrich	Hefner	Pappas	Rupp
Ashford	Hannibal	Johnson, V.	Peterson	Scofield
Beyer	Harris	Marsh	Remmers	Weihing
Elmer	Hartnett	Miller	Rogers	

Present and not voting, 2:

Chambers Pirsch

Excused and not voting, 5:

Higgins Lynch Schmit Warner Withem

The Hall amendment lost with 23 ayes, 19 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hartnett asked unanimous consent to have his name added as co-introducer to LB 663. No objections. So ordered.

MESSAGES FROM THE GOVERNOR

May 11, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 requiring legislative confirmation:

Dale B. Johnson, Director of the Department of Institutions, 741 Cooper Avenue, Lincoln, Nebraska 68506, 488-4869. Term: March 3, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:mj

May 11, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Nebraska State Colleges Board of Trustees, requiring legislative confirmation.

Appointee: Gretchen Hirschbach, Route 1, Box 217A, South Sioux City, NE, 68775.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

May 6, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Board of Parole, requiring legislative confirmation.

Appointee: John E. Knight, 1631 Buckingham Drive, Lincoln, NE, 68506.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR

Governor

KAO:jb

RESOLUTIONS

LEGISLATIVE RESOLUTION 162.

Introduced by Pappas, 42nd District; Labedz, 5th District.

PURPOSE: The purpose of this resolution is to undertake a study and make recommendations to the Legislature concerning the need for lifeline telephone service in Nebraska and, if a need is found, to develop proposed legislation to meet this need. This study shall address the following issues:

(1) Whether the preservation of universal local exchange basic telephone service and the provision of such service at reasonable rates is being jeopardized by changes in the industry resulting from the divestiture of AT&T, changes in federal and state regulations, and the concomitant introduction of competition;

(2) The extent to which certain individuals and families may need assistance in remaining on the telecommunications network. This analysis should look at the pattern of prices and the availability and quality of service among various economic and demographic groups in Nebraska to identify the characteristics and size of the population which may require assistance. Particular attention shall be given to analyzing the effects of telephone price increases on Nebraska's elderly citizens, persons on fixed incomes, and rural users;

(3) To review federal requirements for matching assistance to lifeline programs and to review the lifeline proposals that have been considered or enacted in other states, with a view of defining those programs which have been most successful in meeting the goal of universal service; and

(4) To define eligibility requirements, funding mechanisms, and administration of a lifeline program if the need for a program is found.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature be designated to carry out the provisions of this resolution. The committee shall seek the assistance and input of private citizens, the Public Service Commission, the Department on Aging, the Department of Social Services, and local exchange telephone companies in carrying out this interim study resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 163.

Introduced by Abboud, 12th District; Ashford, 6th District; Baack, 47th District; Barrett, 39th District; Beyer, 3rd District; Chambers, 11th District; Chizek, 31st District; Conway, 17th District; Coordsen, 32nd District; Dierks, 40th District; Elmer, 38th District; Goodrich, 20th District; Haberman, 44th District; Hall, 7th District; Hannibal, 4th District; Hartnett, 45th District; Hefner, 19th District; Higgins, 9th District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Korshoj, 16th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Langford, 36th District; Lynch, 13th District; Marsh, 29th District; McFarland, 28th District; Miller, 37th District; Moore, 24th District; Morehead, 30th District; Nelson, 35th District; Pappas, 42nd District; Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rogers, 41st District; Rupp, 22nd District; Schellpeper, 18th District; Schmit, 23rd District; Scofield, 49th District; Smith, 33rd District; Warner, 25th District; Wehrbein, 2nd District; Weihing, 48th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, Senator Bill Harris was appointed to the Legislature on May 27, 1983, and was elected for a full term in November 1984 to represent District 27; and

WHEREAS, Senator Harris was elected Mayor of Lincoln, Nebraska on May 5, 1987; and

WHEREAS, Senator Harris served in the Legislature with dedication and enthusiasm, which qualities he will bring to the Mayor's office; and

WHEREAS, Senator Harris' service to the Legislature is greatly appreciated and will be missed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its thanks, best wishes, and congratulations to Senator Bill Harris.

2. That a copy of this resolution be sent to Senator Harris and his family.

Laid over.

LEGISLATIVE RESOLUTION 164.

Introduced by Hefner, 19th District.

PURPOSE: The purpose of this study is to determine whether the date for the minimum age requirement for kindergarten needs to be changed to an earlier date. This study shall include a consideration of the educational, social, and psychological development of children who meet the minimum age requirement and also children who may be tested and start kindergarten early. The study shall include a review of the laws governing minimum age requirements in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 165.

Introduced by Hefner, 19th District.

PURPOSE: The purpose of this study is to determine whether the licensing, registration, and taxation of cement trucks is fair when considering the limited use of such vehicles. This study may include an examination of the laws of other states regarding the classification of cement trucks for licensing, registration, and taxation purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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.

UNANIMOUS CONSENT - Print in Journal

Mrs. Morehead asked unanimous consent to print the following amendments to LB 295 in the Journal. No objections. So ordered.

(1)

AM1307

(Amendments to the Standing Committee amendments)

1. On page 2, lines 13 and 24, strike the new matter and reinstate the stricken matter.

2. On page 3, lines 2, 3, 6, 9, and 10, strike the new matter and reinstate the stricken matter.

(2)

AM1305

(Amendments to the Standing Committee amendments)

1. On page 2, line 24, strike the new matter and reinstate the stricken matter.

2. On page 3, lines 2, 3, 6, 9, and 10, strike the new matter and reinstate the stricken matter.

(3)

AM1306

(Amendments to the Standing Committee amendments)

1. On page 2, line 13, strike the new matter and reinstate the stricken matter.

SELECT FILE

LEGISLATIVE BILL 775. Mr. Landis withdrew his pending amendment, AM1151, found in the Journal on page 2006.

Mr. Lamb renewed the pending Schmit amendment, AM1220, found in the Journal on page 2027.

Mr. Lamb offered the following amendment to the pending Schmit amendment.

1. On page 10, line 17, strike the second "and"; in line 23 after "computers" insert "; and"; and after line 23 insert the following new subdivision:

"(c) Personal property which is business equipment located in a single project if (i) the business equipment is utilized in a business which is

involved directly in the manufacture or processing of agricultural products, (ii) the business equipment has a minimum aggregate value of ten million dollars, and (iii) the use and value of the business equipment has been certified by the Tax Commissioner. If a taxpayer chooses to utilize the property tax exemption prescribed in this subdivision, for every dollar of property tax exempted pursuant to this subdivision, the amount of any credit earned by such taxpayer pursuant to the Employment and Investment Growth Act shall be reduced by one dollar and twenty-five cents. The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this subdivision.".

Mr. Miller 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 amendment was adopted with 34 ayes, 1 nay, 9 present and not voting, and 5 excused and not voting.

Mr. Conway offered the following amendment to the pending Schmit amendment:

On Page 10 of the committee amendments in line 17 after the "aircraft" and in line 23 after the word "computers" add the following new language:

If a taxpayer chooses to utilize the property tax exemption prescribed in this subdivision, for every dollar of property tax exempted pursuant to this subdivision, the amount of any credit earned by such taxpayer pursuant to the Employment and Investment Growth Act shall be reduced by one dollar and twenty-five cents. The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this subdivision.".

Mr. Conway moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Conway requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Baack	Chambers	Dierks	Haberman	Johnson, L.
Barrett	Conway	Elmer	Hall	Johnson, R.
Beyer	Coordsen	Goodrich	Harris	Korshoj

Landis	Morehead	Remmers	Smith	Weihing
Miller	Nelson	Rupp	Wehrbein	Wesely
Moore				

Voting in the negative, 2:

Ashford	Johnson, V.

Present and not voting, 17:

Abboud	Hefner	Marsh	Peterson	Schellpeper
Chizek	Labedz	McFarland	Pirsch	Scofield
Hannibal	Lamb	Pappas	Rogers	Withem
Hartnett	Langford			

Excused and not voting, 4:

Higgins	Lynch	Schmit	Warner

The Conway amendment was adopted with 26 ayes, 2 nays, 17 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Abboud 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 Schmit amendment, as amended, was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Mr. V. Johnson renewed his pending amendment, AM1233, found in the Journal on page 2044.

Mr. V. Johnson offered the following amendment to his pending amendment:

Add a new section:

"Any complete application filed on or after the date of passage of this Act shall be considered a valid application on the date submitted for the purposes of this act."

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.

The V. Johnson amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

The V. Johnson amendment, as amended, was adopted with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Messrs. Withem, Hall, Landis, Ashford, Wesely, and Chizek withdrew their pending amendment, AM1234, found in the Journal on page 2045.

Mr. Wesely withdrew his pending amendments, AM1227, found in the Journal on page 2046, and AM1244, found in the Journal on page 2066.

Mr. V. Johnson moved to suspend the rules, Rule 6, Section 5 and Rule 7, Section 3, and vote on the advancement of LB 775 without further amendment or debate.

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.

Mrs. Higgins moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mrs. Higgins requested a roll call vote on the V. Johnson motion to suspend the rules.

Voting in the affirmative, 31:

Abboud	Goodrich	Johnson, L.	Lynch	Remmers
Ashford	Haberman	Johnson, V.	Marsh	Rogers
Barrett	Hannibal	Labedz	Miller	Wehrbein
Beyer	Harris	Lamb	Pappas	Weihing
Chizek	Hartnett	Landis	Peterson	Wesely
Conway	Hefner	Langford	Pirsch	Withem
Elmer				

Voting in the negative, 16:

Baack	Dierks	Korshoj	Morehead	Schellpeper
Chambers	Higgins	McFarland	Nelson	Scofield
Coordsen	Johnson, R.	Moore	Rupp	Smith

Warner

Present and not voting, 1:

Hall

Excused and not voting, 1:

Schmit

The V. Johnson motion to suspend the rules prevailed with 31 ayes, 16 nays, 1 present and not voting, and 1 excused and not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 35:

Abboud	Goodrich	Johnson, L.	Marsh	Remmers
Ashford	Haberman	Johnson, V.	Miller	Rogers
Barrett	Hall	Labedz	Moore	Smith
Beyer	Hannibal	Lamb	Morehead	Wehrbein
Chizek	Harris	Landis	Pappas	Weihing
Conway	Hartnett	Langford	Peterson	Wesely
Elmer	Hefner	Lynch	Pirsch	Withem

Voting in the negative, 13:

Baack	Dierks	Korshoj	Rupp	Scofield
Chambers	Higgins	McFarland	Schellpeper	Warner
Coordsen	Johnson, R.	Nelson		

Excused and not voting, 1:

Schmit

Advanced to E & R for Engrossment with 35 ayes, 13 nays, and 1 excused and not voting.

The Chair declared the call raised.

Messrs. Haberman, R. Johnson, and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 775A. Considered.

Pending.

MESSAGE FROM THE GOVERNOR

May 12, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 258 was received in my office on May 7, 1987.

This bill was signed by me on May 12, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

RESOLUTIONS

LEGISLATIVE RESOLUTION 166.

Introduced by Harris, 27th District; Abboud, 12th District; Ashford, 6th District; Baack, 47th District; Beyer, 3rd District; Chizek, 31st District; Conway, 17th District; Coordsen, 32nd District; Dierks, 40th District; Elmer, 38th District; Goodrich, 20th District; Hall, 7th District; Hannibal, 4th District; Hartnett, 45th District; Hefner, 19th District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Korshoj, 16th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Langford, 36th District; Marsh, 29th District; McFarland, 28th District; Miller, 37th District; Moore, 24th District; Morehead, 30th District; Nelson, 35th District; Pappas, 42nd District; Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rogers, 41st District; Rupp, 22nd District; Schellpeper, 18th District; Scofield, 49th District; Smith, 33rd District; Warner, 25th District; Wehrbein, 2nd District; Weihing, 48th District; Wesely, 26th District.

WHEREAS, Nebraska has proven itself to be a national leader in telecommunications legislation and in the progressiveness within the state's telecommunications industry;

WHEREAS, US West will build a research site for its Advanced Technology subsidiary somewhere within the fourteen-state region, including the state of Nebraska, served by the three Bell telephone companies: Mountain, Pacific and Northwestern;

WHEREAS, the location of this site would bring 1500 new jobs to Nebraska;

WHEREAS, Nebraska has an excellent university system and a well-educated and highly capable workforce that would be major assets to the location of the US West operation in this state;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature encourages US West to locate their research operation within the state of Nebraska.

2. That a copy of this resolution be sent to US West's headquarters in Denver, Colorado.

Laid over.

LEGISLATIVE RESOLUTION 167.

Introduced by Hall, 7th District.

WHEREAS, Saint Bridget's Church, South 26th and F Streets in Omaha, Nebraska is celebrating its 100th anniversary May 24, 1987, and

WHEREAS, Saint Bridget's Parish owes its existence to the Union Stockyard Company and the sharp population growth in South Omaha in the 1880's, and

WHEREAS, the 19th Century economic development in South Omaha brought hundreds of families, most of them Irish Catholic into Saint Bridget's Parish, and

WHEREAS, the parishioners of Saint Bridget's, its present Pastor, Father Martin Petrasic and longtime Pastor Monsignor Joseph Aughney (deceased) deserve special recognition and honor for its centennial celebration May 24, 1987,

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1) That Saint Bridget's Parish, its parishioners, Father Petrasic, and Monsignor Aughney be recognized and honored in the celebration of its centennial celebration, and

2) That a copy of this resolution be sent to Saint Bridget's Church.

Laid over.

MOTION - Recess

Mrs. Higgins moved to recess until 1:30. The motion lost with 16 ayes, 22 nays, 7 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 775A. Considered.

Mr. Hefner moved to suspend the rules, Rule 6, Section 5 and Rule 7, Section 3, to permit the advancement of LB 775A without further amendment or debate.

Messrs. Moore and Harris asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Hefner moved for a call of the house. The motion prevailed with 15 ayes, 4 nays, and 30 not voting.

Mr. Hefner requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 26:

Abboud	Elmer	Johnson, V.	Marsh	Remmers
Ashford	Goodrich	Labedz	Miller	Rogers
Barrett	Hartnett	Lamb	Pappas	Wehrbein
Beyer	Hefner	Langford	Peterson	Weihing
Chizek	Johnson, L.	Lynch	Pirsch	Wesely
Conway				

Voting in the negative, 16:

Baack	Hall	Korshoj	Nelson	Scofield
Chambers	Hannibal	McFarland	Rupp	Smith
Coordsen	Higgins	Morehead	Schellpeper	Warner
Dierks				

Absent and not voting, 1:

Landis

Excused and not voting, 6:

Haberman	Johnson, R.	Moore	Schmit	Withem
Harris				

The Hefner motion to suspend the rules lost with 26 ayes, 16 nays, 1 absent and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

VISITORS

Visitors to the Chamber were 45 fourth grade students and teachers from Grant School, Norfolk; 42 fourth grade students and teacher from Wilbur-Clatonia School; 30 fourth grade students and teacher from Raymond Central Elementary, Valparaiso; and former Senator George Syas, wife Pauline, and Dorothy Gieger and Louise Guess from California.

RECESS

At 12:32 p.m., on a motion by Mr. Beyer, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:02 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hannibal, Hefner, Schmit, and Mrs. Marsh who were excused; and Mr. Haberman who was excused until he arrives.

UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused for the remainder of the day and until May 19, 1987.

SELECT FILE

LEGISLATIVE BILL 784. Mr. Wesely renewed his pending amendment, AM1308, found in the Journal on page 2182.

Mr. Wesely moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Ashford	Goodrich	Korshoj	Morehead	Schellpeper
Chambers	Hall	Labedz	Nelson	Smith
Chizek	Harris	Landis	Pappas	Weihing
Conway	Higgins	Lynch	Remmers	Wesely
Dierks	Johnson, V.	McFarland	Rogers	Withem
Elmer				

Voting in the negative, 14:

Abboud	Johnson, L.	Langford	Pirsch	Warner
Barrett	Johnson, R.	Miller	Rupp	Wehrbein
Beyer	Lamb	Moore	Scofield	

Present and not voting, 4:

Baack	Coordsen	Hartnett	Peterson

Excused and not voting, 5:

Haberman	Hannibal	Hefner	Marsh	Schmit

The Wesely 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. V. Johnson renewed his pending amendment, AM1319, found in the Journal on page 2182.

Mr. McFarland and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

The V. Johnson amendment lost with 11 ayes, 17 nays, 14 present and not voting, and 7 excused and not voting.

Mrs. Smith asked unanimous consent to have her name added to the Landis pending amendment, AM1322, found in the Journal on page 2181. No objections. So ordered.

Mr. Landis and Mrs. Smith renewed the pending amendment, AM1322, found in the Journal on page 2181.

Mr. Landis offered the following amendment to the pending Landis-Smith amendment:

in line 3 strike "2,300,000.00" and insert "2,200,000.00"
in line 4 strike "2,300,000.00" and insert "2,200,000.00"
in line 9 strike "200,000.00" and insert "300,000.00"
in line 10 strike "200,000.00" and insert "300,000.00"

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 Landis amendment was adopted with 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Landis moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Landis requested a roll call vote on the Landis-Smith amendment.

Voting in the affirmative, 24:

Ashford	Hall	Labedz	Morehead	Smith
Chambers	Harris	Landis	Nelson	Weihing
Chizek	Hartnett	Lynch	Pappas	Wesely
Conway	Johnson, R.	McFarland	Remmers	Withem
Dierks	Johnson, V.	Miller	Rogers	

Voting in the negative, 16:

Abboud	Coordsen	Korshoj	Pirsch	Scofield
Baack	Elmer	Lamb	Rupp	Warner
Barrett	Johnson, L.	Langford	Schellpeper	Wehrbein
Beyer				

Present and not voting, 2:

Higgins Moore

Absent and not voting, 1:

Goodrich

Excused and not voting, 6:

Haberman	Hefner	Marsh	Peterson	Schmit
Hannibal				

The Landis-Smith amendment, as amended, lost with 24 ayes, 16 nays, 2 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 168.

Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Ashford, 6th District; Beyer, 3rd District; Pirsch, 10th District; Rogers, 41st District; Rupp, 22nd District; Schellpeper, 18th District; Wesely, 26th District.

PURPOSE: To study matters relating to roads in the state with emphasis placed upon the state highway system and county road

bridge system. The study shall include, but not be limited to, the following topics: (1) Financing of construction and maintenance projects; (2) allocation of available resources to the various construction and maintenance projects throughout the state; and (3) methods to ensure that resources continue to be available for construction and maintenance projects.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 169.

Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Ashford, 6th District; Beyer, 3rd District; Pirsch, 10th District; Rogers, 41st District; Rupp, 22nd District; Schellpeper, 18th District; Wesely, 26th District.

PURPOSE: To study the occurrence of range fires which result from the operation of trains in the state. Cooperation and support for this study shall be sought from the Nebraska Forest Service, the State Fire Marshal, and the Nebraska Railroad Association. The study shall include, but not be limited to, the following topics: (1) The cause of and economic damage inflicted by railroad range fires; and (2) possible legislative alternatives to decrease the occurrence of railroad range fires, including the requiring of improved spark arrestor devices for power units and increasing right-of-way maintenance procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 170.

Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Ashford, 6th District; Beyer, 3rd District; Pirsch, 10th District; Rogers, 41st District; Rupp, 22nd District; Schellpeper, 18th District; Wesely, 26th District.

PURPOSE: To study state statutes relating to the licensure of commercial motor vehicle operators and changes to such statutes necessitated by the enactment of the federal Commercial Motor Vehicle Safety Act of 1986, P.L. 99-570.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 171.

Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Ashford, 6th District; Beyer, 3rd District; Pirsch, 10th District; Rogers, 41st District; Rupp, 22nd District; Schellpeper, 18th District; Wesely, 26th District.

PURPOSE: To study the various existing statutes relating to motor vehicles. The study of such statutes shall examine current classifications made under current law and the registration requirements for various types of motor vehicles, special-purpose vehicles, trailers, and implements of husbandry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 172.

Introduced by Rogers, 41st District.

PURPOSE: In recent years, volunteer rescue squads have come under increasing pressure from rising costs of support and insurance, a shrinking pool of volunteers, and increasingly sophisticated rescue techniques. These pressures have led to a need to study the emergency medical services system in Nebraska to determine the availability of volunteers, the level of training needed by ambulance technicians, the existence of problems communities face in staffing, funding, and insuring rescue squads, changes in regulations of the Department of Health or Board of Ambulance Advisors that may be needed, the scope of duties of volunteers other then emergency rescues, and other problems associated with the emergency medical services system statewide.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee and the Government, Military and Veterans Affairs Committee be designated to carry out this study.

2. That the committees consult with the Emergency Medical Services Division of the Department of Health, Volunteer Firefighters Association, the Nebraska Emergency Medical Technician Association, the Board of Ambulance Advisors, the Nebraska Association of County Officials, the League of Municipalities, and other persons necessary to gather the information needed to determine if changes are desirable to make Nebraska's emergency medical services providers more responsive or better trained, to improve support for volunteers, or to increase the pool of volunteers.

3. That part of the interim study involve a demographic study of current emergency medical services volunteers, including age, sex, occupation, education, length of service, and geographic location to determine patterns of involvement that may be altered to increase the number of volunteers.

4. That part of the study be directed to identifying the cost to the average community of supporting a volunteer rescue unit, including equipment, maintenance, training, insurance, and other support.

5. That the study survey emergency medical training and recruitment systems in other states to search for ideas which may be applied to improve Nebraska's system.

6. That a copy of this report and findings or recommendations of the committees be submitted to the Legislature by December 10, 1987.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 408. Placed on Select File as amended.
E & R amendments to LB 408:
AM5232

1. In the Standing Committee amendments, AM0570, adopted May 8, 1987, on page 2, line 6, strike "act" and insert "legislative bill"; and in line 7 strike "act" and insert "legislative bill,".

2. On page 1, line 6, after "pensions" insert "for firefighters and police officers"; in line 8 after "of" insert "a" and strike "committees" and insert "committee"; in line 10 strike "and" and insert "to eliminate provisions relating to pensions for firefighters and police officers; to provide operative dates;"; in line 11 strike "section 15-1016" and insert "sections 15-1003, 15-1004, 15-1007.03, 15-1009, 15-1011, 15-1013, 15-1013.03 to 15-1015, 15-1016, and 15-1018 to 15-1021"; and in line 12 after "1943" insert ", sections 15-1001, 15-1002, 15-1005 to 15-1007.01, 15-1007.04, 15-1008, and 15-1013.01, Revised Statutes Supplement, 1986, sections 15-1001.01, 15-1007.02, 15-1007.05, and 15-1013.02, Revised Statutes Supplement, 1986, as amended by sections 1, 2, 3, and 4, respectively, of this legislative bill, and sections 5 to 8 of this legislative bill; and to declare an emergency".

3. On page 4, line 13, strike the first comma.

4. On page 10, line 23, strike "is" and insert "shall be".

5. On page 12, line 25, strike "effective" and insert "operative" and strike "act" and insert "section".

LEGISLATIVE BILL 163A. Placed on Select File.
LEGISLATIVE BILL 218A. Placed on Select File.

LEGISLATIVE BILL 736A. Placed on Select File as amended.
E & R amendment to LB 736A:
AM5233

1. In lieu of the R. Johnson et al. amendment found on page 2154 of the Journal, adopted May 11, 1987, insert the following new section:

"Sec. 2. There is hereby appropriated $100,000 from the General Fund for the period July 1, 1987, to June 30, 1988, to the Board of Regents of the University of Nebraska, for the Institute of Agriculture and Natural Resources, Cooperative Extension Service, for Program 715, to aid in carrying out the provisions of Legislative Bill 736, Ninetieth Legislature, First Session, 1987.

There is included in the appropriation to this program for FY1987-88 $100,000 General Funds which shall be used by the Institute of Agriculture and Natural Resources, Cooperative Extension Service, for 'Managing Main Street Businesses,' a comprehensive management education program for small business.".

(Signed) Scott Moore, Chairperson

SELECT FILE

LEGISLATIVE BILL 784. Mr. Withem and Mrs. Smith offered the following amendment:
AM1337

1. Insert the following new sections:

"Sec. 5. There is hereby appropriated (1) $1,900,000 from the General Fund for the period July 1, 1987, to June 30, 1988, and (2) $1,900,000 from the General Fund for the period July 1, 1988, to June 30, 1989, to the State Department of Education, for Program 143, for state aid to education.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made

from funds appropriated in this section.

There is included in the amount shown for FY1987-88 and FY1988-89 $1,364,200 General Funds for state aid to education. Of the $1,364,200 General Funds, there is hereby appropriated to the School Foundation and Equalization Fund, which fund is hereby appropriated, an amount necessary to fully fund the provisions of (a) section 79-1334, not to exceed sixty per cent of the $1,364,200, (b) section 79-1340, and (c) section 79-1339. The remaining funds of the $1,364,200 which are not appropriated to the School Foundation and Equalization Fund shall be distributed under the provisions of section 79-4,160.

There is included in the amount shown for FY1987-88 and FY1988-89 $535,800 General Funds for state aid to education which is hereby appropriated to the School Foundation and Equalization Fund, which fund is hereby appropriated, to be distributed pursuant to section 79-1334 for FY1987-88 and FY1988-89.".

2. Renumber the remaining sections accordingly.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. LABEDZ PRESIDING

Mr. Pappas 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. Withem moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Withem requested a roll call vote on the Withem-Smith amendment.

Voting in the affirmative, 29:

Ashford	Dierks	Hartnett	Lynch	Pappas
Beyer	Elmer	Johnson, V.	McFarland	Pirsch
Chizek	Goodrich	Korshoj	Miller	Remmers
Conway	Hall	Labedz	Morehead	Rogers
Coordsen	Harris	Landis	Nelson	Schellpeper

Smith	Weihing	Wesely	Withem	

Voting in the negative, 12:

Abboud	Johnson, L.	Langford	Rupp	Warner
Barrett	Johnson, R.	Moore	Scofield	Wehrbein
Higgins	Lamb			

Present and not voting, 2:

Baack	Chambers

Excused and not voting, 6:

Haberman	Hefner	Marsh	Peterson	Schmit
Hannibal				

The Withem-Smith amendment was adopted with 29 ayes, 12 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Goodrich moved to reconsider the vote to adopt the Landis amendment, as amended.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Landis requested a roll call vote on the Goodrich motion to reconsider.

Voting in the affirmative, 24:

Ashford	Goodrich	Hartnett	Landis	Nelson
Chizek	Haberman	Johnson, R.	Lynch	Pappas
Conway	Hall	Johnson, V.	McFarland	Remmers
Dierks	Harris	Labedz	Miller	Rogers

Smith	Weihing	Wesely	Withem	

Voting in the negative, 19:

Abboud	Chambers	Johnson, L.	Moore	Scofield
Baack	Coordsen	Korshoj	Peterson	Warner
Barrett	Elmer	Lamb	Rupp	Wehrbein
Beyer	Higgins	Langford	Schellpeper	

Present and not voting, 1:

Morehead

Excused and not voting, 5:

Hannibal	Hefner	Marsh	Pirsch	Schmit

The Goodrich motion to reconsider lost with 24 ayes, 19 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 173.

Introduced by Scofield, 49th District; Baack, 47th District; Morehead, 30th District; Withem, 14th District; Remmers, 1st District; V. Johnson, 8th District.

PURPOSE: The purpose of this resolution is the pursuit of educational excellence in the State of Nebraska. There is a need to articulate a vision for excellence in this state which is based on relevant educational research. In order to provide direction toward the goal of excellence, priority should be given to enhancing the educational profession, particularly teacher education programs and paying greater attention to educational outcomes rather than inputs. A redirection of current educational resources should be assessed in order to attain this goal.

The study will include, but not be limited to:

(1) Identification of the providers of educational services in the state and their functional role in the delivery system of elementary, secondary and postsecondary education;

(2) Development of a history of legislation relating to educational excellence which has been passed in the state and assessment of its impact;

(3) Examination of research studies on educational excellence and reform;

(4) Exploration of the possibility of collaborating with other states on research projects associated with educational excellence;

(5) Evaluation of the outcome of states participating in the National Network for Educational Reform which is a coalition of partnerships involving colleges, universities and school districts;

(6) Utilization of the expertise of professionals, particularly classroom teachers, in the field of education, students, and citizens to identify areas in need of enhancements and possible methods to bring about desired changes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a special committee of the Legislature shall be designated by the Executive Board to conduct a priority select interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 174.

Introduced by Barrett, 39th District.

WHEREAS, the Village of Funk, Nebraska, named for P.C. Funk, a Civil War veteran and community leader in Phelps County, will hold its centennial celebration this year; and

WHEREAS, the people of Funk, Nebraska, have the perseverance that is representative of the enduring pioneer spirit of the people of the State of Nebraska; and

WHEREAS, the village has withstood fires, depression, and other adversities, and it has emerged stronger and better than before. The village has a modern dial telephone exchange due to the volunteer labor of its inhabitants as well as a volunteer fire department. A school, elevator, and modern sewer system have been built. It has beautiful homes, parks, and paved streets; and

WHEREAS, this centennial celebration reflects well on the pioneer spirit of the founders of Funk and on the fortitude of their descendants.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature express its congratulations and best wishes to the Village of Funk, Nebraska on its centennial celebration.

2. That a copy of this resolution be sent to the chairperson of the board of trustees of the Village of Funk.

Laid over.

LEGISLATIVE RESOLUTION 175.

Introduced by L. Johnson, 15th District; Schellpeper, 18th District.

WHEREAS, the promotion of tourism is of benefit to the economy and image of the State of Nebraska; and

WHEREAS, the development and expansion of railroads in the State of Nebraska were crucial to the development and growth of the State of Nebraska, especially during the first century of this state's existence; and

WHEREAS, collecting and memorializing the history of railroading is an appropriate recognition of its importance in the history of Nebraska and also serves as a favorable device to promote tourism in this state; and

WHEREAS, legislative recognition of a Nebraska State Rail Museum is appropriate to accomplish both of these objectives; and

WHEREAS, the Eastern Nebraska Chapter, National Railway Historical Society, received the Department of Economic Development's 1986 Rookie Award for recognition as a new, successful tourism attraction in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby recognizes and commends the efforts of the Easter Nebraska Chapter, National Railway Historical Society, a nonprofit corporation located in Fremont, Dodge County, Nebraska, in operating the Fremont and Elkhorn Valley Railroad tourist railroad, depot, and rail museum.

2. That the Legislature hereby recognizes the Eastern Nebraska Chapter, National Railway Historical Society, and its tourist railroad known as the Fremont and Elkhorn Valley Railroad as a depository

of historic and contemporary railroad equipment, memorabilia, and library materials pertaining to railroading and its history and authorizes it to include reference to its recognition as a Nebraska State Rail Museum in the promotion of railroading and tourism.

3. That the Legislature hereby congratulates the Fremont and Elkhorn Valley Railroad for its contribution to Nebraska's tourism as the second season of operation begins between the Eastern Nebraska communities of Fremont, Nickerson, and Hooper.

4. That a copy of this resolution be sent by the Clerk of the Legislature to the Eastern Nebraska Chapter, National Railway Historical Society.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendment to LB 224 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1297.)

Mr. Pappas asked unanimous consent to print the following amendment to LB 335 in the Journal. No objections. So ordered.

AM1339

1. Insert the following new section:

"Sec. 4. If a tenant files a petition in bankruptcy, the landlord of such tenant shall be a preferred creditor from the date such petition is filed.".

2. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 784. Mr. Lynch offered the following amendment:

AM1350

1. Insert the following new section:

"Sec. 23. There is hereby appropriated (1) $336,704 from the General Fund for the period July 1, 1987, to June 30, 1988, and (2) $336,704 from the General Fund for the period July 1, 1988, to June 30,

1989, to the technical community colleges, for Program 51, to return the aid to the level such colleges received prior to the enactment of section 19, Legislative Bill 1, Eighty-ninth Legislature, Fourth Special Session, 1986.".

2. Renumber the remaining sections accordingly.

Mr. Lynch withdrew his pending amendment.

Messrs. Conway and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Advanced to E & R for Engrossment.

MOTION - Overrule Speaker's Agenda

Mr. Warner moved to overrule the Speaker's agenda and take up LB 130 following LB 784, pursuant to Rule 1, Section 16.

Mr. Warner moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Ashford 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 Warner motion to overrule the Speaker's agenda prevailed with 31 ayes, 7 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 176.

Introduced by Haberman, 44th District; Korshoj, 16th District; Weihing, 48th District.

PURPOSE: The purpose of this resolution is to study the prison industries. The areas to be studied should include but not be limited to:

(1) The number of people employed in each industry;

(2) What products and services are sold;

(3) What programs or projects are being developed for the future;

(4) The advantages and disadvantages of the industries to the prisoners, the State of Nebraska, and the general public; and

(5) The area of fair pricing to make the services competitive with other products.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 Barrett, 39th District; Chambers, 11th District; Chizek, 31st District; Wesely, 26th District.

PURPOSE: A Select Committee on Adoption completed a study of the adoption laws during the 1986 interim and LB 719 was introduced during the 1987 session as a result of such study. One of the conclusions of the committee was the recognition of the need to address the emerging legal and social questions arising out of the issues of surrogate parentage and in-vitro fertilization. The recent legal and judicial proceedings in New Jersey involving these questions point out the urgency of the need to begin this study immediately. The purpose of this resolution is to conduct a study of the social and legal issues resulting from surrogate parentage and in-vitro fertilization and to further consider the issues raised during the 1986 interim study and the proposals contained in LB 719.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a Select Committee appointed by the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Select Committee shall receive staff support from its own staff and the Legislative Research Division.

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.

SELECT FILE

LEGISLATIVE BILL 130. E & R amendment, AM5213, found in the Journal on page 2076 for the Seventy-Seventh Day was adopted.

Mr. Landis offered the following amendment:
AM1346

1. Insert the following new sections:

"Section 1. That section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2701.02. Pursuant to section 77-2715.01, the rate of the sales tax levied pursuant to section 77-2703 shall be four and one half per cent.

Sec. 3. Sections 1 and 4 of this act shall become operative on October 1, 1987. The remaining sections of this act shall become operative on their effective date.

Sec. 4. That original section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Renumber remaining sections accordingly.

Mrs. Higgins offered the following amendment to the pending Landis amendment:

to add a new section that mandates a 5% tax on Country Club memberships

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 763 and 780.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 763

The following changes, required to be reported for publication in the Journal, have been made:
ER0187

1. In the Warner amendment, AM1207, adopted May 11, 1987, on page 2, line 15, "~~$360,444~~" has been struck and "~~$368,444~~" inserted.

2. On page 1, line 4; and page 61, line 19, "70," has been inserted after "64,".

3. Sections have been renumbered to reflect sections added and deleted by AM1207.

Enrollment and Review Change to LB 780

The following changes, required to be reported for publication in the Journal, have been made:
ER0189

1. In the Warner amendment, AM1251, adopted May 11, 1987:

a. On page 3, line 14, "1,680,424" has been struck and "1,680,892" inserted; and

b. On page 6, line 4, "Fund" has been struck and "Funds" inserted and "is" has been struck and "are" inserted.

2. In the E & R amendment, AM5209, adopted May 11, 1987, on page 4, the matter beginning with "in" in line 7 through the semicolon in line 10 has been struck; and the matter beginning with the semicolon in line 11 through the last quotation marks in line 13 has been struck.

3. On page 76, lines 9 and 12, "General" has been struck and "Cash" inserted.

4. On page 148, line 15, "4,079,447" and all amendments thereto have been struck and "4,202,447" inserted and "4,087,446" and all amendments thereto have been struck and "4,209,849" inserted; and in line 18 "18,697,800" and all amendments thereto have been struck and "18,834,915" inserted and "18,732,940" and all amendments thereto have been struck and "18,869,448" inserted.

(Signed) Mary E. Sommermeyer

E & R Attorney

VISITORS

Visitors to the Chamber were 30 fourth grade students and teacher from Weeping Water School; Marion Keyes from O'Neill and Janelle Hobbs from Ewing; 17 third through fifth grade students and teacher from St. Pauls Lutheran School, Plymouth; Russ Leger from Plattsmouth; 18 kindergarten through eighth grade students and teacher from District 105, Fremont; and 17 fifth grade students and teacher from Mead Elementary.

ADJOURNMENT

At 5:26 p.m., on a motion by Mr. R. Johnson, the Legislature adjourned until 9:00 a.m., Wednesday, May 13, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FIRST DAY - MAY 13, 1987

LEGISLATIVE JOURNAL

EIGHTY-FIRST DAY - MAY 13, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

EIGHTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 13, 1987

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Leland Klopfer, Immanuel Lutheran Church, York, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hefner, Mesdames Labedz, and Marsh who were excused; and Messrs. Chambers, Hall, V. Johnson, Lamb, McFarland, Peterson, Rupp, Schmit, Weihing, Mesdames Higgins, Pirsch, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eightieth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 87072

DATE: May 12, 1987

SUBJECT: Article XVI, Section 1 of the Nebraska Constitution; may the Legislature propose a state constitutional amendment by legislative

bill; what is the governor's authority in the constitutional amendment process?

REQUESTED BY: Senator Elroy Hefner
Nebraska Unicameral

WRITTEN BY: Robert M. Spire, Attorney General
Dale A. Comer, Assistant Attorney General

Article XVI, Section 1 of the Nebraska Constitution provides, in pertinent part:

> The Legislature may propose amendments to this Constitution. If the same be agreed to by three-fifths of the members elected to the Legislature, such proposed amendments shall be entered on the journal, with yeas and nays, and published once each week for three consecutive weeks, in at least one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting such proposed amendments to the electors. At such election said amendments shall be submitted to the electors for approval or rejection upon a ballot separate from that upon which the names of candidates appear.

You now call our attention to LB 421 with its standing committee amendments which strike the original sections of the bill and insert provisions to place an amendment to the State Constitution upon the ballot. You ask a series of questions concerning the constitutional amendment process including:

a. May the Legislature place an amendment to the State Constitution on the ballot by means of a legislative bill?

b. How many votes are needed for such legislation to pass?

c. What authority, if any, does the governor have in the constitutional amendment process?

Your final question includes a query as to whether a legislative bill involving a constitutional amendment must be submitted to the governor upon final passage, and whether the governor has authority to veto or sign such a legislative bill. Our conclusions are set out below.

Almost 100 years ago, our Supreme Court considered a situation involving questions similar, in great part, to the questions which you have raised. In In Re Senate File 31, 25 Neb. 864, 41 N.W. 981 (1889), the Court considered the propriety of procedures surrounding the passage, by both houses of our then two-house Legislature, of a legislative bill which proposed two amendments to the State

Constitution. The constitutional provision governing amendment by legislative initiative in 1889 was substantially identical to Article XVI, Section 1 of our current State Constitution with the exception of language which was later changed to accommodate the Unicameral Legislature. As discussed in our opinion at Report of the Attorney General, 1965-66, No. 210 at 339, the court in In Re Senate File No. 31, drew two conclusions which are instructive concerning the issues which you have raised.

First of all, the court in In Re Senate File No. 31, upheld an amendment procedure whereby amendments to the State Constitution were proposed by legislative bill in spite of arguments by opponents of the legislation to the effect that constitutional amendments could not be proposed by bill. Therefore, as noted in our 1966 opinion cited above, it appears that proposed constitutional amendments to our State Constitution can be submitted to the voters by means of a legislative bill or by means of a legislative resolution.

Second, proposals for amendment to the State Constitution contained in a legislative bill apparently need not be submitted to the governor for his or her approval. As the court stated in In Re Senate File No. 31:

> It will be conceded that under our constitution, it is unnecessary to submit a proposition to amend the constitution, duly passed by each branch of the legislature, to the governor for his approval, as such proposition is not ordinary legislation. Id. at 877, 41 N.W. at 984.

Indeed, this latter holding is in accord with the general rule in other jurisdictions which holds that resolutions of the Legislature submitting constitutional amendments to the people need not be approved by the governor since the governor is not a party to the amendment function or process. 16 Am.Jur. 2d, Constitutional Law, §40.

As a result, it is our view that the Legislature may place a proposed state constitutional amendment on the ballot by means of a legislative bill so long as the bill is passed by the three-fifths majority required in Article XVI, Section 1 of our State Constitution, or by thirty affirmative votes. Further, it is our view that such a state constitutional amendment need not be presented to the governor upon final passage, and that the governor has no authority to sign or veto the legislative bill containing the amendment.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Dale A. Comer

Assistant Attorney General

DAC/kb
cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 109. Read. Considered.

LR 109 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 126. Read. Considered.

LR 126 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 127. Read. Considered.

LR 127 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 128. Read. Considered.

LR 128 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 129. Read. Considered.

LR 129 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 132. Read. Considered.

LR 132 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 133. Read. Considered.

LR 133 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 163. Read. Considered.

LR 163 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 166. Read. Considered.

LR 166 was adopted with 27 ayes, 1 nay, and 21 not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 104 in the Journal. No objections. So ordered.

AM1351

(Amendments to the Final Reading copy)

1. On page 8, line 22, after "species" insert "not".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 781, 783, and 783A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 781

The following changes, required to be reported for publication in the Journal, have been made:

ER0188

1. On page 1, line 3, "to require a program statement;" has been inserted after the second semicolon.

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 638A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 767A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 663. 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 375. Considered.

SPEAKER BARRETT PRESIDING

Mr. Elmer moved to bracket LB 375 until January 10, 1988.

Mr. Moore 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, 0 nays, and 24 not voting.

Mr. Harris moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Harris requested a roll call vote on the Elmer motion to bracket.

Voting in the affirmative, 15:

Barrett	Elmer	Korshoj	Lynch	Rogers
Beyer	Johnson, R.	Lamb	Miller	Smith
Coordsen	Johnson, V.	Landis	Peterson	Wehrbein

Voting in the negative, 26:

Abboud	Goodrich	Johnson, L.	Pirsch	Scofield
Ashford	Haberman	McFarland	Remmers	Warner
Baack	Hannibal	Morehead	Rupp	Weihing
Chizek	Harris	Nelson	Schellpeper	Wesely
Conway	Hartnett	Pappas	Schmit	Withem
Dierks				

Present and not voting, 1:

Langford

Excused and not voting, 7:

Chambers	Hefner	Labedz	Marsh	Moore
Hall	Higgins			

The Elmer motion to bracket lost with 15 ayes, 26 nays, 1 present and not voting, and 7 excused and not voting.

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. Harris moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Harris requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Ashford	Haberman	Johnson, L.	Morehead	Schmit
Baack	Hall	Johnson, V.	Pappas	Warner
Chizek	Hannibal	Langford	Pirsch	Weihing
Conway	Harris	Lynch	Remmers	Wesely
Goodrich	Hartnett	McFarland	Rupp	Withem

Voting in the negative, 19:

Abboud	Dierks	Lamb	Nelson	Scofield
Barrett	Higgins	Landis	Peterson	Smith
Beyer	Johnson, R.	Miller	Rogers	Wehrbein
Coordsen	Korshoj	Moore	Schellpeper	

Present and not voting, 1:

Elmer

Excused and not voting, 4:

Chambers	Hefner	Labedz	Marsh

Advanced to E & R for Review with 25 ayes, 19 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORT
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Dwayne G. Smith, Columbus - Department of Environmental Control
Robert J. Olson, Grand Island - Natural Resources Commission
Ralph J. Knobel, Fairbury - Natural Resources Commission
Edward J. Schrock, Elm Creek - Natural Resources Commission

Vote: Aye: Senators Schmit, Weihing, Lamb, Rod Johnson, and Elmer. Absent: Senators Labedz, Hall, and Harris.

(Signed) Loran Schmit, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 224. Placed on Select File as amended.
E & R amendments to LB 224:
AM5234

1. In the Haberman amendment, AM1218, adopted May 8, 1987, strike amendment 2 and renumber the remaining amendment accordingly.

2. In the Coordsen amendment, AM1032, adopted May 8, 1987, strike amendment 2 and renumber the remaining amendment accordingly.

3. In the Standing Committee amendment, AM0639, adopted May 8, 1987:

a. On page 2, line 8, after "thereon" insert an underscored comma;

b. On page 11, line 19, strike "sections 60-301 to 60-344", show as stricken, and insert "Chapter 60, article 3";

c. On page 12, line 6, after "including" and "to" insert an underscored comma;

d. On page 12, lines 22 and 23; and page 13, lines 3, 4, and 8, strike the comma;

e. On page 13, line 9, strike the comma and show as stricken;

f. On page 16, line 11, strike the second comma and show as stricken; and strike beginning with "beginning" in line 11 through the last comma in line 13

and show as stricken;

g. On page 23, line 17, strike the new matter and reinstate the stricken matter; and

h. On page 30, line 5, after the last comma insert "and sections 39-6,179 and 60-320, Revised Statutes Supplement, 1986,".

4. On page 1, strike beginning with "60-325" in line 4 through the second comma in line 5 and insert "and"; in line 5 strike "and 66-602,"; in line 6 after "1943" insert ", and sections 39-6,179 and 60-320, Revised Statutes Supplement, 1986"; in line 10 strike "define and" and strike "eliminate"; in line 11 strike "definitions" and insert "provide an exception to length restrictions for certain vehicles"; and strike line 13 and insert "provisions relating to dealer number plates; to provide for the cancellation of operator's licenses in certain cases;".

5. On page 2, line 1, strike "trailers;" and strike "and"; and in line 5 after "1943" insert "; and to declare an emergency".

LEGISLATIVE BILL 708. Placed on Select File as amended.
E & R amendments to LB 708:
AM5231

1. On page 1, line 1, after "section" insert "2-1213, Reissue Revised Statutes of Nebraska, 1943, and section"; in line 4 after "define" insert "and redefine"; in line 6 strike "and" and insert "to change a fee;"; and in line 7 strike "section" and insert "sections; and to declare an emergency".

2. On page 4, line 3, after the semicolon insert "and".

3. In the R. Johnson amendment, AM1088, adopted May 8, 1987:

a. On page 2, line 19, after "notwithstanding" insert "a"; and

b. On page 4, line 11, strike "up".

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Schmit asked unanimous consent to have his name added as co-introducer to LB 375. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 166.

SELECT FILE

LEGISLATIVE BILL 130. The pending Landis amendment, AM1346, found in the Journal on page 2221 was renewed.

Mr. McFarland requested a ruling of the Chair on whether the Landis amendment is germane to the bill.

The Chair ruled the Landis amendment is germane to the bill.

Mrs. Higgins challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mrs. Higgins moved for a call of the house. The motion prevailed with 16 ayes, 6 nays, and 27 not voting.

Mrs. Higgins requested a roll call vote on her motion to overrule the Chair.

Voting in the affirmative, 5:

Hartnett	Higgins	Korshoj	Pirsch	Schmit

Voting in the negative, 36:

Abboud	Goodrich	Johnson, V.	Morehead	Scofield
Ashford	Haberman	Lamb	Nelson	Smith
Baack	Hall	Landis	Pappas	Warner
Beyer	Hannibal	Langford	Remmers	Wehrbein
Chizek	Harris	Lynch	Rogers	Weihing
Conway	Johnson, L.	Miller	Rupp	Wesely
Dierks	Johnson, R.	Moore	Schellpeper	Withem
Elmer				

Present and not voting, 4:

Barrett	Coordsen	McFarland	Peterson

Excused and not voting, 4:

Chambers Hefner Labedz Marsh

The Higgins motion to overrule the Chair lost with 5 ayes, 36 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The pending Higgins amendment to the pending Landis amendment found in the Journal on page 2221 was renewed.

PRESIDENT NICHOL PRESIDING

Mr. Hall 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 5 ayes, 1 nay, and 43 not voting.

Mrs. Higgins requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 41:

Abboud	Goodrich	Johnson, V.	Nelson	Schmit
Ashford	Haberman	Lamb	Pappas	Scofield
Baack	Hall	Landis	Peterson	Smith
Barrett	Hannibal	Langford	Pirsch	Warner
Beyer	Harris	McFarland	Remmers	Wehrbein
Chizek	Hartnett	Miller	Rogers	Weihing
Conway	Johnson, L.	Moore	Rupp	Wesely
Dierks	Johnson, R.	Morehead	Schellpeper	Withem
Elmer				

Voting in the negative, 2:

Coordsen Higgins

Present and not voting, 1:

Korshoj

Absent and not voting, 1:

Lynch

Excused and not voting, 4:

Chambers Hefner Labedz Marsh

The Hall motion to cease debate prevailed with 41 ayes, 2 nays, 1 present and not voting, 1 absent and not voting, and 4 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.

The pending Higgins amendment lost with 3 ayes, 22 nays, 19 present and not voting, and 5 excused and not voting.

Pending.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

May 13, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 requiring legislative confirmation:

Gary L. Rex, Director of Policy Research and Nebraska Energy Office, 3131 North 75th Court, Lincoln, Nebraska 68507, 464-2837. Term: March 27, 1987 and at the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,

(Signed) KAY A. ORR
Governor

KAO:tj

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 578A. By Haberman, 44th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 578, Ninetieth Legislature, First Session, 1987.

RESOLUTIONS

LEGISLATIVE RESOLUTION 178.

Introduced by Nelson, 35th District; Miller, 37th District.

PURPOSE: To study and investigate problems associated with the proper disposal and cleanup of chemical agents such as herbicides and pesticides. The study shall:

(1) Explore the need for proper regulation of the disposal of unused agricultural chemical agents;

(2) Examine recent chemical controversies to determine whether changes are needed to provide better protection from the use and misuse of chemicals; and

(3) Compare Nebraska's environmental rules and regulations to those of other states.

The study proposed by this resolution is necessary because of the importance of chemical agents to agriculture and of protecting the environment from unnecessary pollution and because of the possible conflict between the use and misuse of chemicals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature composed of the introducers of this resolution and the members of the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall receive staff support from the Legislative Research Division and from a staff member of the

Department of Environmental Control designated by the Director of Environmental Control.

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 179.

Introduced by Remmers, 1st District; Rogers, 41st District.

PURPOSE: The purpose of this resolution is to study issues regarding the centralized computer system for the filing of Uniform Commercial Code liens, statutory liens, and effective financing statements and to consider whether amendments in the legislative framework would be appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 180.

Introduced by Withem, 14th District.

PURPOSE: The purpose of this resolution is to study alternative methods to accomplish an improved school district structure in Nebraska. Historically, and especially during recent sessions of the Legislature, school district reorganization has been a divisive and emotional issue, yet in recent years, changing demographics and agricultural adjustments have caused an even greater need to address this issue in an objective and equitable manner.

The study should address various alternative strategies to accomplish an educational structure which promotes educational opportunities, assures tax equity, and retains a legitimate role for

local school boards. Items which should be studied shall include, but not be limited to:

(1) Revisions in statutes which pertain to the procedures for organizing school districts of all classes;

(2) Structural changes in the school foundation and equalization formula;

(3) State aid and tax incentives to promote and encourage the organization of all property into school districts which offer kindergarten through grade twelve;

(4) Appropriate levels of state and local support for schools;

(5) Revenue sources for support of the schools;

(6) Establishment of consistent, flexible, and challenging standards for all public schools;

(7) Transportation of students, including the cost to consolidated districts and state requirements for aid support; and

(8) Any other factors reasonably related to the issue of school district structure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature and other interested senators as designated by the committee shall conduct an interim study to carry out the purposes of this resolution.

2. That the Legislature hereby recognizes the existence and work of a citizen panel which is reviewing and studying the issues of school district structure and support.

3. That the committee will monitor the work of the citizen panel and receive a report from the panel to prepare draft legislation.

4. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 181.

Introduced by Withem, 14th District.

PURPOSE: The purpose of this resolution is to study school evaluation procedures. Currently local schools and the State Department of Education use a variety of measures and evaluation techniques to assess the effectiveness and performance of school programs. Nebraska rates highly on the national Wall Charts in terms of ACT scores, teacher/pupil ratios, and high school

completion. There are, however, within the state, no consistently reliable evaluation models which policy makers at the state and local levels can use to assess school effectiveness or performance.

The Legislature has been awarded a cost-sharing grant by the National Council of State Legislatures to study school evaluation. The study will provide for a thorough examination and assessment of current school evaluation practices, analysis of the current practice in relation to current school effectiveness research, and establishment of a state model for school evaluation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature and other interested senators designated by the committee shall conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall supervise and direct the proposed study activities contained in the National Council of State Legislatures' grant proposal.

3. 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 182.

Introduced by Withem, 14th District.

PURPOSE: The purpose of this resolution is to study the concept of year-round school. The State of Nebraska is increasingly involved in an international economy and must compete on an educational basis with many nations, such as Japan, which provide educational opportunites on an extended calendar basis. The purpose of this study is to examine the adequacy of current Nebraska statutes, sections 79-201.01 to 79-201.09, which allow, but severely restrict, the ability of school districts to offer year-round school.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 183.

Introduced by Withem, 14th District.

PURPOSE: The purpose of this resolution is to study the coordination and governance of higher education systems. Nebraska higher education is composed of several systems of colleges and universities, including the University of Nebraska system, the Nebraska state colleges, the technical community colleges, the independent colleges and universities, and the private vocational colleges. These systems are governed by separate governing boards with minimum state coordination through the Nebraska Coordinating Commission for Postsecondary Education.

The purpose of this study is to examine the roles of the Legislature, Nebraska Coordinating Commission for Postsecondary Education, Governor, and institutional governing boards in higher education systems governance and coordination. The study should address among others, the following issues:

1. The role of the state government in higher education coordination among the various systems;

2. The governance of public higher education institutions through alternative board structures, including the feasibility of a statewide Board of Regents for all public institutions;

3. Possible areas of coordination including the presentation and adoption of a coordinated budget for all public higher education institutions;

4. The proper role and responsibilities of the Nebraska Coordination Commission for Postsecondary Education; and

5. The role of the state and public institutions in coordination with independent and private institutions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 committee shall upon the conclusion of its 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 Judiciary Committee: Chizek, 31st District, Chairperson; Ashford, 6th District; Conway, 17th District; Korshoj, 16th District; Nelson, 35th District.

PURPOSE: The purpose of this resolution is for a study of the welfare of children and families of the State of Nebraska which is a primary concern of the Legislature and citizens of the state.

The Legislature has adopted legislation regarding the timely and proper payment of child support but the federal regulations and judicial decisions concerning child support change from time to time and the Nebraska law needs to reflect those changes. For these reasons, the study should examine the rules and procedures concerning child support enforcement so that federal regulations and the federal and state constitutional requirements are met.

The traditional policy reasons underlying the rules and procedures for the adoption of children have been challenged. Public policy may require that birthfathers be afforded more rights regarding their children. The study should examine both the substantive and procedural laws regarding the adoption of children to ensure fundamental fairness and adherence to constitutional requirements.

Certain juveniles adjudicated as status offenders are on occasion placed in locked facilities designed for adult criminals, which facilities are administered by the Department of Correctional Services. Certain of these juveniles are occasionally placed for diagnostic and clinical evaluations in locked facilities designated for juveniles adjudicated as criminals. There presently appears to be no cost effective alternative for such evaluations. Detention of the noncriminal juvenile status offenders in locked facilities designed for the adult criminal may not be sound public policy. The study should consider (1) the placement of noncriminal juvenile status offenders in such facilities run by the Department of Correctional Services and (2) whether all juveniles should be afforded equal access to appropriate predispositional clinical and diagnostic evaluations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 185.

Introduced by Banking, Commerce and Insurance Committee: Remmers, 1st District, Chairperson; Conway, 17th District; Goodrich, 20th District; Harris, 27th District; Lynch, 13th District; Pappas, 42nd District; Schmit, 23rd District.

PURPOSE: The purpose of this resolution is to study issues concerning the deposit of public funds in various financial institutions, with due regard for the best interests of the citizens of the State of Nebraska. The study should seek the input of interested persons and institutions and should include a comparison of policies governing such deposits in jurisdictions other than Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 186.

Introduced by Pappas, 42nd District.

PURPOSE: The purpose of this resolution is to propose a study of property taxation of rental property in Nebraska. The study should include, but not be limited to, the following topics:

(1) Similarities and differences among counties with respect to the assessment and taxation of rental property;

(2) The taxation of rental property in other states; and

(3) The feasibility of exempting rental property from taxation, and the effect that such an exemption would have on the property tax base as a whole.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 187.

Introduced by Revenue Committee: V. Johnson, 8th District, Chairperson; Haberman, 44th District; Hartnett, 45th District; Landis, 46th District; Peterson, 21st District; Rogers, 41st District.

PURPOSE: The purpose of this resolution is to propose a study of the methods used to finance the maintenance and construction of highways, roads, and streets in Nebraska. The study should include, but not be limited to, the following topics:

(1) The overall condition of Nebraska thoroughfares;

(2) Nebraska's reliance on fuel taxes for funding highway projects;

(3) The use and distribution of highway revenue;

(4) Alternative revenue sources, including a weight-distance tax on heavy vehicles; and

(5) Enhancement of current highway revenue sources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Morehead asked unanimous consent to have her name added as co-introducer to LB 375. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Chizek asked unanimous consent to print the following amendment to LB 582 in the Journal. No objections. So ordered.

AM1348
(Amendments to Standing Committee amendments, AM0494)

1. Strike amendment 1 and insert the following new amendment:

"1. Strike the original sections and insert the following new sections:

'Section 1. It is the intent of the Legislature through this act to help in the treatment and elimination of drug use and abuse in the work place while protecting the employees rights.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Department of Health shall mean the Department of Health of the State of Nebraska;

(2) Department of Health rules and regulations shall mean the techniques and methods authorized pursuant to section 39-699.11;

(3) Drug shall mean any (a) alcoholic liquor as defined in section 53-103 or (b) substance, chemical, or compound as described, defined, or delineated in sections 28-405 and 28-419 or any metabolite or conjugated form thereof;

(4) Employee shall mean any person who receives any renumeration, commission, bonus, or other form of wages in return for such persons actions which directly or indirectly benefit an employer;

(5) Employer shall mean the State of Nebraska and its political subdivisions, all other governmental entities, any individual, association, or corporation, or other organization doing business in the State of Nebraska unless it, he, or she employs a total of less than six full-time and part-time employees at any one time but who employs seasonal employees less than twenty weeks per employee in any calendar year;

(6) Intoxilyzer shall mean intoxilyzer model

4011AS or other scientific testing equivalent as approved by and operated in accordance with the Department of Health rules and regulations; and

(7) Intoxilyzer operator shall mean a person licensed by the Department of Health to operate an intoxilyzer.

Sec. 3. Any results of any test performed on the body or breath specimen of an employee, as directed by the employer, to determine the presence of drugs shall not be used to deny any continued employment or in any disciplinary action unless the following requirements are met:

(1) A positive finding of drugs by preliminary screening procedures is subsequently confirmed by gas chromatography-mass spectrometry or other scientific testing equivalent which has been or may be approved by the Department of Health, except that a positive finding of alcohol shall be confirmed by either:

(a) Gas chromatography with a flame ionization detector or other scientific testing technique which has been or may be approved by the Department of Health; or

(b) A screening procedure utilizing an intoxilyzer is confirmed by a second intoxilyzer operated by a person licensed to operate such intoxilyzer.

Nothing in this subdivision shall be construed to preclude an employee from requesting confirmation of any alcohol testing procedure as provided by subdivision (a) of this subdivision, provided that the employee voluntarily submits to give a blood sample taken by qualified medical personnel in accordance with the rules and regulations adopted and promulgated by the Department of Health.

The department by rule and regulation may approve confirmatory testing techniques or methods other than that required in subdivisions (a) and (b) of this subdivision if such other techniques or methods provide comparably reliable analytical results;

(2) Except as provided in subdivision (1)(b) of this section, all confirmatory tests are performed by a clinic, hospital, or laboratory which is licensed pursuant to the federal Clinical Laboratories Improvement Act of 1967, 42 U.S.C. 263a, or which is accredited by the College of American Pathologists;

(3) Except for intoxilyzer samples as provided in subdivision (1)(b) of this section, all specimens which result in a finding of drugs are refrigerated and preserved in a sufficient quantity for retesting for a period of at least one hundred twenty days;

(4) A written record of the chain of custody of the specimen is maintained from the time of the collection of the specimen until the specimen is no longer required; and

(5) The employer or its, his, or her agents has not released or disclosed the test results to the public, except that such results shall be released as required by law or to the employee upon request. Test results may be released to those officers, agents, or employees of the employer who need to know the information for reasons connected with their employment.

Nothing in this section shall be construed to establish any rule, right, or duty not expressly provided for in this section.

Sec. 4. (1) It shall be unlawful to provide, acquire, or use body fluids for the purpose of altering the results of any test to determine the presence of drugs.

(2) Any person who violates subsection (1) of this section shall be guilty of a Class I misdemeanor.

Sec. 5. (1) No person shall tamper with or aid or assist another in tampering with body fluids at any time during or after the collection or analysis of such fluids for the purpose of altering the results of any test to determine the presence of drugs.

(2) Any employee who violates subsection (1) of this section may be subjected to the same discipline as if the test would have shown a positive result.

(3) Any employee who refuses the directive of an employer to provide a body fluid or breath sample as provided in section 3 of this act may be subject to disciplinary or administrative action by the employer.

(4) Any person who violates subsection (1) of this section shall be guilty of a Class I misdemeanor.'".

SELECT FILE

LEGISLATIVE BILL 130. Mrs. Higgins offered the following amendment to the pending Landis amendment:
to change from 4 1/2% to 3 1/2%

Mr. V. Johnson requested a ruling of the Chair on whether the Higgins amendment is germane to the Landis amendment.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chair ruled the Higgins amendment is germane to the Landis amendment.

Mr. Landis moved to bracket LB 130 until May 14, 1987.

Mr. V. Johnson asked unanimous consent to be excused. No objections. So ordered.

Messrs. Lynch and Conway asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Coordsen 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 lost with 10 ayes, 13 nays, and 26 not voting.

Mrs. Higgins requested a record vote on the Landis motion to bracket.

Voting in the affirmative, 25:

Baack	Haberman	Landis	Pappas	Warner
Beyer	Hall	McFarland	Remmers	Wehrbein
Chizek	Hannibal	Miller	Rogers	Weihing
Elmer	Harris	Moore	Rupp	Wesely
Goodrich	Johnson, L.	Nelson	Scofield	Withem

Voting in the negative, 7:

Abboud	Coordsen	Higgins	Korshoj	Lamb

Pirsch Smith

Present and not voting, 7:

Ashford	Dierks	Langford	Peterson	Schellpeper
Barrett	Hartnett			

Excused and not voting, 10:

Chambers	Hefner	Johnson, V.	Lynch	Morehead
Conway	Johnson, R.	Labedz	Marsh	Schmit

The Landis motion to bracket prevailed with 25 ayes, 7 nays, 7 present and not voting, and 10 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 188.

Introduced by Rupp, 22nd District.

PURPOSE: The purpose of this resolution is to study Nebraska petition laws as they relate to the signature verification process, with an emphasis on how such process has been carried out in the past and how it can be improved in the future.

This study is needed:

(1) Because there is an increasing use of the petition process by citizens of the state who desire to enact laws, repeal laws enacted by the Legislature, or recall public officials;

(2) To ensure that the verification procedures, under which submitted petitions are analyzed by public officials, are sufficient to ensure the integrity of the petition process; and

(3) To ensure that the public officials charged with analyzing submitted petitions understand the methodologies prescribed for such analysis and that they follow them.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 Scofield, 49th District; Schmit, 23rd District; Warner, 25th District; R. Johnson, 34th District; Chizek, 31st District.

PURPOSE: The purpose of this resolution is to undertake a study to examine the current extent of waste regulation and its costs and the extent of legal and financial liability of waste producers and those who dispose of wastes.

This study is necessary because:

(1) The proper disposal of various types of waste has become a serious concern to citizens of the state;

(2) Such public concern requires state agency involvement in regulating current disposal practices and determining potential financial liability for cleanup where waste disposal regulation fails to prevent contamination;

(3) Concerns involving the cost of regulation, the financial liability for waste disposal, and the extent of legal liability of waste producers and those who dispose of such wastes require the Legislature to consider a complex and interrelated set of issues; and

(4) This interrelated set of issues requires the involvement of committees of the Legislature which address issues of legal liability, potential public financial liability, and the extent of natural resources regulation provided by state law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a joint committee consisting of the Appropriations Committee, the Natural Resources Committee, and the Judiciary Committee shall be designated to conduct an interim study to carry out the purposes of this resolution. The committee should examine the potential state liability if existing regulatory, legal, and financial mechanisms fail to adequately address waste disposal problems.

2. That the committee shall upon the conclusion of its 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 Withem, 14th District.

PURPOSE: The purpose of this resolution is to study the role of education, from elementary through postsecondary and adult retraining, in the economic growth and development strategy of the state. The state competes in national and international forums in business development and promotion. The Legislature should begin to examine the needs of our economy in setting goals and standards for our schools and colleges.

Specifically, the study should address the educational needs of technologically oriented businesses, such as US West. The study should identify what structural changes need to be made in the structure of Nebraska's educational systems in order to encourage the development of research centers in Nebraska.

The study should be comprehensive in scope and suggest strategies for an education-business partnership in economic development and improvements in education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 committee shall appoint a citizen task force composed of educators and representatives of business and industry to meet and provide input to the committee on a joint education-business community development strategy.

3. 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 191.

Introduced by Withem, 14th District.

PURPOSE: To study the Central Administration of the University of Nebraska. When the administration of University campuses was centralized in 1974, the objective was to provide for effective leadership in higher education for the University of Nebraska, to provide coordination of programs among the campuses, and to encourage cost efficiencies. In practice it is questionable whether the anticipated leadership, coordination, and efficiencies have resulted from the merger.

The purpose of this resolution is to study the feasibility of eliminating Central Administration and returning management of the University to the individual campuses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 192.

Introduced by Schellpeper, 18th District.

PURPOSE: There has been a great deal of concern about the spiraling cost, lessened coverage, and decreased availability of liability insurance. This has affected a number of entities and individuals in a wide variety of areas throughout the state, including political subdivisions, manufacturers, trucking companies, day care centers, and professionals.

Legislation intended to alleviate this problem has focused on two general areas, tort reform and insurance reform. Tort reform legislation has included: Limits on damages; changes in rules concerning collateral sources, comparative fault, joint and several liability, and frivolous lawsuits; and streamlining the litigation process. Insurance reform legislation has included proposals to allow insurance pooling and modification of the Risk Retention Act.

There is a concern about the availability of adequate, usable, and understandable data crucial to a thorough analysis of the liability insurance problem. Reports from the National Conference of State Legislatures disclose that nationwide there has been difficulty obtaining data on many issues central to this problem. Without this and other data, it is difficult to determine whether further changes in our civil litigation system or further changes in insurance regulation are warranted.

This study should include, but not be limited to, the following issues: (1) Whether insurance companies that write liability insurance in Nebraska can and should report certain information to the Department of Insurance concerning the amount and type of claims

paid and the extent to which details can be provided; (2) whether changes in the civil litigation system have an effect on the affordability and availability of liability insurance, by examining the experiences of other states which have enacted reforms in their civil litigation laws and by examining legislation recently enacted concerning the civil litigation system of this state; and (3) whether further changes in either the civil litigation system or the regulation of insurance are warranted in light of the information gathered.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a select committee be chosen by the Executive Board of the Nebraska Legislature to conduct an interim study to carry out the purposes of this resolution.

2. That staff resources be coordinated by the Legislative Research Division.

3. That the select committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 193.

Introduced by Hall, 7th District.

PURPOSE: The inmates at the Department of Correctional Services adult correctional facility are currently afforded an opportunity for visitation. Visitation provides for a continuation of the link between the inmate and the community at large, as well as an opportunity to maintain and strengthen the familiar relationship that inmates have with their relatives.

Opportunities for improvement upon inmate visitation should be explored to maximize the beneficial impact visitation can have upon inmates who maintain contact with the community and to provide a network for such inmates' productive participation in society upon release.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to review the current visitation policies of the Department of Correctional Services adult correctional facility.

2. That pursuant to this study, the committee will hold at least one hearing within the Department of Correctional Services adult correctional facility.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations for improving the system, to the Legislative Council or Legislature before December 1, 1987.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 194.

Introduced by Withem, 14th District; Moore, 24th District; Baack, 47th District.

PURPOSE: To study student debt and student aid for higher education in Nebraska. As federal programs for student aid fail to keep pace with student need, it is incumbent on the Legislature to examine areas of unmet needs in the state and to investigate alternative proposals to meet those needs.

It is necessary to review policies and programs in other states, including, but not limited to, levels and types of student financial aid programs, tuition levels, and the balance between institutional aid and student aid.

Further, the study should review the beneficiaries of current aid programs and subsidies to determine if reallocation of benefits is feasible. Finally, the study should address and review the State Scholarship Program as currently enacted, the state work study program proposed by Legislative Bill 371, the reallocation of aid to more needy students proposed by Legislative Bill 609, and the tax credit proposed by Legislative Bill 631.

In addition, the study should specifically examine methods to finance education which do not rely on general fund appropriations, such as a tuition prepayment plan, tax-exempt or tax-deferred savings plans, and tax credits, which are being implemented in several states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 committee shall upon the conclusion 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 a group of second grade students and sponsors from Calvert Elementary, Lincoln; 45 fourth grade students and teacher from Ashland Park School, Omaha; 22 eighth grade students and teacher from Holy Name, Omaha; Jack and Mary Cochrane from Fremont and Keith and Jean Davis from Llanidloes, Wales; 48 fourth grade students and teachers from Bel Air School, Norfolk; Dorothy Olmstead, Lorna Schick, Mary Hill, and Carol Jones from Seward, and Charlotte Gruber from Lincoln; 5 students and sponsor from Osceola High School; 47 fourth grade students and teacher from Hitchcock Elementary, Millard; 19 fifth and sixth grade students and teacher from Platteville-District 11, Fremont; 6 members of the Auburn Chamber of Commerce; Mayor Bill Davis, wife, Nancy, and son, Jim, and Harvey and LouAnn Walter from Cygnet, Ohio; and Ed and Cindy Foy.

RECESS

At 12:06 p.m., on a motion by Mr. Withem, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hefner, V. Johnson, Withem, Mesdames Labedz, and Marsh who were excused; and Messrs. Ashford, Chambers, Haberman, Hartnett, R. Johnson, Landis, McFarland, Peterson, Remmers, 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 resolutions: LRs 109, 126, 127, 128, 129, 132, 133, and 163.

SELECT FILE

LEGISLATIVE BILL 218. E & R amendments, AM5214, found in the Journal on page 2075 for the Seventy-Seventh Day were adopted.

Mr. Warner renewed his pending amendment, AM1245, found in the Journal on page 2092.

The Warner amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mr. Abboud offered the following V. Johnson amendment:

Strike sections 1 through 7 and insert the following new sections:

Section 1. The Board of Regents of the University of Nebraska is hereby authorized to renovate Morrill Hall at the University of Nebraska-Lincoln. There is hereby appropriated (1) $1,875,045 from the State Building Fund for the period July 1, 1987, to June 30, 1988, and (2) $2,060,600 from the State Building Fund for the period July 1, 1988, to June 30, 1989, to the University of Nebraska, for Program 934, for renovation of Morrill Hall. The total project cost shall not exceed $4,023,300 which amount includes $87,655 previously appropriated for planning.

Section 2. Peru State College is hereby authorized to renovate the T. J. Majors Education Building at Peru State College. There is hereby appropriated (1) $912,000 from the State Building Fund for the period July 1, 1987, to June 30, 1988, and (2) $1,113,000 from the State Building Fund for the period July 1, 1988, to June 30, 1989, for Program 939, for renovation of the T. J. Majors Education Building. The total project cost shall not exceed $2,071,000 which amount includes $46,000 previously appropriated for planning.

Section 3. Kearney State College is hereby authorized to renovate and construct an addition to Cushing Coliseum at Kearney State College. There is hereby appropriated (1) $1,592,000 from the State Building Fund for the period July 1, 1987, to June 30, 1988, and (2) $5,414,098 from the State Building Fund for the period July 1, 1988, to June 30, 1989, and (3) $1,592,000 from the State Building Fund for the period July 1, 1989, to June 30, 1990, for Program 929, for renovation of, and construction of an addition to, Cushing Coliseum. The total project cost shall not exceed $8,605,598 which amount includes $7,500 previously expended for planning and excludes an amount not to exceed $2,000,000 from private sources and nonstate-aided institutional sources.

Mr. Abboud moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Abboud requested a roll call vote on the V. Johnson amendment.

Voting in the affirmative, 15:

Abboud	Coordsen	Hall	Lamb	Rupp
Baack	Elmer	Johnson, R.	Peterson	Schellpeper
Conway	Goodrich	Korshoj	Pirsch	Schmit

Voting in the negative, 22:

Barrett	Harris	Moore	Remmers	Warner
Beyer	Johnson, L.	Morehead	Rogers	Wehrbein
Chizek	Langford	Nelson	Scofield	Weihing
Dierks	Lynch	Pappas	Smith	Wesely
Hannibal	Miller			

Present and not voting, 1:

Higgins

Excused and not voting, 11:

Ashford	Hartnett	Johnson, V.	Landis	McFarland
Chambers	Hefner	Labedz	Marsh	Withem
Haberman				

The V. Johnson amendment lost with 15 ayes, 22 nays, 1 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Wesely moved for a call of the house. The motion prevailed with 10 ayes, 5 nays, and 34 not voting.

Mr. Abboud requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Barrett	Dierks	Johnson, L.	Lynch	Nelson
Beyer	Goodrich	Johnson, R.	Miller	Pappas
Chambers	Hannibal	Lamb	Moore	Remmers
Chizek	Harris	Langford	Morehead	Rogers

Scofield	Smith	Warner	Wehrbein	Wesely

Voting in the negative, 8:

Abboud	Higgins	Peterson	Rupp	Schmit
Coordsen	Korshoj	Pirsch		

Present and not voting, 6:

Baack	Elmer	Hall	Schellpeper	Weihing
Conway				

Excused and not voting, 10:

Ashford	Hartnett	Johnson, V.	Landis	McFarland
Haberman	Hefner	Labedz	Marsh	Withem

Advanced to E & R for Engrossment with 25 ayes, 8 nays, 6 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 195.

Introduced by Moore, 24th District.

WHEREAS, the year of 1987 is the centennial year of the Village of Lushton, Nebraska; and

WHEREAS, Lushton was named after a railroad engineer known simply as Mr. Lush; and

WHEREAS, the current residents will begin the centennial celebration activities in this year; and

WHEREAS, those traditions and the heritage that made Nebraska great are still being carried on by the residents of Lushton; and

WHEREAS, the current residents of Lushton deserve special recognition for the contributions that they and their ancestors have made to all areas of the state's development and as well as to Nebraska's spirit itself.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extend its congratulations and best wishes in this centennial year to those residents of Lushton both past and present, who have built Lushton into a successful and fine community in which to live and will continue to keep the Lushton community strong.

2. That a copy of this resolution be sent to Bert Bussard, Chairperson of the Village Board.

Laid over.

LEGISLATIVE RESOLUTION 196.

Introduced by Hartnett, 45th District; Warner, 25th District.

PURPOSE: The purpose of this resolution is to examine the role of a sound public infrastructure in providing for economic growth. Such role is recognized in the Nebraska Economic Development Strategy. The strategy report, Building Prosperity, suggests that the creation of wealth requires a substantial commitment and targeting of resources toward agreed-upon goals and the tax capacity and effort necessary to sustain quality infrastructure systems.

Preliminary analysis of the state's infrastructure has been performed by the Department of Economic Development and other state agencies in a report titled "Nebraska Can Work." This report suggests that Nebraskans need to make an effort to improve public infrastructure and that doing so will require a greater commitment to providing financial resources and development of sound management techniques.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a joint committee consisting of the Urban Affairs Committee and Appropriations Committee shall be designated to conduct an interim study to carry out the purposes of this resolution. The committee shall examine the findings of the "Nebraska Can Work" report to determine their validity. The committee shall conduct a review hearing on the report, request additional information as necessary, and monitor Part II of the Department of Economic Development's ongoing infrastructure 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 Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 197.

Introduced by Lynch, 13th District.

PURPOSE: In Nebraska, the state and its political subdivisions generally utilize a single contract system when contracting for building construction or a repair project. The single contract system provides for the public awarding authority to directly contract with a general contractor who then contracts with the specialty contractors: Structure and foundation; air conditioning; heating; ventilating; plumbing; and electrical. The public awarding authority does not receive separate bids from the specialty contractors, and many times the architect and engineer representing the public awarding authority do not even meet directly with the specialty contractors but instead channel all information through the general contractor.

Currently, several states, through state statute or administrative ruling, provide for their state and their political subdivisions to use the separate contract system for all or at least some public projects. The separate contract system provides for the public awarding authority to contract with the general contractor and also with the major specialty contractors. Thus, the public awarding authority solicits bid specifications from the general contractor and from the separate categories of specialty contractors.

The purpose of this study is to evaluate the two methods of contracting for building construction and repair projects in order to assess the strengths and weaknesses of each contract system and determine if the State of Nebraska and its political subdivisions would benefit from using the separate contract system for building construction or repair projects.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 committee shall upon the conclusion 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. Rupp asked unanimous consent to print the following amendment to LB 480 in the Journal. No objections. So ordered.

AM1360

1. In the Standing Committee amendments AM0400, on page 4, line 12, strike "5 and 7" and insert "7, 9, and 11".

2. Insert the following new sections:

"Sec. 4. That section 49-1446.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1446.01. ~~No~~ Except as provided in section 11 of this act, no committee, other than a political party committee, may expend or transfer funds except to make an expenditure, as defined in subsection (1), (2), or (3) of section 49-1419, or as provided in this section. Any committee, including a political party committee, may:

(1) Make expenditures or transfer funds after any election for: (a) The necessary continued operation of the campaign office or offices of the candidate or political committee; (b) social events primarily for the benefit of campaign workers and volunteers; (c) obtaining public input and opinion; (d) repayment of campaign loans incurred prior to election day; (e) newsletters and other communications of information, thanks, acknowledgment, or greetings, or for the purpose of political organization and planning; (f) gifts of acknowledgment, including flowers and charitable contributions, except that gifts to any one natural person shall not exceed fifty dollars in any one calendar year; ~~and~~ (g) meals, lodging, and travel by an officeholder related to his or her candidacy and for members of the immediate family of the officeholder when involved in activities related to his or her candidacy; and (h) meals, lodging, and travel by an officeholder when involved in activities related to the duties of his or her public office; and

(2) Invest funds in investments authorized in sections 72-1237 to 72-1269 for the state investment officer.

Sec. 5. That section 49-1446.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

49-1446.02. ~~Notwithstanding~~ Except as provided in section 11 of this act, notwithstanding any other provision of the Nebraska Political Accountability and Disclosure Act, no committee shall expend or transfer funds for the purchase or payment of:

(1) Clothes or medical or dental expenses of a candidate or the members of his or her immediate family;

(2) Installment payments for an automobile owned by a candidate;

(3) Mortgage or rental payments for a permanent residence of a candidate;

(4) The satisfaction of personal debts, including installment payments on personal loans, except campaign loans subject to reporting required by subsection (2) of section 49-1456;

(5) Personal services, including the services of a lawyer or accountant, except campaign services subject to reporting pursuant to the provisions of section 49-1455; or

(6) Office supplies, staff, or furnishings for the public office for which an individual is a candidate for nomination or election.

Sec. 11. An independent committee may be established and expend or transfer funds for the payment of:

(1) Exceptional medical expenses of a candidate or an elected officeholder or his or her immediate family; and

(2) Services for defending an action against a candidate or elected officeholder if such action if successful would make such candidate or elected officeholder ineligible to hold office because of the provisions of Chapter 32 or the Nebraska Constitution.".

3. On page 9, line 3, strike "5" and insert "7"; and in line 20 after the first comma insert "49-1446.01, 49-1446.02,".

4. Renumber the remaining sections accordingly.

Mr. Rupp asked unanimous consent to print the following amendment to LB 652 in the Journal. No objections. So ordered.

AM1347

1. Insert the following new sections:

"Sec. 3. That section 32-542, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-542. In each presidential election year, delegates to the national conventions of the political parties shall be elected in the following manner:

(1) The total number of delegates and alternate delegates representing this state at each convention and their method of selection or election shall be determined by the rules of the national political party holding the convention; and

~~(2) The total number of delegates thus authorized shall be allocated among the congressional districts so that each congressional district elects the same percentage, or as nearly the same percentage as is possible, of total delegates as was its percentage of the total vote for that party's presidential candidate in the last preceding presidential election;~~

~~(3) Delegates to the national conventions shall be elected by the congressional districts in the manner provided in sections 32-420.02, 32-504.01, and 32-513; and~~

~~(4)~~ (2) The Secretary of State in consultation with the Attorney General shall have the authority to do all things necessary in the administration of election laws, including ballot preparation, separation of ballots, and ballot instructions to comply with and carry out the intent of national party rules and court decisions notwithstanding the provisions found in ~~sections 32-420.02, 32-504.01, and 32-513~~ Chapter 32.

Whenever Chapter 32 is in conformity with national party rules as to the election of delegates the election procedures found in Chapter 32 shall be followed.

Sec. 4. That section 32-542.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-542.02. ~~Alternate delegates to the national political convention of a political party shall be selected in accordance with procedures adopted by the state central committee of each party.~~ A statement setting forth ~~such~~ the procedure for selection or election of the delegates and alternate delegates to the

national political convention of a political party and certifying to its adoption shall be filed in the office of the Secretary of State by the state ~~chairman~~ chairperson of the party, not later than ~~March 1~~ February 15 of each presidential election year. The names of those selected as delegates or alternate delegates, other than by primary election, shall be certified to the Secretary of State by the state ~~chairman~~ chairperson immediately following their selection.

All nomination papers for the office of alternate delegate to a 1972 national political convention which have been filed with the Secretary of State prior to February 4, 1972, are hereby deemed to be void. The filing fee may be rebated upon proper claim made with the appropriate governing authority.".

2. In the Standing Committee amendments, on page 3, line 7, after the first comma insert "32-542, 32-542.02,".

3. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 768. Mr. Chambers renewed his pending amendment found in the Journal on page 2066.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 6:

Baack	Higgins	Korshoj	Moore	Rupp
Chambers				

Voting in the negative, 16:

Abboud	Hannibal	Langford	Remmers	Warner
Chizek	Johnson, L.	Morehead	Rogers	Wehrbein
Coordsen	Lamb	Pirsch	Smith	Wesely
Hall				

Present and not voting, 18:

Barrett	Beyer	Conway	Dierks	Elmer

Goodrich	Lynch	Nelson	Schellpeper	Scofield
Harris	McFarland	Pappas	Schmit	Weihing
Johnson, R.	Miller	Peterson		

Excused and not voting, 9:

Ashford	Hartnett	Johnson, V.	Landis	Withem
Haberman	Hefner	Labedz	Marsh	

The Chambers amendment lost with 6 ayes, 16 nays, 18 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 769. E & R amendments, AM5215, found in the Journal on page 2076 for the Seventy-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 785. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 786. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 787. Mrs. Smith asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 741. E & R amendments, AM5179, found in the Journal on page 1549 for the Fifty-Seventh Day were adopted.

Mr. Pappas withdrew his pending amendment, AM1003, found in the Journal on page 1732.

Mr. Wesely renewed his pending amendment, AM1121, found in the Journal on page 2070.

The Wesely amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Wesely renewed his pending amendment, AM0897, found in the Journal on page 1622.

The Wesely amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Harris asked unanimous consent to be excused. No objections. So ordered.

Passed over.

LEGISLATIVE BILL 138. Mr. Schmit withdrew his pending motion to indefinitely postpone.

Pending.

RESIGNATION

May 13, 1987

President and Senators
Nebraska Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby tender my resignation from the Legislature effective today, May 13, at 3:00 p.m.

Sincerely,
Senator Bill Harris
District No. 27

BH/at

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

AM1357

1. On page 1, strike beginning with "section" in line 2 through "and" in line 3.
2. Strike original section 10.
3. On page 14, strike beginning with "section" in line 1 through "and" in line 2.
4. In the Warner amendment, AM1267, on page 1, line 2, strike "10" and insert "9"; and in line 19 strike "14" and insert "13".
5. Renumber remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 198.

Introduced by Moore, 24th District; Conway, 17th District; Coordsen, 32nd District; R. Johnson, 34th District; Peterson, 21st District; Rupp, 22nd District; Schmit, 23rd District.

PURPOSE: To study the possible development of State Highway 81 as part of the north-south interstate system. The study shall include recommendations to facilitate the construction of such a roadway.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 199.

Introduced by Moore, 24th District.

PURPOSE: To study motor vehicle inspection laws and the effect such laws have on motor vehicle safety. The study shall: (1) Review the laws of other jurisdictions relating to motor vehicle inspections and the effects that such laws are having on safety in the jurisdiction; and (2) the effect the repeal of the motor vehicle inspection laws have had in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 200.

Introduced by Moore, 24th District; Abboud, 12th District.

PURPOSE: The purpose of this resolution is to propose a study and examination of the role of state governmental agencies to the end that duplication in state government be kept to a minimum.

The financial status of the state is a concern and the budget is limited in the new programs that can be adopted and implemented.

The problem of state government expansion has been a budget concern for many years and the expansion of government has grown in such a way that some duplication of programs may be occurring. Duplication may be affecting the budget of the state and the services that state government agencies provide. The possibility of duplication may be eliminated through an in-depth look at the role of state governmental agencies and the tasks that such agencies carry out.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Performance Review and Audit Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its conclusions and recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 201.

Introduced by Moore, 24th District; Abboud, 12th District.

PURPOSE: This resolution is for the purpose of proposing a study of Nebraska's medicaid program.

The social importance of medicaid payments have become a major issue of the state. Nebraska offers twenty different optional services that are covered by the medicaid program. The state should make optimum use of its services including the medicaid options which the state provides. In order to use these services to their optimum efficiency, a study of what Nebraska is doing, can do, and has done, as well as other states' procedures is in order.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study on the optional medicaid services that Nebraska is using and how they can be used to their maximum efficiency.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its conclusions and recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 202.

Introduced by Dierks, 40th District.

WHEREAS, the village of Loretto was founded in 1887; and

WHEREAS, Loretto will celebrate its centennial in conjunction with the Petersburg centennial; and

WHEREAS, Loretto returned to the official state road map this year after a mysterious absence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the citizens of Loretto on their centennial celebration.

2. That a copy of this resolution accompany the resolution being sent to the Petersburg Village Board.

Laid over.

LEGISLATIVE RESOLUTION 203.

Introduced by Dierks, 40th District.

WHEREAS, the village of Petersburg was founded in 1887 by Mr. John Peters; and

WHEREAS, Petersburg will hold its centennial celebration on July 10, 11, and 12 of this year; and

WHEREAS, Petersburg has been winner of community improvement awards for three consecutive years.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the citizens of Petersburg on their centennial celebration.

2. That a copy of this resolution be sent to the Petersburg Village Board.

Laid over.

LEGISLATIVE RESOLUTION 204.

Introduced by Rupp, 22nd District.

PURPOSE: This resolution is for the purpose of proposing a study of the Nebraska election statutes.

The Attorney General has issued an opinion stating that the recent United States Supreme Court ruling in Tashjian v. Republican Party of Connecticut requires Nebraska to allow unaffiliated voters to vote in primary elections for the United States Senate and the United States House of Representatives.

This opinion may carry with it implications that are not readily apparent and which may result in a need for changes in the statutes relating to primary elections. The study should examine Nebraska election statutes in light of the Tashjian opinion, with an eye towards making any necessary changes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 Baack, 47th District; Rupp, 22nd District.

PURPOSE: The State of Nebraska and the University of Nebraska-Lincoln spend nearly $30 million each year for their energy costs. Whereas Nebraska imports between eighty and ninety per cent

of the energy it uses, the cost represents a substantial drain on the state's economy as a whole and the budget in particular. Reducing the amount of tax dollars spent on energy in state buildings would significantly improve the ability of the state to meet funding obligations in other areas.

The State of Iowa recently implemented a conservation program for state-owned buildings which is estimated to cut energy consumption by twenty to twenty-five per cent annually, thereby saving Iowa $10 million per year. This is accomplished by the Iowa State Facilities Improvement Corporation, a public sector version of an energy services company. The Iowa State Facilities Improvement Corporation issues revenue bonds to finance energy improvements which are repaid through energy savings. The type of improvements include caulking, window modification, boiler and chiller replacement, combustion analyzers, and cogeneration. The average payback is five years.

This program to fight high energy costs would allow all state-owned buildings to be made more efficient in a few years. It could save millions of tax dollars and create a major public improvement project without a tax investment by the state.

The intent of this study is to examine the Iowa State Buildings Program and analyze its effectiveness and transferability to the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 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.

SELECT FILE

LEGISLATIVE BILL 138. Considered.

Advanced to E & R for Engrossment with 28 ayes, 1 nay, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 741. Mr. Hannibal offered the following amendment:

Amendment to AM0647

On page 4 in line 1 after "Fund" insert ", except that any revenue received from the annual fee and from posting or erecting such signs in excess of the actual cost of posting, erecting, or maintaining such signs shall be deposited into the General Fund"

The Hannibal amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Wesely offered the following amendment:

Amendment to AM0647

On page 4, after line 16, add the following: "(5) The Department shall provide notice of space available for business signs on any specific informational sign at least 90 days prior to accepting or approving the posting of any business sign."

The Wesely amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 782 and 782A.

(Signed) Scott Moore, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 206.

Introduced by Rupp, 22nd District.

PURPOSE: The printing industry in Nebraska is an important facet of Nebraska's economy. The extent of providing printing services by the public printing sector has an important impact on the health of Nebraska's printing industry. The purpose of this resolution is to study Nebraska's public printing activities and to propose any changes necessary to assure that the state's private printing industry is not improperly affected.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 committee shall upon the conclusion of its 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 Pirsch, 10th District.

PURPOSE: The purpose of this resolution is to examine the Nebraska Business Corporation Act and the Nebraska Banking Act to determine what changes, if any, should be made to encourage more corporations to incorporate in Nebraska. The study shall include, but not be limited to, the following issues:

(1) The extent of Nebraska's current marketing efforts in attempting to encourage corporations to locate in Nebraska and the effect which marketing strategies such as advertising, promotion, mailings, and video presentations may have on such efforts;

(2) Whether corporations should be able to limit or eliminate their directors' financial liability for certain mistakes;

(3) An examination of the annual fees which corporations are required to pay, including occupation taxes and registration fees, and whether such fees are competitive with those rates in other states;

(4) An examination of Nebraska's corporate tax system to determine what tax incentives, both corporate and personal, may attract more corporations;

(5) Whether any new incorporating services may be offered to encourage corporations to incorporate in Nebraska;

(6) An examination of Nebraska law relating to banking and financial services to discover ways to attract more financial institutions to Nebraska; and

(7) An examination of Nebraska law relating to insurance availability, costs, and liability experience for Nebraska business.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee designated by the Legislature shall conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall, upon the conclusion of its 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 Pirsch, 10th District; Schmit, 23rd District.

PURPOSE: The purpose of this resolution is to examine federal and state funding for crime victim compensation and assistance programs. The study shall include, but not be limited to, the following issues:

(1) An examination of federal law and the law in other states to determine the sources, amounts and availability of funding for crime victim compensation and assistance;

(2) An examination of alternative sources of funding other than federal and state appropriations; and

(3) An analysis of Nebraska crime victim legislation to determine what changes, if any, should be made in order to increase and more equitably distribute the limited funds which are now available for crime victims.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee designated by the Legislature shall conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall, upon the conclusion of its 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 Warner, 25th District.

WHEREAS, the Legislature recognizes the importance of providing reasonable access to postsecondary educational opportunities; and

WHEREAS, public postsecondary education is at a crossroads in funding, structures, and governance; and

WHEREAS, changes in the coordination or governance in public postsecondary education may be premature unless the proposed

structure reflects statewide public postsecondary educational policies; and

WHEREAS, role and mission assignments for public postsecondary education contained in sections 85-917 to 85-967 were developed after three years of legislative study; and

WHEREAS, role and mission assignments have been amended for specific institutions and campuses without regard to the entire public postsecondary educational system; and

WHEREAS, the existing statutory role and mission assignments for all public postsecondary education should be periodically reviewed from a statewide perspective; and

WHEREAS, the Legislature bears the primary and continuing responsibility for developing statewide public postsecondary educational policies; and

WHEREAS, the Special Committee on the Role and Mission of Postsecondary Education was established in 1986 pursuant to Legislative Resolution 385 to review these issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That two senators from each of the congressional districts in the state, the chairperson of the Education Committee, and the chairperson of the Appropriations Committee be appointed by the Executive Board of the Legislative Council to serve as an interim study committee on the role and mission of postsecondary education as a continuation of the committee established pursuant to Legislative Resolution 385 of the 1986 Legislature.

2. That this study shall include, but not be limited to, the following topics:

(a) Assignment of educational responsibilities among each of the sectors and individual campuses making the best use of available resources and maintaining the educational integrity of programs;

(b) Sector and campus responsibility for public service, cooperative extension, and off-campus programs;

(c) Redefining some institutional roles for greater economic and educational efficiency and the development of more cooperative programs;

(d) The role research has to play in encouraging continued economic diversification in Nebraska; and

(e) The role of the state in preparing for static or declining enrollments in postsecondary education.

The study may include a review of the form of governance or structure that would best promote excellence and maximize the state's investment in higher education.

3. To assist in this assignment, the committee may appoint an advisory board consisting of members representing the public and board members and administrators representing each of the three sectors of public postsecondary higher education--the University of Nebraska, the state colleges, and the technical community colleges. The advisory board shall have no vote in committee decisions but shall serve as a resource for information and public input for committee consideration.

4. That the committee report the results of the study and recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 279 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1327.)

Messrs. Moore, L. Johnson, and Warner asked unanimous consent to print the following amendment to LB 684 in the Journal. No objections. So ordered.

AM1341

1. In the Lowell Johnson amendment, AM1238, on page 1, line 17, after the underscored period insert "The Board of Regents shall also adopt and promulgate rules and regulations setting forth the criteria and procedure for entering into reciprocity agreements authorized in subdivision (2)(a) of this section with other official test stations or organizations sanctioned by a governmental agency.".

2. Insert the following new section:

"Sec. 4. This act shall become operative on February 1, 1988.".

3. Renumber the remaining section accordingly.

SELECT FILE

LEGISLATIVE BILL 688. Mr. Lamb renewed his pending amendment (1), AM0879, found in the Journal on page 2003.

Mr. Lamb moved for a call of the house. The motion prevailed with 8 ayes, 1 nay, and 39 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Coordsen	Johnson, R.	Moore	Pappas	Schmit
Elmer	Lamb	Morehead	Pirsch	Warner
Johnson, L.	Lynch	Nelson	Rupp	Wesely

Voting in the negative, 14:

Abboud	Barrett	Conway	Korshoj	Miller
Ashford	Beyer	Dierks	Landis	Rogers
Baack	Chizek	Hall	McFarland	

Present and not voting, 11:

Goodrich	Langford	Remmers	Scofield	Wehrbein
Hannibal	Peterson	Schellpeper	Smith	Weihing
Higgins				

Absent and not voting, 1:

Chambers

Excused and not voting, 7:

Haberman	Hefner	Labedz	Marsh	Withem
Hartnett	Johnson, V.			

The Lamb amendment lost with 15 ayes, 14 nays, 11 present and not voting, 1 absent and not voting, and 7 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 270 and 270A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 270

The following changes, required to be reported for publication in the Journal, have been made:
ER0190

1. In the first Higgins amendment adopted May 11, 1987, found on page 2141 of the Journal, the underscored comma has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 390 in the Journal. No objections. So ordered.

AM1368

1. In the Standing Committee amendments, AM0682:
a. On page 3, line 2, after "veterinarians" insert "or certified as physicians assistants"; and
b. On page 4, line 13, after "practitioner" insert ", except a certified physician assistant,".

Mr. Wesely asked unanimous consent to print the following amendment to LB 390 in the Journal. No objections. So ordered.

AM1367

1. In the Standing Committee amendments, AM0682, on page 5, after line 14 insert:
"The department may also approve courses of instruction developed by associations, educational institutions, health care facilities, or other entities so long as such courses meet the criteria set out in the rules and regulations adopted and promulgated by the department. The rules and regulations shall include procedures for such entities to carry out approved courses of instruction and may include provisions to carry out the required testing. The rules and regulations shall provide that the prescribed

instruction be administered by a licensed practitioner or under the direct supervision of an operator who meets the requirements of subdivisions (a) or (b) of this subsection. This section shall not prohibit any facility from exceeding the minimum hourly or instruction requirements.".

2. Insert the following new section:

"Sec. 26. 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.".

3. On page 5, reinstate the stricken matter beginning with "which" in line 19 through the stricken comma in line 22; in line 23 after "radiation" insert an underscored comma; in line 24 strike the underscored semicolon; and reinstate the stricken matter beginning with "which" in line 24 through "an" in line 25.

4. On page 6, reinstate the stricken matter beginning with "electronic" in line 1 through the semicolon in line 3.

5. On page 12, line 1, strike "land".

6. On page 25, after line 10, insert the following new subsection:

"(9) The department may enter into contracts with persons or corporations to perform the inspection of X-ray generating equipment or devices which emit radiation from radioactive materials and to aid the department in the administration of the Radiation Control Act.".

7. On page 30, lines 20 and 21, strike "disposal" and insert "management".

8. On page 31, line 8, strike "disposal" and insert "management".

9. On page 39, line 7, strike "or" and insert "and".

10. Renumber the remaining section accordingly.

Messrs. Elmer and Pappas asked unanimous consent to print the following amendment to LB 130 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1370.)

RESOLUTIONS

LEGISLATIVE RESOLUTION 210.

Introduced by R. Johnson, 34th District.

PURPOSE: The printing industry in Nebraska is an important facet of Nebraska's economy. Because in-state and out-of-state printing customers may easily have printing services performed outside the state, the state tax structure which applies to the industry is of utmost importance in order to retain Nebraska's existing printing industry and to attract additional printing business to the state. The purpose of this resolution is to study Nebraska's tax structure as it relates to the printing industry and to propose any additions or revisions necessary to improve such tax structure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its 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 Landis, 46th District.

PURPOSE: Faculty salaries at the University of Nebraska-Lincoln, University of Nebraska at Omaha, University of Nebraska Medical Center, and state colleges have dropped drastically below comparable university salaries. As an example, the University of Nebraska-Lincoln salaries are at the bottom in comparison to its peer group of twelve American Association of Universities Land Grant Institutions and are also at the bottom in comparison to the other Big Eight institutions. Because universities of Nebraska salaries have not kept pace with other institutions of higher learning, the

universities of Nebraska have lost an invaluable bargaining chip in retaining good faculty members.

The purpose of this study is to examine ways in which to remedy this growing problem.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 212.

Introduced by Wesely, 26th District.

WHEREAS, Nebraska's economic crisis continues and the need for long-term economic development remains great; and

WHEREAS, the need for the Legislature to continue to develop and evaluate economic development policies continues; and

WHEREAS, the Legislature established the Special Committee on Economic Development to assist in the strengthening of Nebraska's economic development policies; and

WHEREAS, the Special Committee on Economic Development has served as a focus on economic development issues, provided research assistance to existing standing committees, and evaluated the performance and impact of existing and proposed economic development activities and the general business climate for economic development in Nebraska; and

WHEREAS, the work of the Special Committee on Economic Development will be completed at the end of the first session of the Ninetieth Legislature of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislative Council shall designate a Select Committee to include the following persons: (a) the chairperson of the Appropriations Committee; (b) the chairperson of the Banking, Commerce and Insurance Committee; (c) the chairperson of the Government, Military and Veterans Affairs Committee; (d) the chairperson of the Revenue Committee; (e) the

chairperson of the Agriculture Committee; (f) the chairperson of the Education Committee; and (g) any other members the Executive Board may designate.

2. That the Select Committee shall conduct a comprehensive interim study on economic development, including, but not limited to: (a) The development of recommendations for the formation of risk capital in Nebraska; (b) the development of recommendations for strengthening education as it pertains to economic development; (c) evaluate public programs available to assist new business startups, existing business expansions, and existing business restructuring; (d) a continuation of the 1986 interim performance review of economic development programs in Nebraska; and (e) such other economic development issues the committee deems appropriate.

3. That the Select Committee shall receive staff support from the Legislative Fiscal Office, Legislative Research Office, and such other sources as determined by the Executive Board.

4. That the Select Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 213.

Introduced by Wesely, 26th District.

PURPOSE: There are over thirteen hundred retired teachers in Nebraska with at least twenty-five years of public service who receive less than two hundred fifty dollars per month in retirement benefits. Many of Nebraska's retired teachers retired many years ago when both salaries and retirement benefits were very low. The retirement benefits of these dedicated teachers have remained low despite rapidly increasing costs-of-living. Nebraska's retired teachers have provided a great public service for our state and have contributed to the development of a quality educational system of which all Nebraskans can be proud.

The purpose of this resolution is to study the retirement benefits of such teachers to determine whether such benefits are adequate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 214.

Introduced by Wesely, 26th District.

PURPOSE: The State of Nebraska is affected fiscally and socially by the need for and provision of human service programs and by the health status of its citizens. These human service and health issues include, but are not limited to: Acquired Immune Deficiency Syndrome; certificate of need; cost containment for health care services; day care for children; discipline for chemically impaired professionals; emergency medical services; health care for the medically indigent; laboratory testing; long-term care for the elderly; maternal and infant care; medical record access; mental health; substance abuse; poverty; regulation of new health professions; rural health care availability; teenage pregnancy; and work and training mandates for recipients of public aid. These issues have been reviewed and continue to need review by the Legislature to determine the appropriate legislative responses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 215.

Introduced by Wesely, 26th District.

PURPOSE: School boards are responsible for dealing with student disciplinary problems. State statutes and any changes to such statutes may greatly affect a school board's ability to deal consistently and adequately with disciplinary situations. The purpose of this resolution is to study state statutes relating to student discipline and

revise such statutes as may be necessary to allow all school boards to deal more effectively with disciplinary problems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 Schmit, 23rd District; Beyer, 3rd District; Dierks, 40th District; Korshoj, 16th District; Moore, 24th District; Wehrbein, 2nd District.

PURPOSE: The purpose of this resolution is to study the procedures currently being implemented by the materiel division of the Department of Administrative Services in the identification and disposal of surplus state property. Particular attention shall be given to the procedure whereby surplus property is received from agencies and sold to either other agencies or political subdivisions or sold at public auction.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a select committee appointed by the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the select committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 217.

Introduced by Pirsch, 10th District.

PURPOSE: Volunteer workers play a significant and valuable role in providing services and assistance to Nebraskans. Responsibility

for injury inadvertently caused to volunteers or to others in the course of volunteer activities and the associated court costs are a growing concern not only to the volunteers themselves, but to agencies and organizations utilizing volunteers. Potential exposure to liability may have a detrimental effect on the participation of such persons in such activities. Economic conditions mandate the need for continued and increased utilization of volunteer services statewide.

The purpose of this resolution is to conduct a comprehensive review which addresses the legal, social, and economic issues surrounding volunteer liability. The study shall further examine the feasibility of providing reasonable protection to the volunteer worker while at the same time protecting the general public. The study shall place particular emphasis upon the following topics:

(1) The various types of volunteer work, volunteer workers, and organizations utilizing volunteer workers;

(2) Action taken by other states which have provided immunity for volunteer workers or have set standards for volunteer programs to reduce the likelihood that volunteers will be held personally liable;

(3) The impact that protection of volunteer workers would have upon the various organizations which utilize volunteer workers as well as the general public; and

(4) The costs and feasibility of extending workers' compensation and liability coverage to volunteers working within state government.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 Legislature Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 218.

Introduced by Lamb, 43rd District.

PURPOSE: The purpose of this resolution is to assess the feasibility of having an enhanced 911 emergency system across the state. The state of the current technology could enable the 911 operator to lock the location of the call into the 911 system. Such an ability would enable rescuers to respond more quickly in instances when the

emergency call is disconnected, when no information is given, or when misinformation is given.

The study shall include, but not be limited to:

(1) An assessment of the necessity of having such a system in Nebraska;

(2) An examination of how such a system has worked in other areas;

(3) An examination of the technology required and associated cost; and

(4) How such a system could or should be paid for.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 219.

Introduced by Hall, 7th District.

PURPOSE: To study mass transit aid. This study is needed because:

(1) Federal and state cutbacks in mass transit aid place additional pressure on local governmental funding of transportation systems throughout the state;

(2) The transportation needs of the elderly, the poor, and the young are being threatened by these additional cutbacks; and

(3) An evaluation of federal and state funding would be beneficial to evaluate the adequacy of the funding of these programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations 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.

LEGISLATIVE RESOLUTION 220.

Introduced by Schmit, 23rd District; Elmer, 38th District; Schellpeper, 18th District; Wesely, 26th District; Weihing, 48th District; Scofield, 49th District; Lamb, 43rd District; Hall, 7th District; Conway, 17th District; R. Johnson, 34th District.

PURPOSE: The purpose of this resolution is to study issues regarding storage, transportation, management, and disposal of waste products and materials in the State of Nebraska.

The study shall include, but not be limited to:

(1) Issues related to low-level radioactive waste, including current compact deliberations, facility financing and insurance, third-party liability, and other related issues;

(2) Solid waste disposal, with particular attention to facility financing;

(3) Hazardous waste disposal, with particular attention to the issue of local input and control;

(4) Recycling of waste products;

(5) Usage of certain returnable containers;

(6) Superfund;

(7) Ground and surface water pollution issues;

(8) Waste water treatment; and

(9) Any other related issues deemed appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee may upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 221.

Introduced by Schmit, 23rd District; Elmer, 38th District; Dierks, 40th District; Weihing, 48th District; Lamb, 43rd District; Hall, 7th District; R. Johnson, 34th District.

PURPOSE: The purpose of this resolution is to authorize a study of issues relating to energy usage in the State of Nebraska.

The study shall include, but not be limited to:

(1) The role and structure of public power in Nebraska;

(2) The feasibility of alternative fuel sources for motor vehicles as well as stationary power plants;

(3) Issues relating to the development, financing, and promotion of the ethanol fuels industry;

(4) Future demands for energy and the state's ability to meet those demands; and

(5) Any other related issues deemed relevant.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee may upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 222.

Introduced by Schmit, 23rd District; Elmer, 38th District; Weihing, 48th District; Rupp, 22nd District; Lamb, 43rd District; Hall, 7th District; R. Johnson, 34th District.

PURPOSE: The purpose of this resolution is to provide for a study of pertinent issues regarding water and other natural resources in the State of Nebraska.

The study shall include, but not be limited to:

(1) Ground and surface water transfers and marketing;

(2) Soil and water conservation and development;

(3) Financing urban and rural soil and water conservation practices and developments;

(4) Demographic and geographic structure of natural resources districts and related districts;

(5) Drainage, flooding, erosion, and sedimentation problems;

(6) Recreational use of Nebraska's land and water resources; and

(7) Any other natural resources issue deemed necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee may upon the conclusion 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 Mr. and Mrs. Duane Albers from Davenport, and Iva Hickman from Casa Grande, Arizona; Mrs. Webb McNally from Norfolk; 23 eighth grade students and teacher from Axtell Community School; 20 third and fourth grade students and teacher from St. Leonard's School, Madison; Roger Smith from Wahoo; 24 third through sixth grade students and teacher from District 24, Hall County Schools; and 60 fourth grade students and teacher from Blair Central School.

ADJOURNMENT

At 4:09 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 9:00 a.m., Thursday, May 14, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SECOND DAY - MAY 14, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

EIGHTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 14, 1987

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Gale Prentice, Presbyterian Church of the Master, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mesdames Labedz and Marsh who were excused; and Messrs. Abboud, Coordsen, Hartnett, R. Johnson, V. Johnson, McFarland, Wehrbein, and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-First Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 784.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 784

The following changes, required to be reported for publication in the Journal, have been made:
ER0191
1. In the Withem-Smith amendment, AM1337, adopted May 12, 1987, on page 1, line 2, "5" has been struck and "6" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

LEGISLATIVE BILL 638A. Placed on Select File.
LEGISLATIVE BILL 767A. Placed on Select File.
LEGISLATIVE BILL 663. Placed on Select File.

LEGISLATIVE BILL 375. Placed on Select File as amended.
E & R amendments to LB 375:
AM5235
1. On page 5, line 5; and page 6, line 18, strike the comma.
2. On page 6, line 2, strike "sections 8-901 to 8-904", show as stricken, and insert "the Bank Holding Company Act of 1963".

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LR 193. No objections. So ordered.

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LR 198. No objections. So ordered.

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LR 220. No objections. So ordered.

MESSAGE FROM THE SECRETARY OF STATE

May 13, 1987

Honorable Speaker and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. Speaker and Members:

I have the privilege to hand you herewith copies of various documents certifying that Stephanie A. Johanns has been appointed and sworn in as a Member of the Unicameral Legislature, District 27, replacing Bill Harris, resigned. The documents attached are as follows:

1. copy of resignation letter dated May 13, 1987 to the Honorable Kay A. Orr, Governor, signed by Bill Harris;
2. Copy of Gubernatorial Appointment dated May 13, 1987 signed by Governor Orr officially appointing Stephanie A. Johanns as Nebraska State Senator, District 27;
3. Original copy of an Official Oath sworn to and subscribed by Stephanie A. Johanns dated May 13, 1987 and
4. A certificate certifying Stephanie A. Johanns has been appointed and sworn for a term beginning May 13, 1987 and continuing until January 4, 1989.

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

Enclosures: Several

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Stephanie A. Johanns has been appointed as a Member of the Nebraska Unicameral Legislature from the Twenty-Seventh (27th) Legislative District for the unexpired term of Bill Harris, resigned. The term beginning May 13, 1987 shall continue until January 4, 1989, or such time as she shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

Further, I certify that the foregoing appointment was made by Governor Kay A. Orr 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 thirteenth day of May in the year of our Lord, one thousand nine hundred and eighty-seven.

(SEAL) Allen J. Beermann, Secretary of State

GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, KAY A. ORR, Governor of the State of Nebraska, do hereby appoint Stephanie A. Johanns of Lincoln, Nebraska as Nebraska State Senator, Twenty-seventh District - Unicameral. This appointment shall take effect on May 13, 1987 and continue as provided by the Constitution provided you shall perform all the duties imposed by law.

Said appointee replaces William Harris-resigned.

Done at Lincoln, Nebraska, this 13th day of May 1987.

(Signed) Kay A. Orr
Governor

OFFICIAL OATH

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

"I Stephanie A. Johanns, 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-Twenty-seventh District according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."*

(Signed) Stephanie A. Johanns

Subscribed in my presence and sworn to before me this 13th day of May, 1987.

(Signed) Allen J. Beermann
Notary Public

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

RESOLUTIONS

LEGISLATIVE RESOLUTION 134. Read. Considered.

LR 134 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 136. Read. Considered.

LR 136 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 145. Read. Considered.

LR 145 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 146. Read. Considered.

LR 146 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 149. Read. Considered.

LR 149 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 152. Read. Considered.

LR 152 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 154. Read. Considered.

LR 154 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 161. Read. Considered.

LR 161 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 167. Read. Considered.

LR 167 was adopted with 29 ayes, 0 nays, and 20 not voting.

MOTION - Approve Appointments

Mr. Schmit moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 2231: Dwayne G. Smith - Department of Environmental Control, Robert J. Olson - Natural Resources Commission, Ralph J. Knobel - Natural Resources Commission, Edward J. Schrock - Natural Resources Commission.

Voting in the affirmative, 28:

Abboud	Hall	Korshoj	Nelson	Schellpeper
Baack	Hannibal	Lamb	Pappas	Schmit
Beyer	Hefner	Langford	Peterson	Scofield
Chizek	Johanns	Lynch	Remmers	Warner
Elmer	Johnson, L.	McFarland	Rupp	Weihing
Goodrich	Johnson, R.	Morehead		

Voting in the negative, 0.

Present and not voting, 16:

Ashford	Coordsen	Hartnett	Moore	Smith
Barrett	Dierks	Landis	Pirsch	Wesely
Chambers	Haberman	Miller	Rogers	Withem
Conway				

Excused and not voting, 5:

Higgins	Johnson, V.	Labedz	Marsh	Wehrbein

These appointments were confirmed with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 298. Title read. Considered.

Standing Committee amendment, AM0551, found in the Journal on page 1054 for the Forty-Second Day was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 480. Title read. Considered.

Standing Committee amendment, AM0400, found in the Journal on page 1096 for the Forty-Third Day was considered.

Mrs. Smith renewed her pending amendment, AM0536, found in the Journal on page 1333.

The Smith amendment was adopted with 10 ayes, 4 nays, 32 present and not voting, and 3 excused and not voting.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Rupp renewed his pending amendment, AM1360, found in the Journal on page 2260.

Mr. Chambers offered the following amendment to the pending Rupp amendment:

Page 4, add new subsection (3) to read: "Bail, fines, bribes"

Mr. Rupp 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 10 ayes, 2 nays, and 37 not voting.

The Chambers amendment lost with 8 ayes, 29 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Rupp withdrew his pending amendment, AM1360, found in the Journal on page 2260.

Mr. Lynch 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.

Advanced to E & R for Review with 28 ayes, 2 nays, 16 present and not voting, and 3 excused and not voting.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on the advancement of LB 298.

(Signed) Brad Ashford

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 13, 1987. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

DeCamp Legal Services, P.C.
DeCamp, John W. - Lincoln, Norwest Bank - Nebraska, N.A.
Markley, George Glenn III - Omaha, Nebraska Now
Rine, Margaret - Lincoln, Norwest Bank - Nebraska, N.A.
Vickers, Tom - Lincoln, American Massage Therapy Association, Nebraska Chapter

MESSAGE FROM THE GOVERNOR

May 13, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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.

Appointee: Barbara Coats Grabowski, 12629 Weir Street, Omaha, NE 68137

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 185 to Select File

Mr. Haberman moved to return LB 185 to Select File for his specific amendment, AM1156, found in the Journal on page 1953.

Mr. Abboud 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 Haberman motion to return prevailed with 27 ayes, 4 nays, 15 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 185. The Haberman specific amendment, AM1156, found in the Journal on page 1953 was considered.

SPEAKER BARRETT PRESIDING

Mr. Weihing 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 Haberman specific amendment was adopted with 28 ayes, 7 nays, 11 present and not voting, and 3 excused and not voting.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Nelson requested a machine vote on the advancement of the bill.

Advanced to E & R for Re-Engrossment with 28 ayes, 9 nays, 8 present and not voting, and 4 excused and not voting.

WITHDRAW - Amendments to LB 185

Mr. R. Johnson withdrew his pending amendment, AM0898, found in the Journal on page 1641 to LB 185.

Mr. Schmit withdrew his pending amendment, AM1279, printed separate from the Journal and referred to on page 2131 to LB 185.

MOTION - Return LB 185 to Select File

Mr. Hefner moved to return LB 185 to Select File for the following specific amendment:

In the Haberman amendment to LB 185 (AM1156, Leg. Journ. page 1953), strike "except" in line 7 and insert "including".

Mr. Hefner withdrew his pending motion to return.

Mr. V. Johnson moved to return LB 185 to Select File for the following specific amendment:

In AM1156, after the word "lubricants" on line 7 add, "tires, belts, batteries, and electrical components."

The V. Johnson motion to return lost with 14 ayes, 13 nays, 18 present and not voting, and 4 excused and not voting.

MOTION - Return LB 185A to Select File

Mr. Haberman moved to return LB 185A to Select File for the following specific amendment:

AM1178

(Amendments to Final Reading copy)

1. On page 2, line 2, strike "51,619" and insert "41,295"; in line 3 strike "86,630" and insert "69,304"; in line 10 strike "45,119" and insert "36,095"; and in line 11 strike "82,130" and insert "65,704".

The Haberman motion to return prevailed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 185A. The Haberman specific amendment, AM1178, found in this day's Journal was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

WITHDRAW - Amendments to LB 492

Mrs. Nelson and Mr. Ashford withdrew their pending amendment found in the Journal on page 2100 to LB 492.

Mrs. Nelson withdrew her pending amendment, AM1111, found in the Journal on page 1900 to LB 492.

MOTION - Return LB 492 to Select File

Mrs. Nelson moved to return LB 492 to Select File for the pending Nelson-Ashford specific amendment, AM1315, found in the Journal on page 2160.

Messrs. Haberman, Peterson, and Mrs. Higgins asked unanimous consent to be excused until they return. No objections. So ordered.

The Nelson motion to return prevailed with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 492. The Nelson-Ashford specific amendment, AM1315, found in the Journal on page 2160 was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 114 to Committee

Mr. R. Johnson moved to return LB 114 to the Natural Resources Committee for the purposes of conducting an interim study.

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. Schmit requested a roll call vote on the R. Johnson motion.

Voting in the affirmative, 16:

Baack	Hefner	Johnson, R.	Remmers	Schmit
Coordsen	Higgins	Lamb	Rogers	Scofield
Dierks	Johnson, L.	Moore	Schellpeper	Weihing
Elmer				

Voting in the negative, 25:

Abboud	Conway	Johanns	McFarland	Smith
Ashford	Goodrich	Johnson, V.	Miller	Warner
Beyer	Hall	Korshoj	Morehead	Wehrbein
Chambers	Hannibal	Landis	Nelson	Wesely
Chizek	Hartnett	Lynch	Pappas	Withem

Present and not voting, 3:

Barrett	Langford	Peterson

Absent and not voting, 2:

Pirsch	Rupp

Excused and not voting, 3:

Haberman	Labedz	Marsh

The R. Johnson motion to return to committee lost with 16 ayes, 25 nays, 3 present and not voting, 2 absent and not voting, and 3 excused and not voting.

MOTION - Return LB 114 to Select File

Ms. Scofield moved to return LB 114 to Select File for the following specific amendment:
AM1187

(Amendments to Final Reading Copy)

1. In the Landis amendment, AM0985, adopted on page 1840 of the Journal:

a. On page 2, line 11, strike "twelve" and insert "thirteen" and strike "six" and insert "at least eight"; strike beginning with "and" in line 11 through "members" in line 12; and in lines 13 and 18 strike "six" and insert "eight"; and

b. On page 3, lines 5 and 10, strike "six" and insert "eight"; in line 12 strike "six" and insert "five at-large"; in line 15 strike "representative, one academic"; in line 17 after "of" insert "the" and strike "groups"; and strike beginning with "The" in line 18 through line 23.

MR. HANNIBAL PRESIDING

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Ms. Scofield withdrew her pending motion to return.

Mr. R. Johnson moved to return LB 114 to Select File for the following specific amendment:
1. Strike Section 19
2. Add the emergency clause

Mr. R. Johnson withdrew his pending motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 114.

A BILL FOR AN ACT relating to hazardous waste; to amend sections 81-1521.01 to 81-1521.03, 81-1521.05, and 81-1521.06,

Reissue Revised Statutes of Nebraska, 1943, and sections 81-1505.01, 81-1521.04, and 81-1532, Revised Statutes Supplement, 1986; to provide additional requirements and procedures related to the siting of commercial hazardous waste management facilities; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Mr. Landis 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:

Abboud	Goodrich	Johnson, V.	McFarland	Smith
Ashford	Hall	Korshoj	Miller	Warner
Barrett	Hannibal	Landis	Nelson	Wehrbein
Beyer	Hartnett	Langford	Pappas	Wesely
Chambers	Johanns	Lynch	Pirsch	Withem
Chizek				

Voting in the negative, 20:

Baack	Elmer	Johnson, R.	Peterson	Schellpeper
Conway	Hefner	Lamb	Remmers	Schmit
Coordsen	Higgins	Moore	Rogers	Scofield
Dierks	Johnson, L.	Morehead	Rupp	Weihing

Excused and not voting, 3:

Haberman	Labedz	Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Members Excused

Mr. Baack asked unanimous consent to be excused. No objections. So ordered.

Mrs. Smith asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Return LB 131 to Select File

Mrs. Morehead moved to return LB 131 to Select File for the following specific amendment:
AM1340

(Amendments to the Final Reading Copy)

1. On page 1, line 6, after "accrual" insert "and use".

2. Insert the following new section:

"Sec. 2. The Department of Banking and Finance shall use the interest earned by the Cash Reserve Fund to reimburse depositors who (1) had an account with a depository institution which was covered by the Nebraska Depository Institution Guaranty Corporation Act and was declared insolvent on or after November 1, 1983, and (2) have not received the amount for which the account in such institution was guaranteed. The amount of reimbursement shall be the difference between any money received on the account on or before the effective date of this act and the amount of any guarantee provided by such act covering such account. Interest shall not be allowed on the amount reimbursed pursuant to this section.".

2. Renumber the remaining sections accordingly.

Messrs. Remmers, V. Johnson, and Hall asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Elmer 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. Morehead requested a record vote on her motion to return.

Voting in the affirmative, 10:

Chambers	Higgins	Landis	Morehead	Wehrbein
Dierks	Johanns	McFarland	Pappas	Wesely

Voting in the negative, 21:

Abboud	Beyer	Elmer	Hannibal	Johnson, L.
Barrett	Chizek	Goodrich	Hartnett	Korshoj

Lamb	Peterson	Rogers	Scofield	Weihing
Langford	Remmers	Rupp	Warner	Withem
Nelson				

Present and not voting, 11:

Ashford	Hefner	Lynch	Moore	Schellpeper
Conway	Johnson, R.	Miller	Pirsch	Schmit
Coordsen				

Excused and not voting, 7:

Baack	Hall	Labedz	Marsh	Smith
Haberman	Johnson, V.			

The Morehead motion to return lost with 10 ayes, 21 nays, 11 present and not voting, and 7 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 131. With Emergency.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend sections 84-612 and 84-613, Revised Statutes Supplement, 1986; to change certain dates relating to the transfer of funds as prescribed; to change a provision relating to the accrual of interest as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud	Goodrich	Korshoj	Morehead	Rupp
Barrett	Hannibal	Lamb	Nelson	Scofield
Beyer	Hartnett	Landis	Pappas	Warner
Chambers	Hefner	Langford	Peterson	Wehrbein
Chizek	Higgins	Lynch	Pirsch	Weihing
Coordsen	Johanns	McFarland	Remmers	Wesely
Dierks	Johnson, L.	Miller	Rogers	Withem
Elmer	Johnson, R.	Moore		

Voting in the negative, 0.

Present and not voting, 4:

Ashford	Conway	Schellpeper	Schmit

Excused and not voting, 7:

Baack	Hall	Labedz	Marsh	Smith
Haberman	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.

Messrs. Coordsen and Schellpeper asked unanimous consent to be excused. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

LEGISLATIVE BILL 779. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of civil action claims against the state; 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, 35:

Abboud	Goodrich	Johnson, R.	Morehead	Rupp
Barrett	Hannibal	Korshoj	Nelson	Scofield
Beyer	Hartnett	Lamb	Pappas	Warner
Chambers	Hefner	Landis	Peterson	Wehrbein
Chizek	Higgins	Langford	Pirsch	Weihing
Dierks	Johanns	Miller	Remmers	Wesely
Elmer	Johnson, L.	Moore	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 5:

Ashford	Conway	Lynch	McFarland	Schmit

Excused and not voting, 9:

Baack	Haberman	Johnson, V.	Marsh	Smith
Coordsen	Hall	Labedz	Schellpeper	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 261.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-824, Reissue Revised Statutes of Nebraska, 1943; to provide for attorney's fees and costs in frivolous actions as prescribed; to provide criteria for the awarding of such fees and costs; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Hartnett	Lamb	Morehead	Rupp
Barrett	Hefner	Landis	Nelson	Scofield
Beyer	Higgins	Langford	Pappas	Warner
Chizek	Johanns	Lynch	Peterson	Wehrbein
Conway	Johnson, L.	McFarland	Pirsch	Weihing
Dierks	Johnson, R.	Miller	Remmers	Wesely
Elmer	Korshoj	Moore	Rogers	Withem
Hannibal				

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Ashford	Goodrich	Schmit

Excused and not voting, 9:

Baack	Haberman	Johnson, V.	Marsh	Smith
Coordsen	Hall	Labedz	Schellpeper	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 426 to Select File

Ms. Scofield moved to return LB 426 to Select File for the following Scofield - Schmit - Hefner - Schellpeper - Peterson - Weihing - L. Johnson - Korshoj - Conway specific amendment: AM1382

(Amendments to Final Reading copy)

1. On page 1, line 3, strike "81-1580" and insert "81-1581"; in line 6 after the second semicolon insert "to provide zero-based objective requirements;"; and in line 9 after the semicolon insert "to change provisions relating to the assessment of cleanup costs; to change provisions relating to long-term care; to provide a local monitoring committee as prescribed;".

2. On page 2, line 2, after the semicolon insert "to provide requirements for an environmental impact analysis;".

3. On page 3, line 5, strike "section 13" and insert "sections 5, 15, and 16".

4. On page 4, lines 22 and 23, strike "for the protection of", show as stricken, and insert "based on zero-release objectives that will protect"; in line 23 after "and" insert "environment with an adequate margin of".

5. On page 5, line 13, after "facility" insert "that employs technology dictated by a zero-release objective"; and in line 23 strike "storage, treatment, or".

6. On page 6, line 18, after "waste" insert "based on a zero-release objective"; and in line 19 after the second comma insert ", suspend,".

7. On page 8, line 1, after "for" insert "siting," and after "construction" insert an underscored comma; strike line 13, show as stricken, and insert the following new subdivision:

"(11) Require licensees to adopt low-level radioactive waste technological and operative procedures

consistent with a zero-release objective; and"; in line 14 strike "(11)", show as stricken, and insert "(12)"; and in line 25 after "and" insert "environment with an adequate margin of".

8. On page 9, lines 2 and 3, strike "long-term site surveillance and" and insert "custodial".

9. On page 10, line 24, strike "may" and insert "shall" and after "assessed" insert "first to the facility operator then"; and in line 25 strike "original owners" and insert "generators".

10. On page 12, line 24, strike "long-term site surveillance and", show as stricken, and insert "custodial".

11. On page 13, line 5, strike "Long-term", show as stricken, and insert "Custodial".

12. On page 14, line 13, strike "surveillance", show as stricken, and insert "custodial care".

13. On page 15, line 20, strike "ten years" and insert "the useful life of the facility"; in line 21 after "reviewed" insert "every", strike "from" and insert "subsequent to the", and strike "or"; in line 22 strike "reissuance"; and strike beginning with "Licenses" in line 24 through line 25.

14. On page 16, strike beginning with "that" in line 1 through the period in line 4; after line 6 insert the following new subsection:

"(2) The department may issue an order temporarily or permanently closing a disposal facility prior to its scheduled closing date if it finds there is a potential hazard to public health, safety, or the environment which justifies a temporary or permanent closure. A disposal facility that is temporarily closed shall remain closed for as long as necessary for remedial action and throughout the period of facility cleanup and stabilization. Before authorizing the reopening of a temporarily closed disposal facility, the department shall provide an explanation of its reasons for authorizing the reopening."; in line 7 strike "(2)" and insert "(3)"; in line 12 after "hearing" insert "on the record"; in line 15 strike "(3)" and insert "(4)"; and in line 16 strike "(2)" and insert "(3)".

15. On page 18, line 9, after the period

insert "The environmental impact analysis shall address each subject listed in Public Law 91-190, Title I, section 102(2)(c), 853 and supporting regulations.".

16. Insert the following new sections:

"Sec. 4. That section 81-1581, Revised Statutes Supplement, 1986, be amended to read as follows:

81-1581. For purposes of the Low-level Radioactive Waste Disposal Act, unless the context otherwise requires, the definitions found in sections 81-1582 to 81-1597 and section 5 of this act shall be used.

Sec. 5. Custodial care shall mean the continued observation, monitoring, and care of a disposal facility for a minimum of one hundred years following transfer of the ownership of the disposal facility from the operator to this state.

Sec. 15. (1) As part of the application for a license, the applicant shall indicate a site for the proposed facility. Within thirty days after a site has been proposed, a local monitoring committee shall be established. The committee shall represent the citizens of the proposed site area and maintain communication with the applicant and the department to assure protection of public health and safety and the protection of the air, land, and water resources of the area. It is the intent of the Legislature that the local monitoring committee shall provide significant input concerning local needs and resources regarding all relevant aspects of the siting, operation, monitoring, closure, and custodial care of the facility. The functions and duties of the committee shall be established pursuant to rules and regulations adopted and promulgated by the Environmental Control Council.

(2) The local monitoring committee shall be composed of the following members:

(a) Two members from any municipality whose zoning jurisdiction is within fifteen miles of the proposed facility or, if there is no municipality within fifteen miles of the proposed facility, from the municipality in closest proximity to the proposed facility, to be appointed by the chief executive officer or by the governing body if there is no chief executive officer;

(b) Two members from the county in which the facility is proposed, to be appointed by the governing body of the county;

(c) Two members appointed by the board of directors of the natural resources district in which the facility is proposed or located; and

(d) Three members to be appointed by the Governor who reside within fifty miles of the proposed facility, at least one of whom represents environmental groups.".

17. On page 20, line 2, strike "81-1580" and insert "81-1581".

18. Renumber the remaining sections accordingly.

The Scofield motion to return prevailed with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 426. The Scofield et al. amendment, AM1382, found in this day's Journal was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 426 to Select File

Ms. Scofield moved to return LB 426 to Select File for the following Scofield - Schellpeper - Peterson - Conway - Korshoj - Weihing - L. Johnson - Hefner specific amendment:
AM1379

(Amendments to Final Reading copy)

1. strike original section 13 and insert the following section:

"Sec. 13. The department shall not approve any license which permits the disposal of low-level radioactive waste below the natural level of the disposal site unless the department, subject to legislative approval, has determined that below-grade disposal provides greater protection than above-grade disposal for the environment and public health for the period of time for which low-level radioactive waste may continue to pose a hazard to the environment and public

health and safety. An applicant shall present a disposal design which includes:

(1) One or more engineered, artificially constructed barriers to isolate the waste from the surrounding environment;

(2) Continuous environmental monitoring to detect any releases of radiation from the disposal facility and having the capability of providing early warning of releases of radiation from the facility;

(3) Monitoring which covers the operational life of the facility and such time period following site closure and stabilization that is necessary to protect the health and safety of the public;

(4) The capacity for retrievability and removal of all waste; and

(5) A plan for recovery, cleanup, or other corrective action necessary as a result of the release of radiation from the facility.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Scofield requested a roll call vote on her motion to return.

Voting in the affirmative, 25:

Ashford	Elmer	Korshoj	Moore	Rupp
Barrett	Hefner	Lamb	Morehead	Scofield
Chizek	Higgins	Landis	Nelson	Weihing
Conway	Johanns	McFarland	Peterson	Wesely
Dierks	Johnson, L.	Miller	Remmers	Withem

Voting in the negative, 11:

Abboud	Johnson, R.	Pappas	Rogers	Warner
Beyer	Langford	Pirsch	Schmit	Wehrbein
Goodrich				

Present and not voting, 4:

Chambers	Hall	Hannibal	Lynch

Excused and not voting, 9:

Baack	Haberman	Johnson, V.	Marsh	Smith
Coordsen	Hartnett	Labedz	Schellpeper	

The Scofield motion to return prevailed with 25 ayes, 11 nays, 4 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 426. The Scofield et al. amendment, AM1379, found in this day's Journal was considered.

SPEAKER BARRETT PRESIDING

Mr. Pappas 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 requested a roll call vote on the Scofield et al. amendment.

Voting in the affirmative, 21:

Ashford	Higgins	Lamb	Moore	Scofield
Barrett	Johanns	Landis	Morehead	Weihing
Conway	Johnson, L.	Lynch	Peterson	Wesely
Dierks	Korshoj	McFarland	Pirsch	Withem
Hefner				

Voting in the negative, 16:

Abboud	Goodrich	Johnson, R.	Remmers	Schmit
Beyer	Hall	Langford	Rogers	Warner
Chizek	Hannibal	Pappas	Rupp	Wehrbein
Elmer				

Present and not voting, 2:

Miller	Nelson

Excused and not voting, 10:

Baack	Coordsen	Hartnett	Labedz	Schellpeper
Chambers	Haberman	Johnson, V.	Marsh	Smith

The Scofield et al. amendment lost with 21 ayes, 16 nays, 2 present and not voting, and 10 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 426 to Select File

Mr. R. Johnson moved to return LB 426 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. R. Johnson withdrew his pending motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 442. With Emergency.

A BILL FOR AN ACT relating to emergency medical services; to amend sections 71-5102, 71-5108, and 71-5111, Reissue Revised Statutes of Nebraska, 1943; to define certified ambulance attendant; to change provisions relating to the transportation of patients; to change immunity 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, 37:

Abboud	Goodrich	Johnson, R.	Miller	Remmers
Ashford	Hall	Korshoj	Moore	Rogers
Barrett	Hannibal	Lamb	Morehead	Rupp
Beyer	Hefner	Landis	Nelson	Schmit
Conway	Higgins	Langford	Pappas	Scofield
Dierks	Johanns	Lynch	Peterson	Warner
Elmer	Johnson, L.	McFarland	Pirsch	Wehrbein

Weihing Wesely

Voting in the negative, 0.

Present and not voting, 2:

Chizek Withem

Excused and not voting, 10:

Baack	Coordsen	Hartnett	Labedz	Schellpeper
Chambers	Haberman	Johnson, V.	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 599.

A BILL FOR AN ACT relating to children; to amend section 43-512.07, Revised Statutes Supplement, 1986; to adopt the Missing Children Identification Act; to change a provision relating to the payment of arrearages of support payments; 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	Goodrich	Korshoj	Nelson	Schmit
Ashford	Hall	Lamb	Pappas	Scofield
Barrett	Hannibal	Landis	Peterson	Warner
Beyer	Hefner	Langford	Pirsch	Wehrbein
Chizek	Higgins	Lynch	Remmers	Weihing
Conway	Johanns	McFarland	Rogers	Wesely
Dierks	Johnson, L.	Moore	Rupp	Withem
Elmer	Johnson, R.	Morehead		

Voting in the negative, 0.

Present and not voting, 1:

Miller

Excused and not voting, 10:

Baack	Coordsen	Hartnett	Labedz	Schellpeper
Chambers	Haberman	Johnson, V.	Marsh	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 772 to Select File

Mr. Schmit moved to return LB 772 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Schmit withdrew his pending motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 772.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2734.05, 77-2734.07, and 77-2734.09, Reissue Revised Statutes of Nebraska, 1943; to change the calculation of taxable income for unitary businesses; to change the allowable time periods for carryforwards and carrybacks; 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, 35:

Abboud	Goodrich	Lamb	Morehead	Rupp
Ashford	Hall	Landis	Nelson	Scofield
Barrett	Hannibal	Langford	Pappas	Warner
Beyer	Hefner	Lynch	Peterson	Wehrbein
Chizek	Johanns	McFarland	Pirsch	Weihing
Conway	Johnson, L.	Miller	Remmers	Wesely
Elmer	Johnson, R.	Moore	Rogers	Withem

Voting in the negative, 5:

Chambers	Dierks	Higgins	Korshoj	Schmit

Excused and not voting, 9:

Baack	Haberman	Johnson, V.	Marsh	Smith
Coordsen	Hartnett	Labedz	Schellpeper	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 772A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 772, Ninetieth Legislature, First Session, 1987.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud	Goodrich	Lamb	Morehead	Rupp
Ashford	Hall	Landis	Nelson	Scofield
Barrett	Hannibal	Langford	Pappas	Warner
Beyer	Hefner	Lynch	Peterson	Wehrbein
Chizek	Johanns	McFarland	Pirsch	Weihing
Conway	Johnson, L.	Miller	Remmers	Wesely
Elmer	Johnson, R.	Moore	Rogers	Withem

Voting in the negative, 4:

Chambers	Higgins	Korshoj	Schmit

Present and not voting, 1:

Dierks

Excused and not voting, 9:

Baack	Coordsen	Haberman	Hartnett	Johnson, V.

Labedz Marsh Schellpeper 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: 114, 131, 779, 261, 442, 599, 772, and 772A.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 664A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 664, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Rupp asked unanimous consent to print the following amendment to LB 652 in the Journal. No objections. So ordered.

AM1383

1. Insert the following new section::

"Sec. 4. A person shall not place his or her name on the primary ballot as a partisan candidate unless his or her registration made pursuant to section 32-223 shows he or she is affiliated with such party.".

2. Renumber the remaining sections accordingly.

Mr. Rupp asked unanimous consent to print the following amendment to LB 652 in the Journal. No objections. So ordered.

AM1388

1. In the Standing Committee amendments, AM0544:

a. On page 1, line 1, strike "13"; and in line 2 strike "through" and insert "14,"; and

b. On page 3, line 6, after the comma insert

"32-4,152,".

2. In the E & R amendment, AM5216, on page 1, line 5, after the first comma insert "32-4,152,"; and in line 7 after the semicolon insert "to change provisions relating to the filling of certain vacancies;".

3. Renumber remaining sections accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 787 in the Journal. No objections. So ordered.

AM1331

1. Insert the following new section:

"Sec. 3. There is hereby appropriated $1,536,350 from the Nebraska Energy Settlement Fund for the period July 1, 1987, to June 30, 1988, to the State Energy Office, for Program 106, for agricultural projects.

The unexpended balance of the appropriation in this section existing on June 30, 1988, is hereby reappropriated for the period July 1, 1988, to June 30, 1989.".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 218, 768, 769, 775, 775A, 785, and 786.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 775

The following changes, required to be reported for publication in the Journal, have been made:

ER0192

1. In lieu of the V. Johnson amendment adopted May 12, 1987, found on page 2198 of the Journal, the following new section has been inserted:

"Sec. 9. Any complete application filed on or after the date of passage of this legislative bill shall be considered a valid application on the date submitted for the purposes of the Employment and Investment Growth Act.".

2. In the Conway amendment adopted May 12, 1987, found on page 2197 of the Journal, an underscored period has been inserted before "If" and the last underscored period has been struck.

3. In the Wesely-V. Johnson amendment, AM1301, adopted May 11, 1987:

a. On page 1, line 13, "and use" has been inserted after "sales"; and

b. Amendment 2 has been struck.

4. The section inserted by the McFarland amendment adopted May 11, 1987, found on page 1919 of the Journal has been renumbered as section 10.

5. In the Standing Committee amendments, AM0968:

a. On page 1, line 4, "8" has been struck and "10" inserted;

b. On page 10, line 23, the period has been struck;

c. On page 20, line 21; and page 21, line 17, "10" has been struck and "12" inserted;

d. On page 27, line 5, "9 and 10" has been struck and "11 and 12" inserted; and

e. Sections have been renumbered accordingly.

(Signed) Mary E. Sommermeyer
E & R Attorney

VISITORS

Visitors to the Chamber were 20 students and teacher from Sandhills Public, Halsey; 60 fourth grade students and teacher from Blair Central; 18 students and teacher from Cheney School; 6 fourth through seventh grade students and teacher from Howe School, Auburn; 64 fourth grade students and teachers from Hickory Hill, Omaha; 11 students and teacher from Bethany Christian School, Omaha; Pat Meisinger from Plattsmouth; Brian and Michelle Kenling from Grant; 15 students and sponsors from District 87, Hooper and 20 students and sponsors from District 65, Fremont; Arnold Otten from Deshler; 4 fourth grade students and teacher from Howard Elementary, Grand Island; members and sponsors from the State Math Counts team; 84 fourth grade students and sponsors from Norris Public School; and 24 sixth grade students and sponsor from Ruth Pyrtle School.

ADJOURNMENT

At 3:19 p.m., on a motion by Ms. Scofield, the Legislature adjourned until 9:00 a.m., Monday, May 18, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-THIRD DAY - MAY 18, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

EIGHTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 18, 1987

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Chaplain (Lt/C) James S. Hamilton, Cap., Nebraska Civil Air Patrol, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Baack, Conway, Hannibal, Hefner, R. Johnson, V. Johnson, Landis, Lynch, McFarland, Rupp, Warner, Withem, Mesdames Labedz, Marsh, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Second Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 14, 1987, at 3:55 p.m., were the following bills: 114, 131, 779, 261, 442, 599, 772, and 772A.

(Signed) Pam Moravec, Enrolling Clerk

MESSAGE FROM THE GOVERNOR

May 15, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 772 and 772A were received in my office on May 14, 1987.

These bills were signed by me on May 15, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

ATTORNEY GENERAL'S OPINION

Opinion No. 87075

DATE: May 15, 1987

SUBJECT: Constitutionality of LB 775 - Employment and Investment Growth Act

REQUESTED BY: Senator Ernest Chambers
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion concerning the constitutionality of a portion of LB 775, as amended. Specifically, your question concerns whether the creation of a separate class of exempt personal property, consisting of certain aircraft or computer equipment used in connection with qualified projects involving an investment of at least ten million dollars in qualified property and the hiring of at least one hundred new employees, constitutes invalid special class legislation prohibited under Article III, Section 18, of the Nebraska Constitution.

If a law operates alike on all persons or localities of a class or affects equally all persons who come within its operation, it is not

deemed a "special" law within the meaning of the Constitution. The enactment of legislation which applies to all persons within a specified class is permissible, provided the classification rests upon a reasonable basis. State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 283 N.W.2d 12 (1979); State ex rel. Johnson v. Consumers Public Power District, 143 Neb. 753, 10 N.W.2d 784 (1943); Bauer v. State Game, Forestation and Park Commission, 138 Neb. 436, 293 N.W. 282 (1940); State v. Stuhl, 52 Neb. 209, 71 N.W. 94 (1897).

Section 5(2) of LB 775 provides a 15 year tax exemption on the class of personal property consisting of certain aircraft or business computers used in connection with qualified projects involving an investment of at least ten million dollars in qualified property and the hiring of at least one hundred new employees. The benefit of the exemption provided under this subsection is available to any taxpayer entering into an agreement with Tax Commissioner pursuant to the requirements imposed under this provision. Under these circumstances, the personal property tax exemption provided under Section 5(2) would not be viewed as a special law within the prohibition contained in Article III, Section 18, as it applies equally to and operates uniformly upon all members of the class established.

The question remaining for consideration is whether a reasonable basis exists to support the classification established under this provision.

In Stahmer v. State, 192 Neb. 63, 218 N.W.2d 893 (1974), the Nebraska Supreme Court addressed the scope of the Legislature's authority to classify or exempt personal property from taxation under Art. VIII, Section 2. The plaintiffs in Stahmer challenged exemptions granted by the Legislature pertaining to personal property used in agricultural production, the products thereof, and business inventories, contending, in part, that the statutes violated Art. III, Section 18, prohibiting unreasonable class legislation, and Art. VIII, Section 1, requiring uniform taxation. In rejecting these contentions, the Court stated:

> The 1970 amendment of Art. VIII, Section 2, to provide "The Legislature may classify personal property in such manner as it sees fit, and may exempt any of such classes, or may exempt all personal property from taxation" specifically confers broad authority on the Legislature to classify and exempt personal property from taxation. (Emphasis supplied.) The amended portion of Article VIII, Section 2, represents a special constitutional provision adopted later than, and with full knowledge of, the constitutional provisions relied on by plaintiffs. Within the plain ambit of its meaning and purpose it stands

supreme and effectively nagates plaintiffs' contentions, with the possible exception of the one dealing with the reasonableness of the classifications exempted.

* * *

In view of the recent amendment of Art. VIII, Section 2, Constitution, it is doubtful if the statutes are subject to challenge as violating Art. III, Section 18, dealing with special laws, or Art. VIII, Section 1, requiring uniform taxation. In any event, we do not find the classifications set forth in the act to be unreasonable. "Ability to bear the burden of the tax is everywhere recognized as a reasonable ground on which to base a classification in tax measures. Classification for tax purposes may be based on the manner of conducting business, and business conducted in one manner may be taxed differently from business conducted in another manner. The purpose for which property is kept or used has long been a recognized, if not a favorite, basis for distinction in taxation. The view has also been taken that reasonable discrimination with respect to tax matters to promote fair competitive conditions, equalize economic advantages, or encourage particular industries from consideration of public policy is lawful." 51 Am.Jur., Taxation, Section 182, p. 242.

Id. at 67-68, 218 N.W.2d at 896.

Section 2 of LB 775 manifests an intent

. . . to make revisions in Nebraska's tax structure in order to promote the general health, safety, and welfare of the people of the State of Nebraska by encouraging new businesses and aiding in their expansion, promoting the creation and retention of new jobs in Nebraska, and attracting and retaining investment capital in the state of Nebraska.

On numerous occasions, courts have upheld the constitutionality of tax exemptions designed to encourage the development of new industry and the relocation or expansion of existing industries. Allied Stores of Ohio v. Bowers, 358 U.S. 522 (1959); State ex. rel. Tomasic v. Kansas City, 230 Kan. 404, 636 P.2d 760 (1981). See also DeArmond v. Alaska State Development Corp. 376 P.2d 717 (Alaska 1962); Green v. The City of Mt. Pleasant, 256 Iowa 1184, 131 N.W.2d 5 (1964); Village of Deming v. Hosdreg Co., 62 N.M. 18, 303 P.2d 920 (1956). See generally Note, Legal Limitations on Public Inducements to Industrial Location, 59 Colum.L.Rev. 618 (1959). In State ex rel. Tomasic v. Kansas City, supra, the court, in upholding the reasonableness of a classification providing tax exemptions to industrial use facilities to be established within the state, stated:

Favorable tax treatment for industrial-use facilities under the Act as amended in 1961 will undoubtedly promote the

development of new industries within the state as well as encourage the retention of old and so bears a rational relationship to the otherwise legitimate purpose of the Act.

* * *

{T}he legislature, in emphasizing economic development as a means of promoting the general welfare of the state, has given that economic development priority as a matter of public policy in the Act as amended in 1981. To further economic development of the state, the legislature has attempted to provide the most favorable, constitutionally permissible, conditions to attract industry to the state and to retain industrial facilities currently operating in the state. This court is cognizant of the public interest in such economic development. 230 Kan. at ___ 636, P.2d at 778.

As was noted, one of the purposes of LB 775 it to attract and retain in Nebraska businesses which will contribute to the economic growth and development of the state through capital investment and the creation of new employment opportunities. These certainly constitute legitimate legislative purposes, and we cannot conclude that the separate classification for exemption purposes of the items of personal property used in qualified projects under Section 5(2) is wholly without any conceivable reasonable basis. The exemption provided for certain aircraft and computer equipment under this subsection is designed to provide an incentive for businesses to invest in a qualified project or projects which would involve an investment of at least ten million dollars and the hiring of at least one hundred new employees. Given the large amount of investment required as a threshold for qualifying for these exemptions, we cannot say it is wholly unreasonable to assert that businesses able and willing to invest in the state at this level would be likely to utilize these types of property, and that they would view the personal property tax relief provided under this section as a significant incentive to invest and expand in Nebraska.

Furthermore, while we are somewhat troubled by the narrowness of the classification established, we cannot affirmatively state that the Legislature's determination to limit the exemption granted is without a rational basis. While the Legislature may desire to exempt certain personal property from taxation as an incentive to encourage businesses to locate or expand in Nebraska, it is not unreasonable to permit the Legislature to limit the scope of the exemption in order to reduce the adverse effect on the amount of property tax revenues received by local governments if a larger class of property were exempted.

In assessing the reasonableness of the classification at issue, it must be remembered that the courts have shown great deference to

legislative judgments in this area. In upholding the validity of legislation designed to permit municipalities to encourage new industry, the Supreme Court of New Mexico stated the following regarding legislative efforts in this area:

> Any movement reasonably calculated to improve the economic welfare of the people as a whole through furnishing employment, promoting industry and trade, and inspiring new hope, seems well worthwhile. Whether the present enactment will achieve these aims, none can tell. Only trial, effort and actual experience can give the answer.
>
> While operation of a given project, in the field of competition, may hurt some, if the overall picture shows a comfortable balance of advantages over disadvantages to the many, none can doubt that the measure authorizing it has justified its enactment. After all, the question is one of policy and, within constitutional bounds, that is for the legislature. Even though we may question the wisdom of a given enactment, as a matter of policy, that gives us no right to strike it down, if it violates no provision of the fundamental law. Village of Deming v. Hosdreg Co., supra, 62 N.M. at ___, 303 P.2d at 931.

In conclusion, based upon the deference allowed the Legislature in matters relating to classification for purposes of taxation, and the broad authority granted to the Legislature to classify and exempt personal property under Article VIII, Section 2, of our Constitution, it is our view that the separate classification of the personal property exempted under Section 5(2) of LB 775 could be successfully defended against constitutional attack, as the exemption appears to be rationally related to the legitimate purposes of the Act of encouraging the creation of new jobs and investment in the state.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

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

REPORT

Received statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for April, 1987 from the Department

of Administrative Services, pursuant to Section 66-476, R.S. Supp. 1980.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 652 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1342.)

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 134, 136, 145, 146, 152, 154, 161, and 167.

RESOLUTIONS

LEGISLATIVE RESOLUTION 156. Read. Considered.

LR 156 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 157. Read. Considered.

LR 157 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 158. Read. Considered.

LR 158 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 159. Read. Considered.

LR 159 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 174. Read. Considered.

LR 174 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 175. Read. Considered.

LR 175 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 195. Read. Considered.

LR 195 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 202. Read. Considered.

LR 202 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 203. Read. Considered.

LR 203 was adopted with 25 ayes, 0 nays, and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 529. E & R amendments, AM5161, found in the Journal on page 1443 for the Fifty-Third Day were adopted.

Mr. Withem offered the following amendment:
AM1157

1. On page 2, lines 8 and 9, reinstate "and by July 31,"; in line 9 after the reinstated matter insert "1989,"; and in lines 9 through 11 strike the new matter.

2. On page 3, lines 17 and 18, strike the new matter and reinstate the stricken matter.

3. On page 4, line 22, reinstate "by July 31," and after the reinstated matter insert "1990,"; and in lines 22 and 23 strike the new matter.

4. On page 6, line 3, reinstate "by July" and after the reinstated matter insert "31, 1990,"; and in lines 3 through 5 strike the new matter.

5. On page 7, line 6 reinstate "by July" and after the reinstated matter insert "31, 1990,"; and in lines 6 through 8 strike the new matter.

6. On page 9, in lines 10 through 15, strike the new matter and reinstate the stricken matter.

7. On page 17, lines 10 and 11, reinstate the stricken matter.

8. Strike the Standing Committee amendment, AM0485, and all amendments thereto.

Ms. Scofield offered the following amendment to the pending Withem amendment:
AM1349

(Amendments to AM1157)

1. Insert the following new amendments:

"7. On page 10, reinstate the stricken matter beginning with '(3)' in line 21 through 'shall' in line 24; in line 24 after the reinstated 'shall' insert ', when funds are appropriated by the Legislature to carry out this subsection,'; and reinstate the stricken matter beginning with 'adopt' in line 24 through line 25.

8. On page 11, reinstate the stricken matter.

9. On page 12, reinstate the stricken matter.

10. On page 13, reinstate the stricken matter.

11. On page 14, reinstate the stricken matter beginning with 'teaching' in line 1 through '(5)' in line 16; in line 16 after the reinstated '(5)' insert 'When funds are appropriated by the Legislature to carry out this subsection,'; and reinstate the stricken matter beginning with 'the' in line 16 through line 25.

12. On page 15, reinstate the stricken matter beginning with 'entry-year' in line 1 through '(6)' in line 14; in line 14 after the reinstated '(6)' insert 'When funds are appropriated by the Legislature to carry out this subsection,'; and reinstate the stricken matter beginning with 'the' in line 14 through line 25.

13. On page 16, reinstate the stricken matter in lines 1 through 7; and in line 8 strike '(3)' and reinstate '(7)'.

15. On page 18, reinstate the stricken matter in lines 1 through 4.

16. On page 19, line 10, after '79-1247.05,' insert 'and' and strike 'and 79-1247.09,'.

17. Strike original section 8 and insert the following new section:

'Sec. 8. If funds have not been appropriated by the Legislature to fund subsections (3), (4), (5), and (6) of section 79-1247.05 by July 1, 1990, section 79-1247.05 shall terminate and such section shall be repealed in its entirety along with all amendments thereto.'.".

2. On page 1, line 19, after "matter" insert "; in line 16 strike 'and'; in line 24 strike the underscored period; and reinstate the stricken matter in lines 24 and 25".

3. Renumber remaining amendments accordingly.

Ms. Scofield moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Scofield amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Withem requested a record vote on his amendment.

Voting in the affirmative, 13:

Ashford	Dierks	Landis	Rupp	Wesely
Chizek	Johanns	McFarland	Scofield	Withem
Conway	Korshoj	Pappas		

Voting in the negative, 17:

Abboud	Johnson, R.	Morehead	Rogers	Smith
Coordsen	Lamb	Nelson	Schellpeper	Wehrbein
Elmer	Langford	Pirsch	Schmit	Weihing
Higgins	Miller			

Present and not voting, 12:

Barrett	Goodrich	Hannibal	Johnson, L.	Peterson
Beyer	Haberman	Hartnett	Moore	Remmers
Chambers	Hall			

Excused and not voting, 7:

Baack	Johnson, V.	Lynch	Marsh	Warner
Hefner	Labedz			

The Withem amendment, as amended, lost with 13 ayes, 17 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Withem offered the following amendment:
AM1381

1. Strike the Standing Committee amendment, AM0485.

2. On page 9, strike the new matter and reinstate the stricken matter.

3. On page 11; page 12; and page 13,

reinstate the stricken matter.

4. On page 10, reinstate the stricken matter beginning with "(3)" in line 21 through the first comma in line 24; in line 24 after the reinstated comma insert "when funds are appropriated therefor by the Legislature,"; and reinstate the stricken matter beginning with "adopt" in line 24 through line 25.

5. On page 14, reinstate the stricken matter in lines 1 through 15; in line 16 insert "(5) When funds are appropriated therefor by the Legislature,"; and reinstate the stricken matter beginning the "the" in line 16 through line 25.

6. On page 15, reinstate the stricken matter in lines 1 through 13; in line 14 insert "(6) When funds are appropriated therefor by the Legislature,"; and reinstate the stricken matter beginning with "the" in line 14 through line 25.

7. On page 16, strike the new matter and reinstate the stricken matter.

8. Strike original sections 7 and 8.

9. On page 19, line 10, strike the second comma and insert "and" and strike "79-1247.06, and 79-1247.09,".

10. Renumber the remaining section accordingly.

Ms. Scofield offered the following amendment to the pending Withem amendment:

"7. On page 10, reinstate the stricken matter beginning with '(3)' in line 21 through 'shall' in line 24; in line 24 after the reinstated 'shall' insert ', when funds are appropriated by the Legislature to carry out this subsection,'; and reinstate the stricken matter beginning with 'adopt' in line 24 through line 25.

8. On page 11, reinstate the stricken matter.

9. On page 12, reinstate the stricken matter.

10. On page 13, reinstate the stricken matter.

11. On page 14, reinstate the stricken matter beginning with 'teaching' in line 1 through '(5)' in line 16; in line 16 after the reinstated '(5)' insert 'When funds are appropriated by the Legislature to carry out this subsection,'; and reinstate the stricken matter beginning with 'the' in line 16 through line 25.

12. On page 15, reinstate the stricken matter beginning with 'entry-year' in line 1 through '(6)' in line 14; in line 14 after the reinstated '(6)' insert 'When funds are appropriated by the Legislature to carry out this subsection,'; and reinstate the stricken matter beginning with 'the' in line 14 through line 25.

13. On page 16, reinstate the stricken matter in lines 1 through 7; and in line 8 strike '(3)' and reinstate '(7)'.

15. On page 18, reinstate the stricken matter in lines 1 through 4.

16. On page 19, line 10, after '79-1247.05,' insert 'and' and strike 'and 79-1247.09,'.

17. Strike original section 8 and insert the following new section:

'Sec. 8. If funds have not been appropriated by the Legislature to fund subsections (3), (4), (5), and (6) of section 79-1247.05 by July 1, 1990, section 79-1247.05 shall terminate and such section shall be repealed in its entirety along with all amendments thereto.'.".

2. On page 1, line 19, after "matter" insert "; in line 16 strike 'and'; in line 24 strike the underscored period; and reinstate the stricken matter in lines 24 and 25".

3. Renumber remaining amendments accordingly.

The Scofield amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The Withem amendment, as amended, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 529A. Mrs Higgins moved to indefinitely postpone.

The Higgins motion prevailed with 25 ayes, 2 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 688. Mr. Lamb withdrew his pending amendment, AM0969, found in the Journal on page 2004.

Mr. Miller offered the following Baack amendment:
AM1103

(Amendments to AM0749)

1. On page 11, lines 12, 13, and 14, strike the new matter and reinstate the stricken matter.

The Baack amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Lamb moved to bracket LB 688 until January 10, 1988.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Lamb motion to bracket lost with 3 ayes, 15 nays, 24 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 688A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 536. E & R amendments, AM5204, found in the Journal on page 1995 for the Seventy-Fourth Day were adopted.

Mr. Chambers renewed his pending amendment found in the Journal on page 1715.

SPEAKER BARRETT PRESIDING

Mr. Ashford 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 10 ayes, 0 nays, and 39 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Abboud	Chambers	Conway	Dierks	Hall

Hartnett	Landis	Nelson	Rupp	Smith
Higgins	McFarland	Pappas	Schmit	Wesely
Johanns	Morehead			

Voting in the negative, 23:

Ashford	Goodrich	Korshoj	Peterson	Schellpeper
Barrett	Hannibal	Lamb	Pirsch	Scofield
Beyer	Hefner	Langford	Remmers	Wehrbein
Chizek	Johnson, L.	Miller	Rogers	Weihing
Elmer	Johnson, R.	Moore		

Present and not voting, 3:

Coordsen	Labedz	Withem

Excused and not voting, 6:

Baack	Johnson, V.	Lynch	Marsh	Warner
Haberman				

The Chambers amendment lost with 17 ayes, 23 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
Page 2; lines 3, 4 and lines 7, 8 -
Strike: "or whose conduct is described by section 28-511.01"

Messrs. Coordsen, Wehrbein, Rogers, and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Smith 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. Conway 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, 10:

Chambers	Higgins	Landis	Remmers	Wesely
Hall	Johanns	Pappas	Schmit	Withem

Voting in the negative, 18:

Abboud	Chizek	Hannibal	Lynch	Pirsch
Ashford	Dierks	Johnson, L.	Moore	Scofield
Barrett	Elmer	Lamb	Nelson	Smith
Beyer	Goodrich	Langford		

Present and not voting, 12:

Baack	Korshoj	Miller	Peterson	Schellpeper
Hartnett	Labedz	Morehead	Rupp	Weihing
Hefner	McFarland			

Excused and not voting, 9:

Conway	Haberman	Johnson, V.	Rogers	Wehrbein
Coordsen	Johnson, R.	Marsh	Warner	

The Chambers amendment lost with 10 ayes, 18 nays, 12 present and not voting, and 9 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 185, 185A, and 492.

Correctly Engrossed

The following bills were correctly engrossed: 138 and 741.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 185
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0194

1. In the Haberman amendment, AM1156, adopted May 14, 1987, on page 1, line 3, "vehicles" has been struck and "tractors" inserted.

2. On page 1, the matter beginning with the second comma in line 3 through "1987" in line 6 has been struck; in line 8 "to harmonize provisions;" has been struck; and in line 10 "sections" has been struck and "section" inserted.

3. Section 1 has been struck and the remaining sections renumbered accordingly.

4. On page 38, the matter beginning with "and" in line 19 through "are" in line 22 has been struck and "is" inserted.

Enrollment and Review Change to LB 741

The following changes, required to be reported for publication in the Journal, have been made:
ER0193

1. In lieu of the Hannibal amendment adopted May 13, 1987, found on page 2271 of the Journal, in AM0647, on page 1, line 4, ", except that any revenue received from the annual fee and for posting or erecting such signs in excess of the state's costs shall be deposited in the General Fund" has been inserted after "Fund".

2. In the Wesely amendment adopted May 13, 1987, found on page 2271 of the Journal, "of Roads" has been inserted after "Department", "informational" has been struck and "information" inserted, and "panel" has been inserted after the first "sign".

3. In the Wesely amendment, AM0897, adopted May 13, 1987:

a. On page 1, line 3, "shall" has been struck and "is required to" inserted; in lines 10 and 13 an underscored comma has been inserted after "week"; and in line 11 the comma has been stricken;

b. On page 1, lines 5 and 15; and page 2, lines 1 and 6, "including" has been inserted after "services";

c. On page 2, line 2, "service" has been struck and "services" inserted; and

d. On page 3, line 13, an underscored comma has been inserted after "contractor".

4. In the E & R amendment, AM5179, adopted May 13, 1987, on page 1, line 19, after the second semicolon "to state intent;" has been inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

MESSAGE FROM THE GOVERNOR

May 15, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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 Colleges Board of Trustees, requiring legislative confirmation.

Appointee: Keith L. Blackledge, Route 4, Box 77, North Platte, NE 69101

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 298. Placed on Select File as amended.
E & R amendments to LB 298:
AM5237

1. On page 1, line 10, strike "a provision" and insert "provisions".

2. On page 4, lines 12 and 23, strike the comma; and in line 13 strike the first comma and after "or" insert an underscored comma.

3. On page 5, line 18, strike the comma.

4. On page 13, line 6, after "except" insert "that".

5. On page 14, lines 9 and 10, strike the comma; and in line 11 after "or" insert an underscored comma.

6. On page 18, line 2, after "made" insert

"to sections 79-1032, 79-1041, 79-1044, 79-1045, 79-1048, and 79-1049".

LEGISLATIVE BILL 480. Placed on Select File as amended.
E & R amendments to LB 480:
AM5236

1. In the Standing Committee amendment, AM0400, adopted May 14, 1987:

a. On page 1, line 7, strike "are contributions" and insert "shall be considered to be a contribution"; and in line 12 after "implied" insert an underscored comma; and

b. On page 4, line 2, after "upon" insert "a showing" and strike "showing".

2. On page 1, strike beginning with "a" in line 7 through "prescribed" in line 12 and insert "terms; to change provisions relating to candidate committees and campaign statements; to provide duties for intermediaries and agents as prescribed; to provide a penalty; to provide relief from late filing fees".

3. On page 3, line 14, reinstate the stricken matter; in line 15 strike the new matter; and in line 19 strike the first comma and show as stricken.

4. On page 4, line 2, strike the comma and show as stricken; and strike beginning with "provisions" in line 7 through "49-14,138" in line 8, show as stricken, and insert "Nebraska Political Accountability and Disclosure Act".

(Signed) Scott Moore, Chairperson

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 716. Placed on General File as amended.
Standing Committee amendments to LB 716:
AM1372

1. On page 23, reinstate the stricken matter beginning with "Any" in line 7 through the period in line 12.

2. On page 27, line 12, strike "or" and show as stricken; and in line 14 after "petition" insert ", or (6) hiring and paying a salary to circulators".

(Signed) Lee Rupp, Chairperson

SELECT FILE

LEGISLATIVE BILL 237. E & R amendments, AM5224, found in the Journal on page 2176 for the Seventy-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 598. E & R amendment, AM5230, found in the Journal on page 2182 for the Seventy-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 598A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 163A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 708. E & R amendments, AM5231, found in the Journal on page 2232 for the Eighty-First Day were adopted.

Advanced to E & R for Engrossment.

VISITORS

Visitors to the Chamber were 30 members of the Nebraska Telephone Association; 20 eighth grade students and teacher from Wakefield Public School; 40 eighth grade students and teacher from Centura Public, Cairo; 50 fourth grade students and teacher from Springfield Elementary; Bernice Crounse and Marilyn Samuels; 9 students and sponsors from District 15, Douglas County; 18 third and fourth grade students and teacher from Garland Elementary; and 15 kindergarten students, teacher, and sponsors from Elmwood Public School.

RECESS

At 12:04 p.m., on a motion by Mr. Moore, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Coordsen, Haberman, R. Johnson, Rupp, and Wehrbein who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following Governor appointments.

Education

Gretchen Hirschback - Nebraska State Colleges Board of Trustees

Health and Human Services

Dale B. Johnson - Director, Department of Institutions

Judiciary

John E. Knight

Natural Resources

Gary L. Rex - Director of Policy Research and Nebraska Energy Office

Nebraska Retirement Systems

Barbara Coats Grabowski - Public Employees Retirement Board

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

COMMUNICATION

Received copy of Senate Concurrent Resolution No. 27 from the State of Nevada, in regard to Senior Citizen's Day.

SELECT FILE

LEGISLATIVE BILL 130. The pending Higgins amendment found in the Journal on page 2247 to the pending Landis amendment, AM1346, found in the Journal on page 2221 was renewed.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Higgins withdrew her pending amendment.

Mr. Chizek 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. Landis moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Landis requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Ashford	Hall	Lynch	Remmers	Warner
Chizek	Johanns	Marsh	Rogers	Weihing
Conway	Johnson, R.	Morehead	Schmit	Wesely
Elmer	Johnson, V.	Pappas	Scofield	Withem
Haberman	Landis			

Voting in the negative, 27:

Abboud	Dierks	Johnson, L.	McFarland	Pirsch
Baack	Goodrich	Korshoj	Miller	Rupp
Barrett	Hannibal	Labedz	Moore	Schellpeper
Beyer	Hartnett	Lamb	Nelson	Smith
Chambers	Hefner	Langford	Peterson	Wehrbein
Coordsen	Higgins			

Not voting, 0.

The Landis amendment lost with 22 ayes, 27 nays, and 0 not voting.

The Chair declared the call raised.

Mr. McFarland offered the following amendment:
AM1365

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 8, Legislative Bill 773, Ninetieth Legislature, First Session, 1987, be amended to read as follows:

Sec. 8. (1) Whenever the primary rate is changed by the Legislature under section 77-2715.01, the Tax Commissioner shall update the rate schedules required in subsection (2) of this section to reflect the new primary rate and shall publish such updated schedules.

(2) The following rate schedules are hereby established for the Nebraska individual income tax and shall be in the following form:

(a) The income amounts for columns A, B, and E shall be the same as for the federal rate schedules in effect for tax year 1987;

(b) The amount in column C shall be the total amount of the tax imposed on income less than the amount in column A;

(c) The amount in column D shall be the rate on the income in excess of the amount in column E;

(d) The primary rate set by Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be .64, 1.0, 1.59, 1.87, and ~~1.87~~ 2.06;

(e) The amounts for column C shall be rounded to the nearest dollar, and the amounts in column D shall be rounded to tenths of one per cent, except for the primary rate which shall be expressed in hundredths of one per cent; and

(f) One rate schedule shall be established for each federal filing status.

(3) The tax rate schedules shall use the format set forth in this subsection.

A	B	C	D	E
Taxable income over	but not over	Pay	plus	of the amount over

(4) The tax rate applied to other federal taxes included in the computation of the Nebraska individual income tax shall be seven times the primary rate.

(5) The Tax Commissioner shall prepare, from the rate schedules, tax tables which can be used by a majority of the taxpayers to determine their Nebraska

tax liability. The design of the tax tables shall be determined by the Tax Commissioner. The size of the tax table brackets may change as the level of income changes. The difference in tax between two tax table brackets shall not exceed fifteen dollars. The Tax Commissioner may build the personal exemptions and standard deduction amounts into the tax tables.

(6) The Tax Commissioner may require by rule and regulation that all taxpayers shall use the tax tables if their income is less than the maximum income included in the tax tables.

Sec. 2. That original section 8, Legislative Bill 773, Ninetieth Legislature, First Session, 1987, is repealed.".

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.

Mr. McFarland moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. McFarland requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Baack	Haberman	Korshoj	Morehead	Rupp
Chambers	Hartnett	Landis	Nelson	Schellpeper
Conway	Higgins	McFarland	Pappas	Scofield
Coordsen	Johanns	Miller	Rogers	Wesely
Dierks	Johnson, R.			

Voting in the negative, 27:

Abboud	Goodrich	Labedz	Moore	Smith
Ashford	Hall	Lamb	Peterson	Warner
Barrett	Hannibal	Langford	Pirsch	Wehrbein
Beyer	Hefner	Lynch	Remmers	Weihing
Chizek	Johnson, L.	Marsh	Schmit	Withem
Elmer	Johnson, V.			

Not voting, 0.

The McFarland amendment lost with 22 ayes, 27 nays, and 0 not voting.

The Chair declared the call raised.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 708A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 708, Ninetieth Legislature, First Session, 1987.

ATTORNEY GENERAL'S OPINION

Opinion No. 87076

DATE: May 15, 1987

SUBJECT: Constitutionality of LB279 As Amended By Committee Amendment AM0510

REQUESTED BY: Senator Loran Schmit
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Bernard L. Packett, Assistant Attorney General

You have asked our opinion as to the constitutionality of LB279, as amended by Committee Amendment AM0510.

Before addressing your question, we believe it would be helpful to cover some previous opinions which we have given on legislation dealing with funds such as are involved in LB279.

In 1981, the Legislature enacted LB331 which provided in part that the Nebraska Gasohol Committee could award a development gratuity of up to $50,000.00 to a person who would develop the best high protein food made from distiller's grain or the process of ethanol distillation.

In Opinion No. 81, dated April 24, 1981, we expressed serious concerns as to the constitutional validity of the bill under 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 that opinion, we said:

> "Our Supreme Court has stated that this constitutional provision prohibits the Legislature from appropriating the public monies of the state to encourage private enterprises. Oxnard Beet Sugar Co. v. State, 73 Neb. 57, 105 N.W. 716 (1905). More recently, in State ex rel. Beck v. City of York, 164 Neb. 223, 82 N.W.2d 269 (1957), our Supreme Court stated:
>
> > It is clear that the framers of our Constitution had in mind a prohibition against giving or loaning the credit of the State or any subdivision thereof for a purely private purpose. This supports the fundamental principle that public moneys may not be used for private purposes. . . . It is the plain intention of this provision {Article XIII, Section 3} that state government, including political subdivisions thereof, shall not extend credit in aid of private persons and private enterprises.
>
> Id. at 225, 82 N.W.2d at 271. Under this case law, it is clear that state monies may not be appropriated to private persons for essentially private purposes. While LB331 contains a recital of public purpose, it appears to us that a development gratuity paid by the state to a private person for the development of a new product does entail the payment of state monies for a private purpose. Therefore, we feel that the development gratuity provisions in LB331 are of suspect constitutional validity under Article XIII, Section 3 of the Nebraska Constitution."

In 1986, the Legislature enacted LB1230, the Ethanol Authority and Development Act, now §§66-1300 et seq.

By letter to the Chairman of the Ethanol Board, dated October 17, 1986, we stated that we were unable to approve "proposed guidelines for grants to cities, counties and villages" because we had some serious doubt that some provisions of the "guideline" could overcome a challenge of constitutionality under the provisions of Article XIII, Section 3 of the Nebraska Constitution. From our examination of the proposed guidelines we concluded that pursuant to the authority contained in Section 66-1318 they were intended to authorize the grant or the loan of funds derived from an excise tax on wheat and other grains to eligible cities, counties and villages which would in turn provide "grants, loans and loan guarantees" to eligible "individuals, for profit and not for profit corporations, cooperatives, partnerships or such other legal entities" to provide

"the capitol costs associated with the development of an ethanol plant or facility related to the processing and storage of ethanol, "or other related facilities".

In rejecting the "guidelines" we pointed out that passing the funds to private individuals or corporations through a city, county or village does not make the grant or loan any less violative of the provisions of Article XIII, Section 3 of the Nebraska Constitution and if the funds were granted or loaned directly to the private entity.

In our opinion, that part of the standing committee's amendment which repeals §66-1318 satisfies the objection we expressed in our October, 1986 letter to the Chairman of the Ethonol Board.

From our examination of other changes proposed by Amendment 0510 we find one which should be addressed. Section 2 would amend §66-1317 to provide that in addition to cities, counties and villages, Indian Tribes may also apply for grants from the Ethanol Board to facilitate the construction or acquisition of Ethanol plants. It is our opinion that this change would constitute lending the credit to an "association" and would be in violation of Article XIII, Section 3 of the Nebraska Constitution.

Very truly yours
ROBERT M. SPIRE
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

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

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1404

(Amendments to Final Reading copy)

1. On page 1, line 5, after the second semicolon insert "to provide reimbursement to counties for certain property taxes;".

2. Insert the following new sections:

"Sec. 14. The county treasurer shall, on or before November 30 of each year, certify to the Tax Commissioner: (1) For tax year 1987, ninety-five per cent of the 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 subsection (2) of section 5 of this act; and (2) for tax year 1988 and each tax year thereafter, the total tax revenue that will be lost to all taxing agencies within his or her county from taxes levied and assessed in that year because of exemptions allowed under subsection (2) of section 5 of this act. 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. Reimbursement of the funds lost shall be made to each county according to the certification and shall be distributed in six as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning January 1988 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: (a) For tax year 1987, ninety-five per cent of the amount so lost by such agency; and (b) for tax year 1988 and each tax year thereafter, the full amount so lost by such agency, except that one per cent of such amount shall be deposited in the county general fund and that the amount due a Class V school district shall be paid to the district and the county shall be compensated pursuant to section 14-554. Each taxing agency shall, in preparing its annual budget, take into account the amount to be received under this section.

Sec. 15. For tax year 1987, ninety-five per cent of the revenue which shall be lost to taxing agencies as a result of the provisions of subsection (2) of section 5 of this act, 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. For fiscal year 1988-89 and each fiscal year thereafter, all revenue which shall be lost to taxing agencies as a result of the provisions of subsection (2) of section 5 of this act, 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.".

3. Renumber the remaining sections accordingly.

Mr. Chizek asked unanimous consent to print the following amendment to LB 582 in the Journal. No objections. So ordered.

AM1402

(Amendments to Standing Committee amendment, AM0494)

1. Strike amendment 1 and insert the following new amendment:

"1. Strike the original sections and insert the following new sections:

'Section 1. It is the intent of the Legislature through this act to help in the treatment and elimination of drug and alcohol use and abuse in the work place while protecting the employee's rights.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Alcohol shall mean any product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, synthetic ethyl alcohol, four varieties of liquor defined in subdivisions (2) to (5) of section 53-103, alcohol, spirits, wine, and beer, every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer, and alcohol used in the manufacture of denatured alcohol, flavoring extracts, syrups, medicinal, mechanical, scientific, culinary, and toilet preparations;

(2) Breath testing device shall mean intoxilyzer model 4011AS or other scientific testing equivalent as approved by and operated in accordance with the Department of Health rules and regulations:

(3) Breath testing device operator shall mean a person who has obtained or been issued a permit pursuant to the Department of Health rules and regulations;

(4) Department of Health shall mean the Department of Health of the State of Nebraska;

(5) Department of Health rules and regulations shall mean the techniques and methods authorized pursuant to section 39-699.11;

(6) Drug shall mean any substance, chemical, or compound as described, defined, or delineated in sections 28-405 and 28-419 or any metabolite or conjugated form thereof, except that any substance, chemical, or compound containing any product as defined in subdivision (1) of this section may also be defined as alcohol;

(7) Employee shall mean any person who receives any remuneration, commission, bonus, or other form of wages in return for such person's actions which directly or indirectly benefit an employer; and

(8) Employer shall mean the State of Nebraska and its political subdivisions, all other governmental entities, any individual, association, or corporation, or other organization doing business in the State of Nebraska unless it, he, or she employs a total of less than six full-time and part-time employees at any one time.

Sec. 3. Any results of any test performed on the body or breath specimen of an employee, as directed by the employer, to determine the presence of drugs or alcohol shall not be used to deny any continued employment or in any disciplinary action unless the following requirements are met:

(1) A positive finding of drugs by preliminary screening procedures has been subsequently confirmed by gas chromatography-mass spectrometry or other scientific testing technique which has been or may be approved by the Department of Health; and

(2) A positive finding of alcohol by preliminary screening procedures is subsequently confirmed by either:

(a) Gas chromatography with a flame ionization detector or other scientific testing technique which has been or may be approved by the Department of Health; or

(b) A breath testing device operated by a breath testing operator. Nothing in this subdivision shall be construed to preclude an employee from immediately requesting further confirmation of any

breath testing results provided that the employee voluntarily submits to give a blood sample taken by qualified medical personnel in accordance with the rules and regulations adopted and promulgated by the Department of Health. If the confirmatory blood test results do not confirm a violation of the employer's work rules, any disciplinary or administrative action shall be rescinded.

Except as provided in subdivision (2)(b) of this section, all confirmatory tests shall be performed by a clinic, hospital, or laboratory which is licensed pursuant to the federal Clinical Laboratories Improvement Act of 1967, 42 U.S.C. 263a, or which is accredited by the College of American Pathologists.

Sec. 4. Except for breath test specimens as provided in subdivision (2)(b) of section 3 of this act, all specimens which result in a finding of drugs shall be refrigerated and preserved in a sufficient quantity for retesting for a period of at least one hundred eighty days.

Sec. 5. A written record of the chain of custody of the specimen shall be maintained from the time of the collection of the specimen until the specimen is no longer required.

Sec. 6. The employer or its, his, or her agents shall not release or disclose the test results to the public, except that such results shall be released as required by law or to the employee upon request. Test results may be released to those officers, agents, or employees of the employer who need to know the information for reasons connected with their employment.

Sec. 7. Nothing in sections 1 to 6 of this act shall be construed to establish any rule, right, or duty not expressly provided for in such sections.

Sec. 8. (1) It shall be unlawful to provide, acquire, or use body fluids for the purpose of altering the results of any test to determine the presence of drugs or alcohol.

(2) Any employee who violates subsection (1) of this section may be subjected to the same discipline as if the employee had refused the directive of the employer to provide a body fluid or breath sample.

(3) Any person, including an employee, who violates subsection (1) of this section shall be guilty

of a Class I misdemeanor.

Sec. 9. (1) No person shall tamper with or aid or assist another in tampering with body fluids at any time during or after the collection or analysis of such fluids for the purpose of altering the results of any test to determine the presence of drugs or alcohol.

(2) Any employee who violates subsection (1) of this section may be subjected to the same discipline as if the employee had refused the directive of the employer to provide a body fluid or breath sample.

(3) Any employee who refuses the directive of an employer to provide a body fluid or breath sample as provided in section 3 of this act may be subject to disciplinary or administrative action by the employer, including denial of continued employment.

(4) Any person, including an employee, who violates subsection (1) of this section shall be guilty of a Class I misdemeanor.'.".

Mr. Hall asked unanimous consent to print the following amendment to LB 295 in the Journal. No objections. So ordered.

AM1409

1. On page 44, line 14, after the comma insert "promotional material not to exceed a retail value of one hundred fifty dollars per occasion,".

Mr. Chambers asked unanimous consent to print the following motion to LB 716 in the Journal. No objections. So ordered.

I move to indefinitely postpone LB 716.

RESOLUTION

LEGISLATIVE RESOLUTION 223.

Introduced by Moore, 24th District.

WHEREAS, the population of Stromsburg, Nebraska, is and has always been mostly Swedish; and

WHEREAS, the Swedish heritage of Stromsburg is important to the growth of the community and has provided a firm foundation for the future of the community; and

WHEREAS, the Swedish festival in Stromsburg is celebrating it's thirty-fifth year, and it is the oldest ethnic festival in the state; and

WHEREAS, in 1966 a proclamation was signed by Governor Morrison declaring Stromsburg the Swedish capital of Nebraska, but that proclamation cannot be located.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature reaffirm the proclamation of 1966 by declaring Stromsburg the Swedish capital of the State of Nebraska.

2. That a copy of this resolution be provided to the mayor of Stromsburg.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 279 in the Journal. No objections. So ordered.

AM1405

(Amendments to AM1327)

1. On page 6, lines 8 and 9, strike the new matter.

2. On page 7, strike beginning with "or" in line 20 through "Nebraska" in line 21.

3. Insert the following new section:

"Sec. 14. 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.".

4. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 130. Messrs. Elmer and Pappas withdrew their pending amendment, AM1370, printed separate from the Journal and referred to on page 2278.

Mr. Hall offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1389.)

Mr. Hefner requested a ruling of the Chair on whether the Hall amendment is germane to the bill.

The Chair ruled the Hall amendment is germane to the bill.

Mr. Hall withdrew his pending amendment.

Mrs. Smith moved to reconsider the vote on the McFarland amendment, AM1365, found in this day's Journal.

Messrs. Hannibal, Haberman, Withem, and Hall asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Landis 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. Higgins moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. McFarland requested a roll call vote on the Smith motion to reconsider.

Voting in the affirmative, 19:

Baack	Dierks	Landis	Rogers	Smith
Chambers	Higgins	McFarland	Rupp	Weihing
Conway	Johnson, R.	Miller	Schellpeper	Wesely
Coordsen	Korshoj	Nelson	Scofield	

Voting in the negative, 23:

Abboud	Goodrich	Labedz	Moore	Remmers
Ashford	Hartnett	Lamb	Pappas	Schmit
Barrett	Hefner	Langford	Peterson	Warner
Beyer	Johnson, L.	Lynch	Pirsch	Wehrbein
Chizek	Johnson, V.	Marsh		

Present and not voting, 3:

Elmer	Johanns	Morehead

Excused and not voting, 4:

Haberman Hall Hannibal Withem

The Smith motion to reconsider lost with 19 ayes, 23 nays, 3 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.

Mr. Wesely offered the following amendment:

1. Insert the following new sections:

"Section 1. That section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2701.02. Pursuant to section 77-2715.01, the rate of the sales tax levied pursuant to section 77-2703 shall be four and one quarter per cent.

Sec. 3. Sections 1 and 4 of this act shall become operative on October 1, 1987. The remaining sections of this act shall become operative on their effective date.

Sec. 4. That original section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Renumber remaining sections accordingly.

Pending.

Mr. V. Johnson moved to bracket LB 130 to Tuesday, May 26, 1987.

Mr. Ashford 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 24 ayes, 2 nays, and 23 not voting.

Mr. V. Johnson requested a roll call vote on his motion to bracket.

Voting in the affirmative, 26:

Ashford	Hall	Labedz	Morehead	Schmit
Baack	Hartnett	Landis	Nelson	Wehrbein
Beyer	Johanns	Lynch	Remmers	Weihing
Chizek	Johnson, R.	McFarland	Rogers	Wesely
Coordsen	Johnson, V.	Moore	Schellpeper	Withem
Dierks				

Voting in the negative, 17:

Abboud	Goodrich	Korshoj	Marsh	Scofield
Chambers	Hefner	Lamb	Peterson	Smith
Conway	Higgins	Langford	Rupp	Warner
Elmer	Johnson, L.			

Present and not voting, 3:

Barrett	Miller	Pirsch

Excused and not voting, 3:

Haberman	Hannibal	Pappas

The V. Johnson motion to bracket prevailed with 26 ayes, 17 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 224.

Introduced by Korshoj, 16th District.

WHEREAS, the city of Oakland was founded by four Swedish immigrant families in the 1860's making it one of the oldest Swedish communities; and

WHEREAS, a large percentage of the population of Oakland are of Swedish descent; and

WHEREAS, the Counsel General of the Embassy of the Kingdom of Sweden, who is the second highest ranking diplomat in the United States, will be in Oakland on June 5, 1987; and

WHEREAS, the Oakland Swedish Festival will be held June 5, 6, and 7, 1987.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature proclaim the City of Oakland, as the Swede Capital of Nebraska.

2. That a copy of this resolution be sent to the Mayor of the City of Oakland.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 182 in the Journal. No objections. So ordered.

AM1364

1. On page 3, line 22, after "all" insert "existing".

2. On page 4, line 2, after "of" insert "such"; and in line 4 after the first "of" insert "the existing".

3. On page 5, line 2, after "students" insert "from existing Class I school districts not a part of any Class VI school districts".

SELECT FILE

LEGISLATIVE BILL 218A. Mr. V. Johnson moved to indefinitely postpone.

Mr. V. Johnson withdrew his pending motion.

Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

Mrs. Marsh requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Baack	Conway	Hannibal	Johnson, V.	Marsh
Barrett	Dierks	Hartnett	Labedz	Miller
Beyer	Elmer	Hefner	Landis	Moore
Chambers	Goodrich	Johanns	Langford	Morehead
Chizek	Hall	Johnson, L.	Lynch	Nelson

Remmers	Scofield	Wehrbein	Wesely	Withem
Rogers	Warner	Weihing		

Voting in the negative, 9:

Abboud	Higgins	Lamb	Peterson	Schellpeper
Coordsen	Korshoj	Pappas	Rupp	

Present and not voting, 5:

Johnson, R.	McFarland	Pirsch	Schmit	Smith

Excused and not voting, 2:

Ashford	Haberman

Advanced to E & R for Engrossment with 33 ayes, 9 nays, 5 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 225.

Introduced by Hannibal, 4th District; Abboud, 12th District; Conway, 17th District; Lamb, 43rd District; Dierks, 40th District; Morehead, 30th District; R. Johnson, 34th District; Miller, 37th District; Elmer, 38th District; Schellpeper, 18th District; Coordsen, 32nd District; Hefner, 19th District; Weihing, 48th District; Chambers, 11th District; Wehrbein, 2nd District; V. Johnson, 8th District; Moore, 24th District; L. Johnson, 15th District; Rupp, 22nd District; Scofield, 49th District; Chizek, 31st District; Beyer, 3rd District.

WHEREAS, the Midwest Regional Grain Marketing Compact requires adoption by five states to become operative;

WHEREAS, five states have now approved the Compact;

WHEREAS, member states must appoint two representatives to the Compact Commission from their respective Legislatures, and one representative from the public-at-large;

WHEREAS, Nebraska initiated the legislation creating the Compact and promoted its adoption in other states; and

WHEREAS, Nebraska's legislative appointees to the Compact Commission should be members with a strong background in

agriculture and grain marketing who are knowledgeable and supportive of the efforts and goals of the Compact.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Legislature hereby recommends that the Governor appoint its two most senior members, Senator Jerome Warner and Senator Loran Schmit, as the legislative representatives to the Compact Commission, both of whom demonstrate extensive experience and leadership in agriculture and grain marketing.

2. That the Legislature urges the Governor to make all three appointments as soon as possible, in order to allow the Compact Commission to being its urgent mission as soon as possible.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 335 in the Journal. No objections. So ordered.

AM1410

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 44-371, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-371. All proceeds, cash values, and benefits accruing under any annuity contract, ~~or~~ 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~~ or under any accident or health insurance policy~~, issued before, on, or after August 30, 1981,~~ 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. ~~The provisions of this section shall not apply to any loan value in excess of five thousand dollars of an unmatured life insurance contract~~ Notwithstanding anything in this section to the contrary, the aggregate exemptions any person may claim under this section shall not exceed ten thousand dollars.

No insurance company shall be liable or responsible to any person to determine or ascertain the aggregate total of life insurance policy or annuity contract loan values, cash values, proceeds, or benefits for any policyholder or annuitant.

Sec. 2. That section 44-1089, Revised Statutes Supplement, 1986, be amended to read as follows:

44-1089. (1) No noninsurance benefit, charity, relief, or aid to be paid, provided, or rendered by any society shall be liable to attachment, garnishment, or other process, or to be seized, taken, appropriated, or applied by any legal or equitable process or operation of law to pay any debt or liability of a member or beneficiary, or any other person who may have a right thereunder, either before or after payment by the society.

(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~~ or 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. Notwithstanding anything in this section to the contrary, the aggregate exemptions any person may claim under this section shall not exceed ten thousand dollars. ~~This section shall not apply to any loan value in excess of five thousand dollars of an unmatured life insurance contract.~~

No fraternal benefit society shall be liable or responsible to any person to determine or ascertain the aggregate total of policy or certificate of life insurance or annuity contract loan values, cash values, proceeds, or benefits for any policy or certificate owner or annuitant.

Sec. 3. In any forced sale of real or personal property conducted to satisfy the claims of creditors, any proceeds of such sale which exceed the claims of such creditors shall be retained by the

debtor.

Sec. 4. An individual shall have the right to receive, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, an interest held under a stock bonus, pension, profitsharing, or similar plan or contract payable on account of illness, disability, death, age, or length of service unless:

Within two years prior to bankruptcy or to entry against the individual of a money judgment which thereafter becomes final, such plan or contract was established or was amended to increase contributions by or under the auspices of the individual or of an insider that employed the individual at the time the individual's rights under such plan or contract arose; or

Such plan or contract does not qualify under section 401(a), 403(a), 403(b), or 408 of the Internal Revenue Code of 1986 or the successors of such sections.

Sec. 5. All proceeds and benefits accruing under any structured settlement providing periodic payments for personal injuries shall be exempt from attachment, garnishment, or other legal or equitable process and from all claims of creditors of the beneficiary of the structured settlement, unless a written assignment to the contrary has been obtained by the claimant.

Sec. 6. This act shall be operative for actions filed after the effective date of this act.

Sec. 7. That original section 44-371, Reissue Revised Statutes of Nebraska, 1943, and section 44-1089, Revised Statutes Supplement, 1986, are repealed.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

SELECT FILE

LEGISLATIVE BILL 787. E & R amendment, AM5220, found in the Journal on page 2117 for the Seventy-Eighth Day was adopted.

Mrs. Smith renewed her pending amendment found in the Journal on page 2047.

Mrs. Smith moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Smith amendment lost with 15 ayes, 27 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. V. Johnson asked unanimous consent to be excused. No objections. So ordered.

Messrs. McFarland and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis renewed his pending amendment, AM1331, found in the Journal on page 2318.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. Landis moved for a call of the house. The motion prevailed with 17 ayes, 5 nays, and 27 not voting.

Mr. Landis requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Beyer	Goodrich	Johnson, L.	Marsh	Wehrbein
Chizek	Hall	Johnson, R.	Morehead	Wesely
Coordsen	Hartnett	Labedz	Pirsch	Withem
Elmer	Hefner	Landis	Warner	

Voting in the negative, 21:

Abboud	Hannibal	Moore	Remmers	Schmit
Baack	Lamb	Nelson	Rogers	Scofield
Barrett	Langford	Pappas	Rupp	Smith
Chambers	Miller	Peterson	Schellpeper	Weihing
Dierks				

Present and not voting, 4:

Conway	Higgins	Johanns	Korshoj

Excused and not voting, 5:

Ashford Haberman Johnson, V. Lynch McFarland

The Landis amendment lost with 19 ayes, 21 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Remmers asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 784 in the Journal. No objections. So ordered.

AM1423

(Amendments to the Final Reading copy)

1. Insert the following new sections:

"Sec. 24. There is hereby appropriated (1) $2,200,000 from the General Fund for the period July 1, 1987, to June 30, 1988, and (2) $2,200,000 from the General Fund for the period July 1, 1988, to June 30, 1989, to the University of Nebraska for merit, performance, or marketplace adjustments.

Sec. 25. There is hereby appropriated (1) $300,000 from the General Fund for the period July 1, 1987, to June 30, 1988, and (2) $300,000 from the General Fund for the period July 1, 1988, to June 30, 1989, to the Nebraska state colleges for merit, performance, or marketplace adjustments.".

2. Renumber the remaining section accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 426.

Correctly Engrossed

The following bills were correctly engrossed: 163A, 237, 598, and 598A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 426
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0195

1. In the Scofield et al. amendment, AM1382 adopted May 14, 1987:

a. On page 1, line 3, "zero-based" has been struck and "zero-release" se inserted; and in line 7 after the semicolon "to rename a fund;" has been inserted;

b. On page 2, line 4, the first underscored comma has been struck; and in line 20 an underscored comma has been inserted after "operator";

c. On page 3, lines 16, 20, and 24, "disposal" has been struck;

d. On page 4, the matter beginning with "in" in line 3 through the first semicolon in line 4 has been struck; in line 9 "83 Stat." has been inserted after the comma and an underscored comma has been inserted after "853"; and in lines 21 and 22 "disposal" has been struck;

e. On page 5, line 10, "shall" has been struck; in line 16 "Environmental Control Council" has been struck and "council" inserted; in line 21 "such" has been inserted after "no" and "within" has been struck; and in line 22 "fifteen" through "facility" has been struck; and

f. On page 6, line 8, "or located" has been struck.

2. On page 11, line 6, "long-term" has been struck, shown as stricken, and "custodial" inserted.

3. On page 13, line 2, the stricken matter has been reinstated and "section and subsection" has been inserted after the reinstated "this"; and in line 8 "long-term surveillance" has been struck, shown as stricken, and "custodial care" inserted.

4. On page 14, line 23; and page 19, line 23, an underscored comma has been inserted after "(2)".

5. On page 16, line 11, "act" has been struck and "Low-Level Radioactive Waste Disposal Act" inserted; the new matter beginning

with "Except" in line 15 through "in" in line 16 and amendments thereto have been struck; and in line 16 the stricken matter has been reinstated.

(Signed) Mary E. Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 536. Mr. Chambers offered the following amendment:

Page 2; lines 23, 24, strike: "under any statute or ordinance shall not", and insert, "for the crime of theft by shoplifting as provided in section 28-511.01 shall"

MRS. LABEDZ PRESIDING

Messrs. L. Johnson, R. Johnson, Withem, and Mrs. Smith asked unanimous consent to be excused. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 6 ayes, 2 nays, and 41 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 14:

Baack	Coordsen	Hall	Johanns	Schellpeper
Chambers	Dierks	Hartnett	Landis	Wesely
Conway	Goodrich	Higgins	Pappas	

Voting in the negative, 17:

Abboud	Hannibal	Langford	Peterson	Scofield
Beyer	Hefner	Moore	Pirsch	Warner
Chizek	Labedz	Nelson	Rupp	Weihing
Elmer	Lamb			

Present and not voting, 7:

Barrett	Miller	Rogers	Schmit	Wehrbein
Korshoj	Morehead			

Excused and not voting, 11:

Ashford	Johnson, R.	Lynch	McFarland	Smith
Haberman	Johnson, V.	Marsh	Remmers	Withem
Johnson, L.				

The Chambers amendment lost with 14 ayes, 17 nays, 7 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Hartnett moved to bracket LB 536 until January, 1988.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Langford asked unanimous consent to be excused. No objections. So ordered.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Hartnett motion to bracket lost with 13 ayes, 14 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Chambers offered the following amendment:

Page 2; line 23, renumber "(2)" as "(3)" and insert a new subsection (2) to read: "Provided, to render any parent or legal guardian liable under this section, such minor must be living with such parent or legal guardian at the time the crime of shoplifting as provided in section 28-511.01 was committed." Renumber accordingly.

Mrs. Higgins and Ms. Scofield asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mrs. Pirsch 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 his amendment.

Voting in the affirmative, 13:

Abboud	Goodrich	Hartnett	Landis	Pappas
Baack	Hall	Johanns	Morehead	Wesely
Elmer	Hannibal	Korshoj		

Voting in the negative, 12:

Beyer	Hefner	Peterson	Rupp	Wehrbein
Chizek	Moore	Pirsch	Warner	Weihing
Dierks	Nelson			

Present and not voting, 9:

Barrett	Conway	Lamb	Rogers	Schmit
Chambers	Coordsen	Miller	Schellpeper	

Excused and not voting, 15:

Ashford	Johnson, L.	Labedz	Marsh	Scofield
Haberman	Johnson, R.	Langford	McFarland	Smith
Higgins	Johnson, V.	Lynch	Remmers	Withem

The Chambers amendment lost with 13 ayes, 12 nays, 9 present and not voting, and 15 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following motion in the Journal. No objections. So ordered.

I move that the Speaker's Agenda be changed as follows for the 19th of May 1987:

To allow immediate consideration of the following motion with respect to LB 775.

MOTION

I move that the rules of the Legislature with respect to Final Reading and Select File be suspended for this day, Tuesday, the 19th of May 1987, and the following procedure be followed with respect to LB 775:

(1) That LB 775 be taken up immediately and that LB 775 be returned to Select File for the adoption or rejection of Amendment No. AM 1424 printed in the Legislative Journal;

(2) That no other amendments be allowed and no other motions be allowed to be considered or offered until Amendment No. AM 1424 has been considered and dealt with with respect to LB 775;

(3) That after AM 1424 has been dealt with that LB 775 should have a vote taken by the Legislature as to whether further amendments or motions will be allowed to be offered to LB 775 and that such decision as to whether to allow further amendments or motions on LB 775 should be determined by a majority vote of the elected members of the Legislature.

Mr. Warner asked unanimous consent to print the following amendment to LB 184 in the Journal. No objections. So ordered.

In the Standing Committee amendments adopted April 30, 1987, on page 1, line 5, after "made" insert "Nothing in this section shall be construed to impose any liability on the state where such liability would not otherwise exist."

Mr. Abboud asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1408

(Amendments to the Final Reading copy)

1. On page 11, strike beginning with the period in line 23 through line 25 and insert an underscored semicolon.

2. On page 12, strike lines 1 through 6; and strike beginning with the period in line 12 through "subdivision" in line 20.

Mrs. Morehead asked unanimous consent to print the following amendment to LB 780 in the Journal. No objections. So ordered.

To amend LB 780e by amending the Lynch Amendment, AM1318 found on Journal Page 2162:

Strike "provider" and reinsert "region".

Mr. Schmit asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1424

(Amendments to the Final Reading copy)

1. On page 11, strike beginning with "an" in line 23 through line 25 and insert "a public official as defined in section 49-1443 or Nebraska's members of Congress for other than a business-related purpose;".

2. On page 12, strike lines 1 through 6; and strike beginning with the period in line 12 through "subdivision" in line 20.

3. On page 13, strike beginning with "If" in line 3 through line 11.

4. On page 14, line 7, strike "an elected official" and insert "a public official as defined in section 49-1443 or Nebraska's members of Congress for other than a business-related purpose".

VISITORS

Visitors to the Chamber were 5 fifth, seventh, and eighth grade students and teacher from Hershey; and 5 fourth grade students and teacher from Platte Valley School, North Platte.

MOTION - Adjournment

Mr. Rupp moved to adjourn until 8:00 a.m., on May 19, 1987. The motion prevailed with 16 ayes, 8 nays, 10 present and not voting, and 15 excused and not voting, and at 6:30 p.m., the Legislature adjourned until 8:00 a.m., Tuesday, May 19, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FOURTH DAY - MAY 19, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

EIGHTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 19, 1987

Pursuant to adjournment, the Legislature met at 8:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Tom Hallstrom, Grace Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Hall, V. Johnson, Landis, McFarland, Moore, Rupp, Wehrbein, Wesely, Mesdames Labedz, Marsh, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2340, line 24, insert after Nevada ", in regard to Senior Citizen's Day".
The Journal for the Eighty-Third Day was approved as corrected.

UNANIMOUS CONSENT - Member Excused

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendments to LB 218 in the Journal. No objections. So ordered.

(1)

AM1394

(Amendments to Final Reading copy)

PURPOSE: To reduce the length of the term for authorized projects.

1. On page 2, line 21, strike "sixteen" and insert "fourteen and one half".

2. On page 4, strike lines 13 through 25 and insert the following:

"Fifth, beginning July 1, 1988, the equivalent of one cent of such tax, but in any event not less than one million one hundred fourteen thousand three hundred twenty dollars, shall be placed in the University Facility Improvement Fund and the equivalent of two and one half cents of such tax, but in any event not less than two million nine hundred eighty-one thousand ten dollars shall be placed in the State College Facilities Improvement Fund for each fiscal year to carry out sections 3 to 6 of this act. The Legislature shall appropriate the sum of one million one hundred fourteen thousand three hundred twenty dollars each year for fiscal year 1988-89 through fiscal year 1992-93 or until all financial obligations incurred in the contracts entered into by the Board of Regents pursuant to section 4 of this act are discharged, whichever occurs first. The Legislature shall appropriate the sum of two million nine hundred eighty-one thousand ten dollars each year for fiscal year 1988-89 through fiscal year 1992-93 or until all financial obligations incurred in the contracts entered into by the Board of Trustees of the Nebraska State Colleges pursuant to section 6 of this act are discharged, whichever occurs first. The unexpended balance existing in the University Facility Improvement Fund and the State College Facilities improvement Fund on June 15 of each year shall be transferred to the General Fund; and".

3. On page 5, strike lines 1 through 15.

4. On page 9, line 11; and page 12, line 14, strike "1998" and insert "1993".

5. On page 9, line 23; and page 13, line 1, strike "eleven" and insert "six".

(2)

AM1395

(Amendments to Final Reading copy)

PURPOSE: To eliminate Cushing Coliseum as an authorized project.

1. On page 2, line 21, strike "sixteen" and insert "seventeen".

2. On page 4, line 17, strike "one and"; and in line 18 strike "cents" and insert "cent".

3. On page 4, lines 19 and 20, and page 5, lines 5 and 6, strike "one million eight hundred fifty-seven thousand two hundred thirteen" and insert "three hundred sixty-two thousand six hundred ninety-three".

4. On page 11, strike lines 6 through 23 and insert:

"The board of trustees may make expenditures from the State College Facility Improvement Fund for the following project: Renovation of the T. J. Majors Education Building at Peru State College, two million twenty-five thousand dollars, excluding sums previously expended for planning, and administrative and financing costs associated with any contract which the board of trustees may enter into pursuant to this section and section 6 of this act to implement the project listed in this section.".

5. On page 13, lines 2 and 3, strike "twelve million six hundred twenty-three thousand ninety-eight" and insert "two million twenty-five thousand".

6. On pages 4, 5, 6, 10, and 12, strike all occurences of "Facilities" and insert "Facility".

REPORT OF THE EXECUTIVE BOARD

1987 Resolutions Calling For a Study

LR 24 Necessity of providing quality teachers to insure quality education. Creation of an autonomous state standards and practices board (Education)

LR 34 Select Committee appointment for study on prevention of suicide (Executive Board)

LR 73 Study issues concerning the Nebraska Rules of the Road and other laws, rules, and regulations intended to improve motorcycle safety and the safe operation of mopeds,

minibikes, all-terrain vehicles and similar types of vehicles (Transportation)

LR 77 Determine parameters of future municipal development in Nebraska (Urban Affairs)

LR 78 Address the issues and concerns raised by the members of the Legislature with regard to LR 21CA (Urban Affairs)

LR 80 Study motorcycle helmet usage and its relationship to medical costs and health and safety issues (Health and Human Services)

LR 94 Safety inspections and hazardous material transportation and overall public in the State of Nebraska (Transportation)

LR 104 Liquor Control Act relating to the manufacture, sale, and consumption of alcoholic beverages (General Affairs)

LR 112 Examine the conflicting rights of employers to determine standards of conduct for their employees at the workplace (Judiciary)

LR 113 Civil procedures laws to conform to practices and procedures of the federal courts (Judiciary)

LR 116 Proposal to modify state's comparative fault statutes, the related doctrine of joint and several liability, and the collateral source rule (Judiciary)

LR 117 Concern on selectively enforcing gambling statutes (Judiciary)

LR 124 Maintenance of public buildings (Gov't., Mil. & Veterans Affairs)

LR 125 Statutory responsibility to promote public welfare by regulating insurance rates (Banking, Comm. & Insurance)

LR 130 Recall of public officials (Gov't., Mil. & Veterans Affairs)

LR 131 Control of the Board of Educational Lands and Funds (Education)

LR 135 Regulation of operation and equipping of all-terrain vehicles (Transportation)

LR 137 Marketing of agricultural commodities and products (Agriculture)

LR 138 Study the soybean, corn, wheat, beef, grain sorghum, poultry and eggs, and potato commodity boards (Agriculture)

LR 139 Study grassland protection (Natural Resources)

LR 140 Problems relating to Nebraska's economy resulting in hardships both for some businesses and the employees of those businesses (Business & Labor)

LR 141 Review Nebraska's workers compensation system, Chapter 48, Article 1 (Business & Labor)

LR 142 Review Nebraska's employment security system (Business & Labor)

LR 143 Study possibility and limits of state regulation of hazardous materials in the workplace (Business & Labor)

LR 144 Securing the delivery of appropriate services for persons with mental retardation (Health & Human Services)

LR 147 Review computation of the contributions of employers to the employment security system (Business & Labor)

LR 148 Study the impact of Article XII, Section 8, on the economy of Nebraska (Agriculture and Banking, Comm. & Insurance)

LR 150 Identify and examine those programs at the UNMC currently being offered (See Note 1) (Executive Board)

LR 151 Study rules of the Nebraska Legislature (Rules)

LR 153 Study the Agricultural Stabilization and Conservation Service (Agriculture)

LR 155 Study the Nebraska Criminal Code definition of deadly weapon (Judiciary)

LR 160 Study the funding of higher education in Nebraska (See Note 1) (Executive Board)

LR 162 Study and make recommendations concerning the need for lifeline telephone service in Nebraska (Transportation)

LR 164 Study the date for minimum age requirement for kindergarten needs (Education)

LR 165 Study to determine fairness of licensing, registration, and taxation of cement trucks (Transportation)

LR 168 Study matters relating to roads in the state with emphasis placed upon the state highway system and county bridge system (Transportation)

LR 169 Study the occurrence of range fires which result from the operation of trains (Transportation)

LR 170 Study state statutes relating to the licensure of commercial motor vehicle operators (Transportation)

LR 171 Study the various existing statutes relating to motor vehicles (Transportation)

LR 172 Study the emergency medical services system (Gov't., Mil. & Veterans Affairs and Health & Human Services)

LR 173 Pursuit of educational excellence in the State of Nebraska (See Note 1) (Executive Board)

LR 176 Study the prison industries (Gov't., Mil. & Veterans Affairs)

LR 177 Study legal questions concerning adoption and surrogate parentage (Executive Board)

LR 178 Study and investigate problems associated with the proper disposal and cleanup of chemical agents such as herbicides and pesticides (Natural Resources)

LR 179 Study issues regarding the centralized computer system for the filing of Uniform Commercial Code liens (Banking, Comm. & Insurance)

LR 180 Study alternative methods to accomplish an improved school district structure (Education)

LR 181 Study school evaluation procedures (Education)

LR 182 Study the concept of year-round school (Education)

LR 183 Study the coordination and governance of higher education systems (See Note 1) (Executive Board)

LR 184 Study of the welfare of children and families of the State of Nebraska (Judiciary)

LR 185 Study issues concerning the deposit of public funds in various financial institutions (Banking, Comm. & Insurance)

LR 186 Propose a study of property taxation of rental property in Nebraska (Revenue)

LR 187 Propose a study of methods used to finance the maintenance and construction of highways, roads, and streets (Revenue)

LR 188 Study Nebraska petition laws as they relate to the signature verification process (Gov't., Mil. & Veterans Affairs)

LR 189 Study examination of current extent of waste regulation and its costs (Executive Board)

LR 190 Study the role of education, from elementary through postsecondary and adult retraining (See Note 1) (Executive Board)

LR 191 Study the Central Administration of the University of Nebraska (See Note 1) (Executive Board)

LR 192 Study concern about the spiraling cost, lessened coverage, and decreased availability of liability insurance (Executive Board)

LR 193 Study improvement of visitation for inmates of adult correctional facility (Gov't., Mil. & Veterans Affairs)

LR 194 Study student debt and student aid for higher education (See Note 1) (Executive Board)

LR 196 Examine the role of a sound public infrastructure in providing for economic growth (Urban Affairs & Appropriations)

LR 197 Study evaluation of the methods of contracting for building construction and repair projects (Gov't., Mil. & Veterans Affairs)

LR 198 Study the possible development of State Highway 81 (Transportation)

LR 199 Study motor vehicle inspection laws (Transportation)

LR 200 Propose a study and examination of the role of state governmental agencies (Appropriations & Gov't., Mil. & Veterans Affairs)

LR 201 Propose a study of Nebraska's medicaid program (Health & Human Services)

LR 204 Propose a study of the Nebraska election statutes (Gov't., Mil. & Veterans Affairs)

LR 205 Study energy costs and comparison with Iowa State Buildings Program (Gov't., Mil. & Veterans Affairs)

LR 206 Study Nebraska's public printing activities (Gov't., Mil. & Veterans Affairs)

LR 207 Examine the Nebraska Business Corporation Act and the Nebraska Banking Act (Banking, Comm. & Insurance)

LR 208 Examine federal and state funding for crime victim compensation and assistance programs (Judiciary)

LR 209 Study access to postsecondary educational opportunities (See Note 1) (Executive Board)

LR 210 Study Nebraska's tax structure as it relates to the printing industry (Revenue)

LR 211 Examine faculty salaries at the University of Nebraska (See Note 1) (Executive Board)

LR 212 Long-term economic development (See Note 2) (Executive Board)

LR 213 Study the retirement benefits of teachers (Nebraska Retirement Systems)

LR 214 Study need for provision of human service program and health status (Health & Human Services)

LR 215 Study state statutes relating to student discipline (Education)

LR 216 Study the procedures currently being implemented by the material division of the Department of Administrative Services in the identification and disposal of surplus state property (Executive Board)

LR 217 Conduct a comprehensive review which addresses the legal, social, and economic issues surrounding volunteer liability (Judiciary)

LR 218 Assess the feasibility of having an enhanced 911 emergency system across the state (Transportation)

LR 219 Study mass transit aid (Appropriations)

LR 220 Study issues regarding storage, transportation, management, and disposal of waste products and material (Natural Resources)

LR 221 Study issues relating to energy usage (Natural Resources)

LR 222 Study of pertinent issues regarding water and other natural resources (Natural Resources)

Note 1: Referenced to the Executive Board in anticipation of the selection of a Select Committee on postsecondary education.

Note 2: Referenced to the Executive Board in anticipation of the selection of a Select Committee on economic Development.

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

REPORT

Received minutes of the Board of Public Roads Classifications and Standards.

WITHDRAW - Amendment to LB 780

Mrs. Morehead withdrew her pending amendment found in the Journal on page 2367 to LB 780.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 156, 157, 158, 159, 174, 175, 195, 202, and 203.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 780. With Emergency.

A BILL FOR AN ACT relating to appropriations; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 1989; to provide an operative date; to repeal Laws 1986, LB 131A, Laws 1986, LB 153A, Laws 1986, LB 217A, Laws 1986, LB 277A, Laws 1986, LB 284A, Laws 1986, LB 286A, Laws 1986, LB 310A, Laws 1986, LB 318A, Laws 1986, LB 325A, Laws 1986, LB 333A, Laws 1986, LB 355A, Laws 1986, LB 438A, Laws 1986, LB 474A, Laws 1986, LB 575A, Laws 1986, LB 579A, Laws 1986, LB 643A, Laws 1986, LB 757A, Laws 1986, LB 774A, Laws 1986, LB 775A, Laws 1986, LB 795A, Laws 1986, LB 835A, Laws 1986, LB 850A, Laws 1986, LB 851A, Laws 1986, LB

894A, Laws 1986, LB 900A, Laws 1986, LB 925A, Laws 1986, LB 967, Laws 1986, LB 992A, Laws 1986, LB 1001A, Laws 1986, LB 1004A, Laws 1986, LB 1007, section 3, Laws 1986, LB 1027A, Laws 1986, LB 1036A, Laws 1986, LB 1037A, Laws 1986, LB 1041A, Laws 1986, LB 1049A, Laws 1986, LB 1051A, Laws 1986, LB 1105A, Laws 1986, LB 1124A, Laws 1986, LB 1143A, Laws 1986, LB 1230A, and Laws 1986, LB 1258A; and to declare an emergency.

Mrs. Higgins 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, 41:

Abboud	Dierks	Johnson, L.	Morehead	Schellpeper
Ashford	Elmer	Johnson, R.	Nelson	Schmit
Baack	Goodrich	Korshoj	Pappas	Scofield
Barrett	Haberman	Lamb	Peterson	Smith
Beyer	Hannibal	Landis	Pirsch	Warner
Chambers	Hartnett	Langford	Remmers	Weihing
Chizek	Hefner	Lynch	Rogers	Wesely
Conway	Johanns	Miller	Rupp	Withem
Coordsen				

Voting in the negative, 1:

Higgins

Excused and not voting, 7:

Hall	Labedz	McFarland	Moore	Wehrbein
Johnson, V.	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.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 780.

MOTION - Suspend Rules

Mr. Schmit moved that Rule 6, Sections 7 and 8, and Rule 7, Sections 3 and 7 be suspended, that LB 763 be considered without further debate or amendment, and

(1) That LB 775 be taken up immediately after LB 763 and that LB 775 be returned to Select File for the adoption of specific Amendment No. AM 1407;

(2) That no other amendments or motions be allowed with respect to LB 775 on Select File or Final Reading, except the adoption of specific Amendment No. AM 1407, and that LB 775 as amended be readvanced to Final Reading.

Mr. Chambers requested a ruling of the Chair on whether the Schmit motion is properly before the Legislature.

The Chair ruled the Schmit motion is out of order.

Mr. Schmit challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Hartnett asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Rupp 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. Schmit requested a record vote on his motion to overrule the Chair.

Voting in the affirmative, 17:

Goodrich	Johnson, R.	Langford	Moore	Rogers
Hefner	Johnson, V.	Lynch	Pirsch	Rupp
Higgins	Labedz	Miller	Remmers	Schmit
Johanns	Lamb			

Voting in the negative, 29:

Abboud	Baack	Beyer	Chizek	Coordsen
Ashford	Barrett	Chambers	Conway	Dierks

Elmer	Johnson, L.	Nelson	Scofield	Weihing
Haberman	Korshoj	Pappas	Smith	Wesely
Hall	Landis	Peterson	Warner	Withem
Hannibal	Morehead	Schellpeper	Wehrbein	

Excused and not voting, 3:

Hartnett	Marsh	McFarland

The Schmit motion to overrule the Chair lost with 17 ayes, 29 nays, and 3 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 763. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1986, LB 840, section 1, Laws 1986, LB 1251, sections 3, 7, 11, 18, 21, 28, 35, 44, 57, 64, 70, 76, 78, 79, and 80, Laws 1986, LB 1252, sections 4 and 22, sections 3, 4, 5, 6, 8, 11, 12, 14, 15, and 17, Legislative Bill 1, Eighty-ninth Legislature, Fourth Special Session, 1986, and section 9, Legislative Bill 449, Ninetieth Legislature, First Session, 1987; to make deficiency appropriations; to make appropriations for capital construction; to change and eliminate provisions relating to appropriations; 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	Dierks	Johnson, L.	Miller	Rupp
Ashford	Elmer	Johnson, R.	Moore	Schellpeper
Baack	Goodrich	Johnson, V.	Morehead	Schmit
Barrett	Haberman	Korshoj	Nelson	Scofield
Beyer	Hall	Labedz	Pappas	Smith
Chambers	Hannibal	Lamb	Peterson	Warner
Chizek	Hefner	Landis	Pirsch	Wehrbein
Conway	Higgins	Langford	Remmers	Weihing
Coordsen	Johanns	Lynch	Rogers	Wesely

Withem

Voting in the negative, 0.

Excused and not voting, 3:

Hartnett Marsh McFarland

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: 763.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB 780.

(Signed) Tim Hall

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 19, 1987, at 9:55 a.m., was the following bill: 780.

(Signed) Pam Moravec, Enrolling Clerk

NOTICE OF COMMITTEE HEARING
Natural Resources

Governor Appointment Wednesday, May 20, 1987 8:45 A.M.
Gary Rex - Director of Policy Research & Nebraska Energy Office

(Signed) Loran Schmit, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 226.

Introduced by Elmer, 38th District.

WHEREAS, J. Frank and Hazel T. Hoyt of McCook, Nebraska will celebrate their seventy-sixth wedding anniversary on June 28, 1987; and

WHEREAS, J. Frank, ninety-seven years of age, and Hazel, ninety-five years of age, have three children, nine grandchildren, and twenty-two great grandchildren; and

WHEREAS, the Hoyt family has given much time and effort to community affairs and has an outstanding record of public service.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations to Mr. and Mrs. Hoyt on their upcoming anniversary celebration and best wishes in the future.

2. That a copy of this resolution be sent to Mr. and Mrs. J. Frank Hoyt, 105 East H. Street, McCook, Nebraska 69001.

Laid over.

WITHDRAW - Amendment to LB 775

Mr. Chambers withdrew his pending amendment found in the Journal on page 2083 to LB 775.

MOTION - Return LB 775 to Select File

Mr. Chambers moved to return LB 775 to Select File for the following specific amendment:

Page 11, add new (i)

"Dentures, wigs and hairpieces of any kind, type or description"

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

Mrs. Higgins moved to bracket LB 775 until May 30, 1987.

Mrs. Higgins withdrew her pending motion to bracket.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

The pending Chambers motion to return LB 775 to Select File for his specific amendment found in this day's Journal was renewed.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Chambers requested a record vote on his motion to return.

Voting in the affirmative, 4:

Chambers	Higgins	Korshoj	Landis

Voting in the negative, 28:

Ashford	Goodrich	Johnson, R.	Peterson	Smith
Barrett	Hall	Johnson, V.	Remmers	Warner
Beyer	Hannibal	Lamb	Rogers	Wehrbein
Chizek	Hefner	Langford	Schmit	Weihing
Dierks	Johanns	Miller	Scofield	Withem
Elmer	Johnson, L.	Moore		

Present and not voting, 14:

Abboud	Coordsen	Lynch	Pappas	Schellpeper
Baack	Haberman	Morehead	Pirsch	Wesely
Conway	Labedz	Nelson	Rupp	

Excused and not voting, 3:

Hartnett	Marsh	McFarland

The Chambers motion to return lost with 4 ayes, 28 nays, 14 present and not voting, and 3 excused and not voting.

MOTION - Reconsider Action on LB 775

Mr. Schmit moved to reconsider the vote on the Chambers motion to return LB 775 found in this day's Journal.

Mr. Abboud 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. Remmers asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schmit motion to reconsider lost with 15 ayes, 19 nays, 11 present and not voting, and 4 excused and not voting.

MOTION - Adjourn Sine Die

Mr. Lynch moved to adjourn sine die.

Mr. Chambers requested a roll call vote on the Lynch motion to adjourn sine die.

Voting in the affirmative, 8:

Baack	Coordsen	Korshoj	Lynch	Moore
Chambers	Johnson, V.	Labedz		

Voting in the negative, 38:

Abboud	Goodrich	Johnson, R.	Peterson	Scofield
Ashford	Haberman	Lamb	Pirsch	Smith
Barrett	Hall	Landis	Remmers	Warner
Beyer	Hannibal	Langford	Rogers	Wehrbein
Chizek	Hefner	Miller	Rupp	Weihing
Conway	Higgins	Morehead	Schellpeper	Wesely
Dierks	Johanns	Nelson	Schmit	Withem
Elmer	Johnson, L.	Pappas		

Excused and not voting, 3:

Hartnett	Marsh	McFarland

The Lynch motion to adjourn sine die lost with 8 ayes, 38 nays, and 3 excused and not voting.

MOTION - Return LB 775 to Select File

Mr. Chambers moved to return LB 775 to Select File for the following specific amendment:

Page 11, add new (i)

"Any item of jewelry costing at least $25,000"

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 227.

Introduced by Hall, 7th District.

WHEREAS, Polka Music is an Ethnic Folk Music with origins in Central Europe, and

WHEREAS, Polka Music has existed as a music form for at least 200 years, and

WHEREAS, Polka Music and dancing are an integral part of the ethnic history of Nebraska, and

WHEREAS, supporters of Polka Music and dancing across Nebraska have organized a celebration of Polka Music for June 5, 1987.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That June 5, 1987 be designated Polka Day/Nebraska Style honoring the language, the dance, and the musicians who help keep our heritage alive for everyone to enjoy.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 19, 1987, at 10:55 a.m., was the following bill: 763.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 182 in the Journal. No objections. So ordered.

AM1326

1. On page 4, lines 7 and 10, after "who"
insert "have registered to attend the receiving district

for the ensuing year and who"; and in lines 8 and 12 strike "five-year", show as stricken, and insert "four-year".

2. On page 5, line 2, after "who" insert "have registered to attend the receiving district for the ensuing year and who"; in lines 4 and 18 strike "five-year", show as stricken, and insert "four-year"; and in line 7 strike "five-year", show as stricken, and insert "four-year" and after "period" insert "and for the ensuing year,".

Mrs. Smith asked unanimous consent to print the following amendment to LB 130 in the Journal. No objections. So ordered.

AM1432

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 8, Legislative Bill 773, Ninetieth Legislature, First Session, 1987, be amended to read as follows:

Sec. 8. (1) Whenever the primary rate is changed by the Legislature under section 77-2715.01, the Tax Commissioner shall update the rate schedules required in subsection (2) of this section to reflect the new primary rate and shall publish such updated schedules.

(2) The following rate schedules are hereby established for the Nebraska individual income tax and shall be in the following form:

(a) The income amounts for columns A, B, and E shall be the same as for the federal rate schedules in effect for tax year 1987;

(b) The amount in column C shall be the total amount of the tax imposed on income less than the amount in column A;

(c) The amount in column D shall be the rate on the income in excess of the amount in column E;

(d) The primary rate set by Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be .64, 1.0, 1.59, 1.87, and ~~1.87~~ 2.06;

(e) The amounts for column C shall be rounded

to the nearest dollar, and the amounts in column D shall be rounded to tenths of one per cent, except for the primary rate which shall be expressed in hundredths of one per cent; and

(f) One rate schedule shall be established for each federal filing status.

(3) The tax rate schedules shall use the format set forth in this subsection.

A	B	C	D	E
Taxable income over	but not over	Pay	plus	of the amount over

(4) The tax rate applied to other federal taxes included in the computation of the Nebraska individual income tax shall be seven times the primary rate.

(5) The Tax Commissioner shall prepare, from the rate schedules, tax tables which can be used by a majority of the taxpayers to determine their Nebraska tax liability. The design of the tax tables shall be determined by the Tax Commissioner. The size of the tax table brackets may change as the level of income changes. The difference in tax between two tax table brackets shall not exceed fifteen dollars. The Tax Commissioner may build the personal exemptions and standard deduction amounts into the tax tables.

(6) The Tax Commissioner may require by rule and regulation that all taxpayers shall use the tax tables if their income is less than the maximum income included in the tax tables.

Sec. 2. That original section 8, Legislative Bill 773, Ninetieth Legislature, First Session, 1987, is repealed.".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 663A. By Landis, 46th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 663, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business. the Speaker signed the following resolution: LR 149.

VISITORS

Visitors to the Chamber were Christeen Groppe from Santa Barbara, California and Evar Anderson from Lincoln; 75 sixth grade students and sponsor from Sarah Joslyn School, Omaha; Paul Scheffer from The Netherlands; Elaine and Frank Vlasak from North Bend; Father Leo Missinne from Omaha, Father William Missinne from San Benito, Texas, Lutgarde and Lieve Missinne from Belgium; 27 fourth grade students and teacher from Bennington, Omaha; 15 eighth grade students and teacher from Chapman Public School; 20 seventh grade students and teacher from St. John's Catholic School; Holly Anderson from Stromsburg; 30 fifth grade students and teacher from Weeping Water Public School; and Mr. Wolfgang Held from Munich, West Germany and escort, Dean Claussen.

RECESS

At 12:06 p.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., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Hartnett who was excused; and Messrs. Remmers, Schellpeper, and Withem who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 775 to Select File

The pending Chambers motion to return LB 775 to Select File for his specific amendment found in the Journal on page 2385 was renewed.

Messrs. Korshoj and Coordsen 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, 1 nay, and 23 not voting.

The Chambers motion to return lost with 1 aye, 25 nays, 17 present and not voting, and 6 excused and not voting.

MOTION - Reconsider Action on LB 775

Mr. Schmit moved to reconsider the vote on the Chambers motion to return LB 775 found in this day's Journal.

Mr. Wehrbein 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 25 ayes, 2 nays, and 22 not voting.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

The Schmit motion to reconsider lost with 4 ayes, 20 nays, 20 present and not voting, and 5 excused and not voting.

MOTION - Return LB 775 to Select File

Mr. Chambers moved to return LB 775 to Select File for the following specific amendment:

Page 11, add new (i)

"Any garment or item made from or containing any fur from lynx rufus or lynx canadensis"

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 Chambers motion to return lost with 4 ayes, 21 nay, 20 present and not voting, and 4 excused and not voting.

MOTION - Reconsider Action on LB 775

Mr. Schmit moved to reconsider the vote on the Chambers motion to return LB 775 found in this day's Journal.

SPEAKER BARRETT PRESIDING

Mr. Abboud 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. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schmit motion to reconsider lost with 5 ayes, 20 nays, 20 present and not voting, and 4 excused and not voting.

MOTION - Return LB 775 to Select File

Mr. Chambers moved to return LB 775 to Select File for the following specific amendment:
AM1438

(Amendments to Final Reading copy)

1. Strike sections 11, 12, and 14.
2. On page 1, line 2, strike "77-2701,"; and strike beginning with the first "to" in line 5 through the semicolon in line 8.
3. On page 40, line 3, strike "77-2701,".
4. Renumber remaining sections accordingly.

Mrs. Labedz 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. Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 18:

Baack	Dierks	Korshoj	Nelson	Scofield
Chambers	Haberman	Landis	Rupp	Smith
Conway	Higgins	McFarland	Schellpeper	Warner
Coordsen	Johnson, R.	Moore		

Voting in the negative, 30:

Abboud	Goodrich	Johnson, V.	Miller	Rogers
Ashford	Hall	Labedz	Morehead	Schmit
Barrett	Hannibal	Lamb	Pappas	Wehrbein
Beyer	Hefner	Langford	Peterson	Weihing
Chizek	Johanns	Lynch	Pirsch	Wesely
Elmer	Johnson, L.	Marsh	Remmers	Withem

Excused and not voting, 1:

Hartnett

The Chambers motion to return lost with 18 ayes, 30 nays, and 1 excused and not voting.

NOTICE OF COMMITTEE HEARING
Education

Governor Appointment Tuesday, May 26, 1987 1:00 p.m.
Keith L. Blackledge
Gretchen Hirschbach

(Signed) Ron Withem, Chairperson

MESSAGE FROM THE GOVERNOR

May 19, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 131, 779, 261, 442, and 599 were received in my office on May 14, 1987.

These bills were signed by me on May 19, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 716A. By Hall, 7th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 716, Ninetieth Legislature, First Session, 1987.

MOTION - Reconsider Action on LB 775

Mr. Schmit moved to reconsider the vote on the Chambers motion to return LB 775 for his specific amendment, AM1438.

Mr. McFarland 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, 4 nays, and 20 not voting.

The Schmit motion to reconsider lost with 10 ayes, 24 nays, 13 present and not voting, and 2 excused and not voting.

MOTION - Return LB 775 to Select File

Mr. Chambers moved to return LB 775 to Select File for the following specific amendment:

Page 11, add new (i)

"Yachts costing at least $500,000"

Mr. Hefner 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. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers motion to return lost with 1 aye, 25 nays, 20 present and not voting, and 3 excused and not voting.

MOTION - Reconsider Action on LB 775

Mr. Schmit moved to reconsider the vote on the Chambers motion to return LB 775 found in this day's Journal.

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.

The Schmit motion to reconsider lost with 2 ayes, 24 nays, 21 present and not voting, and 2 excused and not voting.

MOTION - Return LB 775 to Select File

Mr. Chambers moved to return LB 775 to Select File for the following specific amendment:

Page 11, add new (i)

"Motor vehicles costing more than $75,000"

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.

The Chambers motion to return lost with 1 aye, 25 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Chambers moved to return LB 775 to Select File for the following specific amendment:

Page 11, add new (i)

"Evening gowns owned by the wife, fiance or mistress of any corporate executive earning a yearly salary in excess of $250,000"

Mr. Abboud moved the previous question.

Mrs. Higgins requested a ruling of the Chair on whether there had been sufficient debate pursuant to Rule 7, Section 4.

The Chair ruled there has been sufficient debate and the motion to cease debate is in order.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

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 Chambers motion to overrule the Chair lost with 1 aye, 22 nays, 24 present and not voting, and 2 excused and not voting.

The motion to cease debate prevailed with 27 ayes, 2 nays, and 20 not voting.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers motion to return lost with 2 ayes, 24 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins moved to bracket LB 775 until May 30, 1987.

PRESIDENT NICHOL PRESIDING

Mr. McFarland 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, 1 nay, and 23 not voting.

Mrs. Higgins withdrew her pending motion to bracket.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 218A, 529, 688, 688A, 708, and 787.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 529

The following changes, required to be reported for publication in the Journal, have been made:
ER0196

1. In the Scofield amendment adopted May 18, 1987, found on page 2331 of the Journal:

a. On page 1, line 3, "'shall'" has been struck and "the first comma" inserted; and in line 4 "'shall'" has been struck and "comma" inserted and the underscored comma has been struck;

b. On page 2, line 13, "8" has been struck and "7" inserted; the matter beginning with the second "section" in line 15 through "section" in line 16 has been struck and "such subsections shall terminate and" inserted; and in line 17 "its" has been struck and "their" inserted;

c. In amendment 1, amendments 15 and 16 have been struck and amendments 7, 8, 9, 10, 11, 12, 13, and 17 have been renumbered as amendments 3, 4, 5, 6, 7, 8, 9, and 10 respectively; and

d. Amendments 2 and 3 have been struck.

2. In the Withem amendment, AM1381, adopted May 18, 1987, amendments 3 through 7 have been struck and amendments 8, 9, and 10 have been renumbered as amendments 11, 12, and 13, respectively.

3. The E & R amendment, AM5161, adopted May 18, 1987, has been struck.

4. On page 1, line 2, the third comma has been struck and "and" inserted; in line 3 "79-1247.06, and 79-1247.09," has been struck; and the matter beginning with "change" in line 6 through "prescribed" in line 8 has been struck and "provide for the termination of certain provisions" inserted.

Enrollment and Review Change to LB 688

The following changes, required to be reported for publication in the Journal, have been made:
ER0198

1. In the Standing Committee amendments, AM0749, adopted April 15, 1987:

a. On page 1, line 11, "1" has been struck and "2" inserted; and

b. On page 2, line 11, "organization" has been struck and "reorganization" inserted.

2. On page 1, line 1, "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 708

The following changes, required to be reported for publication in the Journal, have been made:
ER0197

1. On page 1, the matter beginning with the second "for" in line 5 through "events" in line 6 has been struck and "an exception to a requirement relating to dams" inserted.

2. On page 6, line 10, an underscored comma has been inserted after "races".

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 295 in the Journal. No objections. So ordered.

AM1435

(Amendments to Standing Committee amendments, AM0607)

1. Insert the following new sections:

"Sec. 24. That section 9-243, Revised Statutes Supplement, 1986, be amended to read as follows:

9-243. Any person conducting bingo, any designated supervising member, and any member designated responsible for the proper utilization of gross receipts ~~shall be a member or officer of the licensed organization and~~ shall not receive any compensation greater than an amount equal to ~~four~~ five dollars per hour for each hour such person actually conducted bingo during a bingo occasion or limited period bingo occasion or such designated members actually acted as such, except that any person whose primary duty is calling bingo or acting as a cashier shall not receive any compensation greater than an amount equal to ten dollars per hour.

Sec. 41. That section 9-313, Revised Statutes Supplement, 1986, be amended to read as follows:

9-313. Manufacturer shall mean any person who assembles from raw materials or subparts a completed piece or pieces of pickle cards and pickle card units, except that a distributor who alters a punchboard to provide prizes of a value equal to or greater than the monetary prize for which the prize is substituted shall

not be considered a manufacturer.".

2. Insert the following new amendments:

"10. On page 25, line 1, strike 'five hundred' and insert 'twenty-five'.

28. On page 72, line 25, after 'activity' insert 'unless such subsequent lottery activity takes place immediately upon completion of a pickle card unit which offers such chance'.

29. On page 73, line 20, after 'board' insert 'or the last punch of any section of the board comprised of at least fifty chances'; and in line 22 after 'board' insert 'or the final chance of any section of the board comprised of at least fifty chances'.".

3. On page 3, line 24, strike "32" and insert "33".

4. On page 4, line 1, strike "33" and insert "34"; and in line 10 strike "32" and insert "33".

5. On page 5, line 22, strike "one" and insert "six".

6. On page 6, line 13, strike "41, 43, 58, and 62" and insert "43, 45, 60, and 64"; in line 15 strike "41" and insert "43"; and in line 21 strike "58" and insert "60".

7. On page 7, line 13, strike "line 14," and insert "line 9, after 'board' insert 'or the last punch of any section of the board comprised of at least fifty chances'; in line 11 after 'board' insert 'or the final chance on any section of the board comprised of at least fifty chances'; in line 14".

8. On page 8, line 8, strike "69, 77, and 79" and insert "71, 79, and 81"; and in line 14 strike "77" and insert "79".

9. On page 9, line 15, strike "84" and insert "86"; in line 17 strike "86" and insert "88"; in line 18 strike "26" and insert "27"; strike line 19 and insert "'28, 40, 41, 50, 59, 68, 69, 82, and 89'; in line 11"; in line 20 strike the second "and"; and in line 21 after the last quotation mark insert "; in line 17 after the third comma insert '9-243,'; and in line 18 after the last comma insert '9-313'".

10. Renumber the remaining amendments accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 376A in the Journal. No objections. So ordered.

AM1446

(Amendments to Final Reading copy)

1. Strike the original section and insert the following new section:

"Section 1. Notwithstanding the provisions of sections 77-1209, 77-1209.02 and 77-1209.03, (1) all improvements which would be assessed as real property except for the fact that they are put on leased lands or leased public lands and (2) the leasehold interest of each lessee of leased lands or leased public lands shall be assessed to the owner thereof as real property if a portion of the ad valorem tax thereon has been allocated and pledged pursuant to subdivision (2) of section 18-2147 and section 18-2150.".

PROPOSED RULE CHANGE

Messrs. Lynch, Moore, Withem, and Rogers asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

AM1453

1. Amend Rule 2, Sec. 2 as follows:

"Sec. 2. Rules, Suspension, Amendment. (1) These rules may only be suspended by a three-fifths majority of the elected members by a machine vote, ~~and~~ except that a motion to suspend the rules to end unreasonable debate to permit a vote to be taken shall require a two-thirds majority vote of the elected members by machine vote and shall allow only for the adoption of a specific amendment or advancement of the bill or resolution. The rules may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

(2) Any motion to suspend the rules shall be limited to one per day per senator for any legislative bill.".

2. Amend Rule 7, Sec. 3(a) as follows:

"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 suspend the rules

d. ~~c.~~ To postpone to a time certain

e. ~~d.~~ To recommit to a committee

f. ~~e.~~ To amend

~~f.~~ g. 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.".

Referred to the Rules Committee.

ATTORNEY GENERAL'S OPINION

Opinion No. 87077

DATE: May 19, 1987

SUBJECT: Constitutionality of LB 658, with reference to Section 13

REQUESTED BY: Rex Haberman
State Senator

WRITTEN BY: Robert M. Spire, Attorney General
Bernard L. Packett, Assistant Attorney General

You have asked our opinion as to the constitutionality of Section 13(2) of LB 658 which provides that after January 1, 1990, wholesale gasoline distributors may not possess or sell gasoline containing less than 10% ethanol. We have examined the provision in light of the commerce clause of the United States Constitution.

The decisions of the United States Supreme Court involving laws or regulations affecting interstate commerce provide guidance in determining the validity of legislation attempting to establish standards for various products. The decisions make clear that the court will carefully scrutinize local legislation which may reduce the flow of commerce into a state in order to determine whether such legislation is intended to achieve a legitimate constitutional purpose, or whether the purpose is merely to advance the economic interests of a particular group within the state.

The test currently being used in determining a statute's interference under the commerce clause is presented in Pike v. Bruce Church, 397 U.S. 137 (1970):

> The general rule for determining the validity of state statutes affecting interstate commerce is that where the statute regulates even-handedly to effectuate a legitimate 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 benefit; since the question is one of degree, the extent of the burden that will be tolerated will 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.

In other words, the test encompasses the requirements that (a) a legitimate local public interest must be served, and (b) the burden on interstate commerce must be only incidental in relation to the proposed benefits.

The public interest served by §13(2) of LB 658 is clear. It is to foster the ethanol producing industry and corngrowers of the state.

The public interest here is legitimate. And so we must ask whether or not §13(2) places a burden upon commerce which legally would be excessive in relation to the proposed benefits.

What burdens upon commerce would a court consider in examining §13(2)? Three that would be relevant are these: (1) an in-state wholesale distributor of gasoline would be unable to possess non-ethanol gasoline for sale in another state; (2) an out of state wholesaler would have to have two facilities for storage of gasoline, one for gasoline containing 10% ethanol for sale in Nebraska and one for gasoline without ethanol for sale in other states; (3) travelers who would normally pass through the state would have to go around Nebraska if they were unable to make it through the state without refueling and they did not wish to burn ethanol gasoline in their vehicles.

The inconvenience of having to go around the state was raised recently in Consolidated Freightways v. Kassel, 612 F.2d 1064 (8 Cir. 1979). In that case, one of the grounds raised challenging an Iowa law limiting the length of trucks to 65 ft. twins was that it unconstitutionally burdened interstate commerce by making it necessary for trucks exceeding 65 ft. to divert around the state. In holding the Iowa law in violation of the commerce clause, the court said:

> When a state regulation directly pursues a valid safety objective, some burdening of interstate commerce will be tolerated. How much is a matter of balance. When the regulations objective accrues not directly, by prohibiting a vehicle with which there is some inherent safety problem, but indirectly, by the deflection of interstate commerce away from the state, the balancing is automatic; national interest must prevail.

As the court has pointed out in the Consolidated Freightways case, some consideration will be given to the purpose of the legislation (highway safety) but it also considers the facts of how and to what extent the legislation affects interstate commerce. If, on balance, the effect on interstate commerce outweighs the benefit, the benefit must yield.

Whether or not an act violates the commerce clause of the Unites States Constitution depends upon the facts of each case. We have considered the guidelines the courts have expressed in the many cases challenging legislation on the grounds of violation of the commerce clause. These are not easy cases for Courts to determine. From our study, we conclude that in a legal test, a Court would find §13(2) to be unconstitutional as an improper burden on interstate commerce.

Very truly yours

ROBERT M. SPIRE
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

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

MOTION - Return LB 775 to Select File

Mr. Chambers moved to return LB 775 to Select File for the following specific amendment:
Page 11, add new (i)
"Leather lunch satchels having 24 karat gold fittings"

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 Chambers motion to return lost with 3 ayes, 19 nays, 20 present and not voting, and 7 excused and not voting.

Messrs. Chambers and Schmit moved to return LB 775 to Select File for the following specific amendment:
Page 11, add new (i)
"Gray flannel suits costing at least $450"

Mr. Schmit asked unanimous consent to replace the pending Chambers-Schmit amendment with the following Schmit substitute amendment:
AM1407

(Amendments to the Final Reading copy)

1. On page 11, strike beginning with the period in line 23 through line 25 and insert an underscored semicolon.
2. On page 12, strike lines 1 through 6; and strike beginning with the period in line 12 through "subdivision" in line 20.
3. On page 13, strike beginning with "If" in line 3 through line 11.

Mr. Chambers objected.

Mr. Schmit moved to replace the pending Chambers-Schmit amendment with the Schmit substitute amendment, AM1407.

Mrs. Labedz 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 Schmit motion to substitute the amendment prevailed with 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Schmit moved to return LB 775 to Select File for his specific amendment, AM1407, found in this day's Journal.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mrs. Higgins requested a record vote on the Schmit motion to return.

Voting in the affirmative, 33:

Abboud	Goodrich	Labedz	Pappas	Schmit
Ashford	Hall	Lamb	Peterson	Scofield
Barrett	Hefner	Langford	Pirsch	Smith
Chizek	Johanns	Lynch	Remmers	Wehrbein
Conway	Johnson, L.	Marsh	Rogers	Weihing
Dierks	Johnson, R.	Morehead	Rupp	Wesely
Elmer	Johnson, V.	Nelson		

Voting in the negative, 8:

Chambers	Higgins	Landis	Moore	Schellpeper
Coordsen	Korshoj	McFarland		

Present and not voting, 4:

Baack	Miller	Warner	Withem

Excused and not voting, 4:

Beyer	Haberman	Hannibal	Hartnett

The Schmit motion to return prevailed with 33 ayes, 8 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 775. The Schmit specific amendment, AM1407, found in this day's Journal was considered.

Mr. Lamb 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. Chambers requested a record vote on the Schmit amendment.

Voting in the affirmative, 29:

Abboud	Hefner	Lamb	Pappas	Schmit
Barrett	Johanns	Landis	Peterson	Smith
Chizek	Johnson, L.	Langford	Pirsch	Wehrbein
Elmer	Johnson, R.	Marsh	Remmers	Weihing
Goodrich	Johnson, V.	Morehead	Rogers	Wesely
Hall	Labedz	Nelson	Rupp	

Voting in the negative, 11:

Chambers	Dierks	Korshoj	Miller	Schellpeper
Conway	Higgins	McFarland	Moore	Scofield
Coordsen				

Present and not voting, 4:

Baack	Lynch	Warner	Withem

Excused and not voting, 5:

Ashford	Beyer	Haberman	Hannibal	Hartnett

The Schmit specific amendment was adopted with 29 ayes, 11 nays, 4 present and not voting, and 5 excused and not voting.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 34:

Abboud	Goodrich	Labedz	Morehead	Schmit
Ashford	Hall	Lamb	Pappas	Smith
Baack	Hefner	Landis	Peterson	Wehrbein
Barrett	Johanns	Langford	Pirsch	Weihing
Chizek	Johnson, L.	Lynch	Remmers	Wesely
Conway	Johnson, R.	Marsh	Rogers	Withem
Elmer	Johnson, V.	Miller	Rupp	

Voting in the negative, 10:

Chambers	Dierks	Korshoj	Moore	Schellpeper
Coordsen	Higgins	McFarland	Nelson	Scofield

Present and not voting, 1:

Warner

Excused and not voting, 4:

Beyer	Haberman	Hannibal	Hartnett

Advanced to E & R for Re-Engrossment with 34 ayes, 10 nays, 1 present and not voting, and 4 excused and not voting.

Mrs. Langford and Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on the adoption of the Schmit amendment, AM1407, to LB 775.

(Signed) Brad Ashford

UNANIMOUS CONSENT - Print in Journal

Mr. Barrett asked unanimous consent to print the following amendment to LB 716 in the Journal. No objections. So ordered.

AM1433

1. On page 11, after line 10, insert

"The provisions of this section shall not apply to any offense committed prior to the effective date of this act. Such an offense shall be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if the changes made by this legislative bill had not been enacted.

For the purposes of this section, an offense shall be deemed to have been committed prior to the effective date of this act if any element of the offense occurred prior to such date.".

2. On page 13, after line 3, insert

"The provisions of this section shall not apply to any offense committed prior to the effective date of this act. Such an offense shall be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if the changes made by this legislative bill had not been enacted.

For the purposes of this section, an offense shall be deemed to have been committed prior to the effective date of this act if any element of the offense occurred prior to such date.".

3. On page 19, after line 18, insert the following new subsection:

"(g) The provisions of this section shall not apply to any offense committed prior to the effective date of this act. Such an offense shall be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if the changes made by this legislative bill had not been enacted.

For the purposes of this subsection, an offense shall be deemed to have been committed prior to the effective date of this act if any element of the offense occurred prior to such date.".

4. On page 23, after line 23, insert

"The provisions of this section shall not apply to any offense committed prior to the effective date of this act. Such an offense shall be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner

as if the changes made by this legislative bill had not been enacted.

For the purposes of this section, an offense shall be deemed to have been committed prior to the effective date of this act if any element of the offense occurred prior to such date.".

5. On page 27, after line 16, insert

"The provisions of this section shall not apply to any offense committed prior to the effective date of this act. Such an offense shall be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if the changes made by this legislative bill had not been enacted.

For the purposes of this section, an offense shall be deemed to have been committed prior to the effective date of this act if any element of the offense occurred prior to such date.".

Mr. Hall asked unanimous consent to print the following amendment to LB 295 in the Journal. No objections. So ordered.

AM1316

1. In the Standing Committee amendments, AM1283:

a. On page 3, line 24, after "22," insert "and" and strike ", and";

b. On page 4, line 1, strike "33"; and strike beginning with "31" in line 9 through line 10 and insert "'and section 31 of this act'.";

c. On page 6, strike beginning with "40" in line 12 through line 13 and insert "'57, and 61' and insert 'and 60'."; and strike beginning with "57" in line 20 through "58" in line 21 and insert "section 57 of this act and";

d. On page 8, line 8, strike "69, 77, and 79" and insert "67 and 76"; and strike beginning with "line" in line 13 through "77" in line 14 and insert "strike beginning with 'Such' in line 4 through line 7";

e. On page 9, line 15, strike "84" and insert "81"; in line 17 strike "86" and insert "83"; and in line 19 strike "39, 40, 48, 57, 66, 67, 80, and 87" and insert "38, 39, 47, 56, 64, 65, 77, and 84";

f. Strike amendment 19; and

g. Renumber the remaining amendments accordingly.

2. Strike original sections 31, 57, and 76.

3. On page 63, strike the new matter in lines 5 through 14; and in line 22 strike the new matter and reinstate the stricken matter.

4. On page 65, line 11, strike "(4)" and reinstate the stricken "(3)"; and in line 17 strike "(5)" and reinstate the stricken "(4)".

PROPOSED RULE CHANGE

Mr. Lamb asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

1. Amend Rule 7, Sec. 3(a) as follows:

"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 suspend the rules

d. ~~c.~~ To postpone to a time certain

e. ~~d.~~ To recommit to a committee

f. ~~e.~~ To amend

~~f.~~ g. 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.".

2. Amend Rule 7, Sec. 6 as follows:

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

Referred to the Rules Committee.

WITHDRAW - Amendments to LB 775

Mr. Schmit withdrew his pending amendments, AM1266, AM1265, AM1264, and AM1263, found in the Journal on page 2123; AM1262, AM1261, and AM1260, found in the Journal on page 2124; and AM1424, found in the Journal on page 2368.

VISITORS

Visitors to the Chamber were 22 seventh and eighth grade students and sponsor from Hildrith Elementary; 17 students, teachers, and sponsors from Golden Plains Christian School, Grant; 23 sixth grade students from St. Isidore School, Columbus; 38 fourth through sixth grade students and sponsors from Santee Public School; Ray and Jean Langford; and 14 fourth grade students and teacher from St. Joseph's School, Beatrice.

MOTION - Adjournment

Mr. Warner moved to adjourn. The motion prevailed, and at 7:38 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, May 20, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FIFTH DAY - MAY 20, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

EIGHTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 20, 1987

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Father Jay Gabb, Holy Trinity Episcopal Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Barrett, Conway, Haberman, R. Johnson, V. Johnson, Moore, Withem, Mesdames Higgins, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Fourth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 87078

DATE: May 19, 1987

SUBJECT: Constitutionality of LB 663 as Amended - Due Process Requirements Regarding Natural Gas Rate-Making by Nebraska Municipalities

REQUESTED BY: Senator David Landis
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion regarding the constitutionality of LB 663, as amended. Previously, our office addressed at length the procedural due process requirements regarding natural gas rate regulation by Nebraska municipalities. Attorney General Opinion No. 87061, April 24, 1987. Your specific question now concerns whether the procedural safeguards contained in Section 15 of the amended version of LB 663 are consistent with the constitutional due process requirements outlined in our earlier opinion.

Generally, Section 15(4) of the bill provides for an area rate hearing before a hearing officer appointed by the affected municipalities, at which time both the municipalities and the utility are afforded the opportunity to call witnesses, present evidence, cross-examine witnesses, and argue the evidence. An official record of the proceedings before the hearing officer is to be prepared, including the gas company's rate filing, all reports, all evidence presented by the utility and municipalities at the hearing, the transcript of the proceedings, and the proposed findings of fact and conclusions of law presented to the hearing officer by the utility and the municipalities. A copy of the official record is forwarded by the hearing officer to each municipality. LB 663, Section 15(5). Each municipality is then required to take final action on the rate filing by adopting findings of fact and conclusions of law based on the record created before the hearing officer. LB 663, Section 15(6).

In the event a gas company is dissatisfied with the action taken by a municipality, a right of appeal to district court is provided under Section 15(7) of the bill. All such appeals are to be "de novo upon the record," with the provision that "the district court may, in its discretion, receive additional evidence. . . ." LB 663, Section 15(7). The district court is to determine "whether the action by the municipality was lawful as having set rates which are just and reasonable. . . ." LB 663, Section 15(7).

Initially, we note that you have requested us to expedite our response, in light of the short period of time remaining in the current legislative session. In spite of this time restriction, we will nevertheless endeavor to provide you with some general guidance regarding the specific issues you have raised concerning this procedure.

Your first question concerns the propriety of the appointment of a hearing officer to receive testimony and gather evidence presented

by a utility and municipality regarding a rate filing. The general rule concerning the propriety of utilizing a hearing officer or examiner to gather evidence for use by an administrative body is stated in 2 Am.Jur.2d Administrative Law §437 (1962) as follows:

> Neither due process of law nor the concept of a full or fair hearing requires that the actual taking of testimony be before the same officers as are to determine the matter involved, and it is common for hearings to be conducted by less than all members of an administrative agency or by examiners or hearing officers appointed for that purpose, the hearing officer not making the decision or making no more than a recommended decision. Beyond this, it is a general rule that in the absence of a statute to the contrary, due process or a fair hearing is not denied by the mere fact that an otherwise authorized person makes or participates in the making of a decision without having been present when evidence was taken. In this connection it is recognized that to "hear" relates, not to physical presence at the taking of evidence, but to certain procedural minimums to ensure an informed judgment by the one who has the responsibility of making the final decision and order. (Footnotes omitted).

The due process requirements with respect to the propriety of an administrative body relying upon evidence gathered by a hearing officer or examiner were established in Morgan v. United States, 298 U.S. 468, 481-82 (1936), in which the Court stated:

> This necessary rule does not preclude practicable administrative procedure in obtaining the aid of assistants in the department. Assistants may prosecute inquiries. Evidence may be taken by an examiner. Evidence thus taken may be sifted and analyzed by competent subordinates. Argument may be oral or written. The requirements are not technical. But there must be a hearing in a substantial sense. And to give the substance of a hearing, which is for the purpose of making determinations upon evidence, the officer who makes the determinations must consider and appraise the evidence which justifies them.

Accord, Alaska Transportation Commission v. Gandia, 602 P.2d 402 (Alaska 1979); Browning-Ferris Industries of New Hampshire v. State, 115 N.H. 190, 339 A.2d 1 (1975). See generally Annot., 18 A.L.R.2d 606 (1951, Supp. 1973).

On the basis of the foregoing, we believe that the use of a hearing officer to receive testimony and to gather evidence for municipalities to consider in making determinations regarding action on a natural gas rate filing is consistent with constitutional due process requirements. Accordingly, it is our conclusion that the procedure utilizing a hearing officer in this manner, provided for under Section

15(4) of LB 663, is permissible under established standards of due process.

Your second question concerns whether the provision of a right of appeal to the utility to district court "de novo upon the record," with a provision granting the district court discretion to hear additional evidence, is consistent with constitutional due process requirements.

The general rule regarding the question of whether trial de novo or review on the record is to be provided regarding appeals from public utility regulatory decisions is stated in 73B C.J.S. Public Utilities, §112 (1983) as follows: "Whether or not there is to be a trial de novo in the appellate court on review of an order of a public service commission is dependent on constitutional or statutory provisions, as is also the question whether the review is to be on the record alone." Thus, the scope of review provided in such appeals is dependent upon the nature of review specified in the constitutional or statutory provisions established in a particular jurisdiction.

The propriety of limiting the scope of court review of a determination made by a regulatory body to the record created before such body is illustrated by the U.S. Supreme Court's decision in Alabama Public Service Commission v. Southern Railway Co., 341 U.S. 341, 348 (1951), in which the court stated: "The fact that review in the Alabama courts is limited to the record taken before the Commission presents no constitutional infirmity." (Citation omitted). Furthermore, while some statutes provide only for review on the record, some provisions do establish a more expansive standard by providing for review "de novo" on the record. E.g., Application of Ditworth, 48 N.W.2d 22 (N.D. 1951).

In conclusion, we believe there does not appear to be any inherent constitutional deficiency by virtue of establishing a standard of review "de novo upon the record" in district court on appeal of a municipal rate decision. In the absence of any specific state constitutional requirement mandating a particular method of review, the determination of whether a trial de novo or review on the record is provided is a matter left to the discretion of the Legislature.

As we indicated in our earlier opinion, procedural due process in this context requires a public utility be provided with a complete hearing at some point in the process, either at the legislative or administrative level, or in court. Under LB 663, as amended, the opportunity for a gas company to present its case in a trial-type setting is provided at the legislative or administrative level, by virtue of the hearing held before a designated hearing officer. Under these circumstances, we believe that the limitation of review in the district court to the record made by both the utility and the municipalities is

consistent with due process requirements, as both parties are given an adequate opportunity to present their case in a trial-type hearing, and to make and preserve a record in the event of an appeal.

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

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB 780.

(Signed) Roger R. Wehrbein

ANNOUNCEMENT

Mr. Lynch announced the Rules Committee will be holding a public hearing on proposed rule change AM1453, printed in the Journal on page 2399, and proposed rule change offered by Senator Lamb and printed in the Journal on page 2409, at 9:30 this morning in Room 2102.

STANDING COMMITTEE REPORT
Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Gary L. Rex - Director of Policy Research & Nebraska Energy Office

Vote: Aye: Senators Schmit, Weihing, Lamb, Elmer, and Johanns. Absent: Senators Labedz, Hall, and Rod Johnson.

(Signed) Loran Schmit, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 225. Read. Considered.

LR 225 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 226. Read. Considered.

LR 226 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 227. Read. Considered.

LR 227 was adopted with 28 ayes, 0 nays, and 21 not voting.

ANNOUNCEMENT

The Chair announced today is Senator Beyer's birthday.

GENERAL FILE

LEGISLATIVE BILL 708A. 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 663A. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 716. Title read. Considered.

Standing Committee amendments, AM1372, found in the Journal on page 2338 for the Eighty-Third Day were considered.

Mr. Hall moved to bracket LB 716 until January 10, 1988.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the pending Hall motion to bracket:
Bracket until June 1, 1988.

Mr. Chambers withdrew his pending amendment.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Mr. Withem 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 moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mrs. Smith requested a roll call vote on the Hall motion to bracket.

Voting in the affirmative, 21:

Abboud	Chizek	Hall	Langford	Rupp
Ashford	Conway	Hartnett	Moore	Schmit
Baack	Goodrich	Johanns	Remmers	Weihing
Barrett	Haberman	Johnson, V.	Rogers	Withem
Beyer				

Voting in the negative, 19:

Chambers	Hefner	Lamb	Nelson	Warner
Coordsen	Johnson, L.	Marsh	Peterson	Wehrbein
Dierks	Johnson, R.	McFarland	Schellpeper	Wesely
Hannibal	Korshoj	Miller	Smith	

Present and not voting, 5:

Elmer	Labedz	Morehead	Pappas	Scofield

Excused and not voting, 4:

Higgins	Landis	Lynch	Pirsch

The Hall motion to bracket prevailed with 21 ayes, 19 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Member Excused

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 295. Title read. Considered.

Standing Committee amendments, AM0607, found in the Journal on page 1103 for the Forty-Fourth Day were considered.

Mrs. Morehead renewed her pending amendment, AM1083, found in the Journal on page 1860 to the Standing Committee amendments.

SPEAKER BARRETT PRESIDING

The Morehead amendment was adopted with 18 ayes, 0 nays, 26 present and not voting, and 5 excused and not voting.

Mrs. Morehead withdrew her pending amendment (1), AM1307, found in the Journal on page 2196.

Mrs. Morehead renewed her pending amendment (2), AM1305, found in the Journal on page 2196 to the Standing Committee amendments.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 13 ayes, 5 nays, and 31 not voting.

Mr. V. Johnson requested a roll call vote on the Morehead amendment.

Voting in the affirmative, 19:

Barrett	Elmer	Hefner	Miller	Smith
Chambers	Goodrich	Johnson, L.	Morehead	Wehrbein
Conway	Haberman	Lamb	Remmers	Weihing
Dierks	Hannibal	Marsh	Rogers	

Voting in the negative, 18:

Abboud	Hall	Korshoj	Peterson	Scofield
Ashford	Hartnett	Labedz	Rupp	Wesely
Baack	Johnson, R.	Moore	Schmit	Withem
Chizek	Johnson, V.	Pappas		

Present and not voting, 6:

Beyer	Langford	McFarland	Nelson	Schellpeper
Johanns				

Excused and not voting, 6:

Coordsen	Landis	Lynch	Pirsch	Warner
Higgins				

The Morehead amendment was adopted with 19 ayes, 18 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. McFarland and Rogers asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Morehead renewed her pending amendment (3), AM1306, found in the Journal on page 2196 to the Standing Committee amendments.

Ms. Johanns asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Morehead amendment was adopted with 19 ayes, 16 nays, 6 present and not voting, and 8 excused and not voting.

Messrs. V. Johnson and Hall moved to bracket LB 295 to January 10, 1988.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Messrs. V. Johnson and Hall withdrew their pending motion to bracket.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 279 in the Journal. No objections. So ordered.

AM0196

1. On page 2, line 4, before "A" insert "(1)"; in line 5 after "sorghum" insert "not received pursuant to any federal program"; and after line 14 insert the following new subsection:

"(2) A grower who has sold corn, wheat, or grain sorghum received pursuant to any federal program and has an assessment deducted from the sale price after July 1, 1986, may, by written application to the board, secure a refund of the amount deducted pursuant to section 66-1308 unless the refund which would be payable is ten dollars or less in which case the board shall not be required to make such refund. The refund shall be payable by the board upon application by January 1, 1988. Each application for refund by a grower shall have attached thereto proof of the assessment deducted.".

Mr. Pappas asked unanimous consent to print the following amendment to LB 582 in the Journal. No objections. So ordered.

AM1419

(Amendments to AM1402)

1. On page 2, lines 5 and 8; and on page 4, lines 1 and 10, strike "Department of Health" and insert "department".

2. On page 2, lines 10 and 12, strike "of

Health".

3. On page 3, line 13, after "disciplinary" insert "or administrative".

4. On page 4, line 6, after "results" insert "by a blood sample"; in line 14 after "Except" insert "for a confirmatory breath test"; and in line 22 after "drugs" insert "or alcohol".

5. On page 5, line 2, strike "A" and insert "Except for breath test specimens as provided in subdivision (2)(b) of section 3 of this act, a".

6. On page 6, strike lines 12 through 16; and in line 17 strike "(4)" and insert "(3)".

7. Insert the following new section:

"Sec. 10. Any employee who refuses the directive of an employer to provide a body fluid or breath sample as provided in section 3 of this act may be subject to disciplinary or administrative action by the employer, including denial of continued employment.".

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 775.

(Signed) Scott Moore, Chairperson

VISITORS

Visitors to the Chamber were 15 fourth grade students and teacher from Polk Elementary; 46 fourth grade students and teacher from Florence Elementary, Omaha; 17 sixth grade students and teacher from Glenwood Elementary, Kearney; 34 seventh grade students and teacher from Trinity Lutheran School, Grand Island; and 50 fourth grade students and teachers from Neihardt School, Omaha.

RECESS

At 12:04 p.m., on a motion by Mrs. Morehead, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Lynch who was excused; and Messrs. Goodrich, Hannibal, McFarland, Remmers, Warner, and Mrs. Higgins who were excused until they arrive.

SELECT COMMITTEE REPORT
Rules

Your Committee on Rules whose Chairperson is Senator Dan Lynch to whom was referred Proposed Rule Change AM1453 instructs me to report the same back to the Legislature with the recommendation that it be considered for adoption by the Legislature with the attached amendment.

AM1464

1. Strike the original amendments and insert:

"1. Amend Rule 2, Sec. 2 as follows:

'Sec. 2. Rules, Suspension, Amendment. (1) These rules may only be suspended by a three-fifths majority of the elected members, ~~by a machine vote, and~~ except that a motion to suspend the rules to end debate to permit a vote to be taken shall require a two-thirds majority vote of the elected members and shall allow only for the adoption of a specific amendment and/or advancement or readvancement of the bill or resolution to the next stage of consideration. If the bill or resolution to be amended is on Final Reading, the motion to suspend the rules may include a motion to return to Select File for a specific amendment. The rules may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

(2) Any motion to suspend the rules shall be limited to one per day per senator for any legislative bill.'.

2. Amend Rule 7, Sec. 3(a) as follows:

'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 suspend the rules

d. ~~c.~~ To postpone to a time certain

e. ~~d.~~ To recommit to a committee

f. ~~e.~~ To amend

~~f.~~ g. 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.'.".

(Signed) Dan Lynch, Chairperson

MOTION - Overrule Speaker's Agenda

Mr. Wesely moved to overrule the Speaker's Agenda to continue action on LB 295 for one more hour maximum.

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.

The Wesely motion to overrule the Speaker's Agenda lost with 15 ayes, 17 nays, 10 present and not voting, and 7 excused and not voting.

SPEAKER BARRETT PRESIDING

SELECT FILE

LEGISLATIVE BILL 536. Mr. Chambers moved to indefinitely postpone.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?"

Mr. Withem moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 16:

Baack	Hall	Johnson, R.	Morehead	Weihing
Chambers	Higgins	Johnson, V.	Pappas	Wesely
Conway	Johanns	Marsh	Remmers	Withem
Coordsen				

Voting in the negative, 28:

Abboud	Chizek	Haberman	Korshoj	Miller
Ashford	Dierks	Hannibal	Labedz	Moore
Barrett	Elmer	Hefner	Lamb	Nelson
Beyer	Goodrich	Johnson, L.	Langford	Peterson

Pirsch	Rupp	Schmit	Smith	Wehrbein
Rogers	Schellpeper	Scofield		

Present and not voting, 1:

Hartnett

Absent and not voting, 1:

Landis

Excused and not voting, 3:

Lynch McFarland Warner

The Chambers motion to indefinitely postpone lost with 16 ayes, 28 nays, 1 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Ashford moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Wesely requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 31:

Abboud	Elmer	Johnson, R.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Nelson	Schmit
Barrett	Haberman	Labedz	Peterson	Scofield
Beyer	Hannibal	Lamb	Pirsch	Smith
Chizek	Hefner	Langford	Remmers	Wehrbein
Coordsen	Johnson, L.	Miller	Rogers	Weihing
Dierks				

Voting in the negative, 13:

Baack	Hall	Johanns	Pappas	Wesely
Chambers	Hartnett	Johnson, V.	Rupp	Withem
Conway	Higgins	Morehead		

Present and not voting, 1:

Marsh

Absent and not voting, 1:

Landis

Excused and not voting, 3:

Lynch McFarland Warner

Advanced to E & R for Engrossment with 31 ayes, 13 nays, 1 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 663A. Placed on Select File.
LEGISLATIVE BILL 708A. Placed on Select File.

(Signed) Scott Moore, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 228.

Introduced by Withem, 14th District; Scofield, 49th District; Morehead, 30th District.

WHEREAS, the Legislature in 1984, responded to the recommendations of the Governor's and President's Commissions on Excellence in Education through the enactment of reforms in elementary and secondary education; and

WHEREAS, the Legislature enacted Laws 1984, Legislative Bill 994, Eighty-eighth Legislature, Second Session, 1984, a comprehensive school reform act which included requirements for raising standards for schools, teachers, principals, and students; and

WHEREAS, Laws 1984, Legislative Bill 994, Eighty-eighth Legislature, Second Session, 1984, also included a number of state programs to enhance the quality of instruction in the public schools; and

WHEREAS, the higher standards required by Laws 1984, Legislative Bill 994, Eighty-eighth Legislature, Second Session, 1984, largely have been implemented through new accreditation rules, a longer school year, and stricter graduation requirements; and

WHEREAS, the Legislature has failed to provide funds for any of the state programs to enhance the quality of education in the public schools; and

WHEREAS, the coalition of citizens, educators, and business which supported the enactment of school reforms in 1984 no longer exists;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature support the reexamination of educational excellence as proposed for study in Legislative Resolution 173, Ninetieth Legislature, First Session, 1987.

2. That the Legislature urge Governor Orr to appoint a new citizen task force to work with the select Legislative Committee created pursuant to such legislative resolution to reexamine the needs of the state in order to achieve enhancement of the quality of our educational system.

Laid over.

LEGISLATIVE RESOLUTION 229.

Introduced by Rupp, 22nd District; Schmit, 23rd District.

WHEREAS, Trainer Jack Van Berg and Alysheba have achieved two-thirds of the triple crown of thoroughbred racing by winning the Kentucky Derby on May 2, 1987, and the Preakness on May 16, 1987; and

WHEREAS, Jack Van Berg has won over five thousand races, more wins than any other trainer in the history of thoroughbred racing in the United States; and

WHEREAS, Jack is a twenty-time Ak-Sar-Ben Trainers' Champion, a member of the National Museum of Racing's Hall of Fame, and the Nebraska Racing Hall of Fame; and

WHEREAS, Jack and his father, Marion H. Van Berg, have consistently brought national recognition to their native state of Nebraska and the Nebraska thoroughbred industry through their accomplishments; and

WHEREAS, Jack's training skills have brought out the very best in thoroughbreds such as Gate Dancer and Alysheba and have

brought him an Eclipse Award, emblematic of the nation's most outstanding trainer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the citizens of Nebraska, by and through the Legislature, express their congratulations and appreciation to this native son of Columbus, Nebraska, and further express their best wishes for success as Alysheba strives to become the twelfth Triple Crown Champion in the history of thoroughbred racing.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 225, 226, and 227.

SELECT FILE

LEGISLATIVE BILL 451. E & R amendments, AM5217, found in the Journal on page 2104 for the Seventy-Eighth Day were adopted.

Mr. Wesely offered the following amendment:
to amend LB 451 by adding the Emergency Clause.

The Wesely amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Wesely offered the following amendment:
AM1375

1. Insert the following new section:

"Sec. 5. That section 28-1107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1107. (1) A person commits the offense of possession of a gambling device if he or she manufactures, sells, transports, places, possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody, or use of any gambling device, knowing that it shall be used in the advancement of unlawful gambling activity.

(2) This section shall not apply to any

coin-operated mechanical ~~game designed and manufactured to be played~~ gaming device, computer gaming device, electronic gaming device, or video gaming device which has the capability of awarding free games, which is intended to be played and is in fact played for amusement only, and which may allow the player the right to replay such ~~mechanical game~~ gaming device at no additional cost, which right to replay shall not be considered money or property. ~~, except that such mechanical game (a) can accumulate no more than fifteen free replays at one time, (b) can be discharged of accumulated free replays only by reactivating the game for one additional play for each accumulated free replay, and (c) makes no permanent record directly or indirectly of free replays so awarded.~~ Notwithstanding any other provisions of this section, any mechanical game or device classified by the federal government as an illegal gambling device and requiring a federal Gambling Device Tax Stamp as required by the Internal Revenue Service in its administration of sections 4461 and 4462 of Title 26, United States Code, amended July 1, 1965, by Public Law 89-44, are hereby declared to be illegal and excluded from the exemption granted in this section.

(3) Possession of a gambling device is a Class II misdemeanor.".

2. On page 6, line 25, strike "section" and insert "sections" and after "28-915" insert "28-1107".

3. Renumber the remaining sections accordingly.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Abboud requested a ruling of the Chair on whether the Wesely amendment is germane to the bill.

The Chair ruled the Wesely amendment is not germane to the bill.

Mr. V. Johnson moved to suspend Rule 7 Section 3 to permit consideration of the Wesely amendment AM1375 to LB 451.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Abboud requested a roll call vote on the V. Johnson motion to suspend the rules.

Voting in the affirmative, 24:

Ashford	Goodrich	Higgins	Pappas	Schmit
Baack	Haberman	Johnson, V.	Pirsch	Weihing
Chizek	Hall	Korshoj	Rogers	Wesely
Conway	Hannibal	Labedz	Rupp	Withem
Elmer	Hartnett	Moore	Schellpeper	

Voting in the negative, 21:

Abboud	Dierks	Johnson, R.	McFarland	Remmers
Barrett	Hefner	Lamb	Miller	Scofield
Beyer	Johanns	Langford	Nelson	Warner
Chambers	Johnson, L.	Marsh	Peterson	Wehrbein
Coordsen				

Present and not voting, 2:

Morehead Smith

Excused and not voting, 2:

Landis Lynch

The V. Johnson motion to suspend the rules lost with 24 ayes, 21 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Engrossment.

MESSAGE FROM THE GOVERNOR

May 20, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 114 was received in my office on May 14, 1987.

This bill was signed by me on May 20, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

SECOND CORRECTED STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 294. Corrected Standing Committee amendments:
AM1450

1. Strike the original sections and insert the following new sections:

"Section 1. That section 77-2734.02, Reissue Revised Statutes of Nebraska, 1943, as amended by section 19, Legislative Bill 773, Ninetieth Legislature, First Session, 1987, be amended to read as follows:

77-2734.02. (1) A tax is hereby imposed for each taxable year on the taxable income of every corporate taxpayer that is doing business in this state at a rate equal to one hundred fifty and eight-tenths per cent of the primary rate imposed on individuals under section 77-2701.01 on the first fifty thousand dollars of taxable income, ~~and~~ at the rate of two hundred eleven per cent of such rate on all taxable income in excess of fifty thousand dollars, and at the rate of two hundred forty-six per cent of such rate on all taxable income in excess of seven hundred fifty thousand dollars. The resultant rates shall be rounded to the nearest one hundredth of one per cent.

(a) For corporate taxpayers with a fiscal year

that does not coincide with the calendar year, the individual rate used for this subsection shall be the rate in effect on the first day, or the day deemed to be the first day, of the taxable year.

(b) For fiscal years beginning before January 1, 1968, the rate initially set shall apply for the period from January 1, 1968, to the end of that fiscal year.

(2) For a corporate taxpayer that is subject to tax in another state, its taxable income shall be the portion of the taxpayer's federal taxable income, as adjusted, that is determined to be connected with the taxpayer's operations in this state pursuant to sections 77-2734.05 to 77-2734.15.

(3) Each corporate taxpayer shall file only one income tax return for each taxable year.

Sec. 2. That section 77-3804, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3804. (1) The limitation rate shall be ~~forty-eight and eight-tenths per cent of the maximum corporate income tax rate~~ one hundred three and one-tenth per cent of the primary rate of the income tax in effect for the taxable year, as prescribed in section ~~77-2734.02~~ 77-2701.01, rounded to the nearest hundredth of one per cent.

(2) The limitation amount shall be the product of the net financial income of the financial institution multiplied by the limitation rate.

Sec. 3. This act shall become operative for all taxable years beginning or deemed to begin on or after January 1, 1987.

Sec. 4. That original section 77-3804, Reissue Revised Statutes of Nebraska, 1943, and section 77-2734.02, Reissue Revised Statutes of Nebraska, 1943, as amended by section 19, Legislative Bill 773, Ninetieth Legislature, 1987, are repealed.".

(Signed) Vard Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 523 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1354.)

SELECT FILE

LEGISLATIVE BILL 652. E & R amendments, AM5216, found in the Journal on page 2105 for the Seventy-Eighth Day were adopted.

Mr. Rupp renewed his pending amendment, AM1269, found in the Journal on page 2109.

PRESIDENT NICHOL PRESIDING

Mr. Rupp 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 the Rupp amendment.

Voting in the affirmative, 28:

Abboud	Dierks	Johnson, V.	Nelson	Schmit
Ashford	Haberman	Labedz	Pappas	Scofield
Baack	Hall	McFarland	Remmers	Weihing
Chambers	Hartnett	Miller	Rupp	Wesely
Chizek	Higgins	Moore	Schellpeper	Withem
Conway	Johnson, R.	Morehead		

Voting in the negative, 17:

Barrett	Goodrich	Johnson, L.	Marsh	Rogers
Beyer	Hannibal	Lamb	Peterson	Warner
Coordsen	Hefner	Langford	Pirsch	Wehrbein
Elmer	Johanns			

Present and not voting, 2:

Korshoj Smith

Excused and not voting, 2:

Landis Lynch

The Rupp amendment was adopted with 28 ayes, 17 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendments to LB 467 in the Journal. No objections. So ordered.

(1)
On page 2, line 12, strike "two" and insert "ten".

(2)
On page 2, line 12, strike "two" and insert "eight".

(3)
On page 2, line 12, strike "two" and insert "seven".

(4)
On page 2, line 12, strike "two" and insert "six".

(5)
On page 2, line 12, strike "two" and insert "five".

(6)
On page 2, line 12, strike "two" and insert "four".

(7)
On page 2, line 12, strike "two" and insert "three".

(8)
On page 3, line 9, strike "four" and insert "twelve".

(9)
On page 3, line 9, strike "four" and insert "sixteen".

(10)
On page 3, line 9, strike "four" and insert "twenty".

(11)
On page 2, line 21, strike "two" and insert "five".

(12)
On page 2, line 21, strike "two" and insert "four".

(13)
On page 2, line 23, strike "five" and insert "twenty".

(14)
On page 3, line 9, strike "four" and insert "eight".

(15)
On page 2, line 23, strike "five" and insert "fifteen".

(16)
On page 2, line 23, strike "five" and insert "ten".

SELECT FILE

LEGISLATIVE BILL 652. Mr. Rupp renewed his pending amendment, AM1268, found in the Journal on page 2109.

The Rupp amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Rupp renewed his pending amendment, AM1347, found in the Journal on page 2261.

The Rupp amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Rupp asked unanimous consent to replace his pending amendment, AM1383, found in the Journal on page 2317 with a substitute amendment. No objections. So ordered.

Mr. Rupp withdrew his pending amendment, AM1383, found in the Journal on page 2317.

Mr. Rupp offered the following substitute amendment:
AM1456

1. Insert the following new section:

"Sec. 4. Any political party may, by the adoption of a rule, require that any individual whose name is placed on such party's partisan primary election ballot be affiliated, by registration made pursuant to

section 32-223, with such party.".

2. Renumber the remaining section accordingly.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Rupp amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Rupp renewed his pending amendment, AM1388, found in the Journal on page 2317.

The Rupp amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Withem withdrew his pending amendment, AM1342, printed separate from the Journal and referred to on page 2327.

Mr. Withem offered the following amendment:
(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1418.)

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

The Withem amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 390. E & R amendments, AM5221, found in the Journal on page 2134 for the Seventy-Ninth Day were adopted.

Mr. Schmit renewed his pending amendment, AM1368, found in the Journal on page 2277.

The Schmit amendment was adopted with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Mr. Wesely withdrew his pending amendment, AM1367, found in the Journal on page 2277.

Mr. Wesely offered the following amendment:

AM1469

1. In the Standing Committee amendments, AM0682, on page 5, after line 14 insert:

"The department may also approve courses of instruction developed by associations, educational institutions, health care facilities, or other entities so long as such courses meet the criteria set out in the rules and regulations adopted and promulgated by the department. The rules and regulations shall include procedures for such entities to carry out approved courses of instruction and may include provisions to carry out the required testing. The rules and regulations shall provide that the prescribed instruction be administered by a licensed practitioner or under the direct supervision of an operator who meets the requirements of subdivisions (a) or (b) of this subsection. This section shall not prohibit any facility from exceeding the minimum hourly or instruction requirements.".

2. Insert the following new section:

"Sec. 26. 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.".

3. On page 5, reinstate the stricken matter beginning with "which" in line 19 through the stricken comma in line 22; in line 23 after "radiation" insert an underscored comma; in line 24 strike the underscored semicolon; and reinstate the stricken matter beginning with "which" in line 24 through "an" in line 25.

4. On page 6, reinstate the stricken matter beginning with "electronic" in line 1 through the semicolon in line 3.

5. On page 12, line 1, strike "land".

6. On page 25, after line 10, insert the following new subsection:

"(9) The department may enter into contracts with persons or corporations to perform the inspection of X-ray generating equipment or devices which emit radiation from radioactive materials and to aid the department in the administration of the Radiation Control Act.".

7. On page 30, lines 20 and 21, strike

"disposal" and insert "management".

8. On page 31, line 21, after the period insert "No fee shall exceed the actual cost to the department for licensure, inspection, or registration.".

9. On page 39, line 7, strike "or" and insert "and".

10. Renumber the remaining section accordingly.

The Wesely amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Messrs. Conway and Baack offered the following amendment:
AM1420

1. Insert the following new section:

"Section 1. That section 71-1,104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,104. Each applicant for a license to practice medicine and surgery shall (1) present proof that he or she is a graduate of an accredited school or college of medicine or, if a foreign medical graduate, provide a copy of a permanent certificate issued by the Educational Commission on Foreign Medical Graduates that is currently effective and relates to such applicant, or provide such credentials as are necessary to certify that such a foreign medical graduate has successfully passed the Visa Qualifying Examination, or its successor or equivalent examination, required by the United States Department of Health and Human Services and the United States Immigration and Naturalization Service, or, if a graduate of a foreign medical school who has successfully completed a program of American medical training designated as the Fifth Pathway and who additionally has successfully passed the Educational Commission on Foreign Medical Graduates examination, but has not yet received the permanent certificate attesting to the same, provide such credentials as certify the same to the Department of Health, (2) present proof that he or she has served at least one year of graduate medical education approved by the Board of Examiners in Medicine and Surgery or, if a foreign medical graduate, present proof that he or she has served at least three years of graduate medical education approved by the

Board of Examiners in Medicine and Surgery, and (3) pass an examination prescribed and conducted by the Board of Examiners in Medicine and Surgery and approved by the Department of Health covering appropriate medical subjects.

The Department of Health, upon the recommendation of the Board of Examiners in Medicine and Surgery, may waive any requirement for more than one year of approved graduate medical education, as set forth in subdivision (2) of this section, if the applicant has served at least one year of graduate medical education approved by such board and if the following conditions are met: (a) The applicant meets all other qualifications for a license to practice medicine and surgery; (b) the applicant submits satisfactory proof that the issuance of a license based on the waiver of the requirement of more than one year of approved graduate medical education will not jeopardize the health, safety, and welfare of the citizens of this state; and (c) the applicant submits proof that he or she shall enter into the practice of medicine in a medical shortage area designated as such by the Commission on Rural Health Manpower immediately upon obtaining a license to practice medicine and surgery based upon a waiver of the requirement for more than one year of graduate medical education.

A license issued on the basis of such a waiver shall be subject to the limitation that the licensee continue in practice in the medical shortage area and such other limitations, if any, deemed appropriate under the circumstances by the Director of Health, upon recommendation of the Board of Examiners in Medicine and Surgery, which may include, but are not limited to, supervision by a medical practitioner, training, education, and scope of practice. After two years of practice under a limited license issued on the basis of a waiver of the requirement of more than one year of graduate medical education, a licensee may apply to the Department of Health for removal of the limitations. The Director of Health, upon the recommendation of the Board of Examiners in Medicine and Surgery, may grant or deny such application or may continue the license with limitations. The fee for a license to practice medicine and surgery based on a waiver of the requirement of more

than one year of graduate medical education and the renewal of such license shall be the same as the fees prescribed in subdivision (1)(b), (1)(c), or (1)(d) of section 71-162.

In addition to any other grounds for disciplinary action against the license contained in the Uniform Licensing Law, the Department of Health may take disciplinary action against a license, granted on the basis of a waiver of the requirement of more than one year of graduate medical education, for violation of the limitations on the license. The Department of Health, upon the recommendation of the Board of Examiners in Medicine and Surgery, shall adopt and promulgate rules and regulations for the purpose of implementing and administering this section.".

2. On page 31, line 3, strike "11" and insert "12".

3. On page 35, line 9, strike "8 or 9" and insert "9 or 10".

4. On page 47, line 13, strike "8 to 11" and insert "9 to 12"; and in line 15 after "sections" insert "71-1,104,".

5. In the Standing Committee amendment, AM0682:

a. On page 4, line 9, strike "22 to 24" and insert "23 to 25";

b. On page 5, line 12, strike "23" and insert "24";

c. On page 6, lines 10 and 14, strike "22" and insert "23"; and

d. On page 7, line 1, strike "22 and 23" and insert "23 and 24".

6. Renumber the remaining sections accordingly.

Mr. Wesely requested a ruling of the Chair on whether the Conway-Baack amendment is germane to the bill.

The Chair ruled the Conway-Baack amendment is not germane to the bill.

Mr. Conway challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Conway moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. Conway requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 25:

Ashford	Hall	Johnson, R.	Langford	Remmers
Baack	Hartnett	Korshoj	Miller	Rogers
Chizek	Hefner	Labedz	Moore	Schmit
Conway	Higgins	Lamb	Pappas	Scofield
Elmer	Johnson, L.	Landis	Pirsch	Withem

Voting in the negative, 16:

Abboud	Goodrich	Marsh	Peterson	Smith
Beyer	Hannibal	McFarland	Rupp	Wehrbein
Coordsen	Johnson, V.	Morehead	Schellpeper	Wesely
Dierks				

Present and not voting, 4:

Barrett	Johanns	Nelson	Weihing

Absent and not voting, 1:

Warner

Excused and not voting, 3:

Chambers	Haberman	Lynch

The Conway motion to overrule the Chair prevailed with 25 ayes, 16 nays, 4 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

The Conway-Baack pending amendment, AM1420, was considered.

Mrs. Nelson asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely requested a ruling of the Chair on whether the amendment has been before the Legislature for the constitutionally required 7 days.

The Chair ruled the issue was properly before the Legislature, as a result of overruling the Chair on the germaneness issue.

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.

The Conway-Baack amendment was adopted with 25 ayes, 16 nays, 4 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 390A. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 784 in the Journal. No objections. So ordered.

Strike the enacting clause.

Mr. Hall asked unanimous consent to print the following amendment to LB 784 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1447.)

Mr. Schmit asked unanimous consent to print the following amendment to LB 146 in the Journal. No objections. So ordered.

AM1465

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 5. That section 46-1121, Revised Statutes Supplement, 1986, be amended to read as

follows:

46-1121. (1) The fee for initial 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, 1988, the annual fee for renewal of a permit shall be ten dollars paid to the district. Two dollars of the annual fee shall be paid by the district 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 Chemigation Costs Fund which is hereby created. All fees collected by the department pursuant to the act 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.

(2) All permits issued pursuant to section 46-1117 shall be annual permits and shall expire on ~~December 31~~ June 1 of the year for which the permit was issued. A permit may be renewed each year upon payment of the annual renewal fee and completion of a form provided by the district which lists the names of all chemicals used in chemigation the previous year. Once a permit has expired, it shall not be reinstated without meeting all of the requirements for a new permit including an inspection and payment of the initial application fee.".

2. On page 1, line 3, after "1943" insert ", and section 46-1121, Revised Statutes Supplement, 1986"; in line 6 after the semicolon insert "to change the date of expiration of certain permits;"; and in line 7 strike "section" and insert "sections".

3. On page 2, line 5, strike "without compensation".

4. On page 3, line 8, after "protecting" insert "the environment and"; in line 13 strike "directly and"; in line 19 after "withdrawals" insert "and methods of transporting water"; in line 20 strike "sound" and insert "viable"; in line 22 strike "as a facilitator of" and insert "in facilitating and

regulating"; and after line 23 insert:

"The Water Management Board shall submit a report to the Governor and the Legislature on or before September 30, 1988. Such report shall include findings of the board relating to all factors identified in this section.".

5. On page 6, line 12, strike "is" and insert "and section 46-1121, Revised Statutes Supplement, 1986, are".

6. Renumber the remaining section accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 224 in the Journal. No objections. So ordered.

AM1428

(Amendments to the Standing Committee amendments)

1. Insert the following new section:

"Sec. 15. That section 75-363, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-363. (1) The parts of the Federal Motor Carrier Safety Regulations, Title 49, Code of Federal Regulations, listed in subdivisions (a) through (h) of this subsection or any other parts referred to by such parts, in existence as of October 1, 1986, are adopted as Nebraska law. The regulations shall be applicable to all carriers, drivers, and vehicles to which the federal regulations apply and to all vehicles of intrastate motor carriers registered for a gross weight over ten thousand pounds, 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, except as provided in subsection (2) of this section. The Legislature hereby adopts:

(a) Part 390--Federal Motor Carrier Safety Regulations: General;

(b) Part 391--Qualifications Of Drivers;

(c) Part 392--Driving Of Motor Vehicles;

(d) Part 393--Parts And Accessories Necessary For Safe Operations;

(e) Part 395--Hours Of Service Of Drivers;

(f) Part 396--Inspection, Repair And Maintenance;

(g) Part 397--Transportation Of Hazardous Materials; Driving And Parking Rules; and

(h) Part 398--Transportation Of Migrant Workers.

(2) The regulations shall not apply to farm trucks registered pursuant to section 60-330 with a gross weight of sixteen tons or less, liquefied petroleum gas tanks with a capacity of three thousand five hundred gallons or less, and fertilizer and agricultural chemical application and distribution equipment transported in units with a capacity of three thousand five hundred gallons or less. Section 393.42 of Part 393 shall not be adopted as Nebraska law. The following parts and sections of the Federal Motor Carrier Safety Regulations shall not apply to drivers of registered farm trucks:

(a) All of Part 391;

(b) Section 395.08 of Part 395; and

(c) Section 396.11 of Part 396.".

2. On page 30, line 4, strike "and"; and in line 5 after the first comma insert "and 75-363,".

3. Renumber the remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 224 in the Journal. No objections. So ordered.

AM1429

(Amendments to the Standing Committee amendments)

1. Insert the following new section:

"Sec. 15. That section 2, Legislative Bill 80, Ninetieth Legislature, First Session, 1987, be amended to read as follows:

Sec. 2. (1) Except as provided in subsections (2), (3), ~~and~~ (4), and (5) of this section, an all-terrain vehicle shall not be operated on any public street, road, or highway of this state. The crossing of any interstate or limited-access highway shall not be permitted.

(2) The crossing of a public street, road, or highway shall be permitted only if:

(a) The crossing is made at an angle of

approximately ninety degrees to the direction of the street, road, or highway and at a place where no obstruction prevents a quick and safe crossing;

(b) The vehicle is brought to a complete stop before crossing the shoulder or main-traveled way of the street, road, or highway;

(c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;

(d) In crossing a divided street, road, or highway, the crossing is made only at an intersection of such street, road, or highway with another public street, road, or highway; and

(e) Both the headlight and taillight of the vehicle are on when the crossing is made.

(3) All-terrain vehicles may be operated on a public street, road, or highway when such operation occurs only between the hours of sunrise and sunset and such operation is incidental to the vehicles' use for agricultural purposes. Any person operating an all-terrain vehicle on a public street, road, or highway shall have a valid motor vehicle operator's license or a special permit as provided in subsection (5) of section 60-407 and shall not operate such vehicle at a speed in excess of thirty miles per hour. When operated on a public street, road, or highway, the headlight and taillight of the vehicle shall be on, and the all-terrain vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and be day-glow in color.

(4) All-terrain vehicles may be operated on public streets, roads, and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

(5) All-terrain vehicles may be operated on public streets, roads, or highways when such all-terrain vehicles are operated by an employee or independent contractor of a municipality and such operation is for municipal purposes. Such operation shall include operation by the most direct route from the home of such

employee or independent contractor to the point where operation for municipal purposes begins or ends.".

2. In the E & R amendment, AM5234, on page 2, line 6, strike the first "and"; and in line 7 after the second comma insert "and section 2, Legislative Bill 80, Ninetieth Legislature, First Session, 1987,".

3. Renumber the remaining sections accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 335 in the Journal. No objections. So ordered.

AM1472

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 44-371, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-371. All proceeds, cash values, and benefits accruing under any annuity contract, ~~or~~ 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~~ or under any accident or health insurance policy~~, issued before, on, or after August 30, 1981,~~ 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. ~~The provisions of this section shall not apply to any loan value in excess of five thousand dollars of an unmatured life insurance contract~~ This section shall not apply to an individual's aggregate interests greater than ten thousand dollars on all loan values or cash values of all matured or unmatured life insurance contracts or to all proceeds, cash values, or benefits accruing under all annuity contracts owned by such individual. Notwithstanding anything in this section to the contrary, the aggregate exemptions any person may claim under this section and section 44-1089 shall not exceed ten thousand dollars.

No insurance company shall be liable or responsible to any person to determine or ascertain the

aggregate total of life insurance policy or annuity contract loan values, cash values, proceeds, or benefits for any policyholder or annuitant.

Sec. 2. That section 44-1089, Revised Statutes Supplement, 1986, be amended to read as follows:

44-1089. (1) No noninsurance benefit, charity, relief, or aid to be paid, provided, or rendered by any society shall be liable to attachment, garnishment, or other process, or to be seized, taken, appropriated, or applied by any legal or equitable process or operation of law to pay any debt or liability of a member or beneficiary, or any other person who may have a right thereunder, either before or after payment by the society.

(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~~ or 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 an individual's aggregate interests greater than ten thousand dollars on all loan values or cash values of all matured or unmatured life insurance contracts or to all proceeds, cash values, or benefits accruing under all annuity contracts owned by such individual. Notwithstanding anything in this section to the contrary, the aggregate exemptions any person may claim under section 44-371 and this section shall not exceed ten thousand dollars. ~~This section shall not apply to any loan value in excess of five thousand dollars of an unmatured life insurance contract.~~

No fraternal benefit society shall be liable or responsible to any person to determine or ascertain the aggregate total of policy or certificate of life insurance or annuity contract loan values, cash values, proceeds, or benefits for any policy or certificate owner or annuitant.

Sec. 3. In any forced sale of real or personal property conducted to satisfy the claims of creditors, any proceeds of such sale which exceed the claims of such creditors shall be retained by the debtor.

Sec. 4. In bankruptcy, the following benefits shall be exempt from attachment, garnishment, or other legal or equitable process and from all claims of creditors: To the extent reasonably necessary for the support of the debtor and any dependent of the debtor, an interest held under a stock bonus, pension, profitsharing, or similar plan or contract payable on account of illness, disability, death, age, or length of service unless:

Within two years prior to bankruptcy or to entry against the individual of a money judgment which thereafter becomes final, such plan or contract was established or was amended to increase contributions by or under the auspices of the individual or of an insider that employed the individual at the time the individual's rights under such plan or contract arose; or

Such plan or contract does not qualify under section 401(a), 403(a), 403(b), or 408 of the Internal Revenue Code of 1986 or the successors of such sections.

For purposes of this section, unless the context otherwise requires, insider shall have the meaning provided in 11 U.S.C. 101 (30).

Sec. 5. All proceeds and benefits accruing under any structured settlement providing periodic payments for personal injuries shall be exempt from attachment, garnishment, or other legal or equitable process and from all claims of creditors of the beneficiary of the structured settlement, unless a written assignment to the contrary has been obtained by the claimant.

Sec. 6. This act shall be operative for actions filed after the effective date of this act.

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 44-371, Reissue

Revised Statutes of Nebraska, 1943, and section 44-1089, Revised Statutes Supplement, 1986, are repealed.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Lamb asked unanimous consent to print the following amendment to LB 279 in the Journal. No objections. So ordered.

AM1467

1. In the Schmit amendment, AM0510, adopted May 6, 1987:

a. Insert the following new section:

"Sec. 6. That section 66-1309, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-1309. (1) A grower who has sold corn, wheat, or grain sorghum not received pursuant to any federal program and has an assessment deducted from the sale price may, by written application to the board, secure a refund of two-thirds of the amount deducted pursuant to section 66-1308 unless the refund which would be payable is ten dollars or less in which case the board shall not be required to make such refund. The refund shall be payable by the board upon application within thirty days after the deduction is made. Each application for refund by a grower shall have attached thereto proof of the assessment deducted.

(2) A grower who has sold corn, wheat, or grain sorghum received pursuant to any federal program and has an assessment deducted from the sale price after July 1, 1986, may, by written application to the board, secure a refund of the amount deducted pursuant to section 66-1308 unless the refund which would be payable is ten dollars or less in which case the board shall not be required to make such refund. The refund shall be payable by the board upon application by January 1, 1988. Each application for refund by a grower shall have attached thereto proof of the assessment deducted.";

b. On page 5, line 23, after the comma insert "66-1309,"; and

c. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 183A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 638. E & R amendments, AM5228, found in the Journal on page 2175 for the Seventy-Ninth Day were adopted.

Passed over.

LEGISLATIVE BILL 767. E & R amendment, AM5225, found in the Journal on page 2176 for the Seventy-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 767A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 736A. E & R amendment, AM5233, found in the Journal on page 2212 for the Eightieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 298. E & R amendments, AM5237, found in the Journal on page 2337 for the Eighty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 480. E & R amendments, AM5236, found in the Journal on page 2338 for the Eighty-Third Day were adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 451 and 536.

(Signed) Scott Moore, Chairperson

SELECT FILE

LEGISLATIVE BILL 684. E & R amendments, AM5218, found in the Journal on page 2136 for the Seventy-Ninth Day were adopted.

Messrs. Moore, L. Johnson, and Warner renewed their pending amendment, AM1341, found in the Journal on page 2275.

Pending.

NOTICE OF COMMITTEE HEARINGS
Education

Cancel Hearing on May 26, 1987, at 1:00 P.M.

Reset Hearing on May 28, 1987, at 1:00 P.M.
Keith L. Blackledge
Gretchen Hirschbach

(Signed) Ron Withem, Chairperson

VISITORS

Visitors to the Chamber were Bev Lydick; 15 eighth grade students and teacher from St. Francis School, Humphrey; 50 fourth grade students and teachers from Neihardt School, Omaha; 16 fourth grade students and teacher from Newcastle Public School; and 20 third grade students, teacher, and sponsors from Clearwater School.

ADJOURNMENT

At 5:50 p.m., on a motion by Mr. V. Johnson, the Legislature adjourned until 9:00 a.m., Thursday, May 21, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SIXTH DAY - MAY 21, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 21, 1987

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Charles Graff, St. Paul's Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Lynch who was excused; and Messrs. Chambers, Hall, V. Johnson, Schmit, Wesely, Mesdames Higgins, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2418, after line 30 insert:
Rogers Smith Wehrbein Weihing
The Journal for the Eighty-Fifth Day was approved as corrected.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 781. With Emergency.

A BILL FOR AN ACT relating to appropriations; to make appropriations for capital construction as prescribed; to state intent;

to require a program statement; to repeal capital construction provisions; to provide an operative date; to repeal Laws 1986, LB 1038, and Laws 1986, LB 1252; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Elmer	Johnson, R.	Miller	Rupp
Ashford	Goodrich	Korshoj	Moore	Schellpeper
Baack	Haberman	Labedz	Morehead	Scofield
Barrett	Hannibal	Lamb	Nelson	Smith
Beyer	Hartnett	Landis	Pappas	Warner
Chizek	Hefner	Langford	Peterson	Wehrbein
Conway	Johanns	Marsh	Remmers	Weihing
Coordsen	Johnson, L.	McFarland	Rogers	Withem
Dierks				

Voting in the negative, 0.

Excused and not voting, 8:

Chambers	Higgins	Lynch	Schmit	Wesely
Hall	Johnson, V.	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 782. With Emergency.

A BILL FOR AN ACT relating to public employees; to amend section 81-1341.01, Revised Statutes Supplement, 1986; to state intent; to change provisions relating to salary increases as prescribed; to eliminate provisions relating to salaries and other terms and conditions of employment; to provide an operative date; to repeal the original section, and also sections 48-840 and 48-841, Revised Statutes Supplement, 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, 36:

Ashford	Goodrich	Johnson, R.	Miller	Schellpeper
Baack	Hannibal	Johnson, V.	Moore	Scofield
Barrett	Hartnett	Labedz	Morehead	Smith
Beyer	Hefner	Landis	Nelson	Warner
Chizek	Higgins	Langford	Pappas	Wehrbein
Conway	Johanns	Marsh	Remmers	Weihing
Dierks	Johnson, L.	McFarland	Rupp	Withem
Elmer				

Voting in the negative, 5:

Abboud	Coordsen	Haberman	Lamb	Schmit

Present and not voting, 3:

Korshoj	Peterson	Rogers

Excused and not voting, 5:

Chambers	Hall	Lynch	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 782A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 782, Ninetieth Legislature, First Session, 1987; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Dierks	Johnson, R.	Moore	Schmit
Ashford	Elmer	Johnson, V.	Morehead	Scofield
Baack	Goodrich	Korshoj	Nelson	Smith
Barrett	Haberman	Labedz	Pappas	Warner
Beyer	Hannibal	Landis	Peterson	Wehrbein
Chambers	Hartnett	Langford	Remmers	Weihing
Chizek	Hefner	Marsh	Rogers	Wesely
Conway	Johanns	McFarland	Rupp	Withem
Coordsen	Johnson, L.	Miller	Schellpeper	

Voting in the negative, 1:

Lamb

Present and not voting, 1:

Higgins

Excused and not voting, 3:

Hall Lynch 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.

Messrs. Chizek and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 783. With Emergency.

A BILL FOR AN ACT relating to group health insurance; to amend section 44-1620.01, Reissue Revised Statutes of Nebraska, 1943; to change the state's contribution to the state employee health insurance program; 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	Baack	Beyer	Conway	Dierks
Ashford	Barrett	Chambers	Coordsen	Elmer

Goodrich	Johnson, L.	Langford	Pappas	Schmit
Haberman	Johnson, R.	Marsh	Peterson	Scofield
Hannibal	Johnson, V.	McFarland	Remmers	Smith
Hartnett	Korshoj	Miller	Rogers	Warner
Hefner	Labedz	Moore	Rupp	Wehrbein
Higgins	Lamb	Morehead	Schellpeper	Weihing
Johanns	Landis	Nelson		

Voting in the negative, 1:

Wesely

Excused and not voting, 5:

Chizek	Hall	Lynch	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 783A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 783, Ninetieth Legislature, First Session, 1987; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Elmer	Johnson, V.	Miller	Rupp
Ashford	Goodrich	Korshoj	Moore	Schellpeper
Baack	Haberman	Labedz	Morehead	Schmit
Barrett	Hannibal	Lamb	Nelson	Scofield
Beyer	Hefner	Landis	Pappas	Smith
Chambers	Higgins	Langford	Peterson	Warner
Conway	Johanns	Marsh	Remmers	Wehrbein
Coordsen	Johnson, L.	McFarland	Rogers	Weihing
Dierks	Johnson, R.			

Voting in the negative, 2:

Pirsch Wesely

Present and not voting, 1:

Hartnett

Excused and not voting, 4:

Chizek Hall Lynch 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 768. 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 fiscal years ending June 30, 1988, and June 30, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Korshoj	Morehead	Schellpeper
Baack	Haberman	Labedz	Nelson	Schmit
Barrett	Hannibal	Landis	Pappas	Scofield
Beyer	Hefner	Langford	Peterson	Smith
Chambers	Higgins	Marsh	Pirsch	Warner
Conway	Johanns	McFarland	Remmers	Wehrbein
Coordsen	Johnson, L.	Miller	Rogers	Weihing
Dierks	Johnson, R.	Moore	Rupp	Wesely
Elmer	Johnson, V.			

Voting in the negative, 0.

Present and not voting, 3:

Ashford Hartnett Lamb

Excused and not voting, 4:

Chizek Hall Lynch 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 769. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for the fiscal years ending June 30, 1988, and June 30, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Elmer	Johnson, V.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Morehead	Schmit
Baack	Haberman	Labedz	Nelson	Scofield
Barrett	Hannibal	Lamb	Pappas	Smith
Beyer	Hefner	Landis	Peterson	Warner
Chambers	Higgins	Langford	Pirsch	Wehrbein
Conway	Johanns	Marsh	Remmers	Weihing
Coordsen	Johnson, L.	McFarland	Rogers	Wesely
Dierks	Johnson, R.	Miller	Rupp	

Voting in the negative, 0.

Present and not voting, 1:

Hartnett

Excused and not voting, 4:

Chizek Hall Lynch 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.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 781, 782, 782A, 783, 783A, 768, and 769.

MESSAGES FROM THE GOVERNOR

May 21, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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.

Appointee: Mark J. Masterton, 2009 Avenue O, Scottsbluff, NE 69361

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

May 21, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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.

Appointee: Dennis D. Weisenburger, M.D., Dept. of Pathology & Microbiology, University Medical Center, 42nd and Dewey, Omaha, NE 68105

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

CORRECTED STANDING COMMITTEE REPORT
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Gary L. Rex - Director of Policy Research & Nebraska Energy Office

Vote: Aye: Senators Schmit, Weihing, Lamb, Elmer, and Hall. Absent: Senators Labedz and Rod Johnson.

(Signed) Loran Schmit, Chairperson

MOTION - Bracket LB 784

Messrs. Schmit, V. Johnson, and Lamb moved to bracket LB 784 until May 26, 1987.

Messrs. Schmit, V. Johnson, and Lamb withdrew their pending motion to bracket.

MOTION - Return LB 784 to Select File

Mr. Landis moved to return LB 784 to Select File for his specific amendment, AM1423, found in the Journal on page 2362.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis requested a roll call vote on his motion to return.

Voting in the affirmative, 28:

Ashford	Goodrich	Labedz	Nelson	Schmit
Chambers	Haberman	Landis	Pappas	Scofield
Chizek	Hall	Marsh	Remmers	Weihing
Conway	Johanns	McFarland	Rogers	Wesely
Dierks	Johnson, R.	Miller	Rupp	Withem
Elmer	Johnson, V.	Morehead		

Voting in the negative, 17:

Abboud	Hannibal	Korshoj	Moore	Smith
Barrett	Hefner	Lamb	Peterson	Warner
Beyer	Higgins	Langford	Pirsch	Wehrbein
Coordsen	Johnson, L.			

Present and not voting, 3:

Baack	Hartnett	Schellpeper

Excused and not voting, 1:

Lynch

The Landis motion to return prevailed with 28 ayes, 17 nays, 3 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 784. The Landis specific amendment, AM1423, found in the Journal on page 2362 was considered.

Mr. Moore 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 Landis amendment.

Voting in the affirmative, 26:

Ashford	Goodrich	Johnson, V.	Miller	Schmit
Chambers	Haberman	Labedz	Morehead	Scofield
Chizek	Hall	Landis	Nelson	Weihing
Conway	Johanns	Marsh	Remmers	Wesely
Dierks	Johnson, R.	McFarland	Rogers	Withem
Elmer				

Voting in the negative, 16:

Abboud	Hefner	Korshoj	Moore	Smith
Baack	Higgins	Lamb	Peterson	Warner
Beyer	Johnson, L.	Langford	Pirsch	Wehrbein
Hannibal				

Present and not voting, 6:

Barrett	Hartnett	Pappas	Rupp	Schellpeper
Coordsen				

Excused and not voting, 1:

Lynch

The Landis specific amendment was adopted with 26 ayes, 16 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 784 to Select File

Mr. Hall moved to return LB 784 to Select File for his specific amendment, AM1447, printed separate from the Journal and referred to on page 2442.

SPEAKER BARRETT PRESIDING

Mr. Elmer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall withdrew his pending motion to return.

Mrs. Higgins moved to return LB 784 to Select File for the following specific amendment:

(Amendment to AM1423)

After the period in lines 7 and 13 insert "This appropriation shall be distributed to full-time faculty members not holding administrative positions".

The Higgins motion to return prevailed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 784. The Higgins specific amendment found in this day's Journal was adopted with 30 ayes, 1 nay, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

WITHDRAW - Amendment to LB 784

Mr. Schmit withdrew his pending amendment found in the Journal on page 2442 to LB 784.

MOTION - Return LB 784 to Select File

Mr. Landis moved to return LB 784 to Select File for the following specific amendment:

On page 11, after line 18, insert the following new section.

"Sec. ___. There is hereby appropriated (1) $9,557 from the General Fund for the period July 1, 1987 to June 30, 1988, and (2) $9,557 from the General Fund for the period July 1, 1988 to June 30, 1989, to the Department of Personnel for program 605.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither

$9,557 for the period July 1, 1987 to June 30, 1988 nor $9,557 for the period July 1, 1988 to June 30, 1989."

The Landis motion to return lost with 5 ayes, 14 nays, 27 present and not voting, and 3 excused and not voting.

Mr. Moore moved to return LB 784 to Select File for the following specific amendment:

Beginning on page 4, strike Section 6.

Renumber the remaining sections.

(Eliminates the Withem floor amendment to add $1,900,000 for state aid to education).

Messrs. Dierks, Chambers, and Hannibal asked unanimous consent to be excused until they return. 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 Moore motion to return lost with 7 ayes, 22 nays, 16 present and not voting, and 4 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following Governor appointments.

Education

Keith L. Blackledge - State Colleges Board of Trustees

Natural Resources

Mark J. Masterton - Environmental Control Council
Dennis D. Weisenburger - Environmental Control Council

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 21, 1987, at 10:35 a.m., were the following bills: 781, 782, 782A, 783, 783A, 768, and 769.

(Signed) Pam Moravec, Enrolling Clerk

ANNOUNCEMENT

Mrs. Labedz announced there will be an Executive Board meeting Tuesday, May 26, 1987, at 1:00 p.m., in Room 2102.

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 20, 1987. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Baird, Holm, McEachen, Pedersen, et al.
Bredthauer, Trudy Saunders - Omaha, Wakefield Health Care Center
Moody, Randy - Lincoln, American Association of University Professors - UNL; Nebraska Coalition for Women; Nebraska Republican Party
Rohn, Linda L. - Lincoln (Withdrawn 87/05/29), Lincoln Public Schools (Withdrawn 87/05/29)
Wilson, William A. - Lincoln (Withdrawn 87/03/01), Bankers Life Insurance Company of Nebraska (Withdrawn 87/03/01)

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 775 in the Journal. No objections. So ordered.

(1)

Add new section:

The Legislative Chambers shall be renamed 'The Mike Harper Chambers'."

(2)
Add language necessary to convert LB 775 to a constitutional amendment to be submitted to the voters at the next general election.

Add new section: (3)
"Beginning in 1989 and in every odd-numbered Session thereafter, the Legislature shall commemorate ConAgra's Mike Harper and its own craven capitulation to corporate terrorism, by observing a brief period of silence during the first five minutes of the legislative day falling on May 19th. Should such date fall on a day when the Legislature is not in session, such commemoration shall be observed on the immediately preceding or immediately following legislative day as a majority of the Members of the Legislature shall direct by a vote."

Add new section: (4)
As a demonstration of this State's fondness of large corporations and as an inducement to them to do business in this State in furtherance of economic development, May 19th is hereby declared "Corporation Day in Nebraska". On "Corporation Day in Nebraska", no person shall wear a hat, and all public schools shall be closed and the students from such schools shall assemble at a suitable location near their respective schools at noon and chant five times in unison: "God bless corporations".

Add new section: (5)
"The Business logo of ConAgra shall be made a prominent feature of the Nebraska State Seal. An artist shall be commissioned by the Legislature to modify the Nebraska State Seal in such manner as to present an attractive, tasteful design which will not be offensive to the Chief Executive Officer of ConAgra."

Add new section: (6)
"A flashing red neon sign 50 feet wide and 50 feet high shall be affixed to the top of the statue of The Sower atop the Capitol Building, which shall declare: 'Sowing the seeds of the Good Life in Nebraska with ConAgra'".

Add new section: (7)
"The inscription on the north face of the Capitol Building shall be corrected to declare: 'ConAgra is the salvation of the State and its citizens."

Add new section: (8)
"The following inscription shall be carved above the entrance of each door to the Capitol Building: 'Nebraska is ConAgra's and the fullness thereof, the land and they that dwell therein'."

Add new section: (9)
"After the effective date of this Act, any Member of the Legislature who utters a discouraging word or any criticism against any corporation having assets in excess of $50 million or against any of such corporation's executive officers of whatever rank or level, shall be deemed to have committed an unethical act justifying expulsion from the Legislature pursuant to the provisions of the Constitution of Nebraska."

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 785.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-212 and 37-1273, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to an appropriation to the Game and Parks Commission; to provide for the use of certain funds and fees for publications as prescribed; to provide restrictions and limitations on commission publications; 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	Goodrich	Korshoj	Morehead	Schellpeper
Ashford	Haberman	Labedz	Nelson	Scofield
Baack	Hall	Lamb	Pappas	Smith
Barrett	Hartnett	Landis	Peterson	Warner
Beyer	Hefner	Langford	Pirsch	Wehrbein
Chizek	Johanns	Marsh	Remmers	Weihing
Conway	Johnson, L.	McFarland	Rogers	Wesely
Coordsen	Johnson, R.	Miller	Rupp	Withem
Elmer	Johnson, V.	Moore		

Voting in the negative, 0.

Present and not voting, 2:

Higgins Schmit

Excused and not voting, 4:

Chambers Dierks Hannibal Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 786. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Investment Council; to amend section 72-1249.02, Reissue Revised Statutes of Nebraska, 1943, and section 80-401, Revised Statutes Supplement, 1986; to change procedures for the allocation of charges to certain funds; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Goodrich	Johnson, V.	Morehead	Schellpeper
Ashford	Haberman	Korshoj	Nelson	Scofield
Baack	Hall	Labedz	Pappas	Smith
Barrett	Hartnett	Lamb	Peterson	Warner
Beyer	Hefner	Landis	Pirsch	Wehrbein
Chizek	Higgins	Marsh	Remmers	Weihing
Conway	Johanns	McFarland	Rogers	Wesely
Coordsen	Johnson, L.	Miller	Rupp	Withem
Elmer	Johnson, R.	Moore		

Voting in the negative, 1:

Schmit

Present and not voting, 1:

Langford

Excused and not voting, 4:

Chambers	Dierks	Hannibal	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.

Ms. Johanns asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 138. With Emergency.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-946.02, 2-952 to 2-954, 2-955, 2-957, 2-958, 2-960 to 2-963, and 2-966, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions relating to noxious weed control programs; to eliminate a fund; to harmonize provisions; to repeal the original sections, and also sections 2-964 and 2-965, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud	Hall	Labedz	Nelson	Scofield
Ashford	Hartnett	Landis	Pappas	Smith
Barrett	Hefner	Langford	Peterson	Warner
Beyer	Higgins	Marsh	Pirsch	Wehrbein
Chambers	Johnson, L.	McFarland	Remmers	Weihing
Chizek	Johnson, R.	Miller	Rupp	Wesely
Conway	Johnson, V.	Moore	Schellpeper	Withem
Goodrich	Korshoj	Morehead		

Voting in the negative, 7:

Baack	Elmer	Lamb	Rogers	Schmit
Coordsen	Haberman			

Excused and not voting, 4:

Dierks	Hannibal	Johanns	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 237.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-148, Revised Statutes Supplement, 1986, as amended by section 2, Legislative Bill 453, Ninetieth Legislature, First Session, 1987; to provide for the purchase of shares of investment companies by banks as prescribed; to provide for rules and regulations; 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	Elmer	Johnson, V.	Morehead	Schmit
Ashford	Goodrich	Korshoj	Nelson	Scofield
Baack	Haberman	Labedz	Pappas	Smith
Barrett	Hall	Lamb	Peterson	Warner
Beyer	Hartnett	Landis	Pirsch	Wehrbein
Chambers	Hefner	Marsh	Remmers	Weihing
Chizek	Higgins	McFarland	Rogers	Wesely
Conway	Johnson, L.	Miller	Rupp	Withem
Coordsen	Johnson, R.	Moore	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

Langford

Excused and not voting, 4:

Dierks	Hannibal	Johanns	Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MRS. LABEDZ PRESIDING

LEGISLATIVE BILL 426. With Emergency.

A BILL FOR AN ACT relating to the Low-Level Radioactive Waste Disposal Act; to amend sections 81-1578 to 81-1581, 81-1588, 81-1590, 81-1592, 81-1599, 81-15,101 to 81-15,104, 81-15,106, 81-15,107, and 81-15,113, Revised Statutes Supplement, 1986; to state intent; to provide zero-release objective requirements; to eliminate a definition; to define and redefine terms; to provide powers and duties; to change provisions relating to licenses as prescribed; to change provisions relating to the assessment of cleanup costs; to change provisions relating to long-term care; to provide a local monitoring committee as prescribed; to rename a fund; to eliminate a provision relating to the transfer of funds as prescribed; to require legislative approval for certain actions; to require certain hearings; to provide requirements for an environmental impact analysis; to prohibit certain appropriations; 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	Elmer	Korshoj	Morehead	Schellpeper
Ashford	Haberman	Labedz	Nelson	Schmit
Baack	Hall	Lamb	Pappas	Scofield
Barrett	Hannibal	Landis	Peterson	Smith
Beyer	Hefner	Langford	Pirsch	Wehrbein
Chambers	Higgins	Marsh	Remmers	Weihing
Chizek	Johnson, L.	McFarland	Rogers	Wesely
Conway	Johnson, R.	Miller	Rupp	Withem
Coordsen	Johnson, V.	Moore		

Voting in the negative, 1:

Goodrich

Present and not voting, 2:

Hartnett Warner

Excused and not voting, 3:

Dierks	Johanns	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.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 492.

A BILL FOR AN ACT relating to liability; to amend section 25-21,187, Reissue Revised Statutes of Nebraska, 1943; to restrict the liability of professional architects, professional engineers, and professional land surveyors 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, 38:

Abboud	Elmer	Korshoj	Morehead	Schellpeper
Ashford	Goodrich	Labedz	Nelson	Scofield
Baack	Hall	Lamb	Pappas	Smith
Barrett	Hannibal	Landis	Peterson	Warner
Beyer	Hartnett	Langford	Pirsch	Wehrbein
Chizek	Hefner	Marsh	Remmers	Wesely
Conway	Higgins	Miller	Rupp	Withem
Coordsen	Johnson, L.	Moore		

Voting in the negative, 4:

Haberman	Johnson, V.	McFarland	Schmit

Present and not voting, 3:

Chambers	Rogers	Weihing

Excused and not voting, 4:

Dierks	Johanns	Johnson, R.	Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 741.

A BILL FOR AN ACT relating to tourism; to amend sections 39-634.01 and 39-634.02, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certain informational signs on state roads as prescribed; to define and redefine terms; to change provisions relating to fees; to state intent; to eliminate a fund; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Elmer	Johnson, V.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Morehead	Schmit
Baack	Haberman	Labedz	Nelson	Scofield
Barrett	Hall	Lamb	Pappas	Smith
Beyer	Hannibal	Langford	Pirsch	Warner
Chizek	Hartnett	Marsh	Remmers	Wehrbein
Conway	Hefner	McFarland	Rogers	Wesely
Dierks	Johnson, L.	Miller	Rupp	Withem

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Higgins	Landis	Peterson	Weihing
Coordsen				

Excused and not voting, 3:

Johanns	Johnson, R.	Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 784.

Correctly Engrossed

The following bill was correctly engrossed: 183A.

(Signed) Scott Moore, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

Governor Appointments Tuesday, May 26, 1987 8:45 A.M.
Mark A. Whitehead - Department of Environmental Control Council
Dennis D. Weisenburger - Environmental Control Council
Mark J. Masterton - Environmental Control Council

(Signed) Loran Schmit, Chairperson

Health and Human Services

Governor Appointment Tuesday, May 26, 1987 1:00 P.M.
Dale Johnson - Director, Department of Public Institutions

(Signed) Don Wesely, Chairperson

SELECT FILE

LEGISLATIVE BILL 684. The pending Moore-L. Johnson-Warner amendment, AM1341, found in the Journal on page 2275 and considered on page 2452 was renewed.

The Moore-L. Johnson-Warner 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.

Messrs. Peterson, Coordsen, and Beyer asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 279. E & R amendments, AM5219, found in the Journal on page 2136 for the Seventy-Ninth Day were adopted.

Mr. Hefner withdrew his pending amendment, AM0596, found in the Journal on page 2083.

Mr. Schmit renewed his pending amendment, AM1327, printed separate from the Journal and referred to on page 2275.

The Schmit amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Schmit renewed his pending amendment, AM1405, found in the Journal on page 2352.

The Schmit amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Lamb withdrew his pending amendments, AM0196, found in the Journal on page 2420, and AM1467, found in the Journal on page 2450.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 474. E & R amendments, AM5222, found in the Journal on page 2146 for the Seventy-Ninth Day were adopted.

Mr. Hall renewed his pending amendment, AM0464, found in the Journal on page 921.

The Hall amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 462. E & R amendments, AM5223, found in the Journal on page 2174 for the Seventy-Ninth Day were adopted.

Mr. Hall renewed his pending amendment, AM1284, found in the Journal on page 2147.

The Hall amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 462A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 416. E & R amendments, AM5229, found in the Journal on page 2174 for the Seventy-Ninth Day were adopted.

Mr. McFarland renewed the pending Landis amendment, AM1280, found in the Journal on page 2109.

Mrs. Smith asked unanimous consent to be excused until she returns. No objections. So ordered.

The Landis amendment was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 635. E & R amendments, AM5227, found in the Journal on page 2175 for the Seventy-Ninth Day were adopted.

Ms. Scofield offered the following amendment:
AM1323

1. In the Scofield amendment, AM1275, adopted May 8, 1987:

a. On page 1, line 18, strike "(1)"; and strike the new matter in line 21; and

b. On page 2, strike the new matter in lines 1 through 4 and insert ". The court may authorize the release of such juvenile on such conditions and security as the court in its sole discretion shall determine. The juvenile shall be released unconditionally within forty-eight hours after the detention or placement order or the setting of bond, excluding nonjudicial days, unless within such period of time (1) a petition has been filed alleging such juvenile has violated an order of the juvenile court, (2) a petition has been filed pursuant to section 43-274, or (3) a criminal complaint has been filed in a court of competent jurisdiction".

The Scofield amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Ashford offered the following amendment:
AM1473

1. Insert the following new section:

"Sec. 4. That section 43-2,119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-2,119. In each county of this state having a population of ~~thirty thousand~~ at least two hundred thousand persons and not more than ~~two~~ three hundred thousand ~~population~~ persons in which a separate juvenile court has been established, there shall be ~~one judge~~ two judges of the separate juvenile court. In ~~, and in~~ each county of this state having ~~more than two hundred thousand population~~ a population of more than three hundred thousand persons in which a separate juvenile court has been established, there shall be ~~two~~ three judges of the separate juvenile court. In counties having two or three judges of the separate juvenile court ~~, upon the swearing in of the second judge,~~ the senior judge in point of service as a juvenile court judge shall be the presiding judge. The judges shall rotate the office of presiding judge every three years unless the judges agree to another system.".

2. On page 7, line 18, after the first comma insert "43-2,119,".

3. Renumber the remaining sections accordingly.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 785, 786, 138, 237, 426, 492, and 741.

SELECT FILE

LEGISLATIVE BILL 635. The pending Ashford amendment, AM1473, found in this day's Journal was renewed.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Ashford withdrew his pending amendment.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 638. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Chizek asked unanimous consent to have his name added as co-introducer to LB 419. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 130 in the Journal. No objections. So ordered.

AM1478

1. Insert the following new sections:

"Sec. 2. That section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,132. (1) There is hereby created a fund to be designated the Tax Refund Fund which shall be set apart and maintained by the State Treasurer for prompt payments of all tax refunds under Chapter 66, article 4, the Special Fuel Tax Act, and the Nebraska Revenue Act of 1967 and for 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 such provisions. 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 the Nebraska Revenue Act of 1967. 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, ~~commencing with all amounts credited on or after July 1, 1986, and on or before June 30, 1987,~~ credit to the Highway Trust Fund the portion of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers which is attributable to a sales and use tax rate of three and one half per cent, ~~, and (c) commencing with all amounts credited on or after July 1, 1987, credit to the Highway Trust Fund all of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers.~~ The balance of the amounts so paid shall be credited to the General Fund.

Sec. 3. Sections 2 and 4 of this act shall become operative on July 1, 1987, but if this act passes without an emergency clause, such sections shall become operative on October 1, 1987. The remaining sections of this act shall become operative on their effective date.

Sec. 4. That original section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 230.

Introduced by Pappas, 42nd District.

PURPOSE: The purpose of this resolution is to undertake a study to examine the Uniform Marital Property Act and to consider the implications such act would have if it were adopted in Nebraska. The study should then make any appropriate recommendations to the Legislature.

The Uniform Marital Property Act is the most recent version of marital property before the state legislatures. The act recognizes that spouses are economic partners in a marriage and creates a sharing property system during marriage. The act was developed over four years by the National Conference of Commissioners on Uniform State Laws and released for state action in 1983.

The Uniform Marital Property Act combines features of common or separate property law found in most states and the community property law of eight states. The equal ownership provision comes from community property law. Management and control features come from a separate property law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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 Ashford, 6th District.

PURPOSE: A current nationwide trend is for states to require welfare recipients to seek employment or participate in employment training programs. The Nebraska Department of Social Services currently requires recipients of aid to families of dependent children to participate in a job support program designed to integrate such recipients into the work force. The Nebraska Department of Labor offers a voluntary program, the Job Training Partnership Act, to certain eligible clients. This study will examine the feasibility of expanding and improving these and other programs to ensure that welfare recipients are provided adequate training, education, and other support necessary to secure meaningful employment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH 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.

SELECT FILE

LEGISLATIVE BILL 638A. Ms. Scofield offered the following amendment:
AM1373

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.".

The Scofield 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 182. E & R amendments, AM5226, found in the Journal on page 2177 for the Seventy-Ninth Day were adopted.

Mr. Lamb renewed his pending amendment, AM1364, found in the Journal on page 2356.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

The Lamb amendment was adopted with 29 ayes, 0 nays 16 present and not voting, and 4 excused and not voting.

Mr. Baack withdrew his pending amendment, AM1326, found in the Journal on page 2386.

Mr. Lamb offered the following amendment:
AM1475

1. On page 1, line 5, after the semicolon insert "to provide for termination of a section;".
2. Insert the following new section:
"Sec. 2. Section 79-4,102 shall terminate one year from the effective date of this act in its entirety along with all amendments unless reenacted or reestablished by the Legislature.".
3. Renumber remaining sections accordingly.

The Lamb amendment lost with 5 ayes, 15 nays, 25 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 408. E & R amendments, AM5232, found in the Journal on page 2211 for the Eightieth Day were adopted.

Mr. Wesely moved to indefinitely postpone.

Mr. Wesely withdrew his pending motion to indefinitely postpone.

Messrs. Chizek and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Warner renewed his pending amendment, AM1357, found in the Journal on page 2265.

The Warner amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Wesely offered the following amendment:
to amend LB 408, in AM0570, strike lines 17 through 21 on page 1 and lines 1 through 7 on page 2.

Messrs. Baack and Peterson asked unanimous consent to be excused. No objections. So ordered.

Messrs. Rupp, Ashford, and Mrs. Smith asked unanimous consent to be excused until they return. No objections. So ordered.

The Wesely amendment lost with 6 ayes, 14 nays, 18 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 May 21, 1987, at 2:05 p.m., were the following bills: 785, 786, 138, 237, 426, 492, and 741.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 775 in the Journal. No objections. So ordered.

AM1477

(Amendments to Final Reading second)

1. On page 3, line 19, after the comma insert "foster a public-private partnership in expansion of business in the state by encouraging businesses to utilize the state's postsecondary educational research resources that could aid in expansion by the business,".

2. On page 12, line 22, after "of" insert "seventy-five per cent of".

3. On page 13, line 18, after "of" insert "seventy-five per cent of".

4. On page 14, line 4, strike "five" and insert "three and three-fourths"; and in line 22 strike "ten" and insert "seven and one half".

5. On page 15, after line 9, insert the following new subsection:

"(5) The taxpayer who is or has been allowed a refund under subsection (3) of this section or credit under subsection (4) of this section shall be entitled to elect an additional credit for a contribution made by the taxpayer during the entitlement period to a Nebraska public postsecondary baccalaureate institution for purposes of endowing or partially endowing a faculty chair whose responsibilities include research and which is in a field designated by the taxpayer and approved by the governing board of the institution. The contribution may, at the option of the taxpayer, be contingent upon the taxpayer subsequently receiving the credit for the contribution provided for in this subsection. The amount of the credit allowed shall be two times the amount of the contribution, except that the total amount of credits allowed under this subsection shall not exceed one-third of the amount of sales and use tax refunds allowed the taxpayer under subsection (3) of this section plus credits allowed under subsection (4) of this section for the project. The institution shall then request from the first regular session of the Legislature following its receipt of the contribution one dollar of matching funds from the General Fund for every four dollars of contribution made by the taxpayer. If matching funds are not provided within one year of the contribution, the amount of the contribution may, at the option of the taxpayer, be returned to the taxpayer. Such return shall not affect the credit allowed under this subsection. It is

the intent of the Legislature that the contribution and the matching funds shall not be used to replace existing funds."; and in line 23 after the period insert "The credits shall be used in the following order: First, the credit provided in subsection (3) of section 5 of this act; second, the credit provided in subdivision (4)(a) of section 5 of this act; and third, the credit provided in subdivision (4)(b) of section 5 of this act.".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 467 in the Journal. No objections. So ordered.

AM1481

(Amendments to Final Reading copy)

1. On page 2, strike the new matter in lines 7 and 8 and insert "Commencing on July 1, 1987, and ending on December 31, 1990:"; and in line 18 after "taxed" insert ", except for those race meetings that have taken the applicable exemption from parimutuel tax prior to the effective date of this act this subdivision of subdivision (1)(b) shall not be applicable until January 1, 1988".

2. On page 3, line 8, strike "1990" and insert "1991".

NOTICE OF COMMITTEE HEARING
Judiciary

Governor Appointment Wednesday, May 27, 1987 1:00 P.M.
John E. Knight - Parole Board

(Signed) Jerry Chizek, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 87079

DATE: May 20, 1987

SUBJECT: Interpretation of LB 185, As Amended - Sales Tax Exemption for Materials Used in Farm Machinery Repair and Maintenance

REQUESTED BY: Senator Don Wesely
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our interpretation concerning the exemption from sales tax provided under LB 185, as amended. The exemption provided under the amended version of the bill applies to sales and use of the following:

> Materials and replacement parts, except lubricants, used directly in the repair and maintenance of farm machinery, equipment, and tractors, used exclusively in a farming operation undertaken for profit, for the raising and feeding of livestock or poultry, or for producing milk for sale, except that materials and replacement parts used in the repair and maintenance of all-terraine (sic) vehicles, passenger cars, motorcycles, airplanes, and all trucks as defined in section 60-301 shall not be exempt.

In Kellogg Co. v. Herrington, 216 Neb. 138, 144, 343 N.W.2d 326, 330 (1984), the Nebraska Supreme Court set forth the following rules of statutory construction:

> "A statute is not to be read as if open to construction as a matter of course." County of Douglas v. Board of Regents, 210 Neb. 573, 577, 316 N.W.2d 62, 65 (1982). "Where words of a statute are plain and unambiguous, no interpretation is necessary to ascertain their meaning, and in the absence of anything to indicate to the contrary, words will be given their ordinary meaning." Hill v. City of Lincoln, 213 Neb. 517, 521, 330 N.W.2d 471, 474 (1983). Moreover, "{i}t is not within the province of a court to read a meaning into a statute that is not warranted by the legislative language. Neither is it within the province of the court to read anything plain, direct, and unambiguous out of a statute." Gaughen v. Sloup, 197 Neb. 762, 765, 250 N.W.2d 915, 917 (1977). In the construction of a statute which is clear and unambiguous, courts cannot supply missing language, and it is not within the court's power to read into a statute meaning which the clear language does not warrant. See, Omaha Public Schools v. Hall, 211 Neb. 618, 319 N.W.2d 730 (1982).

Upon consideration of these principles, we believe the plain meaning of the language employed in LB 185, as amended, evidences a legislative intent to grant an exemption only to materials and replacement parts ". . . used directly in the repair and maintenance of farm machinery, equipment, and tractors, used exclusively in a farming operation undertaken for profit, for the raising and feeding

of livestock or poultry, or for producing milk for sale. . . ." The exception following the foregoing language, providing ". . . that materials and replacement parts used in the repair and maintenance of all-terraine (sic) vehicles, passenger cars, motorcycles, airplanes, and all trucks as defined in section 60-301 shall not be exempt," clearly precludes the availability of any exemption under this subsection for materials and replacement parts used in the repair and maintenance of any of the vehicles listed. Thus, in our view, the plain language of the amendment simply bars availability of the exemption for materials or replacement parts used in the repair and maintenance of these specific types of vehicles, under any circumstances.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

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

SELECT FILE

LEGISLATIVE BILL 224. E & R amendments, AM5234, found in the Journal on page 2231 for the Eighty-First Day were adopted.

MR. HANNIBAL PRESIDING

Mr. Abboud renewed his pending amendment, AM1297, printed separate from the Journal and referred to on page 2218.

Mr. Schellpeper asked unanimous consent to be excused. No objections. So ordered.

The Abboud amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Hartnett offered the following amendment:
(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1387.)

Mr. Barrett offered the following amendment to the pending Hartnett amendment:
AM1460

(Amendments to AM1387)

1. On page 4, line 19, strike "or" and show as stricken; in line 20 after the comma insert "or (d) whenever a type or class of motor vehicle previously registered is subsequently declared by legislative act or court decision to be illegal or ineligible to be operated on the public roads and no longer subject to registration fees and taxes,"; and in line 24 strike "or", show as stricken, and insert an underscored comma.

2. On page 5, line 1, after the comma insert "legislative act, or court decision"; in line 4 after the comma insert "the effective date of the legislative act, or the date the court decision is rendered," in line 5 after "transferred" insert ", the legislative act is enacted, or the court decision is rendered"; in line 9 strike "or" and insert an underscored comma; and in line 10 after "transfer" insert "legislative act, or court decision".

3. On page 10, line 10, after "trailer" insert "or whenever a type or class of motor vehicle previously taxed and registered is subsequently declared by legislative act or court decision to be illegal or ineligible to be operated on the public roads and no longer subject to registration fees and taxes"; and in line 11 after "transferor" insert ", in the case of a transfer, or last registered owner, in the case of a legislative act or court decision,"; in line 13 after the comma insert "effective date of the legislative act, or the date the court decision is rendered,"; and in line 15 after "transferred" insert ", a legislative act is enacted, or a court decision is rendered".

4. On page 11, line 1, after "transferor" insert "or last registered owner"; and in line 3 after "transfer" insert "effective date of the legislative act, or the date the court decision is rendered".

5. On page 27, line 7, strike "15," and strike "to" and insert ", 21, 23,"; in line 11 strike "60-315,"; and in line 12 strike "77-1240.03,".

6. Insert the following new amendment:

"2. On page 30, line 4, strike 'and' and insert '60-315,'; and in line 5 after the first comma insert 'and 77-1240.03,'.".

7. Renumber the remaining amendment accordingly.

The Barrett amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

The Hartnett amendment, as amended, was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Schmit withdrew his pending amendment, AM1428, found in the Journal on page 2444.

Mr. Schmit renewed his pending amendment, AM1429, found in the Journal on page 2445.

Messrs. Conway, Miller, and Weihing asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. L. Johnson offered the following amendment to the pending Schmit amendment:

Pg 2 Line 13 after the word Agricultural add ", commercial or industrial"

Mr. L. Johnson moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. L. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Hall	Lamb	Nelson	Remmers	Schmit
Higgins	Langford	Pappas	Rogers	Scofield
Johnson, L.	Moore	Pirsch	Rupp	Warner
Labedz				

Voting in the negative, 15:

Abboud	Chambers	Elmer	Korshoj	Morehead
Barrett	Coordsen	Hannibal	Landis	Wehrbein
Beyer	Dierks	Hefner	Marsh	Wesely

Present and not voting, 4:

Hartnett	Johanns	Johnson, V.	McFarland

Absent and not voting, 1:

Goodrich

Excused and not voting, 13:

Ashford	Conway	Lynch	Schellpeper	Weihing
Baack	Haberman	Miller	Smith	Withem
Chizek	Johnson, R.	Peterson		

The L. Johnson amendment lost with 16 ayes, 15 nays, 4 present and not voting, 1 absent and not voting, and 13 excused and not voting.

MOTION - Adjournment

Mr. Moore moved to adjourn until 9:00 a.m., Tuesday, May 26, 1987. The motion lost with 12 ayes, 16 nays, 9 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 224. The pending Schmit amendment lost with 16 ayes, 12 nays, 9 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Mr. Schmit offered the following amendment:

(Amendments to the Standing Committee Amendments)

1. Insert the following new section:

"Sec. 15. That section 75-363, Reissue Revised Statutes of Nebraska, 1943, be amended to insert the following language, where appropriate:

No defect ticket or citation shall be issued pursuant to Section 393.42 of Part 393, or pursuant to any other state or federal statute, prior to July 1, 1988, for failure to have functional brakes on any axle which is not the original equipment of the manufacturer.".

2. Renumber the remaining sections accordingly.

Pending.

UNANIMOUS CONSENT - Member Excused

Mr. Goodrich asked unanimous consent to be excused. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 298, 480, 736A, 767, and 767A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 298

The following changes, required to be reported for publication in the Journal, have been made:
ER0202
1. In the E & R amendments, AM5237, adopted May 20, 1987, on page 1, line 14, "and" has been struck and ", and 79-1057" has been inserted after "79-1049".

Enrollment and Review Change to LB 480

The following changes, required to be reported for publication in the Journal, have been made:
ER0203
1. On page 1, line 4, "49-1463," has been struck.

Enrollment and Review Change to LB 767

The following changes, required to be reported for publication in the Journal, have been made:
ER0201
1. In the E & R amendment, AM5225, adopted May 20, 1987, on page 1, line 1, "3" has been struck and "4" inserted.
2. On page 3, line 11, the stricken matter has been reinstated; and in lines 11 and 12 the new matter has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Messrs. Hall, Moore, and Hannibal asked unanimous consent to print the following amendment to LB 376A in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1488.)

Mr. Hall asked unanimous consent to print the following amendment to LB 376A in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Bill Room - Room 1102 - AM1486.)

VISITORS

Visitors to the Chamber were a group from Shirley's Carefree Tours; 39 students and teachers from Westlawn Elementary, Grand Island; 30 students and teacher from Orchard Public Schools; 45 fourth grade students and teacher from Catlin Elementary, Omaha; Jackie Cullen and Jenny Gregory from Chadron, and 6 students from Prairie Home and Table Center Schools, Dawes County; 44 fourth grade students and teacher from Skyline Elementary, Elkhorn; 35 fourth grade students and sponsor from Raymond Central, Ceresco; 8 members of United Methodist Women from Wymore; Anita Emenean from Lunenburg N.C., Canada and Margre Martin from Lincoln; and 73 fourth grade students and teacher from Central Elementary School, Fairbury.

MOTION - Adjournment

Mr. Schmit moved to adjourn until 9:00 a.m., Tuesday, May 26, 1987.

Mr. Schmit moved for a call of the house. The motion prevailed with 13 ayes, 12 nays, and 24 not voting.

Mr. Schmit requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 14:

Hefner	Korshoj	Langford	Pappas	Rupp
Johnson, L.	Labedz	Moore	Pirsch	Schmit
Johnson, V.	Lamb	Nelson	Remmers	

Voting in the negative, 18:

Abboud	Barrett	Coordsen	Dierks	Elmer

Hall	Johanns	McFarland	Scofield	Wehrbein
Hartnett	Landis	Morehead	Warner	Wesely
Higgins	Marsh	Rogers		

Present and not voting, 3:

Beyer	Chambers	Hannibal

Excused and not voting, 14:

Ashford	Conway	Johnson, R.	Peterson	Weihing
Baack	Goodrich	Lynch	Schellpeper	Withem
Chizek	Haberman	Miller	Smith	

The Schmit motion to adjourn lost with 14 ayes, 18 nays, 3 present and not voting, and 14 excused and not voting.

Ms. Johanns moved to adjourn. The motion prevailed, and at 3:41 p.m., the Legislature adjourned until 9:00 a.m., Tuesday, May 26, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SEVENTH DAY - MAY 26, 1987

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH DAY - MAY 26, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

EIGHTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 26, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by James S. Hamilton, Executive Director of the Nebraska Council on Alcohol and Drug Education, Inc., Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Baack, Chambers, V. Johnson, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2487, line 34, after amendment, insert "to the pending Hartnett amendment"
The Journal for the Eighty-Sixth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 279, 390, 390A, 462, 462A, 474, 635, 638, 638A, 652, and 684.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 279

The following changes, required to be reported for publication in the Journal, have been made:
ER0205

1. In the Schmit amendment, AM1327, adopted May 21, 1987, on page 4, line 21, "be" has been inserted after "will"; and on page 10, line 11 "66-1301, 66-1302," has been inserted after "sections".

2. In the E & R Amendments, AM5219, adopted May 21, 1987, on page 3, line 8, "66-1323" has been struck and "66-1319" inserted; in line 9 "66-1324" has been struck and "66-1322 to 66-1325" inserted; in line 11 "for" has been inserted after the first "provide"; in line 13 "grants to Indian tribes" has been struck and "loans of ethanol funds" inserted; in line 17 "and" has been struck and "to provide severability;" inserted; and in line 19 "; and to declare an emergency" has been inserted after "1943".

Enrollment and Review Change to LB 390

The following changes, required to be reported for publication in the Journal, have been made:
ER0199

1. In the Conway-Baack amendment, AM1420, adopted May 20, 1987:

a. On page 1, lines 11 and 17, the stricken comma has been reinstated;

b. On page 3, line 6, "shall" has been struck and "will" inserted; and in line 18 "are not" has been struck and "shall not be" inserted; and

c. On page 4, line 8, the second and third "(1)" have been struck.

2. In the Wesely amendment, AM1469, adopted May 20, 1987:

a. On page 1, line 15, "subdivisions" has been struck and "subdivision" inserted;

b. On page 2, line 18, "generating" has been struck and "radiation-generating" inserted; and

c. Amendments 3 and 4 have been struck and the following amendments inserted:

"3. On page 5, reinstate the stricken matter beginning with 'which' in line 19 through the second 'to' in line 21; in line 21 after the second reinstated 'to' insert 'occupational and'; in line 22 reinstate 'public health and safety,' and before the reinstated comma insert 'and the environment'; in line 23 insert an underscored comma after

'radiation'; and in lines 24 and 25 strike the new matter and reinstate the stricken matter.

4. On page 6, reinstate the stricken matter beginning with 'electronic' in line 1 through the second 'to' in line 2; in line 2 after the second reinstated 'to' insert 'occupational and'; reinstate line 3; and in line 3 before the reinstated semicolon insert 'and the environment'.".

3. In the Standing Committee amendment, AM0682, adopted May 6, 1987:

a. On page 3, line 11, "(1)" has been struck; and

b. On page 5, line 20, the second "(1)" has been struck.

4. On page 1, line 1, "the Radiation Control Act" has been struck and "public health and welfare" inserted; in line 2 "71-1,104," has been inserted after "sections"; in line 4 "to provide for the waiver of certain requirements for a license to practice medicine and surgery;" has been inserted after the semicolon; and in line 5 "relating to radiation control" has been inserted after "intent".

5. On page 2, line 5, "to provide severability;" has been inserted before "and".

6. On page 12, line 21, "nuclear" has been inserted after "Spent".

Enrollment and Review Change to LB 474

The following changes, required to be reported for publication in the Journal, have been made:

ER0204

1. In the E & R amendments, AM5222, adopted May 21, 1987, on page 2, line 22, after the semicolon "to provide a minimum wage rate for student-learners as prescribed;" has been inserted.

Enrollment and Review Change to LB 635

The following changes, required to be reported for publication in the Journal, have been made:

ER0208

1. In the Scofield amendment, AM1323, adopted May 21, 1987, on page 1, line 13, "that" has been inserted after "alleging".

Enrollment and Review Change to LB 652

The following changes, required to be reported for publication in the Journal, have been made:

ER0200

1. In the Withem amendment, AM1418, adopted May 20, 1987:

a. On page 3, line 12, the first comma has been struck and shown as stricken;

b. On page 4, line 9, ", or county clerk in counties having no election commissioner," has been inserted after "commissioner";

c. On page 5, line 2, "than" has been inserted after "later"; and in line 7 "date" has been inserted after "which";

d. On page 6, line 19, "(3)" has been struck and "(1)" inserted;

e. On page 10, in lines 1, 5, and 16, "or county clerk" has been inserted after "commissioner"; and the matter beginning with "election" in line 10 through "election" in line 12 has been struck, shown as stricken, and "board of trustees" inserted;

f. On page 12, line 18; and page 13, lines 9, 14, and 17, "or county clerk" has been inserted after "commissioner";

g. On page 14, line 6, paragraphing has been inserted before "The"; and in line 16 "midwest" has been struck and "Midwest" inserted; and

h. On page 15, line 3, the comma has been struck.

2. In the Rupp amendment, AM1388, adopted May 20, 1987, amendment 2 has been struck.

3. In the Rupp amendment, AM1347, adopted May 20, 1987:

a. On page 1, line 8, the paragraphing and "(1)" have been struck and "(1)" shown as stricken; and in line 12 "; and" has been struck, the semicolon shown as stricken, and an underscored period inserted;

b. On page 2, line 3, "(2)" has been struck; and in line 7 an underscored comma has been inserted after "instructions"; and

c. On page 3, the matter beginning with "All" in line 10 through the first period in line 15 has been struck and shown as stricken.

4. In the E & R amendments, AM5216, adopted May 20, 1987, the matter beginning with "and" in line 4 through the quotation marks in line 10 has been struck.

5. On page 1, line 1, "16-401, 16-402, 16-706, 31-735.01, 32-491, 32-4,152, 32-530, 32-542, 32-542.02, and 32-1402, Reissue Revised Statutes of Nebraska, 1943, sections 31-735.02 and 31-735.05, Revised Statutes Supplement, 1986, and section 31-735, Revised Statutes Supplement, 1986, as amended by section 1, Legislative Bill 587, Ninetieth Legislature, 1987; to change terminology for certain elected officials; to change election provisions for sanitary improvement districts; to create a study committee; to authorize certain write-in votes to be counted and listed together; to change provisions relating to the filling of certain vacancies; to change provisions relating to who can vote and who can be a candidate in a party's primary election; to change provisions relating to the selection of delegates to national conventions; to provide for recall of certain officials;" has been inserted after "sections".

(Signed) Mary E. Sommermeyer
E & R Attorney

MESSAGES FROM THE GOVERNOR

May 25, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 763 was received in my office on May 19, 1987.

This bill was signed by me on May 25, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

May 25, 1987

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

Dear Mr. President and Senators:

I am returning LB 780 with my signature but with certain line item reductions.

During December, 1986, just five short months ago, your Legislative body was assembled in Special Session for the purpose of reducing budgets. Your actions then were to reduce the current year appropriation by $6 million with the understanding that those mid-year cuts would be permanent in nature and would therefore approximate an $11 million reduction in the base upon which the budget for the upcoming biennium would be built.

When I took office, there was an estimated unobligated ending balance of $4 million, no reserve, and $17 million of deficits. On

February 2, 1987, I delivered to the Legislature a balanced budget based on anticipated revenues. My budget message stated that the budget was not a "take-it-or-leave it" proposal. Subsequent to that time several occurrences have changed our budget perspectives, one of which was the increase of deficiency needs for several agencies, including over $3 million for the Department of Social Services.

Today I am faced with the prospect of signing LB780, the mainline appropriations bill for essential services of state government and state aid. On the whole this bill is fundamentally in line with the budget I originally submitted. It is not, however, the entire budget package. Several budget and revenue bills still are pending.

After thoughtful item by item review of LB 780 I have reduced or eliminated certain items. I have reduced funding for the three advocacy agencies in the second year in the biennium in the amount of $208,364. This reflects both the need to reduce the size of government and my conviction that this type of activity should not be funded with tax dollars. State government and the goals of these commissions would be better served if the commissions obtained independent financing.

The reduction of $300,000 in the appropriation to the Wastewater Grants program merely reflects project delays that will result from Congress' tardy action on making funds available to this program. In no way will this reduction deny the timely receipt of state financial assistance to approved wastewater treatment projects.

Funding for the Nebraska Research and Development Authority has been reduced by $500,000 for the first year only. This will provide new funding of $1.5 million the first year and $2 million the second year.

Funding for the Department of Revenue has been reduced by $145,000 for the first year and $100,000 for the second year. A saving of $250,000 is achieved during the second year by deferring the replacement of a new airplane.

The requirement for a balanced budget remains. I am committed to achieving that end without a tax increase and providing for an adequate reserve.

I urge you to sustain this action.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jrb

APPRECIATION

Received note of appreciation from Letha and Ray Wilson for Legislative Resolution 111, extending best wishes for their 70th wedding anniversary.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet in executive session May 26, 1987, at 1:00 p.m., in Room 1003.

WITHDRAW - Amendment to LB 642

Mr. Remmers withdrew his pending amendment, AM1012, found in the Journal on page 1714 to LB 642.

MOTION - Return LB 642 to Select File

Mr. Remmers moved to return LB 642 to Select File for his specific amendment, AM1147, found in the Journal on page 2008.

The Remmers motion to return prevailed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 642. The Remmers specific amendment, AM1147, found in the Journal on page 2008 was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 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 218. With Emergency.

A BILL FOR AN ACT relating to capital construction; to amend section 85-122, Revised Statutes Supplement, 1986, and section 77-2602, Reissue Revised Statutes of Nebraska, 1943, as amended by section 27, Legislative Bill 730, Ninetieth Legislature, First Session, 1987; to change provisions for the distribution of cigarette tax proceeds; to create funds; to provide for capital construction projects;

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:

Ashford	Goodrich	Johnson, R.	Miller	Schellpeper
Barrett	Haberman	Labedz	Moore	Scofield
Beyer	Hall	Lamb	Morehead	Smith
Chizek	Hannibal	Landis	Nelson	Warner
Conway	Hartnett	Langford	Pappas	Wehrbein
Coordsen	Hefner	Lynch	Pirsch	Weihing
Dierks	Higgins	Marsh	Remmers	Wesely
Elmer	Johnson, L.	McFarland	Rogers	Withem

Voting in the negative, 5:

Johanns	Korshoj	Peterson	Rupp	Schmit

Excused and not voting, 4:

Abboud	Baack	Chambers	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 218A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 218, Ninetieth Legislature, First Session, 1987.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Ashford	Beyer	Chizek	Coordsen	Elmer
Barrett	Chambers	Conway	Dierks	Goodrich

Haberman	Johnson, R.	Marsh	Pappas	Smith
Hall	Labedz	McFarland	Pirsch	Warner
Hannibal	Lamb	Miller	Remmers	Wehrbein
Hartnett	Landis	Moore	Rogers	Weihing
Hefner	Langford	Morehead	Rupp	Wesely
Johnson, L.	Lynch	Nelson	Scofield	Withem

Voting in the negative, 7:

Abboud	Johanns	Peterson	Schellpeper	Schmit
Higgins	Korshoj			

Excused and not voting, 2:

Baack	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 529.

A BILL FOR AN ACT relating to schools; to amend sections 79-4,140.04 to 79-4,140.08 and 79-1247.05, Revised Statutes Supplement, 1986; to authorize the implementation of certain programs when funds are appropriated by the Legislature; to provide for the termination of of certain 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	Goodrich	Korshoj	Morehead	Schmit
Ashford	Haberman	Labedz	Nelson	Scofield
Barrett	Hall	Lamb	Pappas	Smith
Beyer	Hannibal	Landis	Pirsch	Warner
Chizek	Hartnett	Lynch	Remmers	Wehrbein
Conway	Hefner	Marsh	Rogers	Weihing
Coordsen	Johanns	McFarland	Rupp	Wesely
Dierks	Johnson, L.	Miller	Schellpeper	Withem
Elmer	Johnson, R.	Moore		

Voting in the negative, 1:

Langford

Present and not voting, 3:

Chambers Higgins Peterson

Excused and not voting, 2:

Baack Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 688.

A BILL FOR AN ACT relating to schools; to amend sections 32-4,101, 32-4,104, 79-2201.01, 79-2202, 79-2203, 79-2203.02, 79-2203.03, 79-2204, 79-2204.01, 79-2205, 79-2206, and 79-2208, Reissue Revised Statutes of Nebraska, 1943, and sections 49-14,103.01, 79-328, 79-2201, and 79-2202.02, Revised Statutes Supplement, 1986; to state intent; to provide a role and mission statement for educational service units; to provide reorganization procedures; to redefine a term; to provide for conflicts of interest relating to contracts and employment for educational service unit officials and board members as prescribed; to provide for additional rules and regulations by the State Board of Education; to specify a penalty; to change and eliminate provisions relating to composition of, exclusion from, and inclusion in educational service units; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Chambers	Elmer	Hartnett	Johnson, R.
Ashford	Chizek	Goodrich	Hefner	Johnson, V.
Baack	Conway	Haberman	Higgins	Korshoj
Barrett	Coordsen	Hall	Johanns	Labedz
Beyer	Dierks	Hannibal	Johnson, L.	Landis

Langford	Miller	Pirsch	Schellpeper	Wehrbein
Lynch	Moore	Remmers	Scofield	Weihing
Marsh	Nelson	Rogers	Smith	Wesely
McFarland	Pappas	Rupp	Warner	Withem

Voting in the negative, 4:

Lamb	Morehead	Peterson	Schmit

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 688A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 688, Ninetieth Legislature, First Session, 1987.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Dierks	Johanns	Marsh	Schellpeper
Ashford	Elmer	Johnson, L.	McFarland	Scofield
Baack	Goodrich	Johnson, R.	Miller	Smith
Barrett	Haberman	Johnson, V.	Moore	Warner
Beyer	Hall	Korshoj	Nelson	Wehrbein
Chambers	Hannibal	Labedz	Pappas	Weihing
Chizek	Hartnett	Landis	Remmers	Wesely
Conway	Hefner	Langford	Rogers	Withem
Coordsen	Higgins	Lynch	Rupp	

Voting in the negative, 4:

Lamb	Morehead	Peterson	Pirsch

Present and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 787.

A BILL FOR AN ACT relating to appropriations; to appropriate and reappropriate certain funds to the State Energy Office.

Whereupon the 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	Goodrich	Johnson, V.	Moore	Schellpeper
Ashford	Haberman	Korshoj	Morehead	Schmit
Baack	Hall	Labedz	Nelson	Scofield
Barrett	Hannibal	Lamb	Pappas	Smith
Beyer	Hartnett	Landis	Peterson	Warner
Chizek	Hefner	Langford	Pirsch	Wehrbein
Conway	Higgins	Lynch	Remmers	Weihing
Coordsen	Johanns	Marsh	Rogers	Wesely
Dierks	Johnson, L.	McFarland	Rupp	Withem
Elmer	Johnson, R.	Miller		

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.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 218, 218A, 529, 688, 688A, and 787.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 182, 408, and 416.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 182

The following changes, required to be reported for publication in the Journal, have been made:
ER0207

1. In the E & R amendments, AM5226, adopted May 21, 1987, on page 1, line 5 "certification provisions for" has been struck and "provisions relating to determining and certifying" inserted.

Enrollment and Review Change to LB 408

The following changes, required to be reported for publication in the Journal, have been made:
ER0209

1. In the E & R amendments, AM5232, adopted May 21, 1987, on page 1, line 4, the comma has been struck.

Enrollment and Review Change to LB 416

The following changes, required to be reported for publication in the Journal, have been made:
ER0206

1. In the Landis amendment, AM1280, adopted May 21, 1987, on page 3, lines 2 to 3, "Director of Insurance" has been struck and "director" inserted; in line 4 "subdivision (10) of" has been struck; in line 7 "If after" has been struck and "After" inserted; in line 8 the comma has been struck; and in line 12 "meet" has been inserted after "to".

2. In the E & R amendments, AM5229, adopted May 21, 1987, on page 1, the matter beginning with the quotation marks in line 20 through the quotation marks in line 21 has been struck and "amend section 44-222, Revised Statutes Supplement, 1986; to adopt the Long-term Care Insurance Act; to exempt certain insurance companies from maximum risk provisions; to provide severability; to repeal the original section; and to declare an emergency." inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

MOTION - Suspend Rules

Mr. Rupp moved to suspend Rule 6, Section 7 and permit consideration of LB 775 and 775A today.

Mr. Lamb offered the following amendment to the pending Rupp motion:

Suspend rules, Rule 6, Section 8, Rule 7, Section 3, and Rule 7, Section 7 to prohibit amendments or debate and read LB 775 and LB 775A.

Mr. V. Johnson raised a point of order on whether the Lamb amendment to the motion to suspend the rules is in order.

The Chair ruled that a motion to suspend the rules could not be amended.

Messrs. V. Johnson and Schmit moved to bracket until Thursday, May 28, 1987.

Mr. Chambers moved to amend the bracket motion to set the date at January 10, 1988.

Mrs. Morehead asked unanimous consent to be excused until she 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.

Mr. Chambers requested a record vote on his amendment to the bracket motion.

Voting in the affirmative, 11:

Baack	Dierks	Higgins	Miller	Schellpeper
Chambers	Haberman	Korshoj	Moore	Scofield
Coordsen				

Voting in the negative, 34:

Abboud	Beyer	Elmer	Hannibal	Johanns
Ashford	Chizek	Goodrich	Hartnett	Johnson, L.
Barrett	Conway	Hall	Hefner	Johnson, R.

Johnson, V.	Langford	Peterson	Rupp	Weihing
Labedz	Marsh	Pirsch	Smith	Wesely
Lamb	McFarland	Remmers	Warner	Withem
Landis	Nelson	Rogers	Wehrbein	

Present and not voting, 3:

Lynch	Pappas	Schmit

Excused and not voting, 1:

Morehead

The Chambers amendment lost with 11 ayes, 34 nays, 3 present and not voting, and 1 excused and not voting.

Mr. Landis 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. V. Johnson requested a roll call vote on the V. Johnson-Schmit motion to bracket.

Voting in the affirmative, 20:

Ashford	Hall	Landis	Miller	Rogers
Baack	Johanns	Lynch	Moore	Schmit
Chizek	Johnson, R.	Marsh	Pappas	Wesely
Haberman	Johnson, V.	McFarland	Remmers	Withem

Voting in the negative, 25:

Abboud	Dierks	Higgins	Nelson	Scofield
Barrett	Elmer	Johnson, L.	Peterson	Smith
Beyer	Goodrich	Labedz	Pirsch	Warner
Conway	Hannibal	Lamb	Rupp	Wehrbein
Coordsen	Hefner	Langford	Schellpeper	Weihing

Present and not voting, 3:

Chambers	Hartnett	Korshoj

Excused and not voting, 1:

Morehead

The V. Johnson-Schmit motion to bracket lost with 20 ayes, 25 nays, 3 present and not voting, and 1 excused and not voting.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

Mrs. Marsh requested a roll call vote on the pending Rupp motion to suspend the rules.

Voting in the affirmative, 31:

Abboud	Coordsen	Higgins	Nelson	Schellpeper
Ashford	Dierks	Johnson, L.	Pappas	Scofield
Baack	Elmer	Labedz	Peterson	Smith
Barrett	Goodrich	Lamb	Pirsch	Warner
Beyer	Hannibal	Langford	Rogers	Wehrbein
Chizek	Hefner	Marsh	Rupp	Weihing
Conway				

Voting in the negative, 14:

Haberman	Johnson, V.	Lynch	Moore	Wesely
Hall	Korshoj	McFarland	Remmers	Withem
Johnson, R.	Landis	Miller	Schmit	

Present and not voting, 3:

Chambers	Hartnett	Johanns

Excused and not voting, 1:

Morehead

The Rupp motion to suspend the rules prevailed with 31 ayes, 14 nays, 3 present and not voting, and 1 excused and not voting.

MOTION - Return LB 775 to Select File

Messrs. Chambers and Dierks moved to return LB 775 to Select File for the following specific amendment:

Page 11, add new (i)

"Wing-tip shoes costing at least $80 per pair"

Messrs. Chambers and Dierks asked unanimous consent to replace the pending Chambers-Dierks amendment with the pending Dierks substitute amendment, AM1404, found in the Journal on page 2346.

Mr. V. Johnson objected.

Messrs. Chambers and Dierks moved to replace the pending Chambers-Dierks amendment with the pending Dierks substitute amendment, AM1404, found in the Journal on page 2346.

Mrs. Labedz 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. Dierks requested a roll call vote on the motion to substitute the amendment.

Voting in the affirmative, 29:

Baack	Haberman	Johnson, L.	McFarland	Scofield
Barrett	Hall	Korshoj	Moore	Smith
Chambers	Hannibal	Labedz	Nelson	Warner
Coordsen	Hefner	Lamb	Rogers	Wehrbein
Dierks	Higgins	Langford	Rupp	Withem
Elmer	Johanns	Lynch	Schellpeper	

Voting in the negative, 19:

Abboud	Conway	Johnson, V.	Pappas	Schmit
Ashford	Goodrich	Landis	Peterson	Weihing
Beyer	Hartnett	Marsh	Pirsch	Wesely
Chizek	Johnson, R.	Miller	Remmers	

Excused and not voting, 1:

Morehead

The motion to substitute prevailed with 29 ayes, 19 nays, and 1 excused and not voting.

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.

Mr. Moore requested a record vote on the Dierks-Chambers motion to return to Select File.

Voting in the affirmative, 15:

Baack	Dierks	Korshoj	Moore	Schellpeper
Chambers	Hefner	Lynch	Rogers	Scofield
Coordsen	Higgins	McFarland	Rupp	Withem

Voting in the negative, 31:

Abboud	Goodrich	Johnson, R.	Marsh	Remmers
Ashford	Hall	Johnson, V.	Miller	Schmit
Barrett	Hannibal	Labedz	Nelson	Smith
Beyer	Hartnett	Lamb	Pappas	Warner
Chizek	Johanns	Landis	Peterson	Wehrbein
Conway	Johnson, L.	Langford	Pirsch	Weihing
Elmer				

Present and not voting, 2:

Haberman Wesely

Excused and not voting, 1:

Morehead

The Dierks-Chambers motion to return lost with 15 ayes, 31 nays, 2 present and not voting, and 1 excused and not voting.

MOTION - Reconsider Action on LB 775

Mr. Warner moved to reconsider amendment, AM1404, for LB 775 to return to Select File.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?"

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a record vote on the motion to cease debate.

Voting in the affirmative, 25:

Abboud	Elmer	Johanns	Marsh	Rupp
Ashford	Goodrich	Johnson, V.	Peterson	Wehrbein
Beyer	Hall	Landis	Pirsch	Weihing
Chizek	Hartnett	Langford	Remmers	Wesely
Conway	Hefner	Lynch	Rogers	Withem

Voting in the negative, 14:

Baack	Dierks	Johnson, L.	Moore	Scofield
Chambers	Hannibal	Korshoj	Nelson	Smith
Coordsen	Higgins	Miller	Schellpeper	

Present and not voting, 8:

Barrett	Labedz	McFarland	Schmit	Warner
Haberman	Lamb	Pappas		

Excused and not voting, 2:

Johnson, R. Morehead

The motion to cease debate prevailed with 25 ayes, 14 nays, 8 present and not voting, and 2 excused and not voting.

Mrs. Higgins requested a record vote on the Warner motion to reconsider action on the Dierks-Chambers motion to return.

Voting in the affirmative, 20:

Baack	Hefner	Lynch	Rogers	Smith
Chambers	Higgins	McFarland	Rupp	Warner
Coordsen	Johnson, L.	Moore	Schellpeper	Wehrbein
Dierks	Korshoj	Nelson	Scofield	Withem

Voting in the negative, 25:

Abboud	Chizek	Goodrich	Hartnett	Labedz
Ashford	Conway	Hall	Johanns	Lamb
Beyer	Elmer	Hannibal	Johnson, V.	Landis

Langford	Miller	Peterson	Remmers	Weihing
Marsh	Pappas	Pirsch	Schmit	Wesely

Present and not voting, 2:

Barrett Haberman

Excused and not voting, 2:

Johnson, R. Morehead

The Warner motion to reconsider lost with 20 ayes, 25 nays, 2 present and not voting, and 2 excused and not voting.

MOTION - Return LB 775 to Select File

Mr. Chambers moved to return LB 775 to Select File for the following specific amendment:

Page 12, line 14, after "employees", add: "each of whom shall have been a resident of this State for at least 3 years immediately prior to being employed by such taxpayer"

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to the Proposed Rule Changes, found in the Journal on pages 2422 and 2423. No objections. So ordered.

(1)

Page 1, line 8 after "members" put a "period".

(2)

Page 1, line 9 after "the" insert "consideration of"

(3)

Page 1, line 14 strike the "period" and add "but such specific amendment shall not be considered if other pending amendments or motions were filed prior to it."

(4)

Page 1, line 18 add "Provisions to suspend the rules to end debate shall apply only during the final 30 days of any legislative session."

(5)
Page 1, line 18 add, Provisions to suspend the rules to end debate shall apply only during the final 29 days of any legislative session.

(6)
Page 1, line 18 add, "Provisions to suspend the rules to end debate shall apply only during the final 25 days of any legislative session."

(7)
Page 1, line 18 add, "Provisions to suspend the rules to end debate shall apply only during the final 20 days of any legislative session."

(8)
Page 1, line 18 add, "Provisions to suspend the rules to end debate shall apply only during the final 19 days of any legislation session."

(9)
Page 1, line 18 add, "Provisions to suspend the rules to end debate shall apply only during the final 18 days of any legislative session."

(10)
Page 1, line 18 add, "Provisions to suspend the rules to end legislative debate shall apply only during the final 17 days of any legislative session."

(11)
Page 1, line 18 add, "Provisions to suspend the rules to end debate shall apply only during the final 16 days of any legislative session.

(12)
Page 1, line 18 add, "Provisions to suspend the rules to end debate shall apply only during the final 15 days of any legislative session."

(13)
Page 1, line 18 add, "Provisions to suspend the rules to end debate shall apply only during the final 14 days of any legislative session."

(14)
Page 1, line 18 add, "Provisions to suspend the rules to end debate shall apply only during the final 13 legislative days of any session."

(15)

Page 1, line 18 add, "Provisions to suspend the rules to end debate shall apply only during the final 12 days of any legislative session."

(16)

Page 1, line 18 add, "Provisions to suspend the rules to end debate shall apply only during the final 11 days of any legislative session."

(17)

Page 1, line 18 add, "Provisions to suspend the rules to end debate shall apply only during the final 10 days of any legislative session."

(18)

Page 1, line 18 add, "Provisions to suspend the rules to end debate shall apply only during the final 9 days of any legislative session."

(19)

Page 1, line 18 add "Provisions to suspend the rules to end debate shall apply only during the final 8 days of any legislative session."

(20)

Page 1, line 18 add, "Provisions to suspend the rules to end debate shall apply only during the final 7 days of any legislative session."

(21)

Page 1, line 18 add, "Provisions to suspend the rules to end debate shall apply only during the final 6 days of any legislative session."

(22)

Page 1, line 18 add, "Provisions to suspend the rules to end debate shall apply only during the final 5 days of any legislative session."

(23)

Page 1, line 18 add, "Provisions to suspend the rules to end debate shall apply only during the final 4 days of any legislative session."

(24)

Page 1, line 18 add, "Provisions to suspend the rules to end debate shall apply only during the final 3 days of any legislative session."

(25)

Page 1, line 18 add, "Provisions to suspend the rules to end debate shall apply only during the final 2 days of any legislative session."

(26)

Page 1, line 18 add, "Provisions to suspend the rules to end debate shall apply only during the last day of any legislative session."

(27)

Page 1, line 20 strike "per senator".

(28)

Page 1, line 21 strike the "period" and add "and no more than two for any legislative bill on the same day."

(29)

Page 1, line 21 strike the "period" and add "and no more than three for any legislative bill on the same day."

(30)

Page 1, line 21 strike the "period" and add "and no more than four for any legislative bill on the same day."

(31)

Page 1, line 21 strike the period and add "and no more than five for any legislative bill on the same day."

(32)

Page 1, line 21 strike the "period" and add "and no more than six for any legislative bill on the same day."

(33)

Page 1, line 21 strike the "period" and add "and no more than seven for any legislative bill on the same day."

(34)

Page 1, line 21 strike the "period" and add "and no more than eight for any legislative bill on the same day."

(35)

Page 1, line 21 strike the "period" and add "and no more than nine for any legislative bill on the same day."

(36)

Page 1, line 21 strike the period and add "and no more than ten for any legislative bill on the same day."

(37)

Page 1, line 21 strike the "period" and add "and no more than 15 for any legislative bill on the same day."

(38)

Page 1, line 21 strike the "period" and add "and no more than 20 for any legislative bill on the same day."

(39)

Page 1, line 21 strike the "period" and add "and no more than 25 for any legislative bill on the same day."

(40)

Page 1, line 21 strike the "period" and add "and no more than 30 for any legislative bill on the same day."

(41)

Page 1, line 21 strike the "period" and add "and no more than 50 for any legislative bill on the same day."

(42)

Page 1, line 21 strike the "period" and add "and no more than 100 for any legislative bill on the same day."

(43)

Page 1, line 21 strike the "period" and add "and no more than 500 for any legislative bill on the same day."

(44)

Page 1, line 20 strike "one" and insert "two"

(45)

Page 1, line 20 strike "one" and insert "three".

(46)

Page 1, line 20 strike "one" and insert "four".

(47)

Page 1, line 20 strike "one" and insert "five".

(48)

Page 1, line 20 strike "one" and insert "six".

(49)

Page 1, line 20 strike "one" and insert "seven".

(50)
Page 1, line 20 strike "one" and insert "eight".

(51)
Page 1, line 20 strike "one" and insert "nine".

(52)
Page 1, line 20 strike "one" and insert "ten".

(53)
Page 1, line 20 strike "one" and insert "20".

(54)
Page 1, line 20 strike "one" and insert "50".

(55)
Page 2, line 10 after "may" insert "not" and put a "period" after "withdrawn" and strike the remaining language in lines 10-12.

(56)
Page 2, strike all of section 2.

(57)
Page 2, strike line 18, renumber.

(58)
Place priority motions in the following order: Adjourn, Previous Question, time certain, Recommit, Amend, Indefinitely postpone, Suspend rules, Suspend rules to end debate. Strike original provisions and renumber.

(59)
Page 1, line 14 after "amendment" add "No motion shall be made to suspend the rules to end debate unless there has been at least 120 minutes of debate."

(60)
Page 1, line 14 after "amendment." add "No motion shall be made to suspend the rules to end debate unless there has been at least 110 minutes of debate."

(61)

Page 1, line 14 after "amendment." add "No motion shall be made to suspend the rules to end debate unless there has been at least 100 minutes of debate."

(62)

Page 1, line 14 after "amendment." add "No motion shall be made to suspend the rules to end debate unless there has been at least 90 minutes of debate."

(63)

Page 1, line 14 after "amendment." add "No motion shall be made to suspend the rules to end debate unless there has been at least 80 minutes of debate."

(64)

Page 1, line 14 after "amendment." add "No motion shall be made to suspend the rules to end debate unless there has been at least 75 minutes of debate."

(65)

Page 1, line 14 after "amendment." add "No motion shall be made to suspend the rules to end debate unless there has been at least 70 minutes of debate."

(66)

Page 1, line 14 after "amendment." add "No motion shall be made to suspend the rules to end debate unless there has been at least 65 minutes of debate."

(67)

Page 1, line 14 after "amendment." add "No motion shall be made to suspend the rules to end debate unless there has been at least 60 minutes of debate."

(68)

Page 1, line 14 after "amendment." add "No motion shall be made to suspend the rules to end debate unless there has been at least 55 minutes of debate."

(69)

Page 1, line 14 after "amendment." add "No motion shall be made to suspend the rules to end debate unless there has been at least 50 minutes of debate."

(70)

Page 1, line 14 after "amendment." add "No motion shall be made to suspend the rules to end debate unless there has been at least 45 minutes of debate."

(71)

Page 1, line 14 after "amendment." add "No motion shall be made to suspend the rules to end debate unless there has been at least 40 minutes of debate."

(72)

Page 1, line 14 after "amendment." add "No motion shall be made to suspend the rules to end debate unless there has been at least 35 minutes of debate."

(73)

Page 1, line 14 after "amendment." add "No motion shall be made to suspend the rules to end debate unless there has been at least 30 minutes of debate."

(74)

Page 1, line 14 after "amendment." add "No motion shall be made to suspend the rules to end debate unless there has been at least 25 minutes of debate."

(75)

Page 1, line 14 after "amendment." add "No motion shall be made to suspend the rules to end debate unless there has been at least 20 minutes of debate."

Ms. Johanns asked unanimous consent to print the following amendment to LB 337A in the Journal. No objections. So ordered.

AM1485

1. Strike the original sections and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Trade Secrets Act.

Sec. 2. As used in the Trade Secrets Act, unless the context otherwise requires:

(1) Improper means shall mean theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy, or espionage through electronic or other means;

(2) Misappropriation shall mean:

(a) Acquisition of a trade secret of another by a person who knows or has reason to know that the trade secret was acquired by improper means; or

(b) Disclosure or use of a trade secret of another without express or implied consent by a person who:

(i) Used improper means to acquire knowledge of the trade secret;

(ii) At the time of the disclosure or use, knew or had reason to know that his or her knowledge of the trade secret was:

(A) Derived from or through a person who had utilized improper means to acquire it;

(B) Acquired under circumstances giving rise to a duty to maintain its secrecy or limit its use; or

(C) Derived from or through a person who owed a duty to the person seeking relief to maintain its secrecy or limit its use; or

(iii) Before a material change of his or her position, knew or had reason to know that the information was a trade secret and that knowledge of it had been acquired by accident or mistake;

(3) Person shall mean a natural person, corporation, business trust, estate, trust, partnership, association, joint-venture, government, governmental subdivision or agency, or any other legal or commercial entity; and

(4) Trade secret shall mean information, including, but not limited to, a drawing, formula, pattern, compilation, program, device, method, technique, list, code, or process that:

(a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Sec. 3. (1) Actual or threatened misappropriation may be enjoined. Upon application to the court, an injunction shall be terminated when the trade secret has ceased to exist, but the injunction may

be continued for an additional reasonable period of time in order to eliminate commercial advantage that otherwise would be derived from the misappropriation.

(2) In exceptional circumstances, an injunction may condition future use upon payment of a reasonable royalty for no longer than the period of time for which use could have been prohibited. Exceptional circumstances shall include, but are not limited to, a material and prejudicial change of position prior to acquiring knowledge or having reason to know of the misappropriation that renders a prohibitive injunction inequitable.

(3) In appropriate circumstances, affirmative acts to protect a trade secret may be compelled by court order.

Sec. 4. Except to the extent that a material and prejudicial change of position prior to acquiring knowledge or having reason to know of the misappropriation renders a monetary recovery inequitable, a complainant shall be entitled to recover damages for misappropriation. Damages may include both the actual loss caused by misappropriation and the unjust enrichment caused by misappropriation that is not taken into account in computing actual loss. In lieu of damages measured by any other methods, the damages caused by misappropriation may be measured by imposition of liability for a reasonable royalty for a misappropriator's unauthorized disclosure or use of a trade secret.

Sec. 5. In an action under the Trade Secrets Act, the court shall preserve the secrecy of an alleged trade secret by reasonable means, which may include, but not be limited to, granting protective orders in connection with discovery proceedings and ordering nondisclosure of the alleged trade secret by the parties' attorneys, witnesses, or experts. The disclosure or publication of a trade secret in a court proceeding or as a result thereof shall not constitute an abandonment of the secret.

Sec. 6. An action for misappropriation shall be brought within four years after the misappropriation is discovered or by the exercise of reasonable diligence should have been discovered. For purposes of this section, a continuing misappropriation shall constitute

a single claim.

Sec. 7. (1) Except as provided in subsection (2) of this section, the Trade Secrets Act shall displace conflicting tort, restitutionary, and other laws of this state providing civil remedies for the misappropriation of a trade secret.

(2) The Trade Secrets Act shall not affect:

(a) Contractual remedies, whether or not based upon misappropriation of a trade secret;

(b) Other civil remedies that are not based upon misappropriation of a trade secret; or

(c) Criminal remedies, whether or not based upon misappropriation of a trade secret.

Sec. 8. The Trade Secrets Act shall not apply to any misappropriation occurring prior to the effective date of this act. With respect to a continuing misappropriation that began prior to the effective date of this act, such act also shall not apply to the continuing misappropriation that occurs after such date.".

Mr. Dierks asked unanimous consent to print the following amendment to LB 104 in the Journal. No objections. So ordered.

AM1490

(Amendments to the Final Reading copy)

1. On page 8, line 22, after "species" insert "not".

2. On page 12, lines 12 and 15, strike the new matter and reinstate the stricken matter; and in line 16 after the period insert "The rabies control authority may require the impoundment of domestic animals other than dogs.".

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 26, 1987, at 10:30 a.m., were the following bills: 218, 218A, 529, 688, 688A, and 787.

(Signed) Pam Moravec, Enrolling Clerk

RESOLUTION

LEGISLATIVE RESOLUTION 232.

Introduced by Chambers, 11th District.

WHEREAS, criminal actions based on alleged violations of the State's petition laws are pending before the courts of this State including the Supreme Court; and

WHEREAS, during one of such criminal trials in Sarpy County a defense attorney made repeated reference to pending legislation dealing with changes in the State's petition laws; and

WHEREAS, LB 716 is a bill which proposes changes in the State's petition laws; and

WHEREAS, LB 716 has been bracketed at the first stage of legislative debate (General File) for consideration in January, 1988; and

WHEREAS, the Legislature's decision by less than a majority vote of 21 -19 (Legislative Journal, page 2417; 1987) to bracket rather than kill LB 716 pursuant to a pending motion, should not be construed as legislative approval of the present contents of LB 716; and

WHEREAS, pending amendments which would have modified and/or stricken some provisions of LB 716 were superseded by the priority motion to bracket and, hence, were not considered by the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA FIRST SESSION:

1. That the pendency of LB 716 on General File under a bracket motion should not be construed by any person, judge or court as an expression by the Legislature of any opinion regarding the guilt or innocence of any defendant in any action pending before any court.

2. That the pendency of LB 716 on General File under a bracket motion should not be construed by any person, judge or court as expressing any intent by the Legislature to influence the outcome of any action pending before any court.

3. That the pendency of LB 716 on General File under a bracket motion is not intended by the Legislature to provide to any person a means to try to influence any judge or any court in any action pending before any court.

Laid over.

MESSAGE FROM THE GOVERNOR

May 26, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 782, 782A, 783, 783A, 768, 769, 785, 786, 138, 237, 426, 492, and 741 were received in my office on May 21, 1987.

These bills were signed by me on May 26, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 642.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 642
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0210

1. In the Remmers amendment, AM1147, adopted May 26, 1987:

a. On page 3, line 12, an underscored comma has been inserted after "21-1313"; and in line 24 the comma has been struck and shown as stricken; and

b. On page 5, line 5, "said" has been struck, shown as stricken, and "such" inserted.

2. On page 5, line 23, "pursuant to" has been struck and "in" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

VISITORS

Visitors to the Chamber were 8 fifth grade students and sponsor from Maude Rousseau, Lincoln; Dale and Nadine Bruntz from Denver, Colorado; Bill Langley and Doris Lloyd Olson from Tekamah; 60 fourth grade students and teacher from Trumble Park School, Papillion; Rachel Morehead from Falls City and Roberta Beat from San Diego, California; Dr. Wolfrom Elsner from the Federal Republic of Germany; and Angie Bartels from Beatrice.

RECESS

At 12:00 noon, on a motion by Mr. Schmit, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Conway, Haberman, R. Johnson, McFarland, and Mrs. Pirsch who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 233.

Introduced by Hefner, 19th District.

WHEREAS, George Washington was Commander-in-Chief of the Continental Army and the first President of the United States; and

WHEREAS, Abraham Lincoln was the sixteenth President of the United States and is remembered as a great emancipator; and

WHEREAS, Presidents Washington and Lincoln are the best-known and respected historical figures of United States history; and

WHEREAS, the examples of leadership set by these two Presidents continue to inspire Americans and their elected leaders today; and

WHEREAS, portraits of Presidents Washington and Lincoln hung in the legislative chambers for many years, adding an appropriate air of respect to the business before the Legislature; and

WHEREAS, the portraits have been removed and their quality has been criticized; and

WHEREAS, citizens of the state are distraught that the portraits have been removed from the chambers of their Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislature find suitable replacements of the portraits and have them suitably placed in a prominent place in the George W. Norris legislative chambers.

Laid over.

STANDING COMMITTEE REPORT
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Mark J. Masterton - Environmental Control Council
Dennis Dean Weisenburger - Environmental Control Council
Mark A. Whitehead - Environmental Control Council

Vote: Aye: Senators Schmit, Weihing, Labedz, Hall, and Elmer. Absent: Senators Lamb and Rod Johnson.

(Signed) Loran Schmit, Chairperson

MOTION - Return LB 775 to Select File

Mr. Chambers renewed his pending motion to return LB 775 to Select File for his specific amendment found in this day's Journal.

Mr. Abboud 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 return.

Voting in the affirmative, 4:

Chambers	Dierks	Higgins	Schellpeper

Voting in the negative, 30:

Abboud	Chizek	Hannibal	Labedz	Marsh
Ashford	Elmer	Hefner	Landis	Moore
Barrett	Goodrich	Johanns	Langford	Nelson
Beyer	Hall	Johnson, L.	Lynch	Pappas

Peterson	Rogers	Schmit	Wehrbein	Wesely
Remmers	Rupp	Smith	Weihing	Withem

Present and not voting, 10:

Baack	Hartnett	Korshoj	Miller	Scofield
Coordsen	Johnson, V.	Lamb	Morehead	Warner

Excused and not voting, 5:

Conway	Haberman	Johnson, R.	McFarland	Pirsch

The Chambers motion to return lost with 4 ayes, 30 nays, 10 present and not voting, and 5 excused and not voting.

Mr. Chambers moved to return LB 775 to Select File for the following specific amendment:

1. Strike original sections 9 and 10 and insert the following new section:

"Sec. 9. (1)(a) Every resident individual may elect a period of three consecutive taxable years, commencing at any time after the individual reaches the age of fifty-six, during which period the individual may subtract from federal adjusted gross income for the applicable taxable year the gain from the sale or exchange of capital assets acquired by the individual on account of his or her employment or occupation and when the sale or exchange occurred during that year. The subtraction from income shall be applied to the taxable year of the three-year period in which the gain was realized, except that (i) the subtraction from income may be carried over for up to five years until fully utilized and (ii) any gains received over a period of years may be subtracted proportionately for up to the five years succeeding the sale or exchange of the capital asset.

(b) The election may be made for taxable years beginning or deemed to begin on or after January 1, 1989, except that such election may be made with respect to one half of such gain included in federal adjusted gross income for taxable years beginning or deemed to begin on or after January 1, 1987.

(2)(a) Each individual shall be entitled to one election under subsection (1) of this section during

his or her lifetime.

(b) The election shall apply only once to the same capital asset.

(c) The election shall not apply to any capital asset acquired during the three-year period.

(d) After the individual makes an election, such election shall apply to the sale or exchange of the capital asset transferred by inter vivos gift from the individual to his or her spouse if such capital asset was sold or exchanged as provided in subsection (1) of this section. This subdivision shall apply only if the spouse was married to such individual on the date of the sale or exchange or the date of death of the individual.

(e) If the individual dies without making an election, the surviving spouse may make the election for the capital assets that would have qualified under subdivision (d) of this subsection.

(3) An election under subsection (1) of this section shall be made by including a written statement with the individual's Nebraska income tax return or an amended return, for the taxable years for which the election is made. The written statement shall identify the grounds for the election under this section and shall state that the individual elects to have this section apply.".

2. On page 27, line 5, strike "sections 9 and 10" and insert "section 9".

3. On page 36, line 21, strike "13 and 18" and insert "12 and 17".

4. Renumber the remaining sections accordingly.

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Pappas 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 record vote on his motion to return.

Voting in the affirmative, 9:

Baack Conway Coordsen Dierks Haberman

Higgins Korshoj Schellpeper Smith

Voting in the negative, 31:

Abboud	Hall	Johnson, V.	Morehead	Rupp
Ashford	Hannibal	Labedz	Pappas	Scofield
Barrett	Hefner	Lamb	Peterson	Wehrbein
Beyer	Johanns	Landis	Pirsch	Weihing
Chizek	Johnson, L.	Marsh	Remmers	Wesely
Elmer	Johnson, R.	Moore	Rogers	Withem
Goodrich				

Present and not voting, 7:

Chambers	Langford	Miller	Schmit	Warner
Hartnett	Lynch			

Excused and not voting, 2:

McFarland Nelson

The Chambers motion to return lost with 9 ayes, 31 nays, 7 present and not voting, and 2 excused and not voting.

MOTION - Reconsider Action on LB 775

Mr. Chambers moved to reconsider the action of his motion to return LB 775 to Select File for his specific amendment found in this day's Journal.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

MOTION - Suspend Rules

Messrs. Schmit, Pappas, and Abboud moved to suspend the rules, Rule 6, Section 8 and Rule 7, Section 3 and vote on final passage of LB 775 and LB 775A without further amendment or motions.

Mr. Chambers raised a point of order on whether the Schmit-Pappas-Abboud motion is in order.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chair ruled the Schmit-Pappas-Abboud motion is out of order.

Mr. Schmit challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Ashford 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. Chambers requested a record vote on the Schmit motion to overrule the Chair.

Voting in the affirmative, 27:

Abboud	Hall	Johnson, V.	Marsh	Rogers
Ashford	Hartnett	Labedz	Miller	Rupp
Beyer	Hefner	Landis	Moore	Wehrbein
Chizek	Johanns	Langford	Pappas	Weihing
Elmer	Johnson, L.	Lynch	Remmers	Wesely
Goodrich	Johnson, R.			

Voting in the negative, 15:

Baack	Dierks	Korshoj	Pirsch	Smith
Conway	Hannibal	Morehead	Schellpeper	Warner
Coordsen	Higgins	Nelson	Scofield	Withem

Present and not voting, 5:

Barrett	Chambers	Lamb	Peterson	Schmit

Excused and not voting, 2:

Haberman McFarland

The Schmit motion to overrule the Chair prevailed with 27 ayes, 15 nays, 5 present and not voting, and 2 excused and not voting.

MOTION - Reconsider Action on LB 775

Mr. Chambers moved to reconsider the Schmit motion to overrule the Chair on LB 775.

Mr. Lynch 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 26 ayes, 14 nays, and 9 not voting.

Mr. Chambers requested a record vote on his motion to reconsider.

Voting in the affirmative, 15:

Baack	Coordsen	Higgins	Nelson	Warner
Chambers	Dierks	Korshoj	Schellpeper	Wesely
Conway	Hannibal	Morehead	Scofield	Withem

Voting in the negative, 24:

Abboud	Goodrich	Labedz	Moore	Schmit
Ashford	Hall	Landis	Pappas	Smith
Beyer	Hefner	Langford	Remmers	Wehrbein
Chizek	Johnson, L.	Marsh	Rogers	Weihing
Elmer	Johnson, V.	Miller	Rupp	

Present and not voting, 7:

Barrett	Johanns	Lamb	Peterson	Pirsch
Hartnett	Johnson, R.			

Excused and not voting, 3:

Haberman	Lynch	McFarland

The Chambers motion to reconsider lost with 15 ayes, 24 nays, 7 present and not voting, and 3 excused and not voting.

MOTION - Bracket LB 775

Mrs. Higgins moved to bracket LB 775 until January 12, 1988.

Mr. Schmit raised a point of order on whether the Higgins motion is in order pursuant to Rule 7, Section 6.

The Chair ruled the Higgins motion is out of order pursuant to Rule 7, Section 6.

Mrs. Higgins challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mrs. Higgins withdrew her motion to overrule the Chair.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Recommit LB 775 to Committee

Mr. Chambers moved to recommit LB 775 to the Revenue Committee.

Mr. Hefner 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 offered the following amendment to his pending motion:

change committee to Agriculture Committee.

Mr. Schmit raised a point of order on whether the Chambers amendment to the motion is in order pursuant to Rule 6, Section 8(b).

The Chair ruled the Chambers amendment is out of order pursuant to Rule 6, Section 8(b), which requires recommitting the bill to the proper standing committee.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

MR. LANDIS PRESIDING

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers withdrew his motion to overrule the Chair.

Pending.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 418. Placed on General File as amended.
Standing Committee amendments to LB 418:
AM1501

1. On page 2, strike beginning with "eight" in line 5 through "dollars" in line 6 and insert "four hundred seventy-five dollars per month"; in line 16 strike "1987" and insert "1988", strike "institutional", and after "care" insert "in a licensed intermediate care facility, domiciliary facility, residential care facility, or center for the developmentally disabled, as such terms are defined in section 71-2017.01,"; in line 23 strike "1987" and insert "1988"; and in line 24 strike "institutional" and after "care" insert "in a facility certified to receive medical assistance funds under sections 68-1018 to 68-1036".

2. On page 3, line 5, after "68-716" insert ", 68-1020,"; strike beginning with "applicant" in line 6 through "the" in line 7; in line 7 after the second "spouse" insert "shall be entitled to"; in lines 8 and 9 strike ", whether such income is earned jointly or singly"; in line 10 strike "so reserve income" and insert "exercise their right to such entitlement"; in line 14 strike "reserve", strike "of" and insert "to which", and after "spouse" insert "is entitled"; in line 16 strike "reservation of" and insert "entitlement to such"; in line 19 strike "reserved" and insert "to which the spouse is entitled"; and in line 24 strike "reserved".

3. On page 4, line 4, strike "reserved" and after the first "amount" insert "to which the applicant's spouse is entitled"; in line 6 strike "such reserved" and insert "the" and after "amount" insert "to which he or she is entitled"; strike beginning with "recipient" in line 13 through line 14 and insert "recipient's"; in line 15 after "spouse" insert "shall be entitled to" and strike the comma; in line 16 strike "whether such income is earned jointly or singly"; strike beginning with "so" in line 17 through "income" in line 18 and insert "exercise their right to such

entitlement"; in line 20 strike "reserved" and insert "to which such spouse is entitled"; and in line 25 strike "reserved".

4. On page 5, line 5, strike "reserved" and after the first "amount" insert "to which the recipient's spouse is entitled"; and in line 7 strike "such reserved" and insert "the" and after "amount" insert "to which the spouse is entitled".

5. Strike original section 4 and insert the following new section:

"Sec. 4. The Department of Social Services shall adopt and promulgate rules and regulations for purposes of claiming an entitlement to income pursuant to section 2 or 3 of this act. Such rules and regulations shall include, but not be limited to, the form and contents of such form and procedures necessary to claim such entitlement.".

6. On page 6, line 6, strike "may be reserved" and insert "to which such spouse is entitled"; in line 7 strike "upon such a reservation" and insert "because of such entitlement"; and in line 9 strike "reserved" and insert "to which he or she is entitled".

7. On page 7, line 7, strike "A reservation" and insert "An entitlement"; and in line 11 strike "reserved" and insert "to which such individual is entitled".

8. On page 8, line 13, strike "A reservation" and insert "An entitlement"; and in line 17 strike "reserved" and insert "to which such individual is entitled".

9. On page 12, line 4, strike "have reserved" and insert "are entitled to"; and in line 6 strike "reserved" and insert "to which the individual is entitled".

(Signed) Don Wesely, Chairperson

COMMITTEE ON COMMITTEE REPORT

Pursuant to Rule 3, Section 2(d) of the Nebraska Unicameral Legislature adopted January 9, 1987, the Committee on Committees reports the following committee assignments as a result of the appointment of Stephanie A. Johanns replacing Bill Harris, resigned.

David Landis: Banking, Commerce and Insurance
Stephanie A. Johanns: Business and Labor, Natural Resources, Urban Affairs

(Signed) Lowell C. Johnson, Chairperson

APPROPRIATIONS COMMITTEE REPORT

Pursuant to Rule 6, Section 14, the Appropriations Committee has reviewed the Governor's line item vetoes of LB 780 as listed on the attached report, "Governor Vetoes LB 780." Pursuant to the review, the Appropriations Committee by majority vote decided to take no action on veto overrides.

(Signed) Jerome Warner, Chairperson

GOVERNOR VETOES
LB 780

	1987-88	1988-89
1. Advocacy Agencies		
#38 - Status of Women	0	68,310
#68 - Mexican-Americans	0	67,554
#72-1 - Indian Commission	0	72,500
	0	208,364*
2. #84 - Dept. of Environmental Control - Wastewater Treatment	300,000	0
3. #72 - Economic Development - R & D Authority	500,000	0
4. #16 - Dept. of Revenue (Prog. 102, Revenue Administration)	145,000	100,000
5. #17 - Dept. of Aeronautics - Replace plane	0	250,000
	945,000	558,364

*PSL's equal to total budget for each agency in 1988-89.

STANDING COMMITTEE REPORT
Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Dale B. Johnson - Director, Department of Public Institutions

Voting aye: Senators Beyer, Goodrich, Lynch, Pappas, Schellpeper, and Wesely. Absent: Senator Morehead.

(Signed) Don Wesely, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 234.

Introduced by Langford, 36th District.

WHEREAS, the National Fast Pitch NAIA Softball Championship Tournament was just completed; and

WHEREAS, the Lady Lopers softball team of Kearney State College won this coveted national title; and

WHEREAS, this is the first time in the school's history to capture a NAIA national crown; and

WHEREAS, the winning game by Kearney State was the one-hundreth win of Coach Brad Horky; and

WHEREAS, Coach Horky was named NAIA Coach of the Year after the tournament.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Kearney State College Lady Lopers on winning the 1987 National Fast Pitch NAIA Softball Championship and ending the season with an outstanding record of 42 to 15.

2. That the Legislature congratulates Coach Brad Horky on his success with the team and being chosen NAIA Coach of the Year.

3. That a copy of this resolution be sent to Brad Horky and the Kearney State College softball team.

Laid over.

MOTION - Recommit LB 775 to Committee

Mr. Chambers renewed his pending motion found in this day's Journal to recommit LB 775 to Revenue Committee.

Mr. Moore moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Chambers withdrew his pending motion to recommit to committee.

MOTION - Suspend Rules

The pending Schmit-Pappas-Abboud motion to suspend the rules found in this day's Journal to vote on final passage of LB 775 and LB 775A without further amendment or motions was renewed.

Mr. Ashford 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. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit requested a roll call vote on the Schmit et al. motion to suspend the rules.

Voting in the affirmative, 28:

Abboud	Haberman	Johnson, R.	Pappas	Rupp
Ashford	Hall	Labedz	Peterson	Schmit
Beyer	Hartnett	Lamb	Pirsch	Wehrbein
Chizek	Hefner	Langford	Remmers	Weihing
Elmer	Johanns	Marsh	Rogers	Wesely
Goodrich	Johnson, L.	Miller		

Voting in the negative, 18:

Baack	Dierks	Korshoj	Nelson	Smith
Chambers	Hannibal	Landis	Schellpeper	Warner
Conway	Higgins	Moore	Scofield	Withem
Coordsen	Johnson, V.	Morehead		

Excused and not voting, 3:

Barrett Lynch McFarland

The Schmit et al. motion to suspend the rules lost with 28 ayes, 18 nays, and 3 excused and not voting.

MOTION - Reconsider Action on LB 775

Mr. Chambers withdrew his pending motion to reconsider the action of his motion to return LB 775 to Select File found in this day's Journal.

MOTION - Return LB 775 to Select File

Mr. Chambers and Ms. Scofield moved to return LB 775 to Select File for the following specific amendment:
Strike Section 1.

Mr. Chambers and Ms. Scofield asked unanimous consent to replace the Chambers-Scofield amendment with a Scofield substitute amendment. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

The Scofield substitute amendment is as follows:
AM1483

(Amendments to Final Reading second)

1. On page 5, line 20, after the period insert "Qualified business shall not include any business which has an interest in any facility licensed pursuant to the Low-Level Radioactive Waste Disposal Act. The Legislature recognizes that such facilities will cause an expenditure of taxes for monitoring, cleanup, and administration of and liability for such facilities, may cause an outmigration of people, and may make it more difficult to attract and retain business operations."; and in line 21 after "shall" insert "also".

Mr. Pappas 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 requested a roll call vote on the pending Chambers-Scofield motion to return.

Voting in the affirmative, 20:

Baack	Dierks	Johnson, L.	Nelson	Smith
Chambers	Haberman	Korshoj	Rupp	Warner
Conway	Hefner	Moore	Schellpeper	Weihing
Coordsen	Higgins	Morehead	Scofield	Wesely

Voting in the negative, 26:

Abboud	Hall	Johnson, V.	Marsh	Remmers
Ashford	Hannibal	Labedz	Miller	Rogers
Beyer	Hartnett	Lamb	Pappas	Schmit
Chizek	Johanns	Landis	Peterson	Wehrbein
Elmer	Johnson, R.	Langford	Pirsch	Withem
Goodrich				

Present and not voting, 1:

McFarland

Excused and not voting, 2:

Barrett Lynch

The Chambers-Scofield motion to return lost with 20 ayes, 26 nays, 1 present and not voting, and 2 excused and not voting.

Messrs. Chambers and Schellpeper moved to return LB 775 to Select File for the following specific amendment:
Strike Section 2.

Messrs. Chambers and Schellpeper asked unanimous consent to replace the pending Chambers-Schellpeper amendment with a Schellpeper substitute amendment. No objections. So ordered.

The Schellpeper substitute amendment is as follows:
AM1047
(Amendments to Standing Committee amendments, AM0968)

1. On page 24, after line 4, insert the following new subsection:

"(4) The provisions of this section shall only apply to capital stock acquired on or after the operative date of this section.".

Mr. Pappas 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. Schellpeper requested a record vote on the motion to return.

Voting in the affirmative, 16:

Baack	Dierks	McFarland	Nelson	Scofield
Chambers	Haberman	Moore	Rupp	Smith
Conway	Higgins	Morehead	Schellpeper	Warner
Coordsen				

Voting in the negative, 28:

Abboud	Hall	Johnson, R.	Marsh	Rogers
Ashford	Hannibal	Johnson, V.	Pappas	Wehrbein
Beyer	Hartnett	Labedz	Peterson	Weihing
Chizek	Hefner	Lamb	Pirsch	Wesely
Elmer	Johanns	Landis	Remmers	Withem
Goodrich	Johnson, L.	Langford		

Present and not voting, 3:

Korshoj	Miller	Schmit

Excused and not voting, 2:

Barrett	Lynch

The Chambers-Schellpeper motion to return lost with 16 ayes, 28 nays, 3 present and not voting, and 2 excused and not voting.

Mr. Chambers and Mrs. Higgins moved to return LB 775 to Select File for the following specific amendment:
Strike Section 3.

Mr. Chambers and Mrs. Higgins withdrew their pending motion to return.

Messrs. Chambers and Dierks moved to return LB 775 to Select File for the following specific amendment:
Strike Section 4.

Messrs. Chambers and Dierks asked unanimous consent to replace the pending Chambers-Dierks amendment with a Dierks substitute amendment. No objections. So ordered.

Messrs. Chambers and Dierks moved to return LB 775 to Select File for the following substitute amendment:

AM1510

(Amendments to Final Reading copy)

1. On page 1, line 5, after the second semicolon insert "to provide reimbursement to counties for certain property taxes;".

2. Insert the following new sections:

"Sec. 14. The county treasurer shall, on or before November 30 of each year, certify to the Tax Commissioner: (1) For tax year 1987, ninety per cent of the 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 subsection (2) of section 5 of this act; and (2) for tax year 1988 and each tax year thereafter, the total tax revenue that will be lost to all taxing agencies within his or her county from taxes levied and assessed in that year because of exemptions allowed under subsection (2) of section 5 of this act. 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. Reimbursement of the funds lost shall be made to each county according to the certification and shall be distributed in six as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning January 1988 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: (a) For tax year 1987, ninety per cent of the amount so lost by such agency; and (b) for tax year 1988 and each tax year thereafter, the full amount so lost by such agency, except that one per cent of such amount shall be deposited in the county general fund and that the amount due a Class V school district shall be paid to the

district and the county shall be compensated pursuant to section 14-554. Each taxing agency shall, in preparing its annual budget, take into account the amount to be received under this section.

Sec. 15. For tax year 1987, ninety per cent of the revenue which shall be lost to taxing agencies as a result of the provisions of subsection (2) of section 5 of this act, 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. For fiscal year 1988-89 and each fiscal year thereafter, all revenue which shall be lost to taxing agencies as a result of the provisions of subsection (2) of section 5 of this act, 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.".

3. Renumber the remaining sections accordingly.

Mr. Wesely 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 Chambers-Dierks motion to return lost with 17 ayes, 25 nays, 6 present and not voting, and 1 excused and not voting.

MOTION - Suspend Rules

Mr. V. Johnson moved to suspend the rules, Rule 6, Sections 7 and 8 and Rule 7, Section 3 and vote on final passage of LB 775 without further amendment or motion.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Mrs. Higgins requested a record vote on the V. Johnson motion to suspend the rules.

Voting in the affirmative, 39:

Abboud	Beyer	Elmer	Hall	Hefner
Ashford	Chizek	Goodrich	Hannibal	Johanns
Barrett	Conway	Haberman	Hartnett	Johnson, L.

Johnson, R.	Langford	Nelson	Rogers	Wehrbein
Johnson, V.	Marsh	Pappas	Rupp	Weihing
Labedz	Miller	Peterson	Scofield	Wesely
Lamb	Moore	Pirsch	Smith	Withem
Landis	Morehead	Remmers	Warner	

Voting in the negative, 8:

Baack	Coordsen	Higgins	McFarland	Schellpeper
Chambers	Dierks	Korshoj		

Present and not voting, 1:

Schmit

Excused and not voting, 1:

Lynch

The V. Johnson motion to suspend the rules prevailed with 39 ayes, 8 nays, 1 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 775. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202, 77-2701, 77-2708, and 77-2734.05, Reissue Revised Statutes of Nebraska, 1943; to adopt the Employment and Investment Growth Act; to define terms; to provide an election for income tax treatment of certain gain from the sale of capital stock as prescribed; to eliminate provisions relating to a sales and use tax refund; to harmonize provisions; to provide severability; to repeal the original sections, and also sections 77-27,185 and 77-27,186, 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, 37:

Abboud	Haberman	Johnson, V.	Moore	Rogers
Ashford	Hall	Labedz	Morehead	Rupp
Barrett	Hannibal	Lamb	Nelson	Smith
Beyer	Hartnett	Landis	Pappas	Wehrbein
Chizek	Hefner	Langford	Peterson	Weihing
Conway	Johanns	Marsh	Pirsch	Wesely
Elmer	Johnson, L.	Miller	Remmers	Withem
Goodrich	Johnson, R.			

Voting in the negative, 11:

Baack	Dierks	Korshoj	Schellpeper	Scofield
Chambers	Higgins	McFarland	Schmit	Warner
Coordsen				

Excused and not voting, 1:

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 775A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 775, Ninetieth Legislature, First Session, 1987.

Whereupon the 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	Goodrich	Johnson, R.	Moore	Rogers
Ashford	Haberman	Johnson, V.	Morehead	Rupp
Baack	Hall	Labedz	Nelson	Smith
Barrett	Hannibal	Lamb	Pappas	Wehrbein
Beyer	Hartnett	Landis	Peterson	Weihing
Chizek	Hefner	Langford	Pirsch	Wesely
Conway	Johanns	Marsh	Remmers	Withem
Elmer	Johnson, L.	Miller		

Voting in the negative, 10:

Chambers	Dierks	Korshoj	Schellpeper	Scofield
Coordsen	Higgins	McFarland	Schmit	Warner

Excused and not voting, 1:

Lynch

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: 775 and 775A.

WITHDRAW - Amendment to LB 376A

Mr. Landis withdrew his pending amendment, AM1446, found in the Journal on page 2399 to LB 376A.

MOTION - Suspend Rules

Mr. Hall moved to suspend the rules, Rule 5, Sections 2(d) and 6 (f) and (g) and Rule 7, Sections 3(d) and 7, to permit consideration of AM1486 to LB 376A.

Mrs. Higgins moved to bracket LB 376A until February 10, 1988.

Mrs. Higgins withdrew her pending motion to bracket.

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 Hall motion to suspend the rules prevailed with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

MOTION - Return LB 376A to Select File

Mr. Hall moved to return LB 376A to Select File for his specific amendment, AM1486, printed separate from the Journal and referred to on page 2492.

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 Hall motion to return prevailed with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 376A. The Hall specific amendment, AM1486, printed separate from the Journal and referred to on page 2492 was considered.

Mr. Abboud 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 amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 376A to Select File

Messrs. Hall, Hannibal, and Moore moved to return LB 376A to Select File for their specific amendment, AM1488, printed separate from the Journal and referred to on page 2491.

Messrs. Chambers, R. Johnson, and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Hall requested a roll call vote on the Hall et al. motion to return.

Voting in the affirmative, 24:

Abboud	Elmer	Johnson, L.	Landis	Morehead
Ashford	Hall	Johnson, V.	McFarland	Nelson
Beyer	Hannibal	Labedz	Miller	Peterson
Conway	Hefner	Lamb	Moore	Pirsch

Rupp Schmit Wesely Withem

Voting in the negative, 20:

Barrett	Goodrich	Korshoj	Remmers	Smith
Chizek	Hartnett	Langford	Rogers	Warner
Coordsen	Higgins	Marsh	Schellpeper	Wehrbein
Dierks	Johanns	Pappas	Scofield	Weihing

Present and not voting, 1:

Baack

Excused and not voting, 4:

Chambers Haberman Johnson, R. Lynch

The Hall et al. motion to return lost with 24 ayes, 20 nays, 1 present and not voting, and 4 excused and not voting.

Mrs. Pirsch moved to return LB 376A to Select File for the following specific amendment:

(Amendments to AM1488)

1. On page 5, strike lines 14 through 18, show as stricken, and insert:

"0 through 15,000	100
15,001 through 16,000	80
16,001 through 17,000	60
17,001 through 18,000	40
18,001 through 19,000	20".

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 235.

Introduced by Beyer, 3rd District.

WHEREAS, Elkhorn boys track team is the 1987 champion of the Class B boys state track meet; and

WHEREAS, these young men have demonstrated athletic excellence deserving of statewide recognition; and

WHEREAS, the winning of a state high school championship in track and field competition demonstrates the willingness of a team and its coach to work, concentrate and cooperate as a team;

NOW, THEREFORE, BE IT RESOLVED by the members of the Ninetieth Legislature of Nebraska, First Session:

1. That the Legislature commend and extend their congratulations to the members of the Elkhorn Boys Track Team and their coach.

2. That a copy of this resolution be sent to the Elkhorn Boys track team and their coaches.

Laid over.

EXECUTIVE BOARD REPORT

The following appointment was made to the Nebraska Economic Forecasting Advisory Board by the Executive Board of the Legislative Council:

George Kubat, Jr., Coopers & Lybrand, 600 Woodmen Tower, Omaha, NE 68102

Term expires: September 26, 1988.

Legislative appointment to fill unexpired term of Wade German who resigned from the board.

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 224 in the Journal. No objections. So ordered.

AM1503

1. Insert the following new section:

"Sec. 3. That section 39-669.16, Revised Statutes Supplement, 1986, 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 ~~six months~~ 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, administer oaths, examine witnesses, take testimony, and thereafter report the same to the director. At the expiration of the ~~six-month~~ one-year revocation period, such person may have his or her license reinstated upon payment of a fee of fifty dollars. The fees paid pursuant to this section shall be deposited in the Department of Motor Vehicles Cash Fund.".

2. In the Abboud amendment, AM1297, adopted May 21, 1987, on page 12, line 23, after "39-669.11" insert ", 39-669.16,".

3. In the Hartnett amendment, AM1387, adopted May 21, 1987, on page 27, lines 7 and 8, strike "12, 13, 15, 16, 18, 20 to 24, and 26" and insert "13, 14, 16, 17, 19, 21 to 25, and 27".

4. Renumber the remaining section accordingly.

Mr. Lamb asked unanimous consent to print the following amendment to LB 224 in the Journal. No objections. So ordered.

AM1509

1. Insert the following new sections:

"Sec. 14. That section 39-6,181.01, Revised Statutes Supplement, 1986, be amended to read as follows:

39-6,181.01. (1) The Department of Roads may issue permits for vehicles moving a building or objects

requiring specialized moving dollies. Such permits shall allow the vehicles transporting buildings or objects requiring specialized dollies to operate on highways under the jurisdiction of the department, excluding any portion of the National System of Interstate and Defense Highways. Such permit shall specify the maximum allowable width, length, height, and weight of the building to be transported, the route to be used, and the hours during which such building or object may be transported. Any vehicle moving a building or object requiring specialized moving dollies shall be escorted by another vehicle or vehicles in the manner determined by the Department of Roads. Such vehicles shall travel at a speed which is not in excess of five miles per hour when carrying loads which are in excess of the maximum gross weight specified by law by more than twenty-five per cent. The permit shall not be issued for travel on a state highway containing a bridge or structure which is structurally inadequate to carry such building or object as determined by the Department of Roads. The department may prescribe conditions of operation of such vehicle when necessary to assure against damage to the road foundations, surfaces, or structures and require such security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(2) The application for any such permit shall specifically describe the vehicle and the load to be moved and, whenever possible, the particular highways for which the permit is requested. The company or individual shall maintain a copy of the permit in each vehicle moving a building or object requiring specialized moving dollies which shall be open to inspection by any police officer or authorized agent of any authority granting such permit. The fee for such permit shall be ten dollars.

(3) The Department of Roads shall adopt and promulgate rules and regulations governing the issuance of the permits. Such rules and regulations shall include, but not be limited to, driver qualifications, equipment selection, hours of operation, weather conditions, road conditions, determination of any damage caused to highways or bridges, cutting or trimming of trees, removal or relocation of signs or other property

of the state, raising or lowering of electric supply and communication lines, and such other safety considerations as the department shall deem necessary. The department in adopting and promulgating rules and regulations governing driver qualifications shall not require the driver to meet physical requirements more stringent than those required under section 60-407.

Sec. 23. That section 60-403.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-403.06. (1) Except (a) as provided in subsection (2) of this section and (b) for a permit issued pursuant to section 39-6,181.01, no person shall operate a truck-tractor as defined in section 60-301, which is registered for more than twenty-four thousand pounds gross vehicle weight, until such person shall have obtained a class CC operator's license.

(2) A person may, for learning purposes, operate such a truck-tractor, either empty or carrying noncommercial cargo, if such person is the holder of a valid motor vehicle operator's license and is accompanied by the holder of a valid class CC license.".

2. Correct repealer, change internal references, and renumber remaining sections accordingly.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 26, 1987, at 6:25 p.m., were the following bills: 775 and 775A.

(Signed) Pam Moravec, Enrolling Clerk

MOTION - Adjournment

Mrs. Higgins moved to adjourn until 9:00 a.m., Wednesday, May 27, 1987. The motion lost with 2 ayes, 26 nays, 16 present and not voting, and 5 excused and not voting.

MOTION - Return LB 376A to Select File

Mrs. Pirsch renewed her pending motion to return LB 376A to Select File for her specific amendment found in this day's Journal.

Mr. Abboud 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. Pirsch requested a roll call vote on her motion to return.

Voting in the affirmative, 10:

Abboud	Beyer	Goodrich	Lamb	Pirsch
Ashford	Chizek	Labedz	Langford	Schmit

Voting in the negative, 31:

Baack	Hannibal	Johnson, V.	Nelson	Scofield
Barrett	Hartnett	Landis	Pappas	Smith
Conway	Hefner	Marsh	Remmers	Warner
Coordsen	Higgins	Miller	Rogers	Wehrbein
Dierks	Johanns	Moore	Rupp	Weihing
Elmer	Johnson, L.	Morehead	Schellpeper	Wesely
Hall				

Present and not voting, 3:

Korshoj	McFarland	Peterson

Excused and not voting, 5:

Chambers	Haberman	Johnson, R.	Lynch	Withem

The Pirsch motion to return lost with 10 ayes, 31 nays, 3 present and not voting, and 5 excused and not voting.

Mr. Warner moved to return LB 376A to Select File for the following specific amendment:
AM1496

1. Insert the following new section:

"Sec. 2. The General Fund appropriation to the Department of Revenue for Program 108 shall be decreased by $400,000 for the period July 1, 1987, to June 30, 1988, and for the period July 1, 1988, to June 30, 1989.".

Mr. Abboud 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 Warner motion to return prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 376A. The Warner specific amendment, AM1496, found in this day's Journal was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 224. Mr. Schmit renewed his pending amendment found in the Journal on page 2490.

The Schmit amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Abboud offered the following amendment:
On page 7, Line 18, after "39-669.08," insert "except tests conducted pursuant to Section 39-669.08(3),"

Mr. Abboud withdrew his pending amendment.

Mr. Moore offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1492.)

Mr. Moore withdrew his pending amendment.

Ms. Johanns asked unanimous consent to be excused. No objections. So ordered.

Mr. Moore offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1495.)

Mr. Moore withdrew his pending amendment.

Mr. Wesely offered the following amendment:
AM1503
1. Insert the following new section:
"Sec. 3. That section 39-669.16, Revised

Statutes Supplement, 1986, 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 ~~six months~~ 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, administer oaths, examine witnesses, take testimony, and thereafter report the same to the director. At the expiration of the ~~six-month~~ one-year revocation period, such person may have his or her license reinstated upon payment of a fee of fifty dollars. The fees paid pursuant to this section shall be deposited in the Department of Motor Vehicles Cash Fund.".

2. In the Abboud amendment, AM1297, adopted May 21, 1987, on page 12, line 23, after "39-669.11" insert ", 39-669.16,".

3. In the Hartnett amendment, AM1387, adopted May 21, 1987, on page 27, lines 7 and 8, strike "12, 13, 15, 16, 18, 20 to 24, and 26" and insert "13, 14, 16, 17, 19, 21 to 25, and 27".

4. Renumber the remaining section accordingly.

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.

Mr. Wesely moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Abboud	Goodrich	Landis	Morehead	Scofield
Barrett	Hefner	Langford	Peterson	Warner
Beyer	Johnson, L.	Marsh	Pirsch	Wehrbein
Dierks	Lamb	Miller	Rogers	Wesely
Elmer				

Voting in the negative, 20:

Ashford	Coordsen	Johnson, V.	Nelson	Schellpeper
Baack	Hall	Korshoj	Pappas	Schmit
Chizek	Hartnett	Labedz	Remmers	Weihing
Conway	Higgins	Moore	Rupp	Withem

Present and not voting, 3:

Hannibal	McFarland	Smith

Excused and not voting, 5:

Chambers	Haberman	Johanns	Johnson, R.	Lynch

The Wesely amendment lost with 21 ayes, 20 nays, 3 present and not voting, and 5 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. Lamb renewed his pending amendment, AM1509, found in this day's Journal.

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 Lamb amendment was adopted with 26 ayes, 12 nays, 5 present and not voting, and 6 excused and not voting.

MOTION - Reconsider Action on LB 224

Mr. Goodrich moved to reconsider the Lamb amendment found in this day's Journal to LB 224.

Mr. Landis 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 requested a record vote on the Goodrich motion to reconsider.

Voting in the affirmative, 27:

Abboud	Elmer	Johnson, V.	Morehead	Schellpeper
Ashford	Goodrich	Korshoj	Nelson	Scofield
Barrett	Hall	Landis	Pappas	Smith
Beyer	Hannibal	Marsh	Pirsch	Warner
Chizek	Hartnett	Moore	Rupp	Wehrbein
Conway	Higgins			

Voting in the negative, 12:

Coordsen	Johnson, L.	Peterson	Rogers	Wesely
Dierks	Lamb	Remmers	Weihing	Withem
Hefner	Langford			

Present and not voting, 4:

Baack	Labedz	McFarland	Miller

Excused and not voting, 6:

Chambers	Johanns	Johnson, R.	Lynch	Schmit
Haberman				

The Goodrich motion to reconsider prevailed with 27 ayes, 12 nays, 4 present and not voting, and 6 excused and not voting.

MOTION - Adjournment

Mr. Lamb moved to adjourn until 9:00 a.m., Wednesday, May 27, 1987. The motion lost with 10 ayes, 23 nays, 10 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 224. The Lamb amendment, AM1509, found in this day's Journal was reconsidered.

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. Lamb moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Lamb requested a roll call vote on his reconsidered amendment.

Voting in the affirmative, 19:

Baack	Hefner	Moore	Rogers	Weihing
Conway	Johnson, L.	Nelson	Schellpeper	Wesely
Coordsen	Lamb	Peterson	Scofield	Withem
Dierks	Langford	Remmers	Warner	

Voting in the negative, 18:

Abboud	Hall	Korshoj	McFarland	Pirsch
Ashford	Hannibal	Labedz	Morehead	Rupp
Beyer	Higgins	Landis	Pappas	Smith
Chizek	Johnson, V.	Marsh		

Present and not voting, 6:

Barrett	Goodrich	Hartnett	Miller	Wehrbein
Elmer				

Excused and not voting, 6:

Chambers	Johanns	Johnson, R.	Lynch	Schmit
Haberman				

The Lamb reconsidered amendment lost with 19 ayes, 18 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the call raised.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 663. Mr. Landis offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1499.)

The Landis amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 663A. Mr. Landis offered the following amendment:
AM1487

1. On page 2, lines 14 and 25, strike "Department of Revenue" and insert "Policy Research Office"; and in line 15 strike "102" and insert "18".

2. Insert the following new sections:

"Sec. 3. That section 93, Legislative Bill 780, Ninetieth Legislature, First Session, 1987, be amended to read a follows:

Sec. 93. NEBRASKA ENERGY RESOURCE FUND.

For FY1987-88, money in the Nebraska Energy Resource Fund shall be allocated as follows: $250,000 to the State Energy Office, $75,000 to the Department of Revenue, $130,000 to the Municipal Natural Gas Regulation Revolving Fund, and ~~the remaining $175,000 transferred~~ $140,000 to the General Fund. The State Treasurer is hereby directed to transfer ~~$175,000~~ $140,000 from the Nebraska Energy Resource Fund to the General Fund on or before June 30, 1988.

For FY1988-89, money in the Nebraska Energy Resource Fund shall be allocated as follows: $250,000 to the State Energy Office, $50,000 to the Department of Revenue, $100,000 to the Municipal Natural Gas Regulation Revolving Fund, and ~~the remaining $200,000 transferred~~ $100,000 to the General Fund. The State Treasurer is hereby directed to transfer ~~$200,000~~ $100,000 from the Nebraska Energy Resource Fund to the General Fund after June 30, 1988, but on or before June 30, 1989.

Sec. 4. That original section 93, Legislative

Bill 780, Ninetieth Legislature, First Session, 1987, is repealed.".

3. Renumber the remaining section accordingly.

The Landis 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.

UNANIMOUS CONSENT - Bracket LB 375

Mr. Hefner asked unanimous consent to bracket LB 375 until January 15, 1988. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 708A. Advanced to E & R for Engrossment.

VISITORS

Visitors to the Chamber were 19 students and teacher from Lexington Junior High; 16 fourth grade students and teacher from Temple Christian Academy, Omaha; 41 fourth grade students and teacher from Beal School, Omaha; and Charles and Seth Leypoldt from Douglas.

ADJOURNMENT

At 9:07 p.m., on a motion by Mrs. Morehead, the Legislature adjourned until 9:00 a.m., Wednesday, May 27, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-EIGHTH DAY - MAY 27, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

EIGHTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 27, 1987

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Virgil D. Ediger, Indian Hills Community Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Conway, R. Johnson, Schmit, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Seventh Day was approved.

SELECT FILE

LEGISLATIVE BILL 130. Mr. Wesely renewed his pending amendment found in the Journal on page 2354.

Mr. Lamb raised a point of order on whether the tax rate bill can be considered without suspending Rule 8, Sec. 6.

The Chair ruled that a suspension would not be necessary until the bill is read on Final Reading.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a record vote on the Wesely amendment.

Voting in the affirmative, 18:

Ashford	Elmer	Johnson, R.	Morehead	Warner
Chambers	Haberman	Landis	Rogers	Wesely
Chizek	Hall	Lynch	Scofield	Withem
Conway	Johnson, L.	Marsh		

Voting in the negative, 25:

Abboud	Hannibal	Korshoj	Moore	Remmers
Barrett	Hartnett	Labedz	Nelson	Schellpeper
Beyer	Hefner	Lamb	Pappas	Smith
Coordsen	Higgins	Langford	Peterson	Wehrbein
Dierks	Johnson, V.	McFarland	Pirsch	Weihing

Present and not voting, 5:

Baack	Goodrich	Johanns	Miller	Rupp

Excused and not voting, 1:

Schmit

The Wesely amendment lost with 18 ayes, 25 nays, 5 present and not voting, and 1 excused and not voting.

Mr. McFarland asked unanimous consent to add his name to the Smith pending amendment, AM1432, found in the Journal on page 2387. No objections. So ordered.

Mrs. Smith and Mr. McFarland renewed their pending amendment, AM1432, found in the Journal on page 2387.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?"

Mr. Abboud moved for a call of the house. The motion prevailed with 13 ayes, 3 nays, and 33 not voting.

The motion to cease debate prevailed with 25 ayes, 4 nays, and 20 not voting.

The Chair declared the call raised.

Mrs. Smith moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Mrs. Smith requested a roll call vote on the Smith-McFarland amendment.

Voting in the affirmative, 16:

Baack	Dierks	Korshoj	Miller	Schellpeper
Chambers	Haberman	Landis	Nelson	Smith
Conway	Higgins	Lynch	Rogers	Warner
Coordsen				

Voting in the negative, 31:

Abboud	Hall	Johnson, R.	Moore	Rupp
Ashford	Hannibal	Johnson, V.	Morehead	Scofield
Barrett	Hartnett	Labedz	Pappas	Wehrbein
Beyer	Hefner	Lamb	Peterson	Weihing
Chizek	Johanns	Langford	Pirsch	Wesely
Elmer	Johnson, L.	Marsh	Remmers	Withem
Goodrich				

Present and not voting, 1:

McFarland

Excused and not voting, 1:

Schmit

The Smith-McFarland amendment lost with 16 ayes, 31 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

REPORT OF THE EXECUTIVE BOARD

Supplemental Reference Report of
1987 Resolutions Calling for a Study

In addition to the Interim Study Reference Report found on page 2371 of the Journal, the following resolutions have been referred to committee.

LR 173 Study pursuit of educational excellence (Education)

LR 189 Examination of extent of waste regulation and its costs (Natural Resources)

LR 190 Study of education and economic development (Education)

LR 192 Study concern about the spiraling cost, lessened coverage, and decreased availability of liability insurance (Judiciary)

LR 194 Study student debt and student aid for higher education (Education)

LR 211 Study faculty salaries at the University of Nebraska (Appropriations)

LR 212 Long term economic development (Executive Board)

LR 230 Study Uniform Marital Property Act (Judiciary)

LR 231 Study training, education, and other support programs for social services recipients (Health and Human Services)

Where not already established, the following select committees were created and the following resolutions were referred to that committee:

LR 106 Select Committee on Children and Youth

LR 34 Study on prevention of suicide

Select Committee on Higher Education

LR 150 Identify and examine those programs at the UNMC currently being offered

LR 160 Study the funding of higher education in Nebraska

LR 183 Study the coordination and governance of higher education systems

LR 191 Study the Central Administration of the University of Nebraska

LR 209 Role and mission of postsecondary education

Membership: Senators Warner, Withem, Moore, Schmit, Conway, Ashford, and Langford

Select Committee on Adoption and Surrogate Parentage

LR 177 Study legal questions concerning adoption and surrogate parentage

Membership: Senators Barrett, Chambers, Chizek, Wesely, Peterson, and Labedz

Select Committee on Disposal of Surplus Property

LR 216 Study the procedures currently being implemented by the material division of the Department of Administrative Services

Membership: Senators Moore, Schmit, Korshoj, Dierks, Wehrbein, Beyer, Haberman, and Higgins

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 376A.

Correctly Engrossed

The following bill was correctly engrossed: 708A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 376A
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0213

1. In the Warner amendment, AM1496, adopted May 26, 1987, section 2 has been renumbered as section 19 and underscored and the remaining sections renumbered accordingly.

2. In the Hall amendment, AM1486, adopted May 26, 1987:

a. On page 3, line 7, the second comma has been struck and "and" inserted;

b. On page 10, line 20, "any" has been struck, shown as stricken, and "that a" inserted; and in line 22 "has occurred" has been inserted before "or";

c. On page 13, line 6, "or reduces" has been struck and shown as stricken;

d. On page 14, line 8, the comma has been struck and an underscored comma has been inserted after "and";

e. On page 18, lines 14 and 15, the new matter has been struck and the stricken matter has been reinstated; and

f. On page 20, line 8, an underscored comma has been inserted after "35"; and in line 21 "77-3510," has been inserted after the first comma.

3. 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 sections 77-3501, 77-3502, 77-3504, 77-3505, 77-3508, 77-3509.01, 77-3509.02, 77-3510, 77-3511, 77-3513, 77-3514, 77-3516, 77-3517, 77-3519, 77-3520, 77-3523, 77-3526, and 77-3529, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the homestead exemption; to redefine terms; to change conditions for eligibility for the exemption; to change application procedures; to reduce an appropriation; to eliminate certain provisions relating to the homestead exemption; to harmonize provisions; to provide an operative date; to repeal the original sections, and also sections 77-3518 and 77-3525, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency." inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

MESSAGES FROM THE GOVERNOR

May 27, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 775 and 775A were received in my office on May 26, 1987.

These bills were signed by me on May 27, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

May 27, 1987

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

Dear Mr. President and Senators:

I am returning LB 781 with my signature but with certain line-item reductions.

Legislative Bill 781 contains appropriation for capital construction projects in the amount of $20,024,234 for Fiscal Year 1987-88 and $28,338,990 for Fiscal Year 1988-89. This is a total of $48,363,224 for the biennium. The vast majority of this funding is to provide for bonded and phased projects, policy decisions which were made prior to my taking office. Relatively minor amounts are provided for ongoing fire and life safety projects.

Two new projects which were not originally requested by state agencies and were not a priority of agencies or governing boards have been eliminated. This includes $70,000 for the Trailside Museum improvements and $43,000 for the Fort Robinson Headquarters Building Fire System. The Trailside Museum improvements projects

are eligible for LB 309 Task Force funding at least in part and should be funded through that process in accordance with the priority structure of that legislation.

I urge you to support this action.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jrm

SELECT FILE

LEGISLATIVE BILL 130. Mr. V. Johnson renewed his pending amendment, AM1478, found in the Journal on page 2479.

Mr. Chambers moved to bracket LB 130 until May 31, 1987.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

The Chambers motion to bracket prevailed with 27 ayes, 17 nays, 4 present and not voting, and 1 excused and not voting.

MOTION - Override Line Item Veto on LB 780

Mr. Wesely and Mrs. Morehead moved to override the Governor's veto of LB 780; Section 70, Agency 72 - Department of Economic Development, Program 604 - Research and Development Authority, as contained in subsection (9).

Laid over.

SELECT FILE

LEGISLATIVE BILL 335. Messrs. Conway, Baack, and Landis withdrew their pending amendment, AM1060, found in the Journal on page 1797 and considered on pages 1979 and 1998.

Mr. V. Johnson withdrew his pending amendment, AM0949, printed separate from the Journal and referred to on page 1776.

Mr. Haberman withdrew his pending amendment to the Conway et al. amendment found in the Journal on page 1998.

Mr. Pappas withdrew his pending amendment, AM1339, found in the Journal on page 2218.

Mr. Landis withdrew his pending amendment, AM1410, found in the Journal on page 2358.

Mr. Landis renewed his pending amendment, AM1472, found in the Journal on page 2447.

Mr. R. Johnson offered the following amendment to the pending Landis amendment:

P. 2 line 1: delete "ten thousand" and insert twenty-five thousand;

P. 2 line 8: delete "ten thousand" and insert twenty-five thousand;

P. 3 lines 14 and 15: delete "ten thousand" and insert twenty-five thousand;

P. 3 line 22: delete "ten thousand" and insert twenty-five thousand

Messrs. Rupp and 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?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Ashford moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Ashford requested a roll call vote on the R. Johnson amendment.

Voting in the affirmative, 23:

Abboud	Dierks	Johnson, R.	Moore	Rogers
Ashford	Goodrich	Johnson, V.	Morehead	Schmit
Baack	Haberman	Korshoj	Nelson	Wesely
Chambers	Hall	Labedz	Pappas	Withem
Chizek	Higgins	Lamb		

Voting in the negative, 24:

Barrett	Hannibal	Landis	Peterson	Smith
Beyer	Hartnett	Langford	Pirsch	Warner
Conway	Hefner	Lynch	Remmers	Wehrbein
Coordsen	Johanns	Marsh	Schellpeper	Weihing
Elmer	Johnson, L.	McFarland	Scofield	

Excused and not voting, 2:

Miller Rupp

The R. Johnson amendment lost with 23 ayes, 24 nays, and 2 excused and not voting.

Pending.

MESSAGE FROM THE GOVERNOR

May 27, 1987

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

Dear Mr. President and Members of the Legislature:

On May 25, 1987, I returned LB 780 to your body with my signature but with certain line-item reductions. In making those reductions, certain "scrivener's errors" were included. The Personal Service Limitations for the three advocacy agencies were reduced inadvertently for Fiscal Year 1987-88, the first year of the biennium. My intentions were to reduce the Personal Service Limitations for the Fiscal Year 1988-89, the second year of the biennium, in accordance with the reduction of the program appropriations for the Fiscal Year 1988-89.

The reductions of the Personal Service Limitation for Fiscal Year 1987-88 are contained in Sections 41, 66, and 70 of LB 780.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jrb

VISITORS

Visitors to the Chamber were 60 fourth grade students and teacher from Grace Abbott School, Omaha; former Senator Steve Fowler; 65 fourth grade students and teacher from Crestridge School, Omaha; 25 sixth grade students and teacher from Emerson School, Columbus; Senator Lamb's sister, Ruth Johnson from Lebanon, Missouri; and Elder and Mrs. Freeman Davis, Sr. from Fairfield, Ohio and Mrs. Olga Davis from Lincoln.

RECESS

At 12:06 p.m., on a motion by Mrs. Smith, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Goodrich, Lynch, Remmers, and Rupp who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 335. The pending Landis amendment, AM1472, found in the Journal on page 2447 and considered in this day's Journal was renewed.

Mr. Moore offered the following amendment to the pending Landis amendment:
AM1527

(Amendments to Landis amendment, AM1472)

1. On page 1, strike line 21 and insert "This section shall not apply to any loan value or cash value of a matured or unmatured life insurance contract or to any proceeds, cash value, or benefits accruing under any annuity contract, accrued or accumulated during the immediately preceding two years from the date of the filing of the action in which such loan value or cash value of such life insurance contract or such proceeds, cash value, or benefits of such annuity contract are

sought to be attached or garnished or are subject to other legal or equitable process if it has the effect of increasing the exemptions allowed by law.".

2. On page 2, strike lines 1 through 8.

3. On page 3, lines 13 through 22, strike the new matter and insert "This section shall not apply to any loan value or cash value of a matured or unmatured life insurance contract or to any proceeds, cash value, or benefits accruing under any annuity contract, accrued or accumulated during the immediately preceding two years from the date of the filing of the action in which such loan value or cash value of such life insurance contract or such proceeds, cash value, or benefits of such annuity contract are sought to be attached or garnished or are subject to other legal or equitable process, if it has the effect of increasing the exemptions allowed by law. No fraternal benefit society shall be liable or responsible to any person to determine or ascertain the cumulative total of policy or certificate of life insurance or annuity contract loan values, cash values, proceeds, or benefits for any policy or certificate owner or annuitant.".

Mr. Pappas 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. Moore moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

The Moore amendment lost with 10 ayes, 22 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Wesely offered the following amendment to the pending Landis amendment:

All annuities or benefits which any employee of any institution of higher education provided by the Teachers Insurance and Annuity Association or College Retirement Equities Fund shall not be subject to garnishment, attachment, levy, the operation of bankruptcy or insolvency, or any other process of law whatsoever and shall not be assignable, except that a judgement, decree, or order including approval of a property settlement agreement made pursuant to law

that relates to child support, alimony payments, or marital property rights of a spouse, former spouse, child, or other dependent shall be complied with.

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 Wesely amendment lost with 14 ayes, 15 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Landis offered the following amendment to the pending Landis amendment:
AM1529

(Amendments to AM1472)

1. On page 1, line 7, insert "(1)" before "All"; and in line 21 insert paragraphing and "(2)" before "This".

2. On page 2, lines 6 and 7, strike "section" and insert "subsection"; in line 8 before "section" insert "subsection (3) of"; and in line 9 insert "(3)" before "No".

3. On page 3, line 13, insert paragraphing and "(3)" before "This"; in line 19 strike "section" and insert "subsection"; and in line 21 insert "subsection (2) of" after "under".

4. On page 4, line 1, insert "(4)" before "No"; and in line 12 insert "and in the collection of a money judgment" after "bankruptcy".

The Landis amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

The pending Landis amendment, as amended, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Advanced to E & R for Engrossment with 26 ayes, 8 nays, 12 present and not voting, and 3 excused and not voting.

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.

John E. Knight - Parole Board

Voting aye: Senators Ashford, Chizek, Conway, Korshoj, McFarland, and Pirsch. Voting nay: None. Absent: Senators Chambers and Nelson.

(Signed) Jerry Chizek, Chairperson

UNANIMOUS CONSENT - Members Excused

Messrs. Coordsen and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Suspend Rules

Ms. Johanns moved to suspend the rules, Rule 5, Sections 2(d) and 6(f) and (g) and Rule 7, Sections 3(d) and 7, to permit consideration of AM1485 to LB 337A.

The Johanns motion to suspend the rules prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 337A. Ms. Johanns renewed her pending amendment, AM1485, found in the Journal on page 2520.

Mrs. Higgins moved to bracket LB 337A until May 28, 1987.

Mrs. Higgins withdrew her pending motion to bracket.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

Ms. Johanns moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Ms. Johanns requested a roll call vote on her amendment.

Voting in the affirmative, 29:

Ashford	Hannibal	Landis	Nelson	Scofield
Barrett	Hefner	Langford	Pappas	Warner
Chizek	Higgins	Lynch	Peterson	Wehrbein
Elmer	Johanns	Marsh	Rogers	Weihing
Goodrich	Johnson, L.	McFarland	Rupp	Wesely
Haberman	Labedz	Morehead	Schmit	

Voting in the negative, 14:

Abboud	Conway	Hall	Korshoj	Remmers
Baack	Coordsen	Hartnett	Lamb	Smith
Chambers	Dierks	Johnson, V.	Pirsch	

Present and not voting, 6:

Beyer	Miller	Moore	Schellpeper	Withem
Johnson, R.				

The Johanns amendment was adopted with 29 ayes, 14 nays, and 6 present and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
Page 6, strike section 8.

Pending.

Messrs. Ashford, Hartnett, Peterson, and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall moved to bracket LB 337A until January 15, 1988.

Mr. Moore 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. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hall motion to bracket prevailed with 25 ayes, 9 nays, 10 present and not voting, and 5 excused and not voting.

MOTION - Override Line Item Veto to LB 780

Messrs. Landis, R. Johnson, Wesely, Chambers, V. Johnson, McFarland, Mesdames Marsh, Nelson, Morehead, and Ms. Scofield moved to override the Governor's line-item reductions for: Section 41, Agency 38 - Nebraska Commission on the Status of Women, Program 577 - Nebraska Commission on the Status of Women; Section 66, Agency 68 - Commission on Mexican-Americans, Program 537 - Commission on Mexican-Americans; and Section 70, Agency 72 - Department of Economic Development, Program 584 - Commission on Indian Affairs.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 663 and 663A.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 663

The following changes, required to be reported for publication in the Journal, have been made:
ER0214

1. In the Landis amendment, AM1499, adopted May 26, 1987:

a. On page 20, line 23, "effect" has been struck and "affect" inserted; and

b. On page 21, line 10, "shall rule" has been struck and "rules" inserted.

2. On page 1, line 1, "natural gas" has been struck and "municipalities" inserted; and lines 2 through 9 have been struck and "84-1413, Reissue Revised Statutes of Nebraska, 1943, and sections 59-1617 and 84-1411, Revised Statutes Supplement, 1986; to adopt the Municipal Natural Gas Regulation Act; to exempt municipalities from the application of certain laws; to change provisions relating to public meetings; to eliminate provisions relating to natural gas rate

increases; to provide severability; to repeal the original sections, and also sections 18-414 and 18-415, Revised Statutes Supplement, 1986; and to declare an emergency." inserted.

Enrollment and Review Change to LB 663A

The following changes, required to be reported for publication in the Journal, have been made:
ER0215

1. In the Landis amendment, AM1487, adopted May 26, 1987, on page 1, line 13, and page 2, line 1, "Loan" has been inserted after "Revolving".

2. On page 1, line 1, "relating to appropriations; to amend section 93, Legislative Bill 780, Ninetieth Legislature, First Session, 1987;" has been inserted after "ACT"; and in line 3 "to reallocate certain funds as prescribed; to repeal the original section;" has been inserted after the semicolon.

(Signed) Mary E. Sommermeyer
E & R Attorney

WITHDRAW - Amendment to LB 104

Mr. Dierks withdrew his pending amendment, AM1351, found in the Journal on page 2227 to LB 104.

MOTION - Return LB 104 to Select File

Mr. Dierks moved to return LB 104 to Select File for his specific amendment, AM1490, found in the Journal on page 2523.

The Dierks motion to return prevailed with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 104. The Dierks specific amendment, AM1490, found in the Journal on page 2523 was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MESSAGE FROM THE GOVERNOR

May 27, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 529, 688, and 688A were received in my office on May 26, 1987.

These bills were signed by me on May 27, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

ATTORNEY GENERAL'S OPINION

Opinion No. 87081

DATE: May 27, 1987

SUBJECT: Whether LB 104, Which Deals With the Vaccination of Domestic Animals for Rabies, Is Unconstitutionally Vague.

REQUESTED BY: Senator Loran Schmit
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Dale Comer, Assistant Attorney General

You have requested our opinion as to the constitutionality of certain aspects of LB 104. Specifically, you note the definitional provision in the bill for "household pet," and you ask whether, in light of the bill's criminal sanctions, that definition is unconstitutionally vague. We have reviewed the bill and the applicable law. In our view, the definitional section which you have referenced does not violate constitutional prohibitions against vagueness.

LB 104 pertains generally to the vaccination of animals for rabies, and to the seizure and disposition of certain animals which may have

the disease. The main thrust of the legislation is to amend the current statutes dealing with vaccination for rabies which deal primarily with dogs so as to make those statutes pertain to domestic animals. Domestic animal is defined in the bill as "any dog or cat, and cat shall mean a cat which is a household pet." You are concerned that the term "household pet" is unduly vague, particularly since violation of these various statutes would constitute a class V misdemeanor.

It is clear in Nebraska that a criminal statute must define a crime with sufficient definiteness, and that there must be ascertainable standards of guilt to inform those subject thereto as to what conduct will render them liable to punishment under the statute. State v. Hamilton, 215 Neb. 694, 340 N.W.2d 397 (1983). The dividing line between what is lawful and unlawful cannot be left to conjecture, and a citizen cannot be held to answer to charges based upon penal statutes whose mandates are so uncertain that they will reasonably admit of different constructions. Id. A penal statute must express the crime and the elements constituting it so clearly that an ordinary person can intelligently choose in advance what course is lawful for him to pursue. Id. The test for determining whether a statute is vague is whether it forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application. State v. Sprague, 213 Neb. 581, 330 N.W.2d 739 (1983).

While a penal statute must be drafted with precision, our Supreme Court has indicated that it is not necessary for a penal statute to be written so as to be beyond the mere possibility of more than one construction, and difficulty in determining the meaning of the language of a statute does not automatically render it unconstitutionally vague and ambiguous. State v. Sodders, 208 Neb. 504, 304 N.W.2d 62 (1981); State v. Robinson, 202 Neb. 210, 274 N.W.2d 553 (1979). Moreover, the constitutional prohibition against undue vagueness does not invalidate every statute which a reviewing court might believe could have been drafted with greater precision; all that due process requires is that a statute give sufficient warning that men may conform their conduct so as to avoid that which is forbidden. State v. Robinson supra. Our Supreme Court has also cited language from the United States Supreme Court to the effect that if the general class of offenses to which a statute is directed is plain within its terms, the statute cannot be struck down as vague, even though marginal cases could be raised where doubts might arise. Richardson v. City of Omaha, 214 Neb. 97, 333 N.W.2d 656 (1983).

In our view, "household pet", as it is used in LB 104, is not unconstitutionally vague. The term itself would appear to be one of commonly understood meaning, and the term has been defined in

caselaw. For example, in Town of Atlantic Beach v. Young, 58 N.C. App. 597, 293 S.E.2d 821 (N.C. Ct. App 1982), the North Carolina Court of Appeals stated that the common meaning of "pet" is a domesticated animal kept for pleasure rather than utility. The court then construed the term "house pets" to encompass all domesticated animals kept for pleasure in or around a house. On the basis of this construction, the court held that the facts material to a determination of whether a person's animals are "house pets" are: the kind of animals they are, the reason for which they are kept, and the place where they are kept.

We also believe that the general class of cats to which "household pets" in LB 104 applies is plain within the terms of the proposed statute. In other words, the vast majority of persons who have cats which might be household pets subject to the terms of the rabies vaccination statutes would be aware that their animals would be covered under the plain language of the statute. As you have indicated, there might be hypothetical and marginal cases where the definition of "household pets" would be unclear, such as which cats in a farm environment, if any, would constitute "household pets." However, we believe that the term as it is used in LB 104 is generally of such common understanding that the bill would not be struck down as unconstitutional for vagueness.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

DAC/pa
cc: Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Return LB 183 to Select File

Mr. Warner moved to return LB 183 to Select File for the following specific amendment:
AM1293

(Amendments to Final Reading copy)

1. On page 7, line 16, after "cause" insert "an examination and"; in line 18 after the second "county" insert an underscored period; and strike beginning with "and" in line 18 through the period in line 21 and show the old matter as stricken.

2. On page 10, line 1, after the comma insert

"the books, accounts, vouchers, records, and expenditures of an".

The Warner motion to return prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 183. The Warner specific amendment, AM1293, found in this day's Journal was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 75 to Select File

Mr. V. Johnson moved to return LB 75 to Select File for the following specific amendment:
AM0170

1. Strike original section 5.
2. On page 24, line 14, after the first comma insert "and" and strike "and 77-2753,".
3. Renumber the remaining section accordingly.

The V. Johnson motion to return prevailed with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 75. The V. Johnson specific amendment, AM0170, found in this day's Journal was adopted with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

WITHDRAW - Amendments to LB 146

Mr. Schmit withdrew his pending amendments, AM1002, found in the Journal on page 1704 and AM1465, found in the Journal on page 2442 to LB 146.

Mr. Wesely withdrew his pending amendment, AM1043, found in the Journal on page 1800.

MOTION - Return LB 146 to Select File

Mr. Schmit moved to return LB 146 to Select File for the following specific amendment:
AM1476

1. Insert the following new section:

"Sec. 5. That section 46-1121, Revised Statutes Supplement, 1986, be amended to read as follows:

46-1121. (1) The fee for initial 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, 1988, the annual fee for renewal of a permit shall be ten dollars paid to the district. Two dollars of the annual fee shall be paid by the district 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 Chemigation Costs Fund which is hereby created. All fees collected by the department pursuant to the act 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.

(2) All permits issued pursuant to section 46-1117 shall be annual permits and shall expire each year on ~~December 31~~ June 1. ~~of the year for which the permit was issued.~~ A permit may be renewed each year upon payment of the annual renewal fee and completion of a form provided by the district which lists the names of all chemicals used in chemigation the previous year. Once a permit has expired, it shall not be reinstated without meeting all of the requirements for a new permit including an inspection and payment of the initial application fee.".

2. On page 1, line 3, after "1943" insert ", and section 46-1121, Revised Statutes Supplement, 1986"; in line 6 after the semicolon insert "to change the date of expiration of certain permits;"; and in line 7 strike

"section" and insert "sections".

3. On page 2, line 5, strike "without compensation".

4. On page 3, line 8, after "protecting" insert "the environment and"; in line 13 strike "directly and"; in line 19 after "withdrawals" insert "and methods of transporting water"; in line 20 strike "sound" and insert "viable"; in line 22 strike "as a facilitator of" and insert "in facilitating and regulating"; and after line 23 insert:

"The Water Management Board shall submit a report to the Governor and the Legislature on or before September 30, 1988. Such report shall include findings of the board relating to all factors identified in this section.".

5. On page 6, line 12, strike "is" and insert "and section 46-1121, Revised Statutes Supplement, 1986, are".

6. Renumber the remaining section accordingly.

The Schmit motion to return prevailed with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 146. The Schmit specific amendment, AM1476, found in this day's Journal was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

WITHDRAW - Amendments to LB 467

Mr. Schmit withdrew his pending amendments (1) through (16) found in the Journal on pages 2434 and 2435 to LB 467.

MOTION - Return LB 467 to Select File

Mr. V. Johnson moved to return LB 467 to Select File for his specific amendment, AM1481, found in the Journal on page 2485.

PRESIDENT NICHOL PRESIDING

The V. Johnson motion to return prevailed with 26 ayes, 2 nays, 19 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 467. The V. Johnson specific amendment, AM1481, found in the Journal on page 2485 was adopted with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

WITHDRAW - Amendments to LB 523

Mr. V. Johnson withdrew his pending amendment, AM0966, found in the Journal on page 1825 to LB 523.

Mr. Pappas withdrew his pending amendment found in the Journal on page 922 to LB 523.

Mr. V. Johnson withdrew his pending amendment, AM1098, found in the Journal on page 1897 to LB 523.

MOTION - Return LB 523 to Select File

Mr. V. Johnson moved to return LB 523 to Select File for his specific amendment, AM1096, found in the Journal on page 1899.

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. V. Johnson moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. V. Johnson requested a roll call vote on his motion to return.

Voting in the affirmative, 13:

Hall	Johnson, V.	Marsh	Pirsch	Schmit
Hartnett	Landis	Miller	Rogers	Withem
Hefner	Lynch	Peterson		

Voting in the negative, 24:

Abboud	Conway	Langford	Remmers	Warner
Ashford	Dierks	Moore	Rupp	Wehrbein
Baack	Elmer	Morehead	Schellpeper	Weihing
Barrett	Johnson, R.	Nelson	Scofield	Wesely
Chizek	Labedz	Pappas	Smith	

Present and not voting, 11:

Beyer	Goodrich	Hannibal	Johanns	Korshoj
Chambers	Haberman	Higgins	Johnson, L.	McFarland
Coordsen				

Absent and not voting, 1:

Lamb

The V. Johnson motion to return lost with 13 ayes, 24 nays, 11 present and not voting, and 1 absent and not voting.

The Chair declared the call raised.

Mr. Landis moved to return LB 523 to Select File for his specific amendment, AM1247, found in the Journal on page 2140.

The Landis motion to return prevailed with 26 ayes, 0 nays, and 23 present and not voting.

SELECT FILE

LEGISLATIVE BILL 523. The Landis specific amendment, AM1247, found in the Journal on page 2140 was adopted with 27 ayes, 0 nays, and 22 present and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 523 to Select File

Mr. Hefner moved to return LB 523 to Select File for the V. Johnson specific amendment, AM1354, printed separate from the Journal and referred to on page 2432.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hefner motion to return prevailed with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 523. The V. Johnson specific amendment, AM1354, printed separate from the Journal and referred to on page 2432 was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 523 to Select File

Mr. Hannibal moved to return LB 523 to Select File for the following specific amendment:
AM1516

(Amendments to Final Reading copy)

1. On page 15, line 23, after "utility" insert "specified in subdivision (4)(b) of this section".

2. On page 16, line 1, after "(b)" insert "(i), (ii), or (iv)"; and in line 25 strike "such" and show as stricken and after "services" insert "specified in subdivision (4)(b)(i) or (ii) of this section".

3. On page 17, line 1, after "service" insert "specified in subdivision (4)(b)(iv) of this section".

4. On page 39, line 15, after "(b)" insert "(i), (ii), or (iv)".

The Hannibal motion to return prevailed with 27 ayes, 0 nays, and 22 present and not voting.

SELECT FILE

LEGISLATIVE BILL 523. The Hannibal specific amendment, AM1516, found in this day's Journal was adopted with 26 ayes, 0 nays, and 23 present and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 523 to Select File

Mr. Hannibal moved to return LB 523 to Select File for the following specific amendment:
AM1520

(Amendments to the Final Reading copy)

1. Insert the following new sections:

"Section 1. That section 9-262, Revised Statutes Supplement, 1986, be amended to read as follows:

9-262. (1) Except when another penalty is specifically provided, any person, distributor, licensed organization, other licensee, or employee or agent of any person or licensee who violates any provision of the Nebraska Bingo Act shall be guilty of a Class I misdemeanor for the first offense and a Class IV felony for any second or subsequent violation. Any licensed organization guilty of violating any provision of the Nebraska Bingo Act more than once in a twelve-month period shall have its license canceled or revoked.

(2) Each of the following violations of the Nebraska Bingo Act shall be a Class IV felony:

(a) Giving, providing, or offering to give or provide, directly or indirectly, to any public official, employee, or agent of this state, or any agencies or political subdivisions of the state, any compensation or reward or share of the money for property paid or received through gambling activities regulated under Chapter 9, in consideration for obtaining any license, authorization, permission, or privilege to participate in any gaming operation except as authorized by the Nebraska Bingo Act or any rules or regulations adopted and promulgated pursuant to such act;

(b) Employing or possessing any device to facilitate cheating in a bingo game or using any fraudulent scheme or technique in connection with any bingo game when the amount gained through the use of such items, schemes, or techniques results in a person obtaining over five hundred dollars;

(c) Causing, aiding, abetting, or conspiring with another to cause any person or organization to violate any provision of the Nebraska Bingo Act; or

(d) Knowingly filing a false report under the Nebraska Bingo Act.

(3) ~~(2)~~ In all proceedings initiated in any court or otherwise under the Nebraska Bingo Act, it

shall be the duty of the Attorney General and appropriate county attorney to prosecute and defend all such proceedings.

~~(3)~~ (4) The failure to do any act required by or under the Nebraska Bingo 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.

~~(4)~~ (5) In the enforcement and investigation of any offense committed under the Nebraska Bingo Act, the department may call to its aid any sheriff, deputy sheriff, or other peace officer in the state.

Sec. 2. That section 9-352, Revised Statutes Supplement, 1986, be amended to read as follows:

9-352. (1) Except when another penalty is specifically provided, any person, licensed organization, distributor, manufacturer, sales agent, or pickle card operator, other licensee, or employee or agent of any person or licensee, who violates any provision of the Nebraska Pickle Card Lottery Act shall be guilty of a Class I misdemeanor for the first offense and a Class IV felony for any second or subsequent violation. Any licensed organization guilty of violating any provision of the act more than once in a twelve-month period shall have its license canceled or revoked. Such matters shall also be referred to any other state licensing agencies for appropriate action.

(2) Each of the following violations of the Nebraska Pickle Card Lottery Act shall be a Class IV felony:

(a) Giving, providing, or offering to give or provide, directly or indirectly, to any public official, employee, or agent of this state, or any agencies or political subdivisions of this state, any compensation or reward or share of the money for property paid or received through gambling activities regulated under Chapter 9, in consideration for obtaining any license, authorization, permission, or privilege to participate in any gaming operations except as authorized under Chapter 9 or any rules and regulations adopted and promulgated pursuant to such chapter;

(b) Making or receiving payment of a portion

of the purchase price of pickle cards by a seller of pickle cards to a buyer of pickle cards to induce the purchase of pickle cards or to improperly influence future purchases of pickle cards;

(c) Using bogus, counterfeit, or nonopaque pickle cards, pull tabs, break opens, punchboards, jar tickets, or any other similar card, board, or ticket, or substituting or using any pickle cards, pull tabs or jar tickets that have been marked or tampered with;

(d) Employing or possessing any device to facilitate cheating in any lottery by the sale of pickle cards or use of any fraudulent scheme or technique in connection with any lottery by the sale of pickle cards when the amount gained through the use of such items, schemes, or techniques results in a person obtaining over five hundred dollars;

(e) Causing, aiding, abetting, or conspiring with another to cause any person or organization to violate any provision of the Nebraska Pickle Card Lottery Act; or

(f) Knowingly filing a false report under the Nebraska Pickle Card Lottery Act.

(3) ~~(2)~~ In all proceedings initiated in any court or otherwise under the act, it shall be the duty of the Attorney General and appropriate county attorney to prosecute and defend all such proceedings.

~~(3)~~ (4) The failure to do any act required by or under the Nebraska Pickle Card Lottery 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.

~~(4)~~ (5) In the enforcement and investigation of any offense committed under the act, the department may call to its aid any sheriff, deputy sheriff, or other peace officer in the state.

Sec. 3. That section 9-434, Revised Statutes Supplement, 1986, be amended to read as follows:

9-434. (1) Except when another penalty is specifically provided, any person, licensed organization, other licensee, permittee, or employee or agent of any person, licensee, or permittee who violates any provision of the Nebraska Lottery and Raffle Act

shall be guilty of a Class I misdemeanor for the first offense and a Class IV felony for any second or subsequent violation. Any licensed organization guilty of violating any provision of the act more than once in a twelve-month period shall have its license canceled or revoked.

(2) Each of the following violations of the Nebraska Lottery and Raffle Act shall be a Class IV felony:

(a) Giving, providing, or offering to give or provide, directly or indirectly, to any public official or employee or agent of this state, or any agencies or political subdivisions of this state, any compensation or reward or share of the money for property paid or received through gambling activities authorized under Chapter 9, in consideration for obtaining any license, authorization, permission, or privileges to participate in any gaming operations except as authorized under Chapter 9 or any rules and regulations adopted and promulgated pursuant thereto;

(b) Employing or possessing any device to facilitate cheating in any lottery or raffle or using any fraudulent scheme or technique in connection with any lottery or raffle when the amount gained through the use of items, schemes, or techniques results in a person obtaining over five hundred dollars;

(c) Causing, aiding, abetting, or conspiring with another to cause any person or organization to violate any provision of the Nebraska Lottery and Raffle Act; or

(d) Knowingly filing a false report under the Nebraska Lottery and Raffle Act.

(3) ~~(2)~~ In all proceedings initiated in any court or otherwise under the act, it shall be the duty of the Attorney General and appropriate county attorney to prosecute and defend all such proceedings.

~~(3)~~ (4) The failure to do any act required by or under the Nebraska Lottery and Raffle 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.

~~(4)~~ (5) In the enforcement and investigation

of any offense committed under the act, the department may call to its aid any sheriff, deputy sheriff, or other peace officer in the state.".

2. On page 1, line 8, after "1943" insert ", and sections 9-262, 9-352, and 9-434, Revised Statutes Supplement, 1986" and after the semicolon insert "to change certain penalty provisions relating to the Nebraska Bingo Act, the Nebraska Pickle Card Lottery Act, and the Nebraska Lottery and Raffle Act;".

3. On page 13, line 9, strike "36" and insert "39".

4. On page 102, lines 20 and 25, strike "30 to 34" and insert "33 to 37".

5. On page 107, line 7, strike "11, 13 to 23, 28, and 39" and insert "14, 16 to 26, 31, and 42"; in line 10 strike "8 to 10, 12, 24 to 27, 29 to 37, and 40" and insert "11 to 13, 15, 27 to 30, 32 to 40, and 43"; and in line 25 after the last comma insert "and sections 9-262, 9-352, and 9-434, Revised Statutes Supplement, 1986,".

6. Renumber the remaining sections accordingly.

Mrs. Higgins requested a ruling of the Chair on whether the Hannibal amendment is germane to the bill.

The Chair ruled the Hannibal amendment is not germane to the bill.

MOTION - Suspend Rules

Mr. Hannibal moved to suspend the rules, Rule 7 Section 3(d) to permit consideration of AM1520 to LB 523.

Ms. Johanns asked unanimous consent to be excused until she returns. No objections. So ordered.

The Hannibal motion to suspend the rules prevailed with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

MOTION - Return LB 523 to Select File

Mr. Hannibal moved to return LB 523 to Select File for his specific amendment, AM1520, found in this day's Journal.

SPEAKER BARRETT PRESIDING

The Hannibal motion to return prevailed with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 523. The Hannibal specific amendment, AM1520, found in this day's Journal was adopted with 28 ayes, 0 nays, 20 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.

Advanced to E & R for Re-Engrossment.

ATTORNEY GENERAL'S OPINION

Opinion No. 87082

DATE: May 27, 1987

SUBJECT: Parental Liability and Court Jurisdiction Concerns with LB 536 (Shoplifting)

REQUESTED BY: Senator Ernest Chambers
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Linda L. Willard, Assistant Attorney General

You have asked this office whether LB 536 is violative of the Constitution as it relates to parental liability and accessibility to the Small Claims Court. It is our opinion that this bill does not violate the Constitution in these two areas.

First, you have asked whether LB 536 is violative of the Constitution by imposing liability on "parents" without making allowance for a noncustodial parent or one whose parental rights have been terminated by a court. We have determined no constitutional conflict in holding noncustodial parents to the same standard of liability for the acts of their children as custodial parents. In the same vein, parents whose rights have been terminated might still be liable for actions of their children prior to the termination of

their rights. We find no constitutional infirmities with either of these. However, Neb.Rev.Stat. §43-293 states in relevant part:

> An order terminating the parent-juvenile relationship shall divest the parent and juvenile of all legal rights, privileges, duties, and obligations with respect to each other . . .

Thus, parents whose parental rights have been terminated would have no legal obligation to pay under LB 536 from the date the termination becomes effective. If sued under the provisions of LB 536, the termination of parental rights would be a defense.

Your second question is whether the Legislature can constitutionally make the doors to the Small Claims Court more open to some than to the remainder of the public. Article V, Section 1, of the Constitution of the State of Nebraska states in relevant part: "The judicial power of the state shall be vested in a Supreme Court, . . . and such other courts inferior to the Supreme Court as may be created by law." In State v. Magney, 52 Neb. 508, 72 N.W. 1006 (1897), the State Supreme Court determined that unless the Constitution provided otherwise, the Legislature could classify and regulate judicial powers and functions. Also, in Miller v. Janecek, 210 Neb. 316, 314 N.W.2d 250 (1982), the State Supreme Court determined that the court can only acquire jurisdiction through legislative enactment. In Simon v. Lieberman, 193 Neb. 321, 226 N.W.2d 781 (1975), the Nebraska Supreme Court upheld the right of the Legislature to create a Small Claims Court where informal hearings may be held.

The Constitution is the basis for the creation of the State Supreme Court and the state district and county courts. The Legislature may constitutionally create other courts inferior to the Supreme Court and may determine the jurisdiction and the roles and functions of those courts as long as they are not in conflict with the Constitution.

We find no constitutional infirmity with the section of LB 536 that makes the Small Claims Court "more open" to some than to other members of the public. The primary question is whether any member of the public is deprived of access to the court system. We find that the wording in LB 536 is in no way a denial of access to the courts. Nor do we find there is any invidious discrimination in LB 536 as it relates to access to the courts. The category singled out for "special treatment" in LB 536 is a legitimate category, is not based on a constitutionally protected class, and; as such, is not unconstitutional.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Linda L. Willard

Assistant Attorney General

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

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 687. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

MOTION - Return LB 523 to Select File

Mr. Dierks moved to return LB 523 to Select File for the following specific amendment:
AM1525

1. Insert the following new sections:

"Sec. 38. The county treasurer shall, on or before November 30 of each year, certify to the Tax Commissioner: (1) For tax year 1987, ninety per cent of the 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 subsection (2) of section 5 of Legislative Bill 775, Ninetieth Legislature, First Session, 1987; and (2) for tax year 1988 and each tax year thereafter, the total tax revenue that will be lost to all taxing agencies within his or her county from taxes levied and assessed in that year because of exemptions allowed under subsection (2) of section 5 of Legislative Bill 775, Ninetieth Legislature, First Session, 1987. 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. Reimbursement of the funds lost shall be made to each county according to the certification and shall be distributed in six as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning January 1988 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: (a) For tax year 1987, ninety per cent of the amount so lost by such agency; and (b) for tax year 1988 and each tax year thereafter, the full amount so lost by such agency, except that one per cent of such amount shall be deposited in the county general fund and that the amount due a Class V school district shall be paid to the district and the county shall be compensated pursuant to section 14-554. Each taxing agency shall, in preparing its annual budget, take into account the amount to be received under this section.

Sec. 39. For tax year 1987, ninety per cent of the revenue which shall be lost to taxing agencies as a result of the provisions of subsection (2) of section 5 of Legislative Bill 775, Ninetieth Legislature, First Session, 1987, 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. For fiscal year 1988-89 and each fiscal year thereafter, all revenue which shall be lost to taxing agencies as a result of the provisions of subsection (2) of section 5 of Legislative Bill 775, Ninetieth Legislature, First Session, 1987, 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.".

2. On page 2, line 16, after the semicolon insert "to provide reimbursement to counties for certain lost revenue as prescribed;".

3. On page 107, line 7, strike "39" and insert "41"; and in line 10 strike "40" and insert "42".

4. Renumber the remaining sections accordingly.

Mr. V. Johnson requested a ruling of the Chair on whether the Dierks amendment is germane to the bill.

The Chair ruled the Dierks amendment is not germane to the bill.

MOTION - Suspend Rules

Mr. Dierks moved to suspend Rule 7 Section 3(d) to permit consideration of AM1525 to LB 523.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The Dierks motion to suspend the rules lost with 13 ayes, 17 nays, 17 present and not voting, and 2 excused and not voting.

MOTION - Return LB 523 to Select File

Mr. Landis moved to return LB 523 to Select File for the following specific amendment:
AM1528

(Amendments to the Final Reading copy)

1. Insert the following new sections:

"Sec. 18. That section 77-2753, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 284, Ninetieth Legislature, First Session, 1987, be amended to read as follows:

77-2753. (1) Every employer and payor maintaining an office or transacting business within this state and making payment of any wages or other payments as defined in subsection (4) of this section which are taxable under ~~the provisions of~~ the Nebraska Revenue Act of 1967 to ~~a resident or nonresident~~ any individual shall deduct and withhold from such wages for each payroll period and from such payments paid on or after March 1, 1987, an amount equal to twenty-one per cent of the amount of federal withholding until such withholding rate is changed by rule and regulation adopted and promulgated by the Tax Commissioner. In determining the withholding rate, the Tax Commissioner shall compute the rate in such manner as to result, so far as practicable, in withholding from the employee's wages and payments to the payee during each calendar year an amount substantially equivalent to the tax reasonably estimated to be due from the employee or payee under ~~the provisions of~~ such act with respect to

the amount of such wages and payments included in his or her taxable income during the calendar year. The method of determining the amount to be withheld shall be prescribed by rules and regulations of the Tax Commissioner.

(2)(a) Every payor making payment for personal services performed or to be performed within this state to a nonresident individual who is not subject to withholding on such payment under the Internal Revenue Code, or a corporation described in subdivision (c) of this subsection shall be deemed an employer and the individual performing the personal services shall be deemed an employee for the purposes of this section. The payor shall deduct and withhold from such payments the percentage of such payments prescribed in subdivision (b) of this subsection.

(b) For any payment or payments for the same service, award, or purse that totals less than twenty-eight thousand dollars, the percentage deducted from such payment or payments pursuant to this subsection shall be three and fifteen-hundredths per cent and for all other payments, the percentage shall be five per cent.

(c) For any corporation that receives compensation for personal services in this state and all or substantially all of the shareholders of the corporation are the individuals performing the personal services, including, but not limited to, individual athletes, entertainers, performers, or public speakers performing such personal services, such compensation shall be deemed wages of the individuals performing the personal services and subject to the income tax imposed on individuals by the Nebraska Revenue Act of 1967. ~~For purposes of this section, an employee or payee shall be entitled to the same number of withholding exemptions as the number of withholding exemptions to which he or she is entitled for federal income tax withholding purposes. An employer or payor may rely upon the number of federal withholding exemptions claimed by the employee.~~

(3) The Tax Commissioner may enter into agreements with the tax departments of other states, which require income tax to be withheld from the payment of wages, salaries, and such other payments, so as to govern the amounts to be withheld from the wages and

salaries of and other payments to residents of such states. Such agreements may provide for recognition of anticipated tax credits in determining the amounts to be withheld and, under rules and regulations prescribed by the Tax Commissioner, may relieve employers and payors in this state from withholding income tax on wages, salaries, and such other payments paid to nonresident employees and payees. The agreements authorized by this subsection shall be subject to the condition that the tax department of such other states grant similar treatment to residents of this state.

(4) Wages and other payments subject to withholding shall mean payments that are subject to withholding under the Internal Revenue Code of 1986 ~~1954, as amended,~~ and are (a) payments made by employers to employees, except such payments subject to 26 U.S.C. section 3405 or 3406, (b) payments of gambling winnings, or (c) pension or annuity payments when the recipient has requested the payor to withhold from such payments.

Sec. 43. That original section 77-2753, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 284, Ninetieth Legislature, First Session, 1987, is repealed.".

2. On page 1, line 8, after "1943" insert ", and section 77-2753, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 284, Ninetieth Legislature, First Session, 1987".

3. On page 2, line 8, after the semicolon insert "to change a provision relating to the withholding of wages;".

4. On page 13, line 9, strike "36" and insert "37".

5. On page 102, lines 20 and 25, strike "30 to 34" and insert "31 to 35".

6. On page 107, line 7, strike "23, 28, and 39" and insert "17, 19 to 24, 29, and 40"; in line 10 strike "24 to 27, 29 to 37, and 40" and insert "25 to 28, 30 to 38, and 41"; and in line 11 after the period insert "Sections 18 and 43 of this act shall become operative on the first day of the month which is at least ten days after the effective date of this act.".

7. Renumber the remaining sections accordingly.

The Landis motion to return prevailed with 25 ayes, 10 nays, 12 present and not voting, and 2 excused and not voting.

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 523. The Landis specific amendment, AM1528, found in this day's Journal was considered.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chambers requested a record vote on the Landis amendment.

Voting in the affirmative, 26:

Ashford	Johnson, V.	Marsh	Pappas	Schmit
Barrett	Korshoj	McFarland	Peterson	Warner
Beyer	Landis	Miller	Remmers	Wehrbein
Elmer	Langford	Moore	Rogers	Wesely
Goodrich	Lynch	Nelson	Rupp	Withem
Haberman				

Voting in the negative, 8:

Abboud	Coordsen	Johnson, R.	Morehead	Schellpeper
Chambers	Dierks	Lamb		

Present and not voting, 12:

Baack	Hannibal	Higgins	Labedz	Smith
Chizek	Hartnett	Johnson, L.	Scofield	Weihing
Conway	Hefner			

Excused and not voting, 3:

Hall	Johanns	Pirsch

The Landis specific amendment was adopted with 26 ayes, 8 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Ashford	Hannibal	Korshoj	Moore	Schellpeper
Barrett	Hartnett	Landis	Morehead	Wehrbein
Beyer	Hefner	Langford	Pappas	Weihing
Elmer	Higgins	Marsh	Remmers	Wesely
Goodrich	Johnson, R.	McFarland	Rogers	Withem
Haberman	Johnson, V.	Miller	Rupp	

Voting in the negative, 2:

Abboud Chambers

Present and not voting, 15:

Baack	Coordsen	Labedz	Nelson	Scofield
Chizek	Dierks	Lamb	Peterson	Smith
Conway	Johnson, L.	Lynch	Schmit	Warner

Excused and not voting, 3:

Hall Johanns Pirsch

Advanced to E & R for Re-Engrossment with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

MOTION - Return LB 523 to Select File

Mr. Lynch moved to return LB 523 to Select File for the following specific amendment:
AM1330

(Amendments to Final Reading copy)

1. On page 60, line 7, strike "not exceeding once each month", show as stricken, and insert "<u>of three months or less</u>".

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Lynch motion to return lost with 11 ayes, 11 nays, 25 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 104, 146, and 183.

(Signed) Scott Moore, Chairperson

MOTION - Return LB 523 to Select File

Mr. V. Johnson moved to return LB 523 to Select File for the following specific amendment:
AM1530

1. Insert the following new section:

"Section 1. That section 28-1107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1107. (1) A person commits the offense of possession of a gambling device if he or she manufactures, sells, transports, places, possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody, or use of any gambling device, knowing that it shall be used in the advancement of unlawful gambling activity.

(2) This section shall not apply to any coin-operated mechanical ~~game designed and manufactured to be played~~ gaming device, computer gaming device, electronic gaming device, or video gaming device which has the capability of awarding free games, which is intended to be played and is in fact played for amusement only, and which may allow the player the right to replay such ~~mechanical game~~ gaming device at no additional cost, which right to replay shall not be considered money or property. ~~, except that such mechanical game (a) can accumulate no more than fifteen free replays at one time, (b) can be discharged of accumulated free replays only by reactivating the game for one additional play for each accumulated free replay, and (c) makes no permanent record directly or indirectly of free replays so awarded.~~ Notwithstanding

any other provisions of this section, any mechanical game or device classified by the federal government as an illegal gambling device and requiring a federal Gambling Device Tax Stamp as required by the Internal Revenue Service in its administration of sections 4461 and 4462 of Title 26, United States Code, amended July 1, 1965, by Public Law 89-44, are hereby declared to be illegal and excluded from the exemption granted in this section.

(3) Possession of a gambling device is a Class II misdemeanor.".

2. On page 1, line 2, after "sections" insert "28-1107,"; and in line 8 after the semicolon insert "to change provisions relating to the offense of possession of a gambling device;".

3. On page 13, line 9, strike "36" and insert "37".

4. On page 102, lines 20 and 25, strike "30 to 34" and insert "31 to 35".

5. On page 107, strike line 7 and insert "Sec. 38. Sections 12, 14 to 24, 29, and 40 of"; strike line 10 and insert "1987. Sections 9 to 11, 13, 25 to 28, 30 to 38, and 41"; and in line 23 after "sections" insert "28-1107,".

6. Renumber the remaining sections accordingly.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. LABEDZ PRESIDING

Mr. V. Johnson asked unanimous consent to replace his specific amendment, AM1530, with a substitute V. Johnson amendment. No objections. So ordered.

Pending.

MOTION - Adjournment

Mr. Lamb moved to adjourn until 9:00 a.m., Thursday, May 28, 1987.

Mr. Chambers requested a record vote on the motion to adjourn.

Voting in the affirmative, 10:

Chambers	Hefner	Korshoj	Lynch	Remmers
Coordsen	Johnson, R.	Lamb	Peterson	Schellpeper

Voting in the negative, 29:

Abboud	Goodrich	Johnson, L.	McFarland	Rupp
Ashford	Haberman	Johnson, V.	Miller	Schmit
Baack	Hall	Labedz	Moore	Smith
Beyer	Hannibal	Landis	Morehead	Wesely
Conway	Hartnett	Langford	Nelson	Withem
Elmer	Higgins	Marsh	Pappas	

Present and not voting, 7:

Barrett	Rogers	Warner	Wehrbein	Weihing
Chizek	Scofield			

Excused and not voting, 3:

Dierks	Johanns	Pirsch

The Lamb motion to adjourn lost with 10 ayes, 29 nays, 7 present and not voting, and 3 excused and not voting.

MOTION - Return LB 523 to Select File

Mr. V. Johnson renewed his pending motion to return LB 523 to Select File for the following specific substitute amendment:
AM1536

(Amendments to the Final Reading copy)

1. Insert the following new section:

"Section 1. That section 28-1107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1107. (1) A person commits the offense of possession of a gambling device if he or she manufactures, sells, transports, places, possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody, or use of any gambling device, knowing that it shall be used in the advancement of unlawful gambling activity.

(2) This section shall not apply to any coin-operated mechanical ~~game designed and manufactured to be played~~ gaming device, computer gaming device, electronic gaming device, or video gaming device which has the capability of awarding free games, which is intended to be played and is in fact played for amusement only, and which may allow the player the right to replay such ~~mechanical game~~ gaming device at no additional cost, which right to replay shall not be considered money or property, except that such mechanical game (a) ~~can accumulate no more than fifteen free replays at one time, (b)~~ can be discharged of accumulated free replays only by reactivating the game for one additional play for each accumulated free replay, and ~~(c)~~ (b) makes no permanent record directly or indirectly of free replays so awarded. Notwithstanding any other provisions of this section, any mechanical game or device classified by the federal government as an illegal gambling device and requiring a federal Gambling Device Tax Stamp as required by the Internal Revenue Service in its administration of sections 4461 and 4462 of Title 26, United States Code, amended July 1, 1965, by Public Law 89-44, are hereby declared to be illegal and excluded from the exemption granted in this section.

(3) Possession of a gambling device is a Class II misdemeanor.".

2. On page 1, line 2, after "sections" insert "28-1107,"; and in line 8 after the semicolon insert "to change provisions relating to the offense of possession of a gambling device;".

3. On page 13, line 9, strike "36" and insert "37".

4. On page 102, lines 20 and 25, strike "30 to 34" and insert "31 to 35".

5. On page 107, strike line 7 and insert "Sec. 38. Sections 12, 14 to 24, 29, and 40 of"; strike line 10 and insert "1987. Sections 9 to 11, 13, 25 to 28, 30 to 38, and 41"; and in line 23 after "sections" insert "28-1107,".

6. Renumber the remaining sections accordingly.

Mr. Ashford 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 motion to return prevailed with 26 ayes, 4 nays, 16 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 523. The V. Johnson specific amendment, AM1536, found in this day's Journal was considered.

Mr. Ashford 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. Abboud requested a record vote on the V. Johnson amendment.

Voting in the affirmative, 28:

Ashford	Elmer	Johnson, V.	Marsh	Rogers
Baack	Goodrich	Korshoj	Moore	Rupp
Chambers	Hall	Labedz	Nelson	Weihing
Chizek	Hannibal	Landis	Pappas	Wesely
Conway	Hartnett	Langford	Remmers	Withem
Coordsen	Higgins	Lynch		

Voting in the negative, 12:

Abboud	Johanns	Miller	Peterson	Warner
Beyer	Johnson, L.	Morehead	Smith	Wehrbein
Hefner	Lamb			

Present and not voting, 7:

Barrett	Johnson, R.	Schellpeper	Schmit	Scofield
Haberman	McFarland			

Excused and not voting, 2:

Dierks	Pirsch

The V. Johnson amendment was adopted with 28 ayes, 12 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Bracket LB 523

Mr. Hefner moved to bracket LB 523 until May 28, 1987.

Mr. Hefner withdrew his motion to bracket.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 75 and 467.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 75

The following changes, required to be reported for publication in the Journal, have been made:
ER0217
1. On page 1, line 2, "and" has been inserted after the second comma; in line 3 "and 77-2753," has been struck; in line 5 "temporary" has been struck; and the matter beginning with the second "to" in line 6 through the first semicolon in line 8 has been struck.

Enrollment and Review Change to LB 467

The following changes, required to be reported for publication in the Journal, have been made:
ER0218
1. In the Vard Johnson amendment, AM1481, adopted May 27, 1987, on page 1, line 4, "that" has been inserted after "except".

(Signed) Mary E. Sommermeyer
E & R Attorney

MOTION - Return LB 523 to Select File

Mr. Abboud moved to return LB 523 to Select File for the following specific amendment:
"to strike the enacting clause"

Mr. Abboud withdrew his motion to return.

Mr. V. Johnson moved to return LB 523 to Select File for the following specific amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1526.)

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. V. Johnson withdrew his pending motion to return.

Mr. Hefner moved to return LB 523 to Select File for the following specific amendment:
AM1532

(Amendments to Final Reading copy)

1. On page 45, line 24, strike "or who willfully falsifies any such statement" and show as stricken.

Mr. Pappas 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 Hefner motion to return prevailed with 27 ayes, 2 nays, 18 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 523. The Hefner specific amendment, AM1532, found in this day's Journal was considered.

Mr. Abboud 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 Hefner specific amendment was adopted with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

SPEAKER BARRETT PRESIDING

MOTION - Return LB 523 to Select File

Ms. Scofield moved to return LB 523 to Select File for the following specific amendment:
AM1537

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 38. Notwithstanding any provision of law, the Tax Commissioner shall not approve or grant to any person or taxpayer any tax credit or exemption for the construction of a facility or the employment of people for the disposal in Nebraska of low-level radioactive waste for which a license is required pursuant to the Low-Level Radioactive Waste Disposal Act.".

2. On page 107, line 7, strike "39" and insert "40"; and in line 10 strike "40" and insert "41".

3. Renumber the remaining sections accordingly.

Mrs. Marsh requested a ruling of the Chair on whether the Scofield amendment is germane to the bill.

The Chair ruled the Scofield amendment is not germane to the bill.

MOTION - Suspend Rules

Ms. Scofield moved to suspend the rules, Rule 7, Section 3(b) in order to consider AM1537 to LB 523.

The Scofield motion to suspend the rules prevailed with 31 ayes, 2 nays, 14 present and not voting, and 2 excused and not voting.

MOTION - Return LB 523 to Select File

Ms. Scofield moved to return LB 523 to Select File for her specific amendment, AM1537, found in this day's Journal.

The Scofield motion to return prevailed with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 523. The Scofield specific amendment, AM1537, found in this day's Journal was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Suspend Rules

Mrs. Labedz moved to suspend the rules, Rule 6, Section 8, and Rule 7, Section 3, and consider no additional amendments or motions to LB 523 today.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mrs. Labedz moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

The Labedz motion to suspend the rules prevailed with 30 ayes, 11 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

MOTION - Return LB 536 to Select File

Mr. Ashford moved to return LB 536 to Select File for the following specific amendment:
AM1445

1. On page 4, after line 2, insert the following new subsection:

"(9) Notwithstanding any other provision of this section, no parent shall be liable to the owner of merchandise in a civil action unless such minor is living with such parent at the time the conduct described by section 28-511.01 is committed.".

The Ashford motion to return prevailed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Rupp asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Bracket LB 536

Mr. V. Johnson moved to bracket LB 536 on Select File until May 29, 1987.

The V. Johnson motion to bracket lost with 13 ayes, 20 nays, 13 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 536. The Ashford specific amendment, AM1445, found in this day's Journal was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Hall requested a machine vote on the advancement of the bill.

Advanced to E & R for Re-Engrossment with 25 ayes, 11 nays, 10 present and not voting, and 3 excused and not voting.

MOTION - Return LB 784 to Select File

Mr. Abboud moved to return LB 784 to Select File for the following specific amendment:

Beginning on page 2, strike section 3.

Renumber the remaining sections.

(Eliminate the floor amendment to add $185,942 ('87) and $160,942 ('88) for computers for the Legislature).

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 Abboud motion to return lost with 9 ayes, 21 nays, 16 present and not voting, and 3 excused and not voting.

MOTION - Return LB 224 to Select File

Mr. Wesely moved to return LB 224 to Select File for the following specific amendment:

AM1503

1. Insert the following new section:

"Sec. 3. That section 39-669.16, Revised Statutes Supplement, 1986, 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 ~~six months~~ 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, administer oaths, examine witnesses, take testimony, and thereafter report the same to the director. At the expiration of the ~~six-month~~ one-year revocation period, such person may have his or her license reinstated upon payment of a fee of fifty dollars. The fees paid pursuant to this section shall be deposited in the Department of Motor Vehicles Cash Fund.".

2. In the Abboud amendment, AM1297, adopted May 21, 1987, on page 12, line 23, after "39-669.11" insert ", 39-669.16,".

3. In the Hartnett amendment, AM1387, adopted May 21, 1987, on page 27, lines 7 and 8, strike "12, 13, 15, 16, 18, 20 to 24, and 26" and insert "13, 14, 16, 17, 19, 21 to 25, and 27".

4. Renumber the remaining section accordingly.

Mr. Ashford 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 his motion to return.

Voting in the affirmative, 24:

Abboud	Hannibal	Landis	Moore	Smith
Beyer	Hefner	Langford	Morehead	Warner
Coordsen	Johanns	Lynch	Nelson	Wehrbein
Elmer	Johnson, L.	Marsh	Peterson	Wesely
Goodrich	Lamb	Miller	Scofield	

Voting in the negative, 18:

Ashford	Conway	Korshoj	Rogers	Schmit
Baack	Hall	Labedz	Rupp	Weihing
Chambers	Johnson, R.	Pappas	Schellpeper	Withem
Chizek	Johnson, V.	Remmers		

Present and not voting, 5:

Barrett	Haberman	Hartnett	Higgins	McFarland

Excused and not voting, 2:

Dierks	Pirsch

The Wesely motion to return lost with 24 ayes, 18 nays, 5 present and not voting, and 2 excused and not voting.

Mr. Lamb moved to return LB 224 to Select File for the following specific amendment:
AM1509

1. Insert the following new sections:

"Sec. 14. That section 39-6,181.01, Revised Statutes Supplement, 1986, be amended to read as follows:

39-6,181.01. (1) The Department of Roads may issue permits for vehicles moving a building or objects requiring specialized moving dollies. Such permits shall allow the vehicles transporting buildings or objects requiring specialized dollies to operate on highways under the jurisdiction of the department, excluding any portion of the National System of Interstate and Defense Highways. Such permit shall specify the maximum allowable width, length, height, and weight of the building to be transported, the route to be used, and the hours during which such building or object may be transported. Any vehicle moving a building or object requiring specialized moving dollies

shall be escorted by another vehicle or vehicles in the manner determined by the Department of Roads. Such vehicles shall travel at a speed which is not in excess of five miles per hour when carrying loads which are in excess of the maximum gross weight specified by law by more than twenty-five per cent. The permit shall not be issued for travel on a state highway containing a bridge or structure which is structurally inadequate to carry such building or object as determined by the Department of Roads. The department may prescribe conditions of operation of such vehicle when necessary to assure against damage to the road foundations, surfaces, or structures and require such security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(2) The application for any such permit shall specifically describe the vehicle and the load to be moved and, whenever possible, the particular highways for which the permit is requested. The company or individual shall maintain a copy of the permit in each vehicle moving a building or object requiring specialized moving dollies which shall be open to inspection by any police officer or authorized agent of any authority granting such permit. The fee for such permit shall be ten dollars.

(3) The Department of Roads shall adopt and promulgate rules and regulations governing the issuance of the permits. Such rules and regulations shall include, but not be limited to, driver qualifications, equipment selection, hours of operation, weather conditions, road conditions, determination of any damage caused to highways or bridges, cutting or trimming of trees, removal or relocation of signs or other property of the state, raising or lowering of electric supply and communication lines, and such other safety considerations as the department shall deem necessary. The department in adopting and promulgating rules and regulations governing driver qualifications shall not require the driver to meet physical requirements more stringent than those required under section 60-407.

Sec. 23. That section 60-403.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-403.06. (1) Except (a) as provided in

subsection (2) of this section and (b) for a permit issued pursuant to section 39-6,181.01, no person shall operate a truck-tractor as defined in section 60-301, which is registered for more than twenty-four thousand pounds gross vehicle weight, until such person shall have obtained a class CC operator's license.

(2) A person may, for learning purposes, operate such a truck-tractor, either empty or carrying noncommercial cargo, if such person is the holder of a valid motor vehicle operator's license and is accompanied by the holder of a valid class CC license.".

2. Correct repealer, change internal references, and renumber remaining sections accordingly.

Ms. Johanns asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Pappas 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 Lamb motion to return prevailed with 25 ayes, 13 nays, 8 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 224. The Lamb specific amendment, AM1509, found in this day's Journal 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 Lamb amendment was adopted with 25 ayes, 16 nays, 5 present and not voting, and 3 excused and not voting.

MOTION - Bracket LB 224

Mr. Chambers moved to bracket LB 224 until May 29, 1987.

Mr. Chambers withdrew his pending motion to bracket.

MOTION - Reconsider Action on LB 224

Mr. Withem moved to reconsider the Lamb amendment to LB 224.

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. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a roll call vote on the Withem motion to reconsider.

Voting in the affirmative, 19:

Abboud	Elmer	Higgins	Marsh	Pappas
Beyer	Goodrich	Johanns	McFarland	Schellpeper
Chambers	Hall	Johnson, V.	Miller	Withem
Chizek	Hartnett	Korshoj	Morehead	

Voting in the negative, 25:

Ashford	Hannibal	Lamb	Peterson	Smith
Baack	Hefner	Langford	Remmers	Warner
Conway	Johnson, L.	Lynch	Rogers	Wehrbein
Coordsen	Johnson, R.	Moore	Rupp	Weihing
Haberman	Labedz	Nelson	Scofield	Wesely

Present and not voting, 2:

Barrett Schmit

Excused and not voting, 3:

Dierks Landis Pirsch

The Withem motion to reconsider lost with 19 ayes, 25 nays, 2 present and not voting, and 3 excused and not voting.

MOTION - Recommit LB 224 to Committee

Mr. V. Johnson moved to recommit LB 224 to the Transportation Committee.

Mr. Wesely 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. V. Johnson requested a roll call vote on his motion to recommit to committee.

Voting in the affirmative, 19:

Ashford	Elmer	Higgins	Morehead	Schmit
Beyer	Goodrich	Korshoj	Nelson	Wehrbein
Chambers	Hall	McFarland	Pappas	Withem
Chizek	Hartnett	Miller	Schellpeper	

Voting in the negative, 23:

Abboud	Hannibal	Lamb	Remmers	Smith
Baack	Hefner	Langford	Rogers	Warner
Conway	Johanns	Lynch	Rupp	Weihing
Coordsen	Johnson, L.	Moore	Scofield	Wesely
Haberman	Johnson, R.	Peterson		

Present and not voting, 4:

Barrett	Johnson, V.	Labedz	Marsh

Excused and not voting, 3:

Dierks	Landis	Pirsch

The V. Johnson motion to recommit lost with 19 ayes, 23 nays, 4 present and not voting, and 3 excused and not voting.

MOTION - Reconsider Action on LB 224

Mr. V. Johnson moved to reconsider the vote to refer LB 224 to Committee.

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. V. Johnson moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. V. Johnson requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 25:

Abboud	Chizek	Higgins	McFarland	Schellpeper
Ashford	Elmer	Johnson, V.	Miller	Schmit
Barrett	Goodrich	Korshoj	Morehead	Wehrbein
Beyer	Hall	Labedz	Nelson	Weihing
Chambers	Hartnett	Marsh	Pappas	Withem

Voting in the negative, 21:

Baack	Hefner	Lamb	Peterson	Scofield
Conway	Johanns	Langford	Remmers	Smith
Coordsen	Johnson, L.	Lynch	Rogers	Warner
Haberman	Johnson, R.	Moore	Rupp	Wesely
Hannibal				

Excused and not voting, 3:

Dierks	Landis	Pirsch

The V. Johnson motion to reconsider prevailed with 25 ayes, 21 nays, and 3 excused and not voting.

MOTION - Recommit LB 224 to Committee

The V. Johnson motion to recommit to Committee was reconsidered.

Mr. V. Johnson withdrew his pending motion to recommit to Committee.

MOTION - Suspend Rules

Mr. Lamb moved to suspend the rules, Rule 7 Section 7, to permit consideration of the Lamb amendment to LB 224.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

The Lamb motion to suspend the rules prevailed with 30 ayes, 12 nays, 4 present and not voting, and 3 excused and not voting.

MOTION - Reconsider Action on LB 224

Mr. Lamb moved to reconsider the adoption of the Lamb amendment, AM1509, to LB 224.

The Lamb motion to reconsider prevailed with 25 ayes, 18 nays, 3 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 224. Mr. Lamb withdrew his pending amendment, AM1509, found in this day's Journal.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 474 in the Journal. No objections. So ordered.

AM1531

(Amendments to Final Reading copy)

1. On page 1, line 5, after the semicolon insert "to provide exceptions;".

2. On page 2, line 24, after the period insert "Any amusement or recreational establishment, organized camp, or religious or nonprofit educational conference center shall be exempt from the minimum wage rate established by this section if (1) such establishment, camp, or center does not operate more than seven months in any calendar year or (2) during the immediately preceding calendar year, the average receipts of such establishment, camp, or center for any six months of such year were not more than thirty-three and one-third per cent of its average receipts for the other six months of such year.".

Mr. Hefner asked unanimous consent to print the following amendment to LB 337A in the Journal. No objections. So ordered.

AM1541

1. Strike the original sections and all amendments thereto and insert the following new

sections:

"Section 1. That section 28-1107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1107. (1) A person commits the offense of possession of a gambling device if he or she manufactures, sells, transports, places, possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody, or use of any gambling device, knowing that it shall be used in the advancement of unlawful gambling activity.

(2) This section shall not apply to any coin-operated mechanical ~~game designed and manufactured to be played~~ gaming device, computer gaming device, electronic gaming device, or video gaming device which has the capability of awarding free games, which is intended to be played and is in fact played for amusement only, and which may allow the player the right to replay such ~~mechanical game~~ gaming device at no additional cost, which right to replay shall not be considered money or property and shall not be redeemable for anything of value, except that such mechanical game (a) ~~can accumulate no more than fifteen free replays at one time, (b)~~ can be discharged of accumulated free replays only by reactivating the game for one additional play for each accumulated free replay, and ~~(c)~~ (b) makes no permanent record directly or indirectly of free replays so awarded. Notwithstanding any other provisions of this section, any mechanical game or device classified by the federal government as an illegal gambling device and requiring a federal Gambling Device Tax Stamp as required by the Internal Revenue Service in its administration of sections 4461 and 4462 of Title 26, United States Code, amended July 1, 1965, by Public Law 89-44, are hereby declared to be illegal and excluded from the exemption granted in this section.

(3) Possession of a gambling device is a Class II misdemeanor.

Sec. 2. That original section 28-1107, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 536.

Correctly Engrossed

The following bill was correctly engrossed: 335.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 335

The following changes, required to be reported for publication in the Journal, have been made:
ER0216

1. In the Landis amendment, AM1472, adopted May 27, 1987:

a. On page 3, line 21, the second "section" has been struck and "subsection" inserted;

b. On page 4, line 21, "(1)" has been inserted before "Within";

c. On page 5, line 5, "(2)" has been inserted before "Such"; and in line 16 the comma has been struck; and

d. Section 6 has been struck and the following new section has been inserted:

"Sec. 6. Sections 3 to 5 of this act and the changes made to sections 44-371 and 44-1089 by Legislative Bill 335, Ninetieth Legislature, First Session, 1987, shall apply to actions filed after the effective date of this act.".

2. On page 1, line 1, "insurance" has been struck and "creditors' claims" inserted; the matter beginning with "exempt" in line 4 through line 7 and all amendments thereto have been struck and "provide for and change provisions relating to the exemption from legal or equitable process and claims of creditors of certain insurance benefits, interest in pension, profitsharing, and similar plans and contracts, and proceeds and benefits from structured settlements; to provide that excess proceeds of certain sales of property be retained by the debtor; to provide for the applicability of provisions as prescribed; to provide severability; to repeal the original sections;" inserted.

Enrollment and Review Change to LB 536
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER0220
1. On page 1, line 6, "unassignable" has been struck and "nonassignable" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

WITHDRAW - Amendment to LB 42

Mrs. Smith withdrew her pending amendment, AM1104, found in the Journal on page 1896 to LB 42.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 42.

A BILL FOR AN ACT relating to care management services; to state intent; to require the establishment of care management units by area agencies on aging; to provide powers and duties; and to create a fund.

Whereupon the 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	Elmer	Johnson, R.	Miller	Schmit
Ashford	Goodrich	Johnson, V.	Moore	Scofield
Baack	Haberman	Korshoj	Morehead	Smith
Barrett	Hall	Labedz	Nelson	Warner
Beyer	Hartnett	Lamb	Peterson	Wehrbein
Chambers	Hefner	Langford	Remmers	Weihing
Chizek	Higgins	Lynch	Rogers	Wesely
Conway	Johanns	Marsh	Rupp	Withem
Coordsen	Johnson, L.	McFarland	Schellpeper	

Voting in the negative, 0.

Present and not voting, 2:

Hannibal Pappas

Excused and not voting, 3:

Dierks Landis Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 42A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 42, Ninetieth Legislature, First Session, 1987; to state intent relating to a waiver; and to decrease an appropriation.

Whereupon the 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	Elmer	Johnson, L.	McFarland	Schellpeper
Ashford	Goodrich	Johnson, R.	Miller	Schmit
Baack	Haberman	Johnson, V.	Moore	Scofield
Barrett	Hall	Korshoj	Morehead	Smith
Beyer	Hannibal	Labedz	Nelson	Warner
Chambers	Hartnett	Lamb	Peterson	Wehrbein
Chizek	Hefner	Langford	Remmers	Weihing
Conway	Higgins	Lynch	Rogers	Wesely
Coordsen	Johanns	Marsh	Rupp	Withem

Voting in the negative, 0.

Present and not voting, 1:

Pappas

Excused and not voting, 3:

Dierks Landis Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Smith asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 163.

A BILL FOR AN ACT relating to investment; to adopt the Venture Capital Network 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, 28:

Abboud	Elmer	Langford	Nelson	Schellpeper
Ashford	Goodrich	Lynch	Pappas	Wehrbein
Baack	Hall	Marsh	Remmers	Weihing
Beyer	Johanns	McFarland	Rogers	Wesely
Chizek	Labedz	Moore	Rupp	Withem
Conway	Lamb	Morehead		

Voting in the negative, 12:

Barrett	Haberman	Johnson, L.	Johnson, V.	Schmit
Chambers	Hartnett	Johnson, R.	Korshoj	Warner
Coordsen	Hefner			

Present and not voting, 5:

Hannibal	Higgins	Miller	Peterson	Scofield

Excused and not voting, 4:

Dierks	Landis	Pirsch	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 163A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 163, Ninetieth Legislature, First Session, 1987.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Abboud	Elmer	Lynch	Pappas	Smith
Ashford	Goodrich	Marsh	Remmers	Wehrbein
Baack	Hall	McFarland	Rogers	Weihing
Beyer	Johanns	Moore	Rupp	Wesely
Chizek	Labedz	Morehead	Schellpeper	Withem
Conway	Lamb	Nelson		

Voting in the negative, 13:

Barrett	Haberman	Johnson, L.	Korshoj	Schmit
Chambers	Hartnett	Johnson, R.	Langford	Warner
Coordsen	Hefner	Johnson, V.		

Present and not voting, 5:

Hannibal	Higgins	Miller	Peterson	Scofield

Excused and not voting, 3:

Dierks	Landis	Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 185.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2704, Reissue Revised Statutes of Nebraska, 1943; to provide an exemption for repair and replacement parts of certain farm tractors, machinery, and equipment; 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, 30:

Abboud	Elmer	Labedz	Morehead	Schellpeper
Ashford	Goodrich	Lamb	Pappas	Schmit
Beyer	Haberman	Langford	Peterson	Scofield
Chizek	Johanns	McFarland	Remmers	Smith
Conway	Johnson, R.	Miller	Rogers	Wehrbein
Coordsen	Johnson, V.	Moore	Rupp	Weihing

Voting in the negative, 14:

Baack	Hall	Johnson, L.	Marsh	Wesely
Barrett	Hannibal	Korshoj	Nelson	Withem
Chambers	Hartnett	Lynch	Warner	

Present and not voting, 1:

Hefner

Excused and not voting, 4:

Dierks	Higgins	Landis	Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 185A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 185, Ninetieth Legislature, First Session, 1987.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Abboud	Elmer	Johnson, R.	Lynch	Pappas
Ashford	Goodrich	Johnson, V.	McFarland	Peterson
Beyer	Hall	Labedz	Miller	Remmers
Chizek	Hefner	Lamb	Moore	Rogers
Coordsen	Johanns	Langford	Morehead	Rupp

Schellpeper	Scofield	Wehrbein	Weihing	Wesely
Schmit	Smith			

Voting in the negative, 12:

Baack	Conway	Johnson, L.	Marsh	Warner
Barrett	Hannibal	Korshoj	Nelson	Withem
Chambers	Hartnett			

Present and not voting, 1:

Haberman

Excused and not voting, 4:

Dierks	Higgins	Landis	Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 187. With Emergency.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-120 and 48-162, Revised Statutes Supplement, 1986; to provide for the establishment of a medical services fee schedule; to prohibit certain acts; to provide a fee; to change provisions relating to certain orders for payment or reimbursement as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Chambers	Goodrich	Hefner	Labedz
Ashford	Chizek	Haberman	Johnson, L.	Lamb
Baack	Conway	Hall	Johnson, R.	Langford
Barrett	Coordsen	Hannibal	Johnson, V.	Lynch
Beyer	Elmer	Hartnett	Korshoj	Marsh

McFarland	Nelson	Rupp	Smith	Weihing
Miller	Peterson	Schellpeper	Warner	Wesely
Moore	Remmers	Schmit	Wehrbein	Withem
Morehead	Rogers	Scofield		

Voting in the negative, 0.

Present and not voting, 1:

Johanns

Excused and not voting, 5:

Dierks	Higgins	Landis	Pappas	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 187A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 187, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Elmer	Johnson, V.	Moore	Schmit
Ashford	Goodrich	Korshoj	Morehead	Scofield
Baack	Haberman	Labedz	Nelson	Smith
Barrett	Hall	Lamb	Peterson	Warner
Beyer	Hannibal	Langford	Remmers	Wehrbein
Chambers	Hartnett	Lynch	Rogers	Weihing
Chizek	Hefner	Marsh	Rupp	Wesely
Conway	Johnson, L.	McFarland	Schellpeper	Withem
Coordsen	Johnson, R.	Miller		

Voting in the negative, 0.

Present and not voting, 1:

Johanns

Excused and not voting, 5:

Dierks	Higgins	Landis	Pappas	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 226.

A BILL FOR AN ACT relating to amusement rides; to adopt the Nebraska Amusement Ride Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Elmer	Johnson, V.	Moore	Schmit
Ashford	Goodrich	Korshoj	Morehead	Scofield
Baack	Haberman	Labedz	Nelson	Smith
Barrett	Hall	Lamb	Peterson	Warner
Beyer	Hannibal	Langford	Remmers	Wehrbein
Chambers	Hartnett	Lynch	Rogers	Weihing
Chizek	Hefner	Marsh	Rupp	Wesely
Conway	Johnson, L.	McFarland	Schellpeper	Withem
Coordsen	Johnson, R.	Miller		

Voting in the negative, 0.

Present and not voting, 1:

Johanns

Excused and not voting, 5:

Dierks	Higgins	Landis	Pappas	Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 226A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 226, Ninetieth Legislature, First Session, 1987.

Whereupon the 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	Goodrich	Korshoj	Moore	Schmit
Ashford	Haberman	Labedz	Morehead	Scofield
Baack	Hall	Lamb	Nelson	Smith
Barrett	Hannibal	Langford	Peterson	Warner
Beyer	Hartnett	Lynch	Remmers	Wehrbein
Chambers	Hefner	Marsh	Rogers	Weihing
Chizek	Johnson, L.	McFarland	Rupp	Wesely
Coordsen	Johnson, R.	Miller	Schellpeper	Withem
Elmer	Johnson, V.			

Voting in the negative, 0.

Present and not voting, 2:

Conway Johanns

Excused and not voting, 5:

Dierks	Higgins	Landis	Pappas	Pirsch

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: 42, 42A, 163, 163A, 185, 185A, 187, and 187A.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 270.

A BILL FOR AN ACT relating to the Employment Expansion and Investment Incentive Act; to amend sections 77-27,187, 77-27,188, 77-27,189, 77-27,190, 77-27,191, and 77-27,193, Reissue Revised Statutes of Nebraska, 1943; to increase a tax credit as prescribed; to change provisions relating to the applicability of, eligibility for, calculation of, and limitations on the credit; to redefine a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Elmer	Johnson, L.	Marsh	Rupp
Ashford	Goodrich	Johnson, R.	McFarland	Schellpeper
Baack	Haberman	Johnson, V.	Moore	Schmit
Barrett	Hall	Korshoj	Morehead	Smith
Beyer	Hannibal	Labedz	Nelson	Wehrbein
Chizek	Hartnett	Lamb	Peterson	Weihing
Conway	Hefner	Langford	Remmers	Wesely
Coordsen	Johanns	Lynch	Rogers	Withem

Voting in the negative, 3:

Chambers	Scofield	Warner

Present and not voting, 1:

Miller

Excused and not voting, 5:

Dierks	Higgins	Landis	Pappas	Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 270A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 270, Ninetieth Legislature, First Session, 1987.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Elmer	Johnson, L.	Marsh	Rupp
Ashford	Goodrich	Johnson, R.	McFarland	Schellpeper
Baack	Haberman	Johnson, V.	Moore	Schmit
Barrett	Hall	Korshoj	Morehead	Smith
Beyer	Hannibal	Labedz	Nelson	Wehrbein
Chizek	Hartnett	Lamb	Peterson	Weihing
Conway	Hefner	Langford	Remmers	Wesely
Coordsen	Johanns	Lynch	Rogers	Withem

Voting in the negative, 3:

Chambers	Scofield	Warner

Present and not voting, 1:

Miller

Excused and not voting, 5:

Dierks	Higgins	Landis	Pappas	Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 292. With Emergency.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-121.01, Revised Statutes Supplement, 1986; to provide for increases in the maximum weekly income benefit 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, 37:

Abboud	Elmer	Johnson, R.	Miller	Schmit
Ashford	Goodrich	Johnson, V.	Moore	Scofield
Baack	Haberman	Korshoj	Morehead	Smith
Barrett	Hall	Labedz	Nelson	Warner
Beyer	Hannibal	Lynch	Remmers	Wehrbein
Chambers	Hartnett	Marsh	Rogers	Wesely
Chizek	Hefner	McFarland	Rupp	Withem
Conway	Johnson, L.			

Voting in the negative, 6:

Coordsen	Lamb	Langford	Peterson	Schellpeper
Johanns				

Present and not voting, 1:

Weihing

Excused and not voting, 5:

Dierks	Higgins	Landis	Pappas	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 292A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 292, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud	Elmer	Johnson, R.	Moore	Scofield
Ashford	Goodrich	Johnson, V.	Morehead	Smith
Baack	Haberman	Korshoj	Nelson	Warner
Barrett	Hall	Labedz	Remmers	Wehrbein
Beyer	Hannibal	Lynch	Rogers	Weihing
Chambers	Hartnett	Marsh	Rupp	Wesely
Chizek	Hefner	McFarland	Schmit	Withem
Conway	Johnson, L.	Miller		

Voting in the negative, 6:

Coordsen	Lamb	Langford	Peterson	Schellpeper
Johanns				

Excused and not voting, 5:

Dierks	Higgins	Landis	Pappas	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 312.

A BILL FOR AN ACT relating to government; to adopt the Intergovernmental Data Communications Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Elmer	Korshoj	Moore	Schmit
Ashford	Goodrich	Labedz	Morehead	Scofield
Baack	Haberman	Lamb	Nelson	Smith
Barrett	Hall	Langford	Peterson	Warner
Beyer	Hannibal	Lynch	Remmers	Wehrbein
Chambers	Hartnett	Marsh	Rogers	Weihing
Chizek	Hefner	McFarland	Rupp	Wesely
Conway	Johnson, L.	Miller	Schellpeper	Withem
Coordsen	Johnson, R.			

Voting in the negative, 0.

Present and not voting, 2:

Johanns Johnson, V.

Excused and not voting, 5:

Dierks Higgins Landis Pappas Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 312A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 312, Ninetieth Legislature, First Session, 1987.

Whereupon the 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	Goodrich	Korshoj	Miller	Schmit
Ashford	Haberman	Labedz	Moore	Scofield
Baack	Hall	Lamb	Morehead	Smith
Barrett	Hannibal	Landis	Nelson	Warner
Chambers	Hartnett	Langford	Peterson	Wehrbein
Conway	Hefner	Lynch	Remmers	Weihing
Coordsen	Johnson, L.	Marsh	Rupp	Wesely
Dierks	Johnson, R.	McFarland	Schellpeper	Withem
Elmer	Johnson, V.			

Voting in the negative, 0.

Present and not voting, 4:

Beyer Chizek Johanns Rogers

Excused and not voting, 3:

Higgins Pappas Pirsch

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: 226, 226A, 270, 270A, 292, 292A, 312, and 312A.

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. Elmer, Abboud, and Rupp asked unanimous consent to have their names added as co-introducers to LR 233. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 523.

Correctly Engrossed

The following bill was correctly engrossed: 224.

(Signed) Scott Moore, Chairperson

Enrollment and Review Change to LB 224

The following changes, required to be reported for publication in the Journal, have been made:
ER0212

1. In lieu of the Schmit amendment #1 adopted May 26, 1987, found on page 2490 of the Journal:

a. The following new section has been inserted:

"Sec. 23. That section 75-363, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-363. (1) The parts of the Federal Motor Carrier Safety Regulations, Title 49, Code of Federal Regulations, listed in subdivisions (a) through (h) of this subsection or any other parts referred to by such parts, in existence as of October 1, 1986, are adopted as Nebraska law. The regulations shall be applicable to all carriers, drivers, and vehicles to which the federal regulations apply

and to all vehicles of intrastate motor carriers registered for a gross weight over ten thousand pounds, 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, except as provided in subsection (2) of this section. The Legislature hereby adopts:

(a) Part 390--Federal Motor Carrier Safety Regulations: General;

(b) Part 391--Qualifications Of Drivers;

(c) Part 392--Driving Of Motor Vehicles;

(d) Part 393--Parts And Accessories Necessary For Safe Operations;

(e) Part 395--Hours Of Service Of Drivers;

(f) Part 396--Inspection, Repair And Maintenance;

(g) Part 397--Transportation Of Hazardous Materials; Driving And Parking Rules; and

(h) Part 398--Transportation Of Migrant Workers.

(2) The regulations shall not apply to farm trucks registered pursuant to section 60-330 with a gross weight of sixteen tons or less, liquefied petroleum gas tanks with a capacity of three thousand five hundred gallons or less, and fertilizer and agricultural chemical application and distribution equipment transported in units with a capacity of three thousand five hundred gallons or less. The following parts and sections of the Federal Motor Carrier Safety Regulations shall not apply to drivers of registered farm trucks:

(a) All of Part 391;

(b) Section 395.08 of Part 395; and

(c) Section 396.11 of Part 396.

(3) No defect ticket or citation shall be issued pursuant to section 393.42 of Part 393, or pursuant to any other state or federal statute, prior to July 1, 1988, for failure to have functional brakes on any axle which is not the original equipment of the manufacturer."; and

b. In the Standing Committee amendments, AM0639, on page 30, line 5, "75-363," has been inserted after the first comma.

2. In the Barrett amendment, AM1460, adopted May 21, 1987:

a. On page 1, line 1, "the second" has been inserted after "strike"; in line 10 an underscored comma has been inserted after "decision"; and the matter beginning with the semicolon in line 14 through the quotation marks in line 17 has been struck and "in line 9 after 'of' insert 'the'; and in line 10 after 'transfer' insert ', the effective date of the legislative act, or the date the court decision is rendered'" inserted; and

b. On page 2, line 7, "underscored" has been inserted after "the"; in lines 8 and 14 the first "the" has been struck; and in line 13 an underscored comma has been inserted before "effective".

3. In the Hartnett amendment, AM1387, adopted May 21, 1987:

a. Sections 12, 13, 15, 16, 18, and 20 to 26 have been renumbered as 15, 16, 18, 19, 21, and 24 to 30, respectively.

b. On page 4, line 23, an underscored comma has been inserted after "and";

c. On page 10, line 13, "the" has been inserted after "from";

d. On page 27, the matter beginning with "12" in line 7 through "26" in line 8 and all amendments thereto have been struck and "15, 16, 19, 21, 24, 25, 27, 28, and 30" inserted.

4. In the Abboud amendment, AM1297, adopted May 21, 1987, in lieu of amendment 3, in the E & R amendment, AM5234, on page 2, line 6, the first "and" has been struck, "39-669.11," has been inserted after "sections", and a comma has been inserted after "39-6,179".

5. On page 1, the matter beginning with "60-325" in line 4 through line 13 and all amendments thereto have been struck and "60-315, 60-318, 60-344, 60-407, 75-363, 77-1240, 77-1240.01, 77-1240.03, 77-1241.09, and 77-2703, Reissue Revised Statutes of Nebraska, 1943, sections 39-669.11, 39-6,179, 60-302, and 60-320, Revised Statutes Supplement, 1986, section 39-669.26, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 430, Ninetieth Legislature, First Session, 1987, and section 39-669.08, Revised Statutes Supplement, 1986, as amended by section 2, Legislative Bill 404, Ninetieth Legislature, First Session, 1987; to change provisions relating to driving while intoxicated; to eliminate approval requirements concerning certain equipment; to provide an exception to length restrictions for certain vehicles; to redefine terms; to create a fund; to change the delinquency date for certain registrations; to authorize a refund of and change provisions relating to the payment of certain fees and taxes; to change provisions relating to dealer number plates; to provide for the cancellation of operator's licenses in certain cases; to prohibit the issuance of certain tickets and citations;" inserted.

6. On page 2, line 1, "to provide operative dates;" has been inserted after the second semicolon.

Enrollment and Review Change to LB 523
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER0219

1. Changes have been made as necessry to incorporate all adopted amendments.

(Signed) Mary E. Sommermeyer
E & R Attorney

VISITORS

Visitors to the Chamber were 42 fourth grade students and teacher from Northside Elementary, Nebraska City; and Royce Schaffer from Osceola.

ADJOURNMENT

At 11:38 p.m., on a motion by Mr. Chizek, the Legislature adjourned until 9:00 a.m., Thursday, May 28, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-NINTH DAY - MAY 28, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

EIGHTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 28, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Lavern K. Grosc, First Evangelical Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. V. Johnson and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Eighth Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 28, 1987, at 8:30 a.m., were the following bills: 42, 42A, 163, 163A, 185, 185A, 187, 187A, 226, 226A, 270, 270A, 292, 292A, 312, and 312A.

(Signed) Pam Moravec, Enrolling Clerk

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet in executive session, May 28, 1987, at 1:00 p.m., in Room 1003.

RESOLUTIONS

LEGISLATIVE RESOLUTION 236.

Introduced by Moore, 24th District.

WHEREAS, 1987 is the centennial year of the Village of Thayer, Nebraska; and

WHEREAS, the village was named for John Milton Thayer, a former Nebraska Governor and senator and a Civil War general; and

WHEREAS, Thayer will be celebrating its centennial celebration this year; and

WHEREAS, the residents of Thayer deserve special recognition for the contributions that they and their ancestors have made to the state in all areas as well as to Nebraska's spirit itself; and

WHEREAS, those traditions and the heritage that made Nebraska great are still being carried on by the residents of Thayer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes in this centennial year to those residents of Thayer, both past and present, who have built Thayer into a successful and fine community in which to live and will continue to keep the Thayer community strong.

2. That a copy of this resolution be sent to Rodney Matlock, Chairperson of the Village Board of Trustees.

Laid over.

LEGISLATIVE RESOLUTION 237.

Introduced by Withem, 14th District.

WHEREAS, September 17, 1987, will be the 200th anniversary of the signing of the Constitution of the United States of America; and

WHEREAS, Nebraska entered the union by signing the Constitution of the United States on March 1, 1867; and

WHEREAS, the role and mission of the state for its school system includes encouraging a knowledge and understanding of political society and democracy in order to foster active participation of citizens in the political process; and

WHEREAS, knowledge and understanding of the history of the United States Constitution is crucial to promotion of responsible and active citizenship; and

WHEREAS, the elementary and secondary schools of Nebraska are in a position to be able to pass on the knowledge and heritage of history of the United States Constitution during its bicentennial celebration; and

WHEREAS, the Commission on the Bicentennial of the United States Constitution, the American Bar Association, the Nebraska Bar Association, the Nebraska Committee on the Humanities, the National conference of Christians and Jews, and other civic organizations have planned a number of events and prepared materials for use in the schools.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the critical importance of the United States Constitution in the maintenance and preservation of a free, democratic society.

2. That the Legislature designates the week of September 13-19 for the discussion, commemoration, and debate of the United States Constitution in the public schools of Nebraska.

3. That the Legislature encourages the Commissioner of Education to facilitate and coordinate events planned by national, state, and local organizations in the elementary and secondary schools of the state.

Laid over.

LEGISLATIVE RESOLUTION 238.

Introduced by Schmit, 23rd District.

WHEREAS, the year of 1987 is the centennial year of the Village of Malmo, Nebraska; and

WHEREAS, Malmo was named by early Swedish settlers from Malmo, Sweden; and

WHEREAS, the community has survived and thrived through tornadoes, fires, and other early hardships; and

WHEREAS, Malmo will begin its centennial celebration activities in the month of August; and

WHEREAS, those traditions and the heritage that made Nebraska great are still being carried on by the current residents of Malmo; and

WHEREAS, the current residents of Malmo deserve special recognition for the contributions that they and their ancestors have made to all areas of the state's development and to Nebraska's spirit itself.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes in this centennial year to those residents of Malmo, both past and present, who have built Malmo into a successful and fine community in which to live and who will continue to keep the Malmo community strong.

2. That a copy of this resolution be sent to the board chairperson and clerk of Malmo.

Laid over.

LEGISLATIVE RESOLUTION 239.

Introduced by Schmit, 23rd District.

WHEREAS, the year of 1987 is the centennial year of the Village of Prague, Nebraska; and

WHEREAS, Prague was named after the capitol of Czechoslovakia and was settled by proud Czech people; and

WHEREAS, the community had survived and thrived through tornadoes, fires, and other early hardships; and

WHEREAS, Prague will begin its centennial celebration activities in the month of August; and

WHEREAS, those traditions and the heritage that made Nebraska great are still being carried on by the current residents of Prague; and

WHEREAS, the current residents of Prague deserve special recognition for the contributions that they and their ancestors have made to all areas of the state's development as well as to Nebraska's spirit itself.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes in this centennial year to those residents of Prague, both past and present, who have built Prague into a successful and fine community in which to live and will continue to keep the Prague community strong.

2. That a copy of this resolution be sent to the mayor and clerk of Prague.

Laid over.

LEGISLATIVE RESOLUTION 240.

Introduced by Schmit, 23rd District.

WHEREAS, the year of 1987 is the centennial year of the Village of Dwight, Nebraska; and

WHEREAS, Dwight was named after Dwight, Illinois, where many of the original residents formerly lived; and

WHEREAS, the community has survived and thrived through tornadoes, prairie fires, and other early hardships; and

WHEREAS, Dwight will begin its centennial celebration activities in the month of August; and

WHEREAS, those traditions and the heritage that made Nebraska great are still being carried on by the current residents of Dwight; and

WHEREAS, the current residents of Dwight deserve special recognition for the contributions that they and their ancestors have made to all areas of the state's development as well as to Nebraska's spirit itself.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes in this centennial year to those residents of Dwight, both past and present, who have built Dwight into a successful and fine community in which to live and will continue to keep the Dwight community strong.

2. That a copy of this resolution be sent to the mayor and village clerk of Dwight.

Laid over.

LEGISLATIVE RESOLUTION 241.

Introduced by Schmit, 23rd District.

WHEREAS, 1987 is the centennial year of the Village of Ceresco, Nebraska; and

WHEREAS, Ceresco was named after Ceresco, Michigan, by Richard Nelson and Hod Andrus; and

WHEREAS, Ceresco is home to many proud Swedes whose ancestors helped settle this area; and

WHEREAS, Ceresco will begin its centennial celebration activities in the month of June; and

WHEREAS, those traditions and the heritage that made Nebraska great are still being carried on by the current residents of Ceresco; and

WHEREAS, the current residents of Ceresco deserve special recognition for the contributions that they and their ancestors have made to all areas of the state's development and to Nebraska's spirit itself.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes in this centennial year to those residents of Ceresco, both past and present, who have built Ceresco into a successful and fine community in which to live and who will continue to keep the Ceresco community strong.

2. That a copy of this resolution be sent to the chairperson of the village board and village clerk of Ceresco.

Laid over.

LEGISLATIVE RESOLUTION 242.

Introduced by Schmit, 23rd District.

WHEREAS, 1987 is the centennial year of the Village of Morse Bluff, Nebraska; and

WHEREAS, Morse Bluff was named in honor of Charles W. Morse who owned the land on which the town was located; and

WHEREAS, the community has survived and thrived through tornadoes, fires, and other early hardships; and

WHEREAS, Morse Bluff will begin its centennial celebration activities in the month of August; and

WHEREAS, those traditions and the heritage that made Nebraska great are still being carried on by the current residents of Morse Bluff; and

WHEREAS, the current residents of Morse Bluff deserve special recognition for the contributions that they and their ancestors have made to all areas of the state's development and to Nebraska's spirit itself.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes in this centennial year to those residents of Morse Bluff, both past and present, who have built Morse Bluff into a successful and fine community in which to live and who will continue to keep the Morse Bluff community strong.

2. That a copy of this resolution be sent to the mayor and clerk of Morse Bluff.

Laid over.

LEGISLATIVE RESOLUTION 243.

Introduced by Schmit, 23rd District.

WHEREAS, the year of 1987 is the centennial year of the Village of Octavia, Nebraska; and

WHEREAS, Octavia was platted by the Pioneer Town Site Company and was named after Octavia Speltz, wife of a prominent farmer, Allen Speltz; and

WHEREAS, the community has survived and thrived through tornadoes, fires, and other early hardships; and

WHEREAS, Octavia will begin its centennial celebration activities in the month of July; and

WHEREAS, those traditions and the heritage that made Nebraska great are still being carried on by the current residents of Octavia; and

WHEREAS, the current residents of Octavia deserve special recognition for the contributions that they and their ancestors have made to all areas of the state's development and to Nebraska's spirit itself.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes in this centennial year to those residents of Octavia, both past and present, who have built Octavia into a successful and fine community in which to live and who will continue to keep the Octavia community strong.

2. That a copy of this resolution be sent to the board chairperson and clerk of Octavia.

Laid over.

LEGISLATIVE RESOLUTION 244.

Introduced by Schmit, 23rd District.

WHEREAS, the year of 1987 is the centennial year of the Village of Linwood, Nebraska; and

WHEREAS, Linwood was named for linden or basswood trees which are rare in the state but prominent in the Linwood area; and

WHEREAS, the community has survived and thrived through tornadoes, fires, and other early hardships; and

WHEREAS, Linwood will begin its centennial celebration activities in the month of July; and

WHEREAS, those traditions and the heritage that made Nebraska great are still being carried on by the current residents of Linwood; and

WHEREAS, the current residents of Linwood deserve special recognition for the contributions that they and their ancestors have made to all areas of the state's development as well as to Nebraska's spirit itself.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes in this centennial year to those residents of Linwood, both past and present, who have built Linwood into a successful and fine community in which to live and will continue to keep the Linwood community strong.

2. That a copy of this resolution be sent to the mayor and clerk of Linwood.

Laid over.

LEGISLATIVE RESOLUTION 245.

Introduced by Schmit, 23rd District.

WHEREAS, Miss Indian America, Audra Aruiso, represents Native Americans; and

WHEREAS, Miss Aruiso, through her title of Miss Indian America, attempts to bridge the gap between Native Americans and others by promoting the image of a contemporary Native American woman; and

WHEREAS, Native Americans need to have a positive role model and Miss Indian America enhances the image of all Native Americans; and

WHEREAS, Miss Aruiso is in Nebraska to promote the Women of Color Conference which will be held in Omaha, May 29-31, 1987.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its warmest welcome and heartiest congratulations to Miss Audra Aruiso on her mission to promote a better understanding between all people.
2. That a copy of this resolution be sent to Miss Aruiso.

Laid over.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 561.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3801 and 2-3804, Reissue Revised Statutes of Nebraska, 1943; to provide for the establishment of an agriculture promotion and development program; to provide powers and duties for the Department of Agriculture and the University of Nebraska; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Elmer	Labedz	Morehead	Schellpeper
Ashford	Goodrich	Lamb	Nelson	Schmit
Baack	Haberman	Landis	Pappas	Smith
Beyer	Hall	Lynch	Peterson	Wehrbein
Chizek	Hartnett	Marsh	Remmers	Weihing
Conway	Hefner	McFarland	Rogers	Wesely
Coordsen	Johnson, R.	Miller	Rupp	Withem
Dierks	Korshoj	Moore		

Voting in the negative, 8:

Barrett	Hannibal	Langford	Scofield	Warner
Chambers	Johnson, L.	Pirsch		

Present and not voting, 1:

Johanns

Excused and not voting, 2:

Higgins Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 561A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 561, Ninetieth Legislature, First Session, 1987.

Whereupon the 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	Elmer	Labedz	Moore	Rupp
Ashford	Goodrich	Lamb	Morehead	Schellpeper
Baack	Haberman	Landis	Nelson	Schmit
Beyer	Hall	Lynch	Pappas	Smith
Chizek	Hartnett	Marsh	Peterson	Wehrbein
Conway	Hefner	McFarland	Remmers	Wesely
Coordsen	Johnson, R.	Miller	Rogers	Withem
Dierks	Korshoj			

Voting in the negative, 8:

Barrett	Hannibal	Langford	Scofield	Warner
Chambers	Johnson, L.	Pirsch		

Present and not voting, 2:

Johanns Weihing

Excused and not voting, 2:

Higgins Johnson, V.

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 the Supreme Court; to amend section 24-201.01, Revised Statutes Supplement, 1986; to change provisions relating to salary 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, 30:

Abboud	Elmer	Johnson, R.	Miller	Rupp
Ashford	Goodrich	Labedz	Morehead	Schmit
Baack	Hall	Landis	Nelson	Wehrbein
Chambers	Hannibal	Lynch	Pappas	Weihing
Chizek	Hartnett	Marsh	Remmers	Wesely
Dierks	Higgins	McFarland	Rogers	Withem

Voting in the negative, 17:

Barrett	Haberman	Lamb	Peterson	Scofield
Beyer	Hefner	Langford	Pirsch	Smith
Conway	Johnson, L.	Moore	Schellpeper	Warner
Coordsen	Korshoj			

Present and not voting, 1:

Johanns

Excused and not voting, 1:

Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 564A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 564, Ninetieth Legislature, First Session, 1987.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Abboud	Goodrich	Johnson, R.	Miller	Rupp
Ashford	Hall	Labedz	Morehead	Schmit
Baack	Hannibal	Landis	Nelson	Wehrbein
Chambers	Hartnett	Lynch	Pappas	Weihing
Chizek	Higgins	Marsh	Remmers	Wesely
Dierks	Johanns	McFarland	Rogers	Withem
Elmer				

Voting in the negative, 17:

Barrett	Haberman	Lamb	Peterson	Scofield
Beyer	Hefner	Langford	Pirsch	Smith
Conway	Johnson, L.	Moore	Schellpeper	Warner
Coordsen	Korshoj			

Excused and not voting, 1:

Johnson, V.

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 parking; to amend sections 18-1737 to 18-1738.01, 18-1740, 60-311.14, and 72-1105, Reissue Revised Statutes of Nebraska, 1943, and sections 18-1736 and 18-1739, Revised Statutes Supplement, 1986; to change provisions for handicapped or disabled parking; to change provisions for certain

permits and license plates; to provide for a registry of holders of certain permits and license plates; to change provisions for spaces in parking lots; 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, 48:

Abboud	Elmer	Johnson, R.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Morehead	Schmit
Baack	Haberman	Labedz	Nelson	Scofield
Barrett	Hall	Lamb	Pappas	Smith
Beyer	Hannibal	Landis	Peterson	Warner
Chambers	Hartnett	Langford	Pirsch	Wehrbein
Chizek	Hefner	Lynch	Remmers	Weihing
Conway	Higgins	Marsh	Rogers	Wesely
Coordsen	Johanns	McFarland	Rupp	Withem
Dierks	Johnson, L.	Miller		

Voting in the negative, 0.

Excused and not voting, 1:

Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 598A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 598, Ninetieth Legislature, First Session, 1987.

Whereupon the 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	Ashford	Baack	Barrett	Beyer

Chambers	Hannibal	Lamb	Morehead	Schmit
Chizek	Hartnett	Landis	Nelson	Scofield
Conway	Hefner	Langford	Pappas	Smith
Coordsen	Higgins	Lynch	Peterson	Warner
Dierks	Johanns	Marsh	Pirsch	Wehrbein
Elmer	Johnson, L.	McFarland	Remmers	Weihing
Goodrich	Johnson, R.	Miller	Rupp	Wesely
Haberman	Korshoj	Moore	Schellpeper	Withem
Hall	Labedz			

Voting in the negative, 0.

Present and not voting, 1:

Rogers

Excused and not voting, 1:

Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 603.

A BILL FOR AN ACT relating to the Board of Parole; to amend sections 83-189 to 83-191 and 83-196, Reissue Revised Statutes of Nebraska, 1943; to change the two part-time positions to full-time positions; to harmonize provisions; to provide for a quorum; 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	Conway	Hefner	Lynch	Peterson
Ashford	Dierks	Higgins	Marsh	Remmers
Baack	Elmer	Johnson, R.	McFarland	Rupp
Barrett	Goodrich	Korshoj	Miller	Schellpeper
Beyer	Haberman	Labedz	Morehead	Schmit
Chambers	Hall	Lamb	Nelson	Scofield
Chizek	Hartnett	Landis	Pappas	Smith

Wehrbein	Weihing	Wesely	Withem	

Voting in the negative, 7:

Coordsen	Johnson, L.	Moore	Pirsch	Warner
Hannibal	Langford			

Present and not voting, 2:

Johanns	Rogers

Excused and not voting, 1:

Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 603A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 603, Ninetieth Legislature, First Session, 1987.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Dierks	Johnson, R.	McFarland	Schellpeper
Ashford	Elmer	Korshoj	Miller	Schmit
Baack	Goodrich	Labedz	Nelson	Scofield
Barrett	Haberman	Lamb	Pappas	Smith
Beyer	Hall	Landis	Peterson	Weihing
Chambers	Hartnett	Lynch	Remmers	Wesely
Chizek	Hefner	Marsh	Rupp	Withem
Conway				

Voting in the negative, 8:

Coordsen	Johnson, L.	Moore	Pirsch	Warner
Hannibal	Langford	Morehead		

Present and not voting, 4:

Higgins Johanns Rogers Wehrbein

Excused and not voting, 1:

Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 639. With Emergency.

A BILL FOR AN ACT relating to solid waste; to require the assessment and classification of solid waste disposal sites as prescribed; to define terms; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Goodrich	Korshoj	Moore	Schellpeper
Baack	Haberman	Labedz	Morehead	Schmit
Barrett	Hall	Lamb	Nelson	Scofield
Beyer	Hannibal	Landis	Pappas	Smith
Chambers	Hartnett	Langford	Peterson	Warner
Chizek	Hefner	Lynch	Pirsch	Wehrbein
Conway	Higgins	Marsh	Remmers	Weihing
Coordsen	Johnson, L.	McFarland	Rogers	Wesely
Dierks	Johnson, R.	Miller	Rupp	Withem
Elmer				

Voting in the negative, 0.

Present and not voting, 2:

Ashford Johanns

Excused and not voting, 1:

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 639A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 639, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Elmer	Korshoj	Moore	Schellpeper
Ashford	Goodrich	Labedz	Morehead	Schmit
Baack	Haberman	Lamb	Nelson	Scofield
Barrett	Hall	Landis	Pappas	Smith
Beyer	Hannibal	Langford	Peterson	Warner
Chambers	Hartnett	Lynch	Pirsch	Wehrbein
Chizek	Hefner	Marsh	Remmers	Weihing
Conway	Higgins	McFarland	Rogers	Wesely
Coordsen	Johnson, L.	Miller	Rupp	Withem
Dierks	Johnson, R.			

Voting in the negative, 0.

Present and not voting, 1:

Johanns

Excused and not voting, 1:

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.

MOTION - Return LB 656 to Select File

Mr. Withem moved to return LB 656 to Select File for the following specific amendment:
To strike enacting clause

Mr. Withem withdrew his pending motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 656. With Emergency.

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 85-105, 85-121, and 85-1,104, Reissue Revised Statutes of Nebraska, 1943; to change an authorization for disposal of certain property; to change provisions relating to the School of Technical Agriculture at Curtis; to provide for appropriations; to eliminate provisions relating to chemurgy; to eliminate the Chemurgy Fund; to repeal the original sections, and also sections 85-156 to 85-161, 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, 48:

Abboud	Elmer	Johnson, R.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Morehead	Schmit
Baack	Haberman	Labedz	Nelson	Scofield
Barrett	Hall	Lamb	Pappas	Smith
Beyer	Hannibal	Landis	Peterson	Warner
Chambers	Hartnett	Langford	Pirsch	Wehrbein
Chizek	Hefner	Lynch	Remmers	Weihing
Conway	Higgins	Marsh	Rogers	Wesely
Coordsen	Johanns	McFarland	Rupp	Withem
Dierks	Johnson, L.	Miller		

Voting in the negative, 0.

Excused and not voting, 1:

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.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 561, 561A, 564, 564A, 598, 598A, 603, 603A, 639, and 639A.

MOTION - Return LB 656A to Select File

Mr. Elmer moved to return LB 656A to Select File for the following specific amendment:

On page 2, line 2, change $1,267,088 to $667,088

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. McFarland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Elmer withdrew his pending motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 656A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 656, Ninetieth Legislature, First Session, 1987.

Mr. Lamb 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, 32:

Ashford	Elmer	Langford	Nelson	Schellpeper
Baack	Goodrich	Lynch	Pappas	Schmit
Barrett	Haberman	Marsh	Peterson	Scofield
Beyer	Hefner	McFarland	Remmers	Smith
Conway	Johanns	Miller	Rogers	Wehrbein
Coordsen	Johnson, R.	Moore	Rupp	Weihing
Dierks	Lamb			

Voting in the negative, 14:

Abboud	Hannibal	Johnson, L.	Morehead	Wesely
Chizek	Hartnett	Korshoj	Pirsch	Withem
Hall	Higgins	Landis	Warner	

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Johnson, V. Labedz

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, 32:

Ashford	Elmer	Langford	Nelson	Schellpeper
Baack	Goodrich	Lynch	Pappas	Schmit
Barrett	Haberman	Marsh	Peterson	Scofield
Beyer	Hefner	McFarland	Remmers	Smith
Conway	Johanns	Miller	Rogers	Wehrbein
Coordsen	Johnson, R.	Moore	Rupp	Weihing
Dierks	Lamb			

Voting in the negative, 13:

Abboud	Hannibal	Johnson, L.	Morehead	Warner
Chizek	Hartnett	Korshoj	Pirsch	Wesely
Hall	Higgins	Landis		

Present and not voting, 2:

Chambers Withem

Excused and not voting, 2:

Johnson, V. Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 451. With Emergency.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-915, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1986; to define terms; to change provisions relating to perjury; to provide penalties for false statements 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, 45:

Abboud	Elmer	Johnson, L.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Morehead	Schmit
Baack	Haberman	Lamb	Nelson	Scofield
Barrett	Hall	Landis	Pappas	Smith
Beyer	Hannibal	Langford	Peterson	Warner
Chizek	Hartnett	Lynch	Pirsch	Wehrbein
Conway	Hefner	Marsh	Remmers	Weihing
Coordsen	Higgins	McFarland	Rogers	Wesely
Dierks	Johanns	Miller	Rupp	Withem

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Johnson, R. Johnson, V. 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.

Messrs. McFarland and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 298. With Emergency.

A BILL FOR AN ACT relating to schools; to amend section 79-1044, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1032, 79-1041, 79-1045, 79-1048, and 79-1049, Revised Statutes Supplement, 1986; to provide for retirement contributions for prior service as prescribed; to redefine terms; to eliminate a restriction on membership; to change provisions relating to prior service contributions as prescribed; to eliminate provisions relating to compulsory retirement; to harmonize provisions; to repeal the original sections, and also section 79-1057, Revised Statutes Supplement, 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	Elmer	Johnson, L.	Morehead	Schellpeper
Ashford	Goodrich	Korshoj	Nelson	Schmit
Baack	Haberman	Lamb	Pappas	Scofield
Barrett	Hall	Landis	Peterson	Warner
Beyer	Hannibal	Langford	Pirsch	Wehrbein
Chizek	Hartnett	Lynch	Remmers	Weihing
Conway	Hefner	Marsh	Rogers	Wesely
Coordsen	Higgins	Miller	Rupp	Withem
Dierks	Johanns	Moore		

Voting in the negative, 0.

Present and not voting, 1:

Smith

Excused and not voting, 5:

Chambers Johnson, R. Johnson, V. Labedz McFarland

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 480.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1413, 49-1445, 49-1454, 49-1462, and 49-1479, Reissue Revised Statutes of Nebraska, 1943, and section 49-1401, Revised Statutes Supplement, 1986; to define and redefine terms; to change provisions relating to candidate committees and campaign statements; to provide duties for intermediaries and agents as prescribed; to provide a penalty; to provide relief from late filing 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, 42:

Abboud	Goodrich	Labedz	Morehead	Schmit
Baack	Haberman	Lamb	Nelson	Scofield
Barrett	Hall	Landis	Peterson	Smith
Beyer	Hannibal	Langford	Pirsch	Warner
Chizek	Hartnett	Lynch	Remmers	Wehrbein
Conway	Hefner	Marsh	Rogers	Weihing
Coordsen	Higgins	Miller	Rupp	Wesely
Dierks	Johnson, L.	Moore	Schellpeper	Withem
Elmer	Korshoj			

Voting in the negative, 0.

Present and not voting, 3:

Ashford Johanns Pappas

Excused and not voting, 4:

Chambers Johnson, R. Johnson, V. McFarland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 736.

A BILL FOR AN ACT relating to economic development; to amend section 81-1201.14, Revised Statutes Supplement, 1986; to adopt the Business Development Partnership Act; 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	Elmer	Johnson, L.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Morehead	Schmit
Baack	Haberman	Labedz	Nelson	Scofield
Barrett	Hall	Lamb	Pappas	Smith
Beyer	Hannibal	Landis	Peterson	Warner
Chizek	Hartnett	Langford	Pirsch	Wehrbein
Conway	Hefner	Lynch	Remmers	Weihing
Coordsen	Higgins	Marsh	Rogers	Wesely
Dierks	Johanns	Miller	Rupp	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Chambers Johnson, R. Johnson, V. McFarland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 736A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 736, Ninetieth Legislature, First Session, 1987.

Whereupon the 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	Goodrich	Korshoj	Moore	Schellpeper
Ashford	Haberman	Labedz	Morehead	Schmit
Baack	Hall	Lamb	Nelson	Scofield
Barrett	Hannibal	Landis	Pappas	Smith
Beyer	Hartnett	Langford	Peterson	Warner
Conway	Hefner	Lynch	Pirsch	Wehrbein
Coordsen	Higgins	Marsh	Remmers	Weihing
Dierks	Johanns	McFarland	Rogers	Wesely
Elmer	Johnson, L.	Miller	Rupp	Withem

Voting in the negative, 0.

Present and not voting, 1:

Chizek

Excused and not voting, 3:

Chambers Johnson, R. Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 767. With Emergency.

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 a driving record abstract; to change provisions for the deposit of such fees; 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, 36:

Ashford	Goodrich	Johnson, L.	Miller	Schellpeper
Baack	Haberman	Labedz	Moore	Scofield
Barrett	Hannibal	Lamb	Pappas	Warner
Beyer	Hartnett	Landis	Peterson	Wehrbein
Chizek	Hefner	Langford	Pirsch	Weihing
Conway	Higgins	Lynch	Remmers	Wesely
Coordsen	Johanns	Marsh	Rupp	Withem
Elmer				

Voting in the negative, 9:

Abboud	Hall	McFarland	Nelson	Smith
Dierks	Korshoj	Morehead	Schmit	

Present and not voting, 1:

Rogers

Excused and not voting, 3:

Chambers Johnson, R. 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 767A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 767, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Barrett	Conway	Goodrich	Hefner
Ashford	Beyer	Coordsen	Hannibal	Higgins
Baack	Chizek	Elmer	Hartnett	Johanns

Johnson, L.	Langford	Nelson	Rupp	Wehrbein
Labedz	Lynch	Pappas	Schellpeper	Weihing
Lamb	Marsh	Peterson	Scofield	Wesely
Landis	Moore	Remmers	Warner	Withem

Voting in the negative, 9:

Dierks	Hall	McFarland	Pirsch	Smith
Haberman	Korshoj	Morehead	Schmit	

Present and not voting, 2:

Miller Rogers

Excused and not voting, 3:

Chambers Johnson, R. 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.

MOTION - Return LB 784 to Select File

Mr. Abboud moved to return LB 784 to Select File for the following specific amendment:
Strike enacting clause

Mr. Abboud withdrew his pending motion to return.

Mr. Lynch moved to return LB 784 to Select File for the following specific amendment:
AM1543

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 26. There is hereby appropriated (1) $336,704 from the General Fund for the period July 1, 1987, to June 30, 1988, and (2) $336,704 from the General Fund for the period July 1, 1988, to June 30, 1989, to the technical community colleges, for Program 51, to return the aid to the level such colleges received prior to the enactment of section 19, Legislative Bill 1, Eighty-ninth Legislature, Fourth Special Session, 1986.".

2. Renumber the remaining section accordingly.

Mr. Lynch withdrew his pending motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 784. With Emergency.

A BILL FOR AN ACT relating to appropriations; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 1989; to authorize capital construction projects 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, 39:

Ashford	Goodrich	Landis	Nelson	Scofield
Baack	Haberman	Langford	Pappas	Smith
Barrett	Hall	Lynch	Pirsch	Warner
Beyer	Hannibal	Marsh	Remmers	Wehrbein
Chizek	Hefner	McFarland	Rogers	Weihing
Conway	Higgins	Miller	Rupp	Wesely
Dierks	Johnson, L.	Moore	Schellpeper	Withem
Elmer	Labedz	Morehead	Schmit	

Voting in the negative, 5:

Abboud	Coordsen	Korshoj	Lamb	Peterson

Present and not voting, 2:

Hartnett	Johanns

Excused and not voting, 3:

Chambers	Johnson, R.	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.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 656A.

(Signed) Scott Moore, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 28, 1987, at 10:25 a.m., were the following bills: 561, 561A, 564, 564A, 598, 598A, 603, 603A, 639, and 639A.

(Signed) Pam Moravec, Enrolling Clerk

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 656, 656A, 451, 298, 480, 736, 736A, 767, 767A, and 784.

MOTION - Suspend Rules

Mr. Lynch moved to suspend Rule 6, Section 7 and permit consideration of LB 182, LB 279, LB 390, LB 390A, LB 408, LB 416, LB 462, LB 462A, LB 474, LB 635, LB 638, LB 638A, LB 642, and LB 652 today.

The Lynch motion to suspend the rules prevailed with 34 ayes, 0 nays, 12 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 182. With Emergency.

A BILL FOR AN ACT relating to schools; to amend section 79-4,102, Revised Statutes Supplement, 1986; to delete provisions relating to reduction of certain high school tuition charges as prescribed; to change provisions relating to determining and certifying high school tuition charges; 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, 35:

Abboud	Elmer	Johanns	Morehead	Scofield
Ashford	Goodrich	Johnson, L.	Nelson	Smith
Baack	Haberman	Labedz	Pappas	Warner
Barrett	Hall	Landis	Remmers	Wehrbein
Chizek	Hannibal	Marsh	Rogers	Weihing
Coordsen	Hartnett	McFarland	Rupp	Wesely
Dierks	Higgins	Miller	Schellpeper	Withem

Voting in the negative, 7:

Beyer	Lamb	Peterson	Pirsch	Schmit
Hefner	Langford			

Present and not voting, 4:

Conway	Korshoj	Lynch	Moore

Excused and not voting, 3:

Chambers	Johnson, R.	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.

Mr. Weihing asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 279. With Emergency.

A BILL FOR AN ACT relating to energy; to amend sections 66-1301, 66-1302, 66-1307, 66-1317, 66-1319, and 66-1322 to 66-1325, Reissue Revised Statutes of Nebraska, 1943; to provide additional uses of certain ethanol funds; to provide for procedures; to provide for facilities for agricultural byproducts as prescribed; to authorize loans of ethanol funds; to state intent; to define a term; to provide for a study of the effects of motor vehicle exhaust emissions as prescribed; to require a report; to eliminate provisions relating to ethanol grants; to harmonize provisions; to provide severability; to repeal the original sections, and also section 66-1318, 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, 44:

Abboud	Goodrich	Korshoj	Moore	Schellpeper
Ashford	Haberman	Labedz	Morehead	Schmit
Baack	Hall	Lamb	Nelson	Scofield
Barrett	Hannibal	Landis	Pappas	Smith
Beyer	Hartnett	Langford	Peterson	Warner
Chizek	Hefner	Lynch	Pirsch	Wehrbein
Conway	Higgins	Marsh	Remmers	Wesely
Coordsen	Johanns	McFarland	Rogers	Withem
Elmer	Johnson, L.	Miller	Rupp	

Voting in the negative, 0.

Present and not voting, 1:

Dierks

Excused and not voting, 4:

Chambers Johnson, R. Johnson, V. Weihing

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 390.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1,104, 71-3501 to 71-3505, 71-3507 to 71-3511, and 71-3513 to 71-3519, Reissue Revised Statutes of Nebraska, 1943; to provide for the waiver of certain requirements for a license to practice medicine and surgery; to restate intent relating to radiation control; to define and redefine terms; to change provisions relating to powers and duties of the Director and Department of Health; to change fees; to provide for rules and regulations; to provide for licenses; to change registration provisions; to provide for copies and inspection of records; to provide for the transfer of title to certain property; to provide for the acquisition and disposal of real property; to provide fees; to create funds; to change provisions relating to certain agreements; to provide for public hearings; to provide for an impact analysis of certain activities; to provide for enforcement; to provide requirements for certain operators of X-ray systems; to eliminate an exemption; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections, and also section 71-3512, 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	Elmer	Johnson, R.	Miller	Rupp
Ashford	Goodrich	Korshoj	Moore	Schellpeper
Baack	Haberman	Labedz	Morehead	Schmit
Barrett	Hall	Lamb	Nelson	Scofield
Beyer	Hannibal	Landis	Pappas	Smith
Chizek	Hartnett	Langford	Peterson	Wehrbein
Conway	Hefner	Lynch	Pirsch	Weihing
Coordsen	Higgins	Marsh	Remmers	Wesely
Dierks	Johnson, L.	McFarland	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Johanns Warner

Excused and not voting, 2:

Chambers Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 390A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 390, Ninetieth Legislature, First Session, 1987.

Whereupon the 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	Elmer	Korshoj	Moore	Rupp
Ashford	Goodrich	Labedz	Morehead	Schellpeper
Baack	Haberman	Lamb	Nelson	Scofield
Barrett	Hall	Landis	Pappas	Smith
Beyer	Hannibal	Lynch	Peterson	Wehrbein
Chizek	Hartnett	Marsh	Pirsch	Weihing
Conway	Hefner	McFarland	Remmers	Wesely
Coordsen	Johnson, L.	Miller	Rogers	Withem
Dierks	Johnson, R.			

Voting in the negative, 0.

Present and not voting, 5:

Higgins	Johanns	Langford	Schmit	Warner

Excused and not voting, 2:

Chambers Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 408. With Emergency.

A BILL FOR AN ACT relating to cities of the primary class; to amend sections 15-1001.01, 15-1007.02, 15-1007.05, and 15-1013.02, Revised Statutes Supplement, 1986; to change provisions relating to

pensions for firefighters and police officers; to change certain benefits as prescribed; to authorize creation of a retirement committee; to provide powers and duties; to harmonize provisions; to eliminate provisions relating to pensions for firefighters and police officers; to provide operative dates; and to repeal the original sections, and also sections 15-1003, 15-1004, 15-1007.03, 15-1009, 15-1011, 15-1013, 15-1013.03 to 15-1015, 15-1016, and 15-1018 to 15-1021, Reissue Revised Statutes of Nebraska, 1943, sections 15-1001, 15-1002, 15-1005 to 15-1007.01, 15-1007.04, 15-1008, and 15-1013.01, Revised Statutes Supplement, 1986, sections 15-1001.01, 15-1007.02, 15-1007.05, and 15-1013.02, Revised Statutes Supplement, 1986, as amended by sections 1, 2, 3, and 4, respectively, of this legislative bill, and sections 5 to 8 of this legislative bill.

Mr. Landis 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, 30:

Abboud	Dierks	Hartnett	Marsh	Schellpeper
Ashford	Elmer	Johanns	McFarland	Scofield
Baack	Goodrich	Johnson, R.	Miller	Smith
Barrett	Haberman	Labedz	Nelson	Warner
Chizek	Hall	Landis	Pappas	Wehrbein
Conway	Hannibal	Lynch	Rupp	Withem

Voting in the negative, 14:

Beyer	Johnson, L.	Moore	Remmers	Weihing
Coordsen	Lamb	Morehead	Rogers	Wesely
Hefner	Langford	Pirsch	Schmit	

Present and not voting, 3:

Higgins	Korshoj	Peterson

Excused and not voting, 2:

Chambers	Johnson, V.

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, 28:

Abboud	Dierks	Hartnett	McFarland	Scofield
Ashford	Elmer	Johanns	Nelson	Smith
Baack	Goodrich	Johnson, R.	Pappas	Warner
Barrett	Haberman	Labedz	Rupp	Wehrbein
Chizek	Hall	Landis	Schellpeper	Withem
Conway	Hannibal	Marsh		

Voting in the negative, 13:

Beyer	Higgins	Langford	Pirsch	Schmit
Coordsen	Johnson, L.	Moore	Remmers	Wesely
Hefner	Lamb	Morehead		

Present and not voting, 6:

Korshoj	Miller	Peterson	Rogers	Weihing
Lynch				

Excused and not voting, 2:

Chambers Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 416. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend section 44-222, Revised Statutes Supplement, 1986; to adopt the Long-term Care Insurance Act; to exempt certain insurance companies from maximum risk provisions; to provide severability; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Elmer	Johnson, R.	Miller	Rupp
Ashford	Goodrich	Korshoj	Moore	Schellpeper
Baack	Haberman	Labedz	Morehead	Scofield
Barrett	Hall	Lamb	Nelson	Smith
Beyer	Hannibal	Landis	Pappas	Warner
Chizek	Hartnett	Langford	Peterson	Wehrbein
Conway	Hefner	Lynch	Pirsch	Weihing
Coordsen	Higgins	Marsh	Remmers	Wesely
Dierks	Johnson, L.	McFarland	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Johanns Schmit

Excused and not voting, 2:

Chambers 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.

Ms. Johanns asked unanimous consent to be excused until she returns. No objections. So ordered.

VISITORS

Visitors to the Chamber were 50 fourth grade students and teachers from Field Club, Omaha; 100 fourth grade students and teacher from Druid Hill, Omaha; 60 fourth grade students and teacher from Sandoz School, Omaha; Donna Stone, Phillis Stone, Reba White-Shirt, and Audra Aruiso, Miss Indian America from Albuquerque, New Mexico.

RECESS

At 11:55 a.m., on a motion by Mr. Barrett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, Lynch, Moore, Mrs. Morehead, and Ms. Scofield who were excused until they arrive.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 408.

(Signed) Scott Moore, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 182, 279, 390, 390A, 408, and 416.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 28, 1987, at 12:05 p.m., were the following bills: 656, 656A, 451, 298, 480, 736, 736A, 767, 767A, and 784.

(Signed) Pam Moravec, Enrolling Clerk

STANDING COMMITTEE REPORT
Education

The Committee on Education desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Gretchen Hirschbach

Keith L. Blackledge

Voting aye: Senators Withem, Baack, Dierks, McFarland, Nelson, Peterson, and Chizek. Voting Nay: None. Absent: Senator Vard Johnson.

(Signed) Ron Withem, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 462.

A BILL FOR AN ACT relating to boiler inspection; to amend sections 48-701 to 48-710, 48-712 to 48-714, and 48-714.02 to 48-718, Reissue Revised Statutes of Nebraska, 1943; to adopt the Boiler Inspection Act; and to repeal the original sections, and also section 48-714.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Goodrich	Johnson, R.	McFarland	Rupp
Ashford	Haberman	Johnson, V.	Miller	Schellpeper
Baack	Hall	Korshoj	Nelson	Schmit
Barrett	Hannibal	Labedz	Pappas	Smith
Chizek	Hartnett	Lamb	Peterson	Warner
Conway	Hefner	Landis	Pirsch	Wehrbein
Coordsen	Higgins	Langford	Remmers	Wesely
Dierks	Johnson, L.	Marsh	Rogers	Withem
Elmer				

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Johanns	Weihing

Excused and not voting, 5:

Beyer	Lynch	Moore	Morehead	Scofield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 462A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 462, Ninetieth Legislature, First Session, 1987.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Dierks	Johnson, R.	Miller	Rupp
Ashford	Elmer	Johnson, V.	Morehead	Schellpeper
Baack	Goodrich	Korshoj	Nelson	Schmit
Barrett	Haberman	Labedz	Pappas	Smith
Beyer	Hall	Lamb	Peterson	Warner
Chambers	Hannibal	Landis	Pirsch	Wehrbein
Chizek	Hartnett	Langford	Remmers	Wesely
Conway	Hefner	Marsh	Rogers	Withem
Coordsen	Johnson, L.	McFarland		

Voting in the negative, 0.

Present and not voting, 3:

Higgins	Johanns	Weihing

Excused and not voting, 3:

Lynch	Moore	Scofield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 474 to Select File

Mr. Hefner moved to return LB 474 to Select File for his specific amendment, AM1531, found in the Journal on page 2618.

Mr. Hefner withdrew his pending motion to return.

Mr. V. Johnson moved to return LB 474 to Select File for the following specific amendment:
Strike the enacting clause

SPEAKER BARRETT PRESIDING

Mr. Rupp 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 withdrew his pending motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 474.

A BILL FOR AN ACT relating to labor; to amend sections 48-1203 and 48-1206, Reissue Revised Statutes of Nebraska, 1943; to increase the minimum wage rates; to provide a minimum wage rate for student-learners as prescribed; to eliminate obsolete provisions; to eliminate a provision authorizing reduction of the minimum wage; to harmonize provisions; and to repeal the original sections, and also section 48-1204, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Ashford	Haberman	Johnson, V.	Moore	Schellpeper
Baack	Hall	Korshoj	Morehead	Schmit
Barrett	Hannibal	Labedz	Nelson	Smith
Chambers	Hartnett	Landis	Pirsch	Warner
Chizek	Higgins	Marsh	Remmers	Weihing
Dierks	Johnson, L.	McFarland	Rogers	Wesely
Elmer	Johnson, R.	Miller	Rupp	Withem
Goodrich				

Voting in the negative, 8:

Abboud	Coordsen	Lamb	Peterson	Scofield
Beyer	Hefner	Langford		

Present and not voting, 4:

Conway	Johanns	Pappas	Wehrbein

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 635.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-255, 43-284, and 43-1315, Reissue Revised Statutes of Nebraska, 1943, and section 43-254, Revised Statutes Supplement, 1986; to require written determinations by the court in certain circumstances; to change provisions relating to the release of a juvenile in custody; 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	Elmer	Johnson, V.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Morehead	Schmit
Baack	Haberman	Labedz	Nelson	Scofield
Barrett	Hall	Lamb	Pappas	Smith
Beyer	Hannibal	Landis	Peterson	Warner
Chambers	Hartnett	Langford	Pirsch	Wehrbein
Chizek	Hefner	Marsh	Remmers	Weihing
Conway	Higgins	McFarland	Rogers	Wesely
Coordsen	Johnson, L.	Miller	Rupp	Withem
Dierks	Johnson, R.			

Voting in the negative, 0.

Present and not voting, 1:

Johanns

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 638. With Emergency.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-274, 43-284, 43-286, 43-290, and 43-2,101, Reissue Revised Statutes of Nebraska, 1943, and sections 43-245, 43-254, and 43-258, Revised Statutes Supplement, 1986; to redefine a term; to provide for parental payments and use of health care benefits for certain expenses; to specify powers and jurisdiction of the juvenile court; 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	Goodrich	Johnson, V.	Miller	Schellpeper
Ashford	Haberman	Korshoj	Moore	Schmit
Baack	Hall	Labedz	Morehead	Scofield
Barrett	Hannibal	Lamb	Nelson	Smith
Beyer	Hartnett	Landis	Pappas	Warner
Chizek	Hefner	Langford	Peterson	Wehrbein
Conway	Higgins	Lynch	Pirsch	Weihing
Coordsen	Johnson, L.	Marsh	Remmers	Wesely
Dierks	Johnson, R.	McFarland	Rupp	Withem
Elmer				

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Johanns 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 638A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 638, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Goodrich	Korshoj	Moore	Schellpeper
Baack	Haberman	Labedz	Morehead	Scofield
Barrett	Hall	Lamb	Nelson	Smith
Beyer	Hannibal	Landis	Pappas	Warner
Chizek	Hartnett	Langford	Peterson	Wehrbein
Conway	Hefner	Lynch	Pirsch	Weihing
Coordsen	Higgins	Marsh	Remmers	Wesely
Dierks	Johnson, L.	McFarland	Rogers	Withem
Elmer	Johnson, V.	Miller	Rupp	

Voting in the negative, 2:

Chambers Schmit

Present and not voting, 3:

Ashford Johanns 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 642.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-602 and 8-816, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to fees for services provided by the Department of Banking and Finance; 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	Dierks	Johnson, L.	McFarland	Rogers
Ashford	Elmer	Johnson, R.	Miller	Rupp
Baack	Goodrich	Johnson, V.	Moore	Schellpeper
Barrett	Haberman	Korshoj	Morehead	Scofield
Beyer	Hall	Labedz	Nelson	Smith
Chambers	Hannibal	Lamb	Pappas	Wehrbein
Chizek	Hartnett	Landis	Peterson	Weihing
Conway	Hefner	Lynch	Pirsch	Wesely
Coordsen	Higgins	Marsh	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 4:

Johanns	Langford	Schmit	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 652.

A BILL FOR AN ACT relating to elections; to amend sections 16-401, 16-402, 16-706, 31-735.01, 32-491, 32-4,152, 32-530, 32-542, 32-542.02, and 32-1402, Reissue Revised Statutes of Nebraska, 1943, sections 31-735.02 and 31-735.05, Revised Statutes Supplement, 1986, and section 31-735, Revised Statutes Supplement, 1986, as amended by section 1, Legislative Bill 587, Ninetieth Legislature, 1987; to change terminology for certain elected officials; to change election provisions for sanitary improvement districts; to create a study committee; to authorize certain write-in votes to be counted and listed together; to change provisions relating to the filling of certain vacancies; to change provisions relating to who can vote and who can

be a candidate in a party's primary election; to change provisions relating to the selection of delegates to national conventions; to provide for recall of certain officials; 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	Dierks	Johnson, L.	Moore	Schellpeper
Ashford	Elmer	Johnson, R.	Morehead	Scofield
Baack	Goodrich	Korshoj	Nelson	Smith
Barrett	Hall	Labedz	Pappas	Wehrbein
Beyer	Hartnett	Landis	Peterson	Weihing
Chambers	Hefner	Langford	Remmers	Wesely
Chizek	Higgins	McFarland	Rogers	Withem
Conway	Johanns	Miller	Rupp	

Voting in the negative, 9:

Coordsen	Hannibal	Lamb	Marsh	Warner
Haberman	Johnson, V.	Lynch	Pirsch	

Present and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 28, 1987, at 2:10 p.m., were the following bills: 182, 279, 390, 390A, 408, and 416.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LR 233 in the Journal. No objections. So ordered.

(1)

New first WHEREAS;

WHEREAS, the Legislature adopted a Resolution (March 31, 1980) condemning South Africa, for its racist policies and laws;

(2)

New first WHEREAS;

WHEREAS, George Washington and Abraham Lincoln were, respectively, a slaveholder and a white supremacist;

(3)

New first WHEREAS;

WHEREAS, neither man is symbolic of the principles of justice, freedom, equality before the law;

(4)

New first WHEREAS;

WHEREAS, neither man is representative of all the people of Nebraska;

(5)

New first WHEREAS;

WHEREAS, George Washington had to arm the slaves to win the Revolutionary War;

(6)

New first WHEREAS;

WHEREAS, Abraham Lincoln had to arm the slaves to win the Civil War;

(7)

After the first WHEREAS, insert, WHEREAS, George Washington was a racist;

(8)

After the first WHEREAS, insert: WHEREAS, George Washington was a racist who acknowledged property in Black People;

(9)

After the first WHEREAS, insert: WHEREAS, George Washington was a slaveholder who denied the humanity of Black people by virtue of holding them as property;

(10)

After the first WHEREAS, insert: WHEREAS, George Washington equated Black people with livestock such as cows, pigs, chickens and horses;

(11)

After the first WHEREAS, insert: WHEREAS, George Washington's attitude and conduct toward Black people exemplifies the apartheid policies of South Africa;

(12)

After the first WHEREAS, insert: WHEREAS, George Washington esteemed molaases more highly than black people as demonstrated by his sending one of his slaves names Tom, by ship captain to be traded for molasses (Writings of George Washington, Vol. II, p, 211; 1889);

(13)

After the first WHEREAS, insert: WHEREAS, the Lincoln Journal (9-24-86) reported that the CMS miniseries, "George Washington" was one of the lowest rated of all time (finishing behind such presentations as Monday Night Football, Gimme a Break, Golden Girls, Bob Hope Special) thus evincing little public interest in Washington;

(14)

After the second WHEREAS, insert: WHEREAS, Abraham Lincoln was the holder of an unequivocal racist philosophy based on white supremacy;

(15)

After the second WHEREAS, insert: WHEREAS, Lincoln opposed political, civil and human rights for Black people;

(16)

After the second WHEREAS, insert: WHEREAS, Lincoln issued the Emancipation Proclamation as a military necessity preliminary to arming the slaves in a desperate effort to save the Union, and issued the Proclamation only after much foot-dragging, temporizing and political pressure;

(17)

After the second WHEREAS, insert: WHEREAS, On September 18, 1848 during his 4th debate with Stephen A. Douglas, Lincoln proclaimed to a vast crowd at Charleston, Illinois, "While I was at the hotel today an elderly gentleman called upon me to know whether I was really in favor of producing a perfect equality between negroes and white people. (Great laughter.) . . . I thought I would occupy perhaps five minutes in saying something in regard to it. I will say then that I am not, nor ever have been in favor of bringing about in any way the social and political equality of the white and black races, (applause) -- that I am not nor ever have been in favor of making voters or jurors of negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will for ever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together, there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race." (Emphasis added.) Collected Works of Abraham Lincoln, Ed., Roy P. Basler, VOL III, pp. 145, 146.

(18)

After the second WHEREAS, insert: WHEREAS, in an interview with Alexander Randall and Joseph T. Mills on August 19, 1864, Lincoln declared: "There are now between 1 & 200 thousand black men now in the service of the Union. ... Abnadon all the posts now possessed by black men surrender all these advantages to the enemy, & we would be compelled to abandon the war in 3 weeks." (Emphasis added.) Works, VOL VII, pp. 506, 507;

(19)

After the second WHEREAS, insert, WHEREAS, black men provided the balance of power during the Civil War and many lost their lives fighting for the Union and their own freedom, and their descendants ought not be expected to pay homage to men who held their race in such low esteem;

(19)

After the second WHEREAS, insert, WHEREAS, on January 14, 1863, Lincoln wrote to Secretary of War Edward Stanton: "What the rebels most fear is what we should be most prompt to do; and what they most fear is evident from the hot haste with which, on the first

day of the present session of the Rebel Congress, bills were introduced threatening terrible vengeance if we used the blacks in war." Works, VOL V, p. 423;

(20)

After the second WHEREAS, insert, WHEREAS, on January 14, 1863, Lincoln sent "Private & confidential" memo to Maj. Gen. John A. Dix saying: "The proclamation has been issued. We were not succeeding -- at best, were progressing too slowly -- without it. Now that we have it...we must also take some benefit from it... I therefore will thank you for your well considered opinion whether Fortress-Monroe, and York-Town, one or both, could not, in whole or in part, be garrisoned by colored troops, leaving the white forces now necessary at those places, to be employed elsewhere."; Works, VOL VI, p. 56;

(21)

After second WHEREAS, insert: WHEREAS, on August 9, 1863, Lincoln wrote to Gen. Ulysses S. Grant: "Gen. Thomas has gone again to the Mississippi Valley, with the view of raising colored troops. I have no reason to doubt that you are doing what you reasonably can upon the same subject. I believe it is a resource which, if vigorously applied now, will soon close the contest. It works doubly, weakening the enemy and strengthening us. We were not fully ripe for it until the river was opened. Now, I think, at least a hundred thousand can, and ought to be rapidly organized along its shores, relieving all white troops to serve elsewhere." (Emphasis added.) Works VOL V, p. 374;

(22)

After the second WHEREAS, insert: WHEREAS, on April 1, 1863, Lincoln sent the following "Private" message to Maj. Gen. Hunter: "I am glad to see the accounts of your colored force at Jacksonville, Florida. I see the enemy are driving at them fiercely, as is to be expected. It is important to the enemy that such a force shall not (emphasis in original) take shape, and grow, and thrive, in the South; and in precisely the same proportion, it is important to us that it shall. (Emphasis in original.) Hence, the utmost caution and vigilance is necessary on our part. The enemy will make extra efforts to destroy them; and we should do the same to preserve and increase them." Works, VOL VI, p. 158;

(23)

After the second WHEREAS, insert: WHEREAS, on April 2, 1863, Lincoln issued a "Proclamation about Commercial Intercourse" which included the following: "There was more than a year and a half of trial to suppress the rebellion before the (emancipation) proclamation was issued. . . . (S)ome of the commanders of our armies in the field who have given us our most important successes, believe the emancipation policy, and the use of colored troops, constitute the heaviest blow yet dealt to the rebellion; and that, at least one of those important successes could not have been achieved when it was, but for the aid of black soldiers. * * * I thought that whatever negroes can be got to do as soldiers, leaves just so much less for white soldiers to do, in saving the Union. Does it appear otherwise to you? But negroes like other people, act upon motives. Why should they do any thing for us, if we will do nothing for them? If they stake their lives for us, they must be prompted by the strongest motive -- even the promise of freedom. And the promise being made, must be kept." Works, VOL VI, pp. 408, 409;

(24)

After the second WHEREAS, insert: WHEREAS, on August 17, 1864, Lincoln wrote to Charles D. Robinson: "Take from us and give to the enemy, the hundred and thirty, forty, or fifty thousand colored persons now serving us as soldiers, seamen, and laborers, and we can not longer maintain the contest. . . . There is a witness in every white mans bosom that he would rather go to the war having the negro to help him, than to help the enemy against him." Works VOL VII, p. 500;

(25)

After the second WHEREAS, insert: WHEREAS on August 17, 1864, Lincoln wrote: "(I)n the Greeley letter of 1862, I said, 'If I could save the Union without freeing any slave I would do it; and if I could save it by freeing all the slaves I would do it; and if I could save it by freeing some, and leaving others alone I would also do that. . . . What I do about slavery and the colored race, I do because I believe it helps to save the Union; and what I forbear I forbear because I do not believe it would help to save the Union. I shall do less whenever I shall believe what I am doing hurts the cause; and I shall do more whenever I shall believe doing more will help the cause.' All this I said in the utmost sincerity; and I am as true to the whole of it now, as when I first said it. When I afterwards proclaimed emancipation, and employed colored soldiers, I only followed the declaration just quoted from the Greeley letter that 'I shall do more (emphasis in the original) whenever I shall believe doing (emphasis in

original) will help the cause.' The way these measures were to help the cause, was not to be by magic, or miracles, but by inducing the colored people to come bodily over from the rebel side to ours. (As to why the promise of emancipation must be kept, Lincoln wrote): I am sure you do not desire me to say, or to leave an inference, that I am ready whenever convenient, to join in re-enslaving those who shall have served us in consideration of our promise. ... As a matter of policy, to announce (emphasis in the original), would ruin the Union cause itself. All recruiting or colored men would instantly cease, and all colored men now in our service, would instantly desert us. And rightfully too. Why should they give their lives for us with full notice of our of our purpose to betray them? Drive back to the support of the rebellion the physical force which the colored people now give, and promise us, and neither the present nor any coming administration can (emphasis in original) save the Union." However, Lincoln seemed to contradict this whole argument by writing a bit farther on, "If Jefferson Davis wishes, for himself, or for the benefit of his friends at the North, to know what I would do if he were to offer peace and re-union saying nothing about slavery, let him try me." Works, VOL VII, pp. 500, 501;

(26)

After the second WHEREAS, insert: WHEREAS on April 4, 1864, Lincoln wrote to Albert G. Hodges: "When early in the war, Gen. Fremont attempted military emancipation, I forebade it, because I did not then think it an indispensable necessity. When a little later, Gen. Cameron, then Secretary of War, suggested the arming of blacks, I objected, because I did not yet think it an indispensable necessity. When still later, Gen. Hunter attempted military emancipation, I again forebade it, because I did not yet think the indispensable necessity had come. When in March, and May, and July 1862 I made earnest and successive appeals to the border states to favor compensated emancipation, I believed the indispensable necessity for military emancipation, and arming the blacks would come, unless averted by that measure. They declined the proposition; and I was...driven to the alternative of either surrendering the Union, and with it, the Constitution, or of laying strong hand upon the colored element. I chose the latter.ct ." Works, VOL VII, pp. 281, 282:

(27)

After the second WHEREAS, insert: WHEREAS, during an interview on August 19, 1864, Lincoln stated: "My enemies say I am now carrying on this war for the sole purpose of abolition. It is &

will be carried on so long as I am President for the sole purpose of restoring the union. But no human power can subdue this rebellion without using the Emancipation lever as I have done. Freedom has given us control of 200,000 able bodied men, born and raised on southern soil. *** My enemies condemn my emancipation policy. Let them prove by the history of this war, that we can restore the Union without it." Works, VOL VII, p. 507;

(28)

After the second WHEREAS, insert: WHEREAS, on August 19, 1864, a reporter wrote: "The President now in full flow of spirits, scattered his repartee in all directions. He took his seat on the sofa by my side. Said I, Mr. President I was in your reception room to day. It was dark....There in a corner I saw a man quietly reading who possessed a remarkable physiognomy. I was rivetted to the spot. I stood & stared at him. He raised his flashing eyes and caught me in the act. I was compelled to speak, Said I, Are you the President. No replied the stranger, I am Frederick Douglass." Works, VOL VII, p. 508;

(29)

After the second WHEREAS, insert: WHEREAS, Jews are neither asked nor expected to honor Hitler, et al.:

(30)

After the second WHEREAS, insert, WHEREAS, American Indians are neither asked nor expected to honor Custer;

(31)

After the second WHEREAS, insert, WHEREAS, Christians do not lionize Nero;

(32)

In the third WHEREAS, after "are", insert "not";

(33)

In the fourth WHEREAS, after "inspire", insert "some"; after "and", insert "some of";

(34)

In the fifth WHEREAS, strike all language after "years";

(35)

In the seventh WHEREAS, after "WHEREAS", insert "some", strike "distraught" and insert "disturbed";

(36)

Add a 2nd "resolve": "That the Executive Board of the Legislature find a suitable portrait of Frederick Douglass and have it suitably placed in a prominent place in the George W. Norris Legislative Chambers.

(37)

Add another "resolve": "That the Executive Board of the Legislature meet with representatives of the several Indian tribes in Nebraska in order that each tribe may select one of their respected leaders. of whom an appropriate portrait shall be obtained and suitably placed in a prominent place in the George W. Norris legislative chambers.

(38)

Add another "resolve": That the Executive Board of the Legislature meet with representatives of the Jewish community in order that they may select a Jewish leader whose portrait shall be obtained by the Executive Board and placed in a prominent place in the George W. Norris legislative chambers.

(39)

Add another "resolve": That the Executive Board of the Legislature meet with representatives of the Mexican-American community in order that they may select Mexican-American leader whose portrait shall be obtained by the Executive Board and placed in a prominent place in the George W. Norris legislative chambers.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 462, 462A, 474, 635, 638, 638A, 642, and 652.

COMMITTEE ON COMMITTEES REPORT

Mr. L. Johnson renewed the Committee on Committees report found in the Journal on page 2535.

The Committee on Committees report was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 228. Read. Considered.

LR 228 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 229. Read. Considered.

LR 229 was adopted with 37 ayes, 0 nays, and 12 not voting.

WITHDRAW - Legislative Resolution 232

Mr. Chambers withdrew Legislative Resolution 232.

MOTION - Approve Appointments

Mr. Schmit moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 2461: Gary L. Rex - Director of Policy Research & Nebraska Energy Office.

Voting in the affirmative, 33:

Abboud	Dierks	Korshoj	Nelson	Smith
Ashford	Elmer	Lamb	Pirsch	Warner
Baack	Goodrich	Landis	Remmers	Wehrbein
Barrett	Hall	Langford	Rogers	Weihing
Beyer	Hannibal	Marsh	Rupp	Wesely
Chizek	Hefner	Miller	Schmit	Withem
Coordsen	Johnson, L.	Morehead		

Voting in the negative, 0.

Present and not voting, 16:

Chambers	Higgins	Johnson, V.	McFarland	Peterson
Conway	Johanns	Labedz	Moore	Schellpeper
Haberman	Johnson, R.	Lynch	Pappas	Scofield
Hartnett				

The appointment was confirmed with 33 ayes, 0 nays, and 16 present and not voting.

Mr. Schmit moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 2527: Environmental Control Council - Mark J. Masterton, Dennis Dean Weisenburger, M.D., and Mark A. Whitehead.

Voting in the affirmative, 34:

Abboud	Elmer	Landis	Pappas	Smith
Ashford	Goodrich	Marsh	Pirsch	Warner
Baack	Hall	McFarland	Remmers	Wehrbein
Barrett	Hannibal	Miller	Rogers	Weihing
Beyer	Hefner	Moore	Rupp	Wesely
Coordsen	Johnson, L.	Morehead	Schellpeper	Withem
Dierks	Lamb	Nelson	Schmit	

Voting in the negative, 0.

Present and not voting, 15:

Chambers	Haberman	Johanns	Korshoj	Lynch
Chizek	Hartnett	Johnson, R.	Labedz	Peterson
Conway	Higgins	Johnson, V.	Langford	Scofield

These appointments were confirmed with 34 ayes, 0 nays, and 15 present and not voting.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointment found in the Journal on page 2536: Dale B. Johnson - Director, Department of Public Institutions.

Voting in the affirmative, 33:

Abboud	Dierks	Landis	Nelson	Schmit
Ashford	Elmer	Langford	Pappas	Scofield
Baack	Goodrich	Marsh	Pirsch	Smith
Barrett	Hall	McFarland	Rogers	Wehrbein
Beyer	Hannibal	Miller	Rupp	Weihing
Conway	Johnson, L.	Moore	Schellpeper	Wesely
Coordsen	Lamb	Morehead		

Voting in the negative, 0.

Present and not voting, 16:

Chambers	Hefner	Johnson, R.	Labedz	Remmers
Chizek	Higgins	Johnson, V.	Lynch	Warner
Haberman	Johanns	Korshoj	Peterson	Withem
Hartnett				

The appointment was confirmed with 33 ayes, 0 nays, and 16 present and not voting.

ANNOUNCEMENT

Speaker Barrett announced a meeting of the standing committee chairpersons on Friday, May 29, 1987, at 8:00 a.m., in Room 2102.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 28, 1987, at 3:00 p.m., were the following bills: 462, 462A, 474, 635, 638, 638A, 642, and 652.

(Signed) Pam Moravec, Enrolling Clerk

APPROPRIATIONS COMMITTEE REPORT ON VETO OVERRIDES FOR LB 781

Pursuant to Rule 6, Section 14, the Appropriations Committee has reviewed the Governor's line item vetoes of LB 781; specifically, on page 12 of the engrossed copy of LB 781, in Section 18, the veto of $70,000 for repairs and renovation of the Trailside Museum and in Section 25, the veto of $43,000 for a fire suppression system at the Headquarters Building, Ft. Robinson State Park.

Pursuant to the review, the Appropriations Committee by majority vote recommends override of the Governor's line item vetoes contained in Section 25 of LB 781.

(Signed) Jerome Warner, Chairperson
Appropriations Committee

VISITORS

Visitors to the Chamber were a group from Allied Tour and Travel; 60 students and teacher from Hershey Public School; 50 fourth grade students and teachers from Field Club, Omaha; Senator Coordsen's

brother and family, Mr. and Mrs. Walter Coordsen and Sherry from Hebron; and Kristi, Jenny, and Laura Ziems from Lincoln.

ADJOURNMENT

At 3:03 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Friday, May 29, 1987.

Patrick J. O'Donnell
Clerk of the Legislature

NINETIETH DAY - MAY 29, 1987

LEGISLATIVE JOURNAL

NINETIETH DAY - MAY 29, 1987

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

NINETIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 29, 1987

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Father Margand, St. Theresa's Catholic Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Chambers, Landis, McFarland, Moore, Rogers, 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.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 228 and LR 229.

MOTION - Suspend Rules

Mr. Lynch moved to suspend Rule 6, Section 7 and permit consideration of LB 75, LB 75A, LB 104, LB 104A, LB 146,

LB 146A, LB 183, LB 183A, LB 224, LB 335, LB 376A, LB 467, LB 523, LB 523A, LB 536, LB 663, LB 663A, LB 708, and LB 708A.

The Lynch motion to suspend the rules prevailed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 75.

A BILL FOR AN ACT relating to film and television productions; to amend sections 60-301, 60-403.07, and 66-602, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to provide for registration of film vehicles as prescribed; to provide fees; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Ashford	Goodrich	Johnson, V.	Moore	Schellpeper
Baack	Haberman	Korshoj	Morehead	Schmit
Barrett	Hall	Labedz	Nelson	Scofield
Beyer	Hannibal	Lamb	Pappas	Smith
Chizek	Hartnett	Landis	Peterson	Warner
Conway	Hefner	Langford	Pirsch	Wehrbein
Coordsen	Johanns	Lynch	Remmers	Weihing
Dierks	Johnson, L.	Marsh	Rogers	Wesely
Elmer	Johnson, R.	Miller	Rupp	Withem

Voting in the negative, 0.

Present and not voting, 1:

Abboud

Excused and not voting, 3:

Chambers	Higgins	McFarland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 75A to Select File

Mr. Landis moved to return LB 75A to Select File for the following specific amendment:
Strike the enacting clause.

The Landis motion to return prevailed with 29 ayes, 7 nays, 10 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 75A. The Landis specific amendment found in this day's Journal was adopted with 32 ayes, 8 nays, 6 present and not voting, and 3 excused and not voting.

LB 75A stands indefinitely postponed.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 104.

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 define and redefine terms; to change vaccination and other provisions; to require that domestic animals be vaccinated for rabies as prescribed; to provide for the seizure and disposition of certain animals; to provide for rules and regulations; to provide for enforcement; to provide penalties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Baack	Beyer	Conway	Dierks
Ashford	Barrett	Chizek	Coordsen	Elmer

Goodrich	Johnson, V.	Lynch	Peterson	Smith
Haberman	Korshoj	Marsh	Pirsch	Warner
Hall	Labedz	Moore	Remmers	Wehrbein
Hannibal	Lamb	Morehead	Rogers	Weihing
Hartnett	Landis	Nelson	Schellpeper	Wesely
Hefner	Langford	Pappas	Scofield	Withem
Johnson, L.				

Voting in the negative, 3:

Chambers	Rupp	Schmit

Present and not voting, 3:

Johanns	Johnson, R.	Miller

Excused and not voting, 2:

Higgins	McFarland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 104A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 104, Ninetieth Legislature, First Session, 1987.

Whereupon the 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	Elmer	Korshoj	Morehead	Schellpeper
Ashford	Goodrich	Labedz	Nelson	Scofield
Baack	Haberman	Lamb	Pappas	Smith
Barrett	Hall	Landis	Peterson	Warner
Beyer	Hannibal	Langford	Pirsch	Wehrbein
Chizek	Hartnett	Lynch	Remmers	Weihing
Conway	Hefner	Marsh	Rogers	Wesely
Coordsen	Johnson, L.	Moore	Rupp	Withem
Dierks	Johnson, V.			

Voting in the negative, 2:

Chambers Schmit

Present and not voting, 3:

Johanns Johnson, R. Miller

Excused and not voting, 2:

Higgins McFarland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 467. With Emergency.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1208.01 and 2-1208.04, Revised Statutes Supplement, 1986; to change the tax on parimutuel wagering as prescribed; to provide a credit for capital improvements and maintenance; to change a provision relating to contributions to the Track Distribution Fund; to repeal the original sections; and to declare an emergency.

MOTION - Return LB 467 to Select File

Mr. Chambers moved to return LB 467 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Mr. Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 5:

Barrett Chambers Coordsen Warner Wesely

Voting in the negative, 41:

Abboud Ashford Baack Beyer Chizek

Conway	Hefner	Lamb	Morehead	Schellpeper
Dierks	Johanns	Landis	Nelson	Schmit
Elmer	Johnson, L.	Langford	Pappas	Scofield
Goodrich	Johnson, R.	Lynch	Pirsch	Smith
Haberman	Johnson, V.	McFarland	Remmers	Wehrbein
Hall	Korshoj	Miller	Rogers	Weihing
Hannibal	Labedz	Moore	Rupp	Withem
Hartnett				

Present and not voting, 2:

Marsh Peterson

Excused and not voting, 1:

Higgins

The Chambers motion to return lost with 5 ayes, 41 nays, 2 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 467. With Emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Abboud	Haberman	Korshoj	Moore	Rupp
Ashford	Hannibal	Labedz	Morehead	Schellpeper
Beyer	Hartnett	Lamb	Nelson	Schmit
Chizek	Hefner	Landis	Pappas	Smith
Conway	Johnson, L.	Lynch	Pirsch	Wehrbein
Dierks	Johnson, R.	McFarland	Remmers	Weihing
Elmer	Johnson, V.	Miller	Rogers	Withem
Goodrich				

Voting in the negative, 12:

Baack	Barrett	Chambers	Coordsen	Hall

Johanns Marsh Scofield Warner Wesely
Langford Peterson

Excused and not voting, 1:

Higgins

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 75, 104, 104A, and 467.

ATTORNEY GENERAL'S OPINION

Opinion No. 87084

DATE: May 29, 1987

SUBJECT: Gambling Devices Awarding of Free Games

REQUESTED BY: Senator Howard Lamb
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Melvin K. Kammerlohr, Assistant Attorney General

QUESTION: Does the attached amendment to L.B. 523 authorizing the payment of unlimited free games for the playing of coin-operated gaming devices such as video gaming devices, which are played for "amusement only," violate the State Constitution?

CONCLUSION: Yes, when winning on such machines is based primarily on chance.

As you know, the Nebraska Constitution strictly limits the Legislature on what it may do in authorizing gambling.

Article III, Section 24 of the Nebraska Constitution provides in part:

> The Legislature shall not authorize any game of chance, nor any lottery, or gift enterprise where the consideration for the 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; . . .

Prior to 1934, the above portion of Section 24 of Article III prohibiting the Legislature from authorizing any games of chance, constituted the entire context of Section 24, Article III.

Since that time there have been three Constitutional Amendments to that section authorizing the Legislature to permit three general areas of gambling; these are:

1. Horse racing by the parimutuel or certificate method when conducted by licensees within the racetrack enclosure.

2. Non-profit lotteries, raffles, and gift enterprises intended solely as business promotions or the proceeds of which are used solely for charitable or community betterment purposes without profit to the promoter.

3. Licensing and regulation of Bingo games conducted by non-profit associations which have been in existence for a period of five years.

Other than the exceptions made to Section 24, Article III of the Constitution as listed above, the Constitution prohibits the Legislature from authorizing any games of chance which require the payment of money or substantial effort or time to play.

In a case involving almost the identical questions as video gaming devices, Baedaro v. Caldwell, 156 Neb. 489 (1953), the Supreme Court of Nebraska determined that an ordinary pinball machine which awarded free games was a game of chance prohibited by the Constitutional provision, set forth above, and which the Legislature could not authorize; it also determined that it was a gambling device.

In doing so, the court stated in part:

> 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.

The court further noted:

> The acquiring of a free game, or games, is made in the event the player gets a high enough score, which is determined by the balls, over which the player has very little control, striking certain bumpers and dropping into certain holes.

The court then stated:

> Is a pinball machine or bagatelle machine which is coin-operated and which automatically gives the successful player free plays on the machine, depending on the score he makes, a gambling device?

The evidence shows that the machine here considered has very little play when the play is one game for a nickel deposited. However, the chance to obtain a predetermined high score by virtue of which the player may win one or more free games is the inducement to play the machine, and players are allured or enticed to play it for that reason.

Anything affording necessary lure to indulge the gambling instinct and appeal to the gambling propensities of man is a gambling device. See State ex rel. Hunter v. Omaha Motion Picture Exhibitors Assn., 139 Neb. 312, 297 N.W. 547. (Emphasis added).

The appellee's contention is that the words "money or property" as used in section 28-945, R.R.S. 1943, have no application to a machine such as the one at bar, for the reason that there is no play for money, and free games do not constitute property. In this connection we believe the following applicable to the instance case: A predecessor to the pinball machine was what is known as a mint-vending machines, which by chance occasionally delivered discs to the player, have been held to be a gambling device, even though the discs were of the machine. The basis of such holding is that free games are things of value. See, State ex rel. Manchester v. Marvin, 211 Iowa 462, 233 N.W.486; Howell v. State, 184 Ark. 109, 40 S.W.2d 782; Painter v. State, 163 Tenn. 627, 45 S.W.2d 46, 81 A.L.R. 173; Jenner v. State, 173 Ta. 86, 159 S.E. 564; State v. Mint Vending Machine, 85 N.H. 22, 154 A.224. There are many other cases to the same effect which we deem unnecessary to cite. It seems reasonable, if free plays of the mint-vending machine are things of value, that free games upon a device such as described in the instant case are likewise things of value. If one game is worth a nickel, it is clear that additional games are things of value, and the rule is the same whether the machine emits discs with which it can be replayed or works automatically as in the instant case. See State v. Wiley, supra. (Emphasis added).

The provision in the amendment and the present statute limiting the play of such games "for amusement only" is of no assistance inasmuch as all games, whether for skill or chance, are for amusement and if free games are awarded it is not for "amusement only."

In Baedaro v. Caldwell, supra, the Supreme Court of Nebraska further stated in this regard:

In Kraus v. City of Cleveland, 135 Ohio St. 43, 19 N.E.2d 159, this language appears: "Amusement is a thing of value. Were it not so, it would not be commercialized. * * * Since amusement has value, and added amusement has additional value, and since

it is subject to be procured by chance without the payment of additional consideration therefor, there is involved in the game three elements of gambling, namely, chance, price and a prize." See, also, Couch v. State, 71 Okl. Cr. 223, 110 P.2d 613; State ex. rel. Green v. One 5¢ Fifth Inning Base Ball Machine, 241 Ala. 455, 3 S.2d 27. (Emphasis added).

It also should be emphasized that the court then wound up the case referring again to the Constitution of Nebraska. The court then stated:

As previously stated, Article III, section 24, of our Constitution prohibits any game of chance. This means that the machine is prohibited in any event if it is a game of chance no matter what is given for the play. The use of the word "property" in section 28-945, R.R.S. 1943, when considered and construed with the constitutional provision means anything of value. The free games obtained in the manner heretofore discussed would then constitute property within the contemplation of the constitutional provision and section 28-945, R.R.S. 1943, construed therewith.

The Supreme Court of Nebraska has cited Baedara v. Caldwell, supra, with approval in the later case of Indoor Recreation Enterprises, Inc. v. Douglas, 194 Neb. 715 (1975), a case in which the Supreme Court found the card games of bridge and poker to be games of chance although skill was also involved.

It is elementary, as noted by the Supreme Court in the above case, that the Legislature may not by statute authorize anything that is not authorized by the Constitution, either directly or indirectly. With this in mind, the statutory provisions relating to gambling must always be construed in light of the constitutional limitations. For example, in light of the foregoing case, the Legislature would not have the power to state that a free replay is not something of value or that a device of any kind in which a winner of a replay or other thing of value is determined primarily by chance and which costs money or other thing of value to play is not a game of chance.

When any game or scheme contains the three elements of (1) prize, (2) chance, and (3) price (in money or time to participate), it comprizes gambling or a gambling device. Should a machine require predominantly skill to win free games or other prizes, then the element of "chance" would be absent and the machine would be legal without any legislation. Pinball machines, bridge and poker have been found to be predominantly "chance;" this amendment appears designed to authorize games of chance solely because they award free games instead of money or other prizes. As noted above, this does not remove them from being illegal in violation of the constitution. Therefore, insofar as this amendment attempts to authorize games

of chance it violates Article III, Section 24 of the Nebraska Constitution.

In addition to the above objections, we are compelled to point out to you that, since there is not time for a fiscal impact statement, this amendment would require a considerable increase in the number of local or state police, hence, considerable additional money, to enforce such a provision, since the only way it could be proved that they were being played for free games only would be to send in undercover men and catch the proprietor in the act of paying off.

Because of the shortness of time involved as discussed with your assistants in our office, and since this question disposes of the other matters, we have not gone into the other questions you sent over.

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Melvin K. Kammerlohr
Senior Assistant Attorney General

MKK/kb
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 146. With Emergency.

A BILL FOR AN ACT relating to water; to amend section 46-233.01, Reissue Revised Statutes of Nebraska, 1943, and section 46-1121, Revised Statutes Supplement, 1986; to state intent; to provide powers and duties for the Water Management Board; to change provisions relating to certain appropriations of surface water; to change the date of expiration of certain permits; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Baack	Beyer	Chizek	Coordsen
Ashford	Barrett	Chambers	Conway	Dierks

Elmer	Johnson, R.	Marsh	Peterson	Scofield
Goodrich	Johnson, V.	McFarland	Pirsch	Smith
Haberman	Korshoj	Miller	Remmers	Warner
Hall	Labedz	Moore	Rogers	Wehrbein
Hannibal	Lamb	Morehead	Rupp	Weihing
Hartnett	Landis	Nelson	Schellpeper	Wesely
Hefner	Langford	Pappas	Schmit	Withem

Voting in the negative, 0.

Present and not voting, 3:

Johanns	Johnson, L.	Lynch

Excused and not voting, 1:

Higgins

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 146A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 146, Ninetieth Legislature, First Session, 1987.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Dierks	Johnson, V.	Moore	Schellpeper
Ashford	Elmer	Korshoj	Morehead	Schmit
Baack	Goodrich	Labedz	Nelson	Scofield
Barrett	Haberman	Lamb	Pappas	Smith
Beyer	Hall	Landis	Peterson	Warner
Chambers	Hannibal	Langford	Pirsch	Wehrbein
Chizek	Hartnett	Marsh	Remmers	Weihing
Conway	Hefner	McFarland	Rogers	Wesely
Coordsen	Johnson, R.	Miller	Rupp	Withem

Voting in the negative, 0.

Present and not voting, 3:

Johanns Johnson, L. Lynch

Excused and not voting, 1:

Higgins

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 the Auditor of Public Accounts; to amend section 23-905, Reissue Revised Statutes of Nebraska, 1943, and sections 23-252, 23-923, 23-1608, 79-2210.04, and 84-304, Revised Statutes Supplement, 1986; to require political subdivisions to pay the cost of certain audits; to provide powers and duties for the Auditor of Public Accounts; to require certain matters to be included in budget statements; to provide for annual audits as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Elmer	Korshoj	Moore	Schellpeper
Ashford	Goodrich	Labedz	Morehead	Schmit
Baack	Haberman	Lamb	Nelson	Scofield
Barrett	Hall	Landis	Pappas	Smith
Beyer	Hannibal	Langford	Peterson	Warner
Chambers	Hartnett	Lynch	Pirsch	Wehrbein
Chizek	Hefner	Marsh	Remmers	Weihing
Conway	Johnson, L.	McFarland	Rogers	Wesely
Coordsen	Johnson, R.	Miller	Rupp	Withem
Dierks	Johnson, V.			

Voting in the negative, 1:

Johanns

Excused and not voting, 1:

Higgins

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 183A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 183, Ninetieth Legislature, First Session, 1987; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Elmer	Johnson, V.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Morehead	Schmit
Baack	Haberman	Labedz	Nelson	Scofield
Barrett	Hall	Lamb	Pappas	Smith
Beyer	Hannibal	Landis	Peterson	Warner
Chambers	Hartnett	Langford	Pirsch	Wehrbein
Chizek	Hefner	Marsh	Remmers	Weihing
Conway	Johnson, L.	McFarland	Rogers	Wesely
Coordsen	Johnson, R.	Miller	Rupp	Withem
Dierks				

Voting in the negative, 1:

Johanns

Present and not voting, 1:

Lynch

Excused and not voting, 1:

Higgins

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. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-6,127, 39-6,135, 39-6,138, 39-6,139, 39-6,156, 39-6,159, 39-6,160, 39-6,163, 39-6,164, 60-301, 60-310, 60-315, 60-318, 60-344, 60-407, 75-363, 77-1240, 77-1240.01, 77-1240.03, 77-1241.09, and 77-2703, Reissue Revised Statutes of Nebraska, 1943, sections 39-669.11, 39-6,179, 60-302, and 60-320, Revised Statutes Supplement, 1986, section 39-669.26, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 430, Ninetieth Legislature, First Session, 1987, and section 39-669.08, Revised Statutes Supplement, 1986, as amended by section 2, Legislative Bill 404, Ninetieth Legislature, First Session, 1987; to change provisions relating to driving while intoxicated; to eliminate approval requirements concerning certain equipment; to provide an exception to length restrictions for certain vehicles; to redefine terms; to create a fund; to change the delinquency date for certain registrations; to authorize a refund of and change provisions relating to the payment of certain fees and taxes; to change provisions relating to dealer number plates; to provide for the cancellation of operator's licenses in certain cases; to prohibit the issuance of certain tickets and citations; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 39-6,143 to 39-6,146, 39-6,157, 39-6,158, 39-6,167, and 39-6,168, 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, 46:

Abboud	Dierks	Johnson, L.	Lynch	Peterson
Ashford	Elmer	Johnson, R.	Marsh	Pirsch
Baack	Goodrich	Johnson, V.	McFarland	Remmers
Barrett	Haberman	Korshoj	Miller	Rogers
Beyer	Hall	Labedz	Moore	Rupp
Chizek	Hannibal	Lamb	Morehead	Schellpeper
Conway	Hartnett	Landis	Nelson	Schmit
Coordsen	Hefner	Langford	Pappas	Scofield

Smith Wehrbein Weihing Wesely Withem Warner

Voting in the negative, 0.

Present and not voting, 2:

Chambers Johanns

Excused and not voting, 1:

Higgins

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Bracket LB 335

Mr. V. Johnson moved to bracket LB 335 until January 10, 1988.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. McFarland 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 V. Johnson motion to bracket lost with 8 ayes, 20 nays, 19 present and not voting, and 2 excused and not voting.

MOTION - Return LB 335 to Select File

Mr. Ashford moved to return LB 335 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Ashford withdrew his pending motion to return.

Mr. Schmit moved to return LB 335 to Select File for the following specific amendment:
Strike enacting clause

Mr. Schmit withdrew his pending motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 335. With Emergency.

A BILL FOR AN ACT relating to creditors' claims; to amend section 44-371, Reissue Revised Statutes of Nebraska, 1943, and section 44-1089, Revised Statutes Supplement, 1986; to provide for and change provisions relating to the exemption from legal or equitable process and claims of creditors of certain insurance benefits, interest in pension, profitsharing, and similar plans and contracts, and proceeds and benefits from structured settlements; to provide that excess proceeds of certain sales of property be retained by the debtor; to provide for the applicability of provisions as prescribed; 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 with the emergency clause attached?' "

Voting in the affirmative, 31:

Barrett	Goodrich	Johnson, L.	Marsh	Pirsch
Beyer	Haberman	Johnson, R.	McFarland	Remmers
Chizek	Hannibal	Lamb	Miller	Schellpeper
Conway	Hartnett	Landis	Moore	Scofield
Coordsen	Hefner	Langford	Pappas	Smith
Dierks	Johanns	Lynch	Peterson	Wehrbein
Elmer				

Voting in the negative, 16:

Abboud	Hall	Labedz	Rogers	Warner
Ashford	Johnson, V.	Morehead	Rupp	Wesely
Baack	Korshoj	Nelson	Schmit	Withem
Chambers				

Present and not voting, 1:

Weihing

Excused and not voting, 1:

Higgins

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, 35:

Abboud	Dierks	Johanns	McFarland	Schellpeper
Ashford	Elmer	Johnson, L.	Nelson	Scofield
Baack	Goodrich	Johnson, R.	Pappas	Smith
Barrett	Haberman	Lamb	Peterson	Wehrbein
Beyer	Hannibal	Landis	Pirsch	Weihing
Conway	Hartnett	Lynch	Remmers	Wesely
Coordsen	Hefner	Marsh	Rupp	Withem

Voting in the negative, 9:

Chambers	Johnson, V.	Labedz	Rogers	Warner
Hall	Korshoj	Morehead	Schmit	

Present and not voting, 4:

Chizek	Langford	Miller	Moore

Excused and not voting, 1:

Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 376A. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3501, 77-3502, 77-3504, 77-3505, 77-3508, 77-3509.01, 77-3509.02, 77-3510, 77-3511, 77-3513, 77-3514, 77-3516, 77-3517, 77-3519, 77-3520, 77-3523, 77-3526, and 77-3529, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the homestead exemption; to redefine terms; to change conditions for eligibility for the exemption; to change application procedures; to reduce an appropriation; to eliminate certain provisions relating to

the homestead exemption; to harmonize provisions; to provide an operative date; to repeal the original sections, and also sections 77-3518 and 77-3525, 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, 48:

Abboud	Elmer	Johnson, V.	Moore	Schellpeper
Ashford	Goodrich	Korshoj	Morehead	Schmit
Baack	Haberman	Labedz	Nelson	Scofield
Barrett	Hall	Lamb	Pappas	Smith
Beyer	Hannibal	Landis	Peterson	Warner
Chambers	Hartnett	Langford	Pirsch	Wehrbein
Chizek	Hefner	Lynch	Remmers	Weihing
Conway	Johanns	Marsh	Rogers	Wesely
Coordsen	Johnson, L.	McFarland	Rupp	Withem
Dierks	Johnson, R.	Miller		

Voting in the negative, 0.

Excused and not voting, 1:

Higgins

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 536.

A BILL FOR AN ACT relating to shoplifting; to amend section 24-523, Reissue Revised Statutes of Nebraska, 1943; to provide a cause of action for shoplifting; to provide liability as prescribed; to provide that certain claims are nonassignable; to define a term; to provide an exception to the number of claims permissible in Small Claims Court; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud	Elmer	Labedz	Morehead	Schellpeper
Ashford	Goodrich	Lamb	Nelson	Scofield
Barrett	Haberman	Langford	Peterson	Smith
Beyer	Hannibal	Lynch	Pirsch	Warner
Chizek	Hefner	Marsh	Remmers	Wehrbein
Coordsen	Johnson, L.	Miller	Rogers	Weihing
Dierks	Korshoj	Moore	Rupp	

Voting in the negative, 12:

Baack	Hall	Johnson, V.	McFarland	Schmit
Chambers	Hartnett	Landis	Pappas	Wesely
Conway	Johanns			

Present and not voting, 2:

Johnson, R. Withem

Excused and not voting, 1:

Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 663 to Select File

Mr. Landis moved to return LB 663 to Select File for the following specific amendment:
to set a January 1, 1988 effective date

Mr. Landis withdrew his pending motion to return.

Mr. Schmit moved to return LB 663 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Schmit withdrew his pending motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 663. With Emergency.

A BILL FOR AN ACT relating to municipalities; to amend section 84-1413, Reissue Revised Statutes of Nebraska, 1943, and sections 59-1617 and 84-1411, Revised Statutes Supplement, 1986; to adopt the Municipal Natural Gas Regulation Act; to exempt municipalities from the application of certain laws; to change provisions relating to public meetings; to eliminate provisions relating to natural gas rate increases; to provide severability; to repeal the original sections, and also sections 18-414 and 18-415, Revised Statutes Supplement, 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, 45:

Abboud	Dierks	Johnson, L.	McFarland	Rupp
Ashford	Goodrich	Johnson, R.	Miller	Schellpeper
Baack	Haberman	Johnson, V.	Moore	Scofield
Barrett	Hall	Korshoj	Morehead	Smith
Beyer	Hannibal	Lamb	Nelson	Warner
Chambers	Hartnett	Landis	Pappas	Wehrbein
Chizek	Hefner	Langford	Peterson	Weihing
Conway	Higgins	Lynch	Pirsch	Wesely
Coordsen	Johanns	Marsh	Remmers	Withem

Voting in the negative, 1:

Schmit

Present and not voting, 3:

Elmer	Labedz	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 663A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend section 93, Legislative Bill 780, Ninetieth Legislature, First Session, 1987; to appropriate funds to aid in carrying out the provisions of Legislative Bill 663, Ninetieth Legislature, First Session, 1987; to reallocate certain funds 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, 45:

Abboud	Dierks	Johnson, L.	McFarland	Rupp
Ashford	Elmer	Johnson, R.	Miller	Schellpeper
Baack	Goodrich	Johnson, V.	Moore	Scofield
Barrett	Haberman	Korshoj	Morehead	Smith
Beyer	Hall	Lamb	Nelson	Warner
Chambers	Hannibal	Landis	Pappas	Wehrbein
Chizek	Hartnett	Langford	Peterson	Weihing
Conway	Hefner	Lynch	Pirsch	Wesely
Coordsen	Johanns	Marsh	Remmers	Withem

Voting in the negative, 1:

Schmit

Present and not voting, 3:

Higgins Labedz 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.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 335.

(Signed) Scott Moore, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 146, 146A, 183, 183A, 224, 335, 376A, 536, 663, and 663A.

MESSAGES FROM THE GOVERNOR

May 29, 1987

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

Dear Mr. President and Senators:

I am returning LB 784 with my signature but with certain line-item reductions.

LB 784, the so-called "trailer" or "supplemental" appropriations bill, was an attempt to fund many worthwhile state programs if revenue was available. Revenue is not available and as a result I have been forced to line-item veto numerous spending proposals. Based on current revenues, the line-item vetoes I have made will bring the budget into balance.

Through your actions, you have left all final spending and budget balancing decisions with the Governor. Any overrides of the final hour reductions may well result in our not meeting the required 3% reserve requirement.

Again, I must veto the items outlined on the attached page because we cannot afford them and must have a balanced budget.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jrb

				FY87-88		FY88-89	
Sec	Ag	Prog	Description	General	Veto	General	Veto
1	3	122	Tax study funding	175,000	175,000		
2	3	122	Senators Personal Staff	250,000		250,000	
3	3	122	Purchase Sen. Computers	185,942	100,000	160,942	100,000
4	5	52	Add Probation Staff	179,670		179,670	
5	13	143	State Aid to Ed.	885,274	442,637	885,274	221,319

			School Fd. & Eq. Fd	347,698	173,849	347,698	86,925
6	13	143	State Aid to Ed.	1,900,000	1,900,000	1,900,000	1,900,000
7	13	351	Voc. Rehab. Svs.	311,773	256,045	517,809	485,130
8	12	119	Nat. Res. Dist. Aid	6,325	3,163	6,325	1,581
9	12	120	Aid to Mun.	157,387	78,694	157,387	39,347
10	12	149	Aid to Counties	153,619	76,810	153,619	38,405
11	26	348	Heart & Liver Trans-Medicaid	192,260	192,260	199,790	199,790
12	47	533	Restore Broadcast Hours	69,690		71,345	
13	49	907	Admin. Computing-Upgrade	819,992		620,603	
14	51		Urban Res. Prog. - UNO	150,000		150,000	
15	51		Rural Econ. Prog. - UNL	150,000		150,000	
16	51		Ctr. for Econ. Innov. - UNL	135,000		135,000	
17	52	539	4-H Premiums	40,000		40,000	
18	55	307	NRC State Aid	454,394	454,394	29,078	29,078
19	65	940	309 Task Force	500,000	500,000	500,000	500,000
20	72	603	Economic Dev	313,000		313,000	
21	72	616	Economic Dev	49,000		49,000	
22	84	518	Environ. Control	(454,394)		(29,078)	
23	70	116	Foster Care Position-Add	15,000		15,000	
24	51		Faculty Salary Increases	2,200,000	1,320,000	2,200,000	1,320,000
25	50		Faculty Salary Increases	300,000	180,000	300,000	180,000
			Grand Totals	9,486,630	5,852,851	9,302,462	5,101,574

May 29, 1987

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

Dear Mr. President and Senators:

I am returning Legislative Bill 736A with my signature and my line-item reductions. Section 2 of Legislative Bill 736A contains $100,000 State General Funds for the Institute of Agriculture and Natural Resources for the "Managing Main Street Businesses" program for FY 1987-88.

I have line item reduced this amount to zero in order to balance the State budget for FY 1987-88. A pilot project was accomplished from internally reallocated resources at the Institute. Some continuing reallocations should be able to be accomplished to meet the most pressing needs of the program.

I urge you to support this action.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jrb

May 29, 1987

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

Dear Mr. President and Senators:

I am returning Legislative Bill 561A with my signature and with my line-item reductions. Section 2 of LB 561A contains $50,000 of State General Fund appropriation for FY 1987-88 for an aquaculture position at the Institute of Agriculture and Natural Resources. Section 3 of LB 561A contains $50,000 of State General Fund appropriation for FY 1987-88 for a poultry pathologist at the Institute of Agriculture and Natural Resources.

I have line item reduced both these amounts to zero in order to balance the State budget for FY 1987-88. Both positions are of some merit for aiding alternative product development. Legislative Bill 561 contains the intent that both positions be established by the Board of Regents. It is hoped that the Regents will seriously look at allocating some funds from the $9.8 million increase, contained in LB 780 and LB 782A over the FY 1986-87 base budget, toward the establishment of these positions.

I urge you to support this action.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jrb

May 29, 1987

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

Dear Mr. President and Senators:

I am returning Legislative Bill 656A with my signature and with my line-item reductions. Legislative Bill 656A contains $1,267,088 from the State General Fund for FY 1987-88 and the same amount for FY 1988-89 for the Nebraska College of Technical Agriculture at Curtis.

In order to balance the State budget, I have vetoed $767,088 from FY 1987-88 and $1,267,088 from FY 1988-89. The funds saved in each year of the biennium will be necessary to fund the salary increase and other operations programs already approved by the Legislature in Legislative Bills 780 and 782A. The $500,000 remaining will allow an orderly phaseout of the school.

With my veto, the Regents will have the opportunity to exercise their authority over programmatic decisions at the University as provided in the Nebraska Constitution and in Legislative Bill 656. This is as it should be, and is consistent with the Legislative intent contained in Legislative Bill 1 passed during the Eighty-Ninth Legislature, Fourth Special Session, 1986. Further, this is in accord with the Board of Regents' action to cease operations of the Nebraska College of Technical Agriculture at Curtis.

I urge you to support this action.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jrb

May 29, 1987

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

Dear Mr. President and Members of the Legislature:

I am returning LB 185 and LB 185A without my signature and with my objections.

LB 185 is a well intentioned bill that provides sales tax relief for certain farm purchases. I have been a strong proponent of our family farms and under different circumstances may be persuaded to support a bill such as this. However, as you are well aware, current tax revenues will not support the nearly 3.0 million dollar cost that results from this bill. We just cannot afford it.

I urge you again to sustain this veto as our only means of maintaining a balanced budget that is at its breaking point.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jrb

May 29, 1987

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

Dear Mr. President and Senators:

I am returning LB 408 without my signature and with my objections.

LB 408 changes provisions for the Lincoln police and firefighters retirement plan. My objection to the bill is that this legislation violates state policy in providing uniform guidelines for political subdivision pension plans. This legislation would set another precedent resulting in further fragmentation of pension systems.

Sincerely,
(Signed) KAY A. ORR
Governor

May 29, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 270 and 270A were received in my office on May 28, 1987.

These bills were signed by me on May 29, 1987, and delivered to the Secretary of State.

Sincerely,

(Signed) KAY A. ORR
Governor

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 29, 1987, at 10:45 a.m., were the following bills: 75, 104, 104A, and 467.

(Signed) Pam Moravec, Enrolling Clerk

ANNOUNCEMENT

Mr. Warner announced an Appropriations Committee meeting will be held today at 1:00 p.m., in Room 1003.

VISITORS

Visitors to the Chamber were Senator Lynch's daughter, Debby LeMay; 60 fourth grade students and teacher from Cody Elementary, Omaha; Kathy Broesch; Matel and Scoie Loop; 20 third through sixth grade students and teacher from Cross Lutheran School, Omaha; and former Sergeant-at-Arms Ray Wilson.

RECESS

At 12:06 p.m., on a motion by Mr. Barrett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Conway, R. Johnson, McFarland, Mesdames Labedz, and Morehead who were excused until they arrive.

MESSAGES FROM THE GOVERNOR

May 29, 1987

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 42, 42A, 163, 163A, 187, 187A, 226, 226A, 292, 292A, 312, 312A, 561, 564, 564A, 598, 598A, 603, 603A, 639, 639A, 656, 451, 298, 480, 736, 767, 767A, 182, 279, 390, 390A, 416, 462, 462A, 474, 635, 638, 638A, 642, and 652 were received in my office on May 28, 1987.

These bills were signed by me on May 29, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

May 29, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 467 was received in my office on May 29, 1987.

This bill was signed by me on May 29, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

UNANIMOUS CONSENT - Add Co-Introducers

Ms. Johanns asked unanimous consent to have her name added as co-introducer to LB 337A. No objections. So ordered.

Mr. Ashford asked unanimous consent to have his name added as co-introducer to LB 582. No objections. So ordered.

MOTION - Bracket LB 523

Mr. Abboud moved to bracket LB 523 until January 10, 1988.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 10 nays, and 12 not voting.

Mr. Abboud requested a record vote on his motion to bracket.

Voting in the affirmative, 7:

Abboud	Coordsen	Miller	Peterson	Pirsch
Beyer	Hefner			

Voting in the negative, 34:

Ashford	Hall	Korshoj	Morehead	Scofield
Barrett	Hannibal	Labedz	Nelson	Smith
Chambers	Hartnett	Landis	Pappas	Warner
Chizek	Higgins	Langford	Remmers	Weihing
Conway	Johanns	Lynch	Rupp	Wesely
Elmer	Johnson, L.	Marsh	Schellpeper	Withem
Goodrich	Johnson, V.	Moore	Schmit	

Present and not voting, 8:

Baack	Haberman	Lamb	Rogers	Wehrbein
Dierks	Johnson, R.	McFarland		

The Abboud motion to bracket lost with 7 ayes, 34 nays, and 8 present and not voting.

MOTION - Return LB 523 to Select File

Mr. Abboud moved to return LB 523 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Abboud withdrew his pending motion to return.

Mr. Withem moved to return LB 523 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Schmit 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. Withem withdrew his pending motion to return.

MOTION - Recommit LB 523 to Committee

Mr. Abboud moved to recommit LB 523 to the Revenue Committee.

Mr. Abboud withdrew his pending motion.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 29, 1987, at 12:37 p.m., were the following bills: 146, 146A, 183, 183A, 224, 376A, 536, 663, 663A, and 335.

(Signed) Jan Loder, Enrolling Clerk

MESSAGE FROM THE GOVERNOR

May 29, 1987

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
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.

Appointee: James D. Murphy, Box 220, Lexington, NE 68850

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jb

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 29, 1987. 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 (Withdrawn 87/05/29), Association of Nebraska Schools (Withdrawn 87/05/29); Car & Truck Rental & Leasing Association (Withdrawn 87/05/29)

APPROPRIATIONS COMMITTEE REPORT ON OVERRIDES TO THE GOVERNOR'S LINE-ITEM VETOES OF LB 784

Pursuant to Rule 6, Section 14, the Appropriations Committee has reviewed the Governor's line-item vetoes of LB 784, exhibit A, attached to this report. Pursuant to this review, the Appropriations Committee has unanimously decided to recommend not to override the Governor's line-item vetoes.

(Signed) Jerome Warner, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 523. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 28-1107, 66-401, 66-418.03, 66-419, 66-420, 66-431, 66-432, 66-637, 77-2701, 77-2702 to 77-2704, 77-2708, 77-2711, 77-2714, 77-2717, 77-2734.01, 77-2761, 77-2768, 77-2772, 77-2773, 77-27,175, 77-27,180, and 77-3902 to 77-3905, Reissue Revised Statutes of Nebraska, 1943, sections 9-262, 9-352, and 9-434, Revised Statutes Supplement, 1986, sections 77-2715, 77-2716, and 77-2733, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 5, 9, and 16, respectively, Legislative Bill 773, Ninetieth Legislature, First Session, 1987, and section 77-2753, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 284, Ninetieth Legislature, First Session, 1987; to change certain penalty provisions relating to the Nebraska Bingo Act, the Nebraska Pickle Card Lottery Act, and the Nebraska Lottery and Raffle Act; to

change provisions relating to the offense of possession of a gambling device; to change penalty provisions relating to the reporting and collection of motor fuel taxes as prescribed; to define and redefine terms; to change certain collection provisions, certain exemptions, a provision relating to the filing of returns, and an enforcement provision relating to sales and use taxes as prescribed; to provide for personal liability for certain officers and employees; to change a provision relating to returns filed by trusts, small business corporations, and certain other persons and businesses as prescribed; to change provisions relating to the computation of and adjustments to income tax as prescribed; to change a provision relating to the withholding of wages; to change provisions relating to income tax records; to change a provision relating to setoffs as prescribed; to change provisions relating to assessment of property, acquisition of a tax lien, fees, and actions to collect delinquencies; to provide additional refund procedures; to authorize the use of electronic filing and electronic fund transfers; to create a fund; 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, 38:

Ashford	Haberman	Labedz	Morehead	Schellpeper
Baack	Hall	Landis	Nelson	Schmit
Barrett	Hannibal	Langford	Pappas	Scofield
Chambers	Hartnett	Lynch	Pirsch	Smith
Chizek	Hefner	Marsh	Remmers	Weihing
Conway	Higgins	McFarland	Rogers	Wesely
Dierks	Johnson, V.	Miller	Rupp	Withem
Elmer	Korshoj	Moore		

Voting in the negative, 8:

Abboud	Johnson, L.	Lamb	Warner	Wehrbein
Beyer	Johnson, R.	Peterson		

Present and not voting, 3:

Coordsen	Goodrich	Johanns

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 523A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 523, Ninetieth Legislature, First Session, 1987.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Ashford	Haberman	Korshoj	Morehead	Schmit
Baack	Hall	Labedz	Nelson	Scofield
Barrett	Hannibal	Landis	Pappas	Smith
Chambers	Hartnett	Langford	Pirsch	Warner
Chizek	Hefner	Lynch	Remmers	Wehrbein
Conway	Higgins	Marsh	Rogers	Weihing
Coordsen	Johnson, L.	McFarland	Rupp	Wesely
Dierks	Johnson, R.	Miller	Schellpeper	Withem
Elmer	Johnson, V.	Moore		

Voting in the negative, 4:

Abboud	Beyer	Lamb	Peterson

Present and not voting, 2:

Goodrich Johanns

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 708. With Emergency.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1213, Reissue Revised Statutes of Nebraska, 1943, and section 2-1207, Revised Statutes Supplement, 1986; to state intent; to provide for wagering on simulcast of races; to define and redefine terms; to provide for licensing; to provide an exception to a requirement

relating to dams; to change a fee; 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	Haberman	Johnson, V.	Moore	Schellpeper
Ashford	Hall	Korshoj	Morehead	Schmit
Baack	Hannibal	Labedz	Nelson	Scofield
Barrett	Hartnett	Lamb	Pappas	Smith
Beyer	Hefner	Landis	Peterson	Warner
Chizek	Higgins	Langford	Pirsch	Wehrbein
Conway	Johanns	Lynch	Remmers	Weihing
Coordsen	Johnson, L.	McFarland	Rogers	Wesely
Dierks	Johnson, R.	Miller	Rupp	Withem
Elmer				

Voting in the negative, 2:

Chambers Marsh

Present and not voting, 1:

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.

LEGISLATIVE BILL 708A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 708, Ninetieth Legislature, First Session, 1987.

Whereupon the 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	Goodrich	Johnson, V.	Moore	Schellpeper
Ashford	Haberman	Korshoj	Morehead	Schmit
Baack	Hall	Labedz	Nelson	Scofield
Barrett	Hannibal	Lamb	Pappas	Smith
Beyer	Hartnett	Landis	Peterson	Warner
Chizek	Hefner	Langford	Pirsch	Wehrbein
Conway	Higgins	Lynch	Remmers	Weihing
Coordsen	Johanns	McFarland	Rogers	Wesely
Dierks	Johnson, L.	Miller	Rupp	Withem
Elmer	Johnson, R.			

Voting in the negative, 2:

Chambers Marsh

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Override Veto on LB 780

Mr. Wesely and Mrs. Morehead renewed their pending motion found in the Journal on page 2568 to override the Governor's veto of LB 780; Section 70, Agency 72 - Department of Economic Development, Program 604 - Research and Development Authority, as contained in subsection (9).

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely and Mrs. Morehead withdrew their pending motion to override the Governor's veto.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 523, 523A, 708, and 708A.

MOTION - Override Veto on LB 780

Messrs. Landis, R. Johnson, Wesely, Chambers, V. Johnson, McFarland, Mesdames Marsh, Nelson, Morehead, and Ms. Scofield

renewed their pending motion found in the Journal on page 2576 to override the Governor's line-item reductions for: Section 41, Agency 38 - Nebraska Commission on the Status of Women, Program 577 - Nebraska Commission on the Status of Women; Section 66, Agency 68 - Commission on Mexican-Americans, Program 537 - Commission on Mexican-Americans; and Section 70, Agency 72 - Department of Economic Development, Program 584 - Commission on Indian Affairs.

PRESIDENT NICHOL PRESIDING

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 30:

Ashford	Goodrich	Korshoj	Miller	Scofield
Chambers	Hall	Labedz	Morehead	Smith
Chizek	Hannibal	Landis	Nelson	Warner
Conway	Hartnett	Lynch	Pappas	Wehrbein
Coordsen	Johnson, R.	Marsh	Schellpeper	Wesely
Dierks	Johnson, V.	McFarland	Schmit	Withem

Voting in the negative, 16:

Abboud	Haberman	Johnson, L.	Peterson	Rogers
Baack	Hefner	Langford	Pirsch	Rupp
Barrett	Johanns	Moore	Remmers	Weihing
Beyer				

Present and not voting, 3:

Elmer	Higgins	Lamb

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item objections of the Governor.

MOTION - Override Veto on LB 781

The Appropriations Committee, by a majority vote, pursuant to Rule 6, Section 14, moves that the Legislature override the Governor's line item reduction in Section 25 of $43,000 for a fire suppression system in the Headquarters Building, Ft. Robinson State Park.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 30:

Ashford	Hall	Lamb	Moore	Scofield
Baack	Hannibal	Landis	Morehead	Smith
Chambers	Hartnett	Lynch	Nelson	Warner
Chizek	Johnson, L.	Marsh	Pirsch	Wehrbein
Dierks	Johnson, R.	McFarland	Rupp	Weihing
Goodrich	Labedz	Miller	Schmit	Wesely

Voting in the negative, 12:

Abboud	Coordsen	Johanns	Langford	Peterson
Beyer	Haberman	Korshoj	Pappas	Remmers
Conway	Hefner			

Present and not voting, 7:

Barrett	Higgins	Rogers	Schellpeper	Withem
Elmer	Johnson, V.			

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item objections of the Governor.

MOTION - Override Veto on LB 185

Mr. Haberman moved that LB 185 become law, notwithstanding the objection of the Governor.

Mr. Haberman moved for a call of the house. The motion prevailed with 12 ayes, 6 nays, and 31 not voting.

The Chair declared the call raised.

Pending.

MESSAGE FROM THE GOVERNOR

May 29, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 218 and 218A were received in my office on May 26, 1987.

These bills were signed by me on May 29, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 29, 1987, at 4:07 p.m., were the following bills: 523, 523A, 708, and 708A.

(Signed) Jan Loder, Enrolling Clerk

COMMUNICATION

May 29, 1987

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 780 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 780 having been returned by the Governor with her signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

1) Section 41, Agency 38 - Nebraska Commission on the Status of Women, Program 577 - Nebraska Commission on the Status of Women
2) Section 66, Agency 68 - Commission on Mexican-Americans, Program 537 - Commission on Mexican-Americans
3) Section 70, Agency 72 - Department of Economic Development, Program 584 - Commission on Indian Affairs

These provisions have become law the twenty-ninth day of May, 1987.

(Signed) William E. Nichol
President of the Legislature

COMMUNICATION

May 29, 1987

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 781 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 781 having been returned by the Governor with her signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

1) Section 25 of $43,000 for a fire suppression system in the Headquarters Building, Ft. Robinson State Park

These provisions have become law the twenty-ninth day of May, 1987.

(Signed) William E. Nichol
President of the Legislature

MOTION - Adjournment

Mr. Moore moved to adjourn sine die at 4:24 p.m.

Mr. Landis requested a machine vote on the motion to adjourn.

The Moore motion to adjourn lost with 6 ayes, 28 nays, and 15 present and not voting.

MOTION - Override Veto on LB 185

The Haberman motion that LB 185 become law notwithstanding the objection of the Governor was renewed.

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. Haberman withdrew his pending motion to override the Governor's veto.

MOTION - Override Veto on LB 784

Mr. Withem moved to override the Governor's veto on LB 784 of cuts in Section 5, Agency 13, Program 143.

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. Withem moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 31:

Ashford	Goodrich	Labedz	Morehead	Schellpeper
Baack	Hall	Landis	Nelson	Schmit
Beyer	Hartnett	Lynch	Pappas	Smith
Chambers	Johnson, R.	Marsh	Pirsch	Warner
Chizek	Johnson, V.	McFarland	Rogers	Wesely
Conway	Korshoj	Miller	Rupp	Withem
Dierks				

Voting in the negative, 17:

Abboud	Hannibal	Johnson, L.	Moore	Scofield
Barrett	Hefner	Lamb	Peterson	Wehrbein
Coordsen	Higgins	Langford	Remmers	Weihing
Haberman	Johanns			

Present and not voting, 1:

Elmer

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Reconsider Action on LB 784

Mr. Warner moved to reconsider the vote to override the line-item override for Agency 13, Program 143 found in Section 5 of LB 784.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 5 nays, and 15 not voting.

The Warner motion to reconsider prevailed with 25 ayes, 21 nays, and 3 present and not voting.

MOTION - Override Veto on LB 784

The Withem motion to override the Governor's veto was reconsidered.

Mr. Withem withdrew his pending motion to override the Governor's veto.

MOTION - Override Veto on LB 656A

Mr. Elmer moved that the Governor's line-item veto reduction of FY 1988-89 General Fund money from "$1,267,088" to "-0-" on page 2, line 3 of LB 656A become law notwithstanding the objections of the Governor.

Pending.

MOTION - Adjournment

Mr. Moore moved to adjourn sine die at 5:22 p.m.

The Moore motion to adjourn lost with 7 ayes, 22 nays, and 20 present and not voting.

MOTION - Override Veto on LB 656A

The Elmer pending motion to override the Governor's line-item veto was renewed.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Elmer moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Elmer requested a roll call vote on his motion to override.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 23:

Baack	Dierks	Johnson, R.	Pappas	Schellpeper
Barrett	Elmer	Lamb	Peterson	Schmit
Chambers	Haberman	Lynch	Remmers	Wehrbein
Conway	Hartnett	McFarland	Rogers	Weihing
Coordsen	Hefner	Miller		

Voting in the negative, 25:

Abboud	Hall	Korshoj	Moore	Scofield
Ashford	Hannibal	Labedz	Morehead	Smith
Beyer	Higgins	Landis	Nelson	Warner
Chizek	Johnson, L.	Langford	Pirsch	Wesely
Goodrich	Johnson, V.	Marsh	Rupp	Withem

Present and not voting, 1:

Johanns

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Override Veto on LB 784

Messrs. Schmit and Baack moved to override the Governor's line-item veto of $454,394 for FY 1987-88 and $29,078 for FY 1988-89 from the General Fund to the Natural Resources Commission's Resources Development Fund (Program 307).

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. Schmit moved for a call of the house. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

Mr. Schmit requested a roll call vote on the motion to override.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 27:

Ashford	Coordsen	Hefner	Lynch	Remmers
Baack	Dierks	Johnson, R.	McFarland	Schmit
Beyer	Elmer	Korshoj	Miller	Weihing
Chambers	Haberman	Labedz	Nelson	Wesely
Chizek	Hall	Lamb	Pappas	Withem
Conway	Hartnett			

Voting in the negative, 16:

Abboud	Johnson, L.	Marsh	Peterson	Rupp
Barrett	Johnson, V.	Moore	Pirsch	Scofield
Hannibal	Landis	Morehead	Rogers	Warner
Johanns				

Present and not voting, 6:

Goodrich	Langford	Schellpeper	Smith	Wehrbein
Higgins				

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

MOTION - Override Veto on LB 408

Mr. Haberman moved that LB 408 be passed into law notwithstanding the objections of the Governor.

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

Mr. Rupp 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. Warner moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Warner requested a roll call vote on the Haberman motion to override.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Abboud	Dierks	Johanns	Miller	Schellpeper
Ashford	Elmer	Johnson, R.	Moore	Scofield
Baack	Goodrich	Labedz	Nelson	Smith
Chizek	Haberman	Landis	Pappas	Warner
Conway	Hall	Marsh	Peterson	Wehrbein
Coordsen	Hannibal	McFarland	Remmers	Withem

Voting in the negative, 14:

Barrett	Hefner	Lamb	Pirsch	Weihing
Beyer	Johnson, L.	Langford	Rogers	Wesely
Chambers	Johnson, V.	Morehead	Schmit	

Present and not voting, 3:

Hartnett	Korshoj	Lynch

Excused and not voting, 2:

Higgins Rupp

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

MOTION - Override Veto on LB 784

Mr. Wesely moved to override the Governor's line-item vetoes in Section 7 for Vocational Rehabilitation Services, Department of Education, Program 351; and in Section 11 for heart and liver transplants financed by the Medicaid Program, Department of Social Services, Program 348; and in Section 24 for faculty salaries, University of Nebraska; and in Section 25 for faculty salaries, Nebraska State Colleges.

Mr. Wesely withdrew his pending motion to override the Governor's veto.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Veto on LB 784

Mr. V. Johnson moved to override the Governor's line-item veto to LB 784 in Section 1, Program 122, to provide funding for the tax study authorized by LR 384.

Mr. V. Johnson withdrew his pending motion to override the Governor's veto.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Messrs. Withem and Schmit moved to override the Governor's line-item vetoes in Section 5, State aid to Education, Dept. of Education, Program 143 and in Section 18, Natural Resources Commission, Program 307.

Pending.

COMMUNICATIONS

May 29, 1987

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Orr on LB 656A, I am delivering the bill for filing, in the form and amounts as approved by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r

May 29, 1987

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 408 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 408, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 408 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this twenty-ninth day of May, 1987.

(Signed) William E. Nichol,
President of the Legislature

MOTION - Adjournment

Mr. Moore moved to adjourn sine die at 6:32 p.m.

The Moore motion to adjourn lost with 16 ayes, 23 nays, 7 present and not voting, and 3 excused and not voting.

MOTION - Override Veto on LB 784

The Withem-Schmit pending motion to override the line-item veto was renewed.

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.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 16:

Ashford	Chizek	Hall	Landis	Schellpeper
Baack	Conway	Hartnett	McFarland	Schmit
Beyer	Dierks	Korshoj	Pappas	Withem
Chambers				

Voting in the negative, 21:

Abboud	Hefner	Lynch	Nelson	Scofield
Barrett	Johnson, L.	Marsh	Peterson	Smith
Coordsen	Lamb	Moore	Pirsch	Warner
Elmer	Langford	Morehead	Rupp	Weihing
Hannibal				

Present and not voting, 9:

Goodrich	Johnson, R.	Miller	Rogers	Wesely
Johanns	Johnson, V.	Remmers	Wehrbein	

Excused and not voting, 3:

Haberman Higgins Labedz

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

MOTION - Approve Appointments

Mr. Chizek moved the adoption of the report of the Judiciary Committee for the following Governor appointment found in the Journal on page 2574: John E. Knight - Parole Board.

Voting in the affirmative, 37:

Abboud	Hall	Lamb	Nelson	Schellpeper
Ashford	Hannibal	Landis	Pappas	Scofield
Barrett	Hartnett	Langford	Peterson	Smith
Beyer	Hefner	Marsh	Pirsch	Warner
Chizek	Johanns	McFarland	Remmers	Wehrbein
Conway	Johnson, L.	Miller	Rogers	Wesely
Dierks	Johnson, R.	Morehead	Rupp	Withem
Goodrich	Korshoj			

Voting in the negative, 0.

Present and not voting, 9:

Baack	Coordsen	Johnson, V.	Moore	Weihing
Chambers	Elmer	Lynch	Schmit	

Excused and not voting, 3:

Haberman Higgins Labedz

The appointment was confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Withem moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 2675: Gretchen Hirschbach and Keith L. Blackledge.

Voting in the affirmative, 31:

Abboud	Goodrich	Korshoj	Pappas	Scofield
Ashford	Hall	Landis	Peterson	Smith
Baack	Hannibal	Langford	Pirsch	Warner
Barrett	Hartnett	Marsh	Remmers	Wehrbein
Beyer	Hefner	Miller	Rupp	Wesely
Conway	Johnson, L.	Morehead	Schellpeper	Withem
Dierks				

Voting in the negative, 0.

Present and not voting, 15:

Chambers	Elmer	Johnson, V.	McFarland	Rogers
Chizek	Johanns	Lamb	Moore	Schmit
Coordsen	Johnson, R.	Lynch	Nelson	Weihing

Excused and not voting, 3:

Haberman	Higgins	Labedz

These appointments were confirmed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

WITHDRAW - Legislative Resolution 233

Mr. Hefner withdrew his Legislative Resolution 233.

MOTION - Suspend Rules and Adopt Resolutions

Mr. Wesely moved to suspend the rules, Rule 4, Section 5 and adopt LRs 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, and 245.

The Wesely motion prevailed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

COMMUNICATION

May 29, 1987

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Orr on LB 784, I am delivering the bill for filing in the form and amounts as approved by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r

MOTION - Advise Governor

Mr. L. Johnson moved that a committee of five be appointed to advise the Governor that the Ninetieth 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, 0 nays, and 19 not voting.

The Chair appointed Mesdames Pirsch, Smith, Messrs. Beyer, Miller, and Dierks to serve on said Committee.

The Committee returned and escorted Governor Kay Orr to the rostrum where she delivered a message to the members.

The Committee escorted the Governor from the Chamber.

VISITORS

Visitors to the Chamber were Max Kellough from Friend; 20 members and sponsor from Girl Scout Troop No. 137, Bellevue; and 72 fourth grade students and teacher from Harvey Oaks School, Omaha.

MOTION - Approve Journal

Mr. Hall moved that the Journal for the Ninetieth Day, as prepared by the Clerk, be approved.

The motion prevailed.

MOTION - Journal, Session Laws, and Index

Mrs. Labedz 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 - Adjourn Sine Die

Mr. Korshoj moved that the Ninetieth Legislature, First Session of the Legislature, having finished all business before it, now at 7:00 p.m. adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE
FIRST SESSION

MESSAGE FROM THE GOVERNOR

June 3, 1987

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 75, 104, 104A, 146, 146A, 183, 183A, 224, 335, 376A, 523, 523A, 536, 663, 663A, 708 and 708A were received in my office on May 29, 1987.

These bills were signed by me on June 3, 1987, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

MESSAGE FROM THE SECRETARY OF STATE

June 1, 1987

Patrick J. O'Donnell
Clerk of the Legislature
Room 2018
State Capitol

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on May 29, 1987 at 4:30 p.m., L.B. 780. Along with L.B. 780, I hereby acknowledge receipt of your cover letter dated May 29, 1987 and a certificate signed by William E. Nichol, President of the Legislature, the contents of which are as follows:

> Legislative Bill 780 having been returned by the Governor with her signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:
> 1. Section 41, Agency 38 - Nebraska Commission on the Status of Women, Program 577 - Nebraska Commission on the Status of Women
> 2. Section 66, Agency 68 - Commission on Mexican-Americans, Program 537 - Commission on Mexican-Americans
> 3. Section 70, Agency 72 - Department of Economic Development, Program 584 - Commission on Indian Affairs.
> These provisions have become law the twenty-ninth day of May, 1987.

Further, I hereby acknowledge that L.B. 780, cover letter, certificate and a 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

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 780, having been returned by the Governor with her signature, but with certain items therein line-item vetoed, the Legislature, by a Constitutional majority, has overridden said line-item vetoes as follows:

> Legislative Bill 780 having been returned by the Governor with her signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:
> 1. Section 41, Agency 38 - Nebraska Commission on the Status of Women, Program 577 - Nebraska Commission on the Status of Women

2. Section 66, Agency 68 - Commission on Mexican-Americans, Program 537 - Commission on Mexian-Americans
3. Section 70, Agency 72 - Department of Economic Development, Program 584 - Commission on Indian Affairs.
These provisions have become law the twenty-ninth day of May, 1987.

Further, I hereby certify that L.B. 780 was filed in the office of Secretary of State on May 29, 1987 at 4:30 p.m., along with the cover letter from the Clerk, the Certificate of William E. Nichol as President of the Legislature and a copy of the Governor's message.

Finally, I hereby certify that all documents herein certified to have been filed in the office of Secretary of State and made 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 first day of June in the year of our Lord, one thousand nine hundred and eighty-seven.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

June 1, 1987

Patrick J. O'Donnell
Clerk of the Legislature
Room 2018
State Capitol

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on May 29, 1987 at 4:31 p.m., L.B. 781. Along with L.B. 781, I hereby acknowledge receipt of your cover letter dated May 29, 1987 and a certificate signed by William E. Nichol, President of the Legislature, the contents of which are as follows:

Legislative Bill 781 having been returned by the Governor with her signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

(1) Section 25 of $43,000 for a fire suppression system in the Headquarters Building, Ft. Robinson State Park.

These provisions have become law the twenty-ninth day of May, 1987.

Further, I hereby acknowledge that L.B. 781, cover letter, certificate and a 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

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 781, having been returned by the Governor with her signature, but with certain items therein line-item vetoed, the Legislature, by a Constitutional majority, has overridden said line-item vetoes as follows:

> Legislative Bill 781 having been returned by the Governor with her signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:
> (1) Section 25 of $43,000 for a fire suppression system in the Headquarters Building, Ft. Robinson State Park.
> These provisions have become law the twenty-ninth day of May, 1987.

Further, I hereby certify that L.B. 781 was filed in the office of Secretary of State on May 29, 1987 at 4:31 p.m., along with the cover letter from the Clerk, the certificate of William E. Nichol as President of the Legislature and a copy of the Governor's message.

Finally, I hereby certify that all documents herein certified to have been filed in the office of Secretary of State and made 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 first day of June in the year of our Lord, one thousand nine hundred and eighty-seven.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

June 1, 1987

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

I have received your letter dated May 29, 1987 with reference to L.B. 784. Attached to your letter was L.B. 784, along with a copy of the Governor's letter dated May 29, 1987, setting forth specific line-item veto reductions.

As indicated in your cover letter, L.B. 784 was signed by the Governor with certain line-item veto reductions. I have noted also that, inasmuch as the Legislature did not override the line-item veto, the bill was delivered to my office for filing in the form and amounts as approved by the Governor.

Please be advised that the bill was filed in my office on May 29, 1987 at 6:46 p.m.

Finally, I respectfully request that a copy of this letter be placed in the Legislative Journal.

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

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I have received a letter from the Clerk dated May 29, 1987 with reference to L.B. 784, along with a copy of the Governor's letter dated May 29, 1987 setting forth specific line-item veto reductions.

Further, I certify, as indicated in the cover letter, that L.B. 784 was signed by the Governor with certain line-item veto reductions.

I also certify that, inasmuch as the Legislature did not override the line-item veto, the bill was delivered to my office for filing in the form and amounts as approved by the Governor.

Further, I hereby certify that the bill was filed in my office on May 29, 1987 at 6:46 p.m.

Finally, I hereby request a copy of this certificate be placed in the Legislative Journal.

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 June in the year of our Lord, one thousand nine hundred and eighty-seven.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

June 1, 1987

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

I have received your letter dated June 1, 1987 with reference to L.B. 736A, along with a copy of the Governor's letter dated May 29, 1987, setting forth specific line-item veto reductions.

As indicated in your cover letter, L.B. 736A was signed by the Governor with certain line-item veto reductions. I have noted also that, inasmuch as the Legislature did not override the line-item veto, the bill was delivered to my office for filing in the form and amounts as approved by the Governor.

Please be advised that the bill was filed in my office on June 1, 1987 at 1:55 p.m.

Finally, I respectfully request that a copy of this letter be placed in the Legislative Journal.

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

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I have received a letter from the Clerk dated June 1, 1987 with reference to L.B. 736A, along with a copy of the Governor's line-item veto reductions.

Further, I certify, as indicated in the cover letter, that L.B. 736A was signed by the Governor with certain line-item veto reductions.

I also certify that, inasmuch as the Legislature did not override the line-item veto, the bill was delivered to my office for filing in the form and amounts as approved by the Governor.

Further I hereby certify that the bill was filed in my office on June 1, 1987 at 1:55 p.m.

Finally, I hereby request a copy of this certificate be placed in the Legislative Journal.

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 June in the year of our Lord, one thousand nine hundred and eighty-seven.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

June 1, 1987

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

I have received your letter dated May 29, 1987 with reference to L.B. 656A. Attached to your letter was L.B. 656A, along with a copy of the Governor's letter dated May 29, 1987, setting forth specific line-item veto reductions.

As indicated in your cover letter, L.B. 656A was signed by the Governor with certain line-item veto reductions. I have noted also that, inasmuch as the Legislature did not override the line-item veto, the bill was delivered to my office for filing in the form and amounts as approved by the Governor.

Please be advised that the bill was filed in my office on May 29, at 6:43 p.m.

Finally, I respectfully request that a copy of this letter be placed in the Legislative Journal.

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

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I have received a letter from the Clerk dated May 29, 1987 with reference to L.B. 656A, along with a copy of the Governor's line-item veto reductions.

Further, I certify, as indicated in the cover letter, that L.B. 656A was signed by the Governor with certain line-item veto reductions.

I also certify that, inasmuch as the Legislature did not override the line-item veto, the bill was delivered to my office for filing in the form and amounts as approved by the Governor.

Further, I hereby certify that the bill was filed in my office on May 29, at 6:43 p.m.

Finally, I hereby request a copy of this certificate be placed in the Legislative Journal.

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 June in the year of our Lord, one thousand nine hundred and eighty-seven.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

June 1, 1987

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

I have received your letter dated June 1, 1987 with reference to L.B. 561A, along with a copy of the Governor's letter dated May 29, 1987, setting forth specific line-item veto reductions.

As indicated in your cover letter, L.B. 561A was signed by the Governor with certain line-item veto reductions. I have noted also that, inasmuch as the Legislature did not override the line-item veto, the bill was delivered to my office for filing in the form and amounts as approved by the Governor.

Please be advised that the bill was filed in my office on June 1, 1987 at 1:56 p.m.

Finally, I respectfully request that a copy of this letter be placed in the Legislative Journal.

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

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I have received a letter from the Clerk dated June 1, 1987 with reference to L.B. 561A, along with a copy of the Governor's line-item veto reductions.

Further, I certify, as indicated in the cover letter, that L.B. 561A was signed by the Governor with certain line-item veto reductions.

I also certify that, inasmuch as the Legislature did not override the line-item veto, the bill was delivered to my office for filing in the form and amounts as approved by the Governor.

Further, I hereby certify that the bill was filed in my office on June 1, 1987 at 1:56 p.m.

Finally, I hereby request a copy of this certificate be placed in the Legislative Journal.

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 June in the year of our Lord, one thousand nine hundred and eighty-seven.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

June 1, 1987

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 408, without the Governor's signature and with her objections, was filed in the office of Secretary of State May 29, 1987.

In addition, I hereby acknowledge receipt of your cover letter dated May 29, 1987 and a Certificate signed by William E. Nichol, President of the Legislature, the contents of which are as follows:

Legislative Bill 408 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this twenty-ninth day of May, 1987.

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of public record.

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

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 408, without the Governor's signature and with her objections, was filed in the office of Secretary of State on May 29, 1987.

In addition, I hereby certify that I received a cover letter dated May 29, 1987 and a certificate signed by William E. Nichol as President of the Legislature, the contents of which are as follows:

> Legislative Bill 408 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 29th day of May, 1987.

Finally, I hereby certify that all of these documents have been filed in this office as 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 first day of June in the year of our Lord, one thousand nine hundred and eighty-seven.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE GOVERNOR

June 4, 1987

The Honorable Allen J. Beermann
Secretary of State
PO Box 94608
Lincoln, NE 68509

Dear Mr. Beermann:

Engrossed Legislative Bill 787 was received in my office on May 26, 1987, after having been passed by the Legislature.

This bill rested with me for five days after the Legislature adjourned. As provided in Article IV, Section 15, of the Constitution, I have neither signed nor vetoed LB 787 and have allowed it to become law without my signature.

Sincerely,
(Signed) KAY A. ORR
Governor

cc: Patrick J. O'Donnell

MESSAGE FROM THE SECRETARY OF STATE

June 4, 1987

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

Dear Clerk O'Donnell:

This letter is to advise you and to have placed in the Journal the fact that Legislative Bill 787 was passed by the Ninetieth Legislature of Nebraska at its first session on the twenty-sixth day of May, 1987. The bill was presented to the Governor on the twenty-sixth day of May, 1987 for signature, veto or allowed to become law without signature.

I have received from the Governor Legislative Bill 787 on June 4, 1987, without her signature and without her veto message. Attached to the bill was a letter informing the Secretary of State that she allowed the bill to become law without her signature as provided in Article IV, Section 15 of the Constitution. Attached please find a copy of my certification with reference to Legislative Bill 787.

Finally, Please note that Legislative Bill 787 is on file in my office as provided and is a matter of public record.

Please note also that Legislative Bill 787 became law as provided in the Constitution.

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

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 787 was passed by the Ninetieth Legislature at its first session on May 26, 1987 and presented to the Governor on that day.

Further, I hereby certify that Legislative Bill 787 was not returned to the Legislature with a veto message but was presented to the Secretary of State on June 4, 1987 without the Governor's signature.

Further, I hereby certify that Legislative Bill 787 rested with the Governor for five days, Sunday excepted, and was presented to the Secretary of State, and pursuant to the Constitution, Article IV, Section 15 has become law in like manner as if the Governor had signed it on June 2, 1987.

Finally, I hereby certify that Legislative Bill 787 is on file in the office of Secretary of State and is 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 fourth day of June in the year of our Lord, one thousand nine hundred and eighty-seven.

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

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 Ninetieth Legislature, First Session and other correspondence.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

June 4, 1987
Lincoln, Nebraska

INDEXES FOR LEGISLATIVE JOURNAL

NINETIETH LEGISLATURE

FIRST SESSION 1987

CONTENTS

1987 Chronology of Bills 2765
1987 Chronology of Constitutional Amendment Resolutions ... 3027
1987 Bills and Constitutional Amendment Resolutions Introduced
By Senators 3031
By Committees 3089
1987 Bills and Resolutions Heard by Committees 3094
1987 Summary of Legislation 3099
1987 General Index 3107
1987 Subject Index
to Bills and Constitutional Amendment Resolutions 1-180
1987 Section Index 1-25
1987 Subject Index to Resolutions 1-44

Compiled by

PATRICK J. O'DONNELL

Clerk of the Legislature

03-01-49-87

CHRONOLOGY OF BILLS

NINETIETH LEGISLATURE
FIRST SESSION
1987

LEGISLATIVE BILL 1. By Executive Board

Jan.	8	2	Read first time	42
Jan.	9	3	Placed on General File	84
Jan.	13	4	Advanced for Review	128
Jan.	15	6	Placed on Select File - AM5005	163
Jan.	20	7	AM5005 (E & R) adopted. Advanced for Engrossment	194
Jan.	23	10	Correctly Engrossed	281
Jan.	30	15	Final Reading 44-0-5	405
Jan.	30	15	President signed	419
Jan.	30	15	Presented to Governor (1/30)	431
Feb.	3	17	Approved by Governor (2/2)	455

LEGISLATIVE BILL 2. By Executive Board

Jan.	8	2	Read first time	43
Jan.	9	3	Placed on General File	84
Jan.	13	4	Advanced for Review	128
Jan.	15	6	Placed on Select File	163
Jan.	20	7	Advanced for Engrossment	194
Jan.	23	10	Correctly Engrossed	281
Jan.	30	15	Final Reading 46-0-3	406
Jan.	30	15	President signed	419
Jan.	30	15	Presented to Governor (1/30)	431
Feb.	3	17	Approved by Governor (2/2)	455

LEGISLATIVE BILL 3. By Executive Board

Jan.	8	2	Read first time	43
Jan.	9	3	Placed on General File	84
Jan.	13	4	Advanced for Review	128
Jan.	15	6	Placed on Select File	163

Jan. 20 7 Advanced for Engrossment 194
Jan. 23 10 Correctly Engrossed 281
Jan. 28 13 Final Reading 43-0-6 370
Jan. 28 13 Speaker signed 382
Jan. 28 13 Presented to Governor (1/28) 385
Feb. 3 17 Approved by Governor (2/2) 456

LEGISLATIVE BILL 4. By Executive Board

Jan. 8 2 Read first time 43
Jan. 9 3 Placed on General File 84
Jan. 13 4 Advanced for Review 128
Jan. 15 6 Placed on Select File 163
Jan. 20 7 Advanced for Engrossment 194
Jan. 23 10 Correctly Engrossed 281
Jan. 28 13 Final Reading 43-0-6 371
Jan. 28 13 Speaker signed 382
Jan. 28 13 Presented to Governor (1/28) 385
Feb. 3 17 Approved by Governor (2/2) 456

LEGISLATIVE BILL 5. By Executive Board

Jan. 8 2 Read first time 43
Jan. 9 3 Placed on General File 84
Jan. 13 4 Advanced for Review 128
Jan. 15 6 Placed on Select File 163
Jan. 20 7 Advanced for Engrossment 194
Jan. 23 10 Correctly Engrossed 281
Jan. 28 13 Final Reading 43-0-6 372
Jan. 28 13 Speaker signed 382
Jan. 28 13 Presented to Governor (1/28) 385
Feb. 3 17 Approved by Governor (2/2) 456

LEGISLATIVE BILL 6. By Executive Board

Jan. 8 2 Read first time 44
Jan. 9 3 Placed on General File 84
Jan. 13 4 Advanced for Review 128
Jan. 15 6 Placed on Select File 163
Jan. 20 7 Advanced for Engrossment 194
Jan. 23 10 Correctly Engrossed 281
Jan. 28 13 Final Reading 44-0-5 372
Jan. 28 13 Speaker signed 382
Jan. 28 13 Presented to Governor (1/28) 385
Feb. 3 17 Approved by Governor (2/2) 456

LEGISLATIVE BILL 7. By Executive Board

Jan.	8	2	Read first time	44
Jan.	9	3	Placed on General File	84
Jan.	13	4	Advanced for Review	128
Jan.	15	6	Placed on Select File	163
Jan.	20	7	Advanced for Engrossment	194
Jan.	23	10	Correctly Engrossed	281
Jan.	28	13	Final Reading 44-0-5	373
Jan.	28	13	Speaker signed	382
Jan.	28	13	Presented to Governor (1/28)	385
Feb.	3	17	Approved by Governor (2/2)	456

LEGISLATIVE BILL 8. By Executive Board

Jan.	8	2	Read first time	44
Jan.	9	3	Placed on General File	84
Jan.	13	4	Advanced for Review	129
Jan.	15	6	Placed on Select File	163
Jan.	20	7	Advanced for Engrossment	194
Jan.	23	10	Correctly Engrossed	281
Jan.	28	13	Final Reading 44-0-5	374
Jan.	28	13	Speaker signed	382
Jan.	28	13	Presented to Governor (1/28)	385
Feb.	3	17	Approved by Governor (2/2)	456

LEGISLATIVE BILL 9. By Executive Board

Jan.	8	2	Read first time	44
Jan.	9	3	Placed on General File	84
Jan.	13	4	Advanced for Review	129
Jan.	15	6	Placed on Select File	163
Jan.	20	7	Advanced for Engrossment	194
Jan.	23	10	Correctly Engrossed	281
Jan.	28	13	Final Reading 44-0-5	375
Jan.	28	13	Speaker signed	382
Jan.	28	13	Presented to Governor (1/28)	385
Feb.	3	17	Approved by Governor (2/2)	456

LEGISLATIVE BILL 10. By Executive Board

Jan.	8	2	Read first time	44
Jan.	9	3	Placed on General File	84
Jan.	13	4	Advanced for Review	129

Jan.	15	6	Placed on Select File	163
Jan.	20	7	Advanced for Engrossment	194
Jan.	23	10	Correctly Engrossed	281
Jan.	28	13	Final Reading 44-0-5	375
Jan.	28	13	Speaker signed	382
Jan.	28	13	Presented to Governor (1/28)	385
Feb.	3	17	Approved by Governor (2/2)	456

LEGISLATIVE BILL 11. By Executive Board

Jan.	8	2	Read first time	45
Jan.	9	3	Placed on General File	84
Jan.	13	4	Advanced for Review	129
Jan.	15	6	Placed on Select File	163
Jan.	20	7	Advanced for Engrossment	194
Jan.	23	10	Correctly Engrossed	328
Jan.	28	13	Final Reading 44-0-5	376
Jan.	28	13	Speaker signed	382
Jan.	28	13	Presented to Governor (1/28)	385
Feb.	3	17	Approved by Governor (2/2)	456

LEGISLATIVE BILL 12. By Executive Board

Jan.	8	2	Read first time	45
Jan.	9	3	Placed on General File	84
Jan.	13	4	Advanced for Review	129
Jan.	15	6	Placed on Select File	163
Jan.	20	7	Advanced for Engrossment	194
Jan.	23	10	Correctly Engrossed	328
Jan.	28	13	Final Reading 43-0-6	377
Jan.	28	13	Speaker signed	382
Jan.	28	13	Presented to Governor (1/28)	385
Feb.	3	17	Approved by Governor (2/2)	456

LEGISLATIVE BILL 13. By Executive Board

Jan.	8	2	Read first time	45
Jan.	9	3	Placed on General File	84
Jan.	13	4	Advanced for Review	129
Jan.	15	6	Placed on Select File	163
Jan.	20	7	Advanced for Engrossment	194
Jan.	23	10	Correctly Engrossed	328
Jan.	28	13	Final Reading 44-0-5	378
Jan.	28	13	Speaker signed	382
Jan.	28	13	Presented to Governor (1/28)	385

Feb. 3 17 Approved by Governor (2/2) 456

LEGISLATIVE BILL 14. By Executive Board

Jan. 8 2 Read first time 45
Jan. 9 3 Placed on General File 84
Jan. 13 4 Advanced for Review 129
Jan. 15 6 Placed on Select File - AM5003 163
Jan. 20 7 AM5003 (E & R) adopted.
Advanced for Engrossment 194
Jan. 23 10 Correctly Engrossed 328
Jan. 30 15 Final Reading 46-0-3 407
Jan. 30 15 President signed 419
Jan. 30 15 Presented to Governor (1/30) 431
Feb. 3 17 Approved by Governor (2/2) 455

LEGISLATIVE BILL 15. By Executive Board

Jan. 8 2 Read first time 46
Jan. 9 3 Placed on General File 84
Jan. 13 4 Advanced for Review 129
Jan. 15 6 Placed on Select File 163
Jan. 20 7 Advanced for Engrossment 194
Jan. 23 10 Correctly Engrossed 328
Jan. 28 13 Final Reading 44-0-5 379
Jan. 28 13 Speaker signed 382
Jan. 28 13 Presented to Governor (1/28) 385
Feb. 3 17 Approved by Governor (2/2) 456

LEGISLATIVE BILL 16. By Executive Board

Jan. 8 2 Read first time 46
Jan. 9 3 Placed on General File 84
Jan. 13 4 Advanced for Review 129
Jan. 15 6 Placed on Select File - AM5004 163
Jan. 20 7 AM5004 (E & R) adopted.
Advanced for Engrossment 195
Jan. 23 10 Correctly Engrossed 328
Jan. 28 13 Final Reading 43-0-6 379
Jan. 28 13 Speaker signed 382
Jan. 28 13 Presented to Governor (1/28) 385
Feb. 3 17 Approved by Governor (2/2) 456

LEGISLATIVE BILL 17. By Executive Board

Jan. 8 2 Read first time 46
Jan. 9 3 Placed on General File 84
Jan. 13 4 Advanced for Review 130
Jan. 15 6 Placed on Select File 164
Jan. 20 7 Advanced for Engrossment 195
Jan. 23 10 Correctly Engrossed 328
Jan. 30 15 Final Reading 47-0-2 408
Jan. 30 15 President signed 419
Jan. 30 15 Presented to Governor (1/30) 431
Feb. 3 17 Approved by Governor (2/2) 455

LEGISLATIVE BILL 18. By Executive Board

Jan. 8 2 Read first time 46
Jan. 9 3 Placed on General File 84
Jan. 13 4 Advanced for Review 130
Jan. 15 6 Placed on Select File 164
Jan. 20 7 Advanced for Engrossment 195
Jan. 23 10 Correctly Engrossed 328
Jan. 28 13 Final Reading 44-0-5 380
Jan. 28 13 Speaker signed 382
Jan. 28 13 Presented to Governor (1/28) 385
Feb. 3 17 Approved by Governor (2/2) 456

LEGISLATIVE BILL 19. By Executive Board

Jan. 8 2 Read first time 46
Jan. 9 3 Placed on General File 85
Jan. 13 4 Advanced for Review 130
Jan. 15 6 Placed on Select File - AM5006 164
Jan. 20 7 AM5006 (E & R) adopted.
Advanced for Engrossment 195
Jan. 23 10 Correctly Engrossed. ER0104 change 328
Jan. 30 15 Final Reading 47-0-2 409
Jan. 30 15 President signed 419
Jan. 30 15 Presented to Governor (1/30) 431
Feb. 3 17 Approved by Governor (2/2) 455

LEGISLATIVE BILL 20. By Executive Board

Jan. 8 2 Read first time 47
Jan. 9 3 Placed on General File 85
Jan. 13 4 Advanced for Review 130
Jan. 15 6 Placed on Select File 164
Jan. 20 7 Advanced for Engrossment 195

Jan.	23	10	Correctly Engrossed	328
Jan.	30	15	Final Reading 46-0-3	410
Jan.	30	15	President signed	419
Jan.	30	15	Presented to Governor (1/30)	431
Feb.	3	17	Approved by Governor (2/2)	455

LEGISLATIVE BILL 21. By Executive Board

Jan.	8	2	Read first time	47
Jan.	9	3	Placed on General File	85
Jan.	13	4	Advanced for Review	130
Jan.	20	7	Placed on Select File	186
Jan.	21	8	Advanced for Engrossment	220
Jan.	26	11	Correctly Engrossed	352
Jan.	30	15	Final Reading 46-0-3	411
Jan.	30	15	President signed	419
Jan.	30	15	Presented to Governor (1/30)	431
Feb.	3	17	Approved by Governor (2/2)	455

LEGISLATIVE BILL 22. By Executive Board

Jan.	8	2	Read first time	47
Jan.	9	3	Placed on General File	85
Jan.	13	4	Advanced for Review	130
Jan.	20	7	Placed on Select File - AM5008	186
Jan.	21	8	AM5008 (E & R) adopted. Advanced for Engrossment	220
Jan.	26	11	Correctly Engrossed	352
Jan.	30	15	Final Reading 46-0-3	411
Jan.	30	15	President signed	419
Jan.	30	15	Presented to Governor (1/30)	431
Feb.	3	17	Approved by Governor (2/2)	455

LEGISLATIVE BILL 23. By Executive Board

Jan.	8	2	Read first time	47
Jan.	9	3	Placed on General File	85
Jan.	13	4	Advanced for Review	130
Jan.	20	7	Placed on Select File	186
Jan.	21	8	Advanced for Engrossment	220
Jan.	26	11	Correctly Engrossed	352
Jan.	30	15	Final Reading 47-0-2	412
Jan.	30	15	President signed	419
Jan.	30	15	Presented to Governor (1/30)	431
Feb.	3	17	Approved by Governor (2/2)	455

LEGISLATIVE BILL 24. By Executive Board

Jan.	8	2	Read first time	47
Jan.	9	3	Placed on General File	85
Jan.	13	4	Advanced for Review	130
Jan.	20	7	Placed on Select File - AM5009	186
Jan.	21	8	AM5009 (E & R) adopted. Advanced for Engrossment	221
Jan.	26	11	Correctly Engrossed	352
Jan.	30	15	Final Reading 46-0-3	413
Jan.	30	15	President signed	419
Jan.	30	15	Presented to Governor (1/30)	431
Feb.	3	17	Approved by Governor (2/2)	455

LEGISLATIVE BILL 25. By Executive Board

Jan.	8	2	Read first time	48
Jan.	9	3	Placed on General File	85
Jan.	13	4	Advanced for Review	131
Jan.	20	7	Placed on Select File	186
Jan.	21	8	Advanced for Engrossment	221
Jan.	26	11	Correctly Engrossed	352
Jan.	30	15	Final Reading 47-0-2	414
Jan.	30	15	President signed	419
Jan.	30	15	Presented to Governor (1/30)	431
Feb.	3	17	Approved by Governor (2/2)	455

LEGISLATIVE BILL 26. By Executive Board

Jan.	8	2	Read first time	48
Jan.	9	3	Placed on General File	85
Jan.	13	4	Advanced for Review	131
Jan.	20	7	Placed on Select File	186
Jan.	21	8	Advanced for Engrossment	221
Jan.	26	11	Correctly Engrossed	352
Jan.	30	15	Final Reading 47-0-2	415
Jan.	30	15	President signed	419
Jan.	30	15	Presented to Governor (1/30)	431
Feb.	3	17	Approved by Governor (2/2)	455

LEGISLATIVE BILL 27. By Executive Board

Jan.	8	2	Read first time	48
Jan.	9	3	Placed on General File	85

Jan.	13	4	Advanced for Review	131
Jan.	20	7	Placed on Select File	186
Jan.	21	8	Advanced for Engrossment	221
Jan.	26	11	Correctly Engrossed	352
Jan.	30	15	Final Reading 47-0-2	415
Jan.	30	15	President signed	419
Jan.	30	15	Presented to Governor (1/30)	431
Feb.	3	17	Approved by Governor (2/2)	455

LEGISLATIVE BILL 28. By Executive Board

Jan.	8	2	Read first time	48
Jan.	9	3	Placed on General File	85
Jan.	13	4	Advanced for Review	131
Jan.	20	7	Placed on Select File	186
Jan.	21	8	Advanced for Engrossment	221
Jan.	26	11	Correctly Engrossed	352
Jan.	30	15	Final Reading 46-0-3	416
Jan.	30	15	President signed	419
Jan.	30	15	Presented to Governor (1/30)	431
Feb.	3	17	Approved by Governor (2/2)	455

LEGISLATIVE BILL 29. By Executive Board

Jan.	8	2	Read first time	48
Jan.	9	3	Placed on General File	85
Jan.	13	4	Advanced for Review	131
Jan.	20	7	Placed on Select File - AM5010	186
Jan.	21	8	AM5010 (E & R) adopted. Advanced for Engrossment	221
Jan.	26	11	Correctly Engrossed. ER0106 change	352
Jan.	30	15	Final Reading 47-0-2	417
Jan.	30	15	President signed	419
Jan.	30	15	Presented to Governor (1/30)	431
Feb.	3	17	Approved by Governor (2/2)	455

LEGISLATIVE BILL 30. By Executive Board

Jan.	8	2	Read first time	48
Jan.	9	3	Placed on General File	85
Jan.	13	4	Advanced for Review	131
Jan.	20	7	Placed on Select File - AM5007	186
Jan.	21	8	AM5007 (E & R) adopted. Warner amendment #0010 adopted. Advanced for Engrossment	221

Jan. 26 11 Correctly Engrossed 352
Jan. 30 15 Final Reading 47-0-2 418
Jan. 30 15 President signed 419
Jan. 30 15 Presented to Governor (1/30) 431
Feb. 3 17 Approved by Governor (2/2) 455

LEGISLATIVE BILL 31. By Executive Board

Jan. 8 2 Read first time 49
Jan. 9 3 Placed on General File 85
Jan. 13 4 Advanced for Review 131
Jan. 20 7 Placed on Select File - AM5011 187
Jan. 21 8 AM5011 (E & R) adopted.
Advanced for Engrossment 221
Jan. 27 12 Correctly Engrossed 357
Feb. 9 21 Final Reading 41-0-8 528
Feb. 9 21 President signed 547
Feb. 9 21 Presented to Governor (2/9) 560
Feb. 17 25 Approved by Governor (2/12) 649

LEGISLATIVE BILL 32. By Executive Board

Jan. 8 2 Read first time 49
Jan. 9 3 Placed on General File 85
Jan. 13 4 Advanced for Review 131
Jan. 20 7 Placed on Select File - AM5012 187
Jan. 21 8 AM5012 (E & R) adopted.
Advanced for Engrossment 221
Jan. 27 12 Correctly Engrossed. ER0105 change 357
Feb. 9 21 Final Reading 42-0-7 528
Feb. 9 21 President signed 547
Feb. 9 21 Presented to Governor (2/9) 560
Feb. 17 25 Approved by Governor (2/12) 649

LEGISLATIVE BILL 33. By Executive Board

Jan. 8 2 Read first time 49
Jan. 9 3 Placed on General File 85
Jan. 13 4 Advanced for Review 131
Jan. 20 7 Placed on Select File 189
Jan. 21 8 Advanced for Engrossment 222
Jan. 27 12 Correctly Engrossed 357
Feb. 9 21 Final Reading 43-0-6 529
Feb. 9 21 President signed 547
Feb. 9 21 Presented to Governor (2/9) 560

Feb. 17 25 Approved by Governor (2/12) 649

LEGISLATIVE BILL 34. By Executive Board

Jan. 8 2 Read first time 49
Jan. 9 3 Placed on General File 85
Jan. 13 4 Advanced for Review 132
Jan. 20 7 Placed on Select File 189
Jan. 21 8 Advanced for Engrossment 222
Jan. 27 12 Correctly Engrossed 357
Feb. 9 21 Final Reading 43-0-6 530
Feb. 9 21 President signed 547
Feb. 9 21 Presented to Governor (2/9) 560
Feb. 17 25 Approved by Governor (2/12) 649

LEGISLATIVE BILL 35. By Executive Board

Jan. 8 2 Read first time 50
Jan. 9 3 Placed on General File 85
Jan. 13 4 Advanced for Review 132
Jan. 20 7 Placed on Select File - AM5013 189
Jan. 21 8 AM5013 (E & R) adopted.
Advanced for Engrossment 222
Jan. 27 12 Correctly Engrossed. ER0107 change 357
Feb. 9 21 Final Reading 43-0-6 531
Feb. 9 21 President signed 547
Feb. 9 21 Presented to Governor (2/9) 560
Feb. 17 25 Approved by Governor (2/12) 649

LEGISLATIVE BILL 36. By Executive Board

Jan. 8 2 Read first time 50
Jan. 9 3 Placed on General File 85
Jan. 13 4 Advanced for Review 132
Jan. 20 7 Placed on Select File 189
Jan. 21 8 Advanced for Engrossment 222
Jan. 27 12 Correctly Engrossed 357
Feb. 9 21 Final Reading 44-0-5 532
Feb. 9 21 President signed 547
Feb. 9 21 Presented to Governor (2/9) 560
Feb. 17 25 Approved by Governor (2/12) 649

LEGISLATIVE BILL 37. By Executive Board

Jan. 8 2 Read first time 50

Jan. 9 3 Placed on General File 85
Jan. 13 4 Advanced for Review 132
Jan. 20 7 Placed on Select File 189
Jan. 21 8 Advanced for Engrossment 222
Jan. 27 12 Correctly Engrossed 357
Feb. 9 21 Final Reading w/E 44-0-5 533
Feb. 9 21 President signed 547
Feb. 9 21 Presented to Governor (2/9) 560
Feb. 17 25 Approved by Governor (2/12) 649

LEGISLATIVE BILL 38. By Warner, L. Johnson

Jan. 8 2 Read first time 50
Jan. 9 3 Referred to Committee on Appropriations 85
Feb. 2 16 Notice of hearing (2/9) 434

LEGISLATIVE BILL 39. By Warner

Jan. 8 2 Read first time 50
Jan. 9 3 Referred to Committee on Transportation 85
Jan. 15 6 Notice of hearing (1/26) 173
Jan. 28 13 Placed on General File - Com am #0037 388
Jan. 29 14 Committee amendment #0037 adopted.
Advanced for Review 397
Feb. 2 16 Placed on Select File - AM5028 449
Feb. 3 17 AM5028 (E & R) adopted.
Advanced for Engrossment 463
Feb. 4 18 Correctly Engrossed 491
Feb. 4 18 ER0111 change printed 492
Feb. 11 23 Final Reading 43-0-6 589
Feb. 11 23 Speaker signed 598
Feb. 11 23 Presented to Governor (2/11) 609
Feb. 17 25 Approved by Governor (2/12) 648

LEGISLATIVE BILL 40. By Goodrich

Jan. 8 2 Read first time 51
Jan. 9 3 Referred to Committee on Banking,
Commerce and Insurance 85
Jan. 13 4 Notice of hearing (1/20) 147
Jan. 22 9 Placed on General File - Com am #0009 249
Jan. 26 11 Committee amendment #0009 adopted.
Barrett-Lamb amendment adopted.
Advanced for Review 347
Jan. 27 12 Placed on Select File - AM5015 361

Jan.	28	13	AM5015 (E & R) adopted. Advanced for Engrossment	381
Jan.	29	14	Correctly Engrossed	400
Jan.	30	15	Hannibal amendment #0062 printed	431
Feb.	9	21	Returned to Select File for Hannibal amendment. Hannibal pending amendment #0062 p. 431 adopted. Advanced for Re-Engrossment	533
Feb.	10	22	Correctly Re-Engrossed	573
Feb.	23	29	Final Reading w/E 41-1-7	756
Feb.	23	29	Speaker signed	767
Feb.	23	29	Presented to Governor (2/23)	769
Mar.	2	34	Approved by Governor (2/27)	860

LEGISLATIVE BILL 40A. By Goodrich

Jan.	26	11	Read first time. Placed on General File	348
Feb.	6	20	Advanced for Review	519
Feb.	10	22	Placed on Select File	563
Feb.	11	23	Advanced for Engrossment	601
Feb.	12	24	Correctly Engrossed	612
Feb.	23	29	Final Reading 43-1-5	757
Feb.	23	29	Speaker signed	767
Feb.	23	29	Presented to Governor (2/23)	769
Mar.	2	34	Approved by Governor (2/27)	860

LEGISLATIVE BILL 41. By Smith

Jan.	8	2	Read first time	51
Jan.	9	3	Referred to Committee on Transportation	85
Jan.	15	6	Notice of hearing (1/27)	173
Jan.	29	14	Placed on General File - Com am #0054	394
Jan.	30	15	Committee amendment #0054 adopted. Advanced for Review	430
Feb.	2	16	Placed on Select File - AM5034	450
Feb.	3	17	AM5034 (E & R) adopted. Advanced for Engrossment	464
Feb.	4	18	Correctly Engrossed	487
Feb.	11	23	Final Reading 45-0-4	590
Feb.	11	23	Speaker signed	598
Feb.	11	23	Presented to Governor (2/11)	609
Feb.	17	25	Approved by Governor (2/12)	648

LEGISLATIVE BILL 42. By Smith

Jan.	8	2	Read first time	51
Jan.	9	3	Referred to Committee on Health and Human Services	85
Feb.	4	18	Notice of hearing (2/19)	493
Mar.	3	35	Placed on General File - Com am #0414	888
Mar.	20	46	Committee amendment #0414 adopted. Advanced for Review	1187
Mar.	24	48	Placed on Select File - AM5132	1259
Mar.	25	49	AM5132 (E & R) adopted. Smith amendment #0742 and Wesely amendment #0738 adopted. Advanced for Engrossment	1295
Mar.	31	52	Correctly Engrossed. ER0148 change	1372
Apr.	8	58	Smith amendment #0914 printed	1576
Apr.	14	62	Returned to Select File for Smith amendment. Smith pending amendment #0914 p. 1576 adopted. Advanced for Re-Engrossment	1661
Apr.	15	63	Correctly Re-Engrossed	1690
Apr.	27	69	Smith amendment #1104 printed	1896
May	27	88	Smith pending amendment #1104 p. 1896 withdrawn. Final Reading 44-0-5	2621
May	27	88	Speaker signed	2629
May	28	89	Presented to Governor (5/28)	2639
May	29	90	Approved by Governor (5/29)	2723

LEGISLATIVE BILL 42A. By Smith

Mar.	24	48	Read first time. Placed on General File	1228
Mar.	26	50	Advanced for Review	1329
Mar.	31	52	Placed on Select File - AM5148	1374
Apr.	10	60	Smith amendment #0930 printed	1634
Apr.	16	64	AM5148 (E & R) adopted. Smith pending amendment #0930 p. 1634 adopted. Advanced for Engrossment	1738
Apr.	22	66	Correctly Engrossed	1785
Apr.	22	66	ER0175 change	1786
May	27	88	Final Reading 45-0-4	2622
May	27	88	Speaker signed	2629
May	28	89	Presented to Governor (5/28)	2639
May	29	90	Approved by Governor (5/29)	2723

LEGISLATIVE BILL 43. By Haberman

Jan.	8	2	Read first time	51
Jan.	9	3	Referred to Committee on Judiciary	85

Jan. 21 8 Notice of hearing (1/30) 220
Feb. 12 24 Indefinitely postponed 635

LEGISLATIVE BILL 44. By Haberman

Jan. 8 2 Read first time 51
Jan. 9 3 Referred to Committee on Revenue 85
Feb. 11 23 Notice of hearing (2/18) 586
Feb. 20 28 Indefinitely postponed 744

LEGISLATIVE BILL 45. By Haberman

Jan. 8 2 Read first time 51
Jan. 9 3 Referred to Committee on Revenue 85
Feb. 11 23 Notice of hearing (2/26) 586
Mar. 24 48 Indefinitely postponed 1234

LEGISLATIVE BILL 46. By Haberman

Jan. 8 2 Read first time 52
Jan. 9 3 Referred to Committee on Revenue 85
Feb. 11 23 Notice of hearing (3/12) 587
Mar. 24 48 Indefinitely postponed 1234

LEGISLATIVE BILL 47. By Haberman

Jan. 8 2 Read first time 52
Jan. 9 3 Referred to Committee on Judiciary 85
Jan. 21 8 Notice of hearing (1/29) 220
Feb. 2 16 Indefinitely postponed 434

LEGISLATIVE BILL 48. By Haberman

Jan. 8 2 Read first time 52
Jan. 9 3 Referred to Committee on General Affairs 85
Jan. 23 10 Notice of hearing (2/2) 291
Feb. 5 19 Indefinitely postponed 497
Feb. 6 20 Attorney General's Opinion #87017 to Pappas 510

LEGISLATIVE BILL 49. By Haberman

Jan. 8 2 Read first time 52
Jan. 9 3 Referred to Committee on Judiciary 85
Feb. 25 31 Notice of hearing (3/4) 810

Mar. 11 41 Indefinitely postponed 1032

LEGISLATIVE BILL 50. By Haberman

Jan. 8 2 Read first time 52
Jan. 9 3 Referred to Committee on Government, Military and Veterans Affairs 85
Jan. 28 13 Notice of hearing (2/4) 368
Feb. 5 19 Indefinitely postponed 505

LEGISLATIVE BILL 51. By Haberman

Jan. 8 2 Read first time 52
Jan. 9 3 Referred to Committee on Government, Military and Veterans Affairs 85
Jan. 21 8 Haberman motion to withdraw laid over 220
Jan. 22 9 Haberman pending motion p. 220 prevailed. Withdrawn 264

LEGISLATIVE BILL 52. By Haberman

Jan. 8 2 Read first time 52
Jan. 9 3 Referred to Committee on Government, Military and Veterans Affairs 85
Feb. 18 26 Notice of hearing (2/25) 693
Mar. 17 43 Placed on General File - Com am #0543 1094

LEGISLATIVE BILL 53. By Haberman

Jan. 8 2 Read first time 53
Jan. 9 3 Referred to Committee on Judiciary 85
Feb. 4 18 Notice of hearing (2/12) 484
Feb. 24 30 Indefinitely postponed 786

LEGISLATIVE BILL 54. By Haberman

Jan. 8 2 Read first time 53
Jan. 9 3 Referred to Committee on Judiciary 85
Feb. 4 18 Notice of hearing (2/12) 484
Feb. 24 30 Indefinitely postponed 786

LEGISLATIVE BILL 55. By Haberman

Jan. 8 2 Read first time 53
Jan. 9 3 Referred to Committee on Government,

			Military and Veteran Affairs	85
Feb.	10	22	Notice of hearing (2/18)	579
Mar.	6	38	Placed on General File - Com am #0473	943
Mar.	27	51	Committee amendment #0473 adopted. Advanced for Review	1370
Apr.	2	54	Placed on Select File	1451
Apr.	6	56	Advanced for Engrossment	1505
Apr.	9	59	Correctly Engrossed	1601
Apr.	14	62	Final Reading 38-0-11	1663
Apr.	14	62	Speaker signed	1674
Apr.	14	62	Presented to Governor (4/14)	1677
Apr.	21	65	Approved by Governor (4/17)	1741

LEGISLATIVE BILL 56. By Haberman

Jan.	8	2	Read first time	53
Jan.	9	3	Referred to Committee on Banking, Commerce and Insurance	85
Feb.	12	24	Notice of hearing (3/10)	625
Mar.	26	50	Indefinitely postponed	1308

LEGISLATIVE BILL 57. By Haberman

Jan.	8	2	Read first time	53
Jan.	9	3	Referred to Committee on Nebraska Retirement Systems	85
Feb.	19	27	Notice of hearing (3/2)	708

LEGISLATIVE BILL 58. By Haberman

Jan.	8	2	Read first time	54
Jan.	9	3	Referred to Committee on Nebraska Retirement Systems	85
Feb.	19	27	Notice of hearing (3/2)	708

LEGISLATIVE BILL 59. By Haberman

Jan.	8	2	Read first time	54
Jan.	9	3	Referred to Committee on Nebraska Retirement Systems	85
Jan.	20	7	Notice of hearing (1/28)	202
Jan.	30	15	Placed on General File - Com am #0076	426
Feb.	2	16	Committee amendment #0076 adopted. Advanced for Review	452
Feb.	3	17	Placed on Select File - AM5040	466

Feb. 4 18 AM5040 (E & R) adopted.
Advanced for Engrossment 489
Feb. 6 20 Correctly Engrossed 519
Feb. 12 24 Final Reading 40-0-9 617
Feb. 12 24 Speaker signed 628
Feb. 12 24 Presented to Governor (2/12) 634
Feb. 17 25 Approved by Governor (2/17) 663

LEGISLATIVE BILL 60. By Haberman

Jan. 8 2 Read first time 54
Jan. 9 3 Referred to Committee on Nebraska
Retirement Systems 85
Jan. 20 7 Notice of hearing (1/28) 202
Feb. 3 17 Placed on General File - Com am #0077 466
Feb. 4 18 Committee amendment #0077 adopted.
Advanced for Review 483
Feb. 5 19 Placed on Select File 508
Feb. 6 20 Advanced for Engrossment 514
Feb. 10 22 Correctly Engrossed 563
Apr. 6 56 Haberman amendment #0726 printed 1521
Apr. 10 60 Haberman pending amendment #0726
withdrawn. Returned to Select File for
Haberman amendment. Haberman amendment
#0940 (printed separate) adopted.
Advanced for Re-Engrossment 1607
Apr. 14 62 Correctly Re-Engrossed. ER0171 change 1678
Apr. 23 67 V. Johnson amendment #1016 printed 1826
Apr. 24 68 V. Johnson pending amendment #1016
p. 1826 withdrawn 1834
Apr. 24 68 Final Reading 42-1-6 1835
Apr. 24 68 Speaker signed 1841
Apr. 24 68 Presented to Governor (4/24) 1842
Apr. 29 71 Approved by Governor (4/29) 1944

LEGISLATIVE BILL 61. By Dierks

Jan. 8 2 Read first time 54
Jan. 9 3 Referred to Committee on Education 85
Jan. 15 6 Notice of hearing (1/27) 172
Jan. 28 13 Placed on General File 364
Jan. 29 14 Advanced for Review 394
Jan. 30 15 Placed on Select File - AM5026 428
Feb. 9 21 Dierks amendment #0096 printed 555
Feb. 10 22 AM5026 (E & R) adopted. Dierks pending

amendment #0096 p. 555 adopted. Advanced for Engrossment 566
Feb. 11 23 Correctly Engrossed 585
Feb. 12 24 Dierks amendment #0195 printed 628
Feb. 20 28 Returned to Select File for Dierks amendment. Dierks pending amendment #0195 p. 628 adopted. Advanced for Re-Engrossment 721
Feb. 24 30 Correctly Re-Engrossed 781
Feb. 24 30 ER0122 change 782
Feb. 27 33 Final Reading w/E 35-0-14 842
Feb. 27 33 Speaker signed 848
Feb. 27 33 Presented to Governor (2/27) 855
Mar. 3 35 Approved by Governor (3/2) 872

LEGISLATIVE BILL 62. By McFarland

Jan. 8 2 Read first time 54
Jan. 9 3 Referred to Committee on Banking, Commerce and Insurance 85
Jan. 15 6 Notice of hearing (1/27) 172
Feb. 10 22 Indefinitely postponed 577

LEGISLATIVE BILL 63. By McFarland

Jan. 8 2 Read first time 54
Jan. 9 3 Referred to Committee on Banking, Commerce and Insurance 86
Jan. 15 6 Notice of hearing (1/27) 172
Feb. 10 22 Indefinitely postponed 577

LEGISLATIVE BILL 64. By McFarland

Jan. 8 2 Read first time 54
Jan. 9 3 Referred to Committee on Judiciary 86
Mar. 11 41 Notice of hearing (3/19) 1030
Mar. 27 51 Indefinitely postponed 1369

LEGISLATIVE BILL 65. By McFarland

Jan. 8 2 Read first time 55
Jan. 9 3 Referred to Committee on Judiciary 86
Feb. 18 26 Notice of hearing (2/27) 693
Apr. 1 53 Indefinitely postponed 1435

LEGISLATIVE BILL 66. By Landis

Jan.	8	2	Read first time	55
Jan.	9	3	Referred to Committee on Revenue	86
Jan.	14	5	Notice of hearing (1/21)	159
Jan.	23	10	Placed on General File	297
Jan.	26	11	Advanced for Review	347
Jan.	27	12	Placed on Select File	361
Jan.	28	13	Advanced for Engrossment	381
Jan.	29	14	Correctly Engrossed	400
Feb.	9	21	Final Reading 45-2-2	534
Feb.	9	21	President signed	547
Feb.	9	21	Presented to Governor (2/9)	560
Feb.	17	25	Approved by Governor (2/12)	649

LEGISLATIVE BILL 67. By Morehead

Jan.	8	2	Read first time	55
Jan.	9	3	Referred to Committee on Banking, Commerce and Insurance	86
Jan.	13	4	Notice of hearing (1/20)	147
Jan.	15	6	Rereferred to Committee on Judiciary	170
Jan.	15	6	Labedz motion to suspend rules and cancel hearing prevailed	171
Jan.	15	6	Notice of hearing (1/20) (Cancelled)	172
Jan.	15	6	Morehead motion to rerefer to Banking, Commerce and Insurance Committee laid over	178
Jan.	20	7	Morehead pending motion p. 178 withdrawn	195
Jan.	28	13	Notice of hearing (2/4)	385
Feb.	26	32	Placed on General File - Com am #0302	830
Mar.	17	43	Haberman amendment #0406 to committee amendment printed	1088
Mar.	19	45	Ashford name added	1164
Mar.	24	48	Committee amendment #0302 adopted. Haberman pending amendment #0406 p. 1088 withdrawn. Advanced for Review	1233
Mar.	25	49	Morehead priority bill	1296
Mar.	26	50	Placed on Select File - AM5143	1320
Mar.	27	51	AM5143 (E & R) adopted. Advanced for Engrossment	1351
Mar.	31	52	Correctly Engrossed	1408
Apr.	3	55	Final Reading 43-0-6	1473
Apr.	3	55	Speaker signed	1486
Apr.	3	55	Presented to Governor (4/3)	1491
Apr.	9	59	Approved by Governor (4/8)	1579

LEGISLATIVE BILL 68. By Morehead

Jan.	8	2	Read first time	55
Jan.	9	3	Referred to Committee on Agriculture	86
Feb.	3	17	Notice of hearing (2/10)	458
Feb.	25	31	Placed on General File	821
Mar.	25	49	Barrett priority bill	1299
May	5	75	Attorney General's Opinion #87066 to R. Johnson	2012

LEGISLATIVE BILL 69. By Morehead

Jan.	8	2	Read first time	55
Jan.	9	3	Referred to Committee on General Affairs	86
Jan.	15	6	Notice of hearing (1/26)	173
Jan.	27	12	Placed on General File	358
Jan.	28	13	Advanced for Review	389
Jan.	29	14	Placed on Select File - AM5018	398
Jan.	30	15	AM5018 (E & R) adopted. Advanced for Engrossment	421
Feb.	2	16	Correctly Engrossed	451
Feb.	9	21	Final Reading w/E 49-0-0	540
Feb.	9	21	President signed	547
Feb.	9	21	Presented to Governor (2/9)	560
Feb.	17	25	Approved by Governor (2/12)	649

LEGISLATIVE BILL 70. By Lamb

Jan.	8	2	Read first time	56
Jan.	9	3	Referred to Committee on Education	86
Jan.	30	15	Notice of hearing (2/23)	405
Feb.	12	24	Notice of hearing (3/3) (Reset)	614
Mar.	5	37	Indefinitely postponed	923

LEGISLATIVE BILL 71. By Landis, McFarland

Jan.	8	2	Read first time	56
Jan.	9	3	Ashford name added	84
Jan.	9	3	Referred to Committee on Judiciary	86
Jan.	28	13	Notice of hearing (2/5)	385
Feb.	9	21	Withem name added	561
Feb.	11	23	Placed on General File - Com am #0178	603
Feb.	17	25	Landis amendment #0157 printed	660
Mar.	3	35	Committee amendment #0178 adopted. Landis pending amendment #0157 p. 660	

withdrawn. Advanced for Review 882
Mar. 5 37 Placed on Select File - AM5091 925
Mar. 6 38 Landis amendment #0326 printed 935
Mar. 9 39 AM5091 (E & R) adopted. Landis pending amendment #0326 p. 935 adopted. Ashford amendment adopted. Advanced for Engrossment 969
Mar. 10 40 Correctly Engrossed. ER0132 change 1008
Mar. 17 43 Returned to Select File for Landis amendment. Landis amendment #0610 adopted. Advanced for Re-Engrossment. Wesely motion to return to Select File for amendment #0618 withdrawn 1079
Mar. 18 44 Correctly Re-Engrossed 1102
Mar. 19 45 Attorney General's Opinion #87029 to Warner .. 1142
Mar. 20 46 Attorney General's Opinion #A to Wesely 1183
Mar. 23 47 Wesely and Haberman motions to return to Select File withdrawn. Final Reading 41-0-8 1201
Mar. 23 47 President signed 1207
Mar. 23 47 Presented to Governor (3/23) 1216
Mar. 26 50 Approved by Governor (3/26) 1315

LEGISLATIVE BILL 72. By Nelson, Remmers

Jan. 8 2 Read first time 56
Jan. 9 3 Referred to Committee on Judiciary 86
Jan. 15 6 Nelson motion to rerefer to Health and Human Services Committee laid over 178
Jan. 20 7 Nelson pending motion p. 178 to rerefer to Health and Human Services Committee prevailed 195
Feb. 4 18 Notice of hearing (2/20) 493
Mar. 24 48 Nelson motion to place on General File laid over 1224
Mar. 25 49 Indefinitely postponed 1278
Mar. 26 50 Nelson motion to place on General File laid over 1314
Mar. 31 52 Nelson pending motion p. 1224 withdrawn. Nelson pending motion p. 1314 pending 1390
Mar. 31 52 Nelson pending motion p. 1314 lost 1391

LEGISLATIVE BILL 73. By Nelson

Jan.	8	2	Read first time	56
Jan.	9	3	Referred to Committee on Banking, Commerce and Insurance	86
Jan.	15	6	Notice of hearing (1/27)	172
Jan.	29	14	Indefinitely postponed	398

LEGISLATIVE BILL 74. By Nelson

Jan.	8	2	Read first time	56
Jan.	9	3	Referred to Committee on Health and Human Services	86
Jan.	14	5	Hannibal name added	160
Jan.	15	6	Ashford name added	165
Jan.	28	13	Notice of hearing (2/6)	389
Mar.	3	35	Placed on General File - Com am #0416	889
Mar.	23	47	Nelson priority bill	1222
Apr.	1	53	Committee amendment #0416 adopted. Chambers amendment adopted. Advanced for Review	1434
Apr.	6	56	Placed on Select File - AM5171	1508
Apr.	9	59	Hall amendment #0927 printed	1605
Apr.	10	60	Hall amendment #0955 printed	1624
Apr.	14	62	AM5171 (E & R) adopted. Chambers amendment pending	1673
Apr.	14	62	Chambers pending amendment p. 1673 adopted. Hall pending amendment #0927 p. 1605 withdrawn. Hall pending amendment #0955 p. 1624 lost. Advanced for Engrossment	1674
Apr.	15	63	Correctly Engrossed. ER0174 change	1705
Apr.	24	68	Final Reading 34-7-8	1838
Apr.	24	68	Speaker signed	1841
Apr.	24	68	Presented to Governor (4/24)	1842
Apr.	29	71	Approved by Governor (4/29)	1944

LEGISLATIVE BILL 75. By Landis

Jan.	8	2	Read first time	56
Jan.	9	3	Referred to Committee on Transportation	86
Jan.	15	6	Notice of hearing (1/27)	173
Jan.	26	11	Morehead name added	352
Feb.	3	17	Placed on General File	469
Feb.	4	18	Advanced for Review	483
Feb.	6	20	Placed on Select File - AM5052	515
Mar.	19	45	AM5052 (E & R) adopted. V. Johnson	

amendment #0170 lost. Advanced for Engrossment 1147
Mar. 20 46 Correctly Engrossed 1189
Mar. 20 46 ER0143 change 1190
May 27 88 Returned to Select File for V. Johnson amendment. V. Johnson amendment #0170 adopted. Advanced for Re-Engrossment 2581
May 27 88 Correctly Re-Engrossed. ER0217 change 2606
May 29 90 Lynch motion to suspend rules prevailed 2696
May 29 90 Final Reading 45-0-4 2697
May 29 90 President signed 2702
May 29 90 Presented to Governor (5/29) 2723
June 4 AJ Approved by Governor (6/3) 2749

LEGISLATIVE BILL 75A. By Landis

Feb. 5 19 Read first time. Placed on General File 504
Mar. 17 43 Advanced for Review 1090
Mar. 17 43 Placed on Select File 1093
Mar. 19 45 Advanced for Engrossment 1148
Mar. 20 46 Correctly Engrossed 1189
May 29 90 Lynch motion to suspend rules prevailed 2696
May 29 90 Returned to Select File for Landis amendment. Landis amendment adopted. Stands indefinitely postponed 2698

LEGISLATIVE BILL 76. By Remmers

Jan. 8 2 Read first time 57
Jan. 9 3 Referred to Committee on Health and Human Services 86
Feb. 4 18 Notice of hearing (3/11) 494
Mar. 31 52 Placed on General File - Com am #0592 1378

LEGISLATIVE BILL 77. By Hefner

Jan. 8 2 Read first time 57
Jan. 9 3 Referred to Committee on Judiciary 86
Jan. 21 8 Notice of hearing (1/28) 220
Feb. 3 17 Placed on General File - Com am #0063 459
Feb. 4 18 Committee amendment #0063 adopted. L. Johnson name added. Advanced for Review 483
Feb. 5 19 Placed on Select File - AM5050 508
Feb. 6 20 AM5050 (E & R) adopted. Advanced for Engrossment 514

Feb.	10	22	Correctly Engrossed	563
Feb.	18	26	Final Reading 44-0-5	672
Feb.	18	26	Speaker signed	679
Feb.	18	26	Presented to Governor (2/18)	694
Feb.	23	29	Approved by Governor (2/20)	752

LEGISLATIVE BILL 78. By Barrett

Jan.	8	2	Read first time	57
Jan.	9	3	Referred to Committee on Banking, Commerce and Insurance	86
Jan.	13	4	Notice of hearing (1/20)	147
Feb.	9	21	Placed on General File - Com am #0028	549
Feb.	12	24	Committee amendment #0028 adopted as amended by Ashford amendment. Chambers motion to indefinitely postpone lost. Chambers amendment pending	632
Mar.	18	44	Chambers pending amendment p. 633 and Ashford amendment adopted. Advanced for Review	1127
Mar.	19	45	Placed on Select File - AM5125	1141
Mar.	23	47	AM5125 (E & R) adopted. Advanced for Engrossment	1212
Mar.	27	51	Correctly Engrossed	1332
Apr.	1	53	Returned to Select File for Ashford amendment. Ashford amendment adopted. Advanced for Re-Engrossment	1415
Apr.	2	54	Correctly Re-Engrossed. ER0154 change	1464
Apr.	10	60	Final Reading 41-0-8	1608
Apr.	10	60	Speaker signed	1617
Apr.	10	60	Presented to Governor (4/10)	1620
Apr.	15	63	Approved by Governor (4/14)	1690

LEGISLATIVE BILL 79. By Barrett

Jan.	8	2	Read first time	57
Jan.	9	3	Referred to Committee on Transportation	86
Jan.	15	6	Notice of hearing (1/26)	173
Jan.	27	12	Placed on General File	360
Jan.	28	13	Advanced for Review	389
Jan.	30	15	Placed on Select File	404
Feb.	3	17	Hall motion to indefinitely postpone lost. Failed to advance for Engrossment	457
Feb.	4	18	Hall amendment #0118 adopted.	

Advanced for Engrossment 489
Feb. 9 21 Correctly Engrossed. ER0112 change 526
Feb. 17 25 Final Reading 40-0-9 650
Feb. 17 25 Speaker signed 661
Feb. 17 25 Presented to Governor (2/17) 667
Feb. 23 29 Approved by Governor (2/20) 752

LEGISLATIVE BILL 80. By Barrett

Jan. 8 2 Read first time 57
Jan. 9 3 Referred to Committee on Transportation 86
Jan. 23 10 Notice of hearing (2/3) 303
Mar. 24 48 Placed on General File - Com am #0691 1250
Mar. 25 49 Barrett priority bill 1296
Apr. 2 54 Barrett amendment to committee amendment printed 1469
Apr. 3 55 Committee amendment #0691 adopted as amended by Barrett pending amendment p. 1469. Advanced for Review 1498
Apr. 9 59 Placed on Select File - AM5184 1578
Apr. 14 62 AM5184 (E & R) adopted. Advanced for Engrossment 1682
Apr. 16 64 Correctly Engrossed 1736
Apr. 23 67 Moore-L. Johnson-Pirsch amendment #1079 printed 1825
Apr. 24 68 Moore-L. Johnson-Pirsch pending amendment #1079 p. 1825 withdrawn. L. Johnson-Moore-Pirsch motion to return to Select File lost. Final Reading 35-9-5 1839
Apr. 24 68 Speaker signed 1841
Apr. 24 68 Presented to Governor (4/24) 1842
Apr. 29 71 Approved by Governor (4/29) 1944

LEGISLATIVE BILL 81. By Pappas, Hefner

Jan. 8 2 Read first time 57
Jan. 9 3 Referred to Committee on Government, Military and Veterans Affairs 86
Jan. 15 6 Notice of hearing (1/23) 178
Feb. 3 17 Indefinitely postponed 470

LEGISLATIVE BILL 82. By Pappas

Jan. 8 2 Read first time 58

Jan. 9 3 Referred to Committee on Government, Military and Veterans Affairs 86
Jan. 15 6 Notice of hearing (1/23) 178
Jan. 26 11 Indefinitely postponed 351

LEGISLATIVE BILL 83. By Pappas

Jan. 8 2 Read first time 58
Jan. 9 3 Referred to Committee on Agriculture 86
Feb. 3 17 Notice of hearing (2/10) 458
Mar. 11 41 Indefinitely postponed 1033

LEGISLATIVE BILL 84. By Pappas

Jan. 8 2 Read first time 58
Jan. 9 3 Referred to Committee on Transportation 86
Jan. 15 6 Notice of hearing (1/27) 173
Feb. 12 24 Indefinitely postponed 630

LEGISLATIVE BILL 85. By Pappas

Jan. 8 2 Read first time 58
Jan. 9 3 Referred to Committee on Education 86
Jan. 30 15 Notice of hearing (3/17) 405
Feb. 11 23 Pappas motion to withdraw laid over 589
Feb. 19 27 Pappas pending motion p. 589 prevailed. Withdrawn 701
Feb. 19 27 Notice of hearing (3/17) (Cancelled) 708

LEGISLATIVE BILL 86. By Pappas, Withem

Jan. 8 2 Read first time 58
Jan. 9 3 Referred to Committee on Revenue 86
Feb. 11 23 Notice of hearing (3/19) 587

LEGISLATIVE BILL 87. By Pappas, Chizek

Jan. 8 2 Read first time 58
Jan. 9 3 Referred to Committee on Revenue 86
Jan. 14 5 Notice of hearing (1/21) 159
Jan. 23 10 Placed on General File 297
Jan. 26 11 Advanced for Review 348
Jan. 27 12 Placed on Select File 361
Jan. 28 13 Advanced for Engrossment 381
Jan. 29 14 Correctly Engrossed 400

Feb. 9 21 Final Reading 46-1-2 535
Feb. 9 21 President signed 547
Feb. 9 21 Presented to Governor (2/9) 560
Feb. 17 25 Approved by Governor (2/12) 649

LEGISLATIVE BILL 88. By Landis, Morehead, Marsh

Jan. 8 2 Read first time 59
Jan. 9 3 Referred to Committee on Judiciary 86
Feb. 25 31 Notice of hearing (3/5) 810
Mar. 25 49 Landis motion to place on General File laid over 1281
Mar. 31 52 Landis pending motion p. 1281 to place on General File prevailed 1391

LEGISLATIVE BILL 89. By Landis, Wesely

Jan. 8 2 Read first time 59
Jan. 9 3 Referred to Committee on Government, Military and Veterans Affairs 86
Jan. 28 13 Notice of hearing (2/4) 368
Mar. 4 36 Indefinitely postponed 905

LEGISLATIVE BILL 90. By Scofield, Withem, Conway, McFarland, Smith, Rupp, Hartnett, Harris, Baack, Pappas, Barrett, Higgins

Jan. 8 2 Read first time 59
Jan. 9 3 Referred to Committee on Judiciary 86
Jan. 23 10 Morehead name added 286
Feb. 4 18 Notice of hearing (2/12) 484
Feb. 11 23 Pirsch name added 609
Mar. 24 48 Placed on General File - Com am #0159 1239
Mar. 25 49 Barrett priority bill 1299

LEGISLATIVE BILL 91. By Conway

Jan. 8 2 Read first time 59
Jan. 9 3 Referred to Committee on Health and Human Services 86
Jan. 21 8 Notice of hearing (1/30) 240
Feb. 2 16 Indefinitely postponed 447

LEGISLATIVE BILL 92. By Conway

Jan. 8 2 Read first time 60

Jan. 9 3 Referred to Committee on Business and Labor 86
Jan. 30 15 Notice of hearing (2/23) 427
Mar. 3 35 Indefinitely postponed 885

LEGISLATIVE BILL 93. By Conway

Jan. 8 2 Read first time 60
Jan. 9 3 Referred to Committee on Banking, Commerce and Insurance 86
Jan. 15 6 Notice of hearing (1/27) 172
Jan. 29 14 Placed on General File 395
Jan. 30 15 Advanced for Review 430
Feb. 3 17 Placed on Select File - AM5036 454
Feb. 4 18 AM5036 (E & R) adopted. Advanced for Engrossment 488
Feb. 6 20 Correctly Engrossed 519
Feb. 12 24 Final Reading 44-0-5 618
Feb. 12 24 Speaker signed 628
Feb. 12 24 Presented to Governor (2/12) 634
Feb. 17 25 Approved by Governor (2/17) 663

LEGISLATIVE BILL 94. By Pappas

Jan. 8 2 Read first time 60
Jan. 9 3 Referred to Committee on Revenue 86
Jan. 14 5 Notice of hearing (1/21) 159
Jan. 23 10 Indefinitely postponed 297

LEGISLATIVE BILL 95. By Marsh

Jan. 8 2 Read first time 60
Jan. 9 3 Referred to Committee on Health and Human Services 86
Feb. 4 18 Notice of hearing (2/20) 493
Mar. 25 49 Marsh priority bill 1297
Apr. 3 55 Placed on General File - Com am #0757 1488
Apr. 16 64 Marsh amendment #1019 to committee amendment printed 1735
Apr. 28 70 Schmit amendment #1126 printed 1917
Apr. 29 71 Committee amendment #0757 adopted as amended by Marsh pending amendment #1019 p. 1735. Schmit pending amendment #1126 p. 1917 pending 1939
Apr. 29 71 Schmit pending amendment #1126 p. 1917 ruled not germane. Schmit amendment

#1127 ruled not germane. R. Johnson point of order. Chair withdrew ruling on Schmit amendment #1127. Marsh requested ruling - Schmit amendment #1127 ruled not germane. Challenge of Chair withdrawn. Schmit motion to suspend rules and permit consideration of Schmit amendment #1127 lost. Rupp and Hall amendments adopted. 1940
Apr. 30 72 Failed to advance for Review 1958

LEGISLATIVE BILL 96. By Higgins

Jan. 8 2 Read first time 60
Jan. 9 3 Referred to Committee on Banking, Commerce and Insurance 86
Jan. 26 11 Notice of hearing (2/3) 348
Feb. 10 22 Indefinitely postponed 577
Feb. 11 23 Higgins motion to place on General File laid over 589
Feb. 17 25 Higgins pending motion p. 589 lost 661

LEGISLATIVE BILL 97. By Higgins

Jan. 8 2 Read first time 61
Jan. 9 3 Referred to Committee on Banking, Commerce and Insurance 86
Jan. 26 11 Notice of hearing (2/3) 349
Feb. 10 22 Indefinitely postponed 577
Feb. 12 24 Higgins motion to place on General File laid over 613
Feb. 18 26 Higgins pending motion p. 613 lost 683

LEGISLATIVE BILL 98. By Higgins

Jan. 8 2 Read first time 61
Jan. 9 3 Referred to Committee on Banking, Commerce and Insurance 86
Jan. 26 11 Notice of hearing (2/3) 349
Feb. 10 22 Indefinitely postponed 577
Feb. 17 25 Higgins motion to place on General File laid over 648
Feb. 20 28 Higgins pending motion p. 648 lost 733

LEGISLATIVE BILL 99. By Pappas

Jan.	8	2	Read first time	61
Jan.	9	3	Referred to Committee on Education	86
Jan.	9	3	Lynch name added	100
Jan.	15	6	Notice of hearing (2/3)	172
Feb.	11	23	Indefinitely postponed	605

LEGISLATIVE BILL 100. By Rogers

Jan.	8	2	Read first time	61
Jan.	9	3	Referred to Committee on Natural Resources	86
Jan.	22	9	Notice of hearing (1/29)	244
Feb.	4	18	Indefinitely postponed	491
Feb.	6	20	Rogers motion to place on General File laid over	517
Feb.	11	23	Rogers pending motion to place on General File lost	608

LEGISLATIVE BILL 101. By Rogers

Jan.	8	2	Read first time	63
Jan.	9	3	Referred to Committee on Banking, Commerce and Insurance	86
Jan.	15	6	Notice of hearing (1/26)	172
Feb.	10	22	Placed on General File - Com am #0140	583
Feb.	23	29	Rogers amendment #0292 to committee amendment printed	779
Mar.	3	35	Committee amendment #0140 adopted as amended by Rogers pending amendment #0292. Advanced for Review	879
Mar.	4	36	Placed on Select File - AM5090	903
Mar.	9	39	Rogers amendment #0509 printed	975
Mar.	10	40	AM5090 (E & R) adopted. Rogers pending amendment #0509 p. 975 adopted. Rogers amendment adopted. Passed over	998
Mar.	17	43	Rogers amendment #0614 printed	1089
Mar.	24	48	Rogers pending amendment #0614 p. 1089 and Warner amendment #0715 adopted. Advanced for Engrossment	1260
Mar.	27	51	Correctly Engrossed. ER0147 change	1353
Apr.	1	53	Final Reading w/E 47-0-2	1415
Apr.	1	53	Speaker signed	1430
Apr.	1	53	Presented to Governor (4/1)	1433
Apr.	6	56	Approved by Governor (4/6)	1525

LEGISLATIVE BILL 101A. By Rogers

Feb.	12	24	Read first time. Placed on General File	641
Mar.	3	35	Advanced for Review	880
Mar.	4	36	Placed on Select File	904
Mar.	24	48	Advanced for Engrossment	1262
Mar.	27	51	Correctly Engrossed	1353
Apr.	1	53	Final Reading w/E 47-0-2	1416
Apr.	1	53	Speaker signed	1430
Apr.	1	53	Presented to Governor (4/1)	1433
Apr.	6	56	Approved by Governor (4/6)	1525

LEGISLATIVE BILL 102. By Rogers

Jan.	8	2	Read first time	63
Jan.	9	3	Referred to Committee on Agriculture	86
Jan.	9	3	Moore and R. Johnson names added	100
Feb.	3	17	Notice of hearing (2/17)	458
Feb.	20	28	Placed on General File - Com am #0160	737
Mar.	12	42	Committee amendment #0160 adopted. Advanced for Review	1052
Mar.	17	43	Placed on Select File - AM5112	1081
Mar.	19	45	AM5112 (E & R) adopted. Advanced for Engrossment	1154
Mar.	23	47	Correctly Engrossed	1192
Mar.	25	49	Barrett priority bill	1299
Mar.	27	51	Final Reading 36-0-13	1334
Mar.	27	51	President signed	1350
Mar.	27	51	Presented to Governor (3/27)	1359
Mar.	31	52	Approved by Governor (3/30)	1376

LEGISLATIVE BILL 102A. By Rogers

Mar.	10	40	Read first time. Placed on General File	991
Mar.	12	42	Advanced for Review	1052
Mar.	17	43	Placed on Select File	1082
Mar.	19	45	Advanced for Engrossment	1154
Mar.	23	47	Correctly Engrossed	1192
Mar.	27	51	Final Reading 37-0-12	1334
Mar.	27	51	President signed	1350
Mar.	27	51	Presented to Governor (3/27)	1359
Mar.	31	52	Approved by Governor (3/30)	1376

LEGISLATIVE BILL 103. By Dierks, Rogers

Jan.	8	2	Read first time	63
Jan.	9	3	Referred to Committee on Agriculture	86
Jan.	13	4	Schmit name added	146
Jan.	27	12	Notice of hearing (2/3)	362

LEGISLATIVE BILL 104. By Dierks, Rogers

Jan.	8	2	Read first time	63
Jan.	9	3	Referred to Committee on Agriculture	86
Jan.	20	7	Dierks-Wesely-R. Johnson-Rogers motion to rerefer to Health and Human Services Committee laid over	213
Jan.	21	8	Dierks et al pending motion p. 213 prevailed. Rereferred to Committee on Health and Human Services	222
Feb.	4	18	Notice of hearing (3/4)	493
Mar.	24	48	Placed on General File - Com am #0450	1251
Mar.	25	49	Dierks priority bill	1297
Apr.	13	61	Committee amendment #0450 adopted. Lamb amendment adopted. Advanced for Review	1649
Apr.	15	63	Placed on Select File - AM5191	1688
Apr.	24	68	AM5191 (E & R) adopted. Advanced for Engrossment	1862
Apr.	27	69	Correctly Engrossed	1882
May	13	81	Dierks amendment #1351 printed	2228
May	26	87	Dierks amendment #1490 printed	2523
May	27	88	Dierks pending amendment #1351 p. 2228 withdrawn. Returned to Select File for Dierks amendment. Dierks pending amendment #1490 p. 2523 adopted. Advanced for Re-Engrossment	2577
May	27	88	Attorney General's Opinion #87081 to Schmit	2578
May	27	88	Correctly Re-Engrossed	2601
May	29	90	Lynch motion to suspend rules prevailed	2696
May	29	90	Final Reading 41-3-5	2698
May	29	90	President signed	2702
May	29	90	Presented to Governor (5/29)	2723
June	4	AJ	Approved by Governor (6/3)	2749

LEGISLATIVE BILL 104A. By Dierks

Apr.	21	65	Read first time. Placed on General File	1780

Apr.	27	69	Advanced for Review	1882
Apr.	27	69	Placed on Select File	1895
May	1	73	Advanced for Engrossment	1978
May	4	74	Correctly Engrossed	1999
May	29	90	Lynch motion to suspend rules prevailed	2696
May	29	90	Final Reading 42-2-5	2699
May	29	90	President signed	2702
May	29	90	Presented to Governor (5/29)	2723
June	4	AJ	Approved by Governor (6/3)	2749

LEGISLATIVE BILL 105. By Rupp

Jan.	8	2	Read first time	64
Jan.	9	3	Referred to Committee on Natural Resources	86
Jan.	21	8	Notice of hearing (1/28)	217
Feb.	2	16	Placed on General File	451
Feb.	3	17	Lamb amendment lost. Advanced for Review	468
Feb.	4	18	Placed on Select File - AM5046	495
Feb.	5	19	AM5046 (E & R) adopted. Morehead amendment #0128 adopted. Advanced for Engrossment	502
Feb.	10	22	Correctly Engrossed. ER0115 change	563
Feb.	18	26	Final Reading 46-0-3	673
Feb.	18	26	Speaker signed	679
Feb.	18	26	Presented to Governor (2/18)	694
Feb.	23	29	Approved by Governor (2/20)	752

LEGISLATIVE BILL 106. By Rupp

Jan.	8	2	Read first time	64
Jan.	9	3	Referred to Committee on Education	86
Jan.	15	6	Notice of hearing (1/27)	172
Jan.	28	13	Placed on General File	364
Jan.	29	14	Advanced for Review	395
Jan.	30	15	Placed on Select File - AM5025	429
Feb.	2	16	AM5025 (E & R) adopted. Advanced for Engrossment	433
Feb.	3	17	Correctly Engrossed	455
Feb.	9	21	Final Reading 47-0-2	542
Feb.	9	21	President signed	547
Feb.	9	21	Presented to Governor (2/9)	560
Feb.	17	25	Approved by Governor (2/12)	649

LEGISLATIVE BILL 107. By Rupp

Jan.	8	2	Read first time	64
Jan.	9	3	Referred to Committee on Education	87
Jan.	15	6	Notice of hearing (1/27)	172
Mar.	5	37	Indefinitely postponed	923

LEGISLATIVE BILL 108. By Withem, Hannibal, Haberman

Jan.	8	2	Read first time	64
Jan.	9	3	Referred to Committee on Revenue	87
Feb.	11	23	Notice of hearing (3/19)	587
Mar.	24	48	Indefinitely postponed	1234

LEGISLATIVE BILL 109. By Withem

Jan.	8	2	Read first time	64
Jan.	9	3	Referred to Committee on Banking, Commerce and Insurance	87
Jan.	15	6	Notice of hearing (1/26)	172
Jan.	27	12	Placed on General File	362
Jan.	28	13	Advanced for Review	390
Jan.	30	15	Placed on Select File	404
Feb.	2	16	Advanced for Engrossment	433
Feb.	3	17	Correctly Engrossed	455
Feb.	9	21	Final Reading w/E 49-0-0	543
Feb.	9	21	President signed	547
Feb.	9	21	Presented to Governor (2/9)	560
Feb.	17	25	Approved by Governor (2/12)	649

LEGISLATIVE BILL 110. By Withem

Jan.	8	2	Read first time	65
Jan.	9	3	Referred to Committee on Government, Military and Veterans Affairs	87
Jan.	15	6	Notice of hearing (1/22)	178
Jan.	23	10	Placed on General File	327
Jan.	26	11	Haberman amendment adopted. Advanced for Review	350
Jan.	27	12	Placed on Select File - AM5017	361
Jan.	28	13	AM5017 (E & R) adopted. Withem amendment #0049 adopted. Advanced for Engrossment	382
Jan.	29	14	Correctly Engrossed. ER0108 change	400
Feb.	9	21	Final Reading 45-0-4	535
Feb.	9	21	President signed	547

Feb. 9 21 Presented to Governor (2/9) 560
Feb. 17 25 Approved by Governor (2/14) 663

LEGISLATIVE BILL 111. By Withem

Jan. 8 2 Read first time 65
Jan. 9 3 Referred to Committee on Judiciary 87
Feb. 4 18 Notice of hearing (2/12) 484
Feb. 24 30 Placed on General File 786
Mar. 27 51 Hefner amendment #0706 printed 1354

LEGISLATIVE BILL 112. By Wesely

Jan. 8 2 Read first time 65
Jan. 9 3 Referred to Committee on Health and Human Services 87
Jan. 21 8 Notice of hearing (1/28) 240
Feb. 2 16 Placed on General File - Com am #0065 447
Feb. 3 17 Committee amendment #0065 adopted. Advanced for Review 465
Feb. 4 18 Placed on Select File - AM5047 494
Feb. 5 19 AM5047 (E & R) adopted. Advanced for Engrossment 502
Feb. 9 21 Correctly Engrossed 548
Feb. 17 25 Final Reading 43-0-6 651
Feb. 17 25 Speaker signed 661
Feb. 17 25 Presented to Governor (2/17) 667
Feb. 23 29 Approved by Governor (2/20) 752

LEGISLATIVE BILL 113. By Landis, Wesely, Marsh, Harris, McFarland, Warner

Jan. 8 2 Read first time 65
Jan. 9 3 Referred to Committee on Banking, Commerce and Insurance 87
Jan. 15 6 Notice of hearing (1/26) 172
Mar. 19 45 Placed on General File 1157
Apr. 21 65 Attorney General's Opinion #87053 to Landis ... 1746

LEGISLATIVE BILL 114. By Landis, R. Johnson

Jan. 8 2 Read first time 65
Jan. 9 3 Ashford name added 84
Jan. 9 3 Referred to Committee on Natural Resources 87
Jan. 9 3 Lynch name added 100

Jan.	14	5	Korshoj name added	160
Jan.	28	13	Notice of hearing (2/5)	369
Mar.	20	46	Landis priority bill	1191
Mar.	23	47	Placed on General File - Com am #0556	1214
Apr.	2	54	Committee amendment #0556 adopted as amended by Landis amendment #0849	1466
Apr.	3	55	Pending	1492
Apr.	3	55	Schmit amendment #0865 adopted. Advanced for Review	1493
Apr.	6	56	R. Johnson name withdrawn	1526
Apr.	8	58	Placed on Select File - AM5182	1569
Apr.	14	62	AM5182 (E & R) adopted. Advanced for Engrossment	1682
Apr.	16	64	Correctly Engrossed. ER0173 change	1736
Apr.	23	67	Landis amendment #0985 printed	1820
Apr.	24	68	Returned to Select File for Landis amendment. Landis pending amendment #0985 p. 1820 adopted	1840
Apr.	24	68	Withem motion to bracket until 4/27 prevailed	1842
May	1	73	Advanced for Re-Engrossment	1978
May	5	75	Correctly Re-Engrossed	2028
May	5	75	ER0179 change	2029
May	14	82	R. Johnson motion to return to committee lost	2300
May	14	82	Scofield and R. Johnson motions to return to Select File withdrawn. Final Reading 26-20-3	2301
May	14	82	Speaker signed	2317
May	18	83	Presented to Governor (5/14)	2321
May	20	85	Approved by Governor (5/20)	2430

LEGISLATIVE BILL 115. By L. Johnson

Jan.	8	2	Read first time	66
Jan.	9	3	Referred to Committee on Banking, Commerce and Insurance	87
Jan.	15	6	Notice of hearing (1/26)	172
Jan.	27	12	Placed on General File	362
Jan.	28	13	Advanced for Review	390
Jan.	30	15	Placed on Select File	404
Feb.	2	16	Advanced for Engrossment	433
Feb.	3	17	Correctly Engrossed	455
Feb.	9	21	Final Reading 49-0-0	544
Feb.	9	21	President signed	547

Feb. 9 21 Presented to Governor (2/9) 560
Feb. 17 25 Approved by Governor (2/12) 649

LEGISLATIVE BILL 116. By Morehead, Schmit, Rogers, Rupp, Smith, Remmers, R. Johnson, Hartnett, Ashford

Jan. 8 2 Read first time 66
Jan. 9 3 Ashford name withdrawn 84
Jan. 9 3 Referred to Committee on Health and Human Services 87
Feb. 2 16 Conway name added 435
Feb. 4 18 Notice of hearing (2/11) 492
Feb. 11 23 Coordsen name added 609
Mar. 10 40 Placed on General File - Com am #0424 994
Mar. 20 46 Remmers priority bill 1168
Mar. 26 50 Attorney General's Opinion #87040 to Morehead 1313
Mar. 31 52 Baack amendment #0802 printed 1411
Apr. 1 53 Morehead amendment #0769 to committee amendment pending 1444
Apr. 2 54 Committee amendment #0424 adopted as amended by Morehead pending amendment #0769 p. 1444 and Wesely amendment. Baack pending amendment #0802 p. 1411 withdrawn. Advanced for Review 1450
Apr. 7 57 Placed on Select File - AM5174 1533
Apr. 8 58 Attorney General's Opinion #D to Morehead 1570
Apr. 9 59 Wesely-Morehead amendment #0934 printed 1601
Apr. 14 62 AM5174 (E & R) adopted. Wesely-Morehead pending amendment #0934 p. 1601 adopted. Advanced for Engrossment 1680
Apr. 16 64 Correctly Engrossed 1719
Apr. 27 69 Morehead motion to return to Select File withdrawn 1872
Apr. 27 69 Final Reading w/E 35-5-9 1873
Apr. 27 69 Speaker signed 1882
Apr. 27 69 Presented to Governor (4/27) 1886
Apr. 29 71 Approved by Governor (4/29) 1944

LEGISLATIVE BILL 117. By Pirsch

Jan. 8 2 Read first time 66
Jan. 9 3 Referred to Committee on Judiciary 87
Jan. 28 13 Notice of hearing (2/6) 385
Feb. 19 27 Placed on General File - Com am #0250 707

LEGISLATIVE BILL 118. By Pirsch, Landis

Jan. 8 2 Read first time 66
Jan. 9 3 Referred to Committee on Judiciary 87
Feb. 10 22 Notice of hearing (2/19) 571

LEGISLATIVE BILL 119. By Pirsch

Jan. 8 2 Read first time 66
Jan. 9 3 Referred to Committee on Judiciary 87
Feb. 10 22 Notice of hearing (2/19) 571
Apr. 2 54 Indefinitely postponed 1466

LEGISLATIVE BILL 120. By Pirsch

Jan. 8 2 Read first time 67
Jan. 9 3 Referred to Committee on Judiciary 87
Feb. 10 22 Notice of hearing (2/19) 571

LEGISLATIVE BILL 121. By Pirsch

Jan. 8 2 Read first time 67
Jan. 13 4 Referred to Committee on Judiciary 120
Feb. 10 22 Notice of hearing (2/19) 571

LEGISLATIVE BILL 122. By Pirsch

Jan. 8 2 Read first time 67
Jan. 13 4 Referred to Committee on Judiciary 120
Feb. 10 22 Notice of hearing (2/19) 571
Apr. 1 53 Placed on General File 1435

LEGISLATIVE BILL 123. By Pirsch

Jan. 8 2 Read first time 67
Jan. 13 4 Referred to Committee on Judiciary 120
Jan. 21 8 Notice of hearing (1/30) 220
Jan. 23 10 Hannibal name added 339
Feb. 10 22 Ashford name added 584
Feb. 11 23 Haberman name added 609
Feb. 12 24 Placed on General File - Com am #0181 634
Mar. 9 39 Chambers amendment lost. Chambers amendment to committee amendment pending 972
Mar. 11 41 Chambers pending amendment p. 973 lost.

			Committee amendment #0181 adopted as amended by Chambers amendment. Hall amendment withdrawn	1024
Mar.	11	41	Chambers motion to bracket until 5/29 pending	1030
Mar.	11	41	Chambers pending motion to bracket until 5/29 lost	1031
Mar.	17	43	McFarland motion to indefinitely postpone lost. Advanced for Review	1091
Mar.	18	44	Placed on Select File - AM5124	1102
Mar.	23	47	AM5124 (E & R) adopted. Ashford motion to bracket until May 16 prevailed. Conway amendment to Ashford motion lost	1211
Mar.	23	47	Chambers amendments (1) to (3) printed	1216
Mar.	23	47	Chambers amendments (4) to (8) printed	1217
Mar.	23	47	Chambers amendments (9) and (10) printed	1218

LEGISLATIVE BILL 124. By R. Johnson, Rogers, Hefner, Scofield, Baack

Jan.	8	2	Read first time	67
Jan.	13	4	Referred to Committee on Natural Resources	120
Jan.	14	5	Elmer name added	160
Feb.	10	22	Notice of hearing (2/25)	571
Mar.	18	44	Attorney General's Opinion #87036 to Schmit	1114
Mar.	23	47	Placed on General File - Com am #0676	1220
Mar.	25	49	R. Johnson priority bill	1297
Apr.	1	53	Abboud name added	1444
Apr.	10	60	Schmit amendment #0951 printed	1633
Apr.	13	61	Schmit motion to bracket until 5/15 lost. Committee amendment #0676 adopted. Schmit amendment #0953 lost. Schmit pending amendment #0951 p. 1633 withdrawn. Schmit amendment adopted	1641
Apr.	13	61	Advanced for Review	1646
Apr.	15	63	Placed on Select File - AM5187	1687
Apr.	21	65	AM5187 (E & R) adopted. Wehrbein motion to bracket until January 1988 lost	1778
Apr.	21	65	R. Johnson amendment #1030 printed	1784
May	4	74	Schmit amendment #1171 printed	2000
May	5	75	Bracketed until 1/10/88 by Lamb	2032

LEGISLATIVE BILL 125. By Miller

Jan.	8	2	Read first time	67
Jan.	13	4	Referred to Committee on Revenue	120
Jan.	14	5	Notice of hearing (1/21)	159
Jan.	23	10	Placed on General File	297
Jan.	26	11	Advanced for Review	349
Jan.	27	12	Placed on Select File	361
Jan.	28	13	Advanced for Engrossment	382
Jan.	29	14	Correctly Engrossed	402
Feb.	9	21	Final Reading 47-0-2	536
Feb.	9	21	President signed	547
Feb.	9	21	Presented to Governor (2/9)	560
Feb.	17	25	Approved by Governor (2/12)	649

LEGISLATIVE BILL 126. By Wesely

Jan.	8	2	Read first time	67
Jan.	13	4	Referred to Committee on Health and Human Services	120
Feb.	4	18	Notice of hearing (2/11)	492
Feb.	19	27	Placed on General File	706
Mar.	25	49	Health and Human Services Committee priority bill	1298
May	6	76	Pappas motion to indefinitely postpone laid over	2068

LEGISLATIVE BILL 127. By Moore, Lamb

Jan.	8	2	Read first time	69
Jan.	9	3	Dierks name added	84
Jan.	13	4	Referred to Committee on Education	120
Jan.	13	4	Notice of hearing (1/20)	132
Jan.	22	9	Placed on General File - Com am #0011	279
Jan.	26	11	Committee amendment #0011 adopted. Advanced for Review	347
Jan.	27	12	Placed on Select File - AM5014	361
Jan.	28	13	AM5014 (E & R) adopted. Advanced for Engrossment	381
Jan.	29	14	Correctly Engrossed	400
Feb.	9	21	Final Reading 46-2-1	537
Feb.	9	21	President signed	547
Feb.	9	21	Presented to Governor (2/9)	560
Feb.	17	25	Approved by Governor (2/12)	649

LEGISLATIVE BILL 128. By Miller

Jan. 9 3 Read first time 88
Jan. 13 4 Referred to Committee on Education 120
Jan. 29 14 Notice of hearing (3/10) 396
Mar. 18 44 Placed on General File 1109

LEGISLATIVE BILL 129. By Pappas

Jan. 9 3 Read first time 88
Jan. 13 4 Referred to Committee on Government, Military and Veterans Affairs 120
Jan. 15 6 Notice of hearing (1/23) 178
Feb. 3 17 Placed on General File - Com am #0085 469
Feb. 4 18 Committee amendment #0085 adopted. Advanced for Review 485
Feb. 5 19 Placed on Select File - AM5049 508
Feb. 6 20 AM5049 (E & R) adopted. Advanced for Engrossment 514
Feb. 10 22 Correctly Engrossed 563
Feb. 18 26 Final Reading 45-2-2 674
Feb. 18 26 Speaker signed 679
Feb. 18 26 Presented to Governor (2/18) 694
Feb. 23 29 Approved by Governor (2/20) 752

LEGISLATIVE BILL 130. By Warner

Jan. 9 3 Read first time 88
Jan. 13 4 Referred to Committee on Appropriations 120
Jan. 21 8 Notice of hearing (1/28) 217
Apr. 24 68 Placed on General File - Com am #1036 1853
May 5 75 Committee amendment #1036 adopted. Advanced for Review 2023
May 7 77 Placed on Select File - AM5213 2076
May 12 80 Warner motion to suspend rules prevailed 2219
May 12 80 AM5213 (E & R) adopted. Landis amendment #1346 pending. Higgins amendment to amendment #1346 pending 2221
May 13 81 Landis pending amendment #1346 p. 2221 ruled germane. Higgins motion to overrule chair lost. Higgins pending amendment p. 2221 lost 2233
May 13 81 Higgins amendment to pending Landis amendment p. 2221 ruled germane. Landis motion to bracket until 5/14 prevailed 2247

May 13 81 Elmer-Pappas amendment #1370 printed separate 2278
May 18 83 Higgins pending amendment p. 2247 withdrawn. Landis pending amendment #1346 p. 2221 and McFarland amendment #1365 lost 2340
May 18 83 Elmer-Pappas pending amendment #1370 p. 2278 withdrawn. Hall amendment #1389 (on file) ruled germane and withdrawn. Smith motion to reconsider McFarland amendment #1365 p. 2341 lost. Wesely amendment pending. V. Johnson motion to bracket until 5/26/87 prevailed 2352
May 19 84 Smith amendment #1432 printed 2387
May 21 86 V. Johnson amendment #1478 printed 2479
May 27 88 Wesely pending amendment p. 2354 lost. Lamb point of order. McFarland name added to Smith pending amendment #1432 p. 2387. Smith-McFarland pending amendment #1432 p. 2387 lost 2561
May 27 88 V. Johnson pending amendment #1478 p. 2479 pending. Chambers motion to bracket until 5/31/87 prevailed 2568

LEGISLATIVE BILL 131. By Warner

Jan. 9 3 Read first time 89
Jan. 13 4 Referred to Committee on Appropriations 120
Jan. 21 8 Notice of hearing (1/28) 217
Apr. 24 68 Placed on General File - Com am #1000 1853
Apr. 29 71 Committee amendment #1000 adopted. Advanced for Review 1929
Apr. 30 72 Placed on Select File - AM5200 1961
May 5 75 AM5200 (E & R) adopted. Advanced for Review 2025
May 8 78 Correctly Engrossed 2103
May 14 82 Morehead motion to return to Select File for amendment #1340 lost. Final Reading w/E 38-0-11 2303
May 14 82 Speaker signed 2317
May 18 83 Presented to Governor (5/14) 2321
May 19 84 Approved by Governor (5/19) 2392

LEGISLATIVE BILL 132. By Warner

Jan.	9	3	Read first time	89
Jan.	13	4	Referred to Committee on Transportation	120
Jan.	15	6	Notice of hearing (1/26)	173
Jan.	28	13	Placed on General File - Com am #0039	390
Jan.	29	14	Committee amendment #0039 adopted. Advanced for Review	400
Feb.	2	16	Placed on Select File - AM5031	450
Feb.	5	19	AM5031 (E & R) adopted. Warner amendment #0119 adopted. Advanced for Engrossment	499
Feb.	9	21	Correctly Engrossed	548
Feb.	17	25	Final Reading 42-1-6	651
Feb.	17	25	Speaker signed	661
Feb.	17	25	Presented to Governor (2/17)	667
Feb.	23	29	Approved by Governor (2/20)	752

LEGISLATIVE BILL 133. By Warner

Jan.	9	3	Read first time	89
Jan.	13	4	Referred to Committee on Transportation	120
Jan.	15	6	Notice of hearing (1/26)	173
Jan.	28	13	Placed on General File - Com am #0038	388
Jan.	29	14	Committee amendment #0038 adopted. Advanced for Review	397
Feb.	2	16	Placed on Select File - AM5029	450
Feb.	3	17	AM5029 (E & R) adopted. Advanced for Engrossment	463
Feb.	4	18	Correctly Engrossed	487
Feb.	11	23	Final Reading 46-0-3	591
Feb.	11	23	Speaker signed	598
Feb.	11	23	Presented to Governor (2/11)	609
Feb.	17	25	Approved by Governor (2/12)	648

LEGISLATIVE BILL 134. By Barrett

Jan.	9	3	Read first time	89
Jan.	13	4	Referred to Committee on Health and Human Services	120
Jan.	21	8	Notice of hearing (1/29)	240
Jan.	30	15	Placed on General File	426
Feb.	2	16	Advanced for Review	452
Feb.	3	17	Placed on Select File - AM5043	473
Feb.	4	18	AM5043 (E & R) adopted. Advanced for Engrossment	489

Feb. 9 21 Correctly Engrossed 526
Feb. 17 25 Final Reading 44-0-5 652
Feb. 17 25 Speaker signed 661
Feb. 17 25 Presented to Governor (2/17) 667
Feb. 23 29 Approved by Governor (2/20) 752

LEGISLATIVE BILL 135. By Miller

Jan. 9 3 Read first time 89
Jan. 13 4 Referred to Committee on Transportation 120
Jan. 23 10 Notice of hearing (2/2) 303
Feb. 3 17 Placed on General File - Com am #0100 474
Feb. 4 18 Committee amendment #0100 adopted.
Advanced for Review 487
Feb. 6 20 Placed on Select File - AM5054 516
Feb. 10 22 AM5054 (E & R) adopted.
Advanced for Engrossment 566
Feb. 11 23 Correctly Engrossed 585
Feb. 20 28 Final Reading 43-0-6 722
Feb. 20 28 President signed 731
Feb. 20 28 Presented to Governor (2/20).
Abboud explanation of vote 744
Feb. 23 29 Approved by Governor (2/20) 753

LEGISLATIVE BILL 136. By Haberman

Jan. 9 3 Read first time 90
Jan. 13 4 Referred to Committee on Banking,
Commerce and Insurance 121
Jan. 15 6 Notice of hearing (1/27) 172
Jan. 29 14 Placed on General File 395
Jan. 30 15 Advanced for Review 430
Feb. 3 17 Placed on Select File - AM5035 455
Feb. 4 18 AM5035 (E & R) adopted.
Advanced for Engrossment 488
Feb. 6 20 Correctly Engrossed 519
Feb. 12 24 Final Reading w/E 46-0-3 619
Feb. 12 24 Speaker signed 628
Feb. 12 24 Presented to Governor (2/12) 634
Feb. 17 25 Approved by Governor (2/17) 663

LEGISLATIVE BILL 137. By Ashford

Jan. 9 3 Read first time 90
Jan. 13 4 Referred to Committee on Banking,

Commerce and Insurance 121
Jan. 15 6 Notice of hearing (1/26) 172
Jan. 27 12 Placed on General File 362
Jan. 28 13 Advanced for Review 390
Jan. 30 15 Placed on Select File - AM5021 404
Feb. 2 16 AM5021 (E & R) adopted.
Advanced for Engrossment 433
Feb. 3 17 Correctly Engrossed 455
Feb. 9 21 Final Reading 49-0-0 544
Feb. 9 21 President signed 547
Feb. 9 21 Presented to Governor (2/9) 560
Feb. 17 25 Approved by Governor (2/12) 649

LEGISLATIVE BILL 138. By R. Johnson

Jan. 9 3 Read first time 90
Jan. 13 4 Referred to Committee on Agriculture 121
Jan. 20 7 Notice of hearing (1/27) 202
Mar. 11 41 Placed on General File - Com am #0444 1037
Mar. 25 49 Agriculture Committee priority bill 1298
Mar. 26 50 Lamb amendment #0599 printed 1329
Apr. 15 63 Schmit amendment to committee amendment withdrawn. Committee amendment #0444 adopted. Lamb pending amendment #0599 p. 1329 adopted. Schmit motion to indefinitely postpone lost.
Advanced for Review 1693
Apr. 21 65 Placed on Select File - AM5193 1754
May 6 76 AM5193 (E & R) adopted. Schmit motion to indefinitely postpone laid over 2056
May 13 81 Schmit pending motion to indefinitely postpone withdrawn 2265
May 13 81 Advanced for Engrossment 2270
May 18 83 Correctly Engrossed 2335
May 21 86 Final Reading w/E 38-7-4 2470
May 21 86 Speaker signed 2478
May 21 86 Presented to Governor (5/21) 2483
May 26 87 Approved by Governor (5/26) 2524

LEGISLATIVE BILL 139. By Abboud

Jan. 9 3 Read first time 90
Jan. 13 4 Referred to Committee on Banking, Commerce and Insurance 121
Jan. 22 9 Rereferred to Committee on Revenue 249

Feb. 11 23 Notice of hearing (3/5) 586
Mar. 10 40 Indefinitely postponed 992

LEGISLATIVE BILL 140. By Moore

Jan. 9 3 Read first time 90
Jan. 13 4 Referred to Committee on Natural Resources 121
Jan. 22 9 Notice of hearing (1/29) 244
Feb. 3 17 Placed on General File 459
Feb. 4 18 Advanced for Review 488
Feb. 6 20 Placed on Select File - AM5057 519
Feb. 10 22 AM5057 (E & R) adopted. Moore amendment #0149 adopted. Advanced for Engrossment 568
Feb. 12 24 Correctly Engrossed 612
Feb. 12 24 ER0116 change 613
Feb. 23 29 Final Reading 42-0-7 758
Feb. 23 29 Speaker signed 767
Feb. 23 29 Presented to Governor (2/23) 769
Mar. 2 34 Approved by Governor (2/27) 860

LEGISLATIVE BILL 141. By Abboud

Jan. 9 3 Read first time 92
Jan. 13 4 Referred to Committee on Banking, Commerce and Insurance 121
Feb. 12 24 Notice of hearing (3/9) 624
Mar. 19 45 Indefinitely postponed 1157

LEGISLATIVE BILL 142. By Remmers, Hall

Jan. 9 3 Read first time 92
Jan. 13 4 Referred to Committee on Education 121
Jan. 15 6 Notice of hearing (1/26) 172
Jan. 28 13 Placed on General File - Com am #0040 364
Jan. 29 14 Committee amendment #0040 adopted. Advanced for Review 395
Jan. 30 15 Placed on Select File - AM5022 429
Feb. 2 16 AM5022 (E & R) adopted. Advanced for Engrossment 433
Feb. 3 17 Correctly Engrossed 455
Feb. 9 21 Final Reading w/E 49-0-0 545
Feb. 9 21 President signed 547
Feb. 9 21 Presented to Governor (2/9) 560
Feb. 17 25 Approved by Governor (2/12) 649

LEGISLATIVE BILL 143. By Nelson, Remmers

Jan. 9 3 Read first time 92
Jan. 13 4 Referred to Committee on Revenue 121
Jan. 28 13 Notice of hearing (2/5) 385
Feb. 9 21 Indefinitely postponed 554

LEGISLATIVE BILL 144. By Abboud

Jan. 9 3 Read first time 92
Jan. 13 4 Referred to Committee on Government, Military and Veteran Affairs 121
Jan. 21 8 Notice of hearing (1/28) 216

LEGISLATIVE BILL 145. By Weihing

Jan. 9 3 Read first time 92
Jan. 13 4 Referred to Committee on Agriculture 121
Jan. 13 4 Baack name added 146
Feb. 3 17 Notice of hearing (2/10) 458
Feb. 20 28 Placed on General File - Com am #0262 741
Mar. 12 42 Committee amendment #0262 adopted. Advanced for Review 1052
Mar. 17 43 Placed on Select File - AM5117 1082
Mar. 19 45 AM5117 (E & R) adopted. Advanced for Engrossment 1154
Mar. 23 47 Correctly Engrossed 1215
Mar. 27 51 Pappas motion to return to Select File withdrawn. Final Reading w/E 39-0-10 1335
Mar. 27 51 President signed 1350
Mar. 27 51 Presented to Governor (3/27) 1359
Mar. 31 52 Approved by Governor (3/30) 1376

LEGISLATIVE BILL 145A. By Weihing

Mar. 10 40 Read first time. Placed on General File 985
Mar. 12 42 Advanced for Review 1052
Mar. 17 43 Placed on Select File 1082
Mar. 19 45 Advanced for Engrossment 1156
Mar. 23 47 Correctly Engrossed 1215
Mar. 27 51 Final Reading w/E 37-0-12 1336
Mar. 27 51 President signed 1350
Mar. 27 51 Presented to Governor (3/27) 1359
Mar. 31 52 Approved by Governor (3/30) 1376

LEGISLATIVE BILL 146. By Schmit, Pappas, Moore

Jan.	9	3	Read first time	93
Jan.	13	4	Referred to Committee on Natural Resources	121
Jan.	15	6	Notice of hearing (1/22)	164
Feb.	4	18	Placed on General File - Com am #0059	490
Mar.	2	34	Committee amendment #0059 adopted. Advanced for Review	867
Mar.	3	35	Placed on Select File - AM5088	872
Mar.	4	36	AM5088 (E & R) adopted. Laid over	901
Mar.	12	42	Schmit amendment #0572 printed	1060
Apr.	1	53	Lamb amendment #0810 printed separate	1445
Apr.	9	59	Schmit pending amendment #0572 p. 1060 adopted. Lamb pending amendment #0810 p. 1445 withdrawn	1580
Apr.	9	59	Schmit amendment adopted. Warner reoffered Lamb amendment #0810 lost. Schmit amendment #0922 adopted. Advanced for Engrossment	1583
Apr.	10	60	Correctly Engrossed	1632
Apr.	10	60	ER0169 change	1633
Apr.	15	63	Schmit amendment #1002 printed	1704
Apr.	22	66	Wesely amendment #1043 printed	1799
May	20	85	Schmit amendment #1465 printed	2442
May	27	88	Schmit pending amendments #1002 p. 1704, #1465 p. 2442 and Wesely pending amendment #1043 p. 1799 withdrawn. Returned to Select File for Schmit amendment. Schmit amendment #1476 adopted. Advanced for Re-Engrossment	2581
May	27	88	Correctly Re-Engrossed	2601
May	29	90	Lynch motion to suspend rules prevailed	2696
May	29	90	Final Reading w/E 45-0-4	2706
May	29	90	President signed	2718
May	29	90	Presented to Governor (5/29)	2726
June	4	AJ	Approved by Governor (6/3)	2749

LEGISLATIVE BILL 146A. By Schmit

Feb.	10	22	Read first time. Placed on General File	581
Mar.	2	34	Advanced for Review	868
Mar.	3	35	Placed on Select File	872
Apr.	9	59	Advanced for Engrossment	1585
Apr.	10	60	Correctly Engrossed	1632

May 29 90 Lynch motion to suspend rules prevailed 2696
May 29 90 Final Reading 45-0-4 2707
May 29 90 President signed 2718
May 29 90 Presented to Governor (5/29) 2726
June 4 AJ Approved by Governor (6/3) 2749

LEGISLATIVE BILL 147. By Lynch

Jan. 9 3 Read first time 93
Jan. 13 4 Referred to Committee on Education 121
Jan. 13 4 Notice of hearing (1/20) 132
Jan. 22 9 Placed on General File - Com am #0012 280
Jan. 26 11 Committee amendment #0012 adopted.
Advanced for Review 349
Jan. 27 12 Placed on Select File - AM5016 361
Jan. 28 13 AM5016 (E & R) adopted.
Advanced for Engrossment 381
Jan. 29 14 Correctly Engrossed 402
Feb. 9 21 Returned to Select File for Withem amendment. Withem amendment #0068 adopted. Advanced for Re-Engrossment. Returned to Select File for Lynch amendment. Lynch amendment #0069 adopted. Advanced for Re-Engrossment 538
Feb. 10 22 Correctly Re-Engrossed 573
Feb. 18 26 Final Reading w/E 47-0-2 675
Feb. 18 26 Speaker signed 679
Feb. 18 26 Presented to Governor (2/18) 694
Feb. 23 29 Approved by Governor (2/20) 752

LEGISLATIVE BILL 148. By Schmit, Wesely, Landis

Jan. 9 3 Read first time 93
Jan. 13 4 Referred to Committee on Natural Resources 121
Jan. 22 9 Notice of hearing (1/29) 244
Feb. 10 22 Placed on General File - Com am #0148 576
Feb. 12 24 Attorney General's Opinion #87018 to R. Johnson 636
Feb. 19 27 Lamb-Schellpeper-Rupp amendment to committee amendment lost 717
Feb. 20 28 Committee amendment #0148 adopted.
Conway amendment #0256 adopted.
Haberman amendment #0266 lost 734
Feb. 23 29 Haberman and R. Johnson amendments lost. Haberman amendment withdrawn.
Advanced for Review 767

Feb.	23	29	Schmit amendments #0216 and #0215 printed	773
Feb.	24	30	Pappas amendment #0329 printed	784
Feb.	24	30	Placed on Select File - AM5075	792
Feb.	26	32	AM5075 (E & R) adopted. Schmit pending amendments #0216 and #0215 p. 773, Pappas pending amendment #0329 p. 784 and Wesely amendment withdrawn. Rupp amendment pending	835
Feb.	26	32	Wesely-Wehrbein amendment #0390 and Rupp amendment #0384 printed	836
Mar.	2	34	Rupp pending amendment p. 835 lost. Wesely-Wehrbein pending amendment #0390 p. 836 and Rupp pending amendment #0384 p. 836 withdrawn. Schmit-Wesely-Wehrbein-Landis amendment #0410 adopted. Advanced for Engrossment	858
Mar.	3	35	Correctly Engrossed	886
Mar.	3	35	ER0125 change	887
Mar.	9	39	Haberman motion to return to Select File withdrawn. R. Johnson motion to return to Select File for amendment #0417 ruled not germane. Schmit motion to return to Select File withdrawn. Final Reading 26-19-4	966
Mar.	9	39	President signed	969
Mar.	9	39	Presented to Governor (3/9)	974
Mar.	17	43	Returned by Governor without approval (3/11)	1068
Mar.	23	47	Baack motion to override veto laid over	1216
Mar.	24	48	Baack pending motion to override veto passed 30-18-1	1229
Mar.	24	48	Communication	1233
Mar.	24	48	Certificate	1234
Mar.	24	48	Message from Secretary of State	1236
Mar.	24	48	Certificate	1237

LEGISLATIVE BILL 149. By Miller

Jan.	9	3	Read first time	93
Jan.	13	4	Referred to Committee on Transportation	121
Jan.	15	6	Notice of hearing (1/27)	173
Jan.	29	14	Placed on General File	394
Jan.	30	15	Advanced for Review	430
Feb.	2	16	Placed on Select File - AM5032	450
Feb.	3	17	AM5032 (E & R) adopted. Advanced for Engrossment	463

Feb.	4	18	Correctly Engrossed	487
Feb.	11	23	Final Reading 46-0-3	592
Feb.	11	23	Speaker signed	598
Feb.	11	23	Presented to Governor (2/11)	609
Feb.	17	25	Approved by Governor (2/12)	648

LEGISLATIVE BILL 150. By Miller

Jan.	9	3	Read first time	93
Jan.	13	4	Referred to Committee on Natural Resources	121
Jan.	21	8	Notice of hearing (1/28)	217
Feb.	3	17	Placed on General File	459
Feb.	4	18	Advanced for Review	483
Feb.	5	19	Placed on Select File	508
Feb.	6	20	Advanced for Engrossment	513
Feb.	10	22	Correctly Engrossed	563
Feb.	18	26	Final Reading 48-0-1	676
Feb.	18	26	Speaker signed	679
Feb.	18	26	Presented to Governor (2/18)	694
Feb.	23	29	Approved by Governor (2/20)	752

LEGISLATIVE BILL 151. By Schmit, Pappas, Labedz

Jan.	9	3	Read first time	94
Jan.	13	4	Referred to Committee on Natural Resources	121
Jan.	15	6	Notice of hearing (1/22)	164
Mar.	2	34	Notice of rehearing (3/11)	861

LEGISLATIVE BILL 152. By Schmit

Jan.	9	3	Read first time	94
Jan.	13	4	Referred to Committee on Natural Resources	121
Jan.	15	6	Notice of hearing (1/23)	164
Jan.	27	12	Placed on General File	358
Jan.	29	14	Advanced for Review	394
Jan.	30	15	Placed on Select File	428
Feb.	3	17	Advanced for Engrossment	462
Feb.	4	18	Correctly Engrossed	487
Feb.	11	23	Final Reading 46-0-3	593
Feb.	11	23	Speaker signed	598
Feb.	11	23	Presented to Governor (2/11)	609
Feb.	17	25	Approved by Governor (2/12)	648

LEGISLATIVE BILL 153. By Pappas

Jan. 9 3 Read first time 94
Jan. 13 4 Referred to Committee on Transportation 121
Feb. 11 23 Notice of hearing (3/10) 604
Mar. 20 46 Indefinitely postponed 1185

LEGISLATIVE BILL 154. By Pappas

Jan. 9 3 Read first time 94
Jan. 13 4 Referred to Committee on Natural Resources 121
Jan. 15 6 Notice of hearing (1/23) 164
Jan. 27 12 Placed on General File - Com am #0032 358
Jan. 28 13 Committee amendment #0032 adopted.
Advanced for Review 389
Jan. 29 14 Placed on Select File - AM5019 398
Jan. 30 15 AM5019 (E & R) adopted.
Advanced for Engrossment 421
Feb. 2 16 Correctly Engrossed. ER0109 change 451
Feb. 9 21 Final Reading 47-2-0 540
Feb. 9 21 President signed 547
Feb. 9 21 Presented to Governor (2/9) 560
Feb. 17 25 Approved by Governor (2/12) 649

LEGISLATIVE BILL 155. By Pappas

Jan. 9 3 Read first time 95
Jan. 13 4 Referred to Committee on Agriculture 121
Feb. 3 17 Notice of hearing (2/17) 459

LEGISLATIVE BILL 156. By McFarland

Jan. 9 3 Read first time 95
Jan. 13 4 Referred to Committee on Banking,
Commerce and Insurance 121
Jan. 26 11 Notice of hearing (2/3) 348
Feb. 26 32 Indefinitely postponed 830

LEGISLATIVE BILL 157. By McFarland

Jan. 9 3 Read first time 95
Jan. 13 4 Referred to Committee on Education 121
Jan. 15 6 Notice of hearing (1/26) 172
Jan. 22 9 McFarland amendment #0008 printed 252
Jan. 22 9 McFarland amendment printed 263
Jan. 27 12 Indefinitely postponed 358

LEGISLATIVE BILL 158. By McFarland

Jan. 9 3 Read first time 95
Jan. 13 4 Referred to Committee on Education 121
Jan. 15 6 Notice of hearing (1/26) 172
Jan. 22 9 McFarland amendment printed 253
Jan. 28 13 Placed on General File - Com am #0042 365
Jan. 30 15 Committee amendment #0042 lost as amended by McFarland amendment #0075. Scofield amendment #0084 lost. McFarland pending amendment p. 253 withdrawn. Haberman motion to indefinitely postpone laid over 421
Feb. 19 27 Haberman pending motion p. 423 withdrawn. McFarland amendment #0245 adopted. Failed to advance for Review 709

LEGISLATIVE BILL 158A. By McFarland

Mar. 19 45 Read first time. Placed on General File 1157

LEGISLATIVE BILL 159. By McFarland

Jan. 9 3 Read first time 95
Jan. 13 4 Referred to Committee on Natural Resources 121
Jan. 15 6 Notice of hearing (1/23) 164
Jan. 27 12 Indefinitely postponed 358

LEGISLATIVE BILL 160. By Pappas

Jan. 9 3 Read first time 96
Jan. 13 4 Referred to Committee on Nebraska Retirement Systems 121
Feb. 19 27 Notice of hearing (3/2) 708

LEGISLATIVE BILL 161. By Elmer

Jan. 9 3 Read first time 96
Jan. 13 4 Referred to Committee on Transportation 121
Jan. 15 6 Notice of hearing (1/27) 173
Jan. 28 13 Placed on General File 388
Jan. 29 14 Landis amendment adopted. Advanced for Review 397
Feb. 2 16 Placed on Select File - AM5033 449
Feb. 3 17 AM5033 (E & R) adopted.

			Advanced for Engrossment	463
Feb.	4	18	Correctly Engrossed	487
Feb.	11	23	Final Reading 45-0-4	594
Feb.	11	23	Speaker signed	598
Feb.	11	23	Presented to Governor (2/11)	609
Feb.	17	25	Approved by Governor (2/12)	648

LEGISLATIVE BILL 162. By Abboud, Ashford

Jan.	9	3	Read first time	96
Jan.	13	4	Referred to Committee on Judiciary	121
Mar.	4	36	Notice of hearing (3/12)	896
Apr.	1	53	Placed on General File	1433

LEGISLATIVE BILL 163. By Abboud

Jan.	9	3	Read first time	96
Jan.	13	4	Referred to Committee on Banking, Commerce and Insurance	121
Jan.	14	5	Ashford name added	151
Feb.	12	24	Notice of hearing (3/9)	624
Mar.	25	49	Abboud priority bill	1297
Mar.	26	50	Placed on General File - Com am #0671	1306
Apr.	13	61	Committee amendment #0671 adopted. Advanced for Review	1651
Apr.	14	62	Morehead name added	1686
Apr.	15	63	Placed on Select File	1689
Apr.	24	68	Advanced for Engrossment	1863
Apr.	27	69	Correctly Engrossed	1882
May	27	88	Final Reading 28-12-9	2623
May	27	88	Speaker signed	2629
May	28	89	Presented to Governor (5/28)	2639
May	29	90	Approved by Governor (5/29)	2723

LEGISLATIVE BILL 163A. By Abboud

May	1	73	Read first time. Placed on General File	1970
May	11	79	Advanced for Review	2153
May	12	80	Placed on Select File	2212
May	18	83	Advanced for Engrossment	2339
May	18	83	Correctly Engrossed	2363
May	27	88	Final Reading 28-13-8	2623
May	27	88	Speaker signed	2629
May	28	89	Presented to Governor (5/28)	2639
May	29	90	Approved by Governor (5/29)	2723

LEGISLATIVE BILL 164. By R. Johnson

Jan.	9	3	Read first time	96
Jan.	13	4	Referred to Committee on Agriculture	121
Jan.	20	7	Notice of hearing (1/27)	202
Feb.	20	28	Placed on General File - Com am #0263	742
Mar.	27	51	Committee amendment #0263 adopted. Advanced for Review	1352
Mar.	31	52	Placed on Select File - AM5154	1375
Apr.	2	54	AM5154 (E & R) adopted. R. Johnson amendment #0796 adopted. Advanced for Engrossment	1448
Apr.	6	56	Correctly Engrossed. ER0157 change	1510
Apr.	10	60	Final Reading 44-0-5	1610
Apr.	10	60	Speaker signed	1617
Apr.	10	60	Presented to Governor (4/10)	1620
Apr.	15	63	Approved by Governor (4/14)	1690

LEGISLATIVE BILL 165. By Baack

Jan.	9	3	Read first time	97
Jan.	13	4	Referred to Committee on Education	121
Jan.	13	4	Notice of hearing (1/20)	132

LEGISLATIVE BILL 166. By Baack

Jan.	9	3	Read first time	97
Jan.	13	4	Referred to Committee on Education	121
Jan.	13	4	Notice of hearing (1/20)	132
Jan.	27	12	Indefinitely postponed	358
Feb.	3	17	Attorney General's Opinion #87013 to Baack	467

LEGISLATIVE BILL 167. By Ashford, Hall, Lynch

Jan.	9	3	Read first time	97
Jan.	13	4	Referred to Committee on Urban Affairs	121
Jan.	20	7	Notice of hearing (1/27)	202
Jan.	29	14	Placed on General File - Com am #0052	402
Jan.	30	15	Committee amendment #0052 adopted. Advanced for Review	431
Feb.	3	17	Placed on Select File	455
Feb.	4	18	Advanced for Engrossment	488
Feb.	6	20	Correctly Engrossed	519
Feb.	12	24	Final Reading 44-0-5	620

Feb. 12 24 Speaker signed 628
Feb. 12 24 Presented to Governor (2/12) 634
Feb. 17 25 Approved by Governor (2/17) 663

LEGISLATIVE BILL 168. By Pappas

Jan. 9 3 Read first time 97
Jan. 13 4 Referred to Committee on Revenue 121
Jan. 26 11 Pappas motion to withdraw laid over 349
Jan. 27 12 Pappas pending motion p. 349 prevailed.
Withdrawn 360

LEGISLATIVE BILL 169. By Nelson, Smith

Jan. 9 3 Read first time 97
Jan. 13 4 Referred to Committee on Education 121
Jan. 15 6 Notice of hearing (1/26) 172
Jan. 23 10 Weihing name added 286
Jan. 27 12 Indefinitely postponed 358

LEGISLATIVE BILL 170. By Wesely, Barrett, McFarland, Marsh, Lynch

Jan. 9 3 Read first time 98
Jan. 13 4 Referred to Committee on Judiciary 121
Jan. 28 13 Notice of hearing (2/4) 385
Mar. 4 36 Placed on General File - Com am #0412 897

LEGISLATIVE BILL 171. By Lamb

Jan. 9 3 Read first time 98
Jan. 13 4 Referred to Committee on Natural Resources 121
Jan. 15 6 Notice of hearing (1/23) 164
Jan. 27 12 Placed on General File - Com am #0031 358
Jan. 28 13 Committee amendment #0031 adopted.
Advanced for Review 389
Jan. 29 14 Placed on Select File - AM5020 399
Jan. 30 15 AM5020 (E & R) adopted.
Advanced for Engrossment 421
Feb. 2 16 Correctly Engrossed 451
Feb. 9 21 Final Reading 48-1-0 541
Feb. 9 21 President signed 547
Feb. 9 21 Presented to Governor (2/9) 560
Feb. 17 25 Approved by Governor (2/12) 649

LEGISLATIVE BILL 172. By Pappas

Jan. 9 3 Read first time 98
Jan. 13 4 Referred to Committee on Judiciary 121
Mar. 4 36 Notice of hearing (3/11) 896
Mar. 18 44 Indefinitely postponed 1132

LEGISLATIVE BILL 173. By Pappas

Jan. 9 3 Read first time 105
Jan. 14 5 Referred to Committee on Health and Human Services 148
Feb. 4 18 Notice of hearing (2/25) 493
Mar. 2 34 Indefinitely postponed 868

LEGISLATIVE BILL 174. By Pappas

Jan. 9 3 Read first time 105
Jan. 14 5 Referred to Committee on Banking, Commerce and Insurance 148
Jan. 30 15 Notice of hearing (2/10) 428
Feb. 26 32 Indefinitely postponed 830

LEGISLATIVE BILL 175. By Chizek

Jan. 9 3 Read first time 106
Jan. 14 5 Referred to Committee on Government, Military and Veterans Affairs 148
Jan. 21 8 Notice of hearing (1/30) 216
Feb. 5 19 Placed on General File 505
Feb. 6 20 Advanced for Review 518
Feb. 10 22 Placed on Select File - AM5062 563
Feb. 11 23 AM5062 (E & R) adopted. Advanced for Engrossment 601
Feb. 12 24 Correctly Engrossed 612
Feb. 23 29 Final Reading 45-0-4 759
Feb. 23 29 Speaker signed 767
Feb. 23 29 Presented to Governor (2/23) 769
Mar. 2 34 Approved by Governor (2/27) 860

LEGISLATIVE BILL 176. By Chizek

Jan. 9 3 Read first time 106
Jan. 14 5 Referred to Committee on Judiciary 148
Jan. 15 6 Notice of hearing (1/22) 166

Jan.	23	10	Placed on General File	297
Jan.	26	11	Advanced for Review	350
Jan.	27	12	Placed on Select File	361
Jan.	28	13	Advanced for Engrossment	382
Jan.	29	14	Correctly Engrossed	402
Feb.	9	21	Final Reading 47-0-2	539
Feb.	9	21	President signed	547
Feb.	9	21	Presented to Governor (2/9)	560
Feb.	17	25	Approved by Governor (2/12)	649

LEGISLATIVE BILL 177. By Hall, Withem, Hartnett, Ashford, Chizek, Pirsch, Labedz, Lynch, Goodrich

Jan.	9	3	Read first time	106
Jan.	14	5	Referred to Committee on Urban Affairs	149
Jan.	20	7	Notice of hearing (1/27)	202
Jan.	29	14	Placed on General File	402
Jan.	30	15	Abboud name added. Advanced for Review	430
Feb.	3	17	Placed on Select File	455
Feb.	4	18	Advanced for Engrossment	488
Feb.	6	20	Correctly Engrossed	519
Feb.	12	24	Final Reading 44-0-5	620
Feb.	12	24	Speaker signed	628
Feb.	12	24	Presented to Governor (2/12)	634
Feb.	17	25	Approved by Governor (2/17)	663

LEGISLATIVE BILL 178. By Wesely

Jan.	9	3	Read first time	106
Jan.	14	5	Referred to Committee on Nebraska Retirement Systems	149
Jan.	28	13	Notice of hearing (2/4)	368
Feb.	10	22	Indefinitely postponed	577

LEGISLATIVE BILL 179. By Hefner, Barrett, Peterson

Jan.	9	3	Read first time	106
Jan.	14	5	Referred to Committee on Business and Labor	149
Jan.	30	15	Notice of hearing (2/9)	427
Mar.	24	48	Indefinitely postponed	1266

LEGISLATIVE BILL 180. By Wesely

Jan.	9	3	Read first time	106

Jan. 14 5 Referred to Committee on General Affairs 149
Jan. 15 6 Rereferred to Committee on Transportation 170
Feb. 11 23 Notice of hearing (3/3) 604
Mar. 12 42 Placed on General File - Com am #565 1051
Mar. 25 49 Barrett priority bill 1299
Apr. 1 53 Wesely amendment #0779 to committee amendment printed 1428

LEGISLATIVE BILL 181. By Schmit, Moore

Jan. 9 3 Read first time 107
Jan. 14 5 Referred to Committee on Judiciary 149
Jan. 28 13 Notice of hearing (2/6) 385
Mar. 4 36 Placed on General File - Com am #0383 897

LEGISLATIVE BILL 182. By Withem

Jan. 9 3 Read first time 107
Jan. 14 5 Referred to Committee on Education 149
Jan. 29 14 Notice of hearing (3/3) 396
Mar. 6 38 Placed on General File - Com am #0482 936
Mar. 25 49 Education Committee priority bill 1298
Apr. 21 65 Attorney General's Opinion #87059 to Withem . 1774
Apr. 30 72 Withem amendment #1137 printed 1953
May 8 78 Committee amendment #0482 lost. Withem pending amendment #1137 p. 1953 withdrawn. Withem amendment #1288 adopted. Lamb motion to bracket until 1/10/88 lost. Advanced for Review 2115
May 11 79 Placed on Select File - AM5226 2177
May 18 83 Lamb amendment #1364 printed 2356
May 19 84 Baack amendment #1326 printed 2386
May 21 86 AM5226 (E & R) adopted. Lamb pending amendment #1364 p. 2356 adopted. Baack pending amendment #1326 p. 2386 withdrawn. Lamb amendment #1475 lost. Advanced for Engrossment 2482
May 26 87 Correctly Engrossed 2505
May 26 87 ER0207 change 2506
May 28 89 Lynch motion to suspend rules prevailed 2667
May 28 89 Final Reading w/E 35-7-7 2667
May 28 89 President signed 2675
May 28 89 Presented to Governor (5/28) 2683
May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 183. By Warner

Jan.	13	4	Read first time	122
Jan.	14	5	Referred to Committee on Appropriations	149
Feb.	18	26	Notice of hearing (2/26)	683
Mar.	25	49	Langford priority bill	1297
Apr.	21	65	Placed on General File - Com am #1001	1757
Apr.	30	72	Committee amendment #1001 adopted as amended by Warner amendment. Advanced for Review	1960
May	4	74	Placed on Select File - AM5205	1996
May	6	76	AM5205 (E & R) adopted. Advanced for Engrossment	2057
May	11	79	Correctly Engrossed	2137
May	11	79	ER0185 change	2138
May	27	88	Returned to Select File for Warner amendment. Warner amendment #1293 adopted. Advanced for Re-Engrossment	2580
May	27	88	Correctly Re-Engrossed	2601
May	29	90	Lynch motion to suspend rules prevailed	2696
May	29	90	Final Reading w/E 47-1-1	2708
May	29	90	President signed	2718
May	29	90	Presented to Governor (5/29)	2726
June	4	AJ	Approved by Governor (6/3)	2749

LEGISLATIVE BILL 183A. By Warner

May	5	75	Read first time. Placed on General File	2027
May	7	77	Advanced for Review	2086
May	11	79	Placed on Select File	2147
May	20	85	Advanced for Engrossment	2451
May	21	86	Correctly Engrossed	2475
May	29	90	Lynch motion to suspend rules prevailed	2696
May	29	90	Final Reading w/E 46-1-2	2709
May	29	90	President signed	2718
May	29	90	Presented to Governor (5/29)	2726
June	4	AJ	Approved by Governor (6/3)	2749

LEGISLATIVE BILL 184. By Warner

Jan.	13	4	Read first time	122
Jan.	14	5	Referred to Committee on Appropriations	149
Jan.	21	8	Notice of hearing (1/28)	217
Mar.	25	49	Hannibal priority bill	1297

Apr. 16 64 Attorney General's Opinion #87050 to Warner .. 1720
Apr. 21 65 Placed on General File - Com am #1026 1761
Apr. 30 72 Committee amendment #1026 adopted. Advanced for Review 1961
May 4 74 Placed on Select File - AM5206 1997
May 6 76 AM5206 (E & R) adopted. V. Johnson motion to indefinitely postpone laid over 2057
May 6 76 Lynch amendment #1209 to committee amendment printed 2066
May 18 83 Warner amendment to committee amendment printed 2367

LEGISLATIVE BILL 185. By Haberman

Jan. 13 4 Read first time 122
Jan. 14 5 Referred to Committee on Revenue 149
Feb. 11 23 Notice of hearing (2/18) 586
Feb. 26 32 Placed on General File - Com am #0377 834
Mar. 18 44 Haberman amendment #0601 printed 1136
Mar. 25 49 Haberman priority bill 1297
Mar. 27 51 Haberman amendment #0765 printed 1349
Mar. 31 52 Committee amendment #0377 adopted. Haberman pending amendment #0601 p. 1136 withdrawn. Warner amendment #0786 ruled germane and pending 1398
Mar. 31 52 Schmit amendment to pending Warner amendment p. 1398 withdrawn. Warner pending amendment #0786 p. 1398 lost. Hall motion to indefinitely postpone lost 1405
Mar. 31 52 Higgins motion to bracket until May 1 lost. Advanced for Review 1409
Apr. 2 54 Placed on Select File - AM5170 1467
Apr. 6 56 V. Johnson motion to bracket until 4/8 lost. Hartnett amendment lost. AM5170 (E & R) adopted. Haberman pending amendment #0765 p. 1349 withdrawn. V. Johnson amendment #0875 ruled not germane. Challenge of Chair lost. Hartnett amendment #0878 lost. V. Johnson amendment #0874 to R. Johnson-Schmit amendment pending 1512
Apr. 6 56 V. Johnson pending amendment #0874 and R. Johnson-Schmit pending amendment withdrawn. R. Johnson-Haberman amendment

#0885 (on file) ruled germane and lost. V. Johnson amendment to amendment #0885 lost. Advanced for Engrossment 1515
Apr. 9 59 Correctly Engrossed 1601
Apr. 13 61 R. Johnson amendment #0898 printed 1641
Apr. 30 72 Haberman amendment #1156 printed 1953
May 7 77 Haberman motion to return to Select File for pending amendment #1156 withdrawn 2086
May 8 78 Schmit amendment #1279 printed separate 2131
May 14 82 Returned to Select File for Haberman amendment. Haberman pending amendment #1156 p. 1953 adopted. Advanced for Re-Engrossment 2297
May 14 82 R. Johnson pending amendment #0898 p. 1641 and Schmit pending amendment #1279 p. 2131 withdrawn. Hefner motion to return to Select File withdrawn. V. Johnson motion to return to Select File lost 2298
May 18 83 Correctly Re-Engrossed. ER0194 change 2335
May 21 86 Attorney General's Opinion #87079 to Wesely ... 2485
May 27 88 Final Reading 30-14-5 2624
May 27 88 Speaker signed 2629
May 28 89 Presented to Governor (5/28) 2639
May 29 90 Returned by Governor without approval (5/29) . 2721
May 29 90 Haberman motion to override veto pending 2733
May 29 90 Haberman pending motion to override veto withdrawn 2736

LEGISLATIVE BILL 185A. By Haberman

Mar. 2 34 Read first time. Placed on General File 867
Mar. 27 51 Haberman amendment #0770 printed 1349
Mar. 31 52 Haberman pending amendment #0770 p. 1349 adopted. Advanced for Review 1410
Apr. 2 54 Placed on Select File 1468
Apr. 6 56 Advanced for Engrossment 1518
Apr. 9 59 Correctly Engrossed 1601
May 14 82 Returned to Select File for Haberman amendment. Haberman amendment #1178 adopted. Advanced for Re-Engrossment 2298
May 18 83 Correctly Re-Engrossed 2335
May 27 88 Final Reading 32-12-5 2625
May 27 88 Speaker signed 2629
May 28 89 Presented to Governor (5/28) 2639

May 29 90 Returned by Governor without approval (5/29) . 2721

LEGISLATIVE BILL 186. By Korshoj

Jan. 13 4 Read first time 122
Jan. 14 5 Referred to Committee on Banking, Commerce and Insurance 149
Jan. 30 15 Notice of hearing (2/17) 428
Feb. 18 26 Placed on General File 694
Mar. 4 36 Advanced for Review 893
Mar. 6 38 Placed on Select File 930
Mar. 9 39 Advanced for Engrossment 971
Mar. 10 40 Correctly Engrossed 1008
Mar. 17 43 Final Reading 41-0-8 1072
Mar. 17 43 Speaker signed 1090
Mar. 17 43 Presented to Governor (3/17) 1093
Mar. 23 47 Approved by Governor (3/20) 1195

LEGISLATIVE BILL 187. By Barrett

Jan. 13 4 Read first time 122
Jan. 14 5 Referred to Committee on Business and Labor 149
Jan. 26 11 Notice of hearing (2/2) 346
Feb. 4 18 Placed on General File - Com am #0109 485
Feb. 5 19 Committee amendment #0109 adopted. Advanced for Review 507
Feb. 9 21 Placed on Select File - AM5058 560
Feb. 10 22 AM5058 (E & R) adopted. Advanced for Engrossment 567
Feb. 11 23 Correctly Engrossed 606
May 27 88 Final Reading w/E 43-0-6 2626
May 27 88 Speaker signed 2629
May 28 89 Presented to Governor (5/28) 2639
May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 187A. By Barrett

Feb. 9 21 Read first time. Placed on General File 555
Feb. 17 25 Advanced for Review 662
Feb. 17 25 Placed on Select File 665
Feb. 19 27 Advanced for Engrossment 701
Feb. 24 30 Correctly Engrossed 782
May 27 88 Final Reading w/E 43-0-6 2627
May 27 88 Speaker signed 2629
May 28 89 Presented to Governor (5/28) 2639

May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 188. By Scofield

Jan. 13 4 Read first time 122
Jan. 14 5 Referred to Committee on Government, Military and Veterans Affairs 149
Jan. 21 8 Notice of hearing (1/29) 216

LEGISLATIVE BILL 189. By Scofield

Jan. 13 4 Read first time 123
Jan. 14 5 Referred to Committee on Government, Military and Veterans Affairs 149
Jan. 21 8 Notice of hearing (1/29) 216
Feb. 10 22 Placed on General File - Com am #0165 580
Feb. 24 30 Committee amendment #0165 adopted. Advanced for Review 788
Feb. 25 31 Placed on Select File - AM5080 798
Feb. 27 33 AM5080 (E & R) adopted. Advanced for Engrossment 851
Mar. 2 34 Correctly Engrossed 860
Mar. 5 37 Final Reading 46-0-3 912
Mar. 5 37 President signed 915
Mar. 5 37 Presented to Governor (3/5) 919
Mar. 10 40 Approved by Governor (3/9) 982

LEGISLATIVE BILL 190. By Scofield

Jan. 13 4 Read first time 123
Jan. 14 5 Referred to Committee on Health and Human Services 149
Feb. 4 18 Notice of hearing (3/12) 494
Mar. 31 52 Placed on General File - Com am #0584 1378

LEGISLATIVE BILL 191. By Pappas

Jan. 13 4 Read first time 123
Jan. 14 5 Referred to Committee on Banking, Commerce and Insurance 149
Jan. 30 15 Notice of hearing (2/10) 428
Feb. 19 27 Placed on General File - Com am #0261 714
Mar. 6 38 Landis amendment #0488 printed 948
Mar. 10 40 Landis amendment #0549 printed 1009

Mar. 18 44 Landis amendment #0636 printed 1133
Mar. 23 47 Landis amendment #0662 printed 1221
Mar. 24 48 Landis-Pappas-Remmers amendment #0719 printed 1232

LEGISLATIVE BILL 192. By Pappas

Jan. 13 4 Read first time 123
Jan. 14 5 Referred to Committee on Nebraska Retirement Systems 149
Feb. 10 22 Notice of hearing (2/25) 570

LEGISLATIVE BILL 193. By Pappas

Jan. 13 4 Read first time 123
Jan. 14 5 Referred to Committee on Transportation 149
Feb. 11 23 Notice of hearing (3/10) 604
Mar. 20 46 Indefinitely postponed 1185

LEGISLATIVE BILL 194. By Goodrich

Jan. 13 4 Read first time 124
Jan. 14 5 Referred to Committee on Nebraska Retirement Systems 149
Jan. 23 10 Notice of hearing (2/2) 291
Feb. 10 22 Indefinitely postponed 577

LEGISLATIVE BILL 195. By Goodrich

Jan. 13 4 Read first time 124
Jan. 14 5 Referred to Committee on Health and Human Services 149
Feb. 4 18 Notice of hearing (2/26) 493

LEGISLATIVE BILL 196. By Goodrich

Jan. 13 4 Read first time 124
Jan. 14 5 Referred to Committee on Banking, Commerce and Insurance 149
Jan. 20 7 Rereferred to Committee on Revenue 184
Jan. 28 13 Notice of hearing (2/4) 385
Feb. 9 21 Indefinitely postponed 554

LEGISLATIVE BILL 197. By Goodrich

Jan.	13	4	Read first time	124
Jan.	14	5	Referred to Committee on Banking, Commerce and Insurance	149
Jan.	23	10	Pirsch name added	339
Jan.	26	11	Notice of hearing (2/3)	348
Feb.	4	18	Placed on General File	490
Feb.	5	19	Advanced for Review	508
Feb.	9	21	Placed on Select File	560
Feb.	10	22	Advanced for Engrossment	568
Feb.	11	23	Correctly Engrossed	606
Feb.	20	28	Final Reading w/E 44-0-5	723
Feb.	20	28	President signed	731
Feb.	20	28	Presented to Governor (2/20). Abboud explanation of vote	744
Feb.	23	29	Approved by Governor (2/20)	753

LEGISLATIVE BILL 198. By McFarland

Jan.	13	4	Read first time	124
Jan.	14	5	Referred to Committee on Government, Military and Veterans Affairs	149
Jan.	15	6	Notice of hearing (1/22)	178
Mar.	2	34	Placed on General File - Com am #0358	868
Mar.	20	46	McFarland priority bill	1168
Mar.	26	50	Committee amendment #0358 adopted. Advanced for Review	1330
Mar.	31	52	Placed on Select File - AM5149	1374
Apr.	2	54	AM5149 (E & R) adopted. Advanced for Engrossment	1447
Apr.	6	56	Correctly Engrossed	1500
Apr.	15	63	McFarland amendment #1005 printed	1699
Apr.	15	63	McFarland amendment #1017 printed	1716
Apr.	24	68	McFarland pending amendment #1005 p. 1699 withdrawn	1835
Apr.	24	68	Returned to Select File for McFarland amendment. McFarland pending amendment #1017 p. 1716 adopted. Advanced for Re-Engrossment	1836
Apr.	27	69	Correctly Re-Engrossed. ER0178 change	1882
May	1	73	Final Reading w/E 36-0-13	1977
May	1	73	Speaker signed	1979
May	1	73	Presented to Governor (5/1)	1981
May	5	75	Approved by Governor (5/5)	2024

LEGISLATIVE BILL 199. By Education Committee

Jan.	13	4	Read first time	124
Jan.	14	5	Referred to Committee on Education	149
Jan.	15	6	Notice of hearing (2/2)	172
Jan.	20	7	Nelson name added	194
Feb.	11	23	Placed on General File	605
Mar.	4	36	Advanced for Review	892
Mar.	6	38	Placed on Select File - AM5097	929
Mar.	9	39	AM5097 (E & R) adopted. Advanced for Engrossment	970
Mar.	10	40	Correctly Engrossed	1008
Mar.	17	43	Final Reading 42-0-7	1073
Mar.	17	43	Speaker signed	1090
Mar.	17	43	Presented to Governor (3/17)	1093
Mar.	23	47	Approved by Governor (3/20)	1195

LEGISLATIVE BILL 200. By Education Committee

Jan.	13	4	Read first time	126
Jan.	14	5	Referred to Committee on Education	149
Jan.	15	6	Notice of hearing (2/2)	172
Jan.	20	7	Nelson name added	194
Mar.	3	35	Placed on General File	883
Mar.	20	46	Advanced for Review	1182
Mar.	23	47	Placed on Select File	1221
Mar.	24	48	Advanced for Engrossment	1262
Mar.	27	51	Correctly Engrossed	1332
Apr.	1	53	Final Reading 46-0-3	1417
Apr.	1	53	Speaker signed	1430
Apr.	1	53	Presented to Governor (4/1)	1433
Apr.	6	56	Approved by Governor (4/6)	1525

LEGISLATIVE BILL 201. By R. Johnson

Jan.	13	4	Read first time	126
Jan.	14	5	Referred to Committee on Agriculture	149
Jan.	20	7	Notice of hearing (1/27)	202
Jan.	28	13	Placed on General File - Com am #0057	387
Jan.	29	14	Committee amendment #0057 adopted. Advanced for Review	397
Feb.	2	16	Placed on Select File - AM5027	448
Feb.	3	17	AM5027 (E & R) adopted. Wesely amendment #0067 adopted. Advanced for Engrossment	462
Feb.	4	18	Correctly Engrossed	491
Feb.	4	18	ER0110 change	492

Feb. 11 23 Final Reading 47-0-2 595
Feb. 11 23 Speaker signed 598
Feb. 11 23 Presented to Governor (2/11) 609
Feb. 17 25 Approved by Governor (2/12) 648

LEGISLATIVE BILL 202. By Harris, Warner, Marsh, Wesely, McFarland, Landis

Jan. 13 4 Read first time 127
Jan. 14 5 Referred to Committee on Banking, Commerce and Insurance 149
Jan. 26 11 Notice of hearing (2/3) 349

LEGISLATIVE BILL 203. By Wesely

Jan. 13 4 Read first time 127
Jan. 14 5 Referred to Committee on Banking, Commerce and Insurance 149
Feb. 12 24 Notice of hearing (3/17) 625
Mar. 19 45 Placed on General File 1157
Mar. 27 51 Advanced for Review 1370
Apr. 2 54 Placed on Select File 1451
Apr. 6 56 Advanced for Engrossment 1506
Apr. 9 59 Correctly Engrossed 1601
Apr. 14 62 Final Reading 38-0-11 1664
Apr. 14 62 Speaker signed 1674
Apr. 14 62 Presented to Governor (4/14) 1677
Apr. 21 65 Approved by Governor (4/17) 1741

LEGISLATIVE BILL 204. By Beyer

Jan. 13 4 Read first time 127
Jan. 14 5 Referred to Committee on Revenue 149
Jan. 21 8 Beyer motion to withdraw laid over 240
Jan. 22 9 Beyer pending motion p. 240 prevailed. Withdrawn 264

LEGISLATIVE BILL 205. By Beyer, Hartnett, Withem

Jan. 13 4 Read first time 127
Jan. 14 4 Referred to Committee on Revenue 149
Jan. 21 8 Notice of hearing (1/28) 217
Feb. 20 28 Indefinitely postponed 744

LEGISLATIVE BILL 206. By Hefner, Conway, Rupp

Jan. 13 4 Read first time 127
Jan. 14 5 Referred to Committee on Natural Resources 149
Jan. 21 8 Notice of hearing (1/28) 217
Jan. 30 15 Placed on General File - Com am #0060 419
Feb. 2 16 Committee amendment #0060 adopted.
Advanced for Review 434
Feb. 3 17 Placed on Select File - AM5037 465
Feb. 4 18 AM5037 (E & R) adopted.
Advanced for Engrossment 488
Feb. 6 20 Correctly Engrossed 519
Feb. 12 24 Final Reading w/E 43-1-5 621
Feb. 12 24 Speaker signed 628
Feb. 12 24 Presented to Governor (2/12) 634
Feb. 17 25 Approved by Governor (2/17) 663

LEGISLATIVE BILL 207. By Withem

Jan. 13 4 Read first time 127
Jan. 14 5 Referred to Committee on Transportation 149
Jan. 30 15 Notice of hearing (2/10) 427
Feb. 23 29 Indefinitely postponed 754

LEGISLATIVE BILL 208. By Landis, Elmer, Warner

Jan. 13 4 Read first time 128
Jan. 14 5 Referred to Committee on General Affairs 149
Jan. 15 6 Notice of hearing (1/26) 173
Jan. 27 12 Indefinitely postponed 358

LEGISLATIVE BILL 209. By Remmers, Moore

Jan. 13 4 Read first time 133
Jan. 14 5 Referred to Committee on Revenue 149
Feb. 11 23 Notice of hearing (3/18) 587
Mar. 24 48 Indefinitely postponed 1234

LEGISLATIVE BILL 210. By Remmers, Moore

Jan. 13 4 Read first time 133
Jan. 14 5 Referred to Committee on Revenue 149
Feb. 11 23 Notice of hearing (3/18) 587

LEGISLATIVE BILL 211. By Miller, Langford

Jan.	13	4	Read first time	133
Jan.	14	5	Referred to Committee on Government, Military and Veterans Affairs	149
Jan.	21	8	Notice of hearing (1/28)	216
Mar.	2	34	Placed on General File - Com am #0357	868
Mar.	11	41	Miller-Langford amendment #0566 to committee amendment printed	1036
Mar.	27	51	Committee amendment #0357 adopted. Advanced for Review	1370
Apr.	2	54	Placed on Select File - AM5168	1451
Apr.	6	56	AM5168 (E & R) adopted. Miller-Langford pending amendment #0566 p. 1036 withdrawn. Langford amendment #0727 to committee amendment adopted. Passed over	1506
Apr.	7	57	Withem amendment #0894 adopted. Advanced for Engrossment	1537
Apr.	9	59	Correctly Engrossed. ER0165 change	1601
Apr.	14	62	Final Reading w/E 40-0-9	1665
Apr.	14	62	Speaker signed	1674
Apr.	14	62	Presented to Governor (4/14)	1677
Apr.	21	65	Approved by Governor (4/17)	1741

LEGISLATIVE BILL 212. By Hall

Jan.	13	4	Read first time	133
Jan.	14	5	Referred to Committee on Education	149
Jan.	22	9	Notice of hearing (2/3)	245
Jan.	26	11	Notice of hearing (2/2) (Reset)	348
Feb.	11	23	Placed on General File	605
Mar.	4	36	Advanced for Review	892
Mar.	6	38	Placed on Select File	929
Mar.	9	39	Advanced for Engrossment	970
Mar.	10	40	Correctly Engrossed	1008
Mar.	17	43	Final Reading 43-0-6	1073
Mar.	17	43	Speaker signed	1090
Mar.	17	43	Presented to Governor (3/17)	1093
Mar.	23	47	Approved by Governor (3/20)	1195

LEGISLATIVE BILL 213. By Conway

Jan.	13	4	Read first time	133
Jan.	14	5	Referred to Committee on Banking, Commerce and Insurance	149

Feb. 12 24 Notice of hearing (2/23) 624
Mar. 6 38 Placed on General File 940

LEGISLATIVE BILL 214. By Conway

Jan. 13 4 Read first time 134
Jan. 14 5 Referred to Committee on Banking, Commerce and Insurance 149
Feb. 12 24 Notice of hearing (3/2) 624
Mar. 6 38 Indefinitely postponed 943

LEGISLATIVE BILL 215. By Withem

Jan. 13 4 Read first time 134
Jan. 14 5 Referred to Committee on Revenue 149
Jan. 22 9 Notice of hearing (1/29) 263
Jan. 30 15 Placed on General File 423
Feb. 9 21 Elmer amendment printed 555
Feb. 10 22 Elmer pending amendment adopted. Advanced for Review 569
Feb. 11 23 Placed on Select File - AM5068 605
Feb. 12 24 AM5068 (E & R) adopted. Advanced for Engrossment 627
Feb. 17 25 Correctly Engrossed. ER0119 change 646
Feb. 23 29 Final Reading w/E 44-0-5 763
Feb. 23 29 Haberman explanation of vote. Speaker signed 767
Feb. 23 29 Presented to Governor (2/23) 769
Mar. 2 34 Approved by Governor (2/27) 860

LEGISLATIVE BILL 216. By Ashford

Jan. 13 4 Read first time 134
Jan. 14 5 Referred to Committee on Transportation 149
Jan. 23 10 Notice of hearing (2/2) 303
Feb. 3 17 Placed on General File 474
Feb. 4 18 Advanced for Review 486
Feb. 6 20 Placed on Select File 516
Feb. 10 22 Advanced for Engrossment 566
Feb. 11 23 Correctly Engrossed 585
Feb. 20 28 Final Reading 47-0-2 723
Feb. 20 28 President signed 731
Feb. 20 28 Presented to Governor (2/20). Abboud explanation of vote 744
Feb. 23 29 Approved by Governor (2/20) 753

LEGISLATIVE BILL 217. By Education Committee

Jan.	13	4	Read first time	134
Jan.	14	5	Referred to Committee on Education	149
Jan.	15	6	Notice of hearing (2/2)	172
Jan.	20	7	Nelson name added	193
Mar.	18	44	Placed on General File - Com am #0635	1136

LEGISLATIVE BILL 218. By Wesely, Remmers, Harris, Marsh, McFarland

Jan.	13	4	Read first time	134
Jan.	14	5	Referred to Committee on Appropriations	149
Feb.	24	30	Notice of hearing (3/4)	789
Apr.	24	68	Placed on General File - Com am #0975	1853
May	5	75	Committee amendment #0975 adopted as amended by Warner amendment #1161, Abboud motion to indefinitely postpone lost. Abboud, Hall, Pappas and V. Johnson amendments lost. Abboud amendment withdrawn. Advanced for Review	2017
May	7	77	Placed on Select File - AM5214	2075
May	7	77	Warner amendment #1245 to committee amendment printed	2092
May	13	81	AM5214 (E & R) adopted. Warner pending amendment #1245 p. 2092 adopted. V. Johnson amendment lost. Advanced for Engrossment	2255
May	14	82	Correctly Engrossed	2318
May	19	84	Abboud amendment #1394 (1) printed	2369
May	19	84	Abboud amendment #1395 (2) printed	2370
May	26	87	Final Reading w/E 40-5-4	2500
May	26	87	Speaker signed	2505
May	26	87	Presented to Governor (5/26)	2523
May	29	90	Approved by Governor (5/29)	2733

LEGISLATIVE BILL 218A. By Warner, Wehrbein, Scofield, Hannibal, L. Johnson, Langford

May	7	77	Read first time. Placed on General File	2075
May	11	79	Advanced for Review	2153
May	12	80	Placed on Select File	2212
May	18	83	V. Johnson motion to indefinitely postpone withdrawn.	

Advanced for Engrossment 2356
May 19 84 Correctly Engrossed 2395
May 26 87 Final Reading 40-7-2 2501
May 26 87 Speaker signed 2505
May 26 87 Presented to Governor (5/26) 2523
May 29 90 Approved by Governor (5/29) 2733

LEGISLATIVE BILL 219. By Morehead

Jan. 13 4 Read first time 135
Jan. 14 5 Referred to Committee on General Affairs 149
Feb. 11 23 Notice of hearing (2/23) 609
Mar. 12 42 Indefinitely postponed 1050

LEGISLATIVE BILL 220. By Morehead, Harris

Jan. 13 4 Read first time 135
Jan. 14 5 Referred to Committee on Banking, Commerce and Insurance 149
Feb. 12 24 Notice of hearing (3/10) 625
Mar. 26 50 Placed on General File - Com am #0735 1306

LEGISLATIVE BILL 221. By Haberman

Jan. 13 4 Read first time 135
Jan. 14 5 Referred to Committee on Judiciary 150
Feb. 18 26 Notice of hearing (2/26) 693
Mar. 11 41 Indefinitely postponed 1032

LEGISLATIVE BILL 222. By Ashford, Nelson, Baack

Jan. 13 4 Read first time 135
Jan. 14 5 Referred to Committee on Judiciary 150
Jan. 21 8 Notice of hearing (1/30) 220
Jan. 23 10 Hannibal name added 339
Feb. 12 24 Indefinitely postponed 635

LEGISLATIVE BILL 223. By Warner, Nelson

Jan. 13 4 Read first time 136
Jan. 14 5 Referred to Committee on Government, Military and Veterans Affairs 150
Jan. 21 8 Notice of hearing (1/29) 216
Feb. 2 16 Placed on General File 451
Feb. 3 17 Pirsch amendment lost.

			Advanced for Review	472
Feb.	4	18	Pappas amendment #0116 printed	491
Feb.	4	18	Placed on Select File	496
Feb.	5	19	Passed over	504
Feb.	6	20	Chizek amendment #0135 printed	519
Feb.	9	21	Pappas pending amendment #0116 p. 491 withdrawn. Chizek pending amendment #0135 p. 519, Warner amendment #0137 and Schmit amendment #0132 adopted. Pappas motion to bracket until 2/23 withdrawn. Passed over	555
Mar.	2	34	Abboud-Landis-Chizek-Nelson amendment and Nelson amendment #0120 adopted. Advanced for Engrossment	857
Mar.	2	34	Chizek name added	869
Mar.	3	35	Correctly Engrossed	886
Mar.	3	35	ER0126 change	887
Mar.	11	41	Warner amendment #0567 printed	1035
Mar.	12	42	Returned to Select File for Warner amendment. Warner pending amendment #0567 p. 1035 adopted. Advanced for Re-Engrossment	1044
Mar.	17	43	Correctly Re-Engrossed	1067
Mar.	23	47	Final Reading w/E 38-6-5	1198
Mar.	23	47	President signed	1207
Mar.	23	47	Presented to Governor (3/23)	1216
Mar.	26	50	Approved by Governor (3/26)	1315

LEGISLATIVE BILL 224. By Transportation Committee

Jan.	13	4	Read first time	136
Jan.	14	5	Referred to Committee on Transportation	150
Feb.	10	22	Notice of hearing (2/23)	570
Mar.	24	48	Placed on General File - Com am #0639	1229
Mar.	25	49	Transportation Committee priority bill	1299
Apr.	29	71	Haberman amendment #1143 to committee amendment printed	1935
May	8	78	Committee amendment #0639 adopted as amended by Coordsen amendment #1032 (printed separate) and Haberman amendment #1218. Haberman pending amendment #1143 p. 1935 withdrawn. Haberman amendment adopted. Advanced for Review	2125
May	12	80	Abboud amendment #1297 printed separate	2218

May 13 81 Placed on Select File - AM5234 2231
May 20 85 Schmit amendment #1428 to committee amendment printed 2444
May 20 85 Schmit amendment #1429 to committee amendment printed 2445
May 21 86 AM5234 (E & R) adopted. Abboud pending amendment #1297 p. 2218 adopted. Hartnett amendment #1387 (printed separate) adopted as amended by Barrett amendment #1460. Schmit pending amendment #1428 p. 2444 withdrawn. L. Johnson amendment lost 2487
May 21 86 Schmit pending amendment #1429 p. 2445 lost. Schmit amendment pending 2490
May 26 87 Correction 2494
May 26 87 Wesely amendment #1503 printed 2549
May 26 87 Lamb amendment #1509 printed 2550
May 26 87 Schmit pending amendment p. 2490 adopted. Abboud amendment withdrawn. Moore amendments #1492 and #1495 (on file) withdrawn. Wesely pending amendment #1503 p. 2549 lost. Lamb pending amendment #1509 p. 2550 adopted. Goodrich motion to reconsider Lamb amendment #1509 prevailed. Lamb reconsidered amendment #1509 p. 2550 lost. Advanced for Engrossment 2554
May 27 88 Wesely motion to return to Select File lost. Returned to Select File for Lamb amendment. Lamb amendment #1509 adopted. Chambers motion to bracket until 5/29/87 withdrawn. Withem motion to reconsider action on Lamb amendment #1509 lost 2610
May 27 88 V. Johnson motion to recommit to Transportation Committee lost. V. Johnson motion to reconsider action prevailed. V. Johnson reconsidered motion to recommit to committee withdrawn 2615
May 27 88 Lamb motion to suspend rules prevailed. Lamb motion to reconsider action on amendment #1509 prevailed. Lamb amendment #1509 withdrawn. Advanced for Re-Engrossment 2618
May 27 88 Correctly Re-Engrossed. ER0212 change 2635

May 29 90 Lynch motion to suspend rules prevailed 2696
May 29 90 Final Reading w/E 46-0-3 2710
May 29 90 President signed 2718
May 29 90 Presented to Governor (5/29) 2726
June 4 AJ Approved by Governor (6/3) 2749

LEGISLATIVE BILL 225. By Ashford, McFarland, V. Johnson, Abboud

Jan. 13 4 Read first time 136
Jan. 14 5 Referred to Committee on Judiciary 150
Jan. 21 8 Notice of hearing (1/28) 220
Feb. 4 18 Placed on General File - Com am #0064 484
Feb. 5 19 Committee amendment #0064 adopted.
Advanced for Review 507
Feb. 9 21 Placed on Select File - AM5059 560
Feb. 10 22 AM5059 (E & R) adopted.
Ashford amendment adopted.
Advanced for Engrossment 567
Feb. 11 23 Correctly Engrossed. ER0117 change 606
Feb. 20 28 Returned to Select File for Ashford amendment. Ashford amendment adopted.
Advanced for Re-Engrossment 724
Feb. 24 30 Correctly Re-Engrossed 781
Feb. 27 33 Final Reading 34-0-15 843
Feb. 27 33 Speaker signed 848
Feb. 27 33 Presented to Governor (2/27) 855
Mar. 3 35 Approved by Governor (3/2) 872

LEGISLATIVE BILL 226. By Wesely

Jan. 13 4 Read first time 136
Jan. 14 5 Referred to Committee on Business and Labor 150
Jan. 30 15 Notice of hearing (3/9) 427
Mar. 11 41 Placed on General File - Com am #0538 1027
Mar. 25 49 Business and Labor Committee priority bill 1298
Mar. 26 50 Committee amendment #0538 adopted.
Advanced for Review 1321
Mar. 31 52 Placed on Select File - AM5146 1373
Apr. 2 54 AM5146 (E & R) adopted.
Advanced for Engrossment 1447
Apr. 6 56 Correctly Engrossed 1500
Apr. 6 56 ER0159 change 1501
May 27 88 Final Reading 43-0-6 2628
May 27 88 Speaker signed 2635

May 28 89 Presented to Governor (5/28) 2639
May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 226A. By Wesely

Mar. 31 52 Read first time. Placed on General File 1408
Apr. 2 54 Advanced for Review 1449
Apr. 6 56 Placed on Select File 1509
Apr. 9 59 Advanced for Engrossment 1603
Apr. 14 62 Correctly Engrossed 1678
May 27 88 Final Reading 42-0-7 2629
May 27 88 Speaker signed 2635
May 28 89 Presented to Governor (5/28) 2639
May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 227. By Wesely

Jan. 13 4 Read first time 136
Jan. 14 5 Referred to Committee on Health and Human Services 150
Jan. 21 8 Notice of hearing (1/28) 240
Jan. 30 15 Placed on General File 426
Feb. 2 16 Advanced for Review 452
Feb. 3 17 Placed on Select File - AM5044 474
Feb. 4 18 AM5044 (E & R) adopted. Advanced for Engrossment 489
Feb. 9 21 Correctly Engrossed 526
Feb. 9 21 ER0113 change 527
Feb. 17 25 Final Reading 43-0-6 653
Feb. 17 25 Speaker signed 661
Feb. 17 25 Presented to Governor (2/17) 667
Feb. 23 29 Approved by Governor (2/20) 752

LEGISLATIVE BILL 228. By L. Johnson

Jan. 13 4 Read first time 137
Jan. 14 5 Referred to Committee on Judiciary 150
Jan. 21 8 Notice of hearing (1/28) 220
Feb. 3 17 Indefinitely postponed 461

LEGISLATIVE BILL 229. By Wesely, V. Johnson

Jan. 13 4 Read first time 137
Jan. 14 5 Referred to Committee on Health and Human Services 150

Jan.	28	13	Notice of hearing (2/4)	388
Feb.	5	19	Placed on General File	505
Feb.	6	20	Failed to advance for Review	518
Feb.	6	20	Advanced for Review	524
Feb.	10	22	Placed on Select File - AM5065	563

LEGISLATIVE BILL 229A. By Wesely

Feb.	10	22	Read first time. Placed on General File	582
Feb.	17	25	Advanced for Review	661
Feb.	17	25	Placed on Select File	665

LEGISLATIVE BILL 230. By V. Johnson, Hall

Jan.	13	4	Read first time	137
Jan.	14	5	Referred to Committee on Appropriations	150
Feb.	24	30	Notice of hearing (3/3)	789

LEGISLATIVE BILL 231. By Langford

Jan.	13	4	Read first time	137
Jan.	14	5	Referred to Committee on Government, Military and Veteran Affairs	150
Jan.	21	8	Notice of hearing (1/30)	216
Feb.	3	17	Placed on General File - Com am #0094	469
Feb.	4	18	Committee amendment #0094 adopted. Advanced for Review	486
Feb.	6	20	Placed on Select File - AM5051	515
Feb.	10	22	AM5051 (E & R) adopted. Advanced for Engrossment	566
Feb.	11	23	Correctly Engrossed	585
Feb.	20	28	Final Reading 47-0-2	725
Feb.	20	28	President signed	731
Feb.	20	28	Presented to Governor (2/20). Abboud explanation of vote	744
Feb.	23	29	Approved by Governor (2/20)	753

LEGISLATIVE BILL 232. By Schmit, Warner

Jan.	13	4	Read first time	137
Jan.	14	5	Referred to Committee on Education	150
Jan.	29	14	Notice of hearing (3/9)	396
Mar.	10	40	Indefinitely postponed	993
Mar.	12	42	Schmit motion to refer back to Education Committee laid over	1054

Mar. 17 43 Schmit pending motion p. 1054 prevailed.
Referred to Committee on Education 1071

LEGISLATIVE BILL 233. By Morehead, Rupp

Jan. 13 4 Read first time 137
Jan. 14 5 Referred to Committee on Natural Resources 150
Jan. 21 8 Notice of hearing (1/28) 217
Feb. 2 16 Placed on General File 451
Feb. 3 17 Advanced for Review 469
Feb. 4 18 Placed on Select File 496
Feb. 5 19 Advanced for Engrossment 504
Feb. 9 21 Correctly Engrossed 548
Feb. 17 25 Final Reading 44-0-5 654
Feb. 17 25 Speaker signed 661
Feb. 17 25 Presented to Governor (2/17) 667
Feb. 23 29 Approved by Governor (2/20) 752

LEGISLATIVE BILL 234. By Lynch

Jan. 13 4 Read first time 138
Jan. 14 5 Referred to Committee on Education 150
Jan. 29 14 Notice of hearing (2/24) 395
Feb. 12 24 Notice of hearing (2/23) (Reset) 614
Mar. 5 37 Indefinitely postponed 923

LEGISLATIVE BILL 235. By Lamb, Remmers, Dierks

Jan. 13 4 Read first time 138
Jan. 15 6 Referred to Committee on Education 170
Jan. 29 14 Notice of hearing (2/24) 396
Feb. 12 24 Notice of hearing (2/23) (Reset) 614
Mar. 5 37 Indefinitely postponed 923

LEGISLATIVE BILL 236. By Wehrbein

Jan. 13 4 Read first time 138
Jan. 15 6 Referred to Committee on Judiciary 170
Jan. 28 13 Notice of hearing (2/4) 385
Feb. 6 20 Indefinitely postponed 523

LEGISLATIVE BILL 237. By Moore, Schmit

Jan. 13 4 Read first time 138

Jan.	15	6	Referred to Committee on Banking, Commerce and Insurance	170
Feb.	12	24	Notice of hearing (3/9)	624
Mar.	20	46	Placed on General File - Com am #0643	1185
Mar.	25	49	Barrett priority bill	1299
May	8	78	Committee amendment #0643 adopted. Advanced for Review	2108
May	11	79	Placed on Select File - AM5224	2176
May	18	83	AM5224 (E & R) adopted. Advanced for Engrossment	2339
May	18	83	Correctly Engrossed	2363
May	21	86	Final Reading 44-0-5	2471
May	21	86	Speaker signed	2478
May	21	86	Presented to Governor (5/21)	2483
May	26	87	Approved by Governor (5/26)	2524

LEGISLATIVE BILL 238. By Schmit

Jan.	13	4	Read first time	138
Jan.	15	6	Referred to Committee on Natural Resources	170
Feb.	3	17	Notice of hearing (2/12)	459

LEGISLATIVE BILL 239. By Landis, Barrett, Peterson, Beyer

Jan.	13	4	Read first time	139
Jan.	15	6	Referred to Committee on Health and Human Services	170
Jan.	21	8	Notice of hearing (1/29)	240
Feb.	3	17	Placed on General File - Com am #0093	476
Feb.	4	18	Committee amendment #0093 adopted. Advanced for Review	487
Feb.	6	20	Placed on Select File - AM5055	516
Feb.	10	22	AM5055 (E & R) adopted. Advanced for Engrossment	566
Feb.	11	23	Correctly Engrossed	585
Feb.	20	28	Final Reading 45-0-4	725
Feb.	20	28	President signed	731
Feb.	20	28	Presented to Governor (2/20). Abboud explanation of vote	744
Feb.	23	29	Approved by Governor (2/20)	753

LEGISLATIVE BILL 240. By Schmit, Pappas

Jan.	13	4	Read first time	139
Jan.	15	6	Referred to Committee on Banking,	

Commerce and Insurance 170
Jan. 30 15 Notice of hearing (2/9) 428
Mar. 26 50 Indefinitely postponed 1308

LEGISLATIVE BILL 241. By Conway

Jan. 13 4 Read first time 139
Jan. 15 6 Referred to Committee on Banking, Commerce and Insurance 170
Feb. 12 24 Notice of hearing (2/23) 624
Feb. 26 32 Placed on General File 830
Mar. 12 42 Advanced for Review 1055
Mar. 17 43 Placed on Select File - AM5121 1084
Mar. 19 45 AM5121 (E & R) adopted. Advanced for Engrossment 1156
Mar. 23 47 Correctly Engrossed 1206
Mar. 27 51 Final Reading w/E 39-0-10 1337
Mar. 27 51 President signed 1350
Mar. 27 51 Presented to Governor (3/27) 1359
Mar. 31 52 Approved by Governor (3/30) 1376

LEGISLATIVE BILL 242. By Rupp

Jan. 13 4 Read first time 139
Jan. 15 6 Referred to Committee on Judiciary 170
Feb. 18 26 Notice of hearing (2/25) 693
Mar. 4 36 Indefinitely postponed 900

LEGISLATIVE BILL 243. By Abboud, Ashford

Jan. 13 4 Read first time 146
Jan. 15 6 Referred to Committee on Judiciary 170
Jan. 21 8 Notice of hearing (1/28) 220
Feb. 9 21 Indefinitely postponed 547

LEGISLATIVE BILL 244. By Moore, Schmit, Dierks, R. Johnson

Jan. 14 5 Read first time 151
Jan. 15 6 Referred to Committee on Agriculture 170
Feb. 3 17 Notice of hearing (2/10) 458
Feb. 18 26 Indefinitely postponed 694

LEGISLATIVE BILL 245. By Warner, Marsh, Moore, Hannibal, Langford, Wehrbein, Scofield, Rogers, Lamb, Dierks, L. Johnson

Jan.	14	5	Read first time	151
Jan.	15	6	Referred to Committee on Appropriations	170
Jan.	22	9	Notice of hearing (1/29)	263
Feb.	2	16	Placed on General File	432
Feb.	3	17	Advanced for Review	465
Feb.	4	18	Placed on Select File	484
Feb.	5	19	Hall motion to indefinitely postpone withdrawn. Hall motion to bracket until 5/11/87 withdrawn. Advanced for Engrossment	501
Feb.	9	21	Correctly Engrossed	548
Feb.	17	25	V. Johnson point of order withdrawn. Final Reading w/E 46-0-3	655
Feb.	17	25	Speaker signed	661
Feb.	17	25	Presented to Governor (2/17)	667
Feb.	23	29	Approved by Governor (2/20)	752

LEGISLATIVE BILL 246. By Schellpeper

Jan.	14	5	Read first time	151
Jan.	15	6	Referred to Committee on Natural Resources	170
Feb.	3	17	Notice of hearing (2/12)	459
Feb.	23	29	Placed on General File	767
Mar.	4	36	Advanced for Review	893
Mar.	6	38	Placed on Select File - AM5103	947
Mar.	9	39	AM5103 (E & R) adopted. Advanced for Engrossment	972
Mar.	10	40	Correctly Engrossed	1008
Mar.	17	43	V. Johnson motion to return to Select File withdrawn. Final Reading 45-0-4	1074
Mar.	17	43	Speaker signed	1090
Mar.	17	43	Presented to Governor (3/17)	1093
Mar.	23	47	Approved by Governor (3/20)	1195

LEGISLATIVE BILL 247. By Abboud

Jan.	14	5	Read first time	151
Jan.	15	6	Referred to Committee on Revenue	170
Feb.	11	23	Notice of hearing (3/5)	586
Mar.	10	40	Indefinitely postponed	992

LEGISLATIVE BILL 248. By Withem

Jan.	14	5	Read first time	152
Jan.	15	6	Referred to Committee on Health and	

Human Services 170
Feb. 4 18 Notice of hearing (3/12) 494
Mar. 27 51 Indefinitely postponed 1351

LEGISLATIVE BILL 249. By Withem

Jan. 14 5 Read first time 152
Jan. 15 6 Referred to Committee on Health and Human Services 170
Feb. 4 18 Notice of hearing (2/19) 493
Mar. 6 38 Placed on General File - Com am #0475 943

LEGISLATIVE BILL 250. By Withem

Jan. 14 5 Read first time 152
Jan. 15 6 Referred to Committee on Health and Human Services 170
Feb. 4 18 Notice of hearing (2/19) 493
Mar. 3 35 Placed on General File - Com am #0420 882
Mar. 27 51 Committee amendment #0420 adopted. Advanced for Review 1352
Mar. 31 52 Placed on Select File - AM5152 1376
Apr. 6 56 AM5152 (E & R) adopted. Higgins amendment adopted. Advanced for Engrossment 1503
Apr. 9 59 Correctly Engrossed. ER0163 change 1590
Apr. 14 62 Final Reading 40-0-9 1666
Apr. 14 62 Speaker signed 1674
Apr. 14 62 Presented to Governor (4/14) 1677
Apr. 21 65 Approved by Governor (4/17) 1741

LEGISLATIVE BILL 251. By Withem

Jan. 14 5 Read first time 152
Jan. 15 6 Referred to Committee on Government, Military and Veterans Affairs 170
Jan. 21 8 Notice of hearing (1/30) 216
Feb. 10 22 Placed on General File - Com am #0168 580

LEGISLATIVE BILL 252. By Barrett

Jan. 14 5 Read first time 152
Jan. 15 6 Referred to Committee on Business and Labor 170
Mar. 12 42 Notice of hearing (3/23) 1054
Mar. 24 48 Placed on General File - Com am #0711 1264

LEGISLATIVE BILL 253. By Barrett

Jan.	14	5	Read first time	153
Jan.	15	6	Referred to Committee on Government, Military and Veterans Affairs	170
Jan.	21	8	Notice of hearing (1/28)	216
Feb.	2	16	Placed on General File	451
Feb.	19	27	Barrett amendment #0278 printed	719
Feb.	23	29	Barrett pending amendment #0278 p. 719 adopted. Advanced for Review	775
Feb.	24	30	Placed on Select File - AM5077	792
Feb.	27	33	AM5077 (E & R) adopted. Advanced for Engrossment	850
Mar.	2	34	Correctly Engrossed. ER0123 change	860
Mar.	5	37	Final Reading 45-0-4	912
Mar.	5	37	President signed	915
Mar.	5	37	Presented to Governor (3/5)	919
Mar.	10	40	Approved by Governor (3/9)	982

LEGISLATIVE BILL 254. By Peterson

Jan.	14	5	Read first time	153
Jan.	15	6	Referred to Committee on Judiciary	170
Jan.	28	13	Notice of hearing (2/5)	385
Feb.	10	22	Placed on General File	577
Feb.	23	29	Chambers amendment lost	778
Feb.	24	30	Advanced for Review	787
Feb.	25	31	Placed on Select File	798
Feb.	27	33	Failed to advance for Engrossment	850
Mar.	2	34	Advanced for Engrossment	865
Mar.	3	35	Correctly Engrossed	880
Mar.	9	39	Final Reading 40-0-9	954
Mar.	9	39	President signed	969
Mar.	9	39	Presented to Governor (3/9)	974
Mar.	12	42	Approved by Governor (3/11)	1040

LEGISLATIVE BILL 255. By Wesely

Jan.	14	5	Read first time	153
Jan.	15	6	Referred to Committee on Health and Human Services	171
Jan.	21	8	Notice of hearing (1/29)	240
Feb.	2	16	Placed on General File - Com am #0088	447
Feb.	3	17	Committee amendment #0088 adopted.	

Advanced for Review 468
Feb. 4 18 Placed on Select File - AM5048 495
Feb. 5 19 AM5048 (E & R) adopted.
Advanced for Engrossment 502
Feb. 9 21 Correctly Engrossed 548
Feb. 17 25 Final Reading w/E 45-0-4 656
Feb. 17 25 Speaker signed 661
Feb. 17 25 Presented to Governor (2/17) 667
Feb. 23 29 Approved by Governor (2/20) 752

LEGISLATIVE BILL 256. By Wesely

Jan. 14 5 Read first time 153
Jan. 15 6 Referred to Committee on Health and
Human Services 171
Feb. 4 18 Notice of hearing (3/4) 493

LEGISLATIVE BILL 257. By Wesely

Jan. 14 5 Read first time 153
Jan. 15 6 Referred to Committee on Health and
Human Services 171
Feb. 4 18 Notice of hearing (2/18) 493
Feb. 19 27 Placed on General File 714
Mar. 25 49 Barrett priority bill 1299

LEGISLATIVE BILL 258. By Hannibal

Jan. 14 5 Read first time 153
Jan. 15 6 Referred to Committee on Judiciary 171
Jan. 28 13 Notice of hearing (2/4) 385
Feb. 18 26 Placed on General File 693
Mar. 6 38 Chambers amendment lost 931
Mar. 6 38 Chambers motion to indefinitely postpone
lost. Advanced for Review 933
Mar. 9 39 Placed on Select File - AM5111 968
Mar. 19 45 AM5111 (E & R) adopted. Schmit
amendment #0506 adopted. Chambers
motion to indefinitely postpone
withdrawn. Chambers amendment lost.
Advanced for Engrossment 1150
Mar. 23 47 Correctly Engrossed. ER0140 change 1206
May 5 75 Attorney General's Opinion #87068 to Hannibal 2030
May 7 77 Final Reading w/E 37-3-9 2087
May 7 77 Speaker signed 2088

May 7 77 Presented to Governor (5/7) 2093
May 12 80 Approved by Governor (5/12) 2201

LEGISLATIVE BILL 259. By Morehead

Jan. 14 5 Read first time 154
Jan. 15 6 Referred to Committee on Health and Human Services 171
Feb. 4 18 Notice of hearing (2/26) 493

LEGISLATIVE BILL 260. By Pappas

Jan. 14 5 Read first time 154
Jan. 15 6 Referred to Committee on Banking, Commerce and Insurance 171
Feb. 12 24 Notice of hearing (3/3) 624

LEGISLATIVE BILL 261. By Haberman

Jan. 14 5 Read first time 154
Jan. 15 6 Referred to Committee on Judiciary 171
Feb. 10 22 Notice of hearing (2/18) 571
Mar. 24 48 Placed on General File 1250
Mar. 25 49 Conway priority bill 1297
Apr. 2 54 Conway name added 1453
Apr. 6 56 Conway amendment #0886 printed 1518
Apr. 7 57 Pappas name added 1545
Apr. 7 57 Ashford amendment #0902 printed 1552
Apr. 7 57 Ashford and McFarland names added 1557
Apr. 8 58 Pappas amendment #0903 printed 1571
Apr. 8 58 Abboud name added 1576
Apr. 9 59 Conway amendment #0931 printed 1603
Apr. 13 61 Conway substituted pending amendment #0931 p. 1603 for pending amendment #0886 p. 1518. Ashford objected. Conway pending amendment #0886 p. 1518 ruled not germane. Challenge of Chair lost. Pappas motion to bracket until 4/21 withdrawn. Ashford pending amendment #0902 p. 1552, Pappas pending amendment #0903 p. 1571 and Conway pending amendment #0931 p. 1603 withdrawn. Advanced for Review 1647
Apr. 15 63 Placed on Select File - AM5188 1688
Apr. 21 65 Conway amendment #1038 printed 1780

Apr. 22 66 Chizek amendment #1061 printed 1804
May 6 76 AM5188 (E & R) adopted. Conway pending amendment #1038 p. 1780 withdrawn. Chizek pending amendment #1061 p. 1804 adopted. Advanced for Engrossment 2051
May 11 79 Correctly Engrossed 2137
May 11 79 ER0184 change 2138
May 14 82 Final Reading 36-1-12 2306
May 14 82 Speaker signed 2317
May 18 83 Presented to Governor (5/14) 2321
May 19 84 Approved by Governor (5/19) 2392

LEGISLATIVE BILL 262. By Peterson

Jan. 14 5 Read first time 155
Jan. 15 6 Referred to Committee on Judiciary 171
Jan. 28 13 Notice of hearing (2/6) 385
Feb. 9 21 Indefinitely postponed 547

LEGISLATIVE BILL 263. By Conway, Lynch

Jan. 14 5 Read first time 155
Jan. 15 6 Referred to Committee on Urban Affairs 171
Feb. 12 24 Notice of hearing (3/3) 628

LEGISLATIVE BILL 264. By Lynch

Jan. 14 5 Read first time 155
Jan. 15 6 Referred to Committee on Health and Human Services 171
Jan. 21 8 Notice of hearing (1/28) 240
Feb. 2 16 Placed on General File - Com am #0074 447
Feb. 3 17 Committee amendment #0074 adopted. Advanced for Review 468
Feb. 4 18 Placed on Select File 496
Feb. 5 19 Advanced for Engrossment 502
Feb. 9 21 Correctly Engrossed 548
Feb. 17 25 Final Reading 43-0-6 657
Feb. 17 25 Speaker signed 661
Feb. 17 25 Presented to Governor (2/17) 667
Feb. 23 29 Approved by Governor (2/20) 752

LEGISLATIVE BILL 265. By Conway

Jan. 14 5 Read first time 155

Jan. 15 6 Referred to Committee on Education 171
Jan. 29 14 Notice of hearing (3/10) 396
Mar. 24 48 Indefinitely postponed 1231

LEGISLATIVE BILL 266. By Peterson

Jan. 14 5 Read first time 155
Jan. 15 6 Referred to Committee on Banking, Commerce and Insurance 171
Feb. 12 24 Notice of hearing (3/10) 625
Mar. 19 45 Indefinitely postponed 1157

LEGISLATIVE BILL 267. By Goodrich, Hefner, Chizek, Elmer, Peterson, Harris, Wesely, Hartnett

Jan. 14 5 Read first time 156
Jan. 15 6 Referred to Committee on Revenue 171
Feb. 11 23 Notice of hearing (2/18) 586
Apr. 6 56 Indefinitely postponed 1518

LEGISLATIVE BILL 268. By Chizek, Pirsch, Korshoj

Jan. 14 5 Read first time 156
Jan. 15 6 Chizek motion to withdraw laid over 162
Jan. 15 6 Referred to Committee on Transportation 171
Jan. 20 7 Chizek pending motion p. 162 prevailed. Withdrawn 195

LEGISLATIVE BILL 269. By Chizek, Pirsch, Korshoj

Jan. 14 5 Read first time 156
Jan. 15 6 Referred to Committee on Government, Military and Veterans Affairs 171
Feb. 3 17 Notice of hearing (2/12) 472
Feb. 24 30 Indefinitely postponed 794

LEGISLATIVE BILL 270. By Chizek, Ashford, Korshoj, Hefner

Jan. 14 5 Read first time 156
Jan. 15 6 Referred to Committee on Revenue 171
Feb. 11 23 Notice of hearing (2/19) 586
Mar. 12 42 Chizek amendment #0573 printed 1061
Mar. 25 49 Chizek priority bill 1297
Apr. 6 56 Placed on General File 1518
Apr. 22 66 Landis amendment to pending Chizek

amendment #0573 lost 1786
Apr. 22 66 Chizek pending amendment #0573 p. 1061 adopted. Conway amendment pending. Ashford amendment to Conway amendment adopted 1789
Apr. 22 66 Conway pending amendment p. 1790 adopted as amended by Conway amendment 1795
Apr. 22 66 Advanced for Review 1796
Apr. 23 67 Placed on Select File - AM5198 1813
Apr. 27 69 Smith explanation of vote 1892
Apr. 30 72 Haberman amendment #1144 printed 1953
May 4 74 Abboud name added 1990
May 6 76 Landis-Ashford-V. Johnson-Chizek amendment #1236 printed 2043
May 11 79 AM5198 (E & R) adopted. Landis et al pending amendment #1236 p. 2043, Haberman pending amendment #1144 p. 1953, Higgins amendments and Morehead amendment adopted. Higgins amendment lost. Advanced for Review 2141
May 13 81 Correctly Engrossed 2276
May 13 81 ER0190 change 2277
May 27 88 Final Reading 40-3-6 2630
May 27 88 Speaker signed 2635
May 28 89 Presented to Governor (5/28) 2639
May 29 90 Approved by Governor (5/29) 2722

LEGISLATIVE BILL 270A. By Chizek

May 4 74 Read first time. Placed on General File 1990
May 7 77 Advanced for Review 2086
May 8 78 Placed on Select File 2117
May 12 80 Advanced for Engrossment 2190
May 13 81 Correctly Engrossed 2276
May 27 88 Final Reading 40-3-6 2630
May 27 88 Speaker signed 2635
May 28 89 Presented to Governor (5/28) 2639
May 29 90 Approved by Governor (5/29) 2722

LEGISLATIVE BILL 271. By Chizek, Pirsch, Lynch, Conway

Jan. 14 5 Read first time 157
Jan. 15 6 Referred to Committee on Government, Military and Veterans Affairs 171

Feb. 24 30 Notice of hearing (3/12) 795
Apr. 1 53 Placed on General File - Com am #0773 1436

LEGISLATIVE BILL 272. By Wesely, Hall

Jan. 14 5 Read first time 157
Jan. 15 6 Referred to Committee on Business and Labor 171
Jan. 23 10 Morehead name added 286
Jan. 30 15 Notice of hearing (2/9) 427
Feb. 10 22 Placed on General File 583
Feb. 24 30 Advanced for Review 794
Feb. 26 32 Placed on Select File 825
Mar. 2 34 Advanced for Engrossment 866
Mar. 3 35 Correctly Engrossed 880
Mar. 9 39 Final Reading w/E 44-0-5 955
Mar. 9 39 President signed 969
Mar. 9 39 Presented to Governor (3/9) 974
Mar. 12 42 Approved by Governor (3/11) 1040

LEGISLATIVE BILL 273. By Pirsch, Marsh, Chizek

Jan. 14 5 Read first time 157
Jan. 15 6 Referred to Committee on Judiciary 171
Feb. 25 31 Notice of hearing (3/4) 810
Mar. 12 42 Placed on General File - Com am #0547 1051

LEGISLATIVE BILL 273A. By Pirsch, Marsh

Mar. 20 46 Read first time. Placed on General File 1189

LEGISLATIVE BILL 274. By Landis, Coordsen, Hall

Jan. 14 5 Read first time 157
Jan. 15 6 Notice of hearing (1/26) 162
Jan. 15 6 Referred to Committee on Business and Labor 171
Jan. 20 7 Labedz name added 210
Feb. 11 23 Indefinitely postponed 603

LEGISLATIVE BILL 275. By Landis, Coordsen, Hall

Jan. 14 5 Read first time 158
Jan. 15 6 Notice of hearing (1/26) 162
Jan. 15 6 Referred to Committee on Business and Labor 171
Jan. 20 7 Labedz name added 210
Jan. 28 13 Placed on General File 386

Jan. 29 14 Advanced for Review 398
Feb. 2 16 Placed on Select File 450
Feb. 3 17 Advanced for Engrossment 463
Feb. 4 18 Correctly Engrossed 487
Feb. 11 23 Final Reading 47-0-2 595
Feb. 11 23 Speaker signed 598
Feb. 11 23 Presented to Governor (2/11) 609
Feb. 17 25 Approved by Governor (2/12) 648

LEGISLATIVE BILL 276. By Landis, Hall

Jan. 14 5 Read first time 158
Jan. 15 6 Notice of hearing (1/26) 162
Jan. 15 6 Referred to Committee on Business and Labor 171
Jan. 20 7 Labedz name added 210
Jan. 28 13 Placed on General File - Com am #0036 386
Jan. 29 14 Committee amendment #0036 adopted.
Advanced for Review 399
Feb. 2 16 Placed on Select File 450
Feb. 3 17 Advanced for Engrossment 463
Feb. 4 18 Correctly Engrossed 487
Feb. 11 23 Final Reading w/E 47-0-2 596
Feb. 11 23 Speaker signed 598
Feb. 11 23 Presented to Governor (2/11) 609
Feb. 17 25 Approved by Governor (2/12) 648

LEGISLATIVE BILL 277. By Landis, Hall

Jan. 14 5 Read first time 158
Jan. 15 6 Notice of hearing (1/26) 162
Jan. 15 6 Referred to Committee on Business and Labor 171
Jan. 20 7 Labedz name added 210
Jan. 28 13 Placed on General File 386
Jan. 29 14 Advanced for Review 399
Feb. 2 16 Placed on Select File 450
Feb. 3 17 Advanced for Engrossment 463
Feb. 4 18 Correctly Engrossed 487
Feb. 11 23 Final Reading 47-0-2 597
Feb. 11 23 Speaker signed 598
Feb. 11 23 Presented to Governor (2/11) 609
Feb. 17 25 Approved by Governor (2/12) 648

LEGISLATIVE BILL 278. By Landis, Hall

Jan. 14 5 Read first time 158

Jan.	15	6	Notice of hearing (1/26)	162
Jan.	15	6	Referred to Committee on Business and Labor	171
Jan.	20	7	Labedz name added	210
Jan.	28	13	Placed on General File - Com am #0035	386
Jan.	29	14	Committee amendment #0035 adopted. Advanced for Review	400
Feb.	2	16	Placed on Select File - AM5030	450
Feb.	3	17	AM5030 (E & R) adopted. Advanced for Engrossment	463
Feb.	4	18	Correctly Engrossed	487
Feb.	11	23	Final Reading w/E 47-0-2. Speaker signed	598
Feb.	11	23	Presented to Governor (2/11)	609
Feb.	17	25	Approved by Governor (2/12)	648

LEGISLATIVE BILL 279. By Schmit

Jan.	14	5	Read first time	158
Jan.	15	6	Referred to Committee on Natural Resources	171
Feb.	3	17	Notice of hearing (2/11)	459
Mar.	11	41	Placed on General File - Com am #0510	1016
Mar.	25	49	Natural Resources Committee priority bill	1298
Apr.	1	53	Schmit amendment #0811 to committee amendment printed	1428
May	6	76	Committee amendment #0510 adopted as amended by Schmit pending amendment #0811 p. 1428. Advanced for Review	2038
May	7	77	Hefner amendment #0596 to committee amendment printed	2083
May	11	79	Placed on Select File - AM5219	2136
May	13	81	Schmit amendment #1327 printed separate	2275
May	18	83	Attorney General's Opinion #87076 to Schmit	2344
May	18	83	Schmit amendment #1405 printed	2352
May	20	85	Lamb amendment #0196 printed	2420
May	20	85	Lamb amendment #1467 printed	2450
May	21	86	AM5219 (E & R) adopted. Hefner pending amendment #0596 p. 2083, Lamb pending amendments #0196 p. 2420 and #1467 p. 2450 withdrawn. Schmit amendments #1327 p. 2275 and #1405 p. 2352 adopted. Advanced for Engrossment	2476
May	26	87	Correctly Engrossed	2494
May	26	87	ER0205 change	2495
May	28	89	Lynch motion to suspend rules prevailed	2667
May	28	89	Final Reading w/E 44-0-5	2668

May 28 89 President signed 2675
May 28 89 Presented to Governor (5/28) 2683
May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 280. By Schmit

Jan. 14 5 Read first time 158
Jan. 15 6 Referred to Committee on Revenue 171
Feb. 11 23 Notice of hearing (2/25) 586
Feb. 26 32 Indefinitely postponed 834

LEGISLATIVE BILL 281. By Withem

Jan. 14 5 Read first time 159
Jan. 15 6 Referred to Committee on Education 171
Jan. 29 14 Notice of hearing (2/23) 395
Feb. 12 24 Notice of hearing (2/24) (Reset) 614
Feb. 25 31 Indefinitely postponed 821

LEGISLATIVE BILL 282. By Pappas

Jan. 14 5 Read first time 159
Jan. 15 6 Referred to Committee on Health and Human Services 171
Feb. 4 18 Notice of hearing (2/25) 493
Feb. 17 25 Pappas motion to withdraw laid over 660
Feb. 18 26 Pappas pending motion p. 660 withdrawn 691
Mar. 4 36 Indefinitely postponed 896

LEGISLATIVE BILL 283. By Withem, Chizek

Jan. 14 5 Read first time 159
Jan. 15 6 Referred to Committee on Education 171
Jan 29 14 Notice of hearing (2/23) 395
Feb. 12 24 Notice of hearing (2/24) (Reset) 614
Mar. 6 38 Placed on General File - Com am #0481 936
Mar. 25 49 Withem priority bill 1297
Apr. 27 69 Withem motion to bracket until 1/1/88 prevailed 1882

LEGISLATIVE BILL 284. By Revenue Committee

Jan. 15 6 Read first time 166
Jan. 15 6 Referred to Committee on Revenue 171

Jan. 15 6 Notice of hearing (1/22) 173
Jan. 30 15 Placed on General File - Com am #0034 424
Feb. 2 16 Committee amendment #0034 adopted.
Advanced for Review 448
Feb. 3 17 Placed on Select File - AM5042 466
Feb. 5 19 AM5042 (E & R) adopted.
Advanced for Engrossment 501
Feb. 9 21 Correctly Engrossed 526
Feb. 18 26 V. Johnson motion to suspend rules
prevailed. Final Reading w/E 46-2-1 677
Feb. 18 26 Speaker signed 679
Feb. 18 26 Presented to Governor (2/18) 694
Feb. 23 29 Approved by Governor (2/20) 752

LEGISLATIVE BILL 284A. By V. Johnson

Feb. 2 16 Read first time. Placed on General File 453
Feb. 6 20 Advanced for Review 524
Feb. 10 22 Placed on Select File - AM5064 563
Feb. 11 23 AM5064 (E & R) adopted.
Advanced for Engrossment 602
Feb. 12 24 Correctly Engrossed 612
Feb. 18 26 V. Johnson motion to suspend rules
prevailed 677
Feb. 18 26 Final Reading w/E 48-0-1 678
Feb. 18 26 Speaker signed 679
Feb. 18 26 Presented to Governor (2/18) 694
Feb. 23 29 Approved by Governor (2/20) 752

LEGISLATIVE BILL 285. By Lynch

Jan. 15 6 Read first time 166
Jan. 20 7 Referred to Committee on Education 184
Jan. 22 9 Notice of hearing (2/3) 245
Feb. 11 23 Placed on General File 605
Mar. 4 36 Advanced for Review 892
Mar. 6 38 Placed on Select File - AM5099 929
Mar. 9 39 AM5099 (E & R) adopted.
Advanced for Engrossment 970
Mar. 10 40 Correctly Engrossed 1008
Mar. 17 43 Final Reading 44-0-5 1075
Mar. 17 43 Speaker signed 1090
Mar. 17 43 Presented to Governor (3/17) 1093
Mar. 23 47 Approved by Governor (3/20) 1195

LEGISLATIVE BILL 286. By Warner, Coordsen

Jan. 15 6 Read first time 167
Jan. 20 7 Referred to Committee on Transportation 184
Feb. 10 22 Notice of hearing (2/24) 570
Feb. 27 33 Attorney General's Opinion #87024 to Warner 839
Mar. 5 37 Indefinitely postponed 924
Apr. 21 65 Attorney General's Opinion #87057 to Rupp 1767

LEGISLATIVE BILL 287. By Warner

Jan. 15 6 Read first time 167
Jan. 20 7 Referred to Committee on Revenue 184
Feb. 4 18 Notice of hearing (2/11) 486
Feb. 20 28 Placed on General File 743
Mar. 4 36 Advanced for Review 893
Mar. 6 38 Placed on Select File 946
Mar. 19 45 Advanced for Engrossment 1148
Mar. 20 46 Correctly Engrossed 1189
Mar. 25 49 Final Reading w/E 44-0-5 1270
Mar. 25 49 Speaker signed 1272
Mar. 25 49 Presented to Governor (3/25) 1275
Mar. 26 50 Approved by Governor (3/26) 1314

LEGISLATIVE BILL 288. By Revenue Committee

Jan. 15 6 Read first time 167
Jan. 20 7 Referred to Committee on Revenue 185
Feb. 11 23 Notice of hearing (3/4) 586
Mar. 10 40 Placed on General File - Com am #0525 991
Mar. 31 52 Pirsch amendment (1) printed 1412
Mar. 31 52 Pirsch amendment (2) printed 1413
Apr. 28 70 Pappas-Hall-Labedz amendment #1099 printed 1919
May 6 76 Committee amendment #0525 pending 2047
May 7 77 Committee amendment #0525 adopted. Labedz et al pending amendment #1099 p. 1919 adopted. Pappas motion to indefinitely postpone prevailed 2072
May 7 77 Remmers motion to reconsider Pappas motion p. 2074 lost 2080

LEGISLATIVE BILL 288A. By V. Johnson

Apr.	1	53	Read first time. Placed on General File	1440
May	7	77	Pappas motion to indefinitely postpone lost. Higgins motion to bracket until 5/30/88 withdrawn	2079
May	7	77	Chambers amendment printed	2095

LEGISLATIVE BILL 289. By Revenue Committee

Jan.	15	6	Read first time	167
Jan.	20	7	Referred to Committee on Revenue	185
Jan.	21	8	Notice of hearing (1/28)	217
Feb.	23	29	Indefinitely postponed	772

LEGISLATIVE BILL 290. By Hefner

Jan.	15	6	Read first time	168
Jan.	20	7	Referred to Committee on Business and Labor	185
Jan.	30	15	Notice of hearing (2/9)	427
Feb.	11	23	Placed on General File - Com am #0189	602
Mar.	18	44	Committee amendment #0189 adopted. Landis amendment lost. Pappas motion to indefinitely postpone prevailed	1127

LEGISLATIVE BILL 291. By R. Johnson

Jan.	15	6	Read first time	168
Jan.	20	7	Referred to Committee on Agriculture	185
Jan.	20	7	Notice of hearing (1/27)	202
Jan.	28	13	Placed on General File	387
Jan.	29	14	Advanced for Review	397
Jan.	30	15	Placed on Select File - AM5024	429
Feb.	2	16	AM5024 (E & R) adopted. R. Johnson amendment #0070 adopted. Advanced for Engrossment	433
Feb.	3	17	Correctly Engrossed	455
Feb.	9	21	Final Reading 49-0-0	546
Feb.	9	21	President signed	547
Feb.	9	21	Presented to Governor (2/9)	560
Feb.	17	25	Approved by Governor (2/12)	649

LEGISLATIVE BILL 292. By Hall

Jan.	15	6	Read first time	168
Jan.	20	7	Referred to Committee on Business and Labor	185

Jan. 26 11 Notice of hearing (2/2) 346
Feb. 9 21 Placed on General File - Com am #0150 527
Mar. 2 34 Hall-Landis-Barrett-Hefner amendment #0403 to committee amendment printed 863
Mar. 4 36 Committee amendment #0150 adopted as amended by Hall et al pending amendment #0403 p. 863. Advanced for Review 901
Mar. 6 38 Placed on Select File - AM5105 947
Mar. 10 40 AM5105 (E & R) adopted. Hall amendment #0542 adopted. Advanced for Engrossment 999
Mar. 11 41 Correctly Engrossed 1033
May 27 88 Final Reading w/E 37-6-6 2631
May 27 88 Speaker signed 2635
May 28 89 Presented to Governor (5/28) 2639
May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 292A. By Hall

Mar. 5 37 Read first time. Placed on General File 927
Mar. 11 41 Advanced for Review 1024
Mar. 11 41 Placed on Select File 1033
Mar. 19 45 Advanced for Engrossment 1153
Mar. 20 46 Correctly Engrossed 1189
May 27 88 Final Reading w/E 38-6-5 2632
May 27 88 Speaker signed 2635
May 28 89 Presented to Governor (5/28) 2639
May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 293. By Revenue Committee

Jan. 15 6 Read first time 168
Jan. 20 7 Referred to Committee on Revenue 185
Feb. 11 23 Notice of hearing (2/18) 586
Feb. 23 29 Indefinitely postponed 772

LEGISLATIVE BILL 294. By Revenue Committee

Jan. 15 6 Read first time 169
Jan. 20 7 Referred to Committee on Revenue 185
Feb. 4 18 Notice of hearing (2/11) 486
Mar. 25 49 Revenue Committee priority bill 1299
Apr. 28 70 Placed on General File - Com am #1101 1904
Apr. 30 72 Corrected committee amendment #1150 printed . 1951
May 20 85 Second corrected committee amendment

#1450 printed 2431

LEGISLATIVE BILL 295. By V. Johnson

Jan.	15	6	Read first time	169
Jan.	20	7	Referred to Committee on General Affairs	185
Feb.	18	26	Notice of hearing (3/2)	683
Mar.	18	44	Placed on General File - Com am #0607	1103
Mar.	25	49	General Affairs Committee priority bill	1298
Apr.	24	68	Morehead amendment #1083 to committee amendment printed	1860
May	12	80	Morehead amendments #1307 (1), #1305 (2), and #1306 (3) to committee amendment printed	2196
May	18	83	Hall amendment #1409 printed	2351
May	19	84	V. Johnson amendment #1435 to committee amendment printed	2397
May	19	84	Hall amendment #1316 to committee amendment printed	2408
May	20	85	Morehead pending amendments #1083 p. 1860, #1305 (2) p. 2196 and #1306 (3) p. 2196 adopted. Morehead pending amendment #1307 (1) p. 2196 withdrawn. V. Johnson-Hall motion to bracket until 1/10/88 withdrawn	2418
May	20	85	Wesely motion to overrule Speaker's agenda to continue action lost	2423
May	21	86	Correction	2453

LEGISLATIVE BILL 295A. By V. Johnson

Mar.	20	46	Read first time. Placed on General File	1184

LEGISLATIVE BILL 296. By Abboud

Jan.	15	6	Read first time	169
Jan.	20	7	Referred to Committee on Nebraska Retirement Systems	185
Jan.	23	10	Notice of hearing (2/2)	291
Feb.	3	17	Placed on General File - Com am #0107	470
Feb.	4	18	Committee amendment #0107 adopted. Advanced for Review	486
Feb.	6	20	Placed on Select File - AM5053	515
Feb.	10	22	AM5053 (E & R) adopted. Advanced for Engrossment	566

Feb. 11 23 Correctly Engrossed 585
Feb. 20 28 Final Reading 47-0-2 726
Feb. 20 28 President signed 731
Feb. 20 28 Presented to Governor (2/20).
Abboud explanation of vote 744
Feb. 23 29 Approved by Governor (2/20) 753

LEGISLATIVE BILL 297. By McFarland, Harris, Wesely, Landis, Warner, Marsh

Jan. 15 6 Read first time 170
Jan. 20 7 Referred to Committee on Appropriations 185
Mar. 12 42 Notice of hearing (3/23) 1048
Apr. 30 72 McFarland-Wesely-Harris-Chambers-
Warner-Landis-Marsh motion to place
on General File laid over 1956
May 6 76 McFarland et al pending motion p. 1956
to place on General File lost.
Stands indefinitely postponed 2048

LEGISLATIVE BILL 298. By Goodrich

Jan. 15 6 Read first time 173
Jan. 20 7 Referred to Committee on Nebraska
Retirement Systems 185
Feb. 5 19 Notice of hearing (2/18) 509
Mar. 12 42 Placed on General File - Com am #0551 1054
May 14 82 Committee amendment #0551 adopted.
Advanced for Review 2295
May 14 82 Ashford explanation of vote 2296
May 18 83 Placed on Select File - AM5237 2337
May 20 85 AM5237 (E & R) adopted.
Advanced for Engrossment 2451
May 21 86 Correctly Engrossed. ER0202 change 2491
May 28 89 Final Reading w/E 43-0-6 2660
May 28 89 President signed 2667
May 28 89 Presented to Governor (5/28) 2675
May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 299. By Peterson

Jan. 15 6 Read first time 174
Jan. 20 7 Referred to Committee on Transportation 185
Jan. 23 10 Notice of hearing (2/3) 303
Mar. 11 41 Attorney General's Opinion #87027 to Lamb 1021

LEGISLATIVE BILL 300. By Peterson

Jan.	15	6	Read first time	174
Jan.	20	7	Referred to Committee on Transportation	185
Jan.	30	15	Notice of hearing (2/9)	427
Feb.	11	23	Placed on General File	602
Mar.	3	35	Advanced for Review	882
Mar.	4	36	Higgins amendment (1) printed	894
Mar.	4	36	Higgins amendment (2) printed	895
Mar.	4	36	Placed on Select File	904
Mar.	5	37	Higgins amendment (1) p. 894 adopted. Higgins amendment (2) p. 895 withdrawn. Higgins amendment and Chambers amendments adopted. Peterson amendment lost. Failed to advance for Engrossment	916
Apr.	6	56	Peterson amendment #0827 printed	1520
Apr.	9	59	Peterson pending amendment #0827 adopted. Advanced for Engrossment	1585
Apr.	10	60	Correctly Engrossed	1632
Apr.	10	60	ER0168 change	1633
Apr.	16	64	Final Reading 37-1-11	1725
Apr.	16	64	Speaker signed	1727
Apr.	16	64	Presented to Governor (4/16)	1732
Apr.	21	65	Approved by Governor (4/17)	1742

LEGISLATIVE BILL 301. By Conway

Jan.	15	6	Read first time	174
Jan.	20	7	Referred to Committee on Health and Human Services	185
Feb.	4	18	Notice of hearing (2/12)	493
Mar.	4	36	Placed on General File - Com am #0422	895

LEGISLATIVE BILL 302. By Rogers

Jan.	15	6	Read first time	174
Jan.	20	7	Referred to Committee on Banking, Commerce and Insurance	185
Jan.	22	9	Rereferred to Committee on Revenue	249
Jan.	22	9	Notice of hearing (1/29)	263
Jan.	26	11	V. Johnson amendment #0022 printed	351
Jan.	30	15	Placed on General File - Com am #0022	425
Feb.	2	16	Committee amendment #0022 adopted. V. Johnson pending amendment #0022	

p. 351 withdrawn. Advanced for Review 452
Feb. 3 17 Placed on Select File - AM5039 466
Feb. 5 19 AM5039 (E & R) adopted.
Advanced for Engrossment 501
Feb. 9 21 Correctly Engrossed 548
Feb. 17 25 Final Reading w/E 45-0-4 657
Feb. 17 25 Speaker signed 661
Feb. 17 25 Presented to Governor (2/17) 667
Feb. 23 29 Approved by Governor (2/20) 752

LEGISLATIVE BILL 303. By Hartnett

Jan. 15 6 Read first time 174
Jan. 20 7 Referred to Committee on Revenue 185
Jan. 21 8 Notice of hearing (1/28) 217
Jan. 30 15 Indefinitely postponed 426

LEGISLATIVE BILL 304. By Hefner

Jan. 15 6 Read first time 175
Jan. 20 7 Referred to Committee on Revenue 185
Jan. 22 9 Notice of hearing (1/29) 263
Jan. 30 15 Placed on General File 423
Feb. 2 16 Advanced for Review 448
Feb. 3 17 Placed on Select File - AM5038 465
Feb. 5 19 AM5038 (E & R) adopted. Baack motion
to indefinitely postpone lost.
Advanced for Engrossment 499
Feb. 9 21 Correctly Engrossed 526
Feb. 18 26 Attorney General's Opinion #87020 to Baack 684
Feb. 25 31 Schmit motion to return to Select
File lost 799
Feb. 25 31 Final Reading 27-18-4 800
Feb. 25 31 Speaker signed 811
Feb. 25 31 Presented to Governor (2/25) 812
Mar. 3 35 Approved by Governor (3/2) 873

LEGISLATIVE BILL 304A. By Hefner

Feb. 2 16 Read first time. Placed on General File 448
Feb. 6 20 Advanced for Review 514
Feb. 10 22 Placed on Select File 562
Feb. 11 23 Advanced for Engrossment 601
Feb. 12 24 Correctly Engrossed 612
Feb. 25 31 Final Reading 30-15-4 801

Feb.	25	31	Speaker signed	811
Feb.	25	31	Presented to Governor (2/25)	812
Mar.	3	35	Approved by Governor (3/2)	873

LEGISLATIVE BILL 305. By Hartnett

Jan.	15	6	Read first time	175
Jan.	20	7	Referred to Committee on Transportation	185
Jan.	23	10	Notice of hearing (2/2)	303
Feb.	11	23	Placed on General File	602
Mar.	20	46	Hartnett amendment #0669 printed	1189

LEGISLATIVE BILL 305A. By Hartnett

Feb.	17	25	Read first time. Placed on General File	666

LEGISLATIVE BILL 306. By Remmers

Jan.	15	6	Read first time	175
Jan.	20	7	Referred to Committee on Banking, Commerce and Insurance	185
Jan.	30	15	Notice of hearing (2/9)	428
Feb.	11	23	Placed on General File - Com am #0190	602
Feb.	27	33	Committee amendment #0190 adopted. Advanced for Review	854
Mar.	2	34	Placed on Select File - AM5086	861
Mar.	3	35	AM5086 (E & R) adopted. Advanced for Engrossment	879
Mar.	4	36	Correctly Engrossed	895
Mar.	9	39	Final Reading 43-1-5	959
Mar.	9	39	President signed	969
Mar.	9	39	Presented to Governor (3/9)	974
Mar.	12	42	Approved by Governor (3/11)	1040

LEGISLATIVE BILL 307. By Beyer

Jan.	15	6	Read first time	175
Jan.	20	7	Referred to Committee on Transportation	185
Feb.	10	22	Notice of hearing (2/17)	570
Feb.	23	29	Placed on General File - Com am #0274	753
Mar.	12	42	Committee amendment #0274 adopted. Advanced for Review	1053
Mar.	17	43	Placed on Select File - AM5116	1082
Mar.	19	45	AM5116 (E & R) adopted. Lamb amendment #0654 lost.	

Advanced for Engrossment 1154
Mar. 23 47 Correctly Engrossed 1192
Mar. 27 51 Lamb motion to return to Select File lost. Failed on Final Reading 23-15-11 1339
Mar. 31 52 Beyer motion to reconsider action on Final Reading laid over 1390
Apr. 1 53 Beyer amendment #0832 printed 1440
Apr. 2 54 Beyer pending motion p. 1390 to reconsider action prevailed. Returned to Select File for Beyer amendment. Beyer pending amendment #0832 p. 1440 adopted. Advanced for Re-Engrossment 1449
Apr. 6 56 Correctly Re-Engrossed 1510
Apr. 10 60 Final Reading 44-0-5 1611
Apr. 10 60 Speaker signed 1617
Apr. 10 60 Presented to Governor (4/10) 1620
Apr. 15 63 Approved by Governor (4/14) 1690

LEGISLATIVE BILL 308. By Nelson

Jan. 15 6 Read first time 175
Jan. 20 7 Referred to Committee on Nebraska Retirement Systems 185
Feb. 2 16 Notice of hearing (2/9) 435
Feb. 10 22 Placed on General File 577
Feb. 23 29 Advanced for Review 778
Feb. 24 30 Placed on Select File - AM5078 793
Feb. 27 33 AM5078 (E & R) adopted. Nelson amendment #0381 adopted. Advanced for Engrossment 850
Mar. 2 34 Correctly Engrossed 860
Mar. 5 37 Final Reading 46-0-3 913
Mar. 5 37 President signed 915
Mar. 5 37 Presented to Governor (3/5) 919
Mar. 10 40 Approved by Governor (3/9) 982

LEGISLATIVE BILL 309. By Wesely

Jan. 15 6 Read first time 176
Jan. 20 7 Referred to Committee on Judiciary 185
Mar. 11 41 Notice of hearing (3/19) 1030
Mar. 26 50 Placed on General File - Com am #0713 1315

LEGISLATIVE BILL 310. By Lynch

Jan.	15	6	Read first time	176
Jan.	20	7	Referred to Committee on Education	185
Jan.	29	14	Notice of hearing (2/24)	395
Feb.	12	24	Notice of hearing (2/23) (Reset)	614
Feb.	25	31	Indefinitely postponed	821

LEGISLATIVE BILL 311. By Warner

Jan.	15	6	Read first time	176
Jan.	20	7	Referred to Committee on Transportation	185
Jan.	23	10	Notice of hearing (2/2)	303
Mar.	20	46	Indefinitely postponed	1185

LEGISLATIVE BILL 312. By Warner, Scofield

Jan.	15	6	Read first time	176
Jan.	20	7	Referred to Committee on Government, Military and Veterans Affairs	185
Feb.	24	30	Notice of hearing (3/5)	795
Mar.	25	49	Warner priority bill	1297
Mar.	27	51	Placed on General File - Com am #0740	1355
Apr.	15	63	Committee amendment #0740 adopted as amended by Warner amendment #0873. Advanced for Review	1697
Apr.	21	65	Placed on Select File - AM5194	1756
May	1	73	AM5194 (E & R) adopted. Advanced for Engrossment	1980
May	4	74	Correctly Engrossed	1999
May	27	88	Final Reading 42-0-7	2633
May	27	88	Speaker signed	2635
May	28	89	Presented to Governor (5/28)	2639
May	29	90	Approved by Governor (5/29)	2723

LEGISLATIVE BILL 312A. By Warner

Mar.	31	52	Read first time. Placed on General File	1396
Apr.	15	63	Advanced for Review	1698
Apr.	21	65	Placed on Select File	1757
May	1	73	Advanced for Engrossment	1980
May	4	74	Correctly Engrossed	1999
May	27	88	Final Reading 42-0-7	2634
May	27	88	Speaker signed	2635
May	28	89	Presented to Governor (5/28)	2639
May	29	90	Approved by Governor (5/29)	2723

LEGISLATIVE BILL 313. By Rogers, Lamb

Jan. 15 6 Read first time 176
Jan. 20 7 Referred to Committee on Judiciary 185
Jan. 28 13 Notice of hearing (2/5) 385
Feb. 6 20 Placed on General File 523
Feb. 9 21 Advanced for Review 551
Feb. 10 22 Placed on Select File 578
Feb. 11 23 Advanced for Engrossment 602
Feb. 12 24 Correctly Engrossed 612
Feb. 23 29 Returned to Select File for Rogers amendment. Rogers amendment #0289 adopted. Advanced for Re-Engrossment 760
Feb. 24 30 Correctly Re-Engrossed 781
Feb. 27 33 Final Reading 36-0-13 844
Feb. 27 33 Speaker signed 848
Feb. 27 33 Presented to Governor (2/27) 855
Mar. 3 35 Approved by Governor (3/2) 872

LEGISLATIVE BILL 314. By Rogers

Jan. 15 6 Read first time 176
Jan. 20 7 Referred to Committee on Agriculture 185
Feb. 10 22 Notice of hearing (2/24) 571
Feb. 26 32 Placed on General File - Com am #0360 831
Mar. 12 42 Committee amendment #0360 adopted. Advanced for Review 1056
Mar. 17 43 Placed on Select File - AM5122 1084
Mar. 19 45 AM5122 (E & R) adopted. Advanced for Engrossment 1156
Mar. 23 47 Correctly Engrossed 1206
Mar. 27 51 Final Reading 34-0-15 1340
Mar. 27 51 President signed 1350
Mar. 27 51 Presented to Governor (3/27) 1359
Mar. 31 52 Approved by Governor (3/30) 1376

LEGISLATIVE BILL 315. By Rogers

Jan. 15 6 Read first time 177
Jan. 20 7 Referred to Committee on Government, Military and Veterans Affairs 185
Feb. 10 22 Notice of hearing (2/19) 579
Feb. 24 30 Indefinitely postponed 794

LEGISLATIVE BILL 316. By Wesely, Marsh

Jan.	15	6	Read first time	177
Jan.	20	7	Referred to Committee on Education	185
Jan.	30	15	Notice of hearing (2/17)	405
Mar.	3	35	Placed on General File - Com am #0436	883

LEGISLATIVE BILL 317. By Marsh

Jan.	15	6	Read first time	177
Jan.	20	7	Referred to Committee on Urban Affairs	185
Jan.	20	7	Notice of hearing (1/27)	202
Jan.	29	14	Placed on General File	402
Jan.	30	15	Advanced for Review	430
Feb.	3	17	Placed on Select File	455
Feb.	4	18	Marsh amendment adopted. Advanced for Engrossment	488
Feb.	6	20	Correctly Engrossed	519
Feb.	12	24	Final Reading w/E 44-0-5	622
Feb.	12	24	Speaker signed	628
Feb.	12	24	Presented to Governor (2/12)	634
Feb.	17	25	Approved by Governor (2/17)	663

LEGISLATIVE BILL 318. By Peterson, Hefner

Jan.	15	6	Read first time	177
Jan.	20	7	Referred to Committee on Judiciary	185
Feb.	18	26	Attorney General's Opinion #87022 to Peterson	671
Feb.	25	31	Notice of hearing (3/6)	810
Mar.	27	51	Indefinitely postponed	1369

LEGISLATIVE BILL 319. By Wesely, Lynch

Jan.	15	6	Read first time	177
Jan.	20	7	Referred to Committee on Banking, Commerce and Insurance	185
Feb.	12	24	Notice of hearing (3/3)	624
Mar.	6	38	Placed on General File - Com am #0461	940
Mar.	27	51	Committee amendment #0461 adopted. Advanced for Review	1366
Apr.	2	54	Placed on Select File - AM5165	1450
Apr.	6	56	AM5165 (E & R) adopted. Advanced for Engrossment	1505
Apr.	9	59	Correctly Engrossed	1601
Apr.	14	62	Final Reading 43-0-6	1666
Apr.	14	62	Speaker signed	1674

Apr. 14 62 Presented to Governor (4/14) 1677
Apr. 21 65 Approved by Governor (4/17) 1741

LEGISLATIVE BILL 320. By Wesely

Jan. 15 6 Read first time 177
Jan. 20 7 Referred to Committee on Health and Human Services 185
Feb. 4 18 Notice of hearing (2/18) 493
Feb. 26 32 Placed on General File 826
Mar. 12 42 Advanced for Review 1055
Mar. 17 43 Placed on Select File 1084
Apr. 21 65 Attorney General's Opinion #87056 to Wesely ... 1765

LEGISLATIVE BILL 321. By Wesely

Jan. 15 6 Read first time 178
Jan. 20 7 Referred to Committee on Health and Human Services 185
Feb. 4 18 Notice of hearing (2/18) 493

LEGISLATIVE BILL 322. By Wesely

Jan. 15 6 Read first time 179
Jan. 20 7 Referred to Committee on Health and Human Services 185
Jan. 28 13 Notice of hearing (2/6) 389
Feb. 27 33 Indefinitely postponed 839

LEGISLATIVE BILL 323. By Wesely, Hannibal, Abboud, Hefner

Jan. 15 6 Read first time 179
Jan. 20 7 Referred to Committee on Revenue 185
Feb. 11 23 Notice of hearing (2/19) 586
Feb. 23 29 Indefinitely postponed 772

LEGISLATIVE BILL 324. By Schmit

Jan. 15 6 Read first time 179
Jan. 20 7 Referred to Committee on Urban Affairs 185
Feb. 9 21 Notice of hearing (2/17) 548
Feb. 19 27 Placed on General File - Com am #0271 713
Mar. 12 42 Committee amendment #0271 adopted. Advanced for Review 1050
Mar. 17 43 Placed on Select File - AM5114 1081

Mar.	19	45	AM5114 (E & R) adopted. Advanced for Engrossment	1153
Mar.	20	46	Correctly Engrossed	1189
Apr.	14	62	Schmit amendment #0911 printed	1660
Apr.	16	64	Returned to Select File for Schmit amendment. Schmit pending amendment #0911 p. 1660 adopted. Advanced for Re-Engrossment	1723
Apr.	21	65	Correctly Re-Engrossed	1778
Apr.	27	69	Final Reading 46-0-3	1876
Apr.	27	69	Speaker signed	1882
Apr.	27	69	Presented to Governor (4/27)	1886
Apr.	29	71	Approved by Governor (4/29)	1944

LEGISLATIVE BILL 325. By Schmit

Jan.	15	6	Read first time	179
Jan.	20	7	Referred to Committee on Agriculture	185
Feb.	10	22	Notice of hearing (2/24)	571
Feb.	25	31	Indefinitely postponed	821

LEGISLATIVE BILL 326. By Lamb, R. Johnson, Dierks, Moore

Jan.	15	6	Read first time	179
Jan.	20	7	Referred to Committee on Education	185
Jan.	28	13	Notice of hearing (2/10)	368
Mar.	10	40	Placed on General File	1013
Mar.	20	46	Lamb priority bill	1167

LEGISLATIVE BILL 327. By Lamb

Jan.	15	6	Read first time	180
Jan.	20	7	Referred to Committee on Transportation	185
Jan.	23	10	Notice of hearing (2/3)	303
Feb.	4	18	Placed on General File	490
Feb.	5	19	Advanced for Review	508
Feb.	9	21	Placed on Select File - AM5060	560
Feb.	10	22	AM5060 (E & R) adopted. Advanced for Engrossment	568
Feb.	11	23	Correctly Engrossed	606
Feb.	20	28	Final Reading 47-0-2	727
Feb.	20	28	President signed	731
Feb.	20	28	Presented to Governor (2/20). Abboud explanation of vote	744

Feb. 23 29 Approved by Governor (2/20) 753

LEGISLATIVE BILL 328. By Abboud

Jan. 15 6 Read first time 180
Jan. 20 7 Referred to Committee on Health and Human Services 185
Jan. 23 10 Schmit name added 339
Feb. 4 18 Notice of hearing (3/5) 493
Mar. 27 51 Indefinitely postponed 1351

LEGISLATIVE BILL 329. By Education Committee

Jan. 15 6 Read first time 181
Jan. 20 7 Referred to Committee on Education 185
Jan. 22 9 Notice of hearing (2/2) 245
Jan. 26 11 Notice of hearing (2/3) (Reset) 348
Feb. 11 23 Placed on General File 610
Mar. 4 36 Advanced for Review 892
Mar. 6 38 Placed on Select File - AM5102 930
Mar. 9 39 AM5102 (E & R) adopted. Withem amendment #0502 adopted. Advanced for Engrossment 970
Mar. 10 40 Correctly Engrossed 1008
Mar. 24 48 Withem amendment #0586 printed 1238
Mar. 31 52 Returned to Select File for Withem amendment. Withem pending amendment #0568 p. 1238 adopted. Advanced for Re-Engrossment 1380
Apr. 2 54 Correctly Re-Engrossed. ER0153 change 1464
Apr. 10 60 Final Reading 43-0-6 1609
Apr. 10 60 Speaker signed 1617
Apr. 10 60 Presented to Governor (4/10) 1620
Apr. 15 63 Approved by Governor (4/14) 1690

LEGISLATIVE BILL 330. By Haberman

Jan. 15 6 Read first time 182
Jan. 20 7 Referred to Committee on Transportation 185
Jan. 21 8 Barrett name added 219
Jan. 30 15 Notice of hearing (2/9) 427
Feb. 12 24 Indefinitely postponed 630

LEGISLATIVE BILL 331. By Lynch

Jan.	15	6	Read first time	182
Jan.	20	7	Referred to Committee on Education	185
Jan.	28	13	Notice of hearing (2/9)	367
Feb.	11	23	Indefinitely postponed	605

LEGISLATIVE BILL 332. By Conway, Pirsch, Hannibal, Goodrich, Abboud

Jan.	15	6	Read first time	182
Jan.	20	7	Referred to Committee on Banking, Commerce and Insurance	186
Jan.	30	15	Notice of hearing (2/17)	428
Feb.	18	26	Placed on General File	695
Mar.	18	44	Advanced for Review	1134
Mar.	19	45	Placed on Select File - AM5126	1142
Mar.	23	47	AM5126 (E & R) adopted. Conway amendment adopted. Schmit amendment #0269 ruled not germane. Haberman point of privilege ruled out of order. Schmit motion to overrule chair pending	1212
Mar.	24	48	Schmit pending motion p. 1213 to overrule chair prevailed. Schmit pending amendment #0269 p. 1212 pending	1235
Mar.	24	48	Schmit pending amendment #0269 p. 1212 lost. Warner amendment withdrawn. Chambers-Schmit amendment lost. Conway amendment #0732 adopted. Advanced for Engrossment	1242
Mar.	27	51	Correctly Engrossed	1332
Apr.	1	53	Final Reading w/E 42-3-4	1418
Apr.	1	53	Speaker signed	1430
Apr.	1	53	Presented to Governor (4/1)	1433
Apr.	6	56	Approved by Governor (4/6)	1525

LEGISLATIVE BILL 333. By Higgins, Rupp, Korshoj, Peterson, Labedz, Ashford, Hall, Nelson, Smith, Chizek, Rogers, Conway

Jan.	15	6	Read first time	182
Jan.	20	7	Referred to Committee on Judiciary	186
Jan.	21	8	Notice of hearing (1/29)	220
Feb.	2	16	Indefinitely postponed	434

LEGISLATIVE BILL 334. By Landis

Jan.	20	7	Read first time	196

Jan. 21 8 Referred to Committee on Government, Military and Veterans Affairs 217
Feb. 24 30 Notice of hearing (3/18) 795
Mar. 19 45 Indefinitely postponed 1159

LEGISLATIVE BILL 335. By Landis

Jan. 20 7 Read first time 196
Jan. 21 8 Referred to Committee on Banking, Commerce and Insurance 217
Feb. 12 24 Notice of hearing (3/2) 624
Feb. 27 33 Attorney General's Opinion #87026 to Remmers . 841
Mar. 11 41 Placed on General File 1027
Mar. 25 49 Coordsen priority bill 1297
Apr. 2 54 Coordsen and Landis amendments adopted. Schmit amendment lost. Advanced for Review 1452
Apr. 7 57 Placed on Select File - AM5176 1535
Apr. 15 63 Landis amendment #0993 printed 1696
Apr. 15 63 Attorney General's Opinion #87048 to Schmit ... 1706
Apr. 21 65 AM5176 (E & R) adopted. Landis pending amendment #0993 p. 1696 pending 1768
Apr. 21 65 Landis pending amendment #0993 p. 1696 lost 1769
Apr. 21 65 Beyer motion to reconsider Landis amendment #0993 lost. Conway motion to indefinitely postpone laid over 1773
Apr. 21 65 V. Johnson amendment #0949 printed separate .. 1776
Apr. 21 65 Schmit amendment #1039 printed 1778
Apr. 22 66 Conway-Baack-Landis amendment #1060 printed 1797
May 1 73 Conway pending motion p. 1774 to indefinitely postpone withdrawn. Schmit pending amendment #1039 p. 1778 pending 1978
May 1 73 Schmit pending amendment #1039 p. 1778 adopted. Ashford amendment to Conway et al amendment #1060 p. 1797 lost 1979
May 4 74 Schmit motion to bracket until 1/1/88 lost. Haberman amendment to Conway et al pending amendment #1060 p. 1797 pending. Passed over 1997
May 5 75 Attorney General's Opinion #87069 to Wesely ... 2032
May 12 80 Pappas amendment #1339 printed 2218
May 18 83 Landis amendment #1410 printed 2358

May 20 85 Landis amendment #1472 printed 2447
May 27 88 Conway et al pending amendment #1060 p. 1797, V. Johnson pending amendment #0949 p. 1776, Haberman pending amendment p. 1998, Pappas pending amendment #1339 p. 2218 and Landis pending amendment #1410 p. 2358 withdrawn. Landis pending amendment #1472 p. 2447 pending. R. Johnson amendment to pending amendment #1472 p. 2447 lost 2568
May 27 88 Moore amendment #1527 and Wesely amendment to pending amendment #1472 lost. Landis pending amendment #1472 adopted as amended by Landis amendment #1529. Advanced for Engrossment 2571
May 27 88 Correctly Engrossed. ER0216 change 2620
May 29 90 Lynch motion to suspend rules prevailed 2696
May 29 90 V. Johnson motion to bracket until 1/10/88 lost. Ashford and Schmit motions to return to Select File withdrawn 2711
May 29 90 Failed on Final Reading w/E 31-16-2 2712
May 29 90 Final Reading 35-9-4 2713
May 29 90 Correctly Enrolled 2717
May 29 90 President signed 2718
May 29 90 Presented to Governor (5/29) 2726
June 4 AJ Approved by Governor (6/3) 2749

LEGISLATIVE BILL 336. By Marsh

Jan. 20 7 Read first time 196
Jan. 21 8 Referred to Committee on Nebraska Retirement Systems 217
Jan. 23 10 Notice of hearing (2/2) 291
Feb. 10 22 Indefinitely postponed 577

LEGISLATIVE BILL 337. By Pappas

Jan. 20 7 Read first time 196
Jan. 21 8 Referred to Committee on Banking, Commerce and Insurance 217
Feb. 12 24 Notice of hearing (2/24) 624
Mar. 19 45 Placed on General File 1157
Mar. 19 45 Baack name added 1165

Mar. 24 48 Weihing name added 1241
Mar. 25 49 Weihing priority bill 1297
Apr. 2 54 Advanced for Review 1455
Apr. 7 57 Weihing amendment #0876 printed 1541
Apr. 7 57 Placed on Select File - AM5178 1549
Apr. 21 65 Attorney General's Opinion #87058 to Miller 1771
Apr. 21 65 AM5178 (E & R) adopted. V. Johnson-Moore motion to indefinitely postpone laid over 1776
May 4 74 V. Johnson-Moore pending motion to indefinitely postpone lost. Conway amendment #0995 (printed separate) lost. R. Johnson motion to reconsider V. Johnson-Moore motion p. 1776 pending 2001
May 5 75 R. Johnson pending motion to reconsider V. Johnson-Moore motion p. 1776 prevailed. V. Johnson-Moore reconsidered motion p. 1776 prevailed. Indefinitely postponed 2025

LEGISLATIVE BILL 337A. By Pappas

Mar. 25 49 Read first time. Placed on General File 1287
Apr. 2 54 Advanced for Review 1456
Apr. 7 57 Weihing amendment #0877 printed 1541
Apr. 7 57 Placed on Select File 1549
May 5 75 Weihing pending amendment #0877 p. 1541 withdrawn. Pappas motion to suspend rules to permit consideration of amendment #1010 lost 2027
May 26 87 Johanns amendment #1485 printed 2520
May 27 88 Johanns motion to suspend rules prevailed. Higgins motion to bracket until 5/28/87 withdrawn. Johanns pending amendment #1485 p. 2520 adopted. Chambers amendment pending. Hall motion to bracket until 1/15/88 prevailed 2574
May 27 88 Hefner amendment #1541 printed 2618
May 29 90 Johanns name added 2724

LEGISLATIVE BILL 338. By Pappas

Jan. 20 7 Read first time 196
Jan. 21 8 Referred to Committee on Education 217
Jan. 29 14 Notice of hearing (3/2) 396

Mar. 5 37 Indefinitely postponed 923

LEGISLATIVE BILL 339. By Pappas

Jan. 20 7 Read first time 196
Jan. 21 8 Referred to Committee on Transportation 217
Feb. 11 23 Notice of hearing (3/10) 604
Mar. 20 46 Indefinitely postponed 1185

LEGISLATIVE BILL 340. By Pappas

Jan. 20 7 Read first time 196
Jan. 21 8 Referred to Committee on Banking, Commerce and Insurance 217
Feb. 12 24 Notice of hearing (3/9) 625
Mar. 19 45 Placed on General File 1157

LEGISLATIVE BILL 341. By Pappas

Jan. 20 7 Read first time 197
Jan. 21 8 Referred to Committee on Business and Labor 217
Jan. 26 11 Notice of hearing (2/2) 346
Feb. 10 22 Indefinitely postponed 583

LEGISLATIVE BILL 342. By Pappas

Jan. 20 7 Read first time 197
Jan. 21 8 Referred to Committee on Government, Military and Veterans Affairs 217
Jan. 28 13 Notice of hearing (2/4) 368
Feb. 5 19 Indefinitely postponed 505

LEGISLATIVE BILL 343. By Warner

Jan. 20 7 Read first time 197
Jan. 21 8 Referred to Committee on Revenue 217
Feb. 11 23 Notice of hearing (2/26) 586
Mar. 10 40 Placed on General File 991
Mar. 20 46 Advanced for Review 1188
Mar. 25 49 Placed on Select File - AM5138 1291
Mar. 26 50 AM5138 (E & R) adopted. Advanced for Engrossment 1328
Mar. 31 52 Correctly Engrossed 1372
Apr. 3 55 Final Reading 43-0-6 1473
Apr. 3 55 Speaker signed 1486

Apr. 3 55 Presented to Governor (4/3) 1491
Apr. 9 59 Approved by Governor (4/8) 1579

LEGISLATIVE BILL 344. By Smith

Jan. 20 7 Read first time 197
Jan. 20 7 R. Johnson and Nelson names added 210
Jan. 21 8 Referred to Committee on Business and Labor 217
Jan. 22 9 Chambers name added 251
Jan. 22 9 Pappas and Weihing names added 279
Jan. 23 10 Hall name added 339
Jan. 30 15 Notice of hearing (2/23) 427
Feb. 25 31 Placed on General File - Com am #0336 820
Mar. 12 42 Committee amendment #0336 adopted.
Advanced for Review 1053
Mar. 17 43 Placed on Select File - AM5119 1084
Mar. 19 45 AM5119 (E & R) adopted. Smith amendment
and Moore amendment #0658 adopted.
Advanced for Engrossment 1155
Mar. 23 47 Correctly Engrossed. ER0141 change 1206
Apr. 1 53 Final Reading 44-2-3 1419
Apr. 1 53 Speaker signed 1430
Apr. 1 53 Presented to Governor (4/1) 1433
Apr. 6 56 Approved by Governor (4/6) 1525

LEGISLATIVE BILL 344A. By Smith, R. Johnson, Nelson

Mar. 11 41 Read first time. Placed on General File 1026
Mar. 17 43 Advanced for Review 1091
Mar. 17 43 Placed on Select File 1093
Mar. 23 47 Advanced for Engrossment 1210
Mar. 27 51 Correctly Engrossed 1332
Apr. 1 53 Final Reading 46-0-3 1420
Apr. 1 53 Speaker signed 1430
Apr. 1 53 Presented to Governor (4/1) 1433
Apr. 6 56 Approved by Governor (4/6) 1525

LEGISLATIVE BILL 345. By Lamb

Jan. 20 7 Read first time 197
Jan. 21 8 Referred to Committee on Natural Resources 218
Jan. 22 9 Notice of hearing (1/30) 244
Jan. 23 10 Notice of hearing (1/30) (Cancelled) 284
Feb. 3 17 Notice of hearing (2/12) (Reset) 459
Mar. 12 42 Placed on General File - Com am #0472 1049

Mar.	25	49	Rogers priority bill	1297
Apr.	2	54	Committee amendment #0472 adopted as amended by Rogers-Lamb amendment #0813. Advanced for Review	1452
Apr.	7	57	Placed on Select File - AM5177	1536
Apr.	9	59	AM5177 (E & R) adopted. Advanced for Engrossment	1603
Apr.	14	62	Correctly Engrossed	1678
Apr.	21	65	Final Reading w/E 40-0-9	1748
Apr.	21	65	Speaker signed	1768
Apr.	21	65	Presented to Governor (4/21)	1770
Apr.	23	67	Approved by Governor (4/23)	1820

LEGISLATIVE BILL 346. By Moore

Jan.	20	7	Read first time	197
Jan.	21	8	Referred to Committee on General Affairs	218
Jan.	23	10	Notice of hearing (2/2)	291
Feb.	5	19	Indefinitely postponed	497

LEGISLATIVE BILL 347. By Hartnett

Jan.	20	7	Read first time	198
Jan.	21	8	Referred to Committee on Transportation	218
Jan.	23	10	Notice of hearing (2/3)	303
Feb.	12	24	Placed on General File - Com am #0158	629
Feb.	17	25	Beyer name added	667
Mar.	4	36	Committee amendment #0158 adopted. Advanced for Review	902
Mar.	9	39	Placed on Select File - AM5107	950
Mar.	10	40	AM5107 (E & R) adopted. Pappas amendment #0459 lost. Beyer amendment adopted. Advanced for Engrossment	1000
Mar.	12	42	Correctly Engrossed	1057
Mar.	12	42	ER0137 change	1058
Mar.	20	46	Final Reading 43-1-5	1178
Mar.	20	46	President signed	1181
Mar.	20	46	Presented to Governor (3/20)	1185
Mar.	26	50	Approved by Governor (3/26)	1315

LEGISLATIVE BILL 348. By Hartnett

Jan.	20	7	Read first time	198
Jan.	21	8	Referred to Committee on Education	218
Jan.	29	14	Notice of hearing (3/2)	396

Mar. 5 37 Indefinitely postponed 923

LEGISLATIVE BILL 349. By Lynch

Jan. 20 7 Read first time 198
Jan. 21 8 Referred to Committee on Business and Labor 218
Jan. 30 15 Notice of hearing (2/23) 427
Mar. 11 41 Indefinitely postponed 1028

LEGISLATIVE BILL 350. By Lynch

Jan. 20 7 Read first time 198
Jan. 21 8 Referred to Committee on Health and Human Services 218
Feb. 4 18 Notice of hearing (3/4) 493
Mar. 24 48 Placed on General File - Com am #0685 1254

LEGISLATIVE BILL 350A. By Lynch

Mar. 26 50 Read first time. Placed on General File 1322

LEGISLATIVE BILL 351. By Lynch

Jan. 20 7 Read first time 198
Jan. 21 8 Referred to Committee on Urban Affairs 218
Feb. 12 24 Notice of hearing (3/3) 628
Mar. 12 42 Placed on General File 1055

LEGISLATIVE BILL 352. By Abboud, Landis

Jan. 20 7 Read first time 198
Jan. 21 8 Referred to Committee on Government, Military and Veterans Affairs 218
Jan. 21 8 Ashford name added 219
Feb. 24 30 Notice of hearing (3/19) 795
Mar. 25 49 Barrett priority bill 1299
Apr. 13 61 Placed on General File - Com am #0932 1649

LEGISLATIVE BILL 353. By Chambers

Jan. 20 7 Read first time 199
Jan. 21 8 Referred to Committee on Business and Labor 218
Jan. 26 11 Notice of hearing (2/2) 346
Feb. 4 18 Placed on General File - Com am #0110 485
Feb. 5 19 Committee amendment #0110 adopted.

Advanced for Review 507
Feb. 9 21 Placed on Select File 560
Feb. 10 22 Advanced for Engrossment 568
Feb. 11 23 Correctly Engrossed 606
Feb. 20 28 Final Reading 47-0-2 728
Feb. 20 28 President signed 731
Feb. 20 28 Presented to Governor (2/20).
Abboud explanation of vote 744
Feb. 23 29 Approved by Governor (2/20) 753

LEGISLATIVE BILL 354. By Chambers

Jan. 20 7 Read first time 199
Jan. 21 8 Referred to Committee on Government,
Military and Veterans Affairs 218
Jan. 28 13 Notice of hearing (2/5) 368
Feb. 10 22 Placed on General File - Com am #0166 580
Feb. 24 30 Committee amendment #0166 adopted.
Advanced for Review 788
Feb. 25 31 Placed on Select File - AM5081 799
Feb. 27 33 AM5081 (E & R) adopted.
Advanced for Engrossment 851
Mar. 2 34 Correctly Engrossed 860
Mar. 5 37 Final Reading 46-0-3 914
Mar. 5 37 President signed 915
Mar. 5 37 Presented to Governor (3/5) 919
Mar. 10 40 Approved by Governor (3/9) 982

LEGISLATIVE BILL 355. By Chambers

Jan. 20 7 Read first time 200
Jan. 21 8 Referred to Committee on Judiciary 218
Feb. 25 31 Notice of hearing (3/6) 810
Apr. 2 54 Indefinitely postponed 1466

LEGISLATIVE BILL 356. By Elmer, Langford

Jan. 20 7 Read first time 200
Jan. 21 8 Referred to Committee on Natural Resources 218
Jan. 22 9 Notice of hearing (1/30) 244
Feb. 9 21 Placed on General File - Com am #0143 557
Feb. 17 25 Committee amendment #0143 adopted as
amended by Elmer amendment.
Advanced for Review 664
Feb. 17 25 Abboud name added 667

Feb. 18 26 Placed on Select File 691
Feb. 19 27 Advanced for Engrossment 702
Feb. 24 30 Correctly Engrossed 782
Feb. 27 33 Final Reading 36-0-13 845
Feb. 27 33 Speaker signed 848
Feb. 27 33 Presented to Governor (2/27) 855
Mar. 3 35 Approved by Governor (3/2) 872

LEGISLATIVE BILL 357. By Withem

Jan. 20 7 Read first time 200
Jan. 21 8 Referred to Committee on Government, Military and Veterans Affairs 218
Feb. 10 22 Notice of hearing (2/18) 579
Feb. 24 30 Indefinitely postponed 794

LEGISLATIVE BILL 358. By Withem

Jan. 20 7 Read first time 200
Jan. 21 8 Referred to Committee on Government, Military and Veterans Affairs 218
Feb. 18 26 Notice of hearing (2/25) 693
Mar. 4 36 Placed on General File - Com am #0431 904
Mar. 27 51 Committee amendment #0431 adopted. Advanced for Review 1353
Mar. 31 52 Placed on Select File - AM5155 1404
Apr. 2 54 AM5155 (E & R) adopted. Advanced for Engrossment 1448
Apr. 6 56 Correctly Engrossed 1510
Apr. 10 60 Final Reading 41-0-8 1611
Apr. 10 60 Speaker signed 1617
Apr. 10 60 Presented to Governor (4/10) 1620
Apr. 15 63 Approved by Governor (4/14) 1690

LEGISLATIVE BILL 359. By Withem

Jan. 20 7 Read first time 200
Jan. 21 8 Referred to Committee on Education 218
Jan. 28 13 Notice of hearing (2/9) 367
Feb. 11 23 Placed on General File - Com am #0153 610
Mar. 3 35 Committee amendment #0153 adopted. Advanced for Review 886
Mar. 6 38 Placed on Select File - AM5096 929
Mar. 9 39 AM5096 (E & R) adopted. Advanced for Engrossment 970

Mar.	10	40	Correctly Engrossed	1008
Mar.	17	43	Final Reading 44-0-5	1076
Mar.	17	43	Speaker signed	1090
Mar.	17	43	Presented to Governor (3/17)	1093
Mar.	23	47	Approved by Governor (3/20)	1195

LEGISLATIVE BILL 360. By Chizek, Hefner

Jan.	20	7	Read first time	200
Jan.	21	8	Referred to Committee on Government, Military and Veterans Affairs	218
Feb.	24	30	Notice of hearing (3/11)	795
Mar.	23	47	Indefinitely postponed	1220

LEGISLATIVE BILL 361. By Chizek, Korshoj

Jan.	20	7	Read first time	201
Jan.	21	8	Referred to Committee on Government, Military and Veterans Affairs	218
Feb.	3	17	Notice of hearing (2/12)	472
Feb.	24	30	Indefinitely postponed	794

LEGISLATIVE BILL 362. By Chizek, Korshoj

Jan.	20	7	Read first time	201
Jan.	21	8	Referred to Committee on Government, Military and Veterans Affairs	218
Feb.	3	17	Notice of hearing (2/12)	472
Feb.	19	27	Pappas amendment #0238 printed	708
Mar.	2	34	Placed on General File - Com am #0356	869

LEGISLATIVE BILL 363. By Landis

Jan.	20	7	Read first time	201
Jan.	21	8	Referred to Committee on Judiciary	218
Mar.	4	36	Notice of hearing (3/12)	896
Mar.	20	46	Ashford name added	1170
Mar.	26	50	Placed on General File - Com am #0460	1316
Apr.	16	64	Conway name added	1738

LEGISLATIVE BILL 364. By Landis

Jan.	20	7	Read first time	201
Jan.	21	8	Referred to Committee on Health and Human Services	218

Feb. 4 18 Notice of hearing (3/4) 493
Mar. 27 51 Indefinitely postponed 1350

LEGISLATIVE BILL 365. By Landis

Jan. 20 7 Read first time 202
Jan. 21 8 Referred to Committee on Natural Resources 218
Jan. 22 9 Notice of hearing (1/30) 244
Feb. 10 22 Placed on General File - Com am #0098 576
Feb. 23 29 Committee amendment #0098 adopted.
Landis amendment #0249 adopted.
Advanced for Review 776
Feb. 24 30 Placed on Select File - AM5076 793
Mar. 2 34 AM5076 (E & R) adopted.
Advanced for Engrossment 865
Mar. 3 35 Correctly Engrossed 880
Mar. 9 39 Final Reading w/E 45-0-4 956
Mar. 9 39 President signed 969
Mar. 9 39 Presented to Governor (3/9) 974
Mar. 12 42 Approved by Governor (3/11) 1040

LEGISLATIVE BILL 366. By Landis

Jan. 20 7 Read first time 202
Jan. 21 8 Referred to Committee on Revenue 218
Feb. 4 18 Notice of hearing (2/12) 486
Feb. 20 28 Placed on General File 743
Mar. 4 36 Advanced for Review 893
Mar. 6 38 Placed on Select File - AM5104 946
Mar. 9 39 AM5104 (E & R) adopted.
Advanced for Engrossment 972
Mar. 10 40 Correctly Engrossed 1008
Mar. 17 43 Schmit motion to return to Select File
withdrawn. Final Reading 31-10-8 1077
Mar. 17 43 Speaker signed 1090
Mar. 17 43 Presented to Governor (3/17) 1093
Mar. 23 47 Approved by Governor (3/20) 1195

LEGISLATIVE BILL 367. By Baack

Jan. 20 7 Read first time 203
Jan. 21 8 Referred to Committee on Education 218
Jan. 29 14 Notice of hearing (3/2) 396
Mar. 3 35 Placed on General File - Com am #0435 883
Mar. 20 46 Committee amendment #0435 adopted.

			Advanced for Review	1182
Mar.	25	49	Placed on Select File - AM5137	1287
Mar.	26	50	AM5137 (E & R) adopted. Baack amendment #0763 adopted. Advanced for Engrossment	1324
Mar.	31	52	Correctly Engrossed. ER0152 change	1408
Apr.	3	55	Final Reading w/E 43-0-6	1474
Apr.	3	55	Speaker signed	1486
Apr.	3	55	Presented to Governor (4/3)	1491
Apr.	9	59	Approved by Governor (4/8)	1579

LEGISLATIVE BILL 368. By Higgins

Jan.	20	7	Read first time	203
Jan.	21	8	Referred to Committee on Urban Affairs	218
Feb.	12	24	Notice of hearing (2/24)	628
Mar.	2	34	Placed on General File - Com am #0373	866
Mar.	12	42	Committee amendment #0373 adopted. Advanced for Review	1057
Mar.	17	43	Placed on Select File - AM5123	1085
Mar.	19	45	AM5123 (E & R) adopted. Advanced for Engrossment	1156
Mar.	23	47	Correctly Engrossed. ER0145 change	1215
Mar.	27	51	Returned to Select File for Higgins amendment. Passed over	1341
Apr.	3	55	Higgins amendment printed	1470
Apr.	6	56	Higgins pending amendment p. 1341 withdrawn. Advanced for Re-Engrossment. Returned to Select File for Higgins amendment. Higgins pending amendment p. 1470 adopted. Advanced for Re-Engrossment	1502
Apr.	8	58	Correctly Re-Engrossed. ER0161 change	1570
Apr.	14	62	Final Reading w/E 37-0-12	1661
Apr.	14	62	Speaker signed	1674
Apr.	14	62	Presented to Governor (4/14)	1677
Apr.	21	65	Approved by Governor (4/17)	1741

LEGISLATIVE BILL 369. By Urban Affairs Committee

Jan.	20	7	Read first time	203
Jan.	21	8	Referred to Committee on Urban Affairs	218
Feb.	9	21	Notice of hearing (2/17)	548
Mar.	25	49	Urban Affairs Committee priority bill	1299
Mar.	26	50	Placed on General File - Com am #0755	1322

LEGISLATIVE BILL 370. By Conway

Jan. 20 7 Read first time 204
Jan. 21 8 Referred to Committee on Judiciary 218
Mar. 4 36 Notice of hearing (3/11) 896
Mar. 19 45 Placed on General File - Com am #0578 1159

LEGISLATIVE BILL 371. By Conway

Jan. 20 7 Read first time 204
Jan. 21 8 Referred to Committee on Education 218
Jan. 22 9 Notice of hearing (2/3) 245

LEGISLATIVE BILL 372. By Conway

Jan. 20 7 Read first time 204
Jan. 21 8 Referred to Committee on Health and Human Services 218
Feb. 4 18 Notice of hearing (2/12) 493
Mar. 10 40 Placed on General File - Com am #0530 995

LEGISLATIVE BILL 372A. By Conway

Mar. 17 43 Read first time. Placed on General File 1100

LEGISLATIVE BILL 373. By Schmit, Pappas

Jan. 20 7 Read first time 204
Jan. 21 8 Referred to Committee on Banking, Commerce and Insurance 218
Feb. 12 24 Notice of hearing (3/2) 624

LEGISLATIVE BILL 374. By Harris

Jan. 20 7 Read first time 204
Jan. 21 8 Referred to Committee on Government, Military and Veterans Affairs 218
Jan. 28 13 Notice of hearing (2/5) 368
Feb. 6 20 Placed on General File 520
Feb. 9 21 Advanced for Review 551
Feb. 10 22 Placed on Select File 577
Feb. 11 23 Advanced for Engrossment 602
Feb. 12 24 Correctly Engrossed 612
Feb. 23 29 Final Reading 44-0-5 761

Feb.	23	29	Haberman explanation of vote. Speaker signed 767
Feb.	23	29	Presented to Governor (2/23) 769
Mar.	2	34	Approved by Governor (2/27) 860

LEGISLATIVE BILL 375. By Harris

Jan.	20	7	Read first time 205
Jan.	21	8	Referred to Committee on Banking, Commerce and Insurance 218
Jan.	30	15	Notice of hearing (2/9) 428
Mar.	9	39	Placed on General File 980
Mar.	20	46	Harris priority bill 1167
Mar.	31	52	Harris amendment #0576 printed 1398
Apr.	1	53	Harris amendment #0830 printed 1445
Apr.	30	72	Hall motion to indefinitely postpone laid over 1959
Apr.	30	72	Coordsen request to bracket until 5/25. Hall objected 1963
May	13	81	Elmer motion to bracket until 1/10/88 lost. Advanced for Review 2229
May	13	81	Schmit name added 2232
May	13	81	Morehead name added 2243
May	14	82	Placed on Select File - AM5235 2290
May	26	87	Bracketed until 1/15/88 by Hefner 2560

LEGISLATIVE BILL 376. By Hall, Remmers

Jan.	20	7	Read first time 205
Jan.	21	8	Referred to Committee on Judiciary 218
Jan.	21	8	Weihing name added 219
Jan.	23	10	Higgins, Nelson, Rogers, Moore, Korshoj, Coordsen, Schellpeper, Peterson and Chizek names added 339
Feb.	4	18	Notice of hearing (2/11) 484
Feb.	20	28	Morehead name added 744
Mar.	4	36	Placed on General File - Com am #0350 899
Mar.	20	46	Committee amendment #0350 adopted. Advanced for Review 1187
Mar.	25	49	Placed on Select File - AM5134 1267
Mar.	26	50	AM5134 (E & R) adopted. Wesely amendment #0768 adopted. Advanced for Engrossment 1324
Mar.	31	52	Correctly Engrossed. ER0150 change 1408
May	1	73	Final Reading 36-0-13 1975

May 1 73 Hall motion to permit consideration of bill without LB 376A prevailed 1976
May 1 73 Speaker signed 1979
May 1 73 Presented to Governor (5/1) 1981
May 5 75 Approved by Governor (5/5) 2024

LEGISLATIVE BILL 376A. By Hall

Mar. 6 38 Read first time. Placed on General File 934
Mar. 20 46 Advanced for Review 1188
Mar. 25 49 Placed on Select File 1268
Mar. 26 50 Advanced for Engrossment 1327
Mar. 31 52 Correctly Engrossed 1408
May 1 73 Hall motion to permit consideration of bill prevailed 1976
May 19 84 Landis amendment #1446 printed 2399
May 21 86 Hall-Moore-Hannibal amendment #1488 printed separate 2491
May 21 86 Hall amendment #1486 printed separate 2492
May 26 87 Landis pending amendment #1446 p. 2399 withdrawn. Hall motion to suspend rules and permit consideration of pending amendment #1486 p. 1492 prevailed. Higgins motion to bracket until 2/20/88 withdrawn. Returned to Select File for Hall amendment. Hall pending amendment #1486 p. 2492 adopted. Advanced for Re-Engrossment. Hall-Hannibal-Moore motion to return to Select File lost. Pirsch motion to return to Select File pending 2546
May 26 87 Pirsch pending motion to return to Select File lost. Returned to Select File for Warner amendment. Warner amendment #1496 adopted. Advanced for Re-Engrossment 2552
May 27 88 Correctly Re-Engrossed 2565
May 27 88 ER0213 change 2566
May 29 90 Lynch motion to suspend rules prevailed 2696
May 29 90 Final Reading w/E 48-0-1 2713
May 29 90 President signed 2718
May 29 90 Presented to Governor (5/29) 2726
June 4 AJ Approved by Governor (6/3) 2749

LEGISLATIVE BILL 377. By Hall

Jan.	20	7	Read first time	205
Jan.	21	8	Referred to Committee on Transportation	218
Jan.	30	15	Notice of hearing (2/10)	427
Mar.	2	34	Placed on General File - Com am #0397	862

LEGISLATIVE BILL 378. By Hall

Jan.	20	7	Read first time	205
Jan.	21	8	Referred to Committee on General Affairs	218
Feb.	18	26	Notice of hearing (3/2)	683
Mar.	12	42	Indefinitely postponed	1050

LEGISLATIVE BILL 379. By Rupp, Hefner, Haberman, Dierks

Jan.	20	7	Read first time	205
Jan.	21	8	Referred to Committee on Natural Resources	218
Jan.	22	9	Notice of hearing (1/30)	244
Feb.	6	20	Rupp amendment #0142 printed	520
Feb.	9	21	Placed on General File	557
Feb.	17	25	Rupp pending amendment #0142 p. 520 adopted. Advanced for Review	664
Feb.	17	25	Abboud name added	667
Feb.	18	26	Placed on Select File - AM5070	690
Feb.	18	26	Chambers amendment printed	698
Feb.	18	26	Chambers amendment printed	699
Feb.	19	27	AM5070 (E & R) adopted. Chambers pending amendments p. 698 and p. 699 lost. Advanced for Engrossment	701
Feb.	24	30	Correctly Engrossed. ER0121 change	782
Feb.	27	33	Chambers motion to return to Select File withdrawn. Failed on Final Reading w/E 28-6-15	846
Feb.	27	33	Final Reading 29-8-12	847
Feb.	27	33	Correctly Enrolled. Speaker signed	853
Feb.	27	33	Presented to Governor (2/27)	855
Mar.	3	35	Approved by Governor (3/2)	872

LEGISLATIVE BILL 380. By Schmit

Jan.	20	7	Read first time	206
Jan.	29	14	Referred to Committee on Natural Resources	393
Jan.	29	14	Lamb motion to rerefer to Transportation Committee laid over	394
Jan.	30	15	Rereferred to Committee on Transportation	405

Jan. 30 15 Lamb pending motion p. 394 withdrawn 420
Feb. 10 22 Notice of hearing (3/2) 570

LEGISLATIVE BILL 381. By Schmit

Jan. 20 7 Read first time 206
Jan. 29 14 Referred to Committee on Natural Resources 393
Jan. 29 14 Lamb motion to rerefer to Transportation Committee laid over 394
Jan. 30 15 Rereferred to Committee on Transportation 405
Jan. 30 15 Lamb pending motion p. 394 withdrawn 420
Feb. 10 22 Notice of hearing (3/2) 570
Mar. 5 37 Indefinitely postponed 924

LEGISLATIVE BILL 382. By Schmit

Jan. 20 7 Read first time 206
Jan. 29 14 Referred to Committee on Natural Resources 393
Jan. 29 14 Lamb motion to rerefer to Transportation Committee laid over 394
Jan. 30 15 Rerefer to Committee on Transportation 405
Jan. 30 15 Lamb pending motion p. 394 withdrawn 420
Feb. 10 22 Notice of hearing (3/2) 570
Mar. 5 37 Indefinitely postponed 924

LEGISLATIVE BILL 383. By Health and Human Services Committee

Jan. 20 7 Read first time 206
Jan. 21 8 Referred to Committee on Natural Resources 218
Jan. 22 9 Notice of hearing (1/30) 244
Mar. 24 48 Placed on General File - Com am #0677 1229

LEGISLATIVE BILL 383A. By Wesely

Mar. 26 50 Read first time. Placed on General File 1322

LEGISLATIVE BILL 384. By Health and Human Services Committee

Jan. 20 7 Read first time 207
Jan. 21 8 Referred to Committee on Health and Human Services 218
Jan. 21 8 Notice of hearing (1/28) 240
Jan. 30 15 Placed on General File 426
Feb. 3 17 Advanced for Review 464
Feb. 4 18 Placed on Select File 484

LEGISLATIVE BILL 384A. By Wesely

Feb.	3	17	Read first time. Placed on General File	461
Feb.	6	20	Advanced for Review	515
Feb.	10	22	Placed on Select File - AM5061	562

LEGISLATIVE BILL 385. By Health and Human Services Committee

Jan.	20	7	Read first time	207
Jan.	21	8	Referred to Committee on Health and Human Services	218
Jan.	21	8	Notice of hearing (1/30)	240
Feb.	2	16	Conway name added	435
Feb.	3	17	Placed on General File - Com am #0092	477
Feb.	4	18	Committee amendment #0092 adopted. Advanced for Review	488
Feb.	6	20	Placed on Select File - AM5056	516
Feb.	10	22	AM5056 (E & R) adopted. Wesely amendment #0144 adopted. Advanced for Engrossment	566
Feb.	11	23	Correctly Engrossed	585
Feb.	20	28	Final Reading 47-0-2	729
Feb.	20	28	President signed	731
Feb.	20	28	Presented to Governor (2/20). Abboud explanation of vote	744
Feb.	23	29	Approved by Governor (2/20)	753

LEGISLATIVE BILL 386. By Health and Human Services Committee

Jan.	20	7	Read first time	207
Jan.	21	8	Referred to Committee on Health and Human Services	218
Jan.	21	8	Notice of hearing (1/29)	240
Jan.	30	15	Placed on General File	426
Feb.	3	17	Advanced for Review	465
Feb.	4	18	Placed on Select File	484
Feb.	5	19	Advanced for Engrossment	501
Feb.	9	21	Correctly Engrossed	548
Feb.	17	25	Final Reading 43-1-5	658
Feb.	17	25	Speaker signed	661
Feb.	17	25	Presented to Governor (2/17)	667
Feb.	23	29	Approved by Governor (2/20)	752

LEGISLATIVE BILL 387. By Wesely

Jan. 20 7 Read first time 207
Jan. 21 8 Referred to Committee on Health and Human Services 218
Jan. 21 8 Notice of hearing (1/29) 240
Jan. 30 15 Placed on General File 426
Feb. 3 17 Advanced for Review 465
Feb. 4 18 Placed on Select File - AM5045 484
Feb. 5 19 AM5045 (E & R) adopted. Wesely amendment #0122 adopted. Advanced for Engrossment 501
Feb. 9 21 Correctly Engrossed. ER0114 change 548
Feb. 17 25 Final Reading 29-14-6 659
Feb. 17 25 Speaker signed 661
Feb. 17 25 Presented to Governor (2/17) 667
Feb. 23 29 Returned by Governor without approval (2/20) ... 750
Feb. 27 33 Wesely motion to override veto laid over 854
Mar. 2 34 Wesely pending motion to override veto withdrawn 857

LEGISLATIVE BILL 388. By Wesely

Jan. 20 7 Read first time 208
Jan. 21 8 Referred to Committee on Government, Military and Veterans Affairs 218
Feb. 18 26 Notice of hearing (2/25) 693
Mar. 4 36 Placed on General File - Com am #0449 904
Mar. 27 51 Wesely motion to indefinitely postpone prevailed 1353

LEGISLATIVE BILL 389. By Wesely

Jan. 20 7 Read first time 208
Jan. 21 8 Referred to Committee on Health and Human Services 218
Jan. 28 13 Notice of hearing (2/5) 389
Feb. 6 20 Placed on General File 523
Feb. 9 21 Advanced for Review 551
Feb. 10 22 Placed on Select File - AM5066 577
Feb. 12 24 AM5066 (E & R) adopted. Wesely amendment #0206 adopted. Advanced for Engrossment 626
Feb. 17 25 Correctly Engrossed 646
Feb. 23 29 Final Reading 44-1-4 764
Feb. 23 29 Haberman explanation of vote. Speaker signed 767

Feb.	23	29	Presented to Governor (2/23)	769
Mar.	2	34	Approved by Governor (2/27)	860

LEGISLATIVE BILL 390. By Wesely

Jan.	20	7	Read first time	208
Jan.	21	8	Referred to Committee on Health and Human Services	218
Feb.	4	18	Notice of hearing (3/18)	494
Mar.	24	48	Placed on General File - Com am #0682	1255
Mar.	25	49	Health and Human Services Committee priority bill	1298
May	6	76	Committee amendment #0682 adopted. Advanced for Review	2037
May	11	79	Placed on Select File - AM5221	2134
May	13	81	Schmit amendment #1368 and Wesely amendment #1367 printed	2277
May	20	85	AM5221 (E & R) adopted. Schmit pending amendment #1368 p. 2277 and Wesely amendment #1469 adopted. Wesely pending amendment #1367 p. 2277 withdrawn. Conway-Baack amendment #1420 ruled not germane - Challenge of Chair prevailed - amendment adopted. Wesely request for ruling on Conway-Baack amendment. Advanced for Engrossment	2436
May	26	87	Correctly Engrossed	2494
May	26	87	ER0199 change	2495
May	28	89	Lynch motion to suspend rules prevailed	2667
May	28	89	Final Reading 45-0-4	2669
May	28	89	President signed	2675
May	28	89	Presented to Governor (5/28)	2683
May	29	90	Approved by Governor (5/29)	2723

LEGISLATIVE BILL 390A. By Wesely

Mar.	26	50	Read first time. Placed on General File	1321
May	6	76	Advanced for Review	2037
May	11	79	Placed on Select File	2136
May	20	85	Advanced for Engrossment	2442
May	26	87	Correctly Engrossed	2494
May	28	89	Lynch motion to suspend rules prevailed	2667
May	28	89	Final Reading 42-0-7	2671
May	28	89	President signed	2675

May 28 89 Presented to Governor (5/28) 2683
May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 391. By Scofield

Jan. 20 7 Read first time 208
Jan. 21 8 Referred to Committee on Appropriations 218
Feb. 12 24 Notice of hearing (2/20) 614

LEGISLATIVE BILL 392. By Miller, Haberman, Chambers, Coordsen, Schellpeper, Baack, Nelson, Rogers, Smith, Scofield, Remmers, Lynch, Korshoj, Dierks, Hefner, Weihing, Elmer, Moore, Wesely

Jan. 20 7 Read first time 208
Jan. 21 8 Referred to Committee on Health and Human Services 219
Jan. 21 8 Notice of hearing (1/28) 240
Feb. 6 20 Placed on General File - Com am #0146 523
Feb. 10 22 Haberman amendment to committee amendment withdrawn 569
Feb. 10 22 Committee amendment #0146 adopted. Advanced for Review 578
Feb. 10 22 Expedited 579
Feb. 10 22 Placed on Select File - AM5067 582
Feb. 11 23 AM5067 (E & R) adopted. Moore amendment lost. Advanced for Engrossment 599
Feb. 12 24 Correctly Engrossed 612
Feb. 18 26 Miller motion to suspend rules pending 678
Feb. 18 26 Miller pending motion to suspend rules prevailed. Abboud motion to return to Select File withdrawn. Final Reading w/E 33-16-0 679
Feb. 18 26 President signed 680
Feb. 18 26 Presented to Governor (2/18) 694
Feb. 23 29 Returned by Governor without approval (2/20) ... 751
Feb. 23 29 Miller-Wesely-Lynch motion to override veto laid over 779
Feb. 25 31 Miller-Wesely-Lynch pending motion to override veto pending 811
Feb. 25 31 Miller-Wesely-Lynch pending motion to override veto prevailed 30-17-2 812
Feb. 25 31 Communication and Certificate 822
Feb. 26 32 Message and Certificate from Secretary of State .. 832

LEGISLATIVE BILL 393. By Rogers

Jan.	20	7	Read first time	209
Jan.	21	8	Referred to Committee on Banking, Commerce and Insurance	219
Feb.	12	24	Notice of hearing (3/17)	625
Mar.	20	46	Placed on General File - Com am #0645	1185
Mar.	25	49	Barrett priority bill	1299
Mar.	31	52	Rogers amendment #0772 to committee amendment printed	1407

LEGISLATIVE BILL 394. By Pirsch

Jan.	20	7	Read first time	209
Jan.	21	8	Referred to Committee on Urban Affairs	219
Feb.	12	24	Notice of hearing (3/17)	628
Mar.	18	44	Indefinitely postponed	1131

LEGISLATIVE BILL 395. By General Affairs Committee

Jan.	20	7	Read first time	209
Jan.	21	8	Referred to Committee on General Affairs	219
Feb.	11	23	Notice of hearing (2/23)	609
Feb.	26	32	Placed on General File	826
Mar.	3	35	Higgins amendment printed	880

LEGISLATIVE BILL 396. By General Affairs Committee

Jan.	20	7	Read first time	209
Jan.	21	8	Referred to Committee on General Affairs	219
Jan.	23	10	Notice of hearing (2/2)	291
Mar.	12	42	Indefinitely postponed	1050

LEGISLATIVE BILL 397. By Coordsen, Pappas, Higgins

Jan.	20	7	Read first time	210
Jan.	21	8	Referred to Committee on Banking, Commerce and Insurance	219
Feb.	12	24	Notice of hearing (3/10)	625
Mar.	26	50	Indefinitely postponed	1308

LEGISLATIVE BILL 398. By Landis, Remmers, Lynch, Haberman, Pappas

Jan.	20	7	Read first time	210

Jan. 21 8 Referred to Committee on Banking, Commerce and Insurance 219
Jan. 26 11 Notice of hearing (2/2) 348
Mar. 9 39 Schmit amendment #0370 printed 976
Mar. 9 39 Schmit amendment #0503 printed 977
Mar. 12 42 Placed on General File - Com am #0512 1057
Mar. 20 46 Wehrbein priority bill 1191
Mar. 27 51 Wehrbein name added 1333
Apr. 2 54 Committee amendment #0512 adopted as amended by Landis amendment #0686. Advanced for Review 1453
Apr. 7 57 Placed on Select File - AM5180 1547
Apr. 10 60 Landis amendment #0910 printed 1620
Apr. 14 62 AM5180 (E & R) adopted. Moore motion to bracket until 1/15/88 lost. Schmit pending amendment #0370 p. 976 adopted. Schmit pending amendment #0503 p. 977 withdrawn. Schmit substitute amendment #0997 withdrawn. Landis pending amendment #0910 p. 1620 adopted. Advanced for Engrossment 1681
Apr. 16 64 Correctly Engrossed 1736
Apr. 24 68 Schmit motion to return to Select File lost. Landis motion to return to Select File withdrawn. Final Reading w/E 35-5-9 1848
Apr. 24 68 Speaker signed. Wehrbein explanation of vote 1849
Apr. 24 68 Presented to Governor (4/24) 1860
Apr. 29 71 Approved by Governor (4/29) 1944

LEGISLATIVE BILL 399. By Lynch

Jan. 20 7 Read first time 210
Jan. 21 8 Referred to Committee on Banking, Commerce and Insurance. Barrett name added 219
Jan. 26 11 Notice of hearing (2/2) 348
Feb. 9 21 Placed on General File - Com am #0108 559
Feb. 17 25 Committee amendment #0108 adopted. Ashford amendment adopted. Advanced for Review 664
Feb. 19 27 Placed on Select File - AM5071 714
Feb. 20 28 Lynch amendment #0276 printed 736

Feb. 25 31 AM5071 (E & R) adopted. Lynch pending amendment #0276 p. 736 and Chambers amendment adopted. Advanced for Engrossment813
Feb. 27 33 Correctly Engrossed 838
Mar. 5 37 Final Reading 39-0-10 909
Mar. 5 37 President signed 915
Mar. 5 37 Presented to Governor (3/5) 919
Mar. 10 40 Approved by Governor (3/9) 982

LEGISLATIVE BILL 400. By Schmit, Weihing, Hefner, Elmer, Dierks, Langford, Wehrbein, Korshoj, Coordsen

Jan. 20 7 Read first time 213
Jan. 21 8 Referred to Committee on Education 219
Jan. 29 14 Notice of hearing (3/3) 396
Mar. 5 37 Indefinitely postponed 923

LEGISLATIVE BILL 401. By Schmit, Hefner, Dierks, Korshoj

Jan. 20 7 Read first time 213
Jan. 21 8 Referred to Committee on Natural Resources 219
Feb. 3 17 Notice of hearing (2/11) 459
Mar. 9 39 Indefinitely postponed 968

LEGISLATIVE BILL 402. By Schmit, Wehrbein, Remmers

Jan. 20 7 Read first time 213
Jan. 21 8 Referred to Committee on Education 219
Jan. 30 15 Notice of hearing (3/17) 405
Mar. 26 50 Placed on General File - Com am #0723 1308

LEGISLATIVE BILL 403. By L. Johnson, Hannibal, Goodrich, Ashford, Hall, Labedz

Jan. 20 7 Read first time 214
Jan. 21 8 Referred to Committee on Banking, Commerce and Insurance 219
Feb. 12 24 Notice of hearing (3/2) 624
Mar. 19 45 Indefinitely postponed 1157

LEGISLATIVE BILL 404. By Abboud

Jan. 21 8 Read first time 222
Jan. 22 9 Referred to Committee on Transportation 249
Jan. 30 15 Notice of hearing (2/10) 427

Feb. 24 30 Placed on General File - Com am #0334 791
Mar. 2 34 Committee amendment #0334 adopted.
Advanced for Review 857
Mar. 3 35 Placed on Select File - AM5087 871
Mar. 4 36 AM5087 (E & R) adopted. Hall motion
to indefinitely postpone withdrawn.
Advanced for Engrossment 901
Mar. 6 38 Correctly Engrossed 935
Mar. 10 40 Abboud motion to suspend rules prevailed 988
Mar. 10 40 Final Reading w/E 43-2-4 989
Mar. 10 40 Speaker signed 998
Mar. 10 40 Presented to Governor (3/10) 1013
Mar. 12 42 Approved by Governor (3/11) 1041

LEGISLATIVE BILL 405. By Scofield

Jan. 21 8 Read first time 222
Jan. 22 9 Referred to Committee on Judiciary 249
Feb. 18 26 Notice of hearing (2/26) 693
Mar. 4 36 Indefinitely postponed 900

LEGISLATIVE BILL 406. By Scofield

Jan. 21 8 Read first time 222
Jan. 22 9 Referred to Committee on Judiciary 249
Feb. 18 26 Notice of hearing (2/26) 693
Apr. 1 53 Placed on General File - Com am #0629 1435

LEGISLATIVE BILL 407. By Scofield

Jan. 21 8 Read first time 223
Jan. 22 9 Referred to Committee on Revenue 249
Feb. 4 18 Notice of hearing (2/12) 486
Feb. 20 28 Indefinitely postponed 744

LEGISLATIVE BILL 408. By Harris, Landis, Warner, McFarland, Marsh

Jan. 21 8 Read first time 223
Jan. 22 9 Referred to Committee on Nebraska
Retirement Systems 249
Feb. 2 16 Notice of hearing (2/11) 435
Mar. 17 43 Placed on General File - Com am #0570 1087
Mar. 25 49 Nebraska Retirement Systems
Committee priority bill 1299

May 7 77 Warner amendment #1267 printed 2092
May 8 78 Committee amendment #0570 adopted. Warner pending amendment #1267 p. 2092 adopted. Advanced for Review 2125
May 12 80 Placed on Select File - AM5232 2211
May 13 81 Warner amendment #1357 printed 2265
May 21 86 AM5232 (E & R) adopted. Wesely motion to indefinitely postpone withdrawn. Warner pending amendment #1357 p. 2265 adopted. Wesely amendment lost. Advanced for Engrossment 2483
May 26 87 Correctly Engrossed 2505
May 26 87 ER0209 change 2506
May 28 89 Lynch motion to suspend rules prevailed 2667
May 28 89 Failed on Final Reading w/E 30-14-5 2671
May 28 89 Final Reading 28-13-8 2673
May 28 89 President signed 2675
May 28 89 Presented to Governor (5/28) 2683
May 29 90 Returned by Governor without approval (5/29) . 2722
May 29 90 Haberman motion to override veto passed 30-14-5 2741
May 29 90 Communication and Certificate 2743
June 4 AJ Message from Secretary of State 2758
June 4 AJ Certificate 2759

LEGISLATIVE BILL 409. By Harris, Landis, McFarland

Jan. 21 8 Read first time 223
Jan. 22 9 Referred to Committee on Nebraska Retirement Systems 249
Feb. 2 16 Notice of hearing (2/11) 435
Mar. 17 43 Indefinitely postponed 1088

LEGISLATIVE BILL 410. By Wesely

Jan. 21 8 Read first time 224
Jan. 22 9 Referred to Committee on Health and Human Services 250
Feb. 4 18 Notice of hearing (2/25) 493

LEGISLATIVE BILL 411. By Baack

Jan. 21 8 Read first time 224
Jan. 22 9 Referred to Committee on Transportation 250
Jan. 30 15 Notice of hearing (2/9) 427

Feb. 11 23 Placed on General File 602
Mar. 3 35 Advanced for Review 882
Mar. 4 36 Placed on Select File - AM5089 904
Mar. 5 37 AM5089 (E & R) adopted.
Advanced for Engrossment 919
Mar. 9 39 Correctly Engrossed 950
Mar. 12 42 Final Reading 44-0-5 1045
Mar. 12 42 Speaker signed 1050
Mar. 12 42 Presented to Governor (3/12) 1054
Mar. 18 44 Approved by Governor (3/17) 1110

LEGISLATIVE BILL 412. By Baack

Jan. 21 8 Read first time 224
Jan. 22 9 Referred to Committee on Natural Resources 250
Feb. 3 17 Notice of hearing (2/12) 459
Feb. 23 29 Indefinitely postponed 767

LEGISLATIVE BILL 413. By Baack

Jan. 21 8 Read first time 224
Jan. 22 9 Referred to Committee on Education 250
Jan. 29 14 Notice of hearing (3/2) 396
Feb. 10 22 Baack amendment #0154 printed 572
Mar. 5 37 Placed on General File - Com am #0457 922
Mar. 20 46 Ashford priority bill 1167
Mar. 26 50 Committee amendment #0457 adopted.
Baack pending amendment #0154 p. 572
withdrawn. Baack amendment #0762
adopted. Advanced for Review 1320
Mar. 31 52 Placed on Select File - AM5147 1373
Apr. 2 54 AM5147 (E & R) adopted.
Advanced for Engrossment 1447
Apr. 6 56 Correctly Engrossed 1500
Apr. 6 56 ER0158 change 1501
Apr. 24 68 Warner motion to return to Select File
withdrawn. Final Reading w/E 44-0-5 1836
Apr. 24 68 Speaker signed 1841
Apr. 24 68 Presented to Governor (4/24) 1842
Apr. 29 71 Approved by Governor (4/29) 1944

LEGISLATIVE BILL 414. By Lamb, R. Johnson, Dierks, Rogers

Jan. 21 8 Read first time 224
Jan. 22 9 Referred to Committee on Revenue 250

Jan.	26	11	Rereferred to Committee on Education	341
Jan.	29	14	Notice of hearing (2/23)	395
Feb.	12	24	Notice of hearing (2/24) (Reset)	614
Mar.	5	37	Indefinitely postponed	923

LEGISLATIVE BILL 415. By Lamb

Jan.	21	8	Read first time	225
Jan.	22	9	Referred to Committee on Government, Military and Veterans Affairs	250
Feb.	3	17	Notice of hearing (2/11)	472
Feb.	17	25	Indefinitely postponed	664

LEGISLATIVE BILL 416. By Withem

Jan.	21	8	Read first time	225
Jan.	22	9	Referred to Committee on Banking, Commerce and Insurance	250
Feb.	12	24	Notice of hearing (3/10)	625
Mar.	17	43	Placed on General File - Com am #0529	1068
Mar.	25	49	Barrett priority bill	1299
May	8	78	Committee amendment #0529 adopted. Advanced for Review	2107
May	8	78	Landis amendment #1280 to committee amendment printed	2109
May	11	79	Placed on Select File - AM5229	2174
May	21	86	AM5229 (E & R) adopted. Landis pending amendment #1280 p. 2109 adopted. Advanced for Engrossment	2477
May	26	87	Correctly Engrossed	2505
May	26	87	ER0206 change	2506
May	28	89	Lynch motion to suspend rules prevailed	2667
May	28	89	Final Reading w/E 45-0-4	2673
May	28	89	President signed	2675
May	28	89	Presented to Governor (5/28)	2683
May	29	90	Approved by Governor (5/29)	2723

LEGISLATIVE BILL 417. By Withem

Jan.	21	8	Read first time	225
Jan.	22	9	Referred to Committee on Education	250
Jan.	28	13	Notice of hearing (2/10)	368
Mar.	6	38	Placed on General File - Com am #0484	936
Mar.	25	49	Education Committee priority bill	1298
May	11	79	V. Johnson amendment #1314 printed	2163

LEGISLATIVE BILL 418. By Withem

Jan. 21 8 Read first time 225
Jan. 22 9 Referred to Committee on Health and Human Services 250
Jan. 22 9 Lynch name added 251
Feb. 4 18 Notice of hearing (2/19) 493
May 26 87 Placed on General File - Com am #1501 2534

LEGISLATIVE BILL 419. By Withem

Jan. 21 8 Read first time 225
Jan. 22 9 Referred to Committee on Health and Human Services 250
Jan. 22 9 Lynch name added 252
Feb. 4 18 Notice of hearing (2/19) 493
Mar. 26 50 Placed on General File - Com am #0683 1303
May 21 86 Chizek name added 2479

LEGISLATIVE BILL 419A. By Withem

Apr. 8 58 Read first time. Placed on General File 1565

LEGISLATIVE BILL 420. By Abboud, Pappas, Ashford, Hefner, Elmer, Peterson, Wehrbein, Hannibal, Warner, Hartnett, Weihing, Conway, Baack, Moore, Langford

Jan. 21 8 Read first time 226
Jan. 22 9 Referred to Committee on Revenue 250
Feb. 11 23 Notice of hearing (2/25) 586

LEGISLATIVE BILL 421. By R. Johnson

Jan. 21 8 Read first time 226
Jan. 22 9 Referred to Committee on General Affairs 250
Feb. 18 26 Notice of hearing (3/23) 683
Apr. 22 66 V. Johnson name added 1796
Apr. 23 67 Placed on General File - Com am #1077 1823
Apr. 24 68 R. Johnson name withdrawn 1842
May 13 81 Attorney General's Opinion #87072 to Hefner ... 2224

LEGISLATIVE BILL 422. By Lynch, Conway

Jan.	21	8	Read first time	226
Jan.	22	9	Referred to Committee on Urban Affairs	250
Feb.	12	24	Notice of hearing (3/3)	628

LEGISLATIVE BILL 423. By Hefner

Jan.	21	8	Read first time	226
Jan.	22	9	Referred to Committee on Revenue	250
Jan.	28	13	Notice of hearing (2/4)	385
Feb.	9	21	Indefinitely postponed	554

LEGISLATIVE BILL 424. By Hefner

Jan.	21	8	Read first time	226
Jan.	22	9	Referred to Committee on Education	250
Jan.	29	14	Notice of hearing (2/17)	395
Mar.	5	37	Indefinitely postponed	923

LEGISLATIVE BILL 425. By Conway

Jan.	21	8	Read first time	227
Jan.	22	9	Hefner name added	252
Jan.	23	10	Referred to Committee on Judiciary	282
Jan.	23	10	Pirsch name added	339
Feb.	10	22	Notice of hearing (2/18)	571
Mar.	9	39	Indefinitely postponed	954
Mar.	12	42	Conway motion to place on General File laid over	1052
Mar.	23	47	Conway pending motion to place on General File passed over	1207

LEGISLATIVE BILL 426. By Schellpeper, L. Johnson, Weihing, Scofield, Hefner, Korshoj, Peterson

Jan.	21	8	Read first time	227
Jan.	22	9	Referred to Committee on Natural Resources	250
Feb.	5	19	Conway name added	498
Feb.	9	21	Notice of hearing (2/20)	548
Mar.	18	44	Attorney General's Opinion #87035 to Schmit	1110
Mar.	25	49	Schellpeper priority bill	1297
Apr.	24	68	Placed on General File - Com am #1037	1845
Apr.	30	72	Committee amendment #1037 adopted. Advanced for Review	1962
May	4	74	Placed on Select File - AM5207	1999
May	6	76	AM5207 (E & R) adopted.	

Advanced for Engrossment 2058
May 11 79 Correctly Engrossed. ER0186 change 2152
May 14 82 Returned to Select File for Scofield-Schmit-Hefner-Schellpeper-Peterson-Weihing-L. Johnson-Korshoj-Conway amendment. Scofield et al amendment #1382 adopted. Advanced for Re-Engrossment 2307
May 14 82 Returned to Select File for Scofield-Schellpeper-Peterson-Conway-Korshoj-Weihing-L. Johnson-Hefner amendment. Scofield et al amendment #1379 lost. Advanced for Re-Engrossment. R. Johnson motion to return to Select File withdrawn 2310
May 18 83 Correctly Re-Engrossed 2362
May 18 83 ER0195 change 2363
May 21 86 Final Reading w/E 43-1-5 2472
May 21 86 Speaker signed 2478
May 21 86 Presented to Governor (5/21) 2483
May 26 87 Approved by Governor (5/26) 2524

LEGISLATIVE BILL 427. By Scofield, Hefner, Schellpeper, L. Johnson, Korshoj, Peterson, Weihing

Jan. 21 8 Read first time 227
Jan. 22 9 Referred to Committee on Natural Resources 250
Feb. 9 21 Notice of hearing (2/20) 548
Mar. 18 44 Attorney General's Opinion #87035 to Schmit ... 1110
Apr. 24 68 Indefinitely postponed 1847

LEGISLATIVE BILL 428. By Lynch

Jan. 21 8 Read first time 228
Jan. 22 9 Referred to Committee on Transportation 250
Feb. 10 22 Notice of hearing (2/24) 570
Mar. 10 40 Placed on General File 1011
Mar. 20 46 Lynch priority bill 1168
Mar. 26 50 Smith amendment #0743 printed 1305
Apr. 3 55 Passed over 1498

LEGISLATIVE BILL 429. By Lynch

Jan. 21 8 Read first time 228
Jan. 22 9 Referred to Committee on Transportation 250
Feb. 11 23 Notice of hearing (3/9) 604

Mar. 12 42 Placed on General File - Com am #0507 1051

LEGISLATIVE BILL 430. By Hall

Jan. 21 8 Read first time 228
Jan. 22 9 Referred to Committee on Transportation 250
Jan. 22 9 Chambers name added 251
Feb. 11 23 Notice of hearing (3/3) 604
Apr. 2 54 Pappas name added 1467
Apr. 3 55 Placed on General File - Com am #0858 1493
Apr. 8 58 Committee amendment #0858 adopted. Advanced for Review 1559
Apr. 8 58 Expedited 1560
Apr. 8 58 Placed on Select File - AM5183 1568
Apr. 9 59 Hall amendment #0920 printed 1582
Apr. 9 59 Chambers amendment #0928 printed 1600
Apr. 10 60 AM5183 (E & R) adopted. Hall pending amendment #0920 p. 1582 adopted. Schmit-Elmer amendment #0946 and McFarland amendment #0957 to Chambers amendment lost. Chambers pending amendment #0928 p. 1600 lost 1616
Apr. 10 60 Smith amendment #958 withdrawn. Chambers motion to reconsider amendment #0928 p. 1600 prevailed. Chambers reconsidered amendment #0928 adopted. Labedz and Beyer amendments lost 1625
Apr. 10 60 Advanced for Engrossment 1632
Apr. 14 62 Correctly Engrossed. ER0172 change 1659
Apr. 21 65 Returned to Select File for Warner-Lamb-Hefner-Wehrbein-Beyer-Peterson-Wesely amendment. Warner et al amendment #0984 adopted. Advanced for Re-Engrossment. Chambers motion to return to Select File lost. Chambers motion to bracket until May 31 lost 1748
Apr. 21 65 Chambers amendment printed 1757
Apr. 22 66 Correctly Re-Engrossed 1788
Apr. 27 69 Chambers motion to return to Select File for pending amendment p. 1757 lost 1878
Apr. 27 69 Final Reading w/E 43-3-3 1879
Apr. 27 69 Speaker signed 1882
Apr. 27 69 Presented to Governor (4/27) 1886
Apr. 27 69 Approved by Governor (4/27) 1894

LEGISLATIVE BILL 431. By Goodrich

Jan.	21	8	Read first time	228
Jan.	22	9	Referred to Committee on Education	250
Jan.	28	13	Notice of hearing (2/9)	367
Feb.	11	23	Indefinitely postponed	606

LEGISLATIVE BILL 432. By Warner, L. Johnson, Marsh, Moore, Hannibal, Wehrbein, Scofield, Langford, Abboud

Jan.	21	8	Read first time	229
Jan.	22	9	Referred to Committee on Appropriations	250
Jan.	23	10	Correction	281
Jan.	28	13	Notice of hearing (2/4)	368
Jan.	30	15	Notice of hearing (Room change)	428
Feb.	17	25	Placed on General File - Com am #0213	646
Mar.	4	36	Committee amendment #0213 pending	903
Mar.	5	37	Committee amendment #0213 adopted. Advanced for Review	922
Mar.	6	38	Expedited	948
Mar.	9	39	Placed on Select File - AM5108	953
Mar.	10	40	AM5108 (E & R) adopted. Advanced for Engrossment	1008
Mar.	11	41	Correctly Engrossed	1027
Mar.	20	46	Final Reading w/E 45-0-4	1176
Mar.	20	46	President signed	1181
Mar.	20	46	Presented to Governor (3/20)	1185
Mar.	27	51	Became law without Governor's signature (3/27)	1348
Mar.	31	52	Message from Secretary of State	1376
Mar.	31	52	Certificate from Secretary of State	1377
Apr.	15	63	Attorney General's Opinion #87049 to Pepperl	1707

LEGISLATIVE BILL 433. By Labedz

Jan.	21	8	Read first time	229
Jan.	22	9	Referred to Committee on Business and Labor	250
Jan.	30	15	Notice of hearing (2/9)	427
Feb.	25	31	Indefinitely postponed	813

LEGISLATIVE BILL 434. By Rogers, Lamb

Jan.	21	8	Read first time	229
Jan.	22	9	Referred to Committee on Revenue	250
Jan.	26	11	Rereferred to Committee on Education	341

Jan.	29	14	Notice of hearing (2/23)	395
Feb.	12	24	Notice of hearing (2/24) (Reset)	614
Feb.	25	31	Indefinitely postponed	821

LEGISLATIVE BILL 435. By Rogers

Jan.	21	8	Read first time	229
Jan.	21	8	Baack name added	239
Jan.	22	9	Referred to Committee on Education	250
Jan.	29	14	Notice of hearing (3/17)	396
Mar.	24	48	Placed on General File	1231

LEGISLATIVE BILL 436. By Government, Military and Veterans Affairs Committee

Jan.	21	8	Read first time	229
Jan.	22	9	Referred to Committee on Government, Military and Veterans Affairs	250
Feb.	3	17	Notice of hearing (2/11)	472
Feb.	24	30	Placed on General File	794
Mar.	4	36	Advanced for Review	894
Mar.	6	38	Placed on Select File	947
Mar.	9	39	Advanced for Engrossment	972
Mar.	10	40	Correctly Engrossed	1008
Mar.	17	43	Final Reading 43-0-6	1078
Mar.	17	43	Speaker signed	1090
Mar.	17	43	Presented to Governor (3/17)	1093
Mar.	23	47	Approved by Governor (3/20)	1195

LEGISLATIVE BILL 437. By Langford

Jan.	21	8	Read first time	229
Jan.	22	9	Referred to Committee on Revenue	250
Jan.	28	13	Notice of hearing (2/4)	385
Feb.	9	21	Indefinitely postponed	554

LEGISLATIVE BILL 438. By Chizek, Korshoj

Jan.	21	8	Read first time	230
Jan.	22	9	Referred to Committee on Government, Military and Veterans Affairs	250
Feb.	10	22	Notice of hearing (2/20)	580
Feb.	24	30	Indefinitely postponed	795

LEGISLATIVE BILL 439. By Chizek, R. Johnson

Jan. 21 8 Read first time 230
Jan. 22 9 Referred to Committee on Government, Military and Veterans Affairs 250
Feb. 3 17 Notice of hearing (2/11) 472
Feb. 24 30 Indefinitely postponed 795

LEGISLATIVE BILL 440. By L. Johnson, Morehead, Hartnett, Remmers, Peterson, Rupp, Weihing, Conway, Moore

Jan. 21 8 Read first time 230
Jan. 22 9 Referred to Committee on Banking, Commerce and Insurance 250
Jan. 30 15 Notice of hearing (2/17) 428
Feb. 18 26 Placed on General File 695
Mar. 4 36 Advanced for Review 893
Mar. 6 38 Placed on Select File 930
Mar. 9 39 Haberman amendment #0519 adopted. Advanced for Engrossment 971
Mar. 10 40 Correctly Engrossed. ER0133 change 1008
Mar. 19 45 Landis-V. Johnson amendment #0623 printed 1161
Mar. 20 46 Returned to Select File for Landis-V. Johnson amendment. Landis-V. Johnson pending amendment #0623 p. 1161 adopted. Advanced for Re-Engrossment 1176
Mar. 24 48 Correctly Re-Engrossed. ER0144 change 1249
Mar. 31 52 Final Reading w/E 49-0-0 1385
Mar. 31 52 Speaker signed 1390
Mar. 31 52 Presented to Governor (3/31) 1395
Apr. 6 56 Approved by Governor (4/6) 1525

LEGISLATIVE BILL 441. By L. Johnson, Peterson, Rupp, Weihing, Hartnett, Remmers, Morehead

Jan. 21 8 Read first time 230
Jan. 22 9 Referred to Committee on Revenue 250
Jan. 28 13 Notice of hearing (2/4) 385
Feb. 9 21 Placed on General File 551
Feb. 10 22 Advanced for Review 582
Feb. 11 23 Placed on Select File 605
Feb. 12 24 Advanced for Engrossment 627
Feb. 17 25 Correctly Engrossed 646
Feb. 23 29 Final Reading 44-0-5 765
Feb. 23 29 Haberman explanation of vote. Speaker signed 767

Feb. 23 29 Presented to Governor (2/23) 769
Mar. 2 34 Approved by Governor (2/27) 860

LEGISLATIVE BILL 442. By Peterson, Barrett, Hefner, Scofield, Hartnett

Jan. 21 8 Read first time 231
Jan. 22 9 Referred to Committee on Health and Human Services 250
Feb. 4 18 Notice of hearing (3/11) 494
Mar. 20 46 Peterson priority bill 1191
Mar. 24 48 Placed on General File - Com am #0684 1258
Apr. 13 61 Committee amendment #0684 adopted. Advanced for Review 1650
Apr. 15 63 Placed on Select File 1689
Apr. 16 64 Remmers-Peterson amendment #1011 printed 1733
Apr. 16 64 Peterson amendment #0982 printed 1734
May 4 74 Peterson amendment #1202 printed 2004
May 6 76 Remmers-Peterson pending amendment #1011 p. 1733, Peterson amendment #1042 and Peterson pending amendment #1202 p. 2004 adopted. Peterson pending amendment #0982 p. 1734 withdrawn. Advanced for Engrossment 2051
May 11 79 Correctly Engrossed 2137
May 11 79 ER0181 change 2138
May 14 82 Final Reading w/E 37-0-12 2313
May 14 82 Speaker signed 2317
May 18 83 Presented to Governor (5/14) 2321
May 19 84 Approved by Governor (5/19) 2392

LEGISLATIVE BILL 443. By Withem

Jan. 21 8 Read first time 231
Jan. 22 9 Referred to Committee on Education 250
Jan. 29 14 Notice of hearing (2/17) 395
Feb. 18 26 Indefinitely postponed 694

LEGISLATIVE BILL 444. By Withem

Jan. 21 8 Read first time 231
Jan. 22 9 Referred to Committee on Education 250
Jan. 29 14 Notice of hearing (2/17) 395
Feb. 18 26 Placed on General File - Com am #0259 695
Mar. 5 37 Withem amendment #0458 to committee

amendment printed 921
Mar. 18 44 Withem pending amendment #0458 p. 921 to committee amendment adopted. Lamb amendment lost 1134
Mar. 19 45 Committee amendment #0259 adopted as amended. Lamb amendment pending 1157
Mar. 25 49 Lamb pending amendment p. 1158 lost. Lamb amendment pending 1279
Mar. 25 49 Lamb pending amendment p. 1281 ruled germane. Ashford challenge of chair lost. Lamb-Chambers substitute amendment for Lamb pending amendment p. 1281 adopted. Hall motion to recommit to Education Committee withdrawn. Elmer amendment #0744 and Lamb amendment lost 1282
Mar. 25 49 Lamb motion to indefinitely postpone lost. Advanced for Review 1291
Mar. 27 51 Placed on Select File - AM5145 1367
Apr. 6 56 Withem amendment #0855 printed 1521
Apr. 7 57 Moore-Remmers amendment #0867 printed 1539
Apr. 7 57 Lamb-Baack amendment to Moore-Remmers amendment #0867 printed 1544
Apr. 8 58 Lamb-Baack-Remmers amendment printed 1562
Apr. 9 59 AM5145 (E & R) adopted. Withem pending amendment #0855 p. 1521 adopted. Moore-Remmers substitute amendment #0916 for Moore-Remmers pending amendment #0867 p. 1539 lost. Lamb amendment lost. Lamb-Baack pending amendment p. 1544 and Lamb-Baack-Remmers pending amendment p. 1562 withdrawn. Lamb amendment lost. Withem-Ashford amendment #0936 adopted. Lamb motion to indefinitely postpone lost. Withem amendment pending 1592
Apr. 9 59 Withem pending amendment p. 1599 adopted. Advanced for Engrossment 1602
Apr. 14 62 Correctly Engrossed 1678
Apr. 14 62 ER0170 change 1679
Apr. 27 69 Attorney General's Opinion #87063 to Elmer 1883

LEGISLATIVE BILL 445. By Schmit

Jan. 21 8 Read first time 231

Jan.	22	9	Referred to Committee on Natural Resources	250
Feb.	9	21	Notice of hearing (2/18)	548
Mar.	23	47	Placed on General File - Com am #0665	1214

LEGISLATIVE BILL 446. By Labedz

Jan.	21	8	Read first time	231
Jan.	22	9	Referred to Committee on Business and Labor	250
Jan.	30	15	Notice of hearing (2/9)	427
Feb.	25	31	Placed on General File - Com am #0338	813
Mar.	2	34	Hall-Landis-Barrett-Hefner amendment #0408 to committee amendment printed	863
Mar.	18	44	Hefner amendment #0583 printed	1109
Mar.	20	46	Labedz priority bill	1167
Mar.	25	49	Committee amendment #0338 adopted as amended by Hall et al pending amendment #0408 p. 863. Hefner pending amendment #0583 p. 1109 and Hall amendment adopted. Advanced for Review	1273
Mar.	27	51	Placed on Select File - AM5144	1366
Apr.	3	55	Labedz-Hall-Hefner amendment #0840 printed	1496
Apr.	6	56	AM5144 (E & R) adopted. Labedz-Hall-Hefner pending amendment #0840 p. 1496 adopted. Advanced for Engrossment	1502
Apr.	8	58	Correctly Engrossed. ER0162 change	1570
Apr.	14	62	Final Reading 38-0-11	1662
Apr.	14	62	Speaker signed	1674
Apr.	14	62	Presented to Governor (4/14)	1677
Apr.	21	65	Approved by Governor (4/17)	1741

LEGISLATIVE BILL 447. By Pappas, Wesely, Hartnett

Jan.	21	8	Read first time	231
Jan.	22	9	Referred to Committee on Revenue	250
Jan.	28	13	Notice of hearing (2/5)	385
Feb.	9	21	Indefinitely postponed	554

LEGISLATIVE BILL 448. By Schmit

Jan.	21	8	Read first time	232
Jan.	22	9	Referred to Committee on Revenue	250
Feb.	11	23	Notice of hearing (3/19)	587
Mar.	24	48	Indefinitely postponed	1234

LEGISLATIVE BILL 449. By Appropriations Committee

Jan. 21 8 Read first time 232
Jan. 22 9 Referred to Committee on Appropriations 250
Jan. 22 9 Notice of hearing (1/29) 263
Feb. 19 27 Placed on General File - Com am #0255 702
Feb. 24 30 Committee amendment #0255 adopted.
Advanced for Review 785
Feb. 24 30 Placed on Select File - AM5079 797
Feb. 26 32 AM5079 (E & R) adopted.
Haberman amendments withdrawn.
Advanced for Engrossment 833
Feb. 27 33 Correctly Engrossed 838
Mar. 5 37 Final Reading w/E 41-0-8 909
Mar. 5 37 President signed 915
Mar. 5 37 Presented to Governor (3/5) 919
Mar. 6 38 Approved by Governor (3/5) 928

LEGISLATIVE BILL 450. By Scofield, Dierks

Jan. 21 8 Read first time 232
Jan. 22 9 Referred to Committee on Agriculture 250
Feb. 3 17 Notice of hearing (2/17) 458
Feb. 19 27 Placed on General File - Com am #0264 713
Mar. 12 42 Committee amendment #0264 adopted.
Advanced for Review 1049
Mar. 17 43 Placed on Select File - AM5113 1081
Mar. 19 45 AM5113 (E & R) adopted. Scofield
amendment #0655 adopted.
Advanced for Engrossment 1153
Mar. 23 47 Correctly Engrossed. ER0142 change 1206
Mar. 27 51 Final Reading 37-0-12 1341
Mar. 27 51 President signed 1350
Mar. 27 51 Presented to Governor (3/27) 1359
Mar. 31 52 Approved by Governor (3/30) 1376

LEGISLATIVE BILL 451. By Wesely, McFarland

Jan. 21 8 Read first time 232
Jan. 22 9 Referred to Committee on Judiciary 250
Feb. 18 26 Notice of hearing (2/26) 693
Mar. 11 41 Placed on General File 1032
Mar. 25 49 Judiciary committee priority bill 1298
May 6 76 Advanced for Review 2036
May 8 78 Placed on Select File - AM5217 2104

May 20 85 AM5217 (E & R) adopted. Wesely amendment adopted. Wesely amendment #1375 ruled not germane. V. Johnson motion to suspend rules lost. Advanced for Engrossment 2428
May 20 85 Correctly Engrossed 2451
May 28 89 Final Reading w/E 45-0-4 2659
May 28 89 President signed 2667
May 28 89 Presented to Governor (5/28) 2675
May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 452. By Wesely

Jan. 21 8 Read first time 232
Jan. 22 9 Referred to Committee on Judiciary 250
Feb. 18 26 Notice of hearing (2/26) 693
Mar. 12 42 Indefinitely postponed 1052

LEGISLATIVE BILL 453. By Banking, Commerce and Insurance Committee

Jan. 21 8 Read first time 233
Jan. 22 9 Referred to Committee on Banking, Commerce and Insurance 250
Jan. 30 15 Notice of hearing (2/17) 428
Feb. 23 29 Placed on General File - Com am #0304 772
Mar. 25 49 Rupp priority bill 1297
Mar. 26 50 Committee amendment #0304 adopted. Advanced for Review 1330
Mar. 31 52 Placed on Select File - AM5150 1374
Apr. 2 54 Remmers amendment #0808 printed 1458
Apr. 6 56 AM5150 (E & R) adopted. Remmers pending amendment #0808 p. 1458 adopted. Advanced for Engrossment 1503
Apr. 8 58 Correctly Engrossed 1570
Apr. 14 62 Remmers amendment #0987 printed 1685
Apr. 16 64 Returned to Select File for Remmers amendment. Remmers pending amendment #0987 p. 1685 adopted. Advanced for Re-Engrossment 1724
Apr. 21 65 Correctly Re-Engrossed 1778
Apr. 27 69 Final Reading w/E 43-3-3 1877
Apr. 27 69 Speaker signed 1882
Apr. 27 69 Presented to Governor (4/27) 1886
Apr. 29 71 Approved by Governor (4/29) 1944

LEGISLATIVE BILL 454. By Banking, Commerce and Insurance Committee

Jan.	21	8	Read first time	233
Jan.	22	9	Referred to Committee on Banking, Commerce and Insurance	250
Jan.	30	15	Notice of hearing (2/9)	428
Mar.	9	39	Placed on General File	980

LEGISLATIVE BILL 455. By Smith

Jan.	21	8	Read first time	233
Jan.	22	9	Referred to Committee on Education	251
Jan.	29	14	Notice of hearing (3/9)	396
Mar.	18	44	Placed on General File - Com am #0541	1109
Mar.	25	49	Smith priority bill	1297
Apr.	2	54	Committee amendment #0541 adopted. Advanced for Review	1455
Apr.	7	57	Placed on Select File - AM5175	1548
Apr.	9	59	AM5175 (E & R) adopted. Advanced for Engrossment	1603
Apr.	14	62	Correctly Engrossed	1678
Apr.	21	65	Final Reading 36-1-12	1753
Apr.	21	65	Speaker signed	1768
Apr.	21	65	Presented to Governor (4/21)	1770
Apr.	23	67	Approved by Governor (4/23)	1820

LEGISLATIVE BILL 456. By Smith

Jan.	21	8	Read first time	233
Jan.	22	9	Referred to Committee on Government, Military and Veterans Affairs	251
Feb.	18	26	Notice of hearing (2/25)	693
Mar.	4	36	Placed on General File - Com am #0430	904
Mar.	27	51	Committee amendment #0430 adopted. Advanced for Review	1353
Mar.	31	52	Placed on Select File - AM5157	1404
Apr.	2	54	AM5157 (E & R) adopted. Advanced for Engrossment	1449
Apr.	6	56	Correctly Engrossed. ER0160 change	1510
Apr.	10	60	Final Reading 45-0-4	1612
Apr.	10	60	Speaker signed	1617
Apr.	10	60	Presented to Governor (4/10)	1620
Apr.	15	63	Approved by Governor (4/14)	1690

LEGISLATIVE BILL 457. By Schmit, Hefner

Jan.	21	8	Read first time	234
Jan.	22	9	Referred to Committee on Revenue	251
Jan.	22	9	Moore name added	252
Feb.	11	23	Notice of hearing (3/12)	587
Mar.	31	52	Placed on General File - Com am #0784	1386

LEGISLATIVE BILL 458. By Schmit

Jan.	21	8	Read first time	234
Jan.	22	9	Referred to Committee on Agriculture	251
Feb.	10	22	Notice of hearing (3/3)	572
Mar.	11	41	Indefinitely postponed	1033

LEGISLATIVE BILL 459. By Health and Human Services Committee

Jan.	21	8	Read first time	234
Jan.	22	9	Referred to Committee on Health and Human Services	251
Jan.	28	13	Notice of hearing (2/6)	389
Feb.	12	24	Placed on General File - Com am #0224	641
Mar.	4	36	Committee amendment #0224 adopted. Advanced for Review	902
Mar.	4	36	Expedited	906
Mar.	5	37	Placed on Select File - AM5092	919
Mar.	6	38	AM5092 (E & R) adopted. Advanced for Engrossment	931
Mar.	9	39	Correctly Engrossed. ER0130 change	968
Mar.	23	47	Final Reading w/E 45-0-4	1199
Mar.	23	47	President signed	1207
Mar.	23	47	Presented to Governor (3/23)	1216
Mar.	26	50	Approved by Governor (3/26)	1315

LEGISLATIVE BILL 459A. By Wesely

Feb.	25	31	Read first time. Placed on General File	821
Mar.	4	36	Advanced for Review	903
Mar.	5	37	Placed on Select File	920
Mar.	6	38	Advanced for Engrossment	931
Mar.	9	39	Correctly Engrossed	968
Mar.	11	41	Wesely amendment #0526 printed	1034
Mar.	12	42	Returned to Select File for Wesely amendment. Wesely pending amendment	

#0526 p. 1034 adopted. Advanced for Re-Engrossment 1045
Mar. 17 43 Correctly Re-Engrossed 1067
Mar. 23 47 Final Reading w/E 45-0-4 1200
Mar. 23 47 President signed 1207
Mar. 23 47 Presented to Governor (3/23) 1216
Mar. 26 50 Approved by Governor (3/26) 1315

LEGISLATIVE BILL 460. By Rogers

Jan. 21 8 Read first time 234
Jan. 22 9 Referred to Committee on Health and Human Services 251
Feb. 4 18 Notice of hearing (3/11) 494
Mar. 27 51 Indefinitely postponed 1350
Apr. 8 58 Attorney General's Opinion #87045 to Wesely ... 1562

LEGISLATIVE BILL 461. By Business and Labor Committee

Jan. 21 8 Read first time 235
Jan. 22 9 Referred to Committee on Business and Labor 251
Jan. 30 15 Notice of hearing (2/9) 427
Feb. 10 22 Placed on General File 583
Feb. 24 30 Advanced for Review 794
Feb. 26 32 Placed on Select File 825
Mar. 2 34 Advanced for Engrossment 866
Mar. 3 35 Correctly Engrossed 880
Mar. 9 39 Final Reading w/E 45-0-4 957
Mar. 9 39 President signed 969
Mar. 9 39 Presented to Governor (3/9) 974
Mar. 12 42 Approved by Governor (3/11) 1040

LEGISLATIVE BILL 462. By Business and Labor Committee

Jan. 21 8 Read first time 235
Jan. 22 9 Referred to Committee on Business and Labor 251
Jan. 30 15 Notice of hearing (3/9) 427
Mar. 11 41 Placed on General File - Com am #0537 1027
Mar. 25 49 Barrett priority bill 1299
May 8 78 Committee amendment #0537 adopted. Advanced for Review 2107
May 11 79 Hall amendment #1284 printed 2147
May 11 79 Placed on Select File - AM5223 2174
May 21 86 AM5223 (E & R) adopted. Hall pending amendment #1284 p. 2147 adopted.

Advanced for Engrossment 2476
May 26 87 Correctly Engrossed 2494
May 28 89 Lynch motion to suspend rules prevailed 2667
May 28 89 Final Reading 41-0-8 2676
May 28 89 Speaker signed 2691
May 28 89 Presented to Governor (5/28) 2694
May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 462A. By Hall

Mar. 27 51 Read first time. Placed on General File 1354
May 8 78 Advanced for Review 2107
May 11 79 Placed on Select File 2174
May 21 86 Advanced for Engrossment 2477
May 26 87 Correctly Engrossed 2494
May 28 89 Lynch motion to suspend rules prevailed 2667
May 28 89 Final Reading 43-0-6 2677
May 28 89 Speaker signed 2691
May 28 89 Presented to Governor (5/28) 2694
May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 463. By Wesely, Marsh, Smith

Jan. 21 8 Read first time 235
Jan. 22 9 Referred to Committee on Judiciary 251
Feb. 25 31 Notice of hearing (3/5) 810

LEGISLATIVE BILL 464. By V. Johnson

Jan. 21 8 Read first time 235
Jan. 22 9 Referred to Committee on Revenue 251
Feb. 4 18 Notice of hearing (2/11) 486
Feb. 20 28 Placed on General File - Com am #0286 743

LEGISLATIVE BILL 465. By V. Johnson

Jan. 21 8 Read first time 236
Jan. 22 9 Referred to Committee on Revenue 251
Feb. 11 23 Notice of hearing (3/4) 586
Mar. 10 40 Indefinitely postponed 992

LEGISLATIVE BILL 466. By V. Johnson

Jan. 21 8 Read first time 236

Jan.	22	9	Referred to Committee on Health and Human Services	251
Feb.	4	18	Notice of hearing (2/11)	492
Mar.	9	39	Placed on General File - Com am #0423	981
Mar.	25	49	Barrett priority bill	1299

LEGISLATIVE BILL 467. By V. Johnson

Jan.	21	8	Read first time	236
Jan.	22	9	Referred to Committee on Revenue	251
Feb.	4	18	Notice of hearing (2/12)	486
Feb.	26	32	Placed on General File - Com am #0318	834
Mar.	25	49	Goodrich priority bill	1297
Apr.	1	53	Committee amendment #0318 adopted. Hall amendment lost. Abboud amendment to Hall amendment withdrawn. Warner amendment adopted	1430
Apr.	1	53	Advanced for Review	1434
Apr.	6	56	Placed on Select File - AM5169	1506
Apr.	7	57	AM5169 (E & R) adopted. Morehead amendment #0851 pending	1538
Apr.	7	57	Morehead pending amendment #0851 lost. Pappas amendment pending	1539
Apr.	8	58	Pappas pending amendment p. 1539 withdrawn. Miller amendment lost. Advanced for Engrossment	1566
Apr.	10	60	Correctly Engrossed	1620
May	20	85	Schmit amendments (1) through (11) printed	2434
May	20	85	Schmit amendments (12) through (16) printed	2435
May	21	86	V. Johnson amendment #1481 printed	2485
May	27	88	Schmit pending amendments (1) through (16) pgs. 2434 and 2435 withdrawn. Returned to Select File for V. Johnson amendment. V. Johnson pending amendment #1481 p. 2485 adopted. Advanced for Re-Engrossment	2583
May	27	88	Correctly Re-Engrossed. ER0218 change	2606
May	29	90	Lynch motion to suspend rules prevailed	2696
May	29	90	Chambers motion to return to Select File lost	2700
May	29	90	Final Reading w/E 36-12-1	2701
May	29	90	President signed	2702
May	29	90	Presented to Governor (5/29)	2723

May 29 90 Approved by Governor (5/29) 2724

LEGISLATIVE BILL 468. By Wesely

Jan. 21 8 Read first time 236
Jan. 22 9 Referred to Committee on General Affairs 251
Jan. 29 14 Notice of hearing (2/9) 402
Feb. 11 23 Placed on General File - Com am #0194 587
Feb. 24 30 Committee amendment #0194 adopted.
Advanced for Review 794
Feb. 26 32 Placed on Select File 825
Mar. 2 34 Advanced for Engrossment 866
Mar. 3 35 Correctly Engrossed 880
Mar. 9 39 Final Reading 44-0-5 957
Mar. 9 39 President signed 969
Mar. 9 39 Presented to Governor (3/9) 974
Mar. 12 42 Approved by Governor (3/11) 1040

LEGISLATIVE BILL 469. By Business and Labor Committee

Jan. 21 8 Read first time 236
Jan. 22 9 Referred to Committee on Business and Labor 251
Jan. 30 15 Notice of hearing (2/9) 427
Feb. 11 23 Placed on General File - Com am #0188 603
Mar. 3 35 Committee amendment #0188 adopted.
Advanced for Review 882
Mar. 5 37 Placed on Select File - AM5094 924
Mar. 6 38 AM5094 (E & R) adopted.
Advanced for Engrossment 931
Mar. 9 39 Correctly Engrossed. ER0129 change 968
Mar. 12 42 Final Reading w/E 46-0-3 1046
Mar. 12 42 Speaker signed 1050
Mar. 12 42 Presented to Governor (3/12) 1054
Mar. 17 43 Approved by Governor (3/16) 1068

LEGISLATIVE BILL 470. By V. Johnson

Jan. 21 8 Read first time 237
Jan. 22 9 Referred to Committee on Revenue 251
Feb. 11 23 Notice of hearing (2/25) 586
Feb. 27 33 Placed on General File - Com am #0386 848
Mar. 25 49 Revenue Committee priority bill 1299
May 4 74 Withem amendment #1167 printed 2005
May 8 78 Passed over 2113

LEGISLATIVE BILL 471. By Hall, Hartnett, Higgins, Lynch, V. Johnson, Labedz

Jan. 21 8 Read first time 237
Jan. 22 9 Referred to Committee on Revenue 251
Jan. 22 9 Notice of hearing (1/29) 263
Jan. 30 15 Placed on General File 423
Feb. 2 16 Advanced for Review 448
Feb. 3 17 Placed on Select File - AM5041 465
Feb. 4 18 AM5041 (E & R) adopted.
Advanced for Engrossment 489
Feb. 6 20 Correctly Engrossed 519
Feb. 12 24 Final Reading 44-0-5 623
Feb. 12 24 Speaker signed 628
Feb. 12 24 Presented to Governor (2/12) 634
Feb. 17 25 Approved by Governor (2/17) 663

LEGISLATIVE BILL 472. By Health and Human Services Committee

Jan. 21 8 Read first time 237
Jan. 22 9 Referred to Committee on Health and
Human Services 251
Jan. 28 13 Notice of hearing (2/4) 388
Feb. 5 19 Placed on General File 505
Feb. 6 20 Advanced for Review 518
Feb. 10 22 Placed on Select File - AM5063 563
Feb. 11 23 AM5063 (E & R) adopted.
Advanced for Engrossment 601
Feb. 12 24 Correctly Engrossed 612
Feb. 23 29 Final Reading 42-1-6 761
Feb. 23 29 Haberman explanation of vote.
Speaker signed 767
Feb. 23 29 Presented to Governor (2/23) 769
Mar. 2 34 Approved by Governor (2/27) 860

LEGISLATIVE BILL 473. By Health and Human Services Committee

Jan. 21 8 Read first time 237
Jan. 22 9 Referred to Committee on Health and
Human Services 251
Jan. 28 13 Notice of hearing (2/5) 389
Feb. 11 23 Placed on General File - Com am #0155 605
Mar. 3 35 Committee amendment #0155 adopted as
amended by Wesely amendment #0251
(printed separate). Advanced for Review 885

Mar. 5 37 Placed on Select File - AM5093 925
Mar. 10 40 AM5093 (E & R) adopted. Pappas amendment lost. Wesely amendment #0518 adopted (printed separate). Advanced for Engrossment 998
Mar. 12 42 Correctly Engrossed 1057
Mar. 12 42 ER0135 change 1058
Mar. 20 46 Final Reading w/E 44-2-3 1179
Mar. 20 46 President signed 1181
Mar. 20 46 Presented to Governor (3/20) 1185
Mar. 26 50 Approved by Governor (3/26) 1315

LEGISLATIVE BILL 473A. By Wesely

Feb. 17 25 Read first time. Placed on General File 666
Mar. 3 35 Advanced for Review 886
Mar. 5 37 Placed on Select File 926
Mar. 10 40 Wesely amendment #0477 adopted. Advanced for Engrossment 999
Mar. 12 42 Correctly Engrossed 1057
Mar. 20 46 Final Reading w/E 43-0-6 1180
Mar. 20 46 President signed 1181
Mar. 20 46 Presented to Governor (3/20) 1185
Mar. 26 50 Approved by Governor (3/26) 1315

LEGISLATIVE BILL 474. By V. Johnson

Jan. 21 8 Read first time 239
Jan. 22 9 Referred to Committee on Business and Labor 251
Jan. 30 15 Notice of hearing (2/23) 427
Feb. 25 31 Placed on General File - Com am #0337 821
Mar. 5 37 Hall amendment #0464 printed 921
Mar. 25 49 Business and Labor Committee priority bill 1298
May 6 76 Committee amendment #0337 adopted. Advanced for Review 2068
May 11 79 Placed on Select File - AM5222 2146
May 21 86 AM5222 (E & R) adopted. Hall pending amendment #0464 p. 921 adopted. Advanced for Engrossment 2476
May 26 87 Correctly Engrossed 2494
May 26 87 ER0204 change 2496
May 27 88 Hefner amendment #1531 printed 2618
May 28 89 Lynch motion to suspend rules prevailed 2667
May 28 89 Hefner and V. Johnson motions to return to Select File withdrawn 2677

May 28 89 Final Reading 36-8-5 2678
May 28 89 Speaker signed 2691
May 28 89 Presented to Governor (5/28) 2694
May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 475. By V. Johnson

Jan. 21 8 Read first time 240
Jan. 22 9 Referred to Committee on Judiciary 251
Mar. 2 34 Ashford name added 869
Mar. 11 41 Notice of hearing (3/19) 1030
Mar. 26 50 Placed on General File - Com am #0104 1316

LEGISLATIVE BILL 476. By Moore

Jan. 21 8 Read first time 240
Jan. 22 9 Referred to Committee on Government, Military and Veterans Affairs 251
Feb. 10 22 Notice of hearing (2/20) 580
Mar. 2 34 Placed on General File - Com am #0355 869

LEGISLATIVE BILL 477. By Withem

Jan. 22 9 Read first time 255
Jan. 23 10 Referred to Committee on Government, Military and Veterans Affairs 282
Feb. 10 22 Notice of hearing (2/18) 579
Mar. 17 43 Placed on General File - Com am #0604 1095

LEGISLATIVE BILL 478. By Withem

Jan. 22 9 Read first time 255
Jan. 23 10 Referred to Committee on Judiciary 282
Feb. 4 18 Notice of hearing (2/12) 484
Feb. 24 30 Placed on General File 786

LEGISLATIVE BILL 479. By Withem, Barrett

Jan. 22 9 Read first time 255
Jan. 23 10 Referred to Committee on Government, Military and Veterans Affairs 282
Feb. 10 22 Notice of hearing (2/19) 579
Mar. 4 36 Placed on General File - Com am #0399 905
Mar. 27 51 Conway amendment #0774 lost.
Committee amendment #0399 adopted as

			amended by Withem amendment #0491. Advanced for Review	1359
Apr.	1	53	Placed on Select File - AM5159	1441
Apr.	6	56	AM5159 (E & R) adopted. Advanced for Engrossment	1504
Apr.	9	59	Correctly Engrossed	1590
Apr.	16	64	Final Reading 40-0-9	1724
Apr.	16	64	Speaker signed	1727
Apr.	16	64	Presented to Governor (4/16)	1732
Apr.	21	65	Approved by Governor (4/17)	1742

LEGISLATIVE BILL 480. By Withem, Barrett

Jan.	22	9	Read first time	256
Jan.	23	10	Referred to Committee on Government, Military and Veterans Affairs	282
Feb.	10	22	Notice of hearing (2/19)	579
Mar.	17	43	Placed on General File - Com am #0400	1096
Mar.	25	49	Barrett priority bill	1299
Mar.	27	51	Smith amendment #0536 to committee amendment printed	1333
May	13	81	Rupp amendment #1360 printed	2260
May	14	82	Committee amendment #0400 adopted as amended by Smith pending amendment #0536 p. 1333. Chambers amendment lost. Rupp pending amendment #1360 p. 2260 withdrawn. Advanced for Review	2295
May	18	83	Placed on Select File - AM5236	2338
May	20	85	AM5236 (E & R) adopted. Advanced for Engrossment	2451
May	21	86	Correctly Engrossed. ER0203 change	2491
May	28	89	Final Reading 42-0-7	2661
May	28	89	President signed	2667
May	28	89	Presented to Governor (5/28)	2675
May	29	90	Approved by Governor (5/29)	2723

LEGISLATIVE BILL 481. By Withem

Jan.	22	9	Read first time	256
Jan.	23	10	Referred to Committee on Urban Affairs	282
Feb.	12	24	Notice of hearing (2/24)	628
Mar.	3	35	Indefinitely postponed	888

LEGISLATIVE BILL 482. By Withem

Jan. 22 9 Read first time 256
Jan. 23 10 Referred to Committee on Education 282
Jan. 29 14 Notice of hearing (2/24) 396
Feb. 12 24 Notice of hearing (2/23) (Reset) 614
Feb. 25 31 Indefinitely postponed 821

LEGISLATIVE BILL 483. By Wehrbein

Jan. 22 9 Read first time 256
Jan. 23 10 Referred to Committee on Urban Affairs 282
Jan. 27 12 Notice of hearing (2/3) 362
Feb. 4 18 Placed on General File 487
Feb. 5 19 Advanced for Review 507
Feb. 9 21 Placed on Select File 560
Feb. 10 22 Advanced for Engrossment 568
Feb. 11 23 Correctly Engrossed. ER0118 change 606
Feb. 20 28 Final Reading 48-0-1 730
Feb. 20 28 President signed 731
Feb. 20 28 Presented to Governor (2/20).
Abboud explanation of vote 744
Feb. 23 29 Approved by Governor (2/20) 753

LEGISLATIVE BILL 484. By Langford

Jan. 22 9 Read first time 256
Jan. 23 10 Referred to Committee on Judiciary 282
Feb. 9 21 Langford motion to withdraw laid over 527
Feb. 11 23 Langford pending motion p. 527
prevailed. Withdrawn 608

LEGISLATIVE BILL 485. By Schellpeper

Jan. 22 9 Read first time 256
Jan. 23 10 Referred to Committee on Health and
Human Services 282
Jan. 28 13 Notice of hearing (2/5) 389
Feb. 6 20 Placed on General File 523
Feb. 9 21 Advanced for Review 551
Feb. 10 22 Placed on Select File 578
Feb. 12 24 Schellpeper amendment #0209 adopted.
Advanced for Engrossment 626
Feb. 17 25 Correctly Engrossed 646
Feb. 23 29 Final Reading w/E 45-0-4 766
Feb. 23 29 Haberman explanation of vote.
Speaker signed 767

Feb. 23 29 Presented to Governor (2/23) 769
Mar. 2 34 Approved by Governor (2/27) 860

LEGISLATIVE BILL 486. By Schellpeper

Jan. 22 9 Read first time 257
Jan. 23 10 Referred to Committee on Revenue 282
Feb. 4 18 Notice of hearing (2/12) 486
Feb. 20 28 Indefinitely postponed 744

LEGISLATIVE BILL 487. By Coordsen

Jan. 22 9 Read first time 257
Jan. 23 10 Referred to Committee on Government, Military and Veterans Affairs 282
Jan. 28 13 Notice of hearing (2/5) 368
Feb. 10 22 Placed on General File - Com am #0167 581
Feb. 24 30 Committee amendment #0167 adopted as amended by Coordsen amendment #0316 and Rupp amendment. Advanced for Review ... 789
Feb. 24 30 Abboud name added 795
Feb. 26 32 Placed on Select File - AM5082 824
Mar. 2 34 AM5082 (E & R) adopted. Coordsen-Rupp amendment adopted. Advanced for Engrossment 866
Mar. 3 35 Correctly Engrossed 886
Mar. 3 35 ER0124 change 887
Mar. 9 39 Final Reading 42-4-3 958
Mar. 9 39 President signed 969
Mar. 9 39 Presented to Governor (3/9) 974
Mar. 12 42 Approved by Governor (3/11) 1040

LEGISLATIVE BILL 488. By L. Johnson, Hannibal, Goodrich, Labedz

Jan. 22 9 Read first time 257
Jan. 23 10 Referred to Committee on Banking, Commerce and Insurance 282
Feb. 12 24 Notice of hearing (3/2) 624
Mar. 9 39 Placed on General File 980
Mar. 25 49 L. Johnson priority bill 1297

LEGISLATIVE BILL 489. By Goodrich

Jan. 22 9 Read first time 257
Jan. 23 10 Referred to Committee on General Affairs 282

Feb. 18 26 Notice of hearing (3/9) 683
Mar. 12 42 Indefinitely postponed 1050

LEGISLATIVE BILL 490. By Landis

Jan. 22 9 Read first time 257
Jan. 23 10 Referred to Committee on General Affairs 282
Jan. 29 14 Notice of hearing (2/9) 402
Mar. 25 49 Placed on General File - Com am #0722 1276

LEGISLATIVE BILL 491. By Landis

Jan. 22 9 Read first time 258
Jan. 23 10 Referred to Committee on Government, Military and Veterans Affairs 282
Jan. 28 13 Notice of hearing (2/4) 368
Feb. 10 22 Placed on General File - Com am #0164 581
Feb. 24 30 Committee amendment #0164 adopted. Pappas amendment #0219 adopted. Advanced for Review 793
Feb. 25 31 Wesely-Marsh amendment #0333 printed 811
Feb. 26 32 Placed on Select File - AM5083 825
Mar. 2 34 AM5083 (E & R) adopted. Wesely-Marsh pending amendment #0333 p. 811 adopted. Advanced for Engrossment 866
Mar. 4 36 Correctly Engrossed 891
Mar. 4 36 ER0127 change 892
Mar. 18 44 Warner motion to return to Select File withdrawn. Final Reading 42-0-7 1124
Mar. 18 44 President signed 1126
Mar. 18 44 Presented to Governor (3/18) 1131
Mar. 23 47 Approved by Governor (3/20) 1195

LEGISLATIVE BILL 491A. By Landis

Feb. 24 30 Read first time. Placed on General File 789
Mar. 4 36 Advanced for Review 901
Mar. 6 38 Placed on Select File 947
Mar. 9 39 Advanced for Engrossment 972
Mar. 10 40 Correctly Engrossed 1008
Mar. 18 44 Final Reading 43-0-6. President signed 1126
Mar. 18 44 Presented to Governor (3/18) 1131
Mar. 23 47 Approved by Governor (3/20) 1195

LEGISLATIVE BILL 492. By Nelson, Hannibal, Chizek, L. Johnson,

Elmer, Pirsch, Conway, Hefner

Jan.	22	9	Read first time	258
Jan.	23	10	Referred to Committee on Judiciary	282
Jan.	23	10	Korshoj name added	339
Feb.	10	22	Notice of hearing (2/18)	571
Mar.	25	49	Hefner priority bill	1297
Mar.	26	50	Placed on General File - Com am #0492	1316
Mar.	31	52	Corrected committee amendment #0516 printed	1396
Apr.	8	58	Nelson amendment #0824 to committee amendment printed	1561
Apr.	13	61	Nelson amendment #0973 to committee amendment printed	1646
Apr.	13	61	Committee amendment #0516 adopted as amended by Nelson pending amendments #0824 p. 1561 and #0973 p. 1646. Advanced for Review	1652
Apr.	15	63	Placed on Select File - AM5190	1690
Apr.	24	68	AM5190 (E & R) adopted. Advanced for Engrossment	1863
Apr.	27	69	Correctly Engrossed	1882
Apr.	27	69	Nelson amendment #1111 printed	1900
May	7	77	Nelson-Ashford amendment printed	2100
May	11	79	Nelson-Ashford amendment #1315 printed	2160
May	14	82	Nelson-Ashford pending amendment p. 2100 and Nelson pending amendment #1111 p. 1900 withdrawn. Returned to Select File for Nelson-Ashford amendment. Nelson-Ashford pending amendment #1315 p. 2160 adopted. Advanced for Re-Engrossment	2299
May	18	83	Correctly Re-Engrossed	2335
May	21	86	Final Reading 38-4-7	2473
May	21	86	Speaker signed	2478
May	21	86	Presented to Governor (5/21)	2483
May	26	87	Approved by Governor (5/26)	2524

LEGISLATIVE BILL 493. By Pappas

Jan.	22	9	Read first time	258
Jan.	23	10	Referred to Committee on Nebraska Retirement Systems	282
Feb.	10	22	Notice of hearing (2/25)	570
Mar.	10	40	Placed on General File	996

Mar. 20 46 Advanced for Review 1188
Mar. 25 49 Placed on Select File - AM5140 1291
Mar. 25 49 Nebraska Retirement Systems
Committee priority bill 1299
Mar. 26 50 AM5140 (E & R) adopted.
Advanced for Engrossment 1328
Mar. 31 52 Correctly Engrossed 1372
Apr. 3 55 Final Reading 44-0-5 1476
Apr. 3 55 Speaker signed 1486
Apr. 3 55 Presented to Governor (4/3) 1491
Apr. 9 59 Approved by Governor (4/8) 1579

LEGISLATIVE BILL 494. By Lynch

Jan. 22 9 Read first time 258
Jan. 23 10 Referred to Committee on Government,
Military and Veterans Affairs 282
Feb. 24 30 Notice of hearing (3/11) 795
Mar. 23 47 Indefinitely postponed 1220

LEGISLATIVE BILL 495. By Lynch

Jan. 22 9 Read first time 259
Jan. 23 10 Referred to Committee on Banking,
Commerce and Insurance 282
Feb. 12 24 Notice of hearing (3/3) 624
Mar. 19 45 Indefinitely postponed 1157

LEGISLATIVE BILL 496. By Haberman

Jan. 22 9 Read first time 259
Jan. 23 10 Referred to Committee on Revenue 282
Feb. 11 23 Notice of hearing (3/12) 587
Mar. 24 48 Indefinitely postponed 1234

LEGISLATIVE BILL 497. By Haberman

Jan. 22 9 Read first time 259
Jan. 23 10 Referred to Committee on Banking,
Commerce and Insurance 282
Feb. 12 24 Notice of hearing (2/23) 624
Feb. 26 32 Placed on General File 830
Mar. 12 42 Advanced for Review 1056
Mar. 17 43 Placed on Select File 1084
Mar. 19 45 Advanced for Engrossment 1156

Mar. 23 47 Correctly Engrossed 1206
Mar. 27 51 Final Reading 38-0-11 1342
Mar. 27 51 President signed 1350
Mar. 27 51 Presented to Governor (3/27) 1359
Mar. 31 52 Approved by Governor (3/30) 1376

LEGISLATIVE BILL 498. By Haberman

Jan. 22 9 Read first time 259
Jan. 23 10 Referred to Committee on Banking, Commerce and Insurance 282
Jan. 30 15 Notice of hearing (2/10) 428
Mar. 19 45 Placed on General File 1157

LEGISLATIVE BILL 499. By Wesely

Jan. 22 9 Read first time 259
Jan. 23 10 Referred to Committee on Health and Human Services 282
Feb. 4 18 Notice of hearing (2/18) 493
Feb. 20 28 Indefinitely postponed 733

LEGISLATIVE BILL 500. By Wesely

Jan. 22 9 Read first time 259
Jan. 23 10 Referred to Committee on Health and Human Services 282
Feb. 4 18 Notice of hearing (2/11) 492

LEGISLATIVE BILL 501. By Scofield

Jan. 22 9 Read first time 260
Jan. 23 10 Referred to Committee on Natural Resources 282
Jan. 28 13 Notice of hearing (2/4) 369
Feb. 10 22 Indefinitely postponed 577

LEGISLATIVE BILL 502. By Scofield

Jan. 22 9 Read first time 260
Jan. 23 10 Referred to Committee on Judiciary 282
Mar. 11 41 Notice of hearing (3/20) 1030
Apr. 2 54 Indefinitely postponed 1466

LEGISLATIVE BILL 503. By Beyer

Jan. 22 9 Read first time 260
Jan. 23 10 Referred to Committee on Transportation 282
Feb. 10 22 Notice of hearing (2/17) 570

LEGISLATIVE BILL 504. By Beyer

Jan. 22 9 Read first time 260
Jan. 23 10 Referred to Committee on Transportation 282
Feb. 10 22 Notice of hearing (2/23) 570
Mar. 5 37 Placed on General File - Com am #0432 923
Mar. 23 47 Beyer priority bill 1222
Apr. 1 53 Committee amendment #0432 adopted. Advanced for Review 1441
Apr. 3 55 Labedz amendment printed 1493
Apr. 6 56 Placed on Select File - AM5173 1509
Apr. 14 62 AM5173 (E & R) adopted. Labedz pending amendment p. 1493 ruled germane and adopted. Advanced for Engrossment 1680
Apr. 16 64 Correctly Engrossed 1719
Apr. 27 69 Haberman motion to return to Select File for amendment #1092 - amendment ruled not germane 1874
Apr. 27 69 Final Reading 36-11-2 1876
Apr. 27 69 Speaker signed 1882
Apr. 27 69 Presented to Governor (4/27) 1886
Apr. 29 71 Approved by Governor (4/29) 1944

LEGISLATIVE BILL 505. By Pappas

Jan. 22 9 Read first time 260
Jan. 23 10 Referred to Committee on General Affairs 282
Jan. 29 14 Notice of hearing (2/9) 402
Feb. 26 32 Indefinitely postponed 826

LEGISLATIVE BILL 506. By Health and Human Services Committee

Jan. 22 9 Read first time 260
Jan. 23 10 Referred to Committee on Health and Human Services 282
Jan. 28 13 Notice of hearing (2/4) 388
Feb. 6 20 Placed on General File 523
Feb. 19 27 Failed to advance for Review 716

LEGISLATIVE BILL 506A. By Lynch

Feb. 9 21 Read first time. Placed on General File 555

LEGISLATIVE BILL 507. By Miller

Jan. 22 9 Read first time 261
Jan. 23 10 Referred to Committee on Agriculture 282
Feb. 10 22 Notice of hearing (2/24) 571
Feb. 26 32 Placed on General File - Com am #0347 831
Mar. 12 42 Committee amendment #0347 adopted.
Advanced for Review 1056
Mar. 17 43 Placed on Select File 1085
Mar. 19 45 Advanced for Engrossment 1156
Mar. 23 47 Correctly Engrossed 1215
Mar. 27 51 Final Reading 37-0-12 1343
Mar. 27 51 President signed 1350
Mar. 27 51 Presented to Governor (3/27) 1359
Mar. 31 52 Approved by Governor (3/30) 1376

LEGISLATIVE BILL 508. By Miller

Jan. 22 9 Read first time 261
Jan. 23 10 Referred to Committee on Revenue 282
Jan. 28 13 Notice of hearing (2/5) 385
Feb. 10 22 Placed on General File - Com am #0174 573
Feb. 17 25 Committee amendment #0174 adopted.
Advanced for Review 665
Feb. 19 27 Placed on Select File - AM5072 715
Feb. 25 31 AM5072 (E & R) adopted. Langford amendment #0361 lost. Miller amendment #0351 adopted.
Advanced for Engrossment 814
Feb. 27 33 Correctly Engrossed 838
Mar. 5 37 Final Reading 42-3-4 910
Mar. 5 37 President signed 915
Mar. 5 37 Presented to Governor (3/5) 919
Mar. 10 40 Approved by Governor (3/9) 982

LEGISLATIVE BILL 509. By Hefner, Conway, Korshoj

Jan. 22 9 Read first time 262
Jan. 23 10 Referred to Committee on Judiciary 282
Feb. 18 26 Notice of hearing (2/25) 693
Mar. 4 36 Placed on General File 897
Mar. 20 46 Advanced for Review 1187
Mar. 24 48 Placed on Select File 1260

Mar. 25 49 Advanced for Engrossment 1295
Mar. 27 51 Correctly Engrossed 1353
Apr. 1 53 Final Reading 47-0-2 1420
Apr. 1 53 Speaker signed 1430
Apr. 1 53 Presented to Governor (4/1) 1433
Apr. 6 56 Approved by Governor (4/6) 1525

LEGISLATIVE BILL 510. By Hefner

Jan. 22 9 Read first time 262
Jan. 23 10 Referred to Committee on Banking, Commerce and Insurance 282
Feb. 12 24 Notice of hearing (2/24) 624
Mar. 9 39 Indefinitely postponed 980

LEGISLATIVE BILL 511. By Executive Board

Jan. 22 9 Read first time 262
Jan. 23 10 Referred to Committee on General Affairs 282
Feb. 11 23 Notice of hearing (2/23) 609
Feb. 26 32 Placed on General File 826
Mar. 12 42 Advanced for Review 1055
Mar. 17 43 Placed on Select File 1084
Mar. 19 45 Advanced for Engrossment 1156
Mar. 23 47 Correctly Engrossed 1206
Mar. 27 51 Final Reading 36-1-12 1344
Mar. 27 51 President signed 1350
Mar. 27 51 Presented to Governor (3/27) 1359
Mar. 31 52 Approved by Governor (3/30) 1376

LEGISLATIVE BILL 512. By Lynch

Jan. 22 9 Read first time 262
Jan. 23 10 Referred to Committee on Judiciary 282
Mar. 11 41 Notice of hearing (3/20) 1030

LEGISLATIVE BILL 513. By Abboud

Jan. 22 9 Read first time 262
Jan. 23 10 Referred to Committee on Revenue 282
Feb. 11 23 Notice of hearing (3/5) 586
Mar. 10 40 Indefinitely postponed 992

LEGISLATIVE BILL 514. By Landis, Warner

Jan.	22	9	Read first time	264
Jan.	23	10	Referred to Committee on Banking, Commerce and Insurance	282
Feb.	12	24	Notice of hearing (3/3)	624
Mar.	6	38	Placed on General File - Com am #0463	940
Mar.	25	49	Barrett priority bill	1299
Mar.	27	51	Committee amendment #0463 adopted. Advanced for Review	1365
Apr.	1	53	Placed on Select File - AM5164	1441
Apr.	3	55	McFarland amendment printed	1496
Apr.	6	56	AM5164 (E & R) adopted. McFarland pending amendment p. 1496 lost. Advanced for Engrossment	1504
Apr.	6	56	Landis amendment #0869 printed separate	1511
Apr.	9	59	Correctly Engrossed	1590
Apr.	24	68	Landis pending amendment #0869 p. 1511 withdrawn. Landis-Wesely motion to return to Select File for amendment #1076 (on file) - ruled not germane	1837
Apr.	27	69	Correction	1864
May	1	73	Final Reading w/E 37-0-12	1976
May	1	73	Speaker signed	1979
May	1	73	Presented to Governor (5/1)	1981
May	5	75	Approved by Governor (5/5)	2024

LEGISLATIVE BILL 515. By Abboud

Jan.	22	9	Read first time	264
Jan.	23	10	Referred to Committee on Urban Affairs	283
Feb.	12	24	Notice of hearing (3/17)	628
Apr.	9	59	Indefinitely postponed	1600

LEGISLATIVE BILL 516. By V. Johnson

Jan.	22	9	Read first time	265
Jan.	23	10	Referred to Committee on Business and Labor	283
Jan.	30	15	Notice of hearing (3/9)	427
Mar.	25	49	Indefinitely postponed	1281

LEGISLATIVE BILL 517. By V. Johnson

Jan.	22	9	Read first time	265
Jan.	23	10	Referred to Committee on Health and Human Services	283

Feb. 4 18 Notice of hearing (3/5) 493
Mar. 26 50 Placed on General File 1303
Apr. 8 58 Landis amendment #0915 printed 1576

LEGISLATIVE BILL 517A. By V. Johnson

Apr. 21 65 Read first time. Placed on General File 1780

LEGISLATIVE BILL 518. By V. Johnson

Jan. 22 9 Read first time 265
Jan. 23 10 Referred to Committee on Health and Human Services 283
Feb. 4 18 Notice of hearing (3/5) 493
Mar. 26 50 Placed on General File 1303

LEGISLATIVE BILL 518A. By V. Johnson

Apr. 13 61 Read first time. Placed on General File 1640

LEGISLATIVE BILL 519. By Wesely, Chizek, Ashford, Pappas

Jan. 22 9 Read first time 265
Jan. 23 10 Referred to Committee on Business and Labor 283
Jan. 30 15 Notice of hearing (3/2) 427
Feb. 19 27 Pappas amendment #0221 printed 708
Mar. 25 49 Placed on General File - Com am #0734 1281

LEGISLATIVE BILL 520. By McFarland

Jan. 22 9 Read first time 265
Jan. 23 10 Referred to Committee on Education 283
Jan. 29 14 Notice of hearing (3/17) 396
Mar. 26 50 Placed on General File - Com am #0724 1308

LEGISLATIVE BILL 521. By McFarland

Jan. 22 9 Read first time 266
Jan. 23 10 Referred to Committee on Education 283
Jan. 29 14 Notice of hearing (3/17) 396
Mar. 24 48 Indefinitely postponed 1231

LEGISLATIVE BILL 522. By Abboud

Jan. 22 9 Read first time 266

Jan. 23 10 Referred to Committee on Transportation 283
Jan. 30 15 Notice of hearing (2/9) 427
Feb. 12 24 Indefinitely postponed 630

LEGISLATIVE BILL 523. By V. Johnson

Jan. 22 9 Read first time 266
Jan. 23 10 Referred to Committee on Revenue 283
Jan. 28 13 Notice of hearing (2/4) 385
Feb. 3 17 Hefner amendment #0095 printed 470
Feb. 9 21 Placed on General File - Com am #0127 552
Feb. 10 22 Committee amendment #0127 adopted. Hefner pending amendment #0095 p. 470 withdrawn. Advanced for Review 582
Feb. 17 25 Placed on Select File - AM5069 643
Feb. 19 27 AM5069 (E & R) adopted. V. Johnson amendment #0243 adopted. Advanced for Engrossment 701
Feb. 24 30 Correctly Engrossed. ER0120 change 782
Mar. 5 37 Pappas amendment printed 922
Apr. 23 67 V. Johnson amendment #0966 printed 1825
Apr. 27 69 V. Johnson amendment #1098 printed 1897
Apr. 27 69 V. Johnson amendment #1096 printed 1899
May 11 79 Landis amendment #1247 printed 2140
May 20 85 V. Johnson amendment #1354 printed separate .. 2432
May 27 88 V. Johnson pending amendments #0966 p. 1825, #1098 p. 1897 and Pappas pending amendment p. 922 withdrawn. V. Johnson motion to return to Select File for amendment #1096 p. 1899 lost. Returned to Select File for Landis amendment. Landis pending amendment #1247 p. 2140 adopted. Advanced for Re-Engrossment 2584
May 27 88 Returned to Select File for V. Johnson amendment. V. Johnson pending amendment #1354 p. 2432 adopted. Advanced for Re-Engrossment 2585
May 27 88 Returned to Select File for Hannibal amendment. Hannibal amendment #1516 adopted. Advanced for Re-Engrossment. Hannibal motion to return to Select File for amendment #1520 - amendment ruled not germane 2586
May 27 88 Hannibal motion to suspend rules prevailed. Returned to Select File for Hannibal

amendment. Hannibal amendment #1520 adopted. Advanced for Re-Engrossment 2591
May 27 88 Dierks motion to return to Select File for amendment #1525 - amendment ruled not germane. Dierks motion to suspend rules lost 2594
May 27 88 Returned to Select File for Landis amendment. Landis amendment #1528 adopted. Advanced for Re-Engrossment. Lynch motion to return to Select File lost 2596
May 27 88 V. Johnson motion to return to Select File pending. V. Johnson request to replace amendment #1530 with substitute amendment #1536 2601
May 27 88 Returned to Select File for V. Johnson amendment. V. Johnson amendment #1536 adopted. Advanced for Re-Engrossment. Hefner motion to bracket until 5/28/87 withdrawn 2603
May 27 88 Abboud and V. Johnson motions to return to Select File withdrawn. Returned to Select File for Hefner amendment. Hefner amendment #1532 adopted. Advanced for Re-Engrossment 2606
May 27 88 Scofield motion to return to Select File for amendment #1537 - amendment ruled not germane. Scofield motion to suspend rules prevailed. Returned to Select File for Scofield amendment. Scofield pending amendment #1537 adopted. Advanced for Re-Engrossment. Labedz motion to suspend rules prevailed 2608
May 27 88 Correctly Re-Engrossed 2635
May 27 88 ER0219 change 2637
May 29 90 Lynch motion to suspend rules prevailed 2696
May 29 90 Attorney General's Opinion #87084 to Lamb 2702
May 29 90 Abboud motion to bracket until 1/10/88 lost 2724
May 29 90 Abboud and Withem motions to return to Select File withdrawn 2725
May 29 90 Abboud motion to recommit to Revenue Committee withdrawn 2726
May 29 90 Final Reading w/E 38-8-3 2727
May 29 90 Speaker signed 2731

May 29 90 Presented to Governor (5/29) 2734
June 4 AJ Approved by Governor (6/3) 2749

LEGISLATIVE BILL 523A. By V. Johnson

Feb. 10 22 Read first time. Placed on General File 581
Feb. 17 25 Advanced for Review 662
Feb. 17 25 Placed on Select File 665
Feb. 19 27 Advanced for Engrossment 701
Feb. 24 30 Correctly Engrossed 782
May 29 90 Lynch motion to suspend rules prevailed 2696
May 29 90 Final Reading 43-4-2 2729
May 29 90 Speaker signed 2731
May 29 90 Presented to Governor (5/29) 2734
June 4 AJ Approved by Governor (6/3) 2749

LEGISLATIVE BILL 524. By Ashford

Jan. 22 9 Read first time 266
Jan. 23 10 Referred to Committee on Business and Labor 283
Jan. 30 15 Notice of hearing (3/2) 427
Mar. 3 35 Placed on General File 885
Mar. 20 46 Advanced for Review 1182
Mar. 24 48 Placed on Select File - AM5129 1259
Mar. 25 49 AM5129 (E & R) adopted. Ashford amendment adopted. Advanced for Engrossment 1294
Mar. 27 51 Correctly Engrossed. ER0151 change 1347
Apr. 1 53 Final Reading 44-1-4 1421
Apr. 1 53 Speaker signed 1430
Apr. 1 53 Presented to Governor (4/1) 1433
Apr. 6 56 Approved by Governor (4/6) 1525

LEGISLATIVE BILL 525. By Hartnett, Withem

Jan. 22 9 Read first time 267
Jan. 23 10 Referred to Committee on Judiciary 283
Feb. 4 18 Notice of hearing (2/11) 484
Feb. 18 26 Indefinitely postponed 693

LEGISLATIVE BILL 526. By Marsh

Jan. 22 9 Read first time 267
Jan. 23 10 Referred to Committee on Government, Military and Veterans Affairs 283
Jan. 28 13 Notice of hearing (2/5) 368

Feb. 19 27 Placed on General File - Com am #0257 719
Mar. 4 36 Marsh amendment #0438 printed 894
Mar. 25 49 Marsh amendment #0748 printed 1293
Mar. 27 51 Committee amendment #0257 adopted. Marsh pending amendments #0438 p. 894 and #0748 p. 1293 adopted. Advanced for Review 1351
Mar. 31 52 Placed on Select File - AM5153 1375
Apr. 1 53 Marsh amendment #0823 printed 1432
Apr. 2 54 AM5153 (E & R) adopted. Marsh pending amendment #0823 p. 1432 and Warner amendment #0640 adopted. Advanced for Engrossment 1447
Apr. 6 56 Correctly Engrossed 1500
Apr. 6 56 ER0156 change 1501
Apr. 10 60 Final Reading 43-0-6 1613
Apr. 10 60 Speaker signed 1617
Apr. 10 60 Presented to Governor (4/10) 1620
Apr. 15 63 Approved by Governor (4/14) 1690

LEGISLATIVE BILL 527. By V. Johnson

Jan. 22 9 Read first time 267
Jan. 23 10 Referred to Committee on Education 283
Jan. 28 13 Notice of hearing (2/9) 368
Feb. 18 26 Indefinitely postponed 694

LEGISLATIVE BILL 528. By Hefner, Coordsen, Lamb, Elmer, Peterson

Jan. 22 9 Read first time 267
Jan. 23 10 Referred to Committee on Business and Labor 283
Jan. 30 15 Notice of hearing (2/23) 427
Feb. 25 31 Indefinitely postponed 813

LEGISLATIVE BILL 529. By Education Committee

Jan. 22 9 Read first time 268
Jan. 23 10 Referred to Committee on Education 283
Jan. 29 14 Notice of hearing (2/24) 396
Feb. 12 24 Notice of hearing (2/23) (Reset) 614
Mar. 6 38 Placed on General File - Com am #0485 937
Mar. 25 49 Barrett priority bill 1299
Mar. 27 51 Committee amendment #0485 adopted. Advanced for Review 1365

Apr.	1	53	Placed on Select File - AM5161	1443
May	18	83	AM5161 (E & R) adopted. Withem amendment #1157 lost as amended by Scofield amendment #1349. Withem amendment #1381 adopted as amended by Scofield amendment. Advanced for Engrossment	2328
May	19	84	Correctly Engrossed. ER0196 change	2395
May	26	87	Final Reading 43-1-5	2502
May	26	87	Speaker signed	2505
May	26	87	Presented to Governor (5/26)	2523
May	27	88	Approved by Governor (5/27)	2578

LEGISLATIVE BILL 529A. By Withem

Apr.	8	58	Read first time. Placed on General File	1565
Apr.	15	63	Advanced for Review	1697
Apr.	21	65	Placed on Select File	1756
May	18	83	Higgins motion to indefinitely postpone prevailed	2332

LEGISLATIVE BILL 530. By Remmers

Jan.	22	9	Read first time	268
Jan.	23	10	Referred to Committee on Banking, Commerce and Insurance	283
Feb.	12	24	Notice of hearing (2/23)	624
Feb.	26	30	Placed on General File	830
Mar.	12	42	Advanced for Review	1056
Mar.	17	43	Placed on Select File	1084
Mar.	19	45	Advanced for Engrossment	1156
Mar.	23	47	Correctly Engrossed	1206
Mar.	27	51	Final Reading 38-0-11	1345
Mar.	27	51	President signed	1350
Mar.	27	51	Presented to Governor (3/27)	1359
Mar.	31	52	Approved by Governor (3/30)	1376

LEGISLATIVE BILL 531. By Remmers

Jan.	22	9	Read first time	268
Jan.	23	10	Referred to Committee on Banking, Commerce and Insurance	283
Jan.	30	15	Notice of hearing (2/17)	428
Feb.	18	26	Placed on General File	695
Mar.	4	36	Advanced for Review	893
Mar.	6	38	Placed on Select File	946

Mar. 9 39 Advanced for Engrossment 972
Mar. 10 40 Correctly Engrossed 1008
Mar. 18 44 Final Reading 37-0-12 1119
Mar. 18 44 President signed 1126
Mar. 18 44 Presented to Governor (3/18) 1131
Mar. 23 47 Approved by Governor (3/20) 1195

LEGISLATIVE BILL 532. By Remmers

Jan. 22 9 Read first time 268
Jan. 23 10 Referred to Committee on Banking, Commerce and Insurance 283
Jan. 30 15 Notice of hearing (2/17) 428
Feb. 19 27 Placed on General File - Com am #0260 714
Mar. 12 42 Committee amendment #0260 adopted. Advanced for Review 1050
Mar. 17 43 Placed on Select File 1081
Mar. 19 45 Advanced for Engrossment 1153
Mar. 20 46 Correctly Engrossed 1189
Mar. 25 49 Final Reading 45-0-4 1271
Mar. 25 49 Speaker signed 1272
Mar. 25 49 Presented to Governor (3/25) 1275
Mar. 26 50 Approved by Governor (3/26) 1314

LEGISLATIVE BILL 533. By Schmit

Jan. 22 9 Read first time 268
Jan. 23 10 Referred to Committee on Natural Resources 283
Jan. 28 13 Notice of hearing (2/5) 369
Feb. 24 30 Placed on General File - Com am #0320 791
Mar. 12 42 Committee amendment #0320 adopted. Advanced for Review 1053
Mar. 17 43 Placed on Select File - AM5118 1083
Mar. 19 45 AM5118 (E & R) adopted. Advanced for Engrossment 1155
Mar. 23 47 Correctly Engrossed 1206
Mar. 27 51 Final Reading 37-0-12 1346
Mar. 27 51 President signed 1350
Mar. 27 51 Presented to Governor (3/27) 1359
Mar. 31 52 Approved by Governor (3/30) 1376

LEGISLATIVE BILL 534. By Smith, Lynch, Pappas, Rupp

Jan. 22 9 Read first time 268
Jan. 23 10 Referred to Committee on Health and

Human Services 283
Feb. 4 18 Notice of hearing (3/18) 494

LEGISLATIVE BILL 535. By Pirsch

Jan. 22 9 Read first time 269
Jan. 23 10 Referred to Committee on Judiciary 283
Feb. 25 31 Notice of hearing (3/4) 810
Apr. 2 54 Placed on General File - Com am #0825 1465

LEGISLATIVE BILL 536. By Pirsch, Ashford

Jan. 22 9 Read first time 269
Jan. 23 10 Referred to Committee on Judiciary 283
Mar. 11 41 Notice of hearing (3/20) 1030
Mar. 25 49 Pirsch priority bill 1297
Apr. 1 53 Placed on General File - Com am #0764 1433
Apr. 13 61 Nelson amendment #0962 printed 1646
Apr. 13 61 Pirsch amendment #0904 to committee amendment printed 1653
Apr. 15 63 Pirsch pending amendment #0904 p. 1653 withdrawn. Committee amendment #0764 adopted as amended by Pirsch amendment 1705
Apr. 15 63 Nelson pending amendment #0962 p. 1646 adopted. Chambers motion to indefinitely postpone lost. Chambers amendment pending 1714
Apr. 29 71 Smith amendment #1041 adopted. Advanced for Review 1939
May 4 74 Placed on Select File - AM5204 1995
May 6 76 Bracketed until 5/7/87 2057
May 18 83 AM5204 (E & R) adopted. Chambers pending amendment p. 1715 lost. Chambers amendment lost 2333
May 18 83 Chambers amendments lost. Hartnett motion to bracket until 1/88 lost 2364
May 20 85 Chambers motion to indefinitely postpone lost. Advanced for Engrossment 2424
May 20 85 Correctly Engrossed 2451
May 27 88 Attorney General's Opinion #87082 to Chambers 2592
May 27 88 Returned to Select File for Ashford amendment. V. Johnson motion to bracket until 5/29/87 lost. Ashford amendment #1445 adopted. Advanced for Re-Engrossment 2609
May 27 88 Correctly Re-Engrossed. ER0220 change 2620

May 29 90 Lynch motion to suspend rules prevailed 2696
May 29 90 Final Reading 34-12-3 2714
May 29 90 President signed 2718
May 29 90 Presented to Governor (5/29) 2726
June 4 AJ Approved by Governor (6/3) 2749

LEGISLATIVE BILL 537. By Dierks, Rupp, Conway, Remmers

Jan. 22 9 Read first time 269
Jan. 23 10 Referred to Committee on Judiciary 283
Feb. 25 31 Notice of hearing (3/4) 810
Mar. 11 41 Placed on General File - Com am #0546 1032

LEGISLATIVE BILL 538. By Beyer, Hartnett

Jan. 22 9 Read first time 269
Jan. 23 10 Referred to Committee on Education 283
Jan. 29 14 Notice of hearing (3/2) 396
Mar. 6 38 Placed on General File - Com am #0483 938
Mar. 27 51 Committee amendment #0483 adopted.
Advanced for Review 1366
Apr. 1 53 Placed on Select File - AM5162 1443
Apr. 6 56 AM5162 (E & R) adopted.
Advanced for Engrossment 1505
Apr. 9 59 Correctly Engrossed 1601
Apr. 14 62 Final Reading 42-0-7 1667
Apr. 14 62 Speaker signed 1674
Apr. 14 62 Presented to Governor (4/14) 1677
Apr. 21 65 Approved by Governor (4/17) 1741

LEGISLATIVE BILL 539. By Rupp

Jan. 22 9 Read first time 269
Jan. 23 10 Referred to Committee on Government,
Military and Veterans Affairs 283
Feb. 10 22 Notice of hearing (2/20) 579
Feb. 24 30 Placed on General File 794
Mar. 4 36 Advanced for Review 894
Mar. 6 38 Placed on Select File 947
Mar. 9 39 Advanced for Engrossment 972
Mar. 10 40 Correctly Engrossed 1008
Mar. 18 44 Final Reading 37-0-12 1120
Mar. 18 44 President signed 1126
Mar. 18 44 Presented to Governor (3/18) 1131
Mar. 23 47 Approved by Governor (3/20) 1195

LEGISLATIVE BILL 540. By Rupp

Jan.	22	9	Read first time	270
Jan.	23	10	Referred to Committee on Transportation	283
Feb.	10	22	Notice of hearing (2/17)	570
Mar.	5	37	Indefinitely postponed	924

LEGISLATIVE BILL 541. By Hall

Jan.	22	9	Read first time	270
Jan.	26	11	Referred to Committee on Natural Resources	341
Feb.	10	22	Notice of hearing (2/27)	571
Mar.	23	47	Placed on General File - Com am #0656	1215

LEGISLATIVE BILL 542. By Hall

Jan.	22	9	Read first time	270
Jan.	26	11	Referred to Committee on Health and Human Services	341
Feb.	4	18	Notice of hearing (3/5)	493
Mar.	27	51	Pappas name added	1350
Mar.	27	51	Hall name withdrawn	1370
Apr.	2	54	Placed on General File - Com am #0756	1459

LEGISLATIVE BILL 543. By Wesely, Peterson

Jan.	22	9	Read first time	270
Jan.	26	11	Referred to Committee on Health and Human Services	341
Jan.	28	13	Notice of hearing (2/5)	389
Feb.	12	24	Placed on General File - Com am #0217	630
Feb.	25	31	Lamb amendment #0353 printed	816
Mar.	4	36	Committee amendment #0217 adopted. Lamb pending amendment #0353 p. 816 withdrawn. Advanced for Review	902
Mar.	9	39	Placed on Select File - AM5106	951
Mar.	10	40	AM5106 (E & R) adopted. Lamb amendment #0471 ruled germane and adopted. Advanced for Engrossment	1004
Mar.	12	42	Correctly Engrossed	1057
Mar.	12	42	ER0138 change	1059
Mar.	23	47	Final Reading 43-0-6	1196
Mar.	23	47	President signed	1207
Mar.	23	47	Presented to Governor (3/23)	1216

Mar. 26 50 Approved by Governor (3/26) 1315

LEGISLATIVE BILL 543A. By Wesely

Feb. 17 25 Read first time. Placed on General File 667
Mar. 4 36 Advanced for Review 902
Mar. 9 39 Placed on Select File 953
Mar. 10 40 Advanced for Engrossment 1008
Mar. 12 42 Correctly Engrossed 1057
Mar. 23 47 Final Reading 42-0-7 1197
Mar. 23 47 President signed 1207
Mar. 23 47 Presented to Governor (3/23) 1216
Mar. 26 50 Approved by Governor (3/26) 1315

LEGISLATIVE BILL 544. By Wesely

Jan. 22 9 Read first time 270
Jan. 26 11 Referred to Committee on Agriculture 341
Feb. 3 17 Wesely motion to withdraw laid over 464
Feb. 4 18 Wesely pending motion p. 464
prevailed. Withdrawn 490

LEGISLATIVE BILL 545. By Rupp, Lynch, Chizek, Wesely

Jan. 22 9 Read first time 270
Jan. 26 11 Referred to Committee on Government,
Military and Veterans Affairs 341
Feb. 24 30 Notice of hearing (3/5) 795
Mar. 10 40 Indefinitely postponed 1011

LEGISLATIVE BILL 546. By Smith, Baack, Conway, Remmers, Scofield, Lamb, Nelson, R. Johnson, L. Johnson

Jan. 22 9 Read first time 271
Jan. 26 11 Referred to Committee on Urban Affairs 341
Feb. 12 24 Notice of hearing (3/3) 628
Mar. 11 41 Indefinitely postponed 1033

LEGISLATIVE BILL 547. By Conway, Baack

Jan. 22 9 Read first time 271
Jan. 26 11 Referred to Committee on Agriculture 341
Jan. 27 12 Notice of hearing (2/3) 362
Mar. 25 49 Baack priority bill 1297
Apr. 7 57 Attorney General's Opinion #C to Lamb 1529

May 4 74 Pappas-Baack motion to place on General File laid over 2007
May 12 80 Pappas-Baack pending motion p. 2007 withdrawn 2190

LEGISLATIVE BILL 548. By Goodrich, Hefner

Jan. 22 9 Read first time 271
Jan. 26 11 Referred to Committee on Business and Labor 341
Jan. 26 11 Notice of hearing (2/2) 346
Feb. 10 22 Indefinitely postponed 583

LEGISLATIVE BILL 549. By Haberman

Jan. 22 9 Read first time 271
Jan. 26 11 Referred to Committee on Nebraska Retirement Systems 341
Feb. 2 16 Notice of hearing (2/9) 435
Feb. 19 27 Placed on General File - Com am #0225 707
Mar. 12 42 Committee amendment #0225 adopted. Advanced for Review 1049
Mar. 17 43 Placed on Select File - AM5120 1080
Mar. 19 45 AM5120 (E & R) adopted. Advanced for Engrossment 1153
Mar. 23 47 Correctly Engrossed 1192
Mar. 31 52 Final Reading w/E 46-0-3 1381
Mar. 31 52 Speaker signed 1390
Mar. 31 52 Presented to Governor (3/31) 1395
Apr. 6 56 Approved by Governor (4/6) 1525

LEGISLATIVE BILL 550. By General Affairs Committee

Jan. 22 9 Read first time 272
Jan. 26 11 Referred to Committee on General Affairs 341
Jan. 29 14 Notice of hearing (2/9) 402
Feb. 26 32 Placed on General File - Com am #0335 826

LEGISLATIVE BILL 551. By Goodrich

Jan. 22 9 Read first time 272
Jan. 23 10 Hartnett name added 339
Jan. 26 11 Referred to Committee on Nebraska Retirement Systems 341
Jan. 28 13 Notice of hearing (2/4) 368
Mar. 17 43 Placed on General File - Com am #0571 1087

LEGISLATIVE BILL 552. By V. Johnson, Marsh

Jan. 22 9 Read first time 272
Jan. 26 11 Referred to Committee on Health and Human Services 341
Feb. 4 18 Notice of hearing (3/12) 494

LEGISLATIVE BILL 553. By Schmit

Jan. 22 9 Read first time 272
Jan. 26 11 Referred to Committee on Judiciary 341
Feb. 25 31 Notice of hearing (3/4) 810
Mar. 18 44 Indefinitely postponed 1132

LEGISLATIVE BILL 554. By Pirsch

Jan. 22 9 Read first time 272
Jan. 23 10 Warner name added 339
Jan. 26 11 Referred to Committee on Judiciary 341
Jan. 28 13 Notice of hearing (2/5) 385
Feb. 11 23 Placed on General File - Com am #0179 603
Mar. 25 49 Barrett priority bill 1299

LEGISLATIVE BILL 555. By Conway

Jan. 22 9 Read first time 273
Jan. 26 11 Referred to Committee on Government, Military and Veterans Affairs 341
Feb. 10 22 Notice of hearing (2/19) 579

LEGISLATIVE BILL 556. By Miller, Morehead, Lynch

Jan. 22 9 Read first time 273
Jan. 26 11 Referred to Committee on Health and Human Services 341
Feb. 4 18 Notice of hearing (2/26) 493

LEGISLATIVE BILL 557. By Hall

Jan. 22 9 Read first time 273
Jan. 26 11 Referred to Committee on Health and Human Services 341
Feb. 4 18 Notice of hearing (3/18) 494
Mar. 25 49 Placed on General File - Com am #0688 1294

LEGISLATIVE BILL 557A. By Hall

Mar. 31 52 Read first time. Placed on General File 1413

LEGISLATIVE BILL 558. By Remmers

Jan. 23 10 Read first time 286
Jan. 26 11 Referred to Committee on Banking, Commerce and Insurance 341
Jan. 30 15 Notice of hearing (2/17) 428
Feb. 18 26 Indefinitely postponed 695

LEGISLATIVE BILL 559. By Remmers

Jan. 23 10 Read first time 286
Jan. 26 11 Referred to Committee on Banking, Commerce and Insurance 341
Feb. 12 24 Notice of hearing (2/23) 624
Feb. 26 32 Placed on General File 830
Mar. 12 42 Advanced for Review 1056
Mar. 17 43 Placed on Select File 1084
Mar. 19 45 Advanced for Engrossment 1156
Mar. 23 47 Correctly Engrossed 1206
Mar. 31 52 Final Reading 47-0-2 1382
Mar. 31 52 Speaker signed 1390
Mar. 31 52 Presented to Governor (3/31) 1395
Apr. 6 56 Approved by Governor (4/6) 1525

LEGISLATIVE BILL 560. By R. Johnson

Jan. 23 10 Read first time 286
Jan. 26 11 Referred to Committee on Revenue 341
Feb. 4 18 Notice of hearing (2/12) 486
Feb. 20 28 Indefinitely postponed 744

LEGISLATIVE BILL 561. By R. Johnson

Jan. 23 10 Read first time 286
Jan. 26 11 Referred to Committee on Agriculture 341
Jan. 27 12 Notice of hearing (2/3) 362
Mar. 24 48 Moore name added 1258
Mar. 25 49 Placed on General File - Com am #0632 1278
Mar. 25 49 Moore priority bill 1298
Apr. 7 57 Moore amendment #0899 to committee

amendment printed 1556
Apr. 13 61 Moore pending amendment #0899 p. 1556 withdrawn. Committee amendment #0632 adopted as amended by Moore amendment #0956. Advanced for Review 1650
Apr. 14 62 Morehead name added 1686
Apr. 15 63 Placed on Select File - AM5189 1689
Apr. 16 64 Coordsen name added 1723
Apr. 16 64 Pappas amendment #0990 printed 1733
Apr. 21 65 Morehead amendment #1027 printed 1779
May 6 76 AM5189 (E & R) adopted. Pappas pending amendment #0990 p. 1733 and Morehead pending amendment #1027 p. 1779 adopted. Advanced for Engrossment 2054
May 6 76 Wesely name added 2068
May 11 79 Correctly Engrossed 2137
May 11 79 ER0183 change 2139
May 28 89 Final Reading 38-8-3 2647
May 28 89 President signed 2657
May 28 89 Presented to Governor (5/28) 2667
May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 561A. By R. Johnson, Moore

Apr. 2 54 Read first time. Placed on General File 1459
Apr. 13 61 Advanced for Review 1651
Apr. 15 63 Placed on Select File 1689
May 6 76 Moore amendment #1232 adopted. Advanced for Engrossment 2055
May 7 77 Correction 2072
May 11 79 Correctly Engrossed 2137
May 28 89 Final Reading 37-8-4 2648
May 28 89 President signed 2657
May 28 89 Presented to Governor (5/28) 2667
May 29 90 Approved by Governor with line-item vetoes (5/29) 2720
June 4 AJ Message from Secretary of State and Certificate 2757

LEGISLATIVE BILL 562. By R. Johnson

Jan. 23 10 Read first time 287
Jan. 26 11 Referred to Committee on Revenue 341
Feb. 11 23 Notice of hearing (2/18) 586
Feb. 20 28 Indefinitely postponed 744

LEGISLATIVE BILL 563. By Schmit

Jan.	23	10	Read first time	287
Jan.	26	11	Referred to Committee on Revenue	341
Feb.	11	23	Notice of hearing (3/19)	587
Mar.	24	48	Indefinitely postponed	1234

LEGISLATIVE BILL 564. By Schmit

Jan.	23	10	Read first time	287
Jan.	26	11	Referred to Committee on Judiciary	341
Feb.	18	26	Notice of hearing (2/25)	693
Mar.	4	36	Placed on General File	897
Mar.	25	49	Schmit priority bill	1298
Apr.	1	53	Advanced for Review	1436
Apr.	6	56	Placed on Select File	1509
Apr.	9	59	Wesely amendment printed	1600
Apr.	14	62	Hefner amendment #0845 lost. Wesely pending amendment p. 1600 withdrawn. Warner amendment adopted. Advanced for Engrossment	1676
Apr.	15	63	Correctly Engrossed	1705
May	28	89	Final Reading 30-17-2	2649
May	28	89	President signed	2657
May	28	89	Presented to Governor (5/28)	2667
May	29	90	Approved by Governor (5/29)	2723

LEGISLATIVE BILL 564A. By Schmit

Mar.	19	45	Read first time. Placed on General File	1157
Apr.	1	53	Advanced for Review	1436
Apr.	6	56	Placed on Select File - AM5172	1509
Apr.	14	62	AM5172 (E & R) adopted. Advanced for Engrossment	1677
Apr.	15	63	Correctly Engrossed	1705
May	28	89	Final Reading 31-17-1	2650
May	28	89	President signed	2657
May	28	89	Presented to Governor (5/28)	2667
May	29	90	Approved by Governor (5/29)	2723

LEGISLATIVE BILL 565. By Schmit

Jan.	23	10	Read first time	287
Jan.	26	11	Referred to Committee on Natural Resources	341

Jan. 28 13 Notice of hearing (2/5) 369
Feb. 11 23 Placed on General File 587
Mar. 3 35 Advanced for Review 880
Mar. 4 36 Placed on Select File 904
Mar. 5 37 Advanced for Engrossment 916
Mar. 9 39 Correctly Engrossed 950
Mar. 12 42 Final Reading 45-0-4 1047
Mar. 12 42 Speaker signed 1050
Mar. 12 42 Presented to Governor (3/12) 1054
Mar. 17 43 Approved by Governor (3/16) 1068

LEGISLATIVE BILL 566. By Schmit

Jan. 23 10 Read first time 287
Jan. 26 11 Referred to Committee on Natural Resources 341
Feb. 9 21 Notice of hearing (2/18) 548

LEGISLATIVE BILL 567. By Schmit

Jan. 23 10 Read first time 287
Jan. 26 11 Referred to Committee on Natural Resources 341
Feb. 9 21 Notice of hearing (2/18) 548
Feb. 23 29 Placed on General File 767
Mar. 4 36 Advanced for Review 894
Mar. 6 38 Placed on Select File 947
Mar. 9 39 Advanced for Engrossment 972
Mar. 10 40 Correctly Engrossed 1008
Mar. 18 44 Final Reading 40-0-9 1120
Mar. 18 44 President signed 1126
Mar. 18 44 Presented to Governor (3/18) 1131
Mar. 23 47 Approved by Governor (3/20) 1195

LEGISLATIVE BILL 568. By Schmit

Jan. 23 10 Read first time 288
Jan. 26 11 Referred to Committee on Natural Resources 341
Feb. 9 21 Notice of hearing (2/18) 548
Feb. 23 29 Placed on General File 767
Mar. 4 36 Advanced for Review 894
Mar. 6 38 Placed on Select File 947
Mar. 9 39 Advanced for Engrossment 972
Mar. 10 40 Correctly Engrossed 1008
Mar. 18 44 Final Reading 42-0-7 1121
Mar. 18 44 President signed 1126
Mar. 18 44 Presented to Governor (3/18) 1131

Mar. 23 47 Approved by Governor (3/20) 1195

LEGISLATIVE BILL 569. By Judiciary Committee

Jan. 23 10 Read first time 288
Jan. 26 11 Referred to Committee on Judiciary 341
Feb. 10 22 Notice of hearing (2/20) 571
Mar. 10 40 Placed on General File 1011
Mar. 20 46 Advanced for Review 1188
Mar. 25 49 Placed on Select File - AM5141 1291
Mar. 26 50 AM5141 (E & R) adopted.
Advanced for Engrossment 1328
Mar. 31 52 Correctly Engrossed 1372
Apr. 3 55 Final Reading w/E 43-1-5 1476
Apr. 3 55 Speaker signed 1486
Apr. 3 55 Presented to Governor (4/3) 1491
Apr. 9 59 Approved by Governor (4/8) 1579

LEGISLATIVE BILL 570. By Judiciary Committee

Jan. 23 10 Read first time 288
Jan. 26 11 Referred to Committee on Judiciary 341
Feb. 10 22 Notice of hearing (2/20) 571

LEGISLATIVE BILL 571. By Judiciary Committee

Jan. 23 10 Read first time 288
Jan. 26 11 Referred to Committee on Judiciary 341
Feb. 10 22 Notice of hearing (2/20) 571
Mar. 6 38 Placed on General File 943
Mar. 20 46 Advanced for Review 1188
Mar. 25 49 Placed on Select File 1291
Mar. 26 50 Advanced for Engrossment 1328
Mar. 31 52 Correctly Engrossed 1372
Apr. 3 55 Final Reading 43-0-6 1477
Apr. 3 55 Speaker signed 1486
Apr. 3 55 Presented to Governor (4/3) 1491
Apr. 9 59 Approved by Governor (4/8) 1579

LEGISLATIVE BILL 572. By Judiciary Committee

Jan. 23 10 Read first time 289
Jan. 26 11 Referred to Committee on Judiciary 341
Jan. 28 13 Notice of hearing (2/5) 385
Feb. 11 23 Placed on General File - Com am #0180 604

Mar. 3 35 Committee amendment #0180 adopted.
Advanced for Review 885
Mar. 5 37 Placed on Select File - AM5095 925
Mar. 23 47 AM5095 (E & R) adopted. Warner amendment #0564 adopted.
Advanced for Engrossment 1208
Mar. 27 51 Correctly Engrossed. ER0146 change 1347
Apr. 1 53 Final Reading 45-0-4 1422
Apr. 1 53 Speaker signed 1430
Apr. 1 53 Presented to Governor (4/1) 1433
Apr. 6 56 Approved by Governor (4/6) 1525

LEGISLATIVE BILL 573. By Judiciary Committee

Jan. 23 10 Read first time 289
Jan. 26 11 Referred to Committee on Judiciary 341
Feb. 10 22 Notice of hearing (2/20) 571
Mar. 11 41 Placed on General File 1032
Mar. 20 46 Advanced for Review 1188
Mar. 25 49 Placed on Select File - AM5142 1291
Mar. 25 49 Judiciary Committee priority bill 1298
Mar. 26 50 AM5142 (E & R) adopted.
Advanced for Engrossment 1328
Mar. 31 52 Correctly Engrossed 1372
Apr. 3 55 Final Reading 42-0-7 1478
Apr. 3 55 Speaker signed 1486
Apr. 3 55 Presented to Governor (4/3) 1491
Apr. 9 59 Approved by Governor (4/8) 1579

LEGISLATIVE BILL 574. By Haberman

Jan. 23 10 Read first time 289
Jan. 26 11 Referred to Committee on Nebraska Retirement Systems 341
Feb. 10 22 Notice of hearing (2/25) 570
Mar. 10 40 Indefinitely postponed 996

LEGISLATIVE BILL 575. By Haberman

Jan. 23 10 Read first time 289
Jan. 26 11 Referred to Committee on Banking, Commerce and Insurance 341
Feb. 12 24 Notice of hearing (2/23) 624
Feb. 27 33 Placed on General File - Com am #0317 853
Mar. 27 51 Committee amendment #0317 adopted.

			Advanced for Review	1352
Mar.	31	52	Placed on Select File - AM5158	1402
Apr.	6	56	AM5158 (E & R) adopted. Advanced for Engrossment	1503
Apr.	9	59	Correctly Engrossed	1590
Apr.	9	59	ER0167 change	1591
Apr.	14	62	Final Reading 43-0-6	1668
Apr.	14	62	Speaker signed	1674
Apr.	14	62	Presented to Governor (4/14)	1677
Apr.	21	65	Approved by Governor (4/17)	1741

LEGISLATIVE BILL 575A. By Haberman

Mar.	3	35	Read first time. Placed on General File	885
Mar.	27	51	Advanced for Review	1352
Mar.	31	52	Placed on Select File	1403
Apr.	6	56	Advanced for Engrossment	1504
Apr.	9	59	Correctly Engrossed	1590
Apr.	14	62	Final Reading 43-0-6	1669
Apr.	14	62	Speaker signed	1674
Apr.	14	62	Presented to Governor (4/14)	1677
Apr.	21	65	Approved by Governor (4/17)	1741

LEGISLATIVE BILL 576. By Haberman

Jan.	23	10	Read first time	289
Jan.	26	11	Referred to Committee on Banking, Commerce and Insurance	341
Feb.	12	24	Notice of hearing (3/3)	624
Mar.	6	38	Placed on General File	940
Mar.	20	46	Advanced for Review	1188
Mar.	25	49	Placed on Select File - AM5135	1268
Mar.	26	50	AM5135 (E & R) adopted. Advanced for Engrossment	1327
Mar.	31	52	Correctly Engrossed	1372
Apr.	3	55	Final Reading 44-0-5	1479
Apr.	3	55	Speaker signed	1486
Apr.	3	55	Presented to Governor (4/3)	1491
Apr.	9	59	Approved by Governor (4/8)	1579

LEGISLATIVE BILL 577. By Haberman

Jan.	23	10	Read first time	289
Jan.	26	11	Referred to Committee on Banking, Commerce and Insurance	341

Feb. 12 24 Notice of hearing (3/3) 624
Mar. 6 38 Placed on General File 940
Mar. 20 46 Advanced for Review 1188
Mar. 25 49 Placed on Select File - AM5136 1268
Mar. 26 50 AM5136 (E & R) adopted.
Advanced for Engrossment 1327
Mar. 31 52 Correctly Engrossed 1372
Apr. 3 55 Final Reading 43-0-6 1480
Apr. 3 55 Speaker signed 1486
Apr. 3 55 Presented to Governor (4/3) 1491
Apr. 9 59 Approved by Governor (4/8) 1579

LEGISLATIVE BILL 578. By Haberman

Jan. 23 10 Read first time 290
Jan. 26 11 Referred to Committee on Nebraska
Retirement Systems 341
Feb. 5 19 Notice of hearing (2/18) 509
Mar. 17 43 Placed on General File - Com am #0593 1098

LEGISLATIVE BILL 578A. By Haberman

May 13 81 Read first time. Placed on General File 2236

LEGISLATIVE BILL 579. By Weihing

Jan. 23 10 Read first time 290
Jan. 26 11 Referred to Committee on Natural Resources 341
Feb. 10 22 Notice of hearing (2/25) 571

LEGISLATIVE BILL 580. By Labedz, Morehead, Pappas, Elmer

Jan. 23 10 Read first time 290
Jan. 26 11 Referred to Committee on Banking,
Commerce and Insurance 341
Feb. 12 24 Notice of hearing (3/3) 624
Mar. 19 45 Indefinitely postponed 1157

LEGISLATIVE BILL 581. By Scofield, Baack

Jan. 23 10 Read first time 290
Jan. 26 11 Referred to Committee on Education 341
Jan. 28 13 Notice of hearing (2/9) 368
Mar. 3 35 Placed on General File - Com am #0434 883
Mar. 20 46 Committee amendment #0434 adopted.

			Advanced for Review	1182
Mar.	24	48	Placed on Select File - AM5130	1258
Mar.	25	49	AM5130 (E & R) adopted. Advanced for Engrossment	1294
Mar.	27	51	Correctly Engrossed	1347
Apr.	1	53	Final Reading 45-0-4	1423
Apr.	1	53	Speaker signed	1430
Apr.	1	53	Presented to Governor (4/1)	1433
Apr.	6	56	Approved by Governor (4/6)	1525

LEGISLATIVE BILL 582. By Lynch

Jan.	23	10	Read first time	290
Jan.	26	11	Referred to Committee on Judiciary	341
Feb.	18	26	Notice of hearing (2/27)	693
Feb.	25	31	Lynch amendment #0342 printed	818
Mar.	10	40	Placed on General File - Com am #0494	1011
Mar.	25	49	Barrett priority bill	1299
Apr.	10	60	Chizek amendment #0933 to committee amendment printed	1621
May	13	81	Chizek amendment #1348 to committee amendment printed	2244
May	18	83	Chizek amendment #1402 to committee amendment printed	2348
May	20	85	Pappas amendment #1419 to amendment #1402 printed	2420
May	29	90	Ashford name added	2724

LEGISLATIVE BILL 583. By Lynch

Jan.	23	10	Read first time	290
Jan.	26	11	Referred to Committee on Revenue	342
Feb.	11	23	Notice of hearing (3/18)	587
Mar.	24	48	Indefinitely postponed	1235

LEGISLATIVE BILL 584. By Hannibal

Jan.	23	10	Read first time	291
Jan.	26	11	Referred to Committee on Revenue	342
Feb.	11	23	Notice of hearing (2/26)	586
Mar.	10	40	Indefinitely postponed	993

LEGISLATIVE BILL 585. By Hannibal

Jan.	23	10	Read first time	291

Jan. 26 11 Referred to Committee on Revenue 342
Feb. 11 23 Notice of hearing (2/19) 586
Feb. 23 29 Indefinitely postponed 772

LEGISLATIVE BILL 586. By Withem

Jan. 23 10 Read first time 292
Jan. 26 11 Referred to Committee on Government, Military and Veterans Affairs 342
Feb. 10 22 Notice of hearing (2/18) 579

LEGISLATIVE BILL 587. By Withem

Jan. 23 10 Read first time 292
Jan. 26 11 Referred to Committee on Urban Affairs 342
Feb. 12 24 Notice of hearing (2/24) 628
Mar. 3 35 Placed on General File - Com am #0371 888
Mar. 20 46 Committee amendment #0371 adopted. Advanced for Review 1183
Mar. 24 48 Placed on Select File - AM5131 1259
Mar. 25 49 AM5131 (E & R) adopted. Advanced for Engrossment 1295
Mar. 27 51 Correctly Engrossed 1347
Apr. 1 53 Returned to Select File for Withem amendment. Withem amendment #0807 adopted. Advanced for Re-Engrossment 1424
Apr. 6 56 Correctly Re-Engrossed 1500
Apr. 6 56 ER0155 change 1501
Apr. 10 60 Final Reading w/E 46-0-3 1614
Apr. 10 60 Speaker signed 1617
Apr. 10 60 Presented to Governor (4/10) 1620
Apr. 15 63 Approved by Governor (4/14) 1690

LEGISLATIVE BILL 588. By Withem

Jan. 23 10 Read first time 292
Jan. 26 11 Referred to Committee on Government, Military and Veterans Affairs 342
Feb. 19 27 Notice of hearing (2/26) 719
Mar. 6 38 Placed on General File - Com am #0465 944

LEGISLATIVE BILL 589. By Withem

Jan. 23 10 Read first time 292
Jan. 26 11 Referred to Committee on Judiciary 342

Feb. 4 18 Notice of hearing (2/11) 484
Feb. 18 26 Indefinitely postponed 693

LEGISLATIVE BILL 590. By Withem

Jan. 23 10 Read first time 292
Jan. 26 11 Referred to Committee on Judiciary 342
Feb. 4 18 Notice of hearing (2/11) 484
Feb. 18 26 Indefinitely postponed 693

LEGISLATIVE BILL 591. By Revenue Committee

Jan. 23 10 Read first time 293
Jan. 26 11 Referred to Committee on Revenue 342
Feb. 11 23 Notice of hearing (2/25) 586
Feb. 27 33 Placed on General File - Com am #0387 848
Mar. 12 42 Committee amendment #0387 adopted.
Advanced for Review 1056
Mar. 17 43 Placed on Select File 1085
Mar. 19 45 Advanced for Engrossment 1156
Mar. 23 47 Correctly Engrossed 1215
Mar. 31 52 Final Reading 46-0-3 1383
Mar. 31 52 Speaker signed 1390
Mar. 31 52 Presented to Governor (3/31) 1395
Apr. 6 56 Approved by Governor (4/6) 1525

LEGISLATIVE BILL 592. By Hefner

Jan. 23 10 Read first time 293
Jan. 26 11 Referred to Committee on Government,
Military and Veterans Affairs 342
Feb. 10 22 Notice of hearing (2/19) 579
Feb. 24 30 Indefinitely postponed 795

LEGISLATIVE BILL 593. By Lamb

Jan. 23 10 Read first time 293
Jan. 26 11 Referred to Committee on Transportation 342
Feb. 10 22 Notice of hearing (2/23) 570
Mar. 18 44 Placed on General File 1137

LEGISLATIVE BILL 594. By Lamb

Jan. 23 10 Read first time 293
Jan. 26 11 Referred to Committee on Natural Resources 342

Feb. 10 22 Notice of hearing (2/25) 571
Mar. 11 41 Placed on General File - Com am #0368 1019

LEGISLATIVE BILL 595. By Withem

Jan. 23 10 Read first time 293
Jan. 26 11 Referred to Committee on Education 342
Jan. 26 11 Withem motion to withdraw laid over 346
Jan. 27 12 Withem pending motion p. 346 prevailed.
Withdrawn 359

LEGISLATIVE BILL 596. By Lynch

Jan. 23 10 Read first time 293
Jan. 26 11 Referred to Committee on Education 342
Jan. 28 13 Notice of hearing (2/10) 368
Mar. 5 37 Indefinitely postponed 923

LEGISLATIVE BILL 597. By Lynch

Jan. 23 10 Read first time 294
Jan. 26 11 Referred to Committee on Natural Resources 342
Jan. 28 13 Notice of hearing (2/6) 369
Feb. 11 23 Indefinitely postponed 589

LEGISLATIVE BILL 598. By Lynch

Jan. 23 10 Read first time 294
Jan. 26 11 Referred to Committee on Urban Affairs 342
Feb. 12 24 Notice of hearing (3/10) 628
Mar. 11 41 Placed on General File - Com am #0563 1033
Mar. 25 49 Urban Affairs Committee priority bill 1299
May 8 78 Committee amendment #0563 adopted.
Advanced for Review 2124
May 11 79 Hartnett name added 2156
May 11 79 Placed on Select File - AM5230 2182
May 18 83 AM5230 (E & R) adopted.
Advanced for Engrossment 2339
May 18 83 Correctly Engrossed 2363
May 28 89 Final Reading 48-0-1 2650
May 28 89 President signed 2657
May 28 89 Presented to Governor (5/28) 2667
May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 598A. By Lynch

Mar.	31	52	Read first time. Placed on General File	1396
Apr.	7	57	Lynch amendment #0880 printed	1544
May	8	78	Lynch pending amendment #0880 p. 1544 adopted. Advanced for Review	2125
May	11	79	Placed on Select File	2182
May	18	83	Advanced for Engrossment	2339
May	18	83	Correctly Engrossed	2363
May	28	89	Final Reading 47-0-2	2651
May	28	89	President signed	2657
May	28	89	Presented to Governor (5/28)	2667
May	29	90	Approved by Governor (5/29)	2723

LEGISLATIVE BILL 599. By Lynch, Hartnett

Jan.	23	10	Read first time	295
Jan.	26	11	Referred to Committee on Health and Human Services	342
Feb.	4	18	Notice of hearing (2/12)	493
Mar.	4	36	Placed on General File - Com am #0421	896
Mar.	27	51	Committee amendment #0421 adopted. Advanced for Review	1352
Mar.	31	52	Placed on Select File - AM5156	1403
Apr.	9	59	Lynch-Hartnett amendment #0906 printed	1600
May	6	76	AM5156 (E & R) adopted. Lynch-Hartnett pending amendment #0906 p. 1600 adopted. V. Johnson motion to suspend rules to permit consideration of amendment #1237 prevailed. V. Johnson amendment #1237 adopted. Advanced for Engrossment	2058
May	11	79	Correctly Engrossed	2152
May	11	79	ER0182 change	2153
May	14	82	Final Reading 38-0-11	2314
May	14	82	Speaker signed	2317
May	18	83	Presented to Governor (5/14)	2321
May	19	84	Approved by Governor (5/19)	2392

LEGISLATIVE BILL 600. By Higgins

Jan.	23	10	Read first time	295
Jan.	26	11	Referred to Committee on Revenue	342
Feb.	11	23	Notice of hearing (3/11)	586
Mar.	20	46	Higgins priority bill	1167
Mar.	24	48	Indefinitely postponed	1235

LEGISLATIVE BILL 601. By Miller

Jan.	23	10	Read first time	295
Jan.	26	11	Referred to Committee on Judiciary	342
Feb.	18	26	Notice of hearing (2/25)	693
Mar.	5	37	Placed on General File - Com am #0391	920
Mar.	27	51	Committee amendment #0391 adopted. Advanced for Review	1365
Apr.	1	53	Placed on Select File - AM5163	1443
Apr.	9	59	AM5163 (E & R) adopted. Advanced for Engrossment	1603
Apr.	14	62	Correctly Engrossed	1678
Apr.	21	65	Final Reading 42-0-7	1753
Apr.	21	65	Speaker signed	1768
Apr.	21	65	Presented to Governor (4/21)	1770
Apr.	23	67	Approved by Governor (4/23)	1820

LEGISLATIVE BILL 602. By Abboud

Jan.	23	10	Read first time	295
Jan.	26	11	Referred to Committee on Government, Military and Veterans Affairs	342
Feb.	24	30	Notice of hearing (3/4)	795
Mar.	26	50	Placed on General File - Com am #0675	1330

LEGISLATIVE BILL 603. By Chizek

Jan.	23	10	Read first time	295
Jan.	26	11	Referred to Committee on Judiciary	342
Feb.	4	18	Notice of hearing (2/11)	484
Mar.	5	37	Placed on General File - Com am #0303	920
Mar.	27	51	Committee amendment #0303 adopted. Advanced for Review	1365
Mar.	31	52	Chizek amendment #0798 printed	1407
Apr.	1	53	Placed on Select File - AM5160	1443
Apr.	2	54	Attorney General's Opinion #87042 to Chizek	1456
Apr.	6	56	AM5160 (E & R) adopted. Chizek pending amendment #0798 p. 1407 adopted. Advanced for Engrossment	1505
Apr.	9	59	Correctly Engrossed	1590
Apr.	9	59	ER0164 change	1591
May	28	89	Final Reading 39-7-3	2652
May	28	89	President signed	2657
May	28	89	Presented to Governor (5/28)	2667

May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 603A. By Chizek

Mar. 31 52 Read first time. Placed on General File 1396
Apr. 2 54 Advanced for Review 1449
Apr. 6 56 Placed on Select File 1509
Apr. 6 56 Chizek amendment #0872 printed 1511
Apr. 16 64 Chizek pending amendment #0872 p. 1511 adopted. Advanced for Engrossment 1738
Apr. 22 66 Correctly Engrossed 1785
May 28 89 Final Reading 36-8-5 2653
May 28 89 President signed 2657
May 28 89 Presented to Governor (5/28) 2667
May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 604. By Dierks

Jan. 23 10 Read first time 296
Jan. 26 11 Referred to Committee on Transportation 342
Jan. 30 15 Notice of hearing (2/9) 427
Feb. 12 24 Placed on General File 629
Mar. 4 36 Advanced for Review 893
Mar. 6 38 Placed on Select File 930
Mar. 9 39 Advanced for Engrossment 971
Mar. 10 40 Correctly Engrossed 1008
Mar. 10 40 ER0134 change 1009
Mar. 17 43 Abboud name added 1101
Mar. 18 44 Final Reading 42-0-7 1122
Mar. 18 44 President signed 1126
Mar. 18 44 Presented to Governor (3/18) 1131
Mar. 23 47 Approved by Governor (3/20) 1195

LEGISLATIVE BILL 605. By Hefner, Korshoj, Coordsen

Jan. 23 10 Read first time 296
Jan. 26 11 Referred to Committee on Business and Labor 342
Jan. 30 15 Notice of hearing (2/9) 427
Mar. 3 35 Indefinitely postponed 885

LEGISLATIVE BILL 606. By Ashford

Jan. 23 10 Read first time 296
Jan. 26 11 Referred to Committee on Judiciary 342
Feb. 10 22 Notice of hearing (2/19) 571

Mar. 27 51 Placed on General File 1369

LEGISLATIVE BILL 607. By Hartnett

Jan. 23 10 Read first time 296
Jan. 26 11 Referred to Committee on Banking, Commerce and Insurance 342
Feb. 12 24 Notice of hearing (3/10) 625
Mar. 20 46 Placed on General File - Com am #0644 1186

LEGISLATIVE BILL 608. By Korshoj

Jan. 23 10 Read first time 296
Jan. 26 11 Referred to Committee on Transportation 342
Feb. 11 23 Notice of hearing (3/9) 604
Mar. 18 44 Placed on General File 1137
Mar. 27 51 Advanced for Review 1370
Apr. 2 54 Placed on Select File - AM5166 1451
Apr. 6 56 AM5166 (E & R) adopted. Korshoj amendment adopted. Advanced for Engrossment 1505
Apr. 9 59 Correctly Engrossed 1601
Apr. 14 62 Final Reading w/E 42-0-7 1669
Apr. 14 62 Speaker signed 1674
Apr. 14 62 Presented to Governor (4/14) 1677
Apr. 21 65 Approved by Governor (4/17) 1741

LEGISLATIVE BILL 609. By Moore

Jan. 23 10 Read first time 296
Jan. 26 11 Referred to Committee on Education 342
Jan. 29 14 Notice of hearing (3/9) 396
Mar. 10 40 Indefinitely postponed 993

LEGISLATIVE BILL 610. By Schmit

Jan. 23 10 Read first time 297
Jan. 26 11 Referred to Committee on Agriculture 342
Jan. 26 11 R. Johnson motion to suspend rules to allow hearing prevailed 350
Jan. 26 11 Notice of hearing (1/27) 351
Jan. 28 13 Placed on General File - Com am #0055 367
Jan. 29 14 Committee amendment #0055 adopted. Advanced for Review 396
Jan. 30 15 Placed on Select File - AM5023 429

Feb. 2 16 AM5023 (E & R) adopted.
Advanced for Engrossment 433
Feb. 3 17 Correctly Engrossed 455
Feb. 9 21 Final Reading w/E 49-0-0 546
Feb. 9 21 President signed 547
Feb. 9 21 Presented to Governor (2/9) 560
Feb. 17 25 Approved by Governor (2/12) 649

LEGISLATIVE BILL 611. By Pappas

Jan. 23 10 Read first time 297
Jan. 26 11 Referred to Committee on Transportation 342
Feb. 11 23 Notice of hearing (3/10) 604

LEGISLATIVE BILL 612. By Pappas

Jan. 23 10 Read first time 297
Jan. 26 11 Referred to Committee on Government,
Military and Veterans Affairs 342
Feb. 24 30 Notice of hearing (3/12) 795

LEGISLATIVE BILL 613. By Pappas, Schellpeper, Landis, Baack

Jan. 23 10 Read first time 298
Jan. 26 11 Referred to Committee on Natural Resources 342
Feb. 10 22 Notice of hearing (2/26) 571
Feb. 24 30 Pappas amendment #0279 printed 785
Mar. 9 39 Indefinitely postponed 968

LEGISLATIVE BILL 614. By Pappas

Jan. 23 10 Read first time 298
Jan. 26 11 Referred to Committee on Transportation 342
Feb. 11 23 Notice of hearing (3/9) 604
Mar. 18 44 Indefinitely postponed 1137

LEGISLATIVE BILL 615. By Pappas

Jan. 23 10 Read first time 298
Jan. 26 11 Referred to Committee on Banking,
Commerce and Insurance 342
Feb. 12 24 Notice of hearing (3/2) 624
Mar. 6 38 Placed on General File - Com am #0462 942
Mar. 25 49 Barrett priority bill 1299
Mar. 27 51 Committee amendment #0462 adopted.

Advanced for Review 1366
Apr. 2 54 Placed on Select File - AM5167 1450
Apr. 2 54 Remmers amendment #0835 printed 1458
Apr. 6 56 AM5167 (E & R) adopted. Remmers pending amendment #0835 p. 1458 adopted. Advanced for Engrossment 1505
Apr. 9 59 Correctly Engrossed 1601
Apr. 14 62 Final Reading w/E 42-0-7 1670
Apr. 14 62 Speaker signed 1674
Apr. 14 62 Presented to Governor 4/14) 1677
Apr. 21 65 Approved by Governor (4/17) 1741

LEGISLATIVE BILL 616. By Morehead

Jan. 23 10 Read first time 298
Jan. 26 11 Referred to Committee on Education 342
Jan. 29 14 Notice of hearing (2/24) 395
Feb. 12 24 Notice of hearing (2/23) (Reset) 614
Feb. 25 31 Indefinitely postponed 821

LEGISLATIVE BILL 617. By McFarland

Jan. 23 10 Read first time 298
Jan. 26 11 Referred to Committee on Judiciary 342
Mar. 11 41 Notice of hearing (3/18) 1030
Mar. 24 48 Indefinitely postponed 1240

LEGISLATIVE BILL 618. By Hartnett

Jan. 23 10 Read first time 299
Jan. 26 11 Referred to Committee on Government, Military and Veterans Affairs 342
Feb. 24 30 Notice of hearing (3/12) 795
Mar. 19 45 Indefinitely postponed 1159

LEGISLATIVE BILL 619. By Hartnett

Jan. 23 10 Read first time 299
Jan. 26 11 Referred to Committee on Judiciary 342
Jan. 28 13 Notice of hearing (2/5) 385
Feb. 6 20 Indefinitely postponed 523

LEGISLATIVE BILL 620. By Hartnett

Jan. 23 10 Read first time 299

Jan. 26 11 Referred to Committee on Health and Human Services 342
Feb. 4 18 Notice of hearing (3/11) 494

LEGISLATIVE BILL 621. By Hartnett

Jan. 23 10 Read first time 299
Jan. 26 11 Referred to Committee on Urban Affairs 342
Feb. 12 24 Notice of hearing (3/17) 628

LEGISLATIVE BILL 622. By Hartnett

Jan. 23 10 Read first time 299
Jan. 26 11 Referred to Committee on Urban Affairs 342
Feb. 12 24 Notice of hearing (2/24) 628
Mar. 2 34 Indefinitely postponed 867

LEGISLATIVE BILL 623. By Hartnett

Jan. 23 10 Read first time 299
Jan. 26 11 Referred to Committee on Urban Affairs 342
Feb. 12 24 Notice of hearing (2/24) 628
Mar. 2 34 Placed on General File - Com am #0372 867
Mar. 20 46 Committee amendment #0372 adopted. Advanced for Review 1181
Mar. 23 47 Placed on Select File - AM5128 1221
Mar. 24 48 AM5128 (E & R) adopted. Advanced for Engrossment 1262
Mar. 27 51 Correctly Engrossed 1332
Apr. 1 53 Final Reading w/E 45-0-4 1425
Apr. 1 53 Speaker signed 1430
Apr. 1 53 Presented to Governor (4/1) 1433
Apr. 6 56 Approved by Governor (4/6) 1525

LEGISLATIVE BILL 624. By Hartnett

Jan. 23 10 Read first time 300
Jan. 26 11 Referred to Committee on Education 342
Jan. 29 14 Notice of hearing (3/2) 396
Mar. 5 37 Indefinitely postponed 923

LEGISLATIVE BILL 625. By Hartnett

Jan. 23 10 Read first time 300
Jan. 26 11 Referred to Committee on Urban Affairs 342

Feb. 12 24 Notice of hearing (3/10) 628
Mar. 12 42 Placed on General File - Com am #0561 1055

LEGISLATIVE BILL 626. By Hartnett

Jan. 23 10 Read first time 300
Jan. 26 11 Referred to Committee on Government, Military and Veterans Affairs 342
Feb. 3 17 Notice of hearing (2/11) 472
Feb. 12 24 Placed on General File 634
Mar. 4 36 Advanced for Review 893
Mar. 4 36 Abboud name added 906
Mar. 6 38 Placed on Select File - AM5101 930
Mar. 9 39 Labedz amendment #0505 printed 977
Mar. 10 40 AM5101 (E & R) adopted. Labedz pending amendment #0505 p. 977 adopted. Advanced for Engrossment 999
Mar. 11 41 Correctly Engrossed. ER0136 change 1033
Mar. 20 46 Final Reading w/E 43-0-6 1177
Mar. 20 46 President signed 1181
Mar. 20 46 Presented to Governor (3/20) 1185
Mar. 26 50 Approved by Governor (3/26) 1315

LEGISLATIVE BILL 627. By Hartnett

Jan. 23 10 Read first time 300
Jan. 26 11 Referred to Committee on Revenue 343
Feb. 11 23 Notice of hearing (3/4) 586
Mar. 25 49 Placed on General File - Com am #0720 1276

LEGISLATIVE BILL 628. By Hartnett

Jan. 23 10 Read first time 300
Jan. 26 11 Referred to Committee on General Affairs 343
Feb. 18 26 Notice of hearing (3/23) 683
Mar. 23 47 Attorney General's Opinion #87038 to Hartnett 1193
Mar. 25 49 Placed on General File 1275

LEGISLATIVE BILL 629. By Hartnett

Jan. 23 10 Read first time 300
Jan. 26 11 Referred to Committee on Natural Resources 343
Jan. 28 13 Notice of hearing (2/6) 369
Feb. 11 23 Placed on General File - Com am #0182 587
Feb. 27 33 Committee amendment #0182 adopted.

Advanced for Review 854
Mar. 2 34 Placed on Select File - AM5085 861
Mar. 3 35 AM5085 (E & R) adopted.
Advanced for Engrossment 879
Mar. 4 36 Correctly Engrossed 895
Mar. 9 39 Final Reading w/E 46-0-3 960
Mar. 9 39 President signed 969
Mar. 9 39 Presented to Governor (3/9) 974
Mar. 12 42 Approved by Governor (3/11) 1040

LEGISLATIVE BILL 630. By Hartnett

Jan. 23 10 Read first time 301
Jan. 26 11 Referred to Committee on Urban Affairs 343
Feb. 12 24 Notice of hearing (3/10) 628
Mar. 12 42 Placed on General File - Com am #0562 1055

LEGISLATIVE BILL 631. By Hartnett

Jan. 23 10 Read first time 301
Jan. 26 11 Referred to Committee on Revenue 343
Feb. 11 23 Notice of hearing (3/18) 587
Mar. 19 45 Hartnett motion to withdraw laid over 1164
Mar. 23 47 Hartnett pending motion p. 1164 ruled
out of order and withdrawn 1207
Mar. 24 48 Indefinitely postponed 1235

LEGISLATIVE BILL 632. By Hartnett

Jan. 23 10 Read first time 301
Jan. 26 11 Referred to Committee on Revenue 343
Feb. 11 23 Notice of hearing (3/12) 587
Mar. 25 49 Hartnett priority bill 1298
Mar. 31 52 Placed on General File - Com am #0785 1387

LEGISLATIVE BILL 633. By Scofield

Jan. 23 10 Read first time 301
Jan. 26 11 Referred to Committee on Revenue 343
Feb. 11 23 Notice of hearing (3/11) 586
Mar. 24 48 Indefinitely postponed 1235

LEGISLATIVE BILL 634. By Scofield

Jan. 23 10 Read first time 302

Jan. 26 11 Referred to Committee on Revenue 343
Feb. 11 23 Notice of hearing (3/11) 586
Mar. 24 48 Indefinitely postponed 1235

LEGISLATIVE BILL 635. By Scofield, Moore, Higgins, Marsh, Morehead, Warner, Barrett, Smith, Hall

Jan. 23 10 Read first time 302
Jan. 26 11 Referred to Committee on Judiciary 343
Feb. 10 22 Notice of hearing (2/20) 571
Mar. 18 44 Placed on General File - Com am #0241 1131
Mar. 25 49 Barrett priority bill 1299
May 8 78 Committee amendment #0241 adopted as amended by Scofield amendment #1275. Advanced for Review 2107
May 11 79 Placed on Select File - AM5227 2175
May 21 86 AM5227 (E & R) adopted. Scofield amendment #1323 adopted. Ashford amendment #1473 pending 2477
May 21 86 Ashford pending amendment #1473 p. 2478 withdrawn. Advanced for Engrossment 2478
May 26 87 Correctly Engrossed 2494
May 26 87 ER0208 change 2496
May 28 89 Lynch motion to suspend rules prevailed 2667
May 28 89 Final Reading 47-0-2 2679
May 28 89 Speaker signed 2691
May 28 89 Presented to Governor (5/28) 2694
May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 636. By Scofield, Moore, Marsh, Smith, Morehead, Warner, Hall, Barrett

Jan. 23 10 Read first time 302
Jan. 26 11 Referred to Committee on Judiciary 343
Feb. 10 22 Notice of hearing (2/20) 571
Mar. 18 44 Indefinitely postponed 1132

LEGISLATIVE BILL 637. By Scofield, Higgins, Landis, Wesely, Moore, Marsh, Morehead, Hall, Withem, Warner, Barrett, Smith

Jan. 23 10 Read first time 302
Jan. 26 11 Referred to Committee on Health and Human Services 343
Feb. 4 18 Notice of hearing (2/12) 493
Mar. 4 36 Placed on General File - Com am #0415 896

Mar. 20 46 Committee amendment #0415 adopted. Advanced for Review 1187
Mar. 20 46 Pirsch name added 1191
Mar. 24 48 Placed on Select File - AM5133 1260
Mar. 25 49 AM5133 (E & R) adopted. Advanced for Engrossment 1295
Mar. 27 51 Correctly Engrossed 1347
Apr. 1 53 Final Reading 44-0-5 1426
Apr. 1 53 Speaker signed 1430
Apr. 1 53 Presented to Governor (4/1) 1433
Apr. 6 56 Approved by Governor (4/6) 1525

LEGISLATIVE BILL 638. By Scofield, Landis, Moore, Higgins, Hall, Marsh, Withem, Morehead, Warner, Barrett, Smith

Jan. 23 10 Read first time 303
Jan. 26 11 Referred to Committee on Judiciary 343
Feb. 10 22 Notice of hearing (2/20) 571
Mar. 19 45 Placed on General File - Com am #0577 1159
Mar. 25 49 Barrett priority bill 1299
May 8 78 Committee amendment #0577 adopted. Advanced for Review 2108
May 11 79 Placed on Select File - AM5228 2175
May 20 85 AM5228 (E & R) adopted. Passed over 2451
May 21 86 Advanced for Engrossment 2479
May 26 87 Correctly Engrossed 2494
May 28 89 Lynch motion to suspend rules prevailed 2667
May 28 89 Final Reading w/E 46-1-2 2680
May 28 89 Speaker signed 2691
May 28 89 Presented to Governor (5/28) 2694
May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 638A. By Scofield

May 11 79 Read first time. Placed on General File 2149
May 13 81 Advanced for Review 2228
May 14 82 Placed on Select File 2290
May 21 86 Scofield amendment #1373 adopted. Advanced for Engrossment 2482
May 26 87 Correctly Engrossed 2494
May 28 89 Lynch motion to suspend rules prevailed 2667
May 28 89 Final Reading w/E 44-2-3 2681
May 28 89 Speaker signed 2691
May 28 89 Presented to Governor (5/28) 2694
May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 639. By R. Johnson

Jan.	23	10	Read first time	303
Jan.	26	11	Referred to Committee on Natural Resources	343
Jan.	28	13	Notice of hearing (2/5)	369
Feb.	11	23	Placed on General File	587
Feb.	27	33	Passed over	854
Mar.	3	35	Advanced for Review	880
Mar.	4	36	Placed on Select File	904
Mar.	5	37	Advanced for Engrossment	916
Mar.	9	39	Correctly Engrossed	950
May	28	89	Final Reading w/E 46-0-3	2654
May	28	89	President signed	2657
May	28	89	Presented to Governor (5/28)	2667
May	29	90	Approved by Governor (5/29)	2723

LEGISLATIVE BILL 639A. By R. Johnson

Feb.	19	27	Read first time. Placed on General File	716
Mar.	3	35	Advanced for Review	881
Mar.	4	36	Placed on Select File	904
Mar.	5	37	Advanced for Engrossment	916
Mar.	9	39	Correctly Engrossed	950
May	28	89	Final Reading w/E 47-0-2	2655
May	28	89	President signed	2657
May	28	89	Presented to Governor (5/28)	2667
May	29	90	Approved by Governor (5/29)	2723

LEGISLATIVE BILL 640. By Remmers

Jan.	23	10	Read first time	304
Jan.	26	11	Referred to Committee on Banking, Commerce and Insurance	343
Feb.	12	24	Notice of hearing (2/24)	624
Mar.	26	50	Indefinitely postponed	1308

LEGISLATIVE BILL 641. By Schmit

Jan.	23	10	Read first time	304
Jan.	26	11	Referred to Committee on Natural Resources	343
Feb.	9	21	Notice of hearing (2/19)	548
Mar.	23	47	Placed on General File	1213

LEGISLATIVE BILL 642. By Remmers

Jan.	23	10	Read first time	304
Jan.	26	11	Referred to Committee on Banking, Commerce and Insurance	343
Feb.	12	24	Notice of hearing (3/9)	624
Mar.	2	34	Notice of hearing (3/10) (Reset)	856
Mar.	19	45	Placed on General File	1157
Mar.	27	51	Advanced for Review	1370
Apr.	2	54	Placed on Select File	1451
Apr.	6	56	Advanced for Engrossment	1506
Apr.	9	59	Correctly Engrossed	1601
Apr.	14	62	Wesely motion to return to Select File withdrawn	1671
Apr.	14	62	Final Reading 41-1-7	1672
Apr.	14	62	Speaker signed	1674
Apr.	14	62	Warner motion to reconsider action on Final Reading laid over	1675
Apr.	15	63	Remmers amendment #1012 printed	1714
Apr.	16	64	Attorney General's Opinion #87052 to Wesely	1738
Apr.	24	68	Warner pending motion p. 1675 ruled out of order. Warner motion to suspend rules prevailed. Warner renewed pending motion p. 1675 prevailed. Laid over	1854
May	4	74	Remmers amendment #1147 printed	2008
May	26	87	Remmers pending amendment #1012 p. 1714 withdrawn. Returned to Select File for Remmers amendment. Remmers pending amendment #1147 p. 2008 adopted. Advanced for Re-Engrossment	2500
May	26	87	Correctly Re-Engrossed. ER0210 change	2525
May	28	89	Lynch motion to suspend rules prevailed	2667
May	28	89	Final Reading 45-0-4	2681
May	28	89	Speaker signed	2691
May	28	89	Presented to Governor (5/28)	2694
May	29	90	Approved by Governor (5/29)	2723

LEGISLATIVE BILL 643. By Lynch

Jan.	23	10	Read first time	304
Jan.	26	11	Referred to Committee on Health and Human Services	343
Jan.	28	13	Notice of hearing (2/4)	388
Feb.	12	24	Placed on General File - Com am #0208	626
Mar.	3	35	Committee amendment #0208 adopted.	

Advanced for Review 886
Mar. 6 38 Placed on Select File - AM5098 929
Mar. 9 39 AM5098 (E & R) adopted.
Advanced for Engrossment 970
Mar. 10 40 Correctly Engrossed 1008
Mar. 10 40 ER0131 change 1009
Mar. 18 44 Final Reading 41-0-8 1122
Mar. 18 44 President signed 1126
Mar. 18 44 Presented to Governor (3/18) 1131
Mar. 23 47 Approved by Governor (3/20) 1195

LEGISLATIVE BILL 644. By Baack, Scofield, Lamb

Jan. 23 10 Read first time 304
Jan. 26 11 Referred to Committee on Education 343
Jan. 29 14 Notice of hearing (3/3) 396
Feb. 25 31 Baack amendment #0081 printed 817
Apr. 10 60 Attorney General's Opinion #87047 to Baack 1630

LEGISLATIVE BILL 645. By Peterson, Elmer, Korshoj, Beyer, Remmers, R. Johnson, Pirsch, Lamb, Pappas, Smith

Jan. 23 10 Read first time 305
Jan. 26 11 Referred to Committee on Natural Resources 343
Jan. 28 13 Notice of hearing (2/6) 369
Jan. 30 15 Korshoj name withdrawn 419
Jan. 30 15 Smith name withdrawn 431
Feb. 3 17 Pirsch name withdrawn 468
Feb. 6 20 Elmer name withdrawn 513
Feb. 10 22 Indefinitely postponed 577

LEGISLATIVE BILL 646. By Marsh

Jan. 23 10 Read first time 305
Jan. 26 11 Referred to Committee on General Affairs 343
Feb. 18 26 Notice of hearing (3/9) 683
Mar. 12 42 Placed on General File - Com am #0559 1050

LEGISLATIVE BILL 647. By Nelson, Wesely

Jan. 23 10 Read first time 305
Jan. 26 11 Referred to Committee on Education 343
Jan. 29 14 Notice of hearing (2/23) 395
Feb. 12 24 Notice of hearing (2/24) (Reset) 614
Mar. 5 37 Placed on General File 924

LEGISLATIVE BILL 647A. By Nelson, Wesely

Mar. 12 42 Read first time. Placed on General File 1054

LEGISLATIVE BILL 648. By Wesely

Jan. 23 10 Read first time 305
Jan. 26 11 Referred to Committee on Appropriations 343
Feb. 24 30 Notice of hearing (3/20) 789

LEGISLATIVE BILL 649. By Miller, Smith, Conway

Jan. 23 10 Read first time 305
Jan. 26 11 Referred to Committee on Education 343
Jan. 29 14 Notice of hearing (3/10) 396
Mar. 24 48 Indefinitely postponed 1231

LEGISLATIVE BILL 650. By Haberman

Jan. 23 10 Read first time 306
Jan. 26 11 Referred to Committee on Banking, Commerce and Insurance 343
Feb. 12 24 Notice of hearing (2/23) 624
Feb. 26 32 Placed on General File 830
Mar. 20 46 Advanced for Review 1181
Mar. 23 47 Placed on Select File - AM5127 1221
Mar. 24 48 AM5127 (E & R) adopted. Advanced for Engrossment 1262
Mar. 27 51 Correctly Engrossed 1332
Apr. 1 53 Final Reading 47-0-2 1426
Apr. 1 53 Speaker signed 1430
Apr. 1 53 Presented to Governor (4/1) 1433
Apr. 6 56 Approved by Governor (4/6) 1525

LEGISLATIVE BILL 651. By Rupp

Jan. 23 10 Read first time 306
Jan. 27 12 Referred to Committee on Nebraska Retirement Systems 354
Feb. 10 22 Notice of hearing (2/23) 570

LEGISLATIVE BILL 652. By Withem

Jan. 23 10 Read first time 306

Jan.	27	12	Referred to Committee on Government, Military and Veterans Affairs 354
Feb.	24	30	Notice of hearing (3/4) 795
Mar.	23	47	Placed on General File - Com am #0544 1218
Mar.	25	49	Government, Military and Veterans Affairs Committee priority bill 1298
May	6	76	Remmers amendment to committee amendment withdrawn. Committee amendment #0544 adopted. Advanced for Review 2037
May	8	78	Placed on Select File - AM5216 2105
May	8	78	Rupp amendments #1269 and #1268 printed 2109
May	12	80	Attorney General's Opinion #87070 to Rupp 2184
May	13	81	Rupp amendment #1347 printed 2261
May	14	82	Rupp amendments #1383 and #1388 printed 2317
May	18	83	Withem amendment #1342 printed separate 2327
May	20	85	AM5216 (E & R) adopted. Rupp pending amendment #1269 p. 2109 adopted 2433
May	20	85	Rupp pending amendments #1268 p. 2109, #1347 p. 2261 and #1388 p. 2317 adopted. Rupp pending amendment #1383 p. 2317 replaced and withdrawn. Rupp substitute amendment #1456 adopted. Withem pending amendment #1342 p. 2327 withdrawn. Withem amendment #1418 (printed separate) adopted. Advanced for Engrossment 2435
May	26	87	Correctly Engrossed 2494
May	26	87	ER0200 change 2496
May	28	89	Lynch motion to suspend rules prevailed 2667
May	28	89	Final Reading 39-9-1 2682
May	28	89	Speaker signed 2691
May	28	89	Presented to Governor (5/28) 2694
May	29	90	Approved by Governor (5/29) 2723

LEGISLATIVE BILL 653. By Baack

Jan.	23	10	Read first time 306
Jan.	27	12	Referred to Committee on Health and Human Services 354
Feb.	4	18	Notice of hearing (3/18) 494
Mar.	27	51	Indefinitely postponed 1351

LEGISLATIVE BILL 654. By Pappas, Labedz

Jan.	23	10	Read first time	307
Jan.	27	12	Referred to Committee on Transportation	654
Feb.	11	23	Notice of hearing (3/3)	604

LEGISLATIVE BILL 655. By Goodrich

Jan.	23	10	Read first time	307
Jan.	27	12	Referred to Committee on Nebraska Retirement Systems	354
Feb.	10	22	Notice of hearing (2/23)	570

LEGISLATIVE BILL 656. By Goodrich

Jan.	23	10	Read first time	307
Jan.	27	12	Referred to Committee on Education	355
Jan.	29	14	Notice of hearing (3/9)	396
Mar.	18	44	Placed on General File - Com am #0634	1136
Mar.	19	45	Elmer name added	1165
Mar.	20	46	Elmer priority bill	1167
Apr.	6	56	R. Johnson-Schmit amendment and R. Johnson-Schmit amendment to committee amendment printed	1520
Apr.	8	58	Correction	1559
Apr.	8	58	Committee amendment #0634 adopted as amended by R. Johnson-Schmit amendment p. 1520. R. Johnson-Schmit pending amendment p. 1520 adopted. V. Johnson-Withem motion to indefinitely postpone withdrawn. Advanced for Review	1567
Apr.	13	61	Placed on Select File - AM5185	1658
Apr.	15	63	Wesely-Smith amendment #1007 printed	1701
Apr.	21	65	AM5185 (E & R) adopted. Wesely-Smith pending amendment #1007 p. 1701 adopted. Advanced for Engrossment	1776
Apr.	22	66	Correctly Engrossed. ER0177 change	1802
May	28	89	Withem motion to return to Select File withdrawn	2655
May	28	89	Final Reading w/E 48-0-1	2656
May	28	89	President signed	2667
May	28	89	Presented to Governor (5/28)	2675
May	29	90	Approved by Governor (5/29)	2723

LEGISLATIVE BILL 656A. By Elmer, Dierks, Peterson

Mar. 20 46 Read first time. Placed on General File 1181
Apr. 8 58 Advanced for Review 1577
Apr. 13 61 Placed on Select File 1658
Apr. 21 65 Advanced for Engrossment 1777
Apr. 22 66 Correctly Engrossed 1802
May 28 89 Elmer motion to return to Select File withdrawn. Failed on Final Reading w/E 32-14-3 2657
May 28 89 Final Reading 32-13-4 2658
May 28 89 Correctly Enrolled. President signed 2667
May 28 89 Presented to Governor (5/28) 2675
May 29 90 Approved by Governor with line-item vetoes (5/29) 2720
May 29 90 Elmer motion to override line-item vetoes pending 2738
May 29 90 Elmer pending motion to override line-item vetoes failed 23-25-1 2739
May 29 90 Communication 2743
June 4 AJ Message from Secretary of State 2755
June 4 AJ Certificate 2756

LEGISLATIVE BILL 657. By Goodrich

Jan. 23 10 Read first time 307
Jan. 27 12 Referred to Committee on Judiciary 355
Feb. 25 31 Notice of hearing (3/6) 811
Apr. 1 53 Placed on General File 1433

LEGISLATIVE BILL 658. By Schmit, Harris, Nelson, Miller, Pappas

Jan. 23 10 Read first time 307
Jan. 27 12 Referred to Committee on Natural Resources 355
Feb. 3 17 Notice of hearing (2/11) 459
May 19 84 Attorney General's Opinion #87077 to Haberman 2400

LEGISLATIVE BILL 659. By Hall

Jan. 23 10 Read first time 308
Jan. 26 11 Attorney General's Opinion #87009 to Hall 343
Jan. 27 12 Referred to Committee on Revenue 355
Feb. 11 23 Notice of hearing (2/19) 586
Apr. 6 56 Indefinitely postponed 1518

LEGISLATIVE BILL 660. By Hall

Jan.	23	10	Read first time	308
Jan.	27	12	Referred to Committee on Business and Labor	355
Jan.	27	12	Hall motion to suspend rules to allow hearing prevailed. Notice of hearing (2/2)	360
Feb.	10	22	Indefinitely postponed	583

LEGISLATIVE BILL 661. By Barrett, Warner, Hall, McFarland, Wesely, Labedz, Hannibal, Scofield, Hefner, Landis, Marsh, L. Johnson

Jan.	23	10	Read first time	308
Jan.	27	12	Referred to Committee on Business and Labor	355
Jan.	30	15	Notice of hearing (3/2)	427
Mar.	11	41	Placed on General File - Com am #0539	1028
Mar.	18	44	Warner amendment #0616 to committee amendment printed	1129
Mar.	19	45	Attorney General's Opinion #87029 to Warner	1142
Mar.	23	47	Warner amendment to committee amendment printed	1221
Mar.	24	48	Committee amendment #0539 adopted as amended by Warner pending amendment #0616 p. 1129 and pending amendment p. 1221. Advanced for Review	1227
Mar.	24	48	Expedited	1228
Mar.	26	50	Placed on Select File - AM5139	1300
Mar.	27	51	AM5139 (E & R) adopted. Advanced for Engrossment	1351
Mar.	31	52	Correctly Engrossed	1408
Apr.	3	55	Warner motion to suspend rules prevailed. Final Reading w/E 45-0-4	1483
Apr.	3	55	Speaker signed	1488
Apr.	3	55	Presented to Governor (4/3)	1493
Apr.	9	59	Approved by Governor (4/8)	1579

LEGISLATIVE BILL 661A. By Warner

Mar.	17	43	Read first time. Placed on General File	1088
Mar.	24	48	Advanced for Review. Expedited	1228
Mar.	26	50	Placed on Select File	1302
Mar.	27	51	Advanced for Engrossment	1351
Mar.	31	52	Correctly Engrossed	1408
Apr.	3	55	Warner motion to suspend rules prevailed	1483
Apr.	3	55	Final Reading w/E 44-0-5	1484

Apr. 3 55 Speaker signed 1488
Apr. 3 55 Presented to Governor (4/3) 1493
Apr. 9 59 Approved by Governor (4/8) 1579

LEGISLATIVE BILL 662. By Hannibal

Jan. 23 10 Read first time 309
Jan. 27 12 Referred to Committee on Banking, Commerce and Insurance 355
Jan. 29 14 Attorney General's Opinion #87010 to Hannibal . 391
Feb. 4 18 Hannibal motion to withdraw laid over 485
Feb. 5 19 Hannibal pending motion p. 485 prevailed. Withdrawn 508

LEGISLATIVE BILL 663. By Withem

Jan. 23 10 Read first time 309
Jan. 27 12 Referred to Committee on Urban Affairs 355
Feb. 2 16 Notice of hearing (2/10) 451
Feb. 12 24 Placed on General File 629
Mar. 20 46 Korshoj priority bill 1190
Apr. 21 65 Korshoj name added 1769
Apr. 27 69 Attorney General's Opinion #87061 to Landis ... 1865
May 8 78 Landis name added 2129
May 12 80 Hartnett name added 2191
May 13 81 Advanced for Review 2228
May 14 82 Placed on Select File 2290
May 20 85 Attorney General's Opinion #87078 to Landis ... 2411
May 26 87 Landis amendment #1499 (on file) adopted. Advanced for Engrossment 2559
May 27 88 Correctly Engrossed. ER0214 change 2576
May 29 90 Lynch motion to suspend rules prevailed 2696
May 29 90 Landis and Schmit motions to return to Select File withdrawn 2715
May 29 90 Final Reading w/E 45-1-3 2716
May 29 90 President signed 2718
May 29 90 Presented to Governor (5/29) 2726
June 4 AJ Approved by Governor (6/3) 2749

LEGISLATIVE BILL 663A. By Landis

May 19 84 Read first time. Placed on General File 2388
May 20 85 Advanced for Review 2416
May 20 85 Placed on Select File 2426
May 26 87 Landis amendment #1487 adopted.

Advanced for Engrossment 2559
May 27 88 Correctly Engrossed 2576
May 27 88 ER0215 change 2577
May 29 90 Lynch motion to suspend rules prevailed 2696
May 29 90 Final Reading w/E 45-1-3 2716
May 29 90 President signed 2718
May 29 90 Presented to Governor (5/29) 2726
June 4 AJ Approved by Governor (6/3) 2749

LEGISLATIVE BILL 664. By Schmit, Rogers, Morehead, Chambers

Jan. 23 10 Read first time 309
Jan. 27 12 Referred to Committee on Banking, Commerce and Insurance 355
Feb. 12 24 Notice of hearing (2/24) 624
Mar. 25 49 Banking, Commerce and Insurance Committee priority bill 1298
Mar. 26 50 Placed on General File - Com am #0737 1307

LEGISLATIVE BILL 664A. By Schmit

May 14 82 Read first time. Placed on General File 2317

LEGISLATIVE BILL 665. By Judiciary Committee

Jan. 23 10 Read first time 309
Jan. 27 12 Referred to Committee on Judiciary 355
Jan. 28 13 Notice of hearing (2/5) 385
Feb. 6 20 Placed on General File 523
Feb. 6 20 Judiciary Committee name added 524
Feb. 9 21 Advanced for Review 551
Feb. 10 22 Placed on Select File 578
Feb. 11 23 Advanced for Engrossment 602
Feb. 12 24 Correctly Engrossed 612
Feb. 23 29 Final Reading 44-0-5 762
Feb. 23 29 Haberman explanation of vote. Speaker signed 767
Feb. 23 29 Presented to Governor (2/23) 769
Mar. 2 34 Approved by Governor (2/27) 860

LEGISLATIVE BILL 666. By Chizek

Jan. 23 10 Read first time 309
Jan. 27 12 Referred to Committee on Government, Military and Veterans Affairs 355

Feb. 3 17 Notice of hearing (2/12) 472
Mar. 6 38 Placed on General File - Com am #0474 944

LEGISLATIVE BILL 667. By Pappas, Hall

Jan. 23 10 Read first time 310
Jan. 27 12 Referred to Committee on Government, Military and Veterans Affairs 355
Feb. 18 26 Notice of hearing (2/27) 694
Mar. 23 47 Indefinitely postponed 1220

LEGISLATIVE BILL 668. By Goodrich

Jan. 23 10 Read first time 310
Jan. 27 12 Referred to Committee on Health and Human Services 355
Feb. 4 18 Notice of hearing (2/26) 493

LEGISLATIVE BILL 669. By Chambers

Jan. 23 10 Read first time 310
Jan. 27 12 Referred to Committee on Health and Human Services 355
Jan. 29 14 Chambers motion to withdraw laid over 398
Jan. 30 15 Chambers pending motion p. 398 prevailed. Withdrawn 420

LEGISLATIVE BILL 670. By Chambers

Jan. 23 10 Read first time 310
Jan. 27 12 Referred to Committee on Judiciary 355
Mar. 11 41 Notice of hearing (3/18) 1030
Mar. 24 48 Placed on General File - Com am #0697 1228

LEGISLATIVE BILL 671. By Chambers

Jan. 23 10 Read first time 310
Jan. 27 12 Referred to Committee on Revenue 355
Feb. 4 18 Notice of hearing (2/12) 486
Feb. 20 28 Indefinitely postponed 744

LEGISLATIVE BILL 672. By Chambers

Jan. 23 10 Read first time 310
Jan. 27 12 Referred to Committee on Judiciary 355

Feb. 4 18 Notice of hearing (2/11) 484
Apr. 2 54 Attorney General's Opinion #87042 to Chizek ... 1456

LEGISLATIVE BILL 673. By Chambers

Jan. 23 10 Read first time 311
Jan. 27 12 Referred to Committee on Judiciary 355
Mar. 11 41 Notice of hearing (3/18) 1030
Mar. 24 48 Placed on General File 1228

LEGISLATIVE BILL 673A. By Chambers

Mar. 26 50 Read first time. Placed on General File 1322

LEGISLATIVE BILL 674. By Chambers

Jan. 23 10 Read first time 311
Jan. 27 12 Referred to Committee on Judiciary 355
Feb. 25 31 Notice of hearing (3/6) 811
Mar. 24 48 Placed on General File 1228

LEGISLATIVE BILL 675. By Chambers

Jan. 23 10 Read first time 311
Jan. 27 12 Referred to Committee on Judiciary 355
Mar. 4 36 Notice of hearing (3/12) 896
Mar. 25 49 Chambers priority bill 1298
Apr. 1 53 Placed on General File 1433
Apr. 10 60 McFarland amendment #0889 printed 1634
Apr. 10 60 McFarland amendment #0890 printed 1636
Apr. 16 64 Ashford motion to indefinitely postpone laid over 1727
Apr. 27 69 Ashford pending motion p. 1727 withdrawn. McFarland pending amendment #0889 p. 1634 pending 1883
Apr. 27 69 McFarland pending amendment #0889 p. 1634 adopted. McFarland pending amendment #0890 p. 1636 lost. Hefner motion to indefinitely postpone lost. Failed to advance for Review 1887

LEGISLATIVE BILL 676. By Chambers

Jan. 23 10 Read first time 311
Jan. 27 12 Referred to Committee on Judiciary 355

Feb. 18 26 Notice of hearing (2/27) 693
Mar. 19 45 Placed on General File - Com am #0579 1159

LEGISLATIVE BILL 677. By Chambers

Jan. 23 10 Read first time 311
Jan. 27 12 Referred to Committee on Government, Military and Veterans Affairs 355
Feb. 18 26 Notice of hearing (2/25) 693
Mar. 4 36 Indefinitely postponed 905

LEGISLATIVE BILL 678. By Urban Affairs Committee

Jan. 23 10 Read first time 312
Jan. 27 12 Referred to Committee on Government, Military and Veterans Affairs 355
Feb. 24 30 Notice of hearing (3/5) 795
Mar. 10 40 Placed on General File - Com am #0528 1011

LEGISLATIVE BILL 679. By Urban Affairs Committee

Jan. 23 10 Read first time 312
Jan. 27 12 Referred to Committee on Urban Affairs 355
Feb. 9 21 Notice of hearing (2/17) 548
Mar. 11 41 Placed on General File 1033
Mar. 20 46 Advanced for Review 1189
Mar. 25 49 Placed on Select File 1291
Mar. 26 50 Advanced for Engrossment 1328
Mar. 31 52 Correctly Engrossed 1372
Apr. 3 55 Returned to Select File for Smith amendment. Smith amendment #0852 adopted. Advanced for Re-Engrossment 1480
Apr. 7 57 Correctly Re-Engrossed 1543
Apr. 10 60 Final Reading w/E 45-0-4 1615
Apr. 10 60 Speaker signed 1617
Apr. 10 60 Presented to Governor (4/10) 1620
Apr. 15 63 Approved by Governor (4/14) 1690

LEGISLATIVE BILL 680. By Urban Affairs Committee

Jan. 23 10 Read first time 312
Jan. 27 12 Referred to Committee on Government, Military and Veterans Affairs 355
Feb. 24 30 Notice of hearing (3/11) 795
Mar. 19 45 Indefinitely postponed 1159

LEGISLATIVE BILL 681. By Harris

Jan.	23	10	Read first time	312
Jan.	27	12	Referred to Committee on Banking, Commerce and Insurance	355
Jan.	30	15	Notice of hearing (2/9)	428
Mar.	9	39	Indefinitely postponed	980

LEGISLATIVE BILL 682. By Pappas

Jan.	23	10	Read first time	312
Jan.	27	12	Referred to Committee on Education	355
Jan.	29	14	Notice of hearing (3/17)	396
Mar.	24	48	Indefinitely postponed	1231

LEGISLATIVE BILL 683. By Warner, Moore, Scofield, Hannibal, L. Johnson, Abboud, Hartnett, Langford, Marsh, Wehrbein

Jan.	23	10	Read first time	313
Jan.	27	12	Referred to Committee on Appropriations	355
Jan.	28	13	Notice of hearing (2/4)	368
Jan.	30	15	Notice of hearing (Room and time change)	428
Feb.	17	25	Placed on General File - Com am #0212	647
Mar.	6	38	Committee amendment #0212 adopted. Advanced for Review	931
Mar.	9	39	Placed on Select File - AM5109	967
Mar.	19	45	AM5109 (E & R) adopted. Warner amendment #0641 adopted. Advanced for Engrossment	1148
Mar.	20	46	Correctly Engrossed	1189
Mar.	20	46	ER0139 change	1190
Mar.	25	49	Returned to Select File for Warner amendment. Warner amendment #0712 adopted. Advanced for Engrossment	1272
Mar.	27	51	Correctly Re-Engrossed	1332
Apr.	1	53	Final Reading w/E 47-0-2	1427
Apr.	1	53	Speaker signed	1430
Apr.	1	53	Presented to Governor (4/1)	1433
Apr.	9	59	Became law without Governor's signature (4/8). Message from Governor	1581
Apr.	16	64	Certificate from Secretary of State	1722

LEGISLATIVE BILL 684. By L. Johnson, Warner, Moore

Jan. 23 10 Read first time 313
Jan. 27 12 Referred to Committee on Agriculture 355
Feb. 10 22 Notice of hearing (2/24) 571
Mar. 25 49 Agriculture Committee priority bill 1298
Apr. 1 53 Placed on General File 1439
Apr. 29 71 Moore-R. Johnson-Warner-L. Johnson amendment #1085 printed 1945
May 6 76 Moore et al pending amendment #1085 p. 1945 withdrawn. L. Johnson amendment #1238 adopted. Advanced for Review 2038
May 11 79 Placed on Select File - AM5218 2136
May 13 81 Moore-L. Johnson-Warner amendment #1341 printed 2275
May 20 85 Moore et al pending amendment #1341 p. 2275 pending 2452
May 21 86 Moore et al pending amendment #1341 p. 2275 adopted. Advanced for Engrossment 2475
May 26 87 Correctly Engrossed 2494

LEGISLATIVE BILL 685. By L. Johnson, Warner

Jan. 23 10 Read first time 313
Jan. 27 12 Referred to Committee on Education 355
Jan. 29 14 Notice of hearing (3/9) 396
Mar. 10 40 Indefinitely postponed 993

LEGISLATIVE BILL 686. By Wesely, Marsh, Harris

Jan. 23 10 Read first time 313
Jan. 27 12 Referred to Committee on Appropriations 355
Mar. 12 42 Notice of hearing (3/23) 1048

LEGISLATIVE BILL 687. By Urban Affairs Committee

Jan. 23 10 Read first time 313
Jan. 27 12 Referred to Committee on Urban Affairs 355
Feb. 2 16 Notice of hearing (2/10) 451
May 27 88 Indefinitely postponed 2594

LEGISLATIVE BILL 688. By Education Committee and Miller, Conway, Smith

Jan. 23 10 Read first time 314
Jan. 27 12 Referred to Committee on Education 355

Jan.	29	14	Notice of hearing (3/10)	396
Mar.	25	49	Miller priority bill	1298
Mar.	27	51	Placed on General File - Com am #0749	1369
Apr.	9	59	Withem-Miller amendment #0917 to committee amendment printed	1590
Apr.	10	60	Morehead amendments #0942 and #0941 to committee amendment printed	1630
Apr.	13	61	Lamb amendment #0884 to committee amendment printed	1652
Apr.	14	62	Lynch amendment #0991 to committee amendment printed	1683
Apr.	15	63	Withem-Miller pending amendment #0917 p. 1590 to committee amendment adopted. Morehead pending amendment #0942 p. 1630 lost	1698
Apr.	15	63	Morehead pending amendment #0941 p. 1630, Lynch pending amendment #0991 p. 1683, and Lamb-Lynch amendment #1008 to committee amendment lost. Lamb pending amendment #0884 p. 1652 withdrawn. Committee amendment #0749 adopted as amended. Advanced for Review	1702
Apr.	22	66	Placed on Select File - AM5196	1792
Apr.	29	71	Withem-Miller amendment #1146 printed	1928
May	4	74	Lamb amendment #0879 (1) printed	2003
May	4	74	Lamb amendment #0969 (2) printed	2004
May	6	76	AM5196 (E & R) adopted. Withem-Miller pending amendment #1146 p. 1928 adopted. Lamb request to pass over. Withem objection withdrawn. Lamb motion to bracket until 5/7 withdrawn. Passed over	2057
May	13	81	Lamb pending amendment #0879 (1) p. 2003 lost	2275
May	18	83	Lamb pending amendment #0969 (2) p. 2004 withdrawn. Baack amendment #1103 adopted. Lamb motion to bracket until 1/10/88 lost. Advanced for Engrossment	2333
May	19	84	Correctly Engrossed	2395
May	19	84	ER0198 change	2396
May	26	87	Final Reading 45-4-0	2503
May	26	87	Speaker signed	2505
May	26	87	Presented to Governor (5/26)	2523
May	27	88	Approved by Governor (5/27)	2578

LEGISLATIVE BILL 688A. By Miller

Apr. 27 69 Read first time. Placed on General File 1886
Apr. 29 71 Advanced for Review 1939
May 1 73 Placed on Select File 1984
May 18 83 Advanced for Engrossment 2333
May 19 84 Correctly Engrossed 2395
May 26 87 Final Reading 44-4-1 2504
May 26 87 Speaker signed 2505
May 26 87 Presented to Governor (5/26) 2523
May 27 88 Approved by Governor (5/27) 2578

LEGISLATIVE BILL 689. By Labedz, Hall

Jan. 23 10 Read first time 314
Jan. 27 12 Referred to Committee on Transportation 355
Jan. 30 15 Notice of hearing (2/10) 427
Feb. 23 29 Indefinitely postponed 754

LEGISLATIVE BILL 690. By Weihing

Jan. 23 10 Read first time 314
Jan. 27 12 Referred to Committee on Government, Military and Veterans Affairs 355
Feb. 10 22 Notice of hearing (2/20) 579
Feb. 24 30 Indefinitely postponed 795

LEGISLATIVE BILL 691. By Wesely

Jan. 23 10 Read first time 314
Jan. 27 12 Referred to Committee on Health and Human Services 355
Feb. 4 18 Notice of hearing (3/12) 494

LEGISLATIVE BILL 692. By Wesely, Withem, Hartnett, Chizek, Lynch, Ashford

Jan. 23 10 Read first time 314
Jan. 27 12 Referred to Committee on Natural Resources 355
Feb. 10 22 Notice of hearing (2/27) 571
Mar. 9 39 Indefinitely postponed 968

LEGISLATIVE BILL 693. By Wesely

Jan. 23 10 Read first time 315
Jan. 27 12 Referred to Committee on Health and Human Services 355
Feb. 4 18 Notice of hearing (2/26) 493
Mar. 25 49 Barrett priority bill 1299
Mar. 26 50 Placed on General File - Com am #0746 1318

LEGISLATIVE BILL 693A. By Wesely

Apr. 3 55 Read first time. Placed on General File 1495

LEGISLATIVE BILL 694. By Wesely

Jan. 23 10 Read first time 315
Jan. 27 12 Referred to Committee on Health and Human Services 355
Feb. 4 18 Notice of hearing (2/19) 493

LEGISLATIVE BILL 695. By Miller

Jan. 23 10 Read first time 315
Jan. 27 12 Referred to Committee on Health and Human Services 355
Feb. 4 18 Notice of hearing (3/6) 493
Mar. 18 44 Indefinitely postponed 1108

LEGISLATIVE BILL 696. By Conway, Beyer, Hefner

Jan. 23 10 Read first time 315
Jan. 27 12 Referred to Committee on Business and Labor 355
Jan. 30 15 Notice of hearing (3/9) 427
Mar. 25 49 Indefinitely postponed 1281

LEGISLATIVE BILL 697. By Pirsch

Jan. 23 10 Read first time 316
Jan. 27 12 Referred to Committee on Health and Human Services 355
Feb. 4 18 Notice of hearing (3/4) 493
Mar. 18 44 Placed on General File - Com am #0587 1108
Mar. 25 49 Barrett priority bill 1299

LEGISLATIVE BILL 698. By Pirsch

Jan. 23 10 Read first time 316

Jan. 27 12 Referred to Committee on Appropriations 355
Feb. 11 23 Pirsch motion to rerefer to Government, Military and Veterans Affairs Committee prevailed 608
Feb. 11 23 Notice of hearing (2/18) 609
Feb. 24 30 Indefinitely postponed 795

LEGISLATIVE BILL 699. By Smith, Higgins

Jan. 23 10 Read first time 316
Jan. 27 12 Referred to Committee on Health and Human Services 355
Feb. 4 18 Notice of hearing (2/25) 493
Mar. 3 35 Indefinitely postponed 882

LEGISLATIVE BILL 700. By Goodrich, Remmers, Schmit, Conway

Jan. 23 10 Read first time 316
Jan. 27 12 Referred to Committee on Banking, Commerce and Insurance 356
Feb. 12 24 Notice of hearing (3/9) 624
May 1 73 Attorney General's Opinion #87065 to Remmers 1972

LEGISLATIVE BILL 701. By Schmit, Hartnett, Conway

Jan. 23 10 Read first time 316
Jan. 27 12 Referred to Committee on Revenue 356
Feb. 11 23 Notice of hearing (3/11) 586
Mar. 24 48 Indefinitely postponed 1235

LEGISLATIVE BILL 702. By Pappas, Haberman

Jan. 23 10 Read first time 317
Jan. 27 12 Referred to Committee on Banking, Commerce and Insurance 356
Jan. 30 15 Notice of hearing (2/9) 428
Mar. 20 46 Placed on General File - Com am #0646 1186

LEGISLATIVE BILL 703. By Pappas

Jan. 23 10 Read first time 317
Jan. 27 12 Referred to Committee on Banking, Commerce and Insurance 356
Feb. 12 24 Notice of hearing (3/2) 624
Mar. 11 41 Placed on General File - Com am #0527 1029

Mar. 23 47 Pappas amendment #0674 printed 1202
Mar. 25 49 Banking, Commerce and Insurance Committee priority bill 1298
May 7 77 Schmit amendment #1256 and Pappas amendment #1257 to committee amendment printed 2085

LEGISLATIVE BILL 704. By Schellpeper

Jan. 23 10 Read first time 317
Jan. 27 12 Referred to Committee on Natural Resources 356
Jan. 28 13 Notice of hearing (2/4) 369
Mar. 9 39 Indefinitely postponed 968

LEGISLATIVE BILL 705. By Schmit, Withem, Hartnett

Jan. 23 10 Read first time 317
Jan. 27 12 Referred to Committee on Natural Resources 356
Feb. 9 21 Notice of hearing (2/19) 548
Mar. 11 41 Placed on General File - Com am #0555 1020

LEGISLATIVE BILL 706. By R. Johnson

Jan. 23 10 Read first time 317
Jan. 27 12 Referred to Committee on Natural Resources 356
Feb. 10 22 Notice of hearing (2/27) 571

LEGISLATIVE BILL 707. By Schmit

Jan. 23 10 Read first time 318
Jan. 27 12 Referred to Committee on Banking, Commerce and Insurance 356
Feb. 12 24 Notice of hearing (2/24) 624
Mar. 5 37 Placed on General File - Com am #0393 908

LEGISLATIVE BILL 708. By Schmit

Jan. 23 10 Read first time 318
Jan. 27 12 Referred to Committee on General Affairs 356
Feb. 18 26 Notice of hearing (3/23) 683
Mar. 25 49 Placed on General File 1276
Mar. 25 49 General Affairs Committee priority bill 1298
Mar. 31 52 Attorney General's Opinion #87041 to Morehead 1392
Apr. 8 58 Schmit amendment #0826 printed 1566

Apr. 10 60 Schmit motion to withdraw bill laid over 1616
Apr. 23 67 R. Johnson amendment #1057 printed 1810
Apr. 27 69 R. Johnson amendment #1088 printed 1892
May 6 76 Schmit pending motion p. 1616 withdrawn 2068
May 8 78 R. Johnson pending amendment #1057 p. 1810 withdrawn. R. Johnson pending amendment #1088 p. 1892, Schmit pending amendment #0826 p. 1566 and Schmit amendment adopted. Advanced for Review 2131
May 13 81 Placed on Select File - AM5231 2232
May 18 83 AM5231 (E & R) adopted. Advanced for Engrossment 2339
May 19 84 Correctly Engrossed 2395
May 19 84 ER0197 change 2396
May 29 90 Lynch motion to suspend rules prevailed 2696
May 29 90 Final Reading w/E 46-2-1 2729
May 29 90 Speaker signed 2731
May 29 90 Presented to Governor (5/29) 2734
June 4 AJ Approved by Governor (6/3) 2749

LEGISLATIVE BILL 708A. By Schmit

May 18 83 Read first time. Placed on General File 2344
May 20 85 Advanced for Review 2416
May 20 85 Placed on Select File 2426
May 26 87 Advanced for Engrossment 2560
May 27 88 Correctly Engrossed 2565
May 29 90 Lynch motion to suspend rules prevailed 2696
May 29 90 Final Reading 47-2-0 2730
May 29 90 Speaker signed 2731
May 29 90 Presented to Governor (5/29) 2734
June 4 AJ Approved by Governor (6/3) 2749

LEGISLATIVE BILL 709. By Schmit

Jan. 23 10 Read first time 318
Jan. 27 12 Referred to Committee on General Affairs 356
Jan. 29 14 Notice of hearing (2/9) 402
Feb. 26 32 Indefinitely postponed 826

LEGISLATIVE BILL 710. By Schmit

Jan. 23 10 Read first time 318
Jan. 27 12 Referred to Committee on Revenue 356
Feb. 11 23 Notice of hearing (2/25) 586

Feb. 26 32 Indefinitely postponed 834

LEGISLATIVE BILL 711. By Hefner

Jan. 23 10 Read first time 318
Jan. 27 12 Referred to Committee on Business and Labor 356
Jan. 30 15 Notice of hearing (3/2) 427
Mar. 25 49 Indefinitely postponed 1281

LEGISLATIVE BILL 712. By Conway, Ashford

Jan. 23 10 Read first time 318
Jan. 27 12 Referred to Committee on Banking, Commerce and Insurance 356
Jan. 30 15 Notice of hearing (2/10) 428
Feb. 24 30 Placed on General File - Com am #0305 786
Mar. 12 42 Committee amendment #0305 adopted. Advanced for Review 1053
Mar. 17 43 Placed on Select File - AM5115 1083
Mar. 19 45 AM5115 (E & R) adopted. Advanced for Engrossment 1155
Mar. 23 47 Correctly Engrossed 1206
Mar. 31 52 Final Reading w/E 48-0-1 1384
Mar. 31 52 Speaker signed 1390
Mar. 31 52 Presented to Governor (3/31) 1395
Apr. 6 56 Approved by Governor (4/6) 1525

LEGISLATIVE BILL 713. By Lynch

Jan. 23 10 Read first time 319
Jan. 27 12 Referred to Committee on Banking, Commerce and Insurance 356
Jan. 30 15 Notice of hearing (2/10) 428
Feb. 24 30 Placed on General File - Com am #0307 787

LEGISLATIVE BILL 714. By Lynch

Jan. 23 10 Read first time 319
Jan. 27 12 Referred to Committee on Revenue 356
Feb. 11 23 Notice of hearing (3/18) 587
Mar. 24 48 Indefinitely postponed 1235

LEGISLATIVE BILL 715. By Landis

Jan. 23 10 Read first time 319

Jan. 27 12 Referred to Committee on Urban Affairs 356
Feb. 2 16 Notice of hearing (2/10) 451
Feb. 12 24 Placed on General File 629
Mar. 4 36 Advanced for Review 892
Mar. 6 38 Placed on Select File - AM5100 930
Mar. 9 39 AM5100 (E & R) adopted.
Advanced for Engrossment 971
Mar. 10 40 Correctly Engrossed 1008
Mar. 18 44 Final Reading 42-0-7 1123
Mar. 18 44 President signed 1126
Mar. 18 44 Presented to Governor (3/18) 1131
Mar. 23 47 Approved by Governor (3/20) 1195

LEGISLATIVE BILL 716. By Hall, Rupp

Jan. 23 10 Read first time 319
Jan. 27 12 Referred to Committee on Government,
Military and Veterans Affairs 356
Feb. 24 30 Notice of hearing (3/11) 795
Mar. 20 46 Hall priority bill 1167
Apr. 21 65 Letter to Hall 1761
Apr. 21 65 Attorney General's Opinion #87054 to Hall 1762
May 18 83 Placed on General File - Com am #1372 2338
May 18 83 Chambers motion to indefinitely
postpone printed 2351
May 19 84 Barrett amendment #1433 printed 2406
May 20 85 Hall motion to bracket until 1/10/88
prevailed. Chambers amendment to
Hall motion withdrawn 2416

LEGISLATIVE BILL 716A. By Hall

May 19 84 Read first time. Placed on General File 2393

LEGISLATIVE BILL 717. By Harris

Jan. 23 10 Read first time 320
Jan. 27 12 Referred to Committee on Appropriations 356
Feb. 18 26 Notice of hearing (2/26) 683

LEGISLATIVE BILL 718. By Ashford

Jan. 23 10 Read first time 320
Jan. 27 12 Referred to Committee on Business and Labor 356
Jan. 30 15 Notice of hearing (3/2) 427

Mar. 11 41 Indefinitely postponed 1028

LEGISLATIVE BILL 719. By Barrett, Scofield, Chizek, Conway, Schmit

Jan. 23 10 Read first time 320
Jan. 27 12 Referred to Committee on Judiciary 356
Mar. 11 41 Notice of hearing (3/20) 1030
Apr. 2 54 Indefinitely postponed 1466

LEGISLATIVE BILL 720. By Hall, Landis, Labedz

Jan. 23 10 Read first time 320
Jan. 27 12 Referred to Committee on Business and Labor 356
Jan. 30 15 Notice of hearing (2/9) 427
Feb. 11 23 Indefinitely postponed 603

LEGISLATIVE BILL 721. By Smith, Hartnett, Remmers, Weihing

Jan. 23 10 Read first time 321
Jan. 27 12 Referred to Committee on Urban Affairs 356
Feb. 12 24 Notice of hearing (3/10) 628
Mar. 11 41 Placed on General File 1033
Mar. 20 46 Advanced for Review 1189
Mar. 25 49 Placed on Select File 1291
Mar. 26 50 Advanced for Engrossment 1328
Mar. 31 52 Correctly Engrossed 1372
Apr. 3 55 Final Reading 43-0-6 1481
Apr. 3 55 Speaker signed 1486
Apr. 3 55 Presented to Governor (4/3) 1491
Apr. 9 59 Approved by Governor (4/8) 1579

LEGISLATIVE BILL 722. By Baack

Jan. 23 10 Read first time 321
Jan. 27 12 Referred to Committee on Judiciary 356
Mar. 4 36 Notice of hearing (3/11) 896
Mar. 18 44 Indefinitely postponed 1132

LEGISLATIVE BILL 723. By Schmit, Elmer

Jan. 23 10 Read first time 321
Jan. 27 12 Referred to Committee on Natural Resources 356
Jan. 28 13 Notice of hearing (2/4) 369
Feb. 11 23 Placed on General File 587

LEGISLATIVE BILL 723A. By Schmit, Elmer

Feb. 17 25 Read first time. Placed on General File 667

LEGISLATIVE BILL 724. By V. Johnson

Jan. 23 10 Read first time 321
Jan. 27 12 Referred to Committee on General Affairs 356
Feb. 18 26 Notice of hearing (3/9) 683

LEGISLATIVE BILL 725. By V. Johnson

Jan. 23 10 Read first time 321
Jan. 27 12 Referred to Committee on Revenue 356
Jan. 28 13 Notice of hearing (2/5) 385
Feb. 9 21 Indefinitely postponed 554

LEGISLATIVE BILL 726. By V. Johnson

Jan. 23 10 Read first time 321
Jan. 27 12 Referred to Committee on Education 356
Jan. 29 14 Notice of hearing (3/3) 396
Mar. 9 39 Placed on General File 954
Mar. 25 49 V. Johnson priority bill 1298

LEGISLATIVE BILL 726A. By V. Johnson

Mar. 31 52 Read first time. Placed on General File 1396

LEGISLATIVE BILL 727. By V. Johnson

Jan. 23 10 Read first time 322
Jan. 27 12 Referred to Committee on Banking, Commerce and Insurance 356
Feb. 12 24 Notice of hearing (3/10) 625
Mar. 2 34 Notice of hearing (3/9) (Reset) 856
Mar. 19 45 Indefinitely postponed 1157

LEGISLATIVE BILL 728. By V. Johnson

Jan. 23 10 Read first time 322
Jan. 27 12 Referred to Committee on Banking, Commerce and Insurance 356
Feb. 12 24 Notice of hearing (3/17) 625

Feb. 25 31 V. Johnson motion to withdraw bill laid over 811
Feb. 27 33 V. Johnson pending motion p. 811 prevailed. Withdrawn 848
Mar. 6 38 Notice of hearing (3/17) (Cancelled) 947

LEGISLATIVE BILL 729. By Revenue Committee

Jan. 23 10 Read first time 322
Jan. 27 12 Referred to Committee on Revenue 356
Feb. 11 23 Notice of hearing (2/26) 586
Mar. 10 40 Indefinitely postponed 993

LEGISLATIVE BILL 730. By Revenue Committee

Jan. 23 10 Read first time 322
Jan. 27 12 Referred to Committee on Revenue 356
Jan. 28 13 Notice of hearing (2/5) 385
Feb. 10 22 Placed on General File - Com am #0171 574
Feb. 18 26 Haberman amendment #0218 lost. Committee amendment #0171 adopted. Advanced for Review 691
Feb. 18 26 Schmit amendment #0272 printed 699
Feb. 20 28 Wesely amendment #0285 and Miller amendment #0288 to committee amendment printed 732
Feb. 20 28 Placed on Select File - AM5074 745
Feb. 25 31 AM5074 (E & R) adopted. Schmit pending amendment #0272 p. 699 and Miller pending amendment #0288 p. 732 withdrawn. Miller name added to Wesely pending amendment #0285 p. 732. Wesely-Miller pending amendment #0285 P. 732 adopted. V. Johnson amendment #0344 adopted. Schmit motion to indefinitely postpone pending 814
Feb. 26 32 Schmit pending motion p. 816 to indefinitely postpone withdrawn. Warner motion to reconsider V. Johnson amendment #0344 p. 815 lost. Lamb amendment lost. Warner motion to bracket withdrawn. Failed to advance for Engrossment 826
Mar. 3 35 Lamb amendment #0413 lost. Advanced for Engrossment 876
Mar. 5 37 Correctly Engrossed 907

Mar. 5 37 ER0128 change 908
Mar. 10 40 Lamb and Schmit motions to return to Select File lost. Failed on Final Reading w/E 32-16-1 985
Mar. 10 40 Final Reading 30-18-1 987
Mar. 10 40 Smith motion to reconsider action on Final Reading prevailed. Final Reading w/E 34-13-2 990
Mar. 10 40 Speaker signed 998
Mar. 10 40 Presented to Governor (3/10) 1013
Mar. 12 42 Approved by Governor (3/11) 1041

LEGISLATIVE BILL 730A. By V. Johnson

Feb. 10 22 Read first time. Placed on General File 584
Feb. 18 26 Advanced for Review 692
Feb. 20 28 Placed on Select File - AM5073 747
Mar. 3 35 AM5073 (E & R) adopted. V. Johnson amendment #0346 adopted. Advanced for Engrossment 878
Mar. 5 37 Correctly Engrossed 907
Mar. 10 40 Final Reading 34-14-1 988
Mar. 10 40 Speaker signed 998
Mar. 10 40 Presented to Governor (3/10) 1013
Mar. 12 42 Approved by Governor (3/11) 1041

LEGISLATIVE BILL 731. By V. Johnson

Jan. 23 10 Read first time 322
Jan. 27 12 Referred to Committee on Business and Labor 356
Jan. 30 15 Notice of hearing (2/23) 427
Mar. 3 35 Indefinitely postponed 885

LEGISLATIVE BILL 732. By V. Johnson, Hall

Jan. 23 10 Read first time 323
Jan. 27 12 Referred to Committee on Revenue 356
Feb. 11 23 Notice of hearing (3/12) 587
Mar. 3 35 Notice of hearing (3/19) (Reset) 876
Mar. 17 43 V. Johnson amendment #0615 printed 1100
Mar. 24 48 Indefinitely postponed 1235

LEGISLATIVE BILL 733. By L. Johnson

Jan. 23 10 Read first time 323

Jan. 27 12 Referred to Committee on General Affairs 356
Feb. 18 26 Notice of hearing (3/23) 683

LEGISLATIVE BILL 734. By V. Johnson

Jan. 23 10 Read first time 323
Jan. 27 12 Referred to Committee on Revenue 356
Feb. 11 23 Notice of hearing (2/26) 586

LEGISLATIVE BILL 735. By Schmit, Warner, Lamb, Labedz

Jan. 23 10 Read first time 323
Jan. 27 12 Referred to Committee on Banking, Commerce and Insurance 356
Feb. 12 24 Notice of hearing (2/24) 624
Mar. 9 39 Placed on General File 980
Mar. 25 49 Natural Resources Committee priority bill 1298

LEGISLATIVE BILL 736. By Scofield, Landis, Morehead, Hefner, Withem, Wesely, Chizek, Conway, Nelson

Jan. 23 10 Read first time 323
Jan. 28 13 Referred to Committee on Government, Military and Veterans Affairs 386
Feb. 2 16 Harris name added 453
Feb. 24 30 Notice of hearing (3/19) 795
Mar. 25 49 Scofield priority bill 1298
Apr. 2 54 Placed on General File - Com am #0659 1462
Apr. 16 64 Committee amendment #0659 adopted as amended by Scofield amendment. Advanced for Review 1736
Apr. 22 66 Placed on Select File - AM5195 1793
May 1 73 AM5195 (E & R) adopted. Scofield amendment #1174 adopted. Advanced for Engrossment 1980
May 5 75 Correctly Engrossed 2029
May 5 75 ER0180 change 2030
May 28 89 Final Reading 45-0-4 2662
May 28 89 President signed 2667
May 28 89 Presented to Governor (5/28) 2675
May 29 90 Approved by Governor (5/29) 2723

LEGISLATIVE BILL 736A. By Scofield

May 6 76 Read first time. Placed on General File 2039
May 11 79 R. Johnson-Ashford-Rogers-Conway-Dierks-Baack-Pappas amendment adopted. Advanced for Review 2153
May 12 80 Placed on Select File - AM5233 2212
May 20 85 AM5233 (E & R) adopted. Advanced for Engrossment 2451
May 21 86 Correctly Engrossed 2491
May 28 89 Final Reading 45-0-4 2662
May 28 89 President signed 2667
May 28 89 Presented to Governor (5/28) 2675
May 29 90 Approved by Governor with line-item veto (5/29) 2719
June 4 AJ Message from Secretary of State 2754
June 4 AJ Certificate 2755

LEGISLATIVE BILL 737. By Moore, Wesely, Morehead, Baack

Jan. 23 10 Read first time 324
Jan. 27 12 Referred to Committee on Agriculture 356
Feb. 3 17 Notice of hearing (2/17) 459
Mar. 25 49 Indefinitely postponed 1279

LEGISLATIVE BILL 738. By Landis, Scofield, Morehead, Hefner, R. Johnson, Conway, Korshoj, Withem, Wesely, Baack

Jan. 23 10 Read first time 324
Jan. 27 12 Referred to Committee on Agriculture 356
Feb. 10 22 Notice of hearing (3/3) 572
Mar. 11 41 Indefinitely postponed 1033

LEGISLATIVE BILL 739. By Landis, Morehead, Conway, Moore, R. Johnson, Korshoj, Chizek, Withem, Baack, Wesely

Jan. 23 10 Read first time 324
Jan. 27 12 Referred to Committee on Agriculture 356
Feb. 2 16 Harris name added 453
Feb. 10 22 Notice of hearing (3/3) 572
Mar. 25 49 Indefinitely postponed 1279

LEGISLATIVE BILL 740. By Landis, Morehead, Hefner, Moore, Conway, Withem, Wesely, Chizek

Jan. 23 10 Read first time 324

Jan.	28	13	Referred to Committee on Government, Military and Veterans Affairs	386
Feb.	2	16	Harris name added	453
Feb.	18	26	Notice of hearing (2/26)	694
Apr.	1	53	Indefinitely postponed	1438

LEGISLATIVE BILL 741. By Landis, Morehead, Hefner, Moore, Nelson, Conway, Wesely, Withem, Chizek, Korshoj

Jan.	23	10	Read first time	324
Jan.	28	13	Referred to Committee on Banking, Commerce and Insurance	386
Feb.	2	16	Harris name added	453
Feb.	12	24	Notice of hearing (3/17)	625
Mar.	23	47	Placed on General File - Com am #0647	1203
Mar.	25	49	Wesely priority bill	1298
Apr.	2	54	Committee amendment #0647 adopted. Advanced for Review	1465
Apr.	7	57	Placed on Select File - AM5179	1549
Apr.	10	60	Wesely amendment #0897 printed	1622
Apr.	16	64	Pappas amendment #1003 printed	1732
May	1	73	Attorney General's Opinion #87060 to Wesely	1971
May	6	76	Wesely amendment #1121 printed	2070
May	13	81	AM5179 (E & R) adopted. Pappas pending amendment #1003 p. 1732 withdrawn. Wesely pending amendments #1121 p. 2070 and #0897 p. 1622 adopted. Passed over	2264
May	13	81	Wesely and Hannibal amendments adopted. Advanced for Engrossment	2271
May	18	83	Correctly Engrossed	2335
May	18	83	ER0193 change	2336
May	21	86	Final Reading 40-0-9	2474
May	21	86	Speaker signed	2478
May	21	86	Presented to Governor (5/21)	2483
May	26	87	Approved by Governor (5/26)	2524

LEGISLATIVE BILL 742. By Landis, Hefner, Withem, Moore, Wesely, Morehead, Conway, Chizek

Jan.	23	10	Read first time	325
Jan.	28	13	Referred to Committee on Government, Military and Veterans Affairs	386
Feb.	18	26	Notice of hearing (2/26)	694
Apr.	1	53	Indefinitely postponed	1438

LEGISLATIVE BILL 743. By Landis, Morehead, Conway, Wesely, Withem, Chizek, Korshoj

Jan. 23 10 Read first time 325
Jan. 28 13 Referred to Committee on Government, Military and Veterans Affairs 386
Feb. 2 16 Harris name added 453
Feb. 18 26 Notice of hearing (2/26) 694
Apr. 1 53 Indefinitely postponed 1438

LEGISLATIVE BILL 744. By Landis, Morehead, Hefner, Chizek, Wesely, Withem, Conway, Korshoj

Jan. 23 10 Read first time 325
Jan. 28 13 Referred to Committee on Government, Military and Veterans Affairs 386
Feb. 2 16 Harris name added 453
Feb. 18 26 Notice of hearing (2/27) 694
Apr. 1 53 Indefinitely postponed 1438

LEGISLATIVE BILL 745. By Landis, Morehead, Hefner, Conway, Wesely, Withem, Chizek, Nelson

Jan. 23 10 Read first time 325
Jan. 28 13 Referred to Committee on Banking, Commerce and Insurance 386
Feb. 2 16 Harris name added 453
Feb. 12 24 Notice of hearing (3/17) 625
Mar. 26 50 Indefinitely postponed 1308

LEGISLATIVE BILL 746. By Wesely, Nelson, Conway, Withem, Chizek, Morehead

Jan. 23 10 Read first time 325
Jan. 28 13 Referred to Committee on Revenue 386
Feb. 2 16 Harris name added 453
Feb. 11 23 Notice of hearing (3/5) 586
Mar. 10 40 Indefinitely postponed 993

LEGISLATIVE BILL 747. By Morehead, Hefner, Conway, Wesely, Withem

Jan. 23 10 Read first time 326
Jan. 28 13 Referred to Committee on Revenue 386
Feb. 2 16 Harris name added 453

Feb. 11 23 Notice of hearing (3/5) 586
Mar. 10 40 Indefinitely postponed 993

LEGISLATIVE BILL 748. By Wesely

Jan. 23 10 Read first time 326
Jan. 28 13 Referred to Committee on Government, Military and Veterans Affairs 386
Feb. 18 26 Notice of hearing (2/27) 694
Apr. 1 53 Indefinitely postponed 1438

LEGISLATIVE BILL 749. By Harris

Jan. 23 10 Read first time 326
Jan. 28 13 Referred to Committee on Banking, Commerce and Insurance 386
Feb. 12 24 Notice of hearing (3/9) 625

LEGISLATIVE BILL 750. By Wesely, Chambers

Jan. 23 10 Read first time 326
Jan. 27 12 Referred to Committee on Judiciary 356
Mar. 11 41 Notice of hearing (3/19) 1030

LEGISLATIVE BILL 751. By Schmit, Baack

Jan. 23 10 Read first time 326
Jan. 27 12 Referred to Committee on Natural Resources 356
Feb. 3 17 Notice of hearing (2/11) 459

LEGISLATIVE BILL 752. By Conway, Baack

Jan. 23 10 Read first time 327
Jan. 27 12 Referred to Committee on Urban Affairs 356
Feb. 12 24 Notice of hearing (3/10) 628
Feb. 25 31 Notice of hearing (3/17) (Reset) 822
Mar. 18 44 Indefinitely postponed 1131

LEGISLATIVE BILL 753. By Schmit

Jan. 23 10 Read first time 327
Jan. 27 12 Referred to Committee on Banking, Commerce and Insurance 356
Feb. 12 24 Notice of hearing (2/24) 624
Mar. 9 39 Placed on General File 980

Mar. 17 43 Schmit amendment #0515 printed 1093
Mar. 17 43 Schmit amendment #0363 printed 1094
Mar. 20 46 Advanced for Review 1188
Mar. 25 49 Placed on Select File 1291
Mar. 26 50 Schmit pending amendments #0363 p. 1094 and #0515 p. 1093 adopted. Advanced for Engrossment 1328
Mar. 31 52 Correctly Engrossed. ER0149 change 1408
Apr. 3 55 Final Reading 42-0-7 1482
Apr. 3 55 Speaker signed 1486
Apr. 3 55 Presented to Governor (4/3) 1491
Apr. 9 59 Approved by Governor (4/8) 1579

LEGISLATIVE BILL 754. By Schmit

Jan. 23 10 Read first time 327
Jan. 27 12 Referred to Committee on Revenue 356
Feb. 11 23 Notice of hearing (3/4) 586
Mar. 10 40 Indefinitely postponed 993

LEGISLATIVE BILL 755. By Schmit

Jan. 23 10 Read first time 327
Jan. 27 12 Referred to Committee on Agriculture 357
Feb. 10 22 Notice of hearing (3/3) 572
Mar. 11 41 Indefinitely postponed 1033

LEGISLATIVE BILL 756. By Haberman, Rogers, Moore

Jan. 23 10 Read first time 328
Jan. 26 11 Haberman motion to withdraw laid over 349
Jan. 27 12 Referred to Committee on Transportation 357
Jan. 27 12 Haberman pending motion p. 349 prevailed. Withdrawn 360

LEGISLATIVE BILL 757. By Chambers

Jan. 23 10 Read first time 328
Jan. 27 12 Referred to Committee on General Affairs 357
Feb. 18 26 Notice of hearing (3/2) 683
Mar. 12 42 Placed on General File 1050
Mar. 23 47 Chambers amendment #0626 printed separate 1218
Mar. 25 49 Pappas priority bill 1298
Apr. 8 58 Chambers pending amendment #0626

p. 1218 adopted. Abboud motion to indefinitely postpone lost 1560
Apr. 8 58 Failed to advanced for Review 1564
Apr. 27 69 Attorney General's Opinion #87062 to Abboud . 1869

LEGISLATIVE BILL 757A. By Chambers

Apr. 3 55 Read first time. Placed on General File 1495
Apr. 16 64 Chambers amendment #0999 printed 1734

LEGISLATIVE BILL 758. By Lamb

Jan. 23 10 Read first time 328
Jan. 27 12 Referred to Committee on Banking, Commerce and Insurance 357
Feb. 12 24 Notice of hearing (3/17) 625
Mar. 26 50 Placed on General File - Com am #0736 1307

LEGISLATIVE BILL 759. By Pappas

Jan. 23 10 Read first time 329
Jan. 27 12 Referred to Committee on Judiciary 357
Jan. 28 13 Notice of hearing (2/4) 385
Mar. 6 38 Indefinitely postponed 943

LEGISLATIVE BILL 760. By V. Johnson

Jan. 23 10 Read first time 329
Jan. 26 11 Hall name added 352
Jan. 27 12 Referred to Committee on Health and Human Services 357
Feb. 4 18 Notice of hearing (3/18) 494
Mar. 25 49 Barrett priority bill 1299

LEGISLATIVE BILL 761. By Schmit, R. Johnson, Pappas, Lamb, Rupp

Jan. 23 10 Read first time 329
Jan. 27 12 Referred to Committee on Natural Resources 357
Feb. 9 21 Notice of hearing (2/19) 548
Mar. 11 41 Placed on General File - Com am #0514 1020
Apr. 10 60 Corrected committee amendment #0954 printed 1629

LEGISLATIVE BILL 762. By Speaker Barrett at request of Governor

Feb. 2 16 Read first time 443
Feb. 3 17 Referred to Committee on Appropriations 464

LEGISLATIVE BILL 763. By Speaker Barrett at request of Governor

Feb. 2 16 Read first time 444
Feb. 3 17 Referred to Committee on Appropriations 464
Feb. 12 24 Notice of hearing (2/25) 615
Apr. 24 68 Placed on General File - Com am #1065 1853
Apr. 29 71 Committee amendment #1065 adopted. Advanced for Review 1929
May 1 73 Placed on Select File - AM5202 1983
May 1 73 Lamb amendment #1173 printed 1986
May 8 78 Warner amendment #1207 printed 2118
May 11 79 AM5202 (E & R) adopted. Lamb pending amendment #1173 p. 1986 withdrawn. Warner pending amendment #1207 p. 2118 adopted. Advanced for Engrossment 2156
May 12 80 Correctly Engrossed. ER0187 change 2222
May 19 84 Schmit motion to suspend rules ruled out of order. Schmit challenge of chair lost 2380
May 19 84 Final Reading w/E 46-0-3 2381
May 19 84 President signed 2382
May 19 84 Presented to Governor (5/19) 2386
May 26 87 Approved by Governor (5/25) 2498

LEGISLATIVE BILL 764. By Speaker Barrett at request of Governor

Feb. 2 16 Read first time 444
Feb. 3 17 Referred to Committee on Appropriations 464
Mar. 2 34 Notice of hearing (3/9) 865

LEGISLATIVE BILL 765. By Speaker Barrett at request of Governor

Feb. 2 16 Read first time 444
Feb. 3 17 Referred to Committee on Education 464
Feb. 12 24 Notice of hearing (2/24) 614
Feb. 25 31 Indefinitely postponed 821

LEGISLATIVE BILL 766. By Speaker Barrett at request of Governor

Feb. 2 16 Read first time 445
Feb. 3 17 Referred to Committee on Natural Resources 464

Feb.	10	22	Notice of hearing (2/26)	571

LEGISLATIVE BILL 767. By Speaker Barrett at request of Governor

Feb.	2	16	Read first time	445
Feb.	3	17	Referred to Committee on Transportation	464
Feb.	10	22	Notice of hearing (2/23)	570
Feb.	27	33	Placed on General File - Com am #0398	855
Mar.	18	44	Coordsen amendment #0612 printed	1129
Mar.	25	49	Transportation Committee priority bill	1299
Mar.	26	50	Coordsen amendment #0752 printed	1320
Mar.	26	50	Lamb amendment #0701 to committee amendment printed	1329
May	6	76	Committee amendment #0398 adopted as amended by Lamb pending amendment #0701 p. 1329. Beyer amendment and Coordsen pending amendment #0612 p. 1129 withdrawn. Chambers amendment to pending amendment #0752 p. 1320 ruled not germane. Coordsen pending amendment #0752 p. 1320 adopted. Chambers motion to indefinitely postpone lost	2068
May	7	77	Correction	2072
May	8	78	Chambers motion to indefinitely postpone lost. Advanced for Review	2113
May	11	79	Placed on Select File - AM5225	2176
May	20	85	AM5225 (E & R) adopted. Advanced for Engrossment	2451
May	21	86	Correctly Engrossed. ER0201 change	2491
May	28	89	Final Reading w/E 36-9-4	2663
May	28	89	President signed	2667
May	28	89	Presented to Governor (5/28)	2675
May	29	90	Approved by Governor (5/29)	2723

LEGISLATIVE BILL 767A. By Barrett

May	11	79	Read first time. Placed on General File	2154
May	13	81	Advanced for Review	2228
May	14	82	Placed on Select File	2290
May	20	85	Advanced for Engrossment	2451
May	21	86	Correctly Engrossed	2491
May	28	89	Final Reading w/E 35-9-5	2664
May	28	89	President signed	2667
May	28	89	Presented to Governor (5/28)	2675
May	29	90	Approved by Governor (5/29)	2723

LEGISLATIVE BILL 768. By Speaker Barrett at request of Governor

Feb.	2	16	Read first time	445
Feb.	3	17	Referred to Committee on Appropriations	464
Apr.	24	68	Placed on General File	1853
May	5	75	Advanced for Review	2023
May	6	76	Chambers amendment printed	2066
May	7	77	Placed on Select File	2076
May	13	81	Chambers pending amendment p. 2066 lost. Advanced for Engrossment	2263
May	14	82	Correctly Engrossed	2318
May	21	86	Final Reading w/E 42-0-7	2458
May	21	86	Speaker signed	2460
May	21	86	Presented to Governor (5/21)	2465
May	26	87	Approved by Governor (5/26)	2524

LEGISLATIVE BILL 769. By Speaker Barrett at request of Governor

Feb.	2	16	Read first time	445
Feb.	3	17	Referred to Committee on Appropriations	464
Apr.	24	68	Placed on General File - Com am #1070	1853
May	5	75	Committee amendment #1070 adopted. Advanced for Review	2023
May	7	77	Placed on Select File - AM5215	2076
May	13	81	AM5215 (E & R) adopted. Advanced for Engrossment	2264
May	14	82	Correctly Engrossed	2318
May	21	86	Final Reading w/E 44-0-5	2459
May	21	86	Speaker signed	2460
May	21	86	Presented to Governor (5/21)	2465
May	26	87	Approved by Governor (5/26)	2524

LEGISLATIVE BILL 770. By Speaker Barrett at request of Governor

Feb.	2	16	Read first time	445
Feb.	3	17	Referred to Committee on Appropriations	464

LEGISLATIVE BILL 771. By Speaker Barrett at request of Governor

Feb.	2	16	Read first time	446
Feb.	3	17	Referred to Committee on General Affairs	464
Feb.	11	23	Notice of hearing (2/23)	609
Mar.	12	42	Indefinitely postponed	1050

LEGISLATIVE BILL 772. By Speaker Barrett at request of Governor

Feb.	2	16	Read first time	446
Feb.	3	17	Referred to Committee on Revenue	464
Feb.	11	23	Notice of hearing (2/19)	586
Mar.	25	49	Placed on General File - Com am #0707	1276
Mar.	25	49	Barrett priority bill	1299
Apr.	14	62	Committee amendment #0707 adopted. Advanced for Review	1680
Apr.	15	63	Placed on Select File - AM5192	1695
May	6	76	AM5192 (E & R) adopted. Advanced for Engrossment	2056
May	11	79	Correctly Engrossed	2137
May	14	82	Schmit motion to return to Select File withdrawn. Final Reading 35-5-9	2315
May	14	82	Speaker signed	2317
May	18	83	Presented to Governor (5/14). Approved by Governor (5/15)	2321

LEGISLATIVE BILL 772A. By Speaker Barrett at request of Governor

Apr.	1	53	Read first time. Placed on General File	1440
Apr.	14	62	Advanced for Review	1680
Apr.	15	63	Placed on Select File	1695
May	6	76	Advanced for Engrossment	2056
May	11	79	Correctly Engrossed	2137
May	14	82	Final Reading 35-4-10	2316
May	14	82	Speaker signed	2317
May	18	83	Presented to Governor (5/14). Approved by Governor (5/15)	2321

LEGISLATIVE BILL 773. By Speaker Barrett at request of Governor

Feb.	2	16	Read first time	446
Feb.	3	17	Referred to Committee on Revenue	464
Feb.	4	18	Notice of hearing (2/11)	486
Mar.	25	49	Barrett priority bill	1299
Apr.	1	53	Placed on General File - Com am #0690	1414
Apr.	2	54	McFarland amendment #0842 to committee amendment printed	1468
Apr.	7	57	McFarland pending amendment #0842 to committee amendment ruled not germane. Hall amendment to committee amendment lost. Committee amendment	

			#0690 adopted	1542
Apr.	7	57	McFarland amendment to renewed McFarland amendment #0842 lost. McFarland renewed amendment #0842 p. 1468 lost	1545
Apr.	7	57	Hall amendment lost. Morehead amendment withdrawn. Advanced for Review	1550
Apr.	10	60	Langford amendment #0944 printed	1620
Apr.	13	61	Placed on Select File - AM5186	1653
Apr.	14	62	V. Johnson amendment #0980 printed	1682
Apr.	15	63	McFarland amendment #0909 printed	1699
Apr.	16	64	AM5186 (E & R) adopted. Langford pending amendment #0944 p. 1620 lost. V. Johnson pending amendment #0980 p. 1682 adopted. McFarland pending amendment #0909 p 1699 pending	1727
Apr.	16	64	Wesely amendment to amendment #0909 lost. McFarland pending amendment #0909 p. 1699 lost. Wesely amendment #1015 withdrawn. Hall amendments lost. Advanced for Engrossment	1728
Apr.	22	66	Hall amendment #1052 printed	1797
Apr.	22	66	Correctly Engrossed. ER0176 change	1800
Apr.	23	67	Morehead amendment #1068 printed	1813
Apr.	27	69	Morehead-Langford amendment #1095 printed	1896
May	1	73	Landis amendment #1180 printed	1985
May	5	75	V. Johnson amendment #1229 printed	2032
May	7	77	Hall motion to return to Select File for pending amendment #1052 p. 1797 lost. McFarland motion to return to Select File for amendment #0909 lost	2088
May	7	77	Morehead pending amendment #1068 p. 1813, Landis pending amendment #1180 p. 1985, and V. Johnson pending amendment #1229 p. 2032 withdrawn. Morehead-Langford motion to return to Select File for pending amendment #1095 p. 1896 lost. V. Johnson motion to suspend rules prevailed	2096
May	7	77	Final Reading 30-11-8	2097
May	7	77	Speaker signed	2101
May	8	78	Presented to Governor (5/7)	2102
May	8	78	Approved by Governor (5/7)	2113
May	8	78	Scofield explanation of vote	2130

LEGISLATIVE BILL 773A. By V. Johnson

Apr.	10	60	Read first time. Placed on General File	1620
Apr.	16	64	Advanced for Review	1735
Apr.	22	66	Placed on Select File - AM5197	1793
Apr.	24	68	AM5197 (E & R) adopted. V. Johnson amendment adopted. Advanced for Engrossment	1844
Apr.	27	69	Correctly Engrossed	1882
May	7	77	Chambers motion to return to Select File withdrawn	2098
May	7	77	V. Johnson motion to suspend rules prevailed. Final Reading 31-10-8	2099
May	7	77	Speaker signed	2101
May	8	78	Presented to Governor (5/7)	2102
May	8	78	Approved by Governor (5/7)	2113
May	8	78	Scofield explanation of vote	2130

LEGISLATIVE BILL 774. By Government, Military and Veterans Affairs Committee

Feb.	20	28	Rupp motion to introduce bill laid over	748
Feb.	23	29	Rupp pending motion to introduce bill prevailed. Read first time	755
Feb.	24	30	Referred to Committee on Government, Military and Veterans Affairs	783
Feb.	24	30	Notice of hearing (3/4)	795
Mar.	10	40	Placed on General File	1011
Mar.	20	46	Government, Military and Veterans Affairs priority bill	1168
Mar.	23	47	Advanced for Review	1208
Mar.	25	49	Placed on Select File	1291
Mar.	26	50	Advanced for Engrossment	1328
Mar.	31	52	Correctly Engrossed	1372
Apr.	3	55	Final Reading w/E 40-0-9	1472
Apr.	3	55	Speaker signed	1473
Apr.	3	55	Presented to Governor (4/3). Approved by Governor (4/3)	1485

LEGISLATIVE BILL 775. By Speaker Barrett at request of Governor

Mar.	10	40	Read first time	1013
Mar.	11	41	Referred to Committee on Revenue	1032
Mar.	11	41	Notice of hearing (3/20)	1035
Mar.	12	42	Landis amendment #0574 printed separate	1066

Mar. 25 49 Barrett priority bill 1299
Apr. 16 64 Placed on General File - Com am #0968 1736
Apr. 21 65 Attorney General's Opinion #87051 to V. Johnson 1742
Apr. 22 66 Landis pending amendment #0574 p. 1066 withdrawn 1796
Apr. 22 66 Landis amendment lost. Nelson amendment #1049 to committee amendment pending 1801
Apr. 22 66 Chambers motion to bracket until 5/31 lost. Chambers motion to reconsider motion to bracket pending 1804
Apr. 23 67 Chambers pending motion to reconsider motion to bracket lost. Chambers motion to bracket until 5/28 lost. Nelson pending amendment #1049 p. 1802 lost 1808
Apr. 23 67 Hall amendment pending 1814
Apr. 23 67 Hall pending amendment p. 1814 sustained division of question. Hall pending amendment #1 lost. Chambers point of order. Chambers challenge of Chair prevailed. Landis motion to compel presence of absent members lost. Hall pending amendment #2 pending 1816
Apr. 23 67 Hall pending amendment #2 lost 1819
Apr. 23 67 Chambers motion to recommit to Revenue Committee pending 1824
Apr. 23 67 Hall amendment printed 1825
Apr. 23 67 Chambers pending motion p. 1824 pending 1828
Apr. 23 67 Chambers pending motion p. 1824 lost 1830
Apr. 23 67 Chambers motion to reconsider action on Chambers motion to recommit to Revenue Committee ruled out of order. Chambers motion to bracket until 1/10/88 ruled out of order. Chambers motion to bracket - V. Johnson point of order. V. Johnson challenge of Chair prevailed 1831
Apr. 24 68 Lynch motion to reconsider action on Nelson amendment #1049 p. 1802 laid over 1847
Apr. 28 70 Lynch pending motion p. 1847 lost. Schmit amendment. Haberman amendments #1084 and #1071 to committee amendment lost. Wesely amendment to committee

amendment adopted. Hall pending amendment p. 1825 withdrawn 1906
Apr. 28 70 Lynch amendment #1128 and Chambers amendment #1102 to committee amendment adopted. Wesely amendment #1129 withdrawn. Chambers amendment lost. Schmit amendment to committee amendment adopted. V. Johnson motion to reconsider Schmit amendment prevailed. Schmit amendment p. 1913 lost. Chambers request for division of question of committee amendment sustained. First committee amendment (Sec. 1-4, 7, 8, 12, 13, and 15-19) adopted. Second committee amendment (Sec. 5(1) and 14) adopted 1911
Apr. 28 70 McFarland amendment to committee amendment printed 1919
Apr. 28 70 Third committee amendment (Sec. 5(3), 5(4), and 6) adopted. Fourth committee amendment (Sec. 5(2) and 11) adopted. Fifth committee amendment (Sec. 9 and 10) adopted. Advanced for Review 1920
Apr. 28 70 Warner amendment #1119 printed 1923
May 4 74 Placed on Select File - AM5199 1993
May 4 74 Landis amendment #1151 printed 2006
May 5 75 Schmit amendment #1220 printed 2027
May 6 76 V. Johnson amendment #1233 printed 2044
May 6 76 Withem-Hall-Landis-Ashford-Wesely-Chizek amendment #1234 printed 2045
May 6 76 Wesely amendment #1227 printed 2046
May 6 76 Wesely amendment #1244 printed 2066
May 7 77 Schellpeper amendment #1253 and Chambers amendment printed 2083
May 8 78 Schmit amendments #1266, #1265, #1264, and #1263 printed 2123
May 8 78 Schmit amendments #1262, #1261, and #1260 printed 2124
May 8 78 Warner amendment #1272 printed 2129
May 8 78 Lamb amendment #1289 printed 2131
May 11 79 AM5199 (E & R) adopted. McFarland pending amendment p. 1919 adopted as amended by Wesely-V. Johnson amendment #1301. Warner pending amendment #1119 p. 1923 lost 2147
May 12 80 Hall amendment lost 2190

May 12 80 Landis pending amendment #1151 p. 2006 withdrawn. Schmit pending amendment #1220 p. 2027 adopted as amended by Lamb and Conway amendments. V. Johnson pending amendment #1233 p. 2044 adopted as amended by V. Johnson amendment. Withem et al pending amendment #1234 p. 2045, Wesely pending amendments #1227 p. 2046, and #1244 p. 2066 withdrawn. V. Johnson motion to suspend rules and vote without debate prevailed. Advanced for Engrossment 2196
May 14 82 Correctly Engrossed. ER0192 change 2318
May 18 83 Attorney General's Opinion #87075 to Chambers 2322
May 18 83 Dierks amendment #1404 printed 2346
May 18 83 Schmit motion to change Speaker's agenda printed 2366
May 18 83 Abboud amendment #1408 printed 2367
May 18 83 Schmit amendment #1424 printed 2368
May 19 84 Schmit motion to suspend rules ruled out of order. Schmit challenge of chair lost 2380
May 19 84 Chambers pending amendment p. 2083 withdrawn. Chambers motion to return to Select File lost. Higgins motion to bracket until 5/30/87 withdrawn 2383
May 19 84 Schmit motion to reconsider action on Chambers motion p. 2383 lost 2384
May 19 84 Chambers motion to return to Select File pending 2385
May 19 84 Chambers pending motion to return to Select File lost 2389
May 19 84 Schmit motion to reconsider action on Chambers motion p. 2385 lost. Chambers motion to return to Select File lost 2390
May 19 84 Schmit motion to reconsider action on Chambers motion p. 2390 lost. Chambers motion to return to Select File lost 2391
May 19 84 Schmit motion to reconsider action on Chambers motion p. 2391 lost. Chambers motion to return to Select

File lost. Schmit motion to reconsider action on Chambers motion lost 2393
May 19 84 Chambers motions to return to Select File lost. Higgins request to cease debate ruled out of order. Higgins motion to bracket until 5/30/87 withdrawn 2394
May 19 84 Chambers motion to return to Select File lost. Chambers-Schmit motion to return to Select File for amendment pending. Schmit request to substitute amendment #1407 for pending amendment. Chambers objected. Schmit motion to substitute amendment #1407 for pending amendment prevailed. Returned to Select File for Schmit amendment 2403
May 19 84 Schmit pending amendment #1407 p. 2403 adopted. Advanced for Re-Engrossment 2405
May 19 84 Ashford explanation of vote 2406
May 19 84 Schmit pending amendments #1266, #1265, #1264, #1263 p. 2123, #1262, #1261, #1260 p. 2124, and #1424 p. 2368 withdrawn 2410
May 20 85 Correctly Re-Engrossed 2421
May 21 86 Chambers amendment (1) printed 2466
May 21 86 Chambers amendments (2) through (7) printed 2467
May 21 86 Chambers amendments (8) and (9) printed 2468
May 21 86 Warner amendment #1477 printed 2483
May 26 87 Rupp motion to suspend rules and permit consideration prevailed. Lamb amendment to Rupp motion ruled out of order. V. Johnson-Schmit motion to bracket until 5/28 lost. Chambers motion to amend bracket motion lost 2507
May 26 87 Chambers-Dierks motion to return to Select File for amendment pending. Chambers-Dierks request to substitute amendment #1404. V. Johnson objected. Chambers-Dierks motion to substitute amendment #1404 for pending amendment prevailed. Chambers-Dierks pending motion to return to Select File for amendment #1404 lost 2509
May 26 87 Warner motion to reconsider action lost 2511
May 26 87 Chambers motion to return to Select

File pending 2513
May 26 87 Chambers pending motion to return to Select File p. 2513 lost. Chambers motion to return to Select File lost 2527
May 26 87 Chambers motion to reconsider action to return to Select File pending. Schmit-Pappas-Abboud motion to suspend rules ruled out of order. Schmit challenge of Chair prevailed. Schmit et al motion pending 2530
May 26 87 Chambers motion to reconsider Schmit motion to overrule Chair lost 2531
May 26 87 Higgins motion to bracket until 1/12/88 ruled out of order. Higgins challenge of Chair withdrawn 2532
May 26 87 Chambers motion to recommit to Revenue Committee pending. Chambers amendment to pending motion ruled out of order. Chambers challenge of Chair withdrawn 2533
May 26 87 Chambers pending motion p. 2533 withdrawn 2537
May 26 87 Schmit et al pending motion p. 2530 lost 2538
May 26 87 Chambers motion p. 2530 to reconsider action withdrawn. Chambers-Scofield motion to return to Select File for substitute amendment #1483 lost. Chambers-Schellpeper motion to return to Select File for substitute amendment #1047 lost. Chambers-Higgins motion to return to Select File withdrawn. Chambers-Dierks motion to return to Select File for substitute amendment #1510 lost 2539
May 26 87 V. Johnson motion to suspend rules and vote on Final Reading prevailed 2543
May 26 87 Final Reading w/E 37-11-1 2544
May 26 87 President signed 2546
May 26 87 Presented to Governor (5/26) 2552
May 27 88 Approved by Governor (5/27) 2567

LEGISLATIVE BILL 775A. By V. Johnson

Apr. 23 67 Read first time. Placed on General File 1827
Apr. 28 70 Advanced for Review 1922
May 4 74 Placed on Select File 1995

May 12 80 Pending 2201
May 12 80 Hefner motion to suspend rules lost 2203
May 12 80 Advanced for Engrossment 2204
May 14 82 Correctly Engrossed 2318
May 26 87 Rupp motion to suspend rules and permit consideration prevailed. Lamb amendment to Rupp motion ruled out of order. V. Johnson-Schmit motion to bracket until 5/28 lost. Chambers motion to amend bracket motion lost 2507
May 26 87 Schmit-Pappas-Abboud motion to suspend rules ruled out of order. Schmit challenge of Chair prevailed. Schmit et al motion pending 2530
May 26 87 Schmit et al pending motion p. 2530 lost 2538
May 26 87 Final Reading 38-10-1 2545
May 26 87 President signed 2546
May 26 87 Presented to Governor (5/26) 2552
May 27 88 Approved by Governor (5/27) 2567

LEGISLATIVE BILL 776. By Business and Labor Committee

Mar. 17 43 Hall motion to suspend rules prevailed. Read first time 1071
Mar. 17 43 Referred to Committee on Business and Labor .. 1086
Mar. 18 44 Hall motion to suspend rules prevailed 1126
Mar. 18 44 Notice of hearing (3/23) 1127
Mar. 24 48 Placed on General File - Com am #0709 1264
Mar. 27 51 Committee amendment #0709 adopted. Advanced for Review 1350
Mar. 31 52 Placed on Select File - AM5151 1374
Apr. 6 56 AM5151 (E & R) adopted. Advanced for Engrossment 1503
Apr. 9 59 Correctly Engrossed 1590
Apr. 9 59 ER0166 change 1591
Apr. 14 62 Final Reading w/E 43-0-6 1672
Apr. 14 62 Speaker signed 1674
Apr. 14 62 Presented to Governor (4/14) 1677
Apr. 21 65 Approved by Governor (4/17) 1741

LEGISLATIVE BILL 777. By Business and Labor Committee

Mar. 17 43 Hall motion to suspend rules prevailed. Read first time 1071
Mar. 17 43 Referred to Committee on Business and Labor .. 1086

Mar.	18	44	Hall motion to suspend rules prevailed	1126
Mar.	18	44	Notice of hearing (3/23)	1127
Mar.	24	48	Placed on General File - Com am #0710	1265
Apr.	3	55	Committee amendment #0710 adopted. McFarland point of personal privilege. Chambers amendment lost	1486
Apr.	3	55	Advanced for Review	1488
Apr.	7	57	Placed on Select File - AM5181	1549
Apr.	7	57	Hall amendment #0905 printed	1556
Apr.	16	64	AM5181 (E & R) adopted. Hall pending amendment #0905 p. 1556 adopted. Advanced for Engrossment	1737
Apr.	22	66	Correctly Engrossed	1785
Apr.	27	69	Haberman motion to return to Select File withdrawn	1880
Apr.	27	69	Final Reading w/E 42-2-5	1881
Apr.	27	69	Speaker signed	1882
Apr.	27	69	Presented to Governor (4/27)	1886
Apr.	29	71	Approved by Governor (4/29)	1944

LEGISLATIVE BILL 778. By Business and Labor Committee

Mar.	17	43	Hall motion to suspend rules prevailed. Read first time	1071
Mar.	17	43	Referred to Committee on Business and Labor	1086
Mar.	18	44	Hall motion to suspend rules prevailed	1126
Mar.	18	44	Notice of hearing (3/23)	1127
Mar.	24	48	Indefinitely postponed	1266

LEGISLATIVE BILL 779. By Appropriations Committee

Apr.	24	68	Warner motion to introduce bill prevailed	1855
Apr.	24	68	Read first time	1857
Apr.	24	68	Warner motion to suspend rules prevailed. Placed on General File	1860
Apr.	29	71	Advanced for Review	1929
Apr.	30	72	Placed on Select File - AM5201	1961
May	5	75	AM5201 (E & R) adopted. Advanced for Engrossment	2025
May	8	78	Correctly Engrossed	2103
May	14	82	Final Reading w/E 35-0-14	2305
May	14	82	Speaker signed	2317
May	18	83	Presented to Governor (5/14)	2321

May 19 84 Approved by Governor (5/19) 2392

LEGISLATIVE BILL 780. By Appropriations Committee

Apr. 24 68 Warner motion to introduce bill prevailed 1855
Apr. 24 68 Read first time 1857
Apr. 24 68 Warner motion to suspend rules prevailed. Placed on General File 1860
Apr. 27 69 Landis amendment #1044 printed 1895
Apr. 27 69 V. Johnson amendment #1108 printed 1900
Apr. 28 70 Withem-Baack amendment #1114 printed 1918
Apr. 28 70 Schmit amendment #1135 printed 1919
Apr. 29 71 Scofield amendment to Landis pending amendment #1044 adopted 1930
Apr. 29 71 Withem amendment #1142 printed 1932
Apr. 29 71 Ashford-Hartnett-Withem-Chizek amendment #1131 printed 1935
Apr. 30 72 Ashford-Goodrich-Chizek amendment to Landis pending amendment #1044 adopted 1948
Apr. 30 72 Ashford amendment to Landis pending amendment #1044 adopted. Landis pending amendment #1044 p. 1895 lost 1954
Apr. 30 72 Withem-Baack pending amendment #1114 p. 1918 adopted 1956
Apr. 30 72 Nelson amendment #1168 printed 1957
May 1 73 Schmit pending amendment #1135 p. 1919 withdrawn. Chambers-Schmit-Pappas-R. Johnson amendment #1160 lost. Withem pending amendment #1142 p. 1932 and Nelson pending amendment #1168 p. 1957 withdrawn. V. Johnson motion to reconsider Chambers et al amendment #1160 lost. Withem et al pending amendment #1131 p. 1935 lost. V. Johnson pending amendment #1108 p. 1900 pending 1966
May 4 74 V. Johnson pending amendment #1108 p. 1900 and Schmit amendment #1190 adopted. Haberman amendment #1133 lost. Hall amendment #1188 withdrawn. Advanced for Review 1987
May 4 74 Hall-V. Johnson amendment #1189 printed 1993

May 4 74 Wesely amendment #1195 printed 2006
May 6 76 Hartnett amendment #1221 printed 2044
May 6 76 Placed on Select File - AM5209 2060
May 8 78 Warner amendment #1251 printed separate 2132
May 11 79 AM5209 (E & R) adopted. Hall-V. Johnson pending amendment #1189 p. 1993 lost. Wesely pending amendment #1195 p. 2006 withdrawn. Hartnett pending amendment #1221 p. 2044 and Warner pending amendment #1251 p. 2132 adopted 2157
May 11 79 Abboud amendment lost. R. Johnson amendment and Lynch amendment #1318 adopted. Advanced for Engrossment 2161
May 12 80 Correctly Engrossed. ER0189 change 2222
May 18 83 Morehead amendment printed 2367
May 19 84 Morehead pending amendment p. 2367 withdrawn. Final Reading w/E 41-1-7 2378
May 19 84 President signed 2379
May 19 84 Hall explanation of vote. Presented to Governor (5/19) 2382
May 20 85 Wehrbein explanation of vote 2415
May 26 87 Approved by Governor with line-item vetoes (5/25) 2498
May 26 87 Appropriations committee report on line-item vetoes 2536
May 27 88 Wesely-Morehead motion to override line-item vetoes laid over 2568
May 27 88 Message from Governor 2570
May 27 88 Landis-R. Johnson-Wesely-Chambers-V. Johnson-McFarland-Marsh-Nelson-Morehead-Scofield motion to override line-item vetoes laid over 2576
May 29 90 Wesely-Morehead pending motion p. 2568 to override line-item vetoes withdrawn. Landis et al pending motion p. 2576 to override line-item vetoes passed 30-16-7 2731
May 29 90 Communication and Certificate 2734
June 4 AJ Message from Secretary of State 2749
June 4 AJ Certificate 2750

LEGISLATIVE BILL 781. By Appropriations Committee

Apr. 24 68 Warner motion to introduce bill prevailed 1856

Apr.	24	68	Read first time	1858
Apr.	24	68	Warner motion to suspend rules prevailed. Placed on General File	1860
Apr.	28	70	Pappas amendment printed	1909
Apr.	29	71	Pappas pending amendment p. 1909 withdrawn. Pappas amendment adopted. Advanced for Review	1930
May	1	73	Placed on Select File - AM5203	1981
May	8	78	Warner amendment #1277 printed	2120
May	11	79	AM5203 (E & R) adopted. Warner pending amendment #1277 p. 2120 adopted. Advanced for Engrossment	2157
May	13	81	Correctly Engrossed. ER0188 change	2228
May	21	86	Final Reading w/E 41-0-8	2453
May	21	86	Speaker signed	2460
May	21	86	Presented to Governor (5/21)	2465
May	27	88	Approved by Governor with line-item vetoes (5/27)	2567
May	28	89	Appropriations Committee report on line-item vetoes	2694
May	29	90	Warner motion to override line-item vetoes passed 30-12-7	2732
May	29	90	Communication and Certificate	2735
June	4	AJ	Message from Secretary of State	2751
June	4	AJ	Certificate	2752

LEGISLATIVE BILL 782. By Appropriations Committee

Apr.	24	68	Warner motion to introduce bill prevailed	1856
Apr.	24	68	Read first time	1858
Apr.	24	68	Warner motion to suspend rules prevailed. Placed on General File	1860
May	4	74	Advanced for Review	1991
May	6	76	Placed on Select File - AM5208	2063
May	8	78	Warner amendment #1185 printed	2121
May	11	79	AM5208 (E & R) adopted. Warner pending amendment #1185 p. 2121 adopted. Advanced for Engrossment	2166
May	13	81	Correctly Engrossed	2271
May	21	86	Final Reading w/E 36-5-8	2454
May	21	86	Speaker signed	2460
May	21	86	Presented to Governor (5/21)	2465
May	26	87	Approved by Governor (5/26)	2524

LEGISLATIVE BILL 782A. By Appropriations Committee

Apr.	24	68	Read first time. Placed on General File	1859
May	4	74	Advanced for Review	1991
May	6	76	Placed on Select File - AM5212	2063
May	8	78	Warner amendment #1278 printed	2122
May	11	79	AM5212 (E & R) adopted. Warner pending amendment #1278 p. 2122 adopted. Abboud amendment #1310 withdrawn. Advanced for Engrossment	2166
May	13	81	Correctly Engrossed	2271
May	21	86	Final Reading w/E 44-1-4	2455
May	21	86	Speaker signed	2460
May	21	86	Presented to Governor (5/21)	2465
May	26	87	Approved by Governor (5/26)	2524

LEGISLATIVE BILL 783. By Appropriations Committee

Apr.	24	68	Warner motion to introduce bill prevailed	1856
Apr.	24	68	Read first time	1858
Apr.	24	68	Warner motion to suspend rules prevailed. Placed on General File	1860
May	4	74	Advanced for Review	1991
May	6	76	Placed on Select File	2064
May	11	79	Advanced for Engrossment	2167
May	13	81	Correctly Engrossed	2228
May	21	86	Final Reading w/E 43-1-5	2456
May	21	86	Speaker signed	2460
May	21	86	Presented to Governor (5/21)	2465
May	26	87	Approved by Governor (5/26)	2524

LEGISLATIVE BILL 783A. By Appropriations Committee

Apr.	24	68	Read first time. Placed on General File	1860
May	4	74	Advanced for Review	1991
May	6	76	Placed on Select File - AM5211	2064
May	11	79	AM5211 (E & R) adopted. Advanced for Engrossment	2167
May	13	81	Correctly Engrossed	2228
May	21	86	Final Reading w/E 42-2-5	2457
May	21	86	Speaker signed	2460
May	21	86	Presented to Governor (5/21)	2465
May	26	87	Approved by Governor (5/26)	2524

LEGISLATIVE BILL 784. By Appropriations Committee

Apr. 24 68 Warner motion to introduce bill prevailed 1856
Apr. 24 68 Read first time 1858
Apr. 24 68 Warner motion to suspend rules prevailed. Placed on General File 1860
May 4 74 Hall amendment #1191 lost. Advanced for Review 1991
May 4 74 Hall amendment #1191 reprinted 2001
May 6 76 Placed on Select File - AM5210 2065
May 8 78 Haberman-Schellpeper-Coordsen-Beyer-Ashford-Chizek-Lynch-Wesely-Barrett-Baack amendment #1243 printed 2122
May 11 79 AM5210 (E & R) adopted. Hall reoffered amendment p. 1991 and p. 2001 adopted 2172
May 11 79 Haberman et al pending amendment #1243 p. 2122 adopted. Withem-Hall-V. Johnson-Ashford-Wesely-Chizek amendment #1304 and Smith amendment lost 2177
May 11 79 Landis amendment #1322 printed 2181
May 11 79 V. Johnson amendment #1319 and Wesely amendment #1308 printed 2182
May 12 80 Wesely pending amendment #1308 p. 2182 adopted. V. Johnson pending amendment #1319 p. 2182 lost. Smith name added to Landis pending amendment #1322 p. 2181. Landis-Smith pending amendment #1322 p. 2181 lost as amended by Landis amendment 2205
May 12 80 Withem-Smith amendment #1337 adopted. Goodrich motion to reconsider vote on Landis-Smith amendment #1322 lost 2212
May 12 80 Lynch amendment #1350 withdrawn. Advanced for Engrossment 2218
May 14 82 Correctly Engrossed. ER0191 change 2289
May 18 83 Landis amendment #1423 printed 2362
May 20 85 Schmit amendment printed. Hall amendment #1447 printed separate 2442
May 21 86 Schmit-V. Johnson-Lamb motion to bracket until 5/26 withdrawn. Returned to Select File for Landis amendment. Landis pending amendment #1423 p. 2362 adopted. Advanced for Re-Engrossment 2461
May 21 86 Hall motion to return to Select File

for amendment #1447 p. 2442 withdrawn. Returned to Select File for Higgins amendment. Higgins amendment adopted. Advanced for Re-Engrossment. Schmit pending amendment p. 2442 withdrawn. Landis and Moore motions to return to Select File lost 2463
May 21 86 Correctly Re-Engrossed 2475
May 27 88 Abboud motion to return to Select File lost 2610
May 28 89 Abboud and Lynch motions to return to Select File withdrawn 2665
May 28 89 Final Reading w/E 39-5-5 2666
May 28 89 President signed 2667
May 28 89 Presented to Governor (5/28) 2675
May 29 90 Approved by Governor with line-item vetoes (5/29) 2718
May 29 90 Appropriations Committee report on line-item vetoes 2727
May 29 90 Withem motion to override line-item veto passed 31-17-1 2737
May 29 90 Warner motion to reconsider override action prevailed. Withem reconsidered motion to override line-item veto withdrawn 2738
May 29 90 Schmit-Baack motion to override line-item veto failed 27-16-6 2740
May 29 90 Wesely and V. Johnson motions to override line-item veto withdrawn. Withem-Schmit motion to override line-item veto pending 2742
May 29 90 Withem-Schmit pending motion to override line-item veto failed 16-21-12 2744
May 29 90 Communication 2746
June 4 AJ Message from Secretary of State and Certificate 2753

LEGISLATIVE BILL 785. By Appropriations Committee

Apr. 24 68 Warner motion to introduce bill prevailed 1856
Apr. 24 68 Read first time 1859
Apr. 24 68 Warner motion to suspend rules prevailed. Placed on General File 1860
May 5 75 Advanced for Review 2023
May 7 77 Placed on Select File 2076

May 13 81 Advanced for Engrossment 2264
May 14 82 Correctly Engrossed 2318
May 21 86 Final Reading 43-0-6 2468
May 21 86 Speaker signed 2478
May 21 86 Presented to Governor (5/21) 2483
May 26 87 Approved by Governor (5/26) 2524

LEGISLATIVE BILL 786. By Appropriations Committee

Apr. 24 68 Warner motion to introduce bill prevailed 1856
Apr. 24 68 Read first time 1859
Apr. 24 68 Warner motion to suspend rules prevailed. Placed on General File 1860
May 5 75 Advanced for Review 2023
May 7 77 Placed on Select File 2076
May 13 81 Advanced for Engrossment 2264
May 14 82 Correctly Engrossed 2318
May 21 86 Final Reading w/E 43-1-5 2469
May 21 86 Speaker signed 2478
May 21 86 Presented to Governor (5/21) 2483
May 26 87 Approved by Governor (5/26) 2524

LEGISLATIVE BILL 787. By Appropriations Committee

Apr. 24 68 Warner motion to introduce bill prevailed 1857
Apr. 24 68 Read first time 1859
Apr. 24 68 Warner motion to suspend rules prevailed. Placed on General File 1860
Apr. 24 68 Appropriations Committee amendment #1087 printed 1862
May 6 76 Wehrbein and Warner amendments to pending amendment #1087 lost. Appropriations Committee pending amendment #1087 lost. Advanced for Review 2039
May 6 76 Smith amendment printed 2047
May 8 78 Placed on Select File - AM5220 2117
May 13 81 Passed over 2264
May 14 82 Landis amendment #1331 printed 2318
May 18 83 AM5220 (E & R) adopted. Smith pending amendment p. 2047 and Landis pending amendment #1331 p. 2318 lost. Advanced for Engrossment 2360
May 19 84 Correctly Engrossed 2395

May 26 87 Final Reading 48-0-1. Speaker signed 2505
May 26 87 Presented to Governor (5/26) 2523
June 4 AJ Became law without Governor's signature (6/2) . 2759
June 4 AJ Message from Secretary of State 2760
June 4 AJ Certificate 2761

CHRONOLOGY OF CONSTITUTIONAL AMENDMENT RESOLUTIONS

NINETIETH LEGISLATURE
FIRST SESSION
1987

LEGISLATIVE RESOLUTION 3CA. By Withem

Jan.	8	2	Read first time	68
Jan.	8	2	Referred to Reference Committee	69
Jan.	13	4	Referred to Committee on Education	121
Jan.	15	6	Notice of hearing (1/27)	172
Feb.	18	26	Placed on General File - Com am #0041	694
Mar.	5	37	Nelson name added	927
Mar.	6	38	Committee amendment #0041 adopted. Lamb motion to indefinitely postpone prevailed	945

LEGISLATIVE RESOLUTION 4CA. By Chizek, Ashford, Hefner, Pappas, Korshoj, Pirsch, Moore, L. Johnson

Jan.	9	3	Read first time	98
Jan.	9	3	Referred to Reference Committee	100
Jan.	13	4	Referred to Committee on Revenue	121
Feb.	11	23	Notice of hearing (3/6)	586
Mar.	24	48	Indefinitely postponed	1235

LEGISLATIVE RESOLUTION 5CA. By Abboud

Jan.	9	3	Read first time	107
Jan.	9	3	Referred to Reference Committee	108
Jan.	14	5	Referred to Committee on Revenue	150
Feb.	11	23	Notice of hearing (3/6)	586

LEGISLATIVE RESOLUTION 6CA. By Peterson

Jan.	13	4	Read first time	125
Jan.	13	4	Referred to Reference Committee	126
Jan.	14	5	Referred to Committee on Government,	

Military and Veterans Affairs 150
Feb. 24 30 Notice of hearing (3/18) 795
Mar. 19 45 Indefinitely postponed 1159

LEGISLATIVE RESOLUTION 7CA. By R. Johnson

Jan. 13 4 Read first time 139
Jan. 13 4 Referred to Reference Committee 141
Jan. 14 5 Referred to Committee on Government, Military and Veterans Affairs 150
Feb. 24 30 Notice of hearing (3/18) 795
Mar. 23 47 Placed on General File - Com am #0661 1220

LEGISLATIVE RESOLUTION 8CA. By Beyer, Hartnett, Withem

Jan. 13 4 Read first time 141
Jan. 13 4 Referred to Reference Committee 142
Jan. 14 5 Referred to Committee on Revenue 150
Jan. 21 8 Notice of hearing (1/28) 217
Feb. 20 28 Indefinitely postponed 744

LEGISLATIVE RESOLUTION 10CA. By Baack, Conway

Jan. 13 4 Read first time 142
Jan. 13 4 Referred to Reference Committee 146
Jan. 15 6 Referred to Committee on Agriculture 171
Jan. 27 12 Notice of hearing (2/3) 362
May 4 74 Pappas-Baack motion to place on General File laid over 2007
May 6 76 Placed on General File - Com am #1217 2039

LEGISLATIVE RESOLUTION 11CA. By Lynch

Jan. 15 6 Read first time 180
Jan. 15 6 Referred to Reference Committee 181
Jan. 20 7 Referred to Committee on Revenue 186
Jan. 21 8 Notice of hearing (1/28) 217
Jan. 30 15 Placed on General File 423
Feb. 2 16 Laid over 434
Feb. 24 30 Lynch-Wesely-Warner-V. Johnson amendment #0161 printed 785
Feb. 27 33 Lynch et al pending amendment #0161 p. 785 adopted. Advanced for Review 854
Mar. 2 34 Placed on Select File - AM5084 861

Mar. 3 35 AM5084 (E & R) adopted.
Advanced for Engrossment 879
Mar. 4 36 Correctly Engrossed 895
Mar. 9 39 Final Reading 45-0-4 961
Mar. 9 39 President signed 969
Mar. 9 39 Presented to Secretary of State (3/9) 974

LEGISLATIVE RESOLUTION 15CA. By V. Johnson

Jan. 21 8 Read first time 238
Jan. 21 9 Referred to Reference Committee 239
Jan. 22 9 Referred to Committee on General Affairs 251
Feb. 18 26 Notice of hearing (3/23) 683
Mar. 25 49 Placed on General File - Com am #0721 1276

LEGISLATIVE RESOLUTION 16CA. By Wesely, Pappas

Jan. 22 9 Read first time 274
Jan. 22 9 Referred to Reference Committee 275
Jan. 26 11 Referred to Committee on Government, Military and Veterans Affairs 343
Feb. 24 30 Notice of hearing (3/4) 795
Mar. 10 40 Indefinitely postponed 1011

LEGISLATIVE RESOLUTION 17CA. By Wesely

Jan. 22 9 Read first time 275
Jan. 22 9 Referred to Reference Committee 277
Jan. 26 11 Referred to Committee on Government, Military and Veterans Affairs 343
Feb. 24 30 Notice of hearing (3/18) 795
Mar. 23 47 Indefinitely postponed 1220

LEGISLATIVE RESOLUTION 18CA. By Rupp

Jan. 22 9 Read first time 277
Jan. 22 9 Referred to Reference Committee 279
Jan. 26 11 Referred to Committee on Government, Military and Veterans Affairs 343
Feb. 24 30 Notice of hearing (3/18) 795
Mar. 19 45 Indefinitely postponed 1159

LEGISLATIVE RESOLUTION 19CA. By Remmers, Morehead, Scofield, Baack, Moore, Dierks, Weihing, Pappas, V. Johnson

Jan. 23 10 Read first time 329
Jan. 23 10 Referred to Reference Committee 331
Jan. 27 12 Referred to Committee on Education 357
Jan. 29 14 Notice of hearing (2/17) 395
Mar. 5 37 Indefinitely postponed 923

LEGISLATIVE RESOLUTION 20CA. By Hartnett

Jan. 23 10 Read first time 331
Jan. 23 10 Referred to Reference Committee 332
Jan. 27 12 Referred to Committee on Revenue 357
Feb. 11 23 Notice of hearing (3/12) 587

LEGISLATIVE RESOLUTION 21CA. By Urban Affairs Committee

Jan. 23 10 Read first time 332
Jan. 23 10 Referred to Reference Committee 333
Jan. 27 12 Referred to Committee on Urban Affairs 357
Feb. 9 21 Notice of hearing (2/17) 548
Feb. 18 26 Placed on General File 684
Mar. 6 38 Advanced for Review 931
Mar. 9 39 Placed on Select File - AM5110 968
Apr. 7 57 AM5110 (E & R) adopted. Hartnett amendment #0624 adopted. V. Johnson motion to indefinitely postpone lost. Warner motion to bracket until 1988 prevailed 1528

LEGISLATIVE RESOLUTION 22CA. By Hefner

Jan. 23 10 Read first time 333
Jan. 23 10 Referred to Reference Committee 335
Jan. 27 12 Referred to Committee on Appropriations 357
Feb. 12 24 Notice of hearing (2/20) 614

LEGISLATIVE RESOLUTION 23CA. By Hall

Jan. 23 10 Read first time 335
Jan. 23 10 Referred to Reference Committee 336
Jan. 27 12 Referred to Committee on Education 357
Jan. 29 14 Notice of hearing (2/17) 395
Feb. 18 26 Indefinitely postponed 694

LEGISLATIVE BILLS AND CONSTITUTIONAL AMENDMENT RESOLUTIONS BY INTRODUCERS

CHRIS ABBOUD

LB	
124*	Adopt the Grasslands Protection Act.
139	Adopt the Small Business Incubators Incentives Act.
141	Create the High Technology and Food Processing Commission.
144	Adopt the Economy and Productivity in State Government Act.
162*	Increase the number of juvenile court judges.
163*	Adopt the Venture Capital Network Act.
163A	Appropriation Bill.
177*	Allow metropolitan utilities districts to own pipelines.
225*	Provide for summary jury trial procedures.
243*	Adopt the Proceeds of Stories of Felons Act.
247	Adopt the Capital Companies Tax Credit Act.
261*	Provide for attorney fees and costs in frivolous actions.
270*	Increase tax credit under the Employment Expansion and Investment Incentive Act.
296	Eliminate provisions for mandatory retirement.
323*	Redefine a term of the Employment Expansion and Investment Incentive Act.
328*	Require job training and search programs for aid to dependent children recipients.
332*	Provide loan service fees and allow thrift institutions to acquire banks.
352*	Change procedures for appeals from state agencies.
356*	Provide excuse for surface water nonuse due to inadequate water supply.
379*	Exempt certain fur producing animals from captivity prohibitions.
404	Expand implied consent-DWI provisions to include mind-altering chemicals.
420*	Adopt the Tax Delinquency Amnesty Act.
432*	Restrict distribution of federal court oil overcharge settlement.
487*	Change notice requirements relating to agency rule adoption and change.

513 Adopt the Agricultural Products Development Act.
515 Provide continued fire district jurisdiction over annexed territory.
522 Change mobile home and cabin trailer title provisions.
602 Change County Purchasing Act provisions.
604* Require certificate of title for all cabin trailers.
626* Authorize Korean and Vietnam conflict memorials.
683* Create the Nebraska Energy Settlement Fund.

LR
5CA Proposed constitutional amendment to authorize counties to exempt property tax following voter approval.

BRAD ASHFORD

LB
67* Restrict liability for not-for-profit corporation directors.
71* Adopt the Uniform Arbitration Act.
74* Provide duties and liability exemption regarding organ/tissue donation.
114* Provide procedures for the siting of hazardous waste facilities.
123* Provide immunity from civil damages for nonprofit sports programs.
137 Authorize the purchase of corporate directors' liability insurance.
162* Increase the number of juvenile court judges.
163* Adopt the Venture Capital Network Act.
167* Provide for referee to hear protests prior to a special assessment levy.
177* Allow metropolitan utilities districts to own pipelines.
216 Change provisions relating to motor vehicle turn and brake signals.
222* Provide immunity from liability for nonprofit sports programs.
225* Provide for summary jury trial procedures.
243* Adopt the Proceeds of Stories of Felons Act.
261* Provide for attorney fees and costs in frivolous actions.
270* Increase tax credit under the Employment Expansion and Investment Incentive Act.
333* Prohibit placing convicted felons as probationers in nursing or veterans homes.
352* Change procedures for appeals from state agencies.
363* Change provisions relating to motions for new trials on damage issues.

403* Change provisions relating to trust accounts for real estate transactions.
420* Adopt the Tax Delinquency Amnesty Act.
475* Adopt the Nebraska Short Form Act.
519* Change membership provisions relating to police bargaining units.
524 Change provisions relating to teacher negotiating organizations.
536* Change provisions relating to shoplifting and Small Claims Court.
582* Provide requirements relating to chemical tests on employees.
606 Change provisions relating to theft.
692* Adopt the Solid Waste Management Act.
712* Authorize and increase a limit on insurance company investments.
718 Change provisions relating to state employee contracts and the Commission of Industrial Relations.

LR

4CA* Proposed constitutional amendment to allow county boards to exclude new business property from taxation.

DENNIS BAACK

LB

90* Authorize the taking of videotape depositions from certain children.
124* Adopt the Grasslands Protection Act.
145* Adopt the Dry Bean Resources Act.
165 Authorize appointment of surrogate parents for handicapped children.
166 Change the age restriction for special education programs.
222* Provide immunity from liability for nonprofit sports programs.
337* Adopt the Business Trust Act.
367 Adopt the Special Education Act.
392* Require Department of Social Services branch offices in certain counties.
411 Provide motor vehicle registration fee for well-servicing equipment.
412 Authorize public power districts to sell certain services and equipment.
413 Change special education reimbursement provisions.
420* Adopt the Tax Delinquency Amnesty Act.

435* Allow school district refinancing of lease agreements without elections.
546* Allow cities and villages to tax, assess, and collect utility services.
547* Restrict corporate ownership of farms and ranches.
581* Authorize teacher training programs to include communications technologies.
613* Adopt the Beverage Container Refund Act.
644* Change nonresident tuition calculation provisions.
653 Establish requirements for operating x-ray equipment.
722 Require written consent for enforceability of certain personal property liens.
737* Create a poultry development and assistance program.
738* Adopt the Nebraska Agriculture Act.
739* Create an agricultural development strategy and program.
751* Provide for the sale of oxygenated fuel.
752* Provide for weed and debris removal by certain political subdivisions.

LR

10CA* Proposed constitutional amendment modifying Initiative 300 regarding financial institutions.
19CA* Proposed constitutional amendment to place the Department of Education under control of the Governor.

WILLIAM E. BARRETT

LB

78 Provide procedures and limit liability for fraudulent insurance claims.
79 Require assessment of points against drivers licenses for probationers.
80 Regulate operation and equipping of all-terrain vehicles.
90* Authorize the taking of videotape depositions from certain children.
134 Prohibit hospital district officers from certain contract interests.
170* Prohibit the pitting of a certain animal against another.
179* Disqualify Head Start employees from employment security provisions.
187 Establish medical services fee schedule for the Nebraska Workers' Compensation Court.
187A Appropriation Bill.
239* Change provisions for foster care review board membership.
252 Change provisions relating to claims against the state.

253 Change provisions relating to administrative procedures and standards of review.
330* Authorize motor vehicle liability coverage by foreign insurance carriers.
399* Provide civil immunity from the reporting of insurance fraud.
442* Change definition of certified ambulance attendant.
479* Change requirements for information published on political advertising.
480* Change provisions for earmarked political campaign contributions.
635* Limit circumstances relating to removal of a juvenile from home.
636* Change Nebraska Juvenile Code provisions relating to temporary detention and custody.
637* Adopt a family policy for government service providers.
638* Require parental payments for court-ordered juvenile treatment expenses.
661* Adopt the State Employees Collective Bargaining Act.
719* Create the Nebraska Parentage Act and Nebraska Adoption Act.
762** Make biennium appropriations for state government expenses.
763** Appropriate funds for deficiencies and capital construction.
764** Provide for state employee salary increase.
765** Change provisions relating to school district nonresident tuition payments.
766** Adopt the Wastewater Treatment Facilities Construction Assistance Act.
767** Increase fee for driving record abstract.
767A Appropriation Bill.
768** Appropriate funds for Legislative Senators' salaries.
769** Appropriate funds for state officers' salaries.
770** Make appropriations for capital construction.
771** Transfer duties of the Nebraska Liquor Control Commission to Department of Revenue.
772** Change corporate income tax calculations.
772A** Appropriation Bill.
773** Change provisions relating to income tax.
775** Adopt the Employment and Investment Growth Act.

EMIL E. BEYER, JR.

LB	
204	Change procedure for payment of sales tax on certain motor vehicles.
205*	Require cities and villages to make payments on water supply property in lieu of taxes.
239*	Change provisions for foster care review board membership.
307	Provide for motor vehicle seizure and detention at weigh stations.
347*	Permit the passing of parked school buses in certain cases.
503	Adopt the Vehicle Inspection Act.
504	Change provisions relating to tire and windshield requirements.
538*	Change provisions relating to inspections of pupil transportation vehicles.
645*	Authorize Game and Parks to be placed under Governor's control.
696*	Provide employment preference for certain veterans and spouses.
LR	
8CA*	Proposed constitutional amendment to require payments in lieu of taxes for water supply property.

ERNIE CHAMBERS

LB	
344*	Adopt the Farm Labor Contractors Act.
353	Provide workers' compensation for certain inmates.
354	Authorize the Department of Correctional Services to purchase raw materials.
355	Limit placement and commitment of juvenile offenders.
392*	Require Department of Social Services branch offices in certain counties.
430*	Raise certain highway and interstate speed limits.
664*	Adopt the Farm Mediation Act.
669	Increase aid to dependent children monthly assistance.
670	Prohibit probationers and inmates from working as undercover agents.
671	Change provisions relating to the reporting of tax on parimutuel wagering.
672	Change provisions relating to parole hearings.
673	Require tape recordings for penal and correctional disciplinary hearings.
673A	Appropriation Bill.

674 Declare surrogate parenthood contracts void.
675 Eliminate the death penalty; limit parole and discharge.
676 Require coroner's examination and grand jury for certain police-related deaths.
677 Adopt Private Security Services Act.
750* Change death penalty provisions for mentally incompetent persons.
757 Adopt the Sports Wagering Act.
757A Appropriation Bill.

JERRY CHIZEK

LB
87* Eliminate a tax on pawnbrokers.
175 Change provisions relating to the licensing of private detectives.
176 Change a provision relating to prostitution.
177* Allow metropolitan utilities districts to own pipelines.
223* Change fees relating to service of process by sheriffs.
267* Change provisions regarding sales and use tax refunds on certain equipment.
268* Provide for impounding and revocation of drivers licenses for DWI.
269* Eliminate requirement of red lights on State Patrol cruisers.
270* Increase tax credit under the Employment Expansion and Investment Incentive Act.
270A Appropriation Bill.
271* Change standards for criminal detention facilities.
273* Change provisions relating to controlled substances obtained from physicians.
283* Change provisions relating to the School Foundation and Equalization Act.
333* Prohibit placing convicted felons as probationers in nursing or veterans homes.
360* Change resident preference provisions regarding public contract bids.
361* Change education and training requirements for law enforcement officers.
362* Change law enforcement training center admission requirements.
376* Provide interpreters for the hearing impaired for certain proceedings.

419*	Authorize spousal asset reservation for medical assistance eligibility.
438*	Change sheriffs' fees and allow sheriffs' employees to serve writs.
439*	Allow private sector employees leaves of absence for military training.
492*	Restrict liability of architects, engineers, and land surveyors.
519*	Change membership provisions relating to police bargaining units.
545*	Establish state employee pay incentive plan.
603	Eliminate part-time positions on the Board of Parole.
603A	Appropriation Bill.
666	Change provisions relating to law enforcement certificate revocation.
692*	Adopt the Solid Waste Management Act.
719*	Create the Nebraska Parentage Act and Nebraska Adoption Act.
736*	Adopt the Business Partnership Act.
739*	Create an agricultural development strategy and program.
740*	Change provisions relating to community development block grants.
741*	Adopt the Tourism Development Act.
742*	Adopt the Cooperative Development Act of 1987.
743*	Develop a statewide strategic plan for industrial development.
744*	Provide job training to compliment Department of Economic Development programs.
745*	Create a statewide risk capital system.
746*	Adopt the Venture Capital Company Act.

LR

4CA*	Proposed constitutional amendment to allow county boards to exclude new business property from taxation.

GERALD CONWAY

LB

90*	Authorize the taking of videotape depositions from certain children.
91	Require infants to be screened for biotinidase deficiency.
92	Adopt the Commission Salesperson Payment Act.
93	Authorize certain mailings by certified mail.
116*	Change provisions relating to licensing of optometrists.
206*	Change provisions relating to controlled shooting areas.
213	Change provisions for stop orders for securities.

214	Provide for regulation of the financial planning business.
241	Provide for bank liability for early payment of postdated checks.
261*	Provide for attorney fees and costs in frivolous actions.
263*	Restrict zoning changes relating to the 3 mile limit of cities.
265	Change provisions relating to Educational Service Units.
271*	Change standards for criminal detention facilities.
301	Authorize agreements for information exchanges in certain adoptions.
332*	Provide loan service fees and allow thrift institutions to acquire banks.
333*	Prohibit placing convicted felons as probationers in nursing or veterans homes.
363*	Change provisions relating to motions for new trials on damage issues.
370	Change provisions relating to payments made to the county courts.
371	Adopt the Work Study Act.
372	Require medical histories in adoption cases.
372A	Appropriation Bill.
385*	Establish metabolic disease testing and registry.
420*	Adopt the Tax Delinquency Amnesty Act.
422*	Change zoning jurisdiction of cities, villages, and counties.
425*	Change provisions for tort litigation.
426*	Change provisions relating to Low-level Radioactive Waste Disposal Act.
440*	Change provisions relating to depositories of public funds.
492*	Restrict liability of architects, engineers, and land surveyors.
509*	Change composition of county judge districts.
537*	Define controlled substance analogue.
546*	Allow cities and villages to tax, assess, and collect utility services.
547*	Restrict corporate ownership of farms and ranches.
555	Eliminate enforcement duties of Accountability and Disclosure Commission.
649*	Provide educational service unit reorganization.
688*	Change provisions and provide mission statement for educational service units.
696*	Provide employment preference for certain veterans and spouses.

700* Change provisions of the Nebraska Property and Liability Insurance Guaranty Association Act.
701* Provide tax on certain drugs, bookmaking, and gambling devices.
712* Authorize and increase a limit on insurance company investments.
719* Create the Nebraska Parentage Act and Nebraska Adoption Act.
736* Adopt the Business Partnership Act.
738* Adopt the Nebraska Agriculture Act.
739* Create an agricultural development strategy and program.
740* Change provisions relating to community development block grants.
741* Adopt the Tourism Development Act.
742* Adopt the Cooperative Development Act of 1987.
743* Develop a statewide strategic plan for industrial development.
744* Provide job training to compliment Department of Economic Development programs.
745* Create a statewide risk capital system.
746* Adopt the Venture Capital Company Act.
747* Provide a tax credit for research and development activities.
752* Provide for weed and debris removal by certain political subdivisions.

LR
10CA* Proposed constitutional amendment modifying Initiative 300 regarding financial institutions.

GEORGE COORDSEN

LB
116* Change provisions relating to licensing of optometrists.
274* Change provisions for prorated remuneration under the Employment Security Law.
275* Provide for reinstatement of employer's experience account under Employment Security Law.
286* Prohibit hunting and trapping of fur-bearing animals on certain highway locations.
376* Provide interpreters for the hearing impaired for certain proceedings.
392* Require Department of Social Services branch offices in certain counties.
397* Require insurance companies to file reports before doing business in Nebraska.

400* Establish English as the official language of Nebraska.
487* Change notice requirements relating to agency rule adoption and change.
528* Prohibit public employee wage withholding for political purposes.
561* Establish program for agricultural development and promotion.
605* Change eligibility requirements relating to the Employment Security Law.

MERTON L. DIERKS

LB

61 Provide for certain property transfers between adjoining school districts.
103* Adopt the State Livestock Health Act.
104* Require rabies vaccinations for dogs and cats.
104A Appropriation Bill.
127* Change provisions for Class II school district budgets.
235* Provide accreditation standards for high schools.
244* Require checkoff boards to present oral reports to Agriculture Committee.
245* Authorize replacement of KMNE television tower and antenna at Bassett.
326* Eliminate restrictions on creation of new school districts.
379* Exempt certain fur producing animals from captivity prohibitions.
392* Require Department of Social Services branch offices in certain counties.
400* Establish English as the official language of Nebraska.
401* Require testing of synthetic fuel additives.
414* Change calculation of equalization aid to schools and income tax filing requirements.
450* Change Nebraska Brand Law provisions.
537* Define controlled substance analogue.
604* Require certificate of title for all cabin trailers.
656A* Appropriation Bill.

LR

19CA* Proposed constitutional amendment to place the Department of Education under control of the Governor.

W. OWEN ELMER

LB

124* Adopt the Grasslands Protection Act.

161	Change provisions relating to the State Highway Commission.
208*	Repeal the Unfair Cigarette Sales Act.
267*	Change provisions regarding sales and use tax refunds on certain equipment.
356*	Provide excuse for surface water nonuse due to inadequate water supply.
392*	Require Department of Social Services branch offices in certain counties.
400*	Establish English as the official language of Nebraska.
420*	Adopt the Tax Delinquency Amnesty Act.
492*	Restrict liability of architects, engineers, and land surveyors.
528*	Prohibit public employee wage withholding for political purposes.
580*	Provide optional continuation of health insurance.
656*	Change provisions relating to the School of Technical Agriculture at Curtis.
656A*	Appropriation Bill.
723*	Adopt the Propane Safety Act.
723A*	Appropriation Bill.

GLENN A. GOODRICH

LB	
40	Change licensing and educational requirements for real estate appraisers.
40A	Appropriation Bill.
177*	Allow metropolitan utilities districts to own pipelines.
194	Change retirement age and benefits for judges.
195	Provide for the creation of additional mental health and retardation regions.
196	Reduce the interest rate on delinquent tax payments.
197*	Provide equal treatment of state and federal credit unions.
267*	Change provisions regarding sales and use tax refunds on certain equipment.
298	Change provisions of Omaha school employees retirement plan.
332*	Provide loan service fees and allow thrift institutions to acquire banks.
403*	Change provisions relating to trust accounts for real estate transactions.
431	Allow certain financing by Nebraska Educational Facilities Authority.

488* Provide for deposit of public funds in certain financial institutions.
489 Require identification of electrical contracting vehicles.
548* Provide certain workers' compensation cases with 2nd medical opinion.
551* Allow school retirement plan buy-backs of certain prior service.
655 Establish cost-of-living adjustment for retired State Patrol members.
656* Change provisions relating to the School of Technical Agriculture at Curtis.
657 Limit the duration of certain future interests.
668 Provide powers and duties for mental retardation regions and the director.
700* Change provisions of the Nebraska Property and Liability Insurance Guaranty Association Act.

REX HABERMAN

LB
43 Provide liability exemption for sports volunteers and organizations.
44 Provide sales and use tax exemption for farm machinery repair parts.
45 Provide sales and use tax exemption for natural resources districts.
46 Change a sales and use tax exemption regarding railroad rolling stock.
47 Prohibit placement of sexual assault probationers in nursing homes.
48 Provide for dismissal of charges against minor in possession of liquor.
49 Require county attorneys to prepare reports regarding plea bargains.
50 Prohibit state employees from serving on state agency boards.
51 Increase lobbyist registration fee for additional principals.
52 Allocate membership dues to the Council of State Governments.
53 Repeal provisions regarding tobacco use, purchase, and sale by minors.
54 Increase penalty for minors obtaining or using tobacco.
55 Authorize county officials to make purchases under certain conditions.

56	Provide disability insurance for judges.
57	Provide cost-of-living adjustment for judges' retirement benefits.
58	Increase monthly benefit provisions in the judges' retirement system.
59	Change membership provisions for Public Employees Retirement Board.
60	Change county employees voluntary retirement age.
108*	Eliminate sales tax on utility services.
123*	Provide immunity from civil damages for nonprofit sports programs.
136	Change provisions relating to loans secured by real property.
185	Exempt farm tractors and farm vehicles from sales and use tax.
185A	Appropriation Bill.
221	Change provisions relating to libel and slander.
261*	Provide for attorney fees and costs in frivolous actions.
330*	Authorize motor vehicle liability coverage by foreign insurance carriers.
379*	Exempt certain fur producing animals from captivity prohibitions.
392*	Require Department of Social Services branch offices in certain counties.
398*	Adopt the Intergovernmental Risk Management Act.
496	Increase the train mile tax.
497	Provide additional subpoena power to enforce the Nebraska Securities Act.
498	Change insurance policy cancellation and renewal provisions.
549	Change provisions relating to school, county, and public employee retirement.
574	Establish voluntary tenure settlement program.
575	Adopt the Commodity Code.
575A	Appropriation Bill.
576	Permit fiduciaries to invest in investment companies and trusts.
577	Authorize certain investments by fiduciaries.
578	Change provisions regarding school retirement system fund deposits.
578A	Appropriation Bill.
650	Provide penalties for violations of the Nebraska Securities Act.
702*	Modify provisions relating to bank holding companies.

756* Change provisions relating to overweight vehicles which haul farm products.

TIMOTHY J. HALL

LB

142* Provide a dissolution date for the Nebraska Commission for Special Education.

167* Provide for referee to hear protests prior to a special assessment levy.

177* Allow metropolitan utilities districts to own pipelines.

212 Extend date for school districts to levy separate tax for asbestos removal.

230* Change provisions for transfer of funds from Highway Trust Fund to State Patrol.

272* Repeal provision relating to certain Department of Labor employees.

274* Change provisions for prorated remuneration under the Employment Security Law.

275* Provide for reinstatement of employer's experience account under Employment Security Law.

276* Change provisions relating to students under the Employment Security Law.

277* Eliminate a provision relating to witness immunity under the Employment Security Law.

278* Provide a fee schedule for services under the Employment Security Law.

292 Increase weekly income benefit from workers' compensation.

292A Appropriation Bill.

333* Prohibit placing convicted felons as probationers in nursing or veterans homes.

344* Adopt the Farm Labor Contractors Act.

376* Provide interpreters for the hearing impaired for certain proceedings.

376A Appropriation Bill.

377 Change provisions regarding driving while intoxicated and implied consent.

378 Change limitations on bingo occasions.

403* Change provisions relating to trust accounts for real estate transactions.

430* Raise certain highway and interstate speed limits.

462A Appropriation Bill.

471* Change tax levy provisions relating to metropolitan transit authority.
541 Change provisions relating to drainage district board elections.
557 Provide certification for nutritionists.
557A Appropriation Bill.
635* Limit circumstances relating to removal of a juvenile from home.
636* Change Nebraska Juvenile Code provisions relating to temporary detention and custody.
637* Adopt a family policy for government service providers.
638* Require parental payments for court-ordered juvenile treatment expenses.
659 Provide a sales tax on services and decrease income tax rate.
660 Provide maximum and minimum weekly benefits for workers' compensation.
661* Adopt the State Employees Collective Bargaining Act.
667* Adopt the Domestic Products Procurement Act.
689* Provide employment driving permits for certain DWI convictions.
716* Change provisions relating to elections and ballot issues.
716A Appropriation Bill.
720* Change provisions of the Employment Security Act regarding motor vehicles.
732* Adopt the Weight-distance Tax Act.
760* Establish licensing provisions to practice clinical laboratory technology.

LR

23CA Proposed constitutional amendment to authorize students as voting members on the Board of Regents.

GARY E. HANNIBAL

LB

74* Provide duties and liability exemption regarding organ/tissue donation.
108* Eliminate sales tax on utility services.
123* Provide immunity from civil damages for nonprofit sports programs.
218A* Appropriation Bill.
222* Provide immunity from liability for nonprofit sports programs.
245* Authorize replacement of KMNE television tower and antenna at Bassett.

258 Change provisions of the Political Subdivisions Tort Claims Act.
323* Redefine a term of the Employment Expansion and Investment Incentive Act.
332* Provide loan service fees and allow thrift institutions to acquire banks.
403* Change provisions relating to trust accounts for real estate transactions.
420* Adopt the Tax Delinquency Amnesty Act.
432* Restrict distribution of federal court oil overcharge settlement.
488* Provide for deposit of public funds in certain financial institutions.
492* Restrict liability of architects, engineers, and land surveyors.
584 Exempt annuity contracts from taxation.
585 Change taxable income determination of a unitary business.
661* Adopt the State Employees Collective Bargaining Act.
662 Permit state-chartered building and loan associations to operate out-of-state.
683* Create the Nebraska Energy Settlement Fund.

BILL HARRIS

LB
90* Authorize the taking of videotape depositions from certain children.
113* Change provisions for insolvent financial institution deposit and exchange claims.
202* Eliminate the Nebraska Depository Institution Guaranty Corporation Act.
218* Appropriate funds for Morrill Hall renovation.
220* Allow retired state employees to continue participation in health plan.
267* Change provisions regarding sales and use tax refunds on certain equipment.
297* Appropriate funds to certain depositors of failed financial institutions.
374 Authorize the Department of Correctional Services to sell certain property.
375* Change provisions relating to bank holding companies.
408* Change Lincoln police and fire retirement plan provisions.

409* Change benefit provisions of Lincoln police and fire retirement plan.
658* Change provisions relating to ethanol and electricity.
681 Allow nationwide interstate banking.
686* Appropriate money to Commonwealth Savings Company receiver.
717 Authorize Nebraska State Fairground improvements.
736* Adopt the Business Partnership Act.
739* Create an agricultural development strategy and program.
740* Change provisions relating to community development block grants.
741* Adopt the Tourism Development Act.
743* Develop a statewide strategic plan for industrial development.
744* Provide job training to compliment Department of Economic Development programs.
745* Create a statewide risk capital system.
746* Adopt the Venture Capital Company Act.
747* Provide a tax credit for research and development activities.
749 Adopt the Enterprise Zone Demonstration Act.

D. PAUL HARTNETT

LB
90* Authorize the taking of videotape depositions from certain children.
116* Change provisions relating to licensing of optometrists.
177* Allow metropolitan utilities districts to own pipelines.
205* Require cities and villages to make payments on water supply property in lieu of taxes.
267* Change provisions regarding sales and use tax refunds on certain equipment.
303 Change the tax rate on fire insurance companies.
305 Change provisions relating to motor vehicle titles.
305A Appropriation Bill.
347* Permit the passing of parked school buses in certain cases.
348 Change provisions relating to pupil transportation vehicle operator permits.
420* Adopt the Tax Delinquency Amnesty Act.
440* Change provisions relating to depositories of public funds.
441* Create exceptions to first class city property tax lid.
442* Change definition of certified ambulance attendant.
447* Change administrative fee for municipal sales tax collected by the state.

471* Change tax levy provisions relating to metropolitan transit authority.
525* Change child and spousal support payment provisions.
538* Change provisions relating to inspections of pupil transportation vehicles.
551* Allow school retirement plan buy-backs of certain prior service.
598* Change provisions relating to handicapped and disabled parking spaces and permits.
599* Adopt the Missing Children Identification Act.
607 Change age requirement for volunteer firefighter group life insurance.
618 Change provisions relating to fire protection district contracts and property.
619 Expand authority to conduct fire inspections.
620 Change provisions relating to immunity for emergency service providers.
621 Adopt the Public Docks Act.
622 Change provisions relating to refunding bonds.
623 Authorize certain districts, cities, and villages to issue refunding bonds.
624 Require minimum caseloads for special education programs.
625 Change provisions relating to 1st class city council votes.
626* Authorize Korean and Vietnam conflict memorials.
627 Authorize the Homestead Exemption Fund.
628 Change liquor excise tax exemption provision.
629 Provide for the removal of fish from private ponds.
630 Change provisions relating to dogs running at large.
631 Provide tax credit for contributions to postsecondary education institutions.
632 Create the Highway Improvement Bond Fund.
663* Change provisions relating to natural gas rate increases.
683* Create the Nebraska Energy Settlement Fund.
692* Adopt the Solid Waste Management Act.
701* Provide tax on certain drugs, bookmaking, and gambling devices.
705* Require public power industry study.
721* Create special improvement districts for cities and villages.

LR

8CA* Proposed constitutional amendment to require payments in lieu of taxes for water supply property.

20CA	Proposed constitutional amendment to limit certain taxes for highway construction and repair.

ELROY M. HEFNER

LB	
77*	Allow additional persons as acknowledgers of Small Claims Court forms.
81*	Require state agencies to pay interest to creditors.
124*	Adopt the Grasslands Protection Act.
179*	Disqualify Head Start employees from employment security provisions.
206*	Change provisions relating to controlled shooting areas.
267*	Change provisions regarding sales and use tax refunds on certain equipment.
270*	Increase tax credit under the Employment Expansion and Investment Incentive Act.
290	Change employer's contribution rate in the Employment Security Law.
304	Redefine "engaged in doing business in the state" for sales tax purposes.
304A	Appropriation Bill.
318*	Establish additional aggravating circumstances for imposing the death penalty.
323*	Redefine a term of the Employment Expansion and Investment Incentive Act.
360*	Change resident preference provisions regarding public contract bids.
379*	Exempt certain fur producing animals from captivity prohibitions.
392*	Require Department of Social Services branch offices in certain counties.
400*	Establish English as the official language of Nebraska.
401*	Require testing of synthetic fuel additives.
420*	Adopt the Tax Delinquency Amnesty Act.
423	Change interest rate on certain delinquent taxes and special assessments.
424	Change minimum age requirements for kindergarten and first grade.
425*	Change provisions for tort litigation.
426*	Change provisions relating to Low-level Radioactive Waste Disposal Act.
427*	Authorize withdrawal from radioactive waste compact under certain conditions.
442*	Change definition of certified ambulance attendant.

457* Provide for the issuance of additional bonds for road construction.
492* Restrict liability of architects, engineers, and land surveyors.
509* Change composition of county judge districts.
510 Provide payment date for returned farm implements, machinery, and repair parts.
528* Prohibit public employee wage withholding for political purposes.
548* Provide certain workers' compensation cases with 2nd medical opinions.
592 Change campaign contribution and disclosure provisions.
605* Change eligibility requirements relating to the Employment Security Law.
661* Adopt the State Employees Collective Bargaining Act.
696* Provide employment preference for certain veterans and spouses.
711 Change provisions relating to Commission of Industrial Relations findings and orders.
736* Adopt the Business Partnership Act.
738* Adopt the Nebraska Agriculture Act.
740* Change provisions relating to community development block grants.
741* Adopt the Tourism Development Act.
742* Adopt the Cooperative Development Act of 1987.
744* Provide job training to compliment Department of Economic Development programs.
745* Create a statewide risk capital system.
747* Provide a tax credit for research and development activities.

LR

4CA* Proposed constitutional amendment to allow county boards to exclude new business property from taxation.
22CA Proposed constitutional amendment to require funding of new political subdivision programs.

MARGE HIGGINS

LB

90* Authorize the taking of videotape depositions from certain children.
96 Require disclosure by real estate persons of confidentiality limitations.

97	Require disclosure of real estate personnel of negotiable commission rates.
98	Require disclosure by real estate personnel of working for seller's benefit.
333*	Prohibit placing convicted felons as probationers in nursing or veterans homes.
368	Change tenancy termination provisions under the Nebraska Housing Authority Law.
376*	Provide interpreters for the hearing impaired for certain proceedings.
397*	Require insurance companies to file reports before doing business in Nebraska.
471*	Change tax levy provisions relating to metropolitan transit authority.
600	Establish provisions for a luxury tax.
635*	Limit circumstances relating to removal of a juvenile from home.
637*	Adopt a family policy for government service providers.
638*	Require parental payments for court-ordered juvenile treatment expenses.
699*	Provide certification of swing-bed hospitals.

STEPHANIE A. JOHANNS

LB	
337A*	Appropriation Bill.

LOWELL C. JOHNSON

LB	
38*	Authorize Nebraska Coordinating Commission for Postsecondary Education to provide funds.
77*	Allow additional persons as acknowledgers of Small Claims Court forms.
115	Equalize provisions for state and federal building and loan associations.
218A*	Appropriation Bill.
228	Permit an attorney to appear in Small Claims Court.
245*	Authorize replacement of KMNE television tower and antenna at Bassett.
403*	Change provisions relating to trust accounts for real estate transactions.
426*	Change provisions relating to Low-level Radioactive Waste Disposal Act.
427*	Authorize withdrawal from radioactive waste compact under certain conditions.

432*	Restrict distribution of federal court oil overcharge settlement.
440*	Change provisions relating to depositories of public funds.
441*	Create exceptions to first class city property tax lid.
488*	Provide for deposit of public funds in certain financial institutions.
492*	Restrict liability of architects, engineers, and land surveyors.
546*	Allow cities and villages to tax, assess, and collect utility services.
661*	Adopt the State Employees Collective Bargaining Act.
683*	Create the Nebraska Energy Settlement Fund.
684*	Modify provisions relating to tractor testing.
685*	Authorize UNL Board of Regents to close certain schools and programs.
733	Designate a railroad museum.

LR

4CA*	Proposed constitutional amendment to allow county boards to exclude new business property from taxation.

ROD JOHNSON

LB

102*	Change provisions for animal damage control.
116*	Change provisions relating to licensing of optometrists.
124*	Adopt the Grasslands Protection Act.
138	Eliminate state participation in noxious weed control programs.
164	Change provisions of the Grain Warehouse Act.
201	Change provisions of laws administered by the Department of Agriculture.
244*	Require checkoff boards to present oral reports to Agriculture Committee.
291	Require licensing of warehouses.
326*	Eliminate restrictions on creation of new school districts.
344*	Adopt the Farm Labor Contractors Act.
344A*	Appropriation Bill.
414*	Change calculation of equalization aid to schools and income tax filing requirements.
439*	Allow private sector employees leaves of absence for military training.
546*	Allow cities and villages to tax, assess, and collect utility services.
560	Change parimutuel wagering tax.

561* Establish program for agricultural development and promotion.
561A* Appropriation Bill.
562 Exempt sales tax regarding farm machinery, equipment, and replacement parts.
639 Require assessment and classification of solid waste disposal sites.
639A Appropriation Bill.
645* Authorize Game and Parks to be placed under Governor's control.
706 Adopt the Environmental Response and Liability Act.
738* Adopt the Nebraska Agriculture Act.
739* Create an agricultural development strategy and program.
761* Require installation of main electrical disconnects.

LR

7CA Proposed constitutional amendment to increase legislative salaries.

VARD R. JOHNSON

LB

225* Provide for summary jury trial procedures.
229* Establish a high-risk pregnancy support program.
230* Change provisions for transfer of funds from Highway Trust Fund to State Patrol.
284A Appropriation Bill.
288A Appropriation Bill.
295 Change provisions relating to gambling.
295A Appropriation Bill.
421 Change horse registration provisions for Nebraska-bred horses.
464 Change bingo taxation provisions.
465 Prohibit percentage valuation changes by county board of equalization.
466 Change provisions relating to county medical assistance payments.
467 Change provisions relating to parimutuel wagering taxation and capital improvement.
470 Change provisions for distribution of sales tax on motor vehicles.
471* Change tax levy provisions relating to metropolitan transit authority.
474 Provide for an increase in the minimum wage rate.
475* Adopt the Nebraska Short Form Act.
516 Adopt the Hazardous Materials Disclosure Act.

517 Establish the Adolescent Pregnancy Prevention and Services Program.
517A Appropriation Bill.
518 Increase aid to dependent children.
518A Appropriation Bill.
523 Change various revenue and taxation provisions.
523A Appropriation Bill.
527 Transfer administration of rehabilitation services for the blind.
552* Provide delegation of duties to dental assistants.
724 Adopt the Nebraska State Lottery Act.
725 Impose a liquor tax on spirits coolers.
726 Require the merger of school districts.
726A Appropriation Bill.
727 Require insurers to pay for certain diagnostic tests.
728 Eliminate legal expense insurance.
730A Appropriation Bill.
731 Provide equal pay for equal work provisions for certain wages.
732* Adopt the Weight-distance Tax Act.
734 Provide computation of additions to insurance tax rates.
760* Establish licensing provisions to practice clinical laboratory technology.
773A Appropriation Bill.
775A Appropriation Bill.

LR

15CA Proposed constitutional amendment to expand wagering on horseraces.
19CA* Proposed constitutional amendment to place the Department of Education under control of the Governor.

FRANK KORSHOJ

LB

114* Provide procedures for the siting of hazardous waste facilities.
186 Change dissolution date for tax-delinquent corporations.
268* Provide for impounding and revocation of drivers licenses for DWI.
269* Eliminate requirement of red lights on State Patrol cruisers.
270* Increase tax credit under the Employment Expansion and Investment Incentive Act.

333* Prohibit placing convicted felons as probationers in nursing or veterans homes.
361* Change education and training requirements for law enforcement officers.
362* Change law enforcement training center admission requirements.
376* Provide interpreters for the hearing impaired for certain proceedings.
392* Require Department of Social Services branch offices in certain counties.
400* Establish English as the official language of Nebraska.
401* Require testing of synthetic fuel additives.
426* Change provisions relating to Low-level Radioactive Waste Disposal Act.
427* Authorize withdrawal from radioactive waste compact under certain conditions.
438* Change sheriffs' fees and allow sheriffs' employees to serve writs.
492* Restrict liability of architects, engineers, and land surveyors.
509* Change composition of county judge districts.
605* Change eligibility requirements relating to the Employment Security Law.
608 Change provisions relating to penalties for motor vehicle title offenses.
663* Change provisions relating to natural gas rate increases.
738* Adopt the Nebraska Agriculture Act.
739* Create an agricultural development strategy and program.
741* Adopt the Tourism Development Act.
743* Develop a statewide strategic plan for industrial development.
744* Provide job training to compliment Department of Economic Development programs.

LR

4CA* Proposed constitutional amendment to allow county boards to exclude new business property from taxation.

BERNICE LABEDZ

LB

151* Provide for the sale and transfer of ground water.
177* Allow metropolitan utilities districts to own pipelines.
274* Change provisions for prorated remuneration under the Employment Security Law.

275* Provide for reinstatement of employer's experience account under Employment Security Law.
276* Change provisions relating to students under the Employment Security Law.
277* Eliminate a provision relating to witness immunity under the Employment Security Law.
278* Provide a fee schedule for services under the Employment Security Law.
333* Prohibit placing convicted felons as probationers in nursing or veterans homes.
403* Change provisions relating to trust accounts for real estate transactions.
433 Change employment security eligibility and weekly benefit provisions.
446 Change weekly amount and computation of employment security benefits.
471* Change tax levy provisions relating to metropolitan transit authority.
488* Provide for deposit of public funds in certain financial institutions.
580* Provide optional continuation of health insurance.
654* Provide telephone service credit for low-income elderly persons.
661* Adopt the State Employees Collective Bargaining Act.
689* Provide employment driving permits for certain DWI convictions.
720* Change provisions of the Employment Security Act regarding motor vehicles.
735* Change the maximum interest rate on loans and credit cards.

HOWARD A. LAMB

LB
70 Change provisions for calculating equalization aid for school districts.
127* Change provisions for Class II school district budgets.
171 Allow holders of deer permits to hunt other wild animals.
235* Provide accreditation standards for high schools.
245* Authorize replacement of KMNE television tower and antenna at Bassett.
313* Increase fee for coroner's juror.
326* Eliminate restrictions on creation of new school districts.

327	Change provisions for terminating motor vehicle dealer franchises.
345	Allow public power districts to provide satellite television services.
414*	Change calculation of equalization aid to schools and income tax filing requirements.
415	Authorize the creation of regional park authorities.
434*	Decrease property tax levy for equalization aid eligibility.
528*	Prohibit public employee wage withholding for political purposes.
546*	Allow cities and villages to tax, assess, and collect utility services.
593	Authorize certain municipalities to own, operate, or lease a cable TV system.
594	Change erosion and sediment control provisions.
644*	Change nonresident tuition calculation provisions.
645*	Authorize Game and Parks to be placed under Governor's control.
735*	Change the maximum interest rate on loans and credit cards.
758	Provide for the assertion of third party rights.
761*	Require installation of main electrical disconnects.

DAVID LANDIS

LB	
66	Eliminate sunset provision from Community Development Assistance Act.
71*	Adopt the Uniform Arbitration Act.
75*	Provide temporary licensing and withholding requirements for TV and film vehicles.
75A	Appropriation Bill.
88*	Adopt Rights of the Terminally Ill Act.
89*	Change provisions for disclosure of certain state government information.
113*	Change provisions for insolvent financial institution deposit and exchange claims.
114*	Provide procedures for the siting of hazardous waste facilities.
118*	Prohibit the intimidation of crime witnesses and victims.
148*	Change natural resources district board membership, elections, and tax rates.
202*	Eliminate the Nebraska Depository Institution Guaranty Corporation Act.
208*	Repeal the Unfair Cigarette Sales Act.

239*	Change provisions for foster care review board membership.
274*	Change provisions for prorated remuneration under the Employment Security Law.
275*	Provide for reinstatement of employer's experience account under Employment Security Law.
276*	Change provisions relating to students under the Employment Security Law.
277*	Eliminate a provision relating to witness immunity under the Employment Security Law.
278*	Provide a fee schedule for services under the Employment Security Law.
297*	Appropriate funds to certain depositors of failed financial institutions.
334	Provide procedure for recall of legislators.
335	Exempt annuity and life insurance contracts from creditors' claims.
352*	Change procedures for appeals from state agencies.
363*	Change provisions relating to motions for new trials on damage issues.
364	Require certificate of competency for mobile home park operators.
365	Redefine underground storage tank to conform with federal regulations.
366	Change agricultural and horticultural land tax valuation provisions.
398*	Adopt the Intergovernmental Risk Management Act.
408*	Change Lincoln police and fire retirement plan provisions.
409*	Change benefit provisions of Lincoln police and fire retirement plan.
490	Authorize retail liquor licensees to provide catering.
491	Modify state personnel system and employee benefit provisions.
491A	Appropriation Bill.
514*	Adopt the Risk Retention Act.
613*	Adopt the Beverage Container Refund Act.
637*	Adopt a family policy for government service providers.
638*	Require parental payments for court-ordered juvenile treatment expenses.
661*	Adopt the State Employees Collective Bargaining Act.
663*	Change provisions relating to natural gas rate increases.
663A	Appropriation Bill.
715	Provide method for approval of certain plats in Lincoln.

720* Change provisions of the Employment Security Act regarding motor vehicles.
736* Adopt the Business Partnership Act.
738* Adopt the Nebraska Agriculture Act.
739* Create an agricultural development strategy and program.
740* Change provisions relating to community development block grants.
741* Adopt the Tourism Development Act.
742* Adopt the Cooperative Development Act of 1987.
743* Develop a statewide strategic plan for industrial development.
744* Provide job training to compliment Department of Economic Development programs.
745* Create a statewide risk capital system.

LORRAINE LANGFORD

LB
211* Authorize persons awarded county contracts to furnish bond or deposit.
218A* Appropriation Bill.
231 Change the compensation rate for election officials.
245* Authorize replacement of KMNE television tower and antenna at Bassett.
356* Provide excuse for surface water nonuse due to inadequate water supply.
400* Establish English as the official language of Nebraska.
420* Adopt the Tax Delinquency Amnesty Act.
432* Restrict distribution of federal court oil overcharge settlement.
437 Change interest rate on delinquent taxes and assessments.
484 Change county court judicial district composition.
683* Create the Nebraska Energy Settlement Fund.

DANIEL C. LYNCH

LB
99* Restrict opening and closing dates of school terms.
114* Provide procedures for the siting of hazardous waste facilities.
147 Authorize certain school districts to enter into loan agreements.
167* Provide for referee to hear protests prior to a special assessment levy.
170* Prohibit the pitting of a certain animal against another.
177* Allow metropolitan utilities districts to own pipelines.

234 Require school districts to allow preparation time for teachers.
263* Restrict zoning changes relating to the 3 mile limit of cities.
264 Require scald prevention devices on certain plumbing fixtures.
271* Change standards for criminal detention facilities.
285 Allow technical community colleges to indemnify and purchase liability insurance.
310 Establish endorsement requirements for the employment of teachers.
319* Modify the Comprehensive Health Insurance Pool Act.
331 Change provisions regarding school district reports and publication of claims.
349 Provide salary payment procedure for insolvent company employees.
350 Adopt the Mail Service Prescription Drug Act.
350A Appropriation Bill.
351 Change provisions for zoning of environmentally sensitive areas.
392* Require Department of Social Services branch offices in certain counties.
398* Adopt the Intergovernmental Risk Management Act.
399* Provide civil immunity from the reporting of insurance fraud.
418* Authorize spousal reservation of income for medical assistance eligibility.
419* Authorize spousal asset reservation for medical assistance eligibility.
422* Change zoning jurisdiction of cities, villages, and counties.
428 Require helmet protection for motorcyclists.
429 Change provisions for letting of certain county construction contracts.
471* Change tax levy provisions relating to metropolitan transit authority.
494 Require separate bid specifications for certain construction contracts.
495 Change Comprehensive Health Insurance Pool board membership provisions.
506A Appropriation Bill.
512 Eliminate provisions relating to illegal solicitation of funds.
534* Adopt the Ionizing Radiation Licensing Act.

545* Establish state employee pay incentive plan.
556* Allow mentally retarded persons to receive community-based services.
582* Provide requirements relating to chemical tests on employees.
583 Provide political party contribution designation on income tax forms.
596 Adopt the School Improvement Act.
597 Change provisions relating to hunting, shooting, and criminal trespass.
598* Change provisions relating to handicapped and disabled parking spaces and permits.
598A Appropriation Bill.
599* Adopt the Missing Children Identification Act.
643 Authorize Department of Health to conduct health and child care programs.
692* Adopt the Solid Waste Management Act.
713 Permit certain transactions by domestic insurance company officers.
714 Adopt the Individual Long-Term Care Account Act.

LR

11CA Proposed constitutional amendment relating to redeveloped substandard property taxation.

SHIRLEY MARSH

LB

88* Adopt Rights of the Terminally Ill Act.
95 Change provisions of the Nebraska Clean Indoor Air Act.
113* Change provisions for insolvent financial institution deposit and exchange claims.
170* Prohibit the pitting of a certain animal against another.
202* Eliminate the Nebraska Depository Institution Guaranty Corporation Act.
218* Appropriate funds for Morrill Hall renovation.
245* Authorize replacement of KMNE television tower and antenna at Bassett.
273* Change provisions relating to controlled substances obtained from physicians.
273A* Appropriation Bill.
297* Appropriate funds to certain depositors of failed financial institutions.
316* Change provisions regarding student discipline for sexual assault.

317 Provide zoning regulation variances for primary class cities.
336 Adjust retirement benefits for retired University of Nebraska employees.
408* Change Lincoln police and fire retirement plan provisions.
432* Restrict distribution of federal court oil overcharge settlement.
463* Adopt the Adult Protective Services Act.
526 Authorize Department of Correctional Services to sell certain property.
552* Provide delegation of duties to dental assistants.
635* Limit circumstances relating to removal of a juvenile from home.
636* Change Nebraska Juvenile Code provisions relating to temporary detention and custody.
637* Adopt a family policy for government service providers.
638* Require parental payments for court-ordered juvenile treatment expenses.
646 Provide building and fire code regulation enforcement.
661* Adopt the State Employees Collective Bargaining Act.
683* Create the Nebraska Energy Settlement Fund.
686* Appropriate money to Commonwealth Savings Company receiver.

JAMES D. MCFARLAND

LB
62 Change provisions regarding franchises and franchise fees.
63 Change provisions regarding franchises.
64 Change provisions relating to civil procedure.
65 Adopt the Athlete Agents Registration Act.
71* Adopt the Uniform Arbitration Act.
90* Authorize the taking of videotape depositions from certain children.
113* Change provisions for insolvent financial institution deposit and exchange claims.
156 Authorize lawyers' professional corporation to serve as trustee of a trust deed.
157 Provide free tuition for children of University of Nebraska faculty and staff.
158 Establish a program for gifted students.
158A Appropriation Bill.
159 Exempt persons over 70 from paying state park motor vehicle entry permits.

170*	Prohibit the pitting of a certain animal against another.
198	Change county personnel policy board membership, powers, and duties.
202*	Eliminate the Nebraska Depository Institution Guaranty Corporation Act.
218*	Appropriate funds for Morrill Hall renovation.
225*	Provide for summary jury trial procedures.
261*	Provide for attorney fees and costs in frivolous actions.
297*	Appropriate funds to certain depositors of failed financial institutions.
408*	Change Lincoln police and fire retirement plan provisions.
409*	Change benefit provisions of Lincoln police and fire retirement plan.
451*	Change provisions relating to perjury.
520	Require organization of reorganized and new school districts.
521	Establish procedures for teacher reduction-in-force policies.
617	Change provisions relating to the Consumer Protection Act.
661*	Adopt the State Employees Collective Bargaining Act.

JERRY D. MILLER

LB	
125	Change a provision relating to inheritance tax deductions.
128	Change provisions for county school superintendents and weed district boards.
135	Change provisions relating to pedestrian-control signals.
149	Require governmental agencies with motor vehicles to file accident reports.
150	Change provisions of the Nongame and Endangered Species Conservation Act.
211*	Authorize persons awarded county contracts to furnish bond or deposit.
392*	Require Department of Social Services branch offices in certain counties.
507	Change grain dealer licensing provisions.
508	Change provisions relating to property assessment and taxation.
556*	Allow mentally retarded persons to receive community-based services.
601	Change provisions relating to certain duties of clerk magistrates.
649*	Provide educational service unit reorganization.

658* Change provisions relating to ethanol and electricity.
688* Change provisions and provide mission statement for educational service units.
688A Appropriation Bill.
695 Exclude certain services from medical assistance payments.

SCOTT MOORE

LB
102* Change provisions for animal damage control.
127* Change provisions for Class II school district budgets.
140 Change provisions regarding water districts and water withdrawal permits.
146* Change provisions relating to water use, transfers, and appropriations.
181* Limit access to certain obscene and harmful materials by minors.
209* Require school district identification number on income tax forms.
210* Adopt the Public Education Income Tax Act.
237* Allow banks to purchase investment company shares.
244* Require checkoff boards to present oral reports to Agriculture Committee.
245* Authorize replacement of KMNE television tower and antenna at Bassett.
326* Eliminate restrictions on creation of new school districts.
346 Prohibit open alcoholic beverage containers in motor vehicles.
376* Provide interpreters for the hearing impaired for certain proceedings.
392* Require Department of Social Services branch offices in certain counties.
420* Adopt the Tax Delinquency Amnesty Act.
432* Restrict distribution of federal court oil overcharge settlement.
440* Change provisions relating to depositories of public funds.
457* Provide for the issuance of additional bonds for road construction.
476 Prohibit police citation quotas.
561* Establish program for agricultural development and promotion.
561A* Appropriation Bill.
609 Create the Higher Education Opportunity Program.

635* Limit circumstances relating to removal of a juvenile from home.
636* Change Nebraska Juvenile Code provisions relating to temporary detention and custody.
637* Adopt a family policy for government service providers.
638* Require parental payments for court-ordered juvenile treatment expenses.
683* Create the Nebraska Energy Settlement Fund.
684* Modify provisions relating to tractor testing.
737* Create a poultry development and assistance program.
739* Create an agricultural development strategy and program.
740* Change provisions relating to community development block grants.
741* Adopt the Tourism Development Act.
742* Adopt the Cooperative Development Act of 1987.
756* Change provisions relating to overweight vehicles which haul farm products.

LR

4CA* Proposed constitutional amendment to allow county boards to exclude new business property from taxation.
19CA* Proposed constitutional amendment to place the Department of Education under control of the Governor.

PATRICIA S. MOREHEAD

LB

67* Restrict liability for not-for-profit corporation directors.
68 Change provisions relating to regulation of milk.
69 Provide an exception to the State Electrical Act.
75* Provide temporary licensing and withholding requirements for TV and film vehicles.
88* Adopt Rights of the Terminally Ill Act.
90* Authorize the taking of videotape depositions from certain children.
116* Change provisions relating to licensing of optometrists.
163* Adopt the Venture Capital Network Act.
219 Change provisions relating to liquors and liquor licensing.
220* Allow retired state employees to continue participation in health plan.
233* Expand state and federal concurrent jurisdiction on national park property.
259 Change provisions relating to intermediate care facilities for the mentally retarded.
272* Repeal provision relating to certain Department of Labor employees.

375* Change provisions relating to bank holding companies.
376* Provide interpreters for the hearing impaired for certain proceedings.
440* Change provisions relating to depositories of public funds.
441* Create exceptions to first class city property tax lid.
556* Allow mentally retarded persons to receive community-based services.
561* Establish program for agricultural development and promotion.
580* Provide optional continuation of health insurance.
616 Authorize school contracts for nonteaching services.
635* Limit circumstances relating to removal of a juvenile from home.
636* Change Nebraska Juvenile Code provisions relating to temporary detention and custody.
637* Adopt a family policy for government service providers.
638* Require parental payments for court-ordered juvenile treatment expenses.
664* Adopt the Farm Mediation Act.
736* Adopt the Business Partnership Act.
737* Create a poultry development and assistance program.
738* Adopt the Nebraska Agriculture Act.
739* Create an agricultural development strategy and program.
740* Change provisions relating to community development block grants.
741* Adopt the Tourism Development Act.
742* Adopt the Cooperative Development Act of 1987.
743* Develop a statewide strategic plan for industrial development.
744* Provide job training to compliment Department of Economic Development programs.
745* Create a statewide risk capital system.
746* Adopt the Venture Capital Company Act.
747* Provide a tax credit for research and development activities.

LR

19CA* Proposed constitutional amendment to place the Department of Education under control of the Governor.

ARLENE NELSON

LB

72* Restrict distribution of smokeless tobacco products.

73	Require lenders to furnish copies of loan documents to borrowers.
74*	Provide duties and liability exemption regarding organ/tissue donation.
143*	Provide for a tax on the sale and distribution of tobacco.
169*	Provide distribution of school funds twice monthly by certain counties.
222*	Provide immunity from liability for nonprofit sports programs.
223*	Change fees relating to service of process by sheriffs.
308	Change provisions for deferring annuities from State Employees Retirement Plan.
333*	Prohibit placing convicted felons as probationers in nursing or veterans homes.
344*	Adopt the Farm Labor Contractors Act.
344A*	Appropriation Bill.
376*	Provide interpreters for the hearing impaired for certain proceedings.
392*	Require Department of Social Services branch offices in certain counties.
492*	Restrict liability of architects, engineers, and land surveyors.
546*	Allow cities and villages to tax, assess, and collect utility services.
647*	Adopt the Vocational Education Program Support Act.
647A*	Appropriation Bill.
658*	Change provisions relating to ethanol and electricity.
736*	Adopt the Business Partnership Act.
741*	Adopt the Tourism Development Act.
745*	Create a statewide risk capital system.
746*	Adopt the Venture Capital Company Act.
LR	
3CA*	Proposed constitutional amendment to authorize technical community colleges to incur indebtedness.

JAMES E. PAPPAS

LB	
81*	Require state agencies to pay interest to creditors.
82	Require state patrol officers to carry two-way radios.
83	Require food retailers to post disclosure of cooking oil and cholesterol.
84	Require Department of Roads to post signs for historical tourism events.

85 Change provisions for apportionment and distribution of school funds.
86* Change provisions for property tax exemptions on rental inventory.
87* Eliminate a tax on pawnbrokers.
90* Authorize the taking of videotape depositions from certain children.
94 Eliminate sales and use tax exemption for food and food products.
99* Restrict opening and closing dates of school terms.
129 Require that certain election results be reported by precinct.
146* Change provisions relating to water use, transfers, and appropriations.
151* Provide for the sale and transfer of ground water.
153 Provide for inspection of trains carrying hazardous materials.
154 Change provisions relating to falconry and captive propagation.
155 Provide for registration of persons involved in aquaculture.
160 Authorize retirement of school employees after 35 years of service.
168 Eliminate provisions relating to unitary group taxation.
172 Adopt the Nebraska Marital Property Act.
173 Eliminate the Nebraska Health Care Certificate of Need Act.
174 Increase financial responsibility requirements for motor vehicle insurance.
191 Prohibit certain settlements or releases of liability by injured persons.
192 Allow first class city police officers to receive lump sum pension benefits.
193 Require a flagperson for trains carrying hazardous materials.
240* Change provisions relating to bank holding companies.
260 Change optional health insurance coverage for certain retired state employees.
261* Provide for attorney fees and costs in frivolous actions.
282 Require hospital districts to publish financial statements.
337* Adopt the Business Trust Act.
337A* Appropriation Bill.

338	Change provisions relating to student transportation allowances.
339	Require cabooses on trains carrying hazardous substances.
340	Authorize certain capital construction from Visitors' Development Act funds.
341	Provide workers' compensation coverage for farm and ranch laborers.
342	Prohibit yard signs in political campaigns.
344*	Adopt the Farm Labor Contractors Act.
373*	Provide payment of claims against insurance guaranty associations.
397*	Require insurance companies to file reports before doing business in Nebraska.
398*	Adopt the Intergovernmental Risk Management Act.
420*	Adopt the Tax Delinquency Amnesty Act.
430*	Raise certain highway and interstate speed limits.
447*	Change administrative fee for municipal sales tax collected by the state.
493	Change Nebraska State Patrol disability benefit provisions.
505	Provide licensing requirements for farm breweries.
519*	Change membership provisions relating to police bargaining units.
534*	Adopt the Ionizing Radiation Licensing Act.
542	Increase aid to dependent children.
580*	Provide optional continuation of health insurance.
611	Adopt the Railroad Inspection Act.
612	Adopt the Unmarked Human Burial and Skeletal Remains Protection Act.
613*	Adopt the Beverage Container Refund Act.
614	Change motor vehicle registration requirements.
615	Change provisions relating to electronic fund transfers by financial institutions.
645*	Authorize Game and Parks to be placed under Governor's control.
654*	Provide telephone service credit for low-income elderly persons.
658*	Change provisions relating to ethanol and electricity.
667*	Adopt the Domestic Products Procurement Act.
682	Modify provisions relating to private, denominational, and parochial schools.
702*	Modify provisions relating to bank holding companies.
703	Remove limitations from the establishment of branch banks.

759 Limit State Tort Claims Act recoverable claim amounts.
761* Require installation of main electrical disconnects.

LR

4CA* Proposed constitutional amendment to allow county boards to exclude new business property from taxation.
16CA* Proposed constitutional amendment to eliminate Auditor of Public Accounts as a constitutional officer.
19CA* Proposed constitutional amendment to place the Department of Education under control of the Governor.

RICHARD PETERSON

LB

179* Disqualify Head Start employees from employment security provisions.
239* Change provisions for foster care review board membership.
254 Increase county collection fee for bad checks.
262 Eliminate a restriction on the local regulation of obscenity.
266 Require notifying insured of the right to select health care providers.
267* Change provisions regarding sales and use tax refunds on certain equipment.
299 Change mail box placement and support provisions.
300 Furnish driver record information to United States Selective Service.
318* Establish additional aggravating circumstances for imposing the death penalty.
333* Prohibit placing convicted felons as probationers in nursing or veterans homes.
376* Provide interpreters for the hearing impaired for certain proceedings.
420* Adopt the Tax Delinquency Amnesty Act.
426* Change provisions relating to Low-level Radioactive Waste Disposal Act.
427* Authorize withdrawal from radioactive waste compact under certain conditions.
440* Change provisions relating to depositories of public funds.
441* Create exceptions to first class city property tax lid.
442* Change definition of certified ambulance attendant.
528* Prohibit public employee wage withholding for political purposes.

543* Change provisions relating to the Nebraska Cosmetology Act.
645* Authorize Game and Parks to be placed under Governor's control.
656A* Appropriation Bill.

LR

6CA Proposed constitutional amendment to limit legislative sessions to 60 days.

CAROL MCBRIDE PIRSCH

LB

90* Authorize the taking of videotape depositions from certain children.
117 Change provisions for sale, distribution, and possession of obscene materials.
118* Prohibit the intimidation of crime witnesses and victims.
119 Change definition of a victim for criminal procedure purposes.
120 Change provisions relating to criminal mischief.
121 Change provisions relating to theft.
122 Authorize discovery by the prosecuting attorney before trial.
123* Provide immunity from civil damages for nonprofit sports programs.
177* Allow metropolitan utilities districts to own pipelines.
197* Provide equal treatment of state and federal credit unions.
268* Provide for impounding and revocation of drivers licenses for DWI.
269* Eliminate requirement of red lights on State Patrol cruisers.
271* Change standards for criminal detention facilities.
273* Change provisions relating to controlled substances obtained from physicians.
273A* Appropriation Bill.
332* Provide loan service fees and allow thrift institutions to acquire banks.
394 Change vacancy provisions relating to mayor and city council offices.
425* Change provisions for tort litigation.
492* Restrict liability of architects, engineers, and land surveyors.
535 Change provisions relating to crime victims and witnesses.
536* Change provisions relating to shoplifting and Small Claims Court.

554* Change provisions relating to witness fees.
637* Adopt a family policy for government service providers.
697 Provide access to certain mental health records.
698 Create the Criminal Justice Assistance and Improvement Fund.

LR

4CA* Proposed constitutional amendment to allow county boards to exclude new business property from taxation.

R. WILEY REMMERS

LB

72* Restrict distribution of smokeless tobacco products.
76 Authorize licensed practical nurses to be certified ambulance attendants.
116* Change provisions relating to licensing of optometrists.
142* Provide a dissolution date for the Nebraska Commission for Special Education.
143* Provide for a tax on the sale and distribution of tobacco.
209* Require school district identification number on income tax forms.
210* Adopt the Public Education Income Tax Act.
218* Appropriate funds for Morrill Hall renovation.
235* Provide accreditation standards for high schools.
306 Change provisions relating to insurance sold with loans.
376* Provide interpreters for the hearing impaired for certain proceedings.
392* Require Department of Social Services branch offices in certain counties.
398* Adopt the Intergovernmental Risk Management Act.
402* Provide criteria for drug education courses.
440* Change provisions relating to depositories of public funds.
441* Create exceptions to first class city property tax lid.
530 Change credit union closure procedures.
531 Change notice provisions for acquisition of certain financial institutions.
532 Prohibit banks from making loans secured by its own capital stock.
537* Define controlled substance analogue.
546* Allow cities and villages to tax, assess, and collect utility services.
558 Authorize use of unmarked cars by Department of Banking.

559 Change surety bond requirements for industrial loan and investment companies.
640 Require Secretary of State to compile lien list under the central filing system.
642 Change fee provisions relating to Department of Banking and Finance services.
645* Authorize Game and Parks to be placed under Governor's control.
700* Change provisions of the Nebraska Property and Liability Insurance Guaranty Association Act.
721* Create special improvement districts for cities and villages.

LR

19CA* Proposed constitutional amendment to place the Department of Education under control of the Governor.

CARSON H. ROGERS

LB

100 Change liability provisions relating to drainage.
101 Provide for agricultural production input liens.
101A Appropriation Bill.
102* Change provisions for animal damage control.
102A Appropriation Bill.
103* Adopt the State Livestock Health Act.
104* Require rabies vaccinations for dogs and cats.
116* Change provisions relating to licensing of optometrists.
124* Adopt the Grasslands Protection Act.
245* Authorize replacement of KMNE television tower and antenna at Bassett.
302 Change provisions on premium and retaliatory taxes for insurance companies.
313* Increase fee for coroner's juror.
314 Change time limit for petroleum products lien foreclosure.
315 Establish construction requirements for roofs of government buildings.
333* Prohibit placing convicted felons as probationers in nursing or veterans homes.
376* Provide interpreters for the hearing impaired for certain proceedings.
392* Require Department of Social Services branch offices in certain counties.
393 Provide for collateral substitution under Uniform Commercial Code provisions.
414* Change calculation of equalization aid to schools and income tax filing requirements.

434* Decrease property tax levy for equalization aid eligibility.
435* Allow school district refinancing of lease agreements without elections.
460 Limit liability and change licensing requirements of emergency ambulance technicians.
664* Adopt the Farm Mediation Act.
756* Change provisions relating to overweight vehicles which haul farm products.

LEE RUPP

LB

90* Authorize the taking of videotape depositions from certain children.
105 Change fees relating to hunting, fishing, and fur harvesting permits.
106 Provide for merger of certain Class I school districts.
107 Provide additional formation requirement for Class VI school districts.
116* Change provisions relating to licensing of optometrists.
206* Change provisions relating to controlled shooting areas.
233* Expand state and federal concurrent jurisdiction on national park property.
242 Change provisions relating to garnishment.
333* Prohibit placing convicted felons as probationers in nursing or veterans homes.
379* Exempt certain fur producing animals from captivity prohibitions.
440* Change provisions relating to depositories of public funds.
441* Create exceptions to first class city property tax lid.
534* Adopt the Ionizing Radiation Licensing Act.
537* Define controlled substance analogue.
539 Authorize conditional payment of non-state employee conference expenses.
540 Provide additional learners' permits.
545* Establish state employee pay incentive plan.
651 Establish police officer retirement system for cities of the 2nd class.
716* Change provisions relating to elections and ballot issues.
761* Require installation of main electrical disconnects.

LR

18CA Proposed constitutional amendment relating to legislative salary, service, and session length.

STAN SCHELLPEPER

LB	
246	Authorize public power districts to invest in certain insurance securities.
376*	Provide interpreters for the hearing impaired for certain proceedings.
392*	Require Department of Social Services branch offices in certain counties.
426*	Change provisions relating to Low-level Radioactive Waste Disposal Act.
427*	Authorize withdrawal from radioactive waste compact under certain conditions.
485	Change provisions relating to Rural Health Manpower Commission.
486	Change the parimutuel tax.
613*	Adopt the Beverage Container Refund Act.
704	Provide road improvement for the Nebraska State Fairgrounds.

LORAN SCHMIT

LB	
103*	Adopt the State Livestock Health Act.
116*	Change provisions relating to licensing of optometrists.
146*	Change provisions relating to water use, transfers, and appropriations.
146A	Appropriation Bill.
148*	Change natural resources district board membership, elections, and tax rates.
151*	Provide for the sale and transfer of ground water.
152	Change provisions regarding the Environmental Protection Act.
181*	Limit access to certain obscene and harmful materials by minors.
232*	Authorize private vocational institutions to grant certain degrees.
237*	Allow banks to purchase investment company shares.
238	Change provisions relating to charges for electrical energy.
240*	Change provisions relating to bank holding companies.
244*	Require checkoff boards to present oral reports to Agriculture Committee.
279	Change provisions relating to ethanol production refunds and plants.
280	Adopt the County Revenue Act.
324	Change provisions for municipal cooperative financing.

325	Provide agricultural commodity testing prior to sale or storage.
328*	Require job training and search programs for aid to dependent children recipients.
373*	Provide payment of claims against insurance guaranty associations.
375*	Change provisions relating to bank holding companies.
380	Change telecommunications regulation provisions.
381	Eliminate certain telecommunication deregulation provisions.
382	Eliminate certificate of convenience for new telecommunications services.
400*	Establish English as the official language of Nebraska.
401*	Require testing of synthetic fuel additives.
402*	Provide criteria for drug education courses.
445	Require chemigation training sessions with the Cooperative Extension Service.
448	Impose a surcharge on income from noninsured financial investments.
457*	Provide for the issuance of additional bonds for road construction.
458	Transfer duties of the Ethanol Board to the Agricultural Revitalization Authority.
533	Adopt the Wastewater Treatment Operator Certification Act.
553	Establish liability for refusing to endorse checks.
563	Establish tax on stock, bond, and commodity commissions.
564	Increase salaries of judges.
564A	Appropriation Bill.
565	Increase air civil penalty for Environmental Protection Act violations.
566	Establish water use fees.
567	Repeal obsolete statute relating to river basin commission appointments.
568	Repeal Lower Niobrara River and Ponca Creek Compact.
610	Eliminate excise tax exemption for certain agricultural products.
641	Eliminate provision on microwave communications facilities.
658*	Change provisions relating to ethanol and electricity.
664*	Adopt the Farm Mediation Act.
664A	Appropriation Bill.

700* Change provisions of the Nebraska Property and Liability Insurance Guaranty Association Act.
701* Provide tax on certain drugs, bookmaking, and gambling devices.
705* Require public power industry study.
707 Change agricultural loan provisions of the Nebraska Investment Finance Authority Act.
708 Provide wagering on horseracing simulcasts.
708A Appropriation Bill.
709 Eliminate provisions relating to credit on liquor.
710 Adopt the County Revenue Act.
719* Create the Nebraska Parentage Act and Nebraska Adoption Act.
723* Adopt the Propane Safety Act.
723A* Appropriation Bill.
735* Change the maximum interest rate on loans and credit cards.
751* Provide for the sale of oxygenated fuel.
753 Allow banks to invest in Federal Home Association, Veterans' Administration, and Government National Mortgage Association certificates and bonds.
754 Change homestead exemption provisions for disabled persons.
755 Require agricultural boards to contract to coordinate industry promotion.
761* Require installation of main electrical disconnects.

SANDRA K. SCOFIELD

LB
90* Authorize the taking of videotape depositions from certain children.
124* Adopt the Grasslands Protection Act.
188 Require lobbyists to file disclosure statements.
189 Require certain state agency hearings to be held in affected geographic areas.
190 Require training in oxygen administration and redefine care staff member.
218A* Appropriation Bill.
245* Authorize replacement of KMNE television tower and antenna at Bassett.
312* Adopt the Intergovernmental Data Communications Act.
391 Establish the County Disaster Assistance Fund.
392* Require Department of Social Services branch offices in certain counties.

405 Change recreation liability provisions.
406 Limit liability of mental health service providers.
407 Change method of computing valuation of agricultural and horticultural land.
426* Change provisions relating to Low-level Radioactive Waste Disposal Act.
427* Authorize withdrawal from radioactive waste compact under certain conditions.
432* Restrict distribution of federal court oil overcharge settlement.
442* Change definition of certified ambulance attendant.
450* Change Nebraska Brand Law provisions.
501 Allow Department of Environmental Control to collect fees and costs.
502 Prohibit employment penalties for certain drug and alcohol test results.
546* Allow cities and villages to tax, assess, and collect utility services.
581* Authorize teacher training programs to include communications technologies.
633 Change provisions for the uranium severance tax.
634 Impose tax on albums, videotapes, and tickets.
635* Limit circumstances relating to removal of a juvenile from home.
636* Change Nebraska Juvenile Code provisions relating to temporary detention and custody.
637* Adopt a family policy for government service providers.
638* Require parental payments for court-ordered juvenile treatment expenses.
638A Appropriation Bill.
644* Change nonresident tuition calculation provisions.
661* Adopt the State Employees Collective Bargaining Act.
683* Create the Nebraska Energy Settlement Fund.
719* Create the Nebraska Parentage Act and Nebraska Adoption Act.
736* Adopt the Business Partnership Act.
736A Appropriation Bill.
738* Adopt the Nebraska Agriculture Act.

LR

19CA* Proposed constitutional amendment to place the Department of Education under control of the Governor.

JACKLYN SMITH

LB	
41	Eliminate title fee for surviving owners of motor vehicles.
42	Establish care management units by area agencies on aging.
42A	Appropriation Bill.
90*	Authorize the taking of videotape depositions from certain children.
116*	Change provisions relating to licensing of optometrists.
169*	Provide distribution of school funds twice monthly by certain counties.
333*	Prohibit placing convicted felons as probationers in nursing or veterans homes.
344*	Adopt the Farm Labor Contractors Act.
344A*	Appropriation Bill.
392*	Require Department of Social Services branch offices in certain counties.
455	Authorize certain technical community college capital construction.
456	Change geographic representation requirements of Department on Aging Advisory Committee.
463*	Adopt the Adult Protective Services Act.
534*	Adopt the Ionizing Radiation Licensing Act.
546*	Allow cities and villages to tax, assess, and collect utility services.
635*	Limit circumstances relating to removal of a juvenile from home.
636*	Change Nebraska Juvenile Code provisions relating to temporary detention and custody.
637*	Adopt a family policy for government service providers.
638*	Require parental payments for court-ordered juvenile treatment expenses.
649*	Provide educational service unit reorganization.
688*	Change provisions and provide mission statement for educational service units.
699*	Provide certification of swing-bed hospitals.
721*	Create special improvement districts for cities and villages.

JEROME WARNER

LB	
38*	Authorize Nebraska Coordinating Commission for Postsecondary Education to provide funds.
39	Provide restriction on 5th wheel connection device repositioning.

113* Change provisions for insolvent financial institution deposit and exchange claims.
130 Provide for a biennial budget calculation of excess funds and receipts.
131 Change provisions relating to the Cash Reserve Fund.
132 Provide weight restrictions for tandem and dummy axles.
133 Provide certain rules of the road exemptions for certain government employees.
183 Change payment provisions for county and Educational Service Unit audits by State Auditor.
183A Appropriation Bill.
184 Require laws expending state funds be appropriated by the Legislature.
202* Eliminate the Nebraska Depository Institution Guaranty Corporation Act.
208* Repeal the Unfair Cigarette Sales Act.
218A* Appropriation Bill.
223* Change fees relating to service of process by sheriffs.
232* Authorize private vocational institutions to grant certain degrees.
245* Authorize replacement of KMNE television tower and antenna at Bassett.
286* Prohibit hunting and trapping of fur-bearing animals on certain highway locations.
287 Provide tax for certain landscaping and sod sales.
297* Appropriate funds to certain depositors of failed financial institutions.
311 Adopt the Vehicle Information and Registration System Act.
312* Adopt the Intergovernmental Data Communications Act.
312A Appropriation Bill.
343 Change provisions relating to the Nebraska Economic Forecasting Advisory Board.
408* Change Lincoln police and fire retirement plan provisions.
420* Adopt the Tax Delinquency Amnesty Act.
432* Restrict distribution of federal court oil overcharge settlement.
514* Adopt the Risk Retention Act.
554* Change provisions relating to witness fees.
635* Limit circumstances relating to removal of a juvenile from home.
636* Change Nebraska Juvenile Code provisions relating to temporary detention and custody.

637* Adopt a family policy for government service providers.
638* Require parental payments for court-ordered juvenile treatment expenses.
661* Adopt the State Employees Collective Bargaining Act.
661A Appropriation Bill.
683* Create the Nebraska Energy Settlement Fund.
684* Modify provisions relating to tractor testing.
685* Authorize UNL Board of Regents to close certain schools and programs.
735* Change the maximum interest rate on loans and credit cards.

ROGER R. WEHRBEIN

LB
218A* Appropriation Bill.
236 Change procedure for claiming damages in eminent domain cases.
245* Authorize replacement of KMNE television tower and antenna at Bassett.
398* Adopt the Intergovernmental Risk Management Act.
400* Establish English as the official language of Nebraska.
402* Provide criteria for drug education courses.
420* Adopt the Tax Delinquency Amnesty Act.
432* Restrict distribution of federal court oil overcharge settlement.
483 Change city code filing requirements for public use.
683* Create the Nebraska Energy Settlement Fund.

JOHN L. WEIHING

LB
145* Adopt the Dry Bean Resources Act.
145A Appropriation Bill.
169* Provide distribution of school funds twice monthly by certain counties.
337* Adopt the Business Trust Act.
344* Adopt the Farm Labor Contractors Act.
376* Provide interpreters for the hearing impaired for certain proceedings.
392* Require Department of Social Services branch offices in certain counties.
400* Establish English as the official language of Nebraska.
420* Adopt the Tax Delinquency Amnesty Act.
426* Change provisions relating to Low-level Radioactive Waste Disposal Act.

427* Authorize withdrawal from radioactive waste compact under certain conditions.
440* Change provisions relating to depositories of public funds.
441* Create exceptions to first class city property tax lid.
579 Change liability provisions for public power and irrigation districts.
690 Permit detention of certain DWI offenders.
721* Create special improvement districts for cities and villages.

LR

19CA* Proposed constitutional amendment to place the Department of Education under control of the Governor.

DONALD WESELY

LB

89* Change provisions for disclosure of certain state government information.
112 Delete statutory references to the Nebraska Psychiatric Institute.
113* Change provisions for insolvent financial institution deposit and exchange claims.
126 Require hospitals to report services rendered to the indigent.
148* Change natural resources district board membership, elections, and tax rates.
170* Prohibit the pitting of a certain animal against another.
178 Increase supplemental retirement benefits for retired school employees.
180 Provide for the regulation of automatic dialing-announcing devices.
202* Eliminate the Nebraska Depository Institution Guaranty Corporation Act.
203 Repeal provisions relating to health maintenance organization open enrollment.
218* Appropriate funds for Morrill Hall renovation.
226 Adopt the Nebraska Amusement Ride Act.
226A Appropriation Bill.
227 Adopt the Building Construction Act.
229* Establish a high-risk pregnancy support program.
229A Appropriation Bill.
255 Change assistance requirements for the aged, blind, or disabled.
256 Adopt the Nebraska Health Care Information Act.

257 Restrict jailing mentally ill, dangerous persons prior to commitment.
267* Change provisions regarding sales and use tax refunds on certain equipment.
272* Repeal provision relating to certain Department of Labor employees.
297* Appropriate funds to certain depositors of failed financial institutions.
309 Adopt the Trade Secrets Act.
316* Change provisions regarding student discipline for sexual assault.
319* Modify the Comprehensive Health Insurance Pool Act.
320 Change mental health regional governing board program funding requirements.
321 Adopt Residential and Community Living Mental Health Services Incentive Act.
322 Change provisions relating to vending facility contracts and licenses.
323* Redefine a term of the Employment Expansion and Investment Incentive Act.
383A Appropriation Bill.
384A Appropriation Bill.
387 Adopt the State Employee Wellness Act.
388 Change membership provisions for the Commission for the Hearing Impaired.
389 Authorize certain political subdivisions to provide home health care services.
390 Change provisions relating to the Radiation Control Act.
390A Appropriation Bill.
392* Require Department of Social Services branch offices in certain counties.
410 Change provisions relating to the Nebraska Health Care Certificate of Need Act.
447* Change administrative fee for municipal sales tax collected by the state.
451* Change provisions relating to perjury.
452 Extend perjury to include oaths authorized by law.
459A Appropriation Bill.
463* Adopt the Adult Protective Services Act.
468 Define the southern boundary of UNL for liquor control purposes.
473A Appropriation Bill.
499 Provide for review hearing under the Mental Health Commitment Act.

500 Adopt State Assistance for the Medically Indigent Act.
519* Change membership provisions relating to police bargaining units.
543* Change provisions relating to the Nebraska Cosmetology Act.
543A Appropriation Bill.
544 Eliminate a labeling requirement and penalty relating to food donations.
545* Establish state employee pay incentive plan.
561* Establish program for agricultural development and promotion.
637* Adopt a family policy for government service providers.
647* Adopt the Vocational Education Program Support Act.
647A* Appropriation Bill.
648 Authorize Capitol Mural Commission artwork competition.
661* Adopt the State Employees Collective Bargaining Act.
686* Appropriate money to Commonwealth Savings Company receiver.
691 Adopt the Chemically Impaired Professional Act.
692* Adopt the Solid Waste Management Act.
693 Change licensing provisions for nursing home administrators.
693A Appropriation Bill.
694 Change membership provisions relating to the Nursing Home Advisory Council.
736* Adopt the Business Partnership Act.
737* Create a poultry development and assistance program.
738* Adopt the Nebraska Agriculture Act.
739* Create an agricultural development strategy and program.
740* Change provisions relating to community development block grants.
741* Adopt the Tourism Development Act.
742* Adopt the Cooperative Development Act of 1987.
743* Develop a statewide strategic plan for industrial development.
744* Provide job training to compliment Department of Economic Development programs.
745* Create a statewide risk capital system.
746* Adopt the Venture Capital Company Act.
747* Provide a tax credit for research and development activities.
748 Adopt the Economic Development Act.

750* Change death penalty provisions for mentally incompetent persons.

LR

16CA* Proposed constitutional amendment to eliminate Auditor of Public Accounts as a constitutional officer.

17CA Proposed constitutional amendment relating to session commencement and terms of members.

RON WITHEM

LB

71* Adopt the Uniform Arbitration Act.

86* Change provisions for property tax exemptions on rental inventory.

90* Authorize the taking of videotape depositions from certain children.

108* Eliminate sales tax on utility services.

109 Eliminate requirement relating to public funds and demand deposit accounts.

110 Allow state employees to hold office in political parties.

111 Change provisions relating to licensed driver lists for jury selection.

177* Allow metropolitan utilities districts to own pipelines.

182 Change provisions relating to non-resident high school tuition charges.

205* Require cities and villages to make payments on water supply property in lieu of taxes.

207 Authorize suspension of juveniles' driving privileges in certain cases.

215 Change provisions for foreclosure of tax sale certificates and deeds.

248 Redefine nursing home care staff member and nursing assistant.

249 Require disclosure of owners of nursing homes.

250 Require semi-annual and unannounced nursing home inspections.

251 Change the hours of election polls.

281 Change provisions for calculating equalization aid to schools.

283* Change provisions relating to the School Foundation and Equalization Act.

357 Change primary filing deadlines for political convention delegates.

358 Change representation provisions for state political party conventions.

359 Exempt school districts from eminent domain procedures.
416 Provide requirements for long-term care insurance policies.
417 Change school district annexation and accreditation provisions.
418* Authorize spousal reservation of income for medical assistance eligibility.
419* Authorize spousal asset reservation for medical assistance eligibility.
419A Appropriation Bill.
443 Change membership of county school reorganization committees.
444 Change school district boundary and reorganization election provisions.
477 Provide requirement for instruments recorded with the register of deeds.
478 Require printed names on grand jury petitions.
479* Change requirements for information published on political advertising.
480* Change provisions for earmarked political campaign contributions.
481 Provide penalties for standard code licensing violations.
482 Adopt Career Teacher Incentive Act.
525* Change child and spousal support payment provisions.
529A Appropriation Bill.
586 Provide personnel administration for certain counties.
587 Provide mail-in ballots for sanitary and improvement district elections.
588 Provide delegate selection to county political convention by precinct caucus.
589 Change child support jurisdiction provisions.
590 Change criminal nonsupport provisions.
595 Eliminate a consideration for schools serving annexed territory.
637* Adopt a family policy for government service providers.
638* Require parental payments for court-ordered juvenile treatment expenses.
652 Change provisions relating to elections.
663* Change provisions relating to natural gas rate increases.
692* Adopt the Solid Waste Management Act.
705* Require public power industry study.
736* Adopt the Business Partnership Act.
738* Adopt the Nebraska Agriculture Act.

739* Create an agricultural development strategy and program.
740* Change provisions relating to community development block grants.
741* Adopt the Tourism Development Act.
742* Adopt the Cooperative Development Act of 1987.
743* Develop a statewide strategic plan for industrial development.
744* Provide job training to compliment Department of Economic Development programs.
745* Create a statewide risk capital system.
746* Adopt the Venture Capital Company Act.
747* Provide a tax credit for research and development activities.

LR

3CA* Proposed constitutional amendment to authorize technical community colleges to incur indebtedness.
8CA* Proposed constitutional amendment to require payments in lieu of taxes for water supply property.

* With others.
** At the request of the Governor.

LEGISLATIVE BILLS AND CONSTITUTIONAL AMENDMENT RESOLUTIONS BY INTRODUCERS

APPROPRIATIONS

LB	
449	Authorize deficiency appropriations.
779	Appropriate funds for payment of civil action claims against the state.
780	Appropriate funds for state government expenses.
781	Appropriate funds for capital construction.
782	Change provisions relating to state employee salary increases.
782A	Appropriation Bill.
783	Change state contribution to the state employee health insurance plan.
783A	Appropriation Bill.
784	Appropriate supplemental funds for state government and capital construction.
785	Allow Game and Parks Commission to use NEBRASKALAND magazine revenues.
786	Change fee provisions relating to funds managed by the State Investment Officer.
787	Reappropriate certain oil overcharge-related funds from LB 432 (1987).

BANKING, COMMERCE AND INSURANCE

LB	
453	Change lending practices relating to executive officers of banks.
454	Provide a restriction on bank holding companies.

BUSINESS AND LABOR

LB	
461	Adjust federally funded extended benefits of the Employment Security Law.
462	Adopt the Boiler Inspection Act.
469	Change eligibility provisions relating to the Employment Security Law.
776	Appropriate funds for wage claims approved by State Claims Board.
777	Appropriate funds for payment of certain claims against the state.

778 Disallow certain claims against the state.

EDUCATION

LB	
199	Change membership provisions of the Education Commission of the States.
200	Authorize school-provided transportation to certain students for a fee.
217	Allow school districts to establish contingency funds to cover losses.
329	Authorize technical community colleges to issue revenue bonds.
529	Change teacher certification provisions and authorize certain programs.
688*	Change provisions and provide mission statement for educational service units.

EXECUTIVE BOARD

LB	
1	Revisor bill relating to agriculture and economic development.
2	Revisor bill relating to banks and banking.
3	Revisor bill relating to Social Security.
4	Revisor bill relating to the Public Service Commission.
5	Revisor bill relating to Public Service Commission appropriation.
6	Revisor bill relating to revenue and taxation.
7	Revisor bill relating to the Department of Public Institutions.
8	Revisor bill relating to the Revisor of Statutes.
9	Revisor bill relating to the Division on Alcohol and Drug Abuse.
10	Revisor bill relating to State Institutions.
11	Revisor bill relating to the Department of Correctional Services.
12	Revisor bill relating to Nebraska Commission on Law Enforcement and Criminal Justice.
13	Revisor bill relating to University of Nebraska at Lincoln field house.
14	Revisor bill relating to grain sales.
15	Revisor bill relating to the State Treasurer.
16	Revisor bill relating to postsecondary education.
17	Revisor bill relating to insurance.
18	Revisor bill relating to School Weatherization Fund.

19 Revisor bill relating to revenue and taxation administrative procedure.
20 Revisor bill relating to agriculture.
21 Revisor bill relating to public health and welfare.
22 Revisor bill relating to motor vehicles.
23 Revisor bill relating to public financing.
24 Revisor bill relating to agriculture.
25 Revisor bill relating to agricultural experiment stations.
26 Revisor bill relating to postsecondary education.
27 Revisor bill relating to securities.
28 Revisor bill relating to the Public Service Commission.
29 Revisor bill relating to the Nebraska Soil and Water Conservation Fund.
30 Revisor bill relating to schools.
31 Revisor bill relating to normal schools.
32 Revisor bill relating to public lands and buildings.
33 Revisor bill relating to civil and criminal procedure.
34 Revisor bill relating to criminal procedure.
35 Revisor bill relating to child labor and education.
36 Revisor bill relating to elevators.
37 Revisor bill relating to children and child support.
511 Eliminate the Telecommunications Committee of the Legislature.

GENERAL AFFAIRS

LB
395 Require adult supervision on premises where alcohol is sold or consumed.
396 Require certain information on liquor license applications.
550 Provide power to Nebraska Liquor Control Commission and increase occupation tax.

GOVERNMENT, MILITARY AND VETERANS AFFAIRS

LB
436 Change Nebraska National Guard tuition assistance program provisions.
774 Change provisions relating to standard daylight time.

HEALTH AND HUMAN SERVICES

LB
383 Change provisions of the Nebraska Safe Drinking Water Act.

384 Extend termination date for Nebraska Regulation of Health Professions Act.
385* Establish metabolic disease testing and registry.
386 Change provisions relating to child care.
459 Change intermediate care facility licensure categories and requirements.
472 Provide reports regarding immunization of children.
473 Change licensing and administration provisions for health care personnel.
506 Adopt the Community Public Health Services Act.

JUDICIARY

LB

569 Change provisions relating to delinquent child support payment interest.
570 Change provisions relating to child support.
571 Eliminate biennial revision of Supreme Court rules.
572 Change provisions relating to session laws, journals, and statutes distribution.
573 Transfer child support enforcement attorneys from Agriculture to Department of Social Services.
665 Eliminate provisions relating to peace bonds.

REVENUE

LB

284 Change individual and corporate income tax rates.
288 Change provisions relating to the homestead exemption.
289 Change provisions for tax credit gasoline and the Highway Trust Fund.
293 Exempt farm, computer, and manufacturing equipment from sales and use tax.
294 Change method for determining corporate and individual income tax.
591 Change taxation provisions relating to earthmoving equipment.
729 Remove sales and use tax exemption from candy and certain beverages.
730 Adopt the Tobacco Products Tax Act.

TRANSPORTATION

LB

224 Eliminate certain motor vehicle registration and approval requirement provisions.

URBAN AFFAIRS

LB	
369	Establish provisions to provide replacement property in eminent domain cases.
678	Change provisions relating to public meeting agenda and voting requirements.
679	Provide special assessment deferrals for agricultural land adjacent to municipal improvements.
680	Require letter of credit or cash as security on public construction contracts.
687	Adopt the Municipal Gas Regulatory Act.
LR	
21CA	Proposed constitutional amendment to authorize municipalities to use general funds for economic development.

* With others.

LEGISLATIVE BILLS AND RESOLUTIONS REFERRED TO COMMITTEE

Agriculture

Chairperson - Rod Johnson

68	145	291	458	561	738
83	155	314	507	610	739
102	164	325	544	684	755
103	201	450	547	737	LR10CA
138	244				

Appropriations

Chairperson - Jerome Warner

38	184	297	648	762	769
130	218	391	683	763	770
131	230	432	686	764	LR1
183	245	449	717	768	LR22CA

Banking, Commerce and Insurance

Chairperson - R. Wiley Remmers

40	137	241	403	558	700
56	141	260	416	559	702
62	156	266	440	575	703
63	163	306	453	576	707
73	174	319	454	577	712
78	186	332	488	580	713
93	191	335	495	607	727
96	197	337	497	615	728
97	202	340	498	640	735
98	203	373	510	642	741
101	213	375	514	650	745
109	214	393	530	662	749
113	220	397	531	664	753
115	237	398	532	681	758
136	240	399			

Business and Labor

Chairperson - Timothy J. Hall

92	275	344	469	548	718
179	276	349	474	605	720
187	277	353	516	660	731
226	278	433	519	661	776
252	290	446	524	696	777
272	292	461	528	711	778
274	341	462			

Education

Chairperson - Ron Withem

61	166	283	400	482	644
70	169	285	402	520	647
85	182	310	413	521	649
99	199	316	414	527	656
106	200	326	417	529	682
107	212	329	424	538	685
127	217	331	431	581	688
128	232	338	434	595	726
142	234	348	435	596	765
147	235	359	443	609	LR3CA
157	265	367	444	616	LR19CA
158	281	371	455	624	LR23CA
165					

General Affairs

Chairperson - Patricia S. Morehead

48	346	421	505	646	733
69	378	468	511	708	757
208	395	489	550	709	771
219	396	490	628	724	LR15CA
295					

Government, Military and Veterans Affairs

Chairperson - Lee Rupp

50	211	357	477	602	736
51	223	358	479	612	740
52	231	360	480	618	742
55	251	361	487	626	743
81	253	362	491	652	744
82	269	374	494	666	748
89	271	388	526	667	774
110	312	415	539	677	LR2
129	315	436	545	678	LR6CA
144	334	438	555	680	LR7CA
175	342	439	586	690	LR16CA
188	352	456	588	698	LR17CA
189	354	476	592	716	LR18CA
198					

Health and Human Services

Chairperson - Donald Wesely

42	195	301	390	500	637
72	227	320	392	506	643
74	229	321	410	517	653
76	239	322	418	518	668
91	248	328	419	534	669
95	249	350	442	542	691
104	250	364	459	543	693
112	255	372	460	552	694
116	256	384	466	556	695
126	257	385	472	557	697
134	259	386	473	599	699
173	264	387	485	620	760
190	282	389	499		

Judiciary

Chairperson - Jerry Chizek

43	54	71	111	120	162
47	64	77	117	121	170
49	65	88	118	122	172
53	67	90	119	123	176

181	273	451	536	589	665
221	309	452	537	590	670
222	313	463	553	601	672
225	318	475	554	603	673
228	333	478	564	606	674
236	355	484	569	617	675
242	363	492	570	619	676
243	370	502	571	635	719
254	376	509	572	636	722
258	405	512	573	638	750
261	406	525	582	657	759
262	425	535			

Natural Resources

Chairperson - Loran Schmit

100	152	345	445	594	704
105	154	356	501	597	705
114	159	365	533	613	706
124	171	379	541	629	723
140	206	383	565	639	751
146	233	401	566	641	761
148	238	412	567	645	766
150	246	426	568	658	LR29
151	279	427	579	692	

Nebraska Retirement Systems

Chairperson - Rex Haberman

57	160	296	408	549	578
58	178	298	409	551	651
59	192	308	493	574	655
60	194	336			

Revenue

Chairperson - Vard R. Johnson

44	87	143	205	267	288
45	94	168	209	270	289
46	108	185	210	280	293
66	125	196	215	284	294
86	139	204	247	287	302

303	447	508	600	710	754
304	448	513	627	714	772
323	457	523	631	725	773
343	464	560	632	729	775
366	465	562	633	730	LR4CA
407	467	563	634	732	LR5CA
420	470	583	659	734	LR8CA
423	471	584	671	746	LR11CA
437	486	585	701	747	LR20CA
441	496	591			

Transportation

Chairperson - Howard A. Lamb

39	149	286	339	428	604
41	153	299	347	429	608
75	161	300	377	430	611
79	180	305	380	503	614
80	193	307	381	504	654
84	207	311	382	522	689
132	216	327	404	540	756
133	224	330	411	593	767
135	268				

Urban Affairs

Chairperson - D. Paul Hartnett

167	351	481	598	630	715
177	368	483	621	663	721
263	369	515	622	679	752
317	394	546	623	687	LR21CA
324	422	587	625		

SUMMARY OF LEGISLATION

The following table shows the final disposition

Length 90 days

Total Number of Bills Introduced 787
Total Number of "A" Bills Introduced 74
Total Number of Resolutions Introduced (including CA) 245
Total Number of CA Resolutions Introduced 17
Total Number of CA Resolutions Passed 1
Total Number of Bills to Become Law 358

General File: Chronological Order: (148)

283	377	428	697	350A	693
716	362	582	128	252	693A
716A	476	326	217	628	369
158	316	594	593	490	602
158A	301	705	113	LR15CA	606
506	170	761	340	627	76
506A	181	703	498	519	190
251	707	537	370	557	457
723	647	757	676	557A	632
723A	647A	757A	393	517	88
305	417	646	607	517A	162
305A	213	180	702	518	657
554	249	429	641	518A	675
126	588	273	445	419	122
117	666	273A	541	419A	406
191	726	625	LR7CA	220	271
257	726A	630	673	664	542
464	454	351	673A	664A	535
111	488	551	674	758	95
478	735	52	670	402	352
713	466	477	383	520	421
68	288A	578	383A	309	294
395	372	578A	435	363	LR10CA
550	372A	295	90	475	418
470	678	295A	350		

General File: Numerical Order: (148)

52	252	372	477	588	676
68	257	372A	478	593	678
76	271	377	488	594	693
88	273	383	490	602	693A
90	273A	383A	498	606	697
95	283	393	506	607	702
111	288A	395	506A	625	703
113	294	402	517	627	705
117	295	406	517A	628	707
122	295A	417	518	630	713
126	301	418	518A	632	716
128	305	419	519	641	716A
158	305A	419A	520	646	723
158A	309	421	535	647	723A
162	316	428	537	647A	726
170	326	429	541	657	726A
180	340	435	542	664	735
181	350	445	550	664A	757
190	350A	454	551	666	757A
191	351	457	554	670	758
213	352	464	557	673	761
217	362	466	557A	673A	LR7CA
220	363	470	578	674	LR10CA
249	369	475	578A	675	LR15CA
251	370	476	582		

Select File: (12)

123	LR21CA	337A	384	229	320
130	124	375	384A	229A	184

Final Reading: (2)

444	684

Approved by Governor: (346)

1	11	21	31	41	71
2	12	22	32	42	74
3	13	23	33	42A	75
4	14	24	34	55	77
5	15	25	35	59	78
6	16	26	36	60	79
7	17	27	37e	61e	80
8	18	28	39	66	87
9	19	29	40e	67	93
10	20	30	40A	69e	101e

101Ae
102
102A
104
104A
105
106
109e
110
112
114
115
116e
125
127
129
131e
132
133
134
135
136e
137
138e
140
142e
145e
145Ae
146e
146A
147e
149
150
152
154
161
163
163A
164
167
171
175
176
177
182e
183e
183Ae
186
187e
187Ae
189
197e
198e
199
200
201
203
206e
211e
212
215e
216
218e
218A
223e
224e
225
226
226A
227
231
233
237
239
241e
245e
246
250
253
254
255e
258e
261
264
270
270A
272e
275
276e
277
278e
279e
284e
284Ae
285
287e
291
292e
292Ae
296
298e
300
302e
304
304A
306
307
308
312
312A
313
314
317e
319
324
327
329
332e
335
343
344
344A
345e
347
353
354
356
358
359
365e
366
367e
368e
374
376
376Ae
379
385
386
389
390
390A
398e
399
404e
411
413e
416e
426e
430e
436
440e
441
442e
446
449e
450
451e
453e
455
456
459e
459Ae
461e
462
462A
467e
468
469e
471
472
473e
473Ae
474
479
480
483
485e
487
491
491A
492
493
497
504
507
508
509
511
514e
523e
523A
524
526
529
530
531
532
533
536
538
539
543
543A
549e
559
561
564
564A
565
567
568
569e
571
572
573
575
575A
576
577
581
587e
591
598
598A
599
601
603
603A
604
608e
610e
615e
623e
626e
629e
635
637
638e
638Ae
639e
639Ae
642
643
650
652
656e
661e
661Ae
663e
663Ae
665
679e
688
688A
708e
708A
712e
715
721
730e
730A
736
741
753
763e
767e
767Ae
768e
769e

772	773A	775A	779e	783e	785
772A	774e	776e	782e	783Ae	786e
773	775e	777e	782Ae		

Line-Item Veto: (6)

561A	656A	736A	780e*	781e*	784e

Returned by Governor Without Approval: (3)

185	185A	387

Passed Notwithstanding Objections of Governor: (3)

148	392e	408

Became Law Without Governor's Signature: (3)

432e	683e	787

Resolution CA delivered to Secretary of State: (1)
LR11CA

Indefinitely Postponed: (264)

43	92	194	274	338	412
44	94	196	280	339	414
45	96	205	281	341	415
46	97	207	282	342	423
47	98	208	286	346	424
48	99	209	288	348	425
49	100	214	289	349	427
50	107	219	290	355	431
53	108	221	293	357	433
54	119	222	297	360	434
56	139	228	303	361	437
62	141	234	310	364	438
63	143	235	311	378	439
64	153	236	315	381	443
65	156	240	318	382	447
70	157	242	322	388	448
72	159	243	323	394	452
73	166	244	325	396	458
75A	169	247	328	397	460
81	172	248	330	400	465
82	173	262	331	401	481
83	174	265	333	403	482
84	178	266	334	405	486
89	179	267	336	407	489
91	193	269	337	409	494

495	548	613	671	714	747
496	553	614	677	718	748
499	558	616	680	719	752
501	560	617	681	720	754
502	562	618	682	722	755
505	563	619	685	725	759
510	574	622	687	727	765
513	580	624	689	729	771
515	583	631	690	731	778
516	584	633	692	732	LR2
521	585	634	695	737	LR3CA
522	589	636	696	738	LR4CA
525	590	640	698	739	LR6CA
527	592	645	699	740	LR8CA
528	596	649	701	742	LR16CA
529A	597	653	704	743	LR17CA
540	600	659	709	744	LR18CA
545	605	660	710	745	LR19CA
546	609	667	711	746	LR23CA

Withdrawn: (14)

51	204	544	662	728	LR232
85	268	595	669	756	LR233
168	484				

Bills Held in Committees: (81)

Agriculture: (3)

103	155	547			

Appropriations: (11)

38	391	686	762	770	LR22CA
230	648	717	764	LR1	

Banking, Commerce and Insurance: (5)

202	260	373	700	749

Business and Labor: (0)

Education: (4)

165	232	371	644

General Affairs: (2)

724	733

Government, Military and Veterans Affairs: (5)

144	188	555	586	612	

Health and Human Services: (14)

195	321	534	556	668	694
256	410	552	620	691	760
259	500				

Judiciary: (8)

118	121	512	570	672	750
120	463				

Natural Resources: (9)

151	566	658	751	766	LR29
238	579	706			

Nebraska Retirement Systems: (6)

57	58	160	192	651	655

Revenue: (6)

86	210	420	734	LR5CA	LR20CA

Transportation: (5)

299	380	503	611	654	

Urban Affairs: (3)

263	422	621			

Resolutions Adopted: (133)

9	39	55	71	91	109
12	40	56	72	92	110
13	41	57	74	93	111
14	42	58	75	95	114
25	43	59	76	96	115
26	44	60	79	97	118
27	45	61	81	98	120
28	46	62	82	99	121
30	47	63	83	100	122
31	48	64	84	101	123
32	49	65	85	102	126
33	50	66	86	103	127
35	51	67	87	105	128
36	52	68	88	106	129
37	53	69	89	107	132
38	54	70	90	108	133

134	156	166	203	234	240
136	157	167	225	235	241
145	158	174	226	236	242
146	159	175	227	237	243
149	161	195	228	238	244
152	163	202	229	239	245
154					

*Line-item partially overridden

GENERAL INDEX

ACKNOWLEDGMENTS
Flags, Nebraska National Guard 1, 612

ADJOURNMENT (See Motions)

ANNOUNCEMENTS
Appropriations Committee (See Appropriations)
Committee chairpersons meetings 245, 799, 1466, 2694
Committee meetings 22, 69, 101, 132, 159, 180, 720, 791, 1164, 1191, 1536, 1732, 1815, 1864, 1925, 1990, 2415, 2466, 2500, 2639, 2723
Executive sessions 80, 132, 151, 166, 895, 926, 947, 1229, 1236, 1415, 1466, 1803, 2101
Interim Study Resolutions (See Resolutions, Interim Study)
Priority Bills (See Priority Bills)
Room announcement 789, 947
Room change, unanimous consent 428
Speaker's Announcement (See Speaker)
Special Order (See Speaker)

APPOINTMENTS, EXECUTIVE BOARD
Kubat, George, Jr. - Nebraska Economic Forecasting Advisory Board 2549

APPOINTMENTS, GOVERNOR
Bare, Larry - Director, Department of Administrative Services 103, 150, 975, 1164, 1196
Barnett, Wallace M., Jr. - Nebraska State Fire Marshal 246, 283, 368, 557, 607
Beaurivage, Anne - Director, Department of Aeronautics 771, 783, 1101, 1220, 1226
Blackledge, Keith L. - State Colleges Board of Trustees 2337, 2392, 2452, 2465, 2675, 2745
Christianson, Roger A. - Director, Department of Economic Development 770, 783, 881, 1205, 1226
Coyne, Richard - Game and Parks Commission 974, 975, 1086, 1118
Dorwart, Patricia S. - Power Review Board 1069, 1086, 1089, 1962, 1965
Dye, Pauline M. - Nebraska Arts

Council 1379, 1405, 1951, 1965
Elston, Jill - Educational Television
Commission 1249, 1302, 1398, 1675, 1692
Frederick, Dr. A. L. Roy - Director, Department
of Agriculture 1231, 1233, 1239, 1389, 1440, 1471
Gaebel, Laura - Educational Television
Commission 1246, 1302, 1398, 1675, 1692
Grabowski, Barbara Coats - Public Employees
Retirement Board 2296, 2340
Gunter, Frank - Director, Department of
Correctional Services 192, 283, 368, 505, 522
Hall, Jan - Educational Television
Commission 1245, 1302, 1398, 1675, 1692
Harrington, Dr. Charles - Educational
Television Commission 1247, 1302, 1398, 1675, 1692
Hayes, Helen - Nebraska Arts
Council 1380, 1405, 1951
Higgins, Margaret L., Director, Department
of Motor Vehicles 770, 783, 881, 1024, 1043
Hirschbach, Gretchen - Nebraska State Colleges
Board of Trustees 2192, 2340, 2392, 2452, 2675, 2745
Hogrefe, Ray H. - Director, State Engineer,
Department of Roads 191, 284, 434, 604, 627
Jess, John Michael - Director, Department of
Water Resources 245, 284, 369, 504, 521
Johnson, Dale B. - Director, Department
of Institutions 2191, 2340, 2475, 2537, 2693
Knight, John E. - State Board
of Parole 2192, 2340, 2485, 2574, 2745
Knobel, Ralph - Natural Resources
Commission 1691, 1794, 1845, 2230, 2294
LeGrande, Colonel Harold W. - Superintendent
of Nebraska State Patrol 192, 283, 368, 505, 522, 523, 607
Leuenberger, Donald S., Tax Commissioner,
Department of Revenue 104, 150, 173, 297, 359
Masterton, Mark J. - Environmental
Control Council 2460, 2465, 2475, 2527, 2693
McCartney, William H. - Director,
Department of Insurance 915, 1020, 1026, 1206, 1226
McMurry, Kermit - Director, Department
of Social Services 456, 464, 492, 736, 754
Milligan, Cynthia H. - Director, Department
of Banking and Finance 248, 283, 284, 362, 369, 1205, 1226
Murphy, James D. - Public Employees

Retirement Board 2726
Neuberger, John W. - Director, Nebraska
State Energy Office 193, 284, 369, 504, 521
Olson, Robert J. - Natural Resources
Commission 1771, 1794, 1845, 2230, 2294
Palmer, Betsy - Director, Department
of Aging 247, 284, 492, 736, 754
Reeves, Dr. Thomas - Educational
Television Commission 1247, 1302, 1398, 1697, 1823, 1948
Rex, Gary L. - Director, Policy Research and
Nebraska Energy Office 2235, 2340, 2382, 2415, 2461, 2692
Robinson, Margaret - Research and
Development Authority 29, 150, 348, 1205, 1226
Rochford, John C. - State Budget
Administrator 104
Rogers, Dr. Vance D. - Educational
Television Commission 1248, 1302, 1398, 1675, 1692
Schrock, Edward J. - Natural Resources
Commission 1692, 1794, 1845, 2230, 2294
Smith, Dwayne - Environmental
Control Council 1691, 1794, 1845, 2230, 2294
Stecker, Sally - Educational Television
Commission 1246, 1302, 1398, 1676, 1692
Stevens, David - Research and
Development Authority 29, 150, 348, 1205, 1226
Torrence, Steve - Director, Nebraska
Department of Personnel 247, 283, 368, 557, 607
Wagner, Wilbert H. "Wag" - Director,
Department of Veterans' Affairs 248, 283, 368, 557, 607
Weisenburger, Dennis D. - Environmental
Control Council 2461, 2465, 2475, 2527, 2693
Whitehead, Mark - Environmental
Control Council 1379, 1405, 2475, 2527, 2693
Wright, Dr. Gregg F. - Director, State
Department of Health 246, 283, 509, 736, 754
Yeuill, Virginia - Commissioner,
Department of Labor 772, 783, 853, 1028, 1043

APPRECIATION

Marvel, Richard, family 39
Wilson, Ray 2500

APPROPRIATIONS COMMITTEE
Budget Bills
LB 245
LB 449
LB 763
LB 768
LB 769
LB 776
LB 777
LB 780
LB 781
LB 782
LB 783
LB 784

Appropriations Committee Reports on
Governor's line-item vetoes
LB 780 2536
LB 781 2694
LB 784 2727
Kearney State College property 748, 783, 789, 802
Report of total General Fund appropriation 873
Room and time change 428
Room announcement 789
State agencies hearings 614-617, 683, 791, 881
State employee salary hearing reset 732
UNL, new athletic facility 680, 697, 732
873, 1041, 1166, 1168, 1263

ASSISTANT CLERK OF THE LEGISLATURE
Election 7
Oath of Office 8

ATTORNEY GENERAL'S OPINIONS, LETTERS
By Bill Number
Initiative 300, 1985 ..... 1529, 1771
LB 48 510
LB 68 2012
LB 71 ..... 1142, 1183
LB 104 2578
LB 113 1746
LB 116 ..... 1313, 1570
LB 124 1114
LB 131, 1986 1313

LB 148 636
LB 166 467
LB 182 1774
LB 184 1720
LB 185 2485
LB 258 2030
LB 279 2344
LB 286 ..... 839, 1767
LB 299 1021
LB 304 684
LB 318 671
LB 320 1765
LB 335 ..... 841, 1706, 2032
LB 337 1771
LB 421 2224
LB 426 1110
LB 427 1110
LB 432 1707
LB 444 1883
LB 460 1562
LB 523 2702
LB 536 2592
LB 547 1529
LB 603 1456
LB 628 1193
LB 642 1738
LB 644 1631
LB 652 2184
LB 658 2400
LB 659 343
LB 661 1142
LB 662 391
LB 663 ..... 1865, 2411
LB 672 1456
LB 700 1972
LB 708 1392
LB 716 1762
LB 741 1971
LB 757 1869
LB 775 2322
LB 930, 1984 1774
LB 775 1742
LR 1 31
LR 69 1268

ATTORNEY GENERAL'S OPINIONS, LETTERS

By Opinion Number

#86081 30
#87001 31
#87002 81
#87008 242
#87009 343
#87010 391
#87013 467
#87015 479
#87017 510
#87018 636
#87020 684
#87021 669
#87022 671
#87023 803
#87024 839
#87026 841
#87027 1021
#87029 1142
#87035 1110
#87036 1114
#87038 1193
#87039 1168
#87040 1313
#87041 1392
#87042 1456
#87045 1562
#87047 1631
#87048 1706
#87049 1707
#87050 1720
#87051 1742
#87052 1738
#87053 1746
#87054 1762
#87056 1765
#87057 1767
#87058 1771
#87059 1774
#87060 1971
#87061 1865
#87062 1869

#87063 1883
#87065 1972
#87066 2012
#87068 2030
#87069 2032
#87070 2184
#87072 2224
#87075 2322
#87076 2344
#87077 2400
#87078 2411
#87079 2485
#87081 2578
#87082 2592
#87084 2702

ATTORNEY GENERAL'S OPINIONS, LETTERS

By Subject

Agriculture, sales tax exemption for farm machinery repair and maintenance (Wesely #87079) 2485
Ambulance attendants, whether it limits Governor's appointments from list submitted by State Firemen's Volunteer Association (Wesely #87045) 1562
Animals, vaccination of domestic animals for rabies (Schmit #87081) 2578
Appropriations, laws expending state funds (Warner #87050) 1720
Arbitration, constitutionality of portions of (Warner #87029) 1142
Arbitration provisions on private employers or employees without prior mutual consent (Wesely) 1183
Banking, allow Department to set fees (Wesely #87052) 1738
Banking, receivers of insolvent financial institutions (Landis #87053) 1746
Bankruptcy laws, insurance exemptions (Schmit #87048) 1706
Business Trust Act

(Miller #87058) 1771
Commonwealth, whether law enacted would remove State Banking Department as receiver
(Landis #87053) 1746
Constitutional amendment, proposed by a bill
(Hefner #87072) 2224
Corporate ownership of farms and ranches
(Lamb) 1529
Credit reporting limitations by state law regarding individual filing for bankruptcy
(Lynch #87015) 479
Death penalty, constitutionality of proposed additional aggravating circumstances relating to capital punishment
(Peterson #87022) 671
Education, age requirement of services to certain types of handicapped children
(Baack #87013) 467
Effective date a bill becomes law
(Pepperl #87049) 1707
Elections and ballot issues, provisions relating to
(Hall #87054) 1762
Elections, legality of closed primary elections
(Rupp #87070) 2184
Employment and Investment Growth Act
(V. Johnson #87051) 1742
(Chambers #87075) 2322
Energy overcharge funds
(Warner and L. Johnson #87001) 31
Farming, sales tax exemption for farm machinery repair and maintenance
(Wesely #87079) 2485
Farms and ranches, corporate ownership
(Lamb) 1529
Felony charges, prohibit court from sentencing a defendant to serve term in municipal or county owned intermediate care facility or state owned Veteran's Home
(Higgins #87008) 242
Gambling devices awarding of free games
(Lamb #87084) 2702
Gambling, does Sports Operation Act

violate constitution
(Abboud #87062) 1869
Gasohol, provisions relating to ethanol
(Haberman #87077) 2400
Gasohol, refunds for ethanol production
(Schmit #87076) 2344
Grasslands Protection Act
(Schmit #87036) 1114
Highway allocation funds, county or township share
(Lamb #87021) 669
Highway signs, logo signs on state highways
(Wesely #87060) 1971
Horseraces, wagers on racing events simulcast from another Nebraska licensed racetrack
(Morehead #87041) 1392
Immunity from prosecution to a person who committed a crime if that person will identify other persons who have committed a criminal act
(Pappas #87017) 510
Initiative 300, restrict corporate ownership of farm and ranch land
(Lamb) 1529
(Miller #87058) 1771
Insurance, claims payable by Nebraska Property and Liability Insurance Guaranty Association
(Remmers #87065) 1972
Kearney State College, requirement to attend graduation ceremonies when prayers are given
(Chambers #87023) 803
Liability, parental and court jurisdiction concerns for shoplifting
(Chambers #87082) 2592
Life insurance policy and annuity benefits exempt from legal process
(Remmers #87026) 841
Lotteries, constitutional amendment to permit a state lottery
(Hefner #87072) 2224
Low-Level Radioactive Waste Disposal Act

(Schmit #87035) 1110
Mailboxes, decorative on state land
(Lamb #87027) 1021
Mental health services, matching funds
(Wesely #87056) 1765
Milk, regulation of milk-solids-not-fat content
(R. Johnson #87066) 2012
Minor in possession charges, immunity from prosecution if identifying other persons who have committed a criminal act
(Pappas #87017) 510
Motor vehicles fuels, provisions relating to ethanol
(Haberman #87077) 2400
Motor vehicles fuels, refunds for ethanol production
(Schmit #87076) 2344
Natural gas rate-making, due process requirements
(Landis #87061) 1865
(Landis #87078) 2411
Natural Resource Districts, changes in membership
(R. Johnson #87018) 636
Natural Resource Districts, increase maximum tax rate
(R. Johnson #87018) 636
Nonresident tuition, provisions relating to
(Baack #87047) 1631
Optometry, provisions relating to
(Morehead #87040) 1313
(Morehead) 1570
Parole hearings, requirements of due process rights
(Chizek #87042) 1457
Political Subdivisions Tort Claims Act
(Hannibal #87068) 2030
Property and Liability Insurance Guaranty Association, claims payable by
(Remmers #87065) 1972
Rabies, vaccination for domestic animals
(Schmit #87081) 2578
Recreation/Athletic Facility at UNL, bid process

(Chambers) 1268
Retirement, provisions relating to state employment
(Wesely #87069) 2032
Roads, trapping on county right of ways
(Rupp #87057) 1767
Sales tax on services
(Hall #87009) 343
Sales tax, whether imposition of an obligation to collect and remit taxes on out-of-state sellers violates 14th Amendment
(Baack #87020) 684
School district boundaries
(Elmer #87063) 1883
Schools, computation of nonresident high school tuition
(Withem #87059) 1774
Shoplifting, parental liability and court jurisdiction concerns
(Chambers #87082) 2592
Signs, logos on state highways
(Wesely #87060) 1971
State chartered savings and loan associations, operating in states other than Nebraska
(Hannibal #87010) 391
State employees appointments to state agency boards
(Haberman #86081) 30
State employees retirement plan, exemptions of
(Wesely #87069) 2032
Subject matter, one or more
(Hall #87009) 343
(R. Johnson #87018) 636
Taxation of alcoholic liquors and beer sold to Federal Military installations in Nebraska
Hartnett #87038) 1193
Taxes, require payment by cities and villages owning real property outside their own county used for water supply purposes
(Beyer #87002) 81
Traffic highway signs, logo signs

on state highways
(Wesely #87060) 1971
Trapping on county road right of ways
(Warner #87024) 839
Trapping on public lands
(Rupp #87057) 1767
UNL construction of campus facilities, commencement of 30 day approval period
(Warner #87039) 1168

BIRTHDAYS
Beyer, Emil E., Jr. 2416
Goodrich, Glenn A. 767
Haberman, Rex 291
Hall, Tim 933
Hannibal, Gary E. 2017
Rogers, Carson 457
Wesely, Donald 1382

CEREMONIES AND PROGRAMS
Fiftieth Anniversary of Unicameral Legislature 41
Address of George W. Norris
Flags, Nebraska National Guard 1, 612
Former State Legislators 1946
Inaugural 72
Mothers' of the Year 1030
Nebraska Statehood Day 855

CERTIFICATES
Bonds and Oaths of elected members 71
Constitutional amendments 20, 21
Governor appointments, Legislature
Johanns, Stephanie A. 2291
Legislative members, roster 4
Officers 19

LB 148 1234
LB 392 ..... 822, 832
LB 408 ..... 2743, 2759
LB 432 1377
LB 561A 2757
LB 656A 2743, 2756
LB 736A 2755
LB 780 ..... 2735, 2749

LB 781 ..... 2736, 2752
LB 784 2753
LB 787 2761

CHAPLAIN COORDINATOR
Election 7

CHAPLAINS
Atherton, Pastor Richard 928
Bevins, Dr. C. Rex 80
Bilynsky, Dr. Steven 1102
Boman, Father Sam 1
Brooks, Rev. Norman F. 354
Cain, Rev. David 1332
Cain, Rev. Terry 364
Chitwood, Bob 454
Clements, Homer B. 669
Cline, Rev. Walt 510
Cook, Dr. J. Keith 1141
Dierks, Senator Merton 391, 1834, 2184
Doe, Rev. Steven 1964
Ediger, Virgil D. 2561
Elliott, Rev. Ron 2134
Franzen, Rev. Kenneth E. 215
Gabb, Father Jay 2411
Graff, Rev. Charles 2453
Grosc, Rev. Lavern K. 2639
Hamilton, Chaplain James S. 2321, 2494
Harrell, Rev. Mark 824
Higgins, Rev. Clarence, Jr. 1372
Hill, H. Ward 982
Hinrichs, Pastor Rodney 891
Holdeman, Lavern 871
Holverson, Rev. Howard 856
Hunting, Rev. Fred 1040
Jacobs, Pastor Vernon 1609
Johnson, Rev. Richard 497, 1016
Johnson, Senator Lowell 242
Karges, Rev. Gil 1300
Kisling, Rev. Gil 1267
Klopfer, Rev. Leland 2224
Lackore, Rev. Cecil 1527
Lundby, Rev. Gerald 1947
Lux, Rev. David 1864

Margand, Father 2696
Miller, Rusty 1926
Miller, Senator Jerry 161, 432, 1224
Morin, Father Doug 2012
Munkel, Rev. Frank 1987
Munkel, Rev. Louise 2072
Norden, Dr. Al 585
Palmer, Dr. Robert 109, 148, 184, 340, 404, 643, 721, 750, 781, 1414, 1578, 1640, 1659, 1687, 1719, 1741, 1785, 1807, 1902
Peterson, Robert S. 2102
Prentice, Rev. Gale 2289
Rahorst, Rev. Kathy Lunau 26
Rhoades, Rev. Edie 479, 1067
Rymes, Dr. Ivan 1470
Schrag, Rev. Stanley R. 562
Shelbourn, Rev. Jimmy 2036
Thompson, Rev. Jim 907
Tompkins, Joel O. 1166
Tyler, Rev. Charles 1559
Wagner, Rev. Mike 1446
Wehrbein, Senator Roger 281, 526
Weihing, Senator John 798, 1192, 1500
Wilson, Rev. Woodrow 700
Woodruff, George 950
Zwetzig, Chap. Clarence 838

CHIEF JUSTICE OF THE SUPREME COURT

Administer oath of office to
newly elected members 5, 6
Administer oath of office to newly elected
state and constitutional officers 72
Escort committee 5, 7

CLERK OF THE LEGISLATURE

After adjournment certificate 2762
Appoint temporary clerk 3
Communications on bills and resolutions
LB 148 1234
LB 392 822
LB 408 2743
LB 656A 2743
LB 780 2734
LB 781 2735
LB 784 2747

Election 7
Oath of Office 8

COMMITTEE ON CREDENTIALS
Report 3

COMMITTEES, OTHER THAN STANDING
Committee on Committees Report
Committee memberships 27, 87, 2535, 2691
Elections
Building Maintenance (C) 161
Building Maintenance members 161
Building Maintenance (VC) 405
Committee on Committees (C) 8
Committee on Committees members 10
Committee on Committees (VC) 26
Education Commission of the States (C) 161
Education Commission of the States members 161
Enrollment and Review (C) 18
Executive Board (C) 8
Executive Board members 10
Executive Board (VC) 9
Intergovernmental Cooperation (C) 17
Intergovernmental Cooperation members 29
Intergovernmental Cooperation (VC) 405
Nebraska Retirement Systems (VC) 178
Rules (C) 17
Rules members 29
Rules (VC) 164
Telecommunications (C) 162
Telecommunications members 162
Select Committee Report
Rules 2415, 2422

COMMITTEES, STANDING
Appropriations Committee
(See Appropriations Committee)
Committee on Committees Report
Standing committee members 27, 87, 2535, 2691
Corrected standing committee reports 1396, 1629, 1951, 2431
Education hearing on
Educational Service Unit Planning Committee 159

Elections
Agriculture (C) 11
Agriculture members 27
Agriculture (VC) 160
Appropriations (C) 11
Appropriations members 27
Appropriations (VC) 150
Banking, Commerce and Insurance (C) 12
Banking, Commerce and Insurance members 27, 2536, 2691
Banking, Commerce and Insurance (VC) 162
Business and Labor (C) 13
Business and Labor members 27, 88, 2536, 2691
Business and Labor (VC) 178
Education (C) 13
Education members 27, 88
Education (VC) 132
General Affairs (C) 13
General Affairs members 27, 88
General Affairs (VC) 154
Government, Military and Veterans Affairs (C) 13
Government, Military and Veterans Affairs members 28
Government, Military and Veterans Affairs (VC) 160
Health and Human Services (C) 14
Health and Human Services members 28, 87
Health and Human Services (VC) 103
Judiciary (C) 14
Judiciary members 28
Judiciary (VC) 166
Natural Resources (C) 15
Natural Resources members 28, 87, 2536, 2691
Natural Resources (VC) 164
Revenue (C) 15
Revenue members 28
Revenue (VC) 163
Transportation (C) 16
Transportation members 28
Transportation (VC) 109
Urban Affairs (C) 16
Urban Affairs members 29, 88, 2536, 2691
Urban Affairs (VC) 162

Governor Appointments
Notice of hearings 173, 283, 348, 368, 369, 434, 492, 509, 853, 881, 975, 1027, 1089, 1101, 1239, 1389, 1398, 1697, 1845, 2382, 2392, 2452, 2475, 2485
Standing committee reports 297, 362, 504, 557, 604, 736, 1024, 1028, 1086, 1164, 1205, 1220, 1440, 1675, 1823, 1951, 1962, 2230, 2415, 2461, 2527, 2536, 2574, 2675
Joint hearing
Education and Appropriations
Postsecondary Coordinating Commission 1815

COMMUNICATIONS RECEIVED
City of Lincoln proclaims "Lincoln Loves Legislature Week" 1864
House and Senate Resolutions
Minnesota, House resolution in regard to protecting human life 457
Nevada, Senate Concurrent Resolution #27 in regard to Senior Citizens' Day 2340, 2369
Kearney State College property 748, 783, 789, 802
Letters
Administrative Services, surety bond for Allen J. Beermann 105
Attorney General Robert Spire to Senator Hall on LB 716 1761
UNL athletic facility 680, 697, 732, 873, 1041, 1166, 1168, 1263

CONTRACT, LEASE APPROVALS (See Reports)

EXECUTIVE BOARD, LEGISLATIVE COUNCIL
Appointments
Kubat, George, Jr. - Nebraska Economic Forecasting Advisory Board 2549
Lux, Marshall, Public Counsel, Ombudsman 165, 194
Committee chairpersons meetings 245, 799
Expenses based on attendance 2070
Interim Study Resolutions
Report to refer to committees 2564
Referral of communication on Kearney State College 783
Referral of communication on UNL athletic facility to Appropriations 697
Special committee members 161

EXPEDITE (See Motions)

EXPLANATIONS OF VOTES

Abboud 744
Ashford 2296, 2406
Haberman 767
Hall 2382
Scofield 2130
Smith 1892
Wehrbein 1849, 2415

GOVERNOR

Addressed Legislature
Message 73
State of the State and Budget Address 435
Appointment - Legislature
Johanns, Stephanie A. 2292
Appointment letters 29, 103, 104, 191-193, 245-249, 456, 770, 771, 915, 974, 1069, 1231, 1246-1249, 1379, 1380, 1525, 1526, 1691, 1692, 1770, 2191, 2192, 2235, 2296, 2337, 2460, 2461, 2726
Bills, approvals 455, 456, 648, 649, 663, 752, 753, 860, 872, 873, 928, 982, 1041, 1068, 1110, 1195, 1314, 1315, 1376, 1486, 1579, 1690, 1741, 1742, 1820, 1894, 1944, 1945, 2024, 2113, 2201, 2322, 2392, 2430, 2498, 2525, 2567, 2577, 2722, 2723, 2724, 2734, 2749
Bills became law without approval 1349, 1581
Bills, vetoes, messages, motions
LB 148 1068
LB 185 2721
LB 185A 2721
LB 387 750
LB 392 751
LB 408 2722
LB 561A, line-item veto 2720
LB 656A, line-item veto 2720
LB 736A, line-item veto 2719
LB 780, line-item veto 2498
LB 781, line-item veto 2567
LB 784, line-item veto 2718
Committees to escort 435, 2747
Legislature approve Governor Appointments
(See Motions, Legislature approve Governor Appointments)
Letters

LB 780 2570
LB 787 2759
Notice of Committee Hearings, Governor Appointments
(See Committees, Standing, Governor Appointments Notice of Committee Hearings)
Reference Committee Reports, Governor Appointments
(See Reference Report, Governor Appointments)
Resignation letter
Harris, Bill 2265
Standing Committee Reports, Governor Appointments
(See Committees, Standing, Governor Appointments, Standing Committee Reports)

INDEXES, LEGISLATIVE
Preparation and printing 2747

JOURNAL, LEGISLATIVE
Approve, 90th Day 2747
Permanent Journal, printing, distribution 2747

LOBBYISTS' REPORTS
..... 110, 164, 284, 419, 517, 625, 731, 851, 934, 1048, 1172, 1347, 1485, 1616, 1843, 1974, 2130, 2296, 2466, 2727

MOTIONS
Adjournment
Motions 1602, 1639, 1804, 1828, 1829, 1833, 2071, 2133 2368, 2385, 2410, 2490, 2492, 2552, 2557, 2602, 2736, 2738
Sine Die 2748
Adopt rules
Permanent 91
Temporary 2, 26, 87
Advise Governor 2747
Appoint temporary officers 3
Approve Committee on Committee Report 87
Bracket all bills except Speaker's list of committee priority bills 2087
Bracket all bills for two weeks 2086
Committee on Credentials 3
Compel presence of absent members 1817
Election returns 18
Elections
Committee chairpersons 8, 11-18
Committee members 8, 10

Committee vice chairpersons 9
Officers 6
Speaker 7
Expedite bills
LB 392 579
LB 430 1560
LB 432 948
LB 459 906
LB 661 1228
LB 661A 1228
Expenses based on attendance 2070
Governor appointment, lay over confirmation of
Col. Harold LeGrande 522
Inaugural ceremonies 22
Introduce new bills 748-755, 1071, 1855-1857
Legislative Index, approve
preparation and printing 2747
Legislative Journal, approve
preparation and printing 2747
Legislative Journal, approve
90th Legislative Day 2747
Legislature approve Governor appointments 359, 369, 521, 522, 607, 627, 754, 1043, 1118, 1196, 1226, 1471, 1692, 1948, 1965, 2294, 2692, 2693, 2745
Ombudsman appointment 194
Override Veto
LB 148 ..... 1216, 1229
LB 185 ..... 2733, 2736
LB 387 ..... 854, 857
LB 392 ..... 779, 811
LB 408 2740
LB 656A 2738, 2739
LB 780 ..... 2568, 2576, 2731
LB 781 2732
LB 784 ..... 2737-2739, 2742, 2744
Overrule Speaker's Agenda
(See Speaker and Rulings of the Chair)
Place on General File notwithstanding
committee action 517, 589, 608, 613, 661, 648, 683, 733, 1052, 1207, 1224, 1281, 1314, 1390, 1391, 1956, 2007, 2048, 2190
Recess
Motions 1319, 1492, 2203

Reconsider action 826, 990, 1390, 1449, 1625, 1675 1773, 1805, 1847, 1906, 1914, 1926, 1968, 2003, 2025, 2080, 2214, 2353, 2384, 2390, 2391, 2393, 2394, 2511, 2530, 2532, 2539, 2557, 2615, 2616, 2618, 2738
Rerefer bills 178, 195, 213, 222, 394, 420, 608
Return to committee 1054, 1071, 1824, 1828, 1830, 2300, 2533, 2538, 2615, 2617, 2726
Session Laws, approve preparation and printing 2747
Snow day, no session 1372
Substitute amendments 2403, 2435, 2510, 2539-2541, 2602
Suspend Rules
Adopt resolutions in one vote 1225, 2746
Cancel and reset hearings 171
Consideration of one bill immediately following another bill 2380
Permit consideration of amendment 1941, 2028, 2058, 2429, 2546, 2574, 2591, 2608, 2617
Permit consideration of bill 2507
Permit consideration of resolution 997, 1172
Permit designation of priority bill after deadline 1085
Permit setting of a hearing 351, 360, 1127
Place on General File, new bills 1860
Prohibit consideration of any amendments 2609
Read on Final Reading 677, 679, 988, 1483, 2667, 2696
Read on Final Reading without "A" Bill 1976
Reconsider Final Reading vote 1855
Vote without further debate or amendment 1311, 2096, 2099, 2199, 2203, 2380, 2507, 2530, 2538, 2543
Withdraw bills 162, 195, 220, 240, 264, 346, 349, 359, 360, 398, 420, 464, 485, 490, 508, 527, 589, 608, 660, 691, 701, 811, 848, 1164, 1207, 1616, 2068
Withdraw resolutions 2692, 2746

OATHS

Governor Appointment, Legislature
Johanns, Stephanie A. 2292
Newly elected members 6
Newly elected officers 8
Public Service Commission 19
Regent, University of Nebraska 20
State Board of Education 20

OMBUDSMAN
Appointment 165, 194

POINT OF PERSONAL PRIVILEGE
McFarland 1486

PRESENTATION
Boy Scout Troop 612
Flags, Nebraska National Guard 1, 612

PRIORITY BILLS
Abboud - LB 163 1297
Ashford - LB 413 1167
Baack - LB 547 1297
Barrett, Speaker
LBs 68, 80, 90, 102, 180, 237, 257, 352, 393, 416, 462, 466, 480, 514, 529, 554, 582, 615, 635, 638, 693, 697, 760, 772, 773, 775 ..... 1296, 1299
Beyer - LB 504 1222
Chambers - LB 675 1298
Chizek - LB 270 1297
Conway - LB 261 1297
Coordsen - LB 335 1297
Dierks - LB 104 1297
Elmer - LB 656 1167
Goodrich - LB 467 1297
Haberman - LB 185 1297
Hall - LB 716 1167
Hannibal - LB 184 1297
Harris - LB 375 1167
Hartnett - LB 632 1298
Hefner - LB 492 1297
Higgins - LB 600 1167
Johnson, L. - LB 488 1297
Johnson, R. - LB 124 1297
Johnson, V. - LB 726 1298
Korshoj - LB 663 1190
Labedz - LB 446 1167
Lamb - LB 326 1167
Landis - LB 114 1191
Langford - LB 183 1297
Lynch - LB 428 1168
Marsh - LB 95 1297
McFarland - LB 198 1168

Miller - LB 688 1298
Moore - LB 561 1298
Morehead - LB 67 1296
Nelson - LB 74 1222
Pappas - LB 757 1298
Peterson - LB 442 1191
Pirsch - LB 536 1297
Remmers - LB 116 1168
Rogers - LB 345 1297
Rupp - LB 453 1297
Schellpeper - LB 426 1297
Schmit - LB 564 1298
Scofield - LB 736 1298
Smith - LB 455 1297
Warner - LB 312 1297
Wehrbein - LB 398 1191
Weihing - LB 337 1297
Wesely - LB 741 1298
Withem - LB 283 1297
Agriculture
LB 138 1298
LB 684 1298
Appropriations
none
Banking, Commerce and Insurance
LB 664 1298
LB 703 1298
Business and Labor
LB 226 1298
LB 474 1298
Education
LB 182 1298
LB 417 1298
General Affairs
LB 295 1298
LB 708 1298
Government, Military and Veterans Affairs
LB 652 1298
LB 774 1168
Health and Human Services
LB 126 1298
LB 390 1298

Judiciary
LB 451 1298
LB 573 1298
Natural Resources
LB 279 1298
LB 735 1298
Nebraska Retirement Systems
LB 408 1299
LB 493 1299
Revenue
LB 470 1299
LB 294 1299
Transportation
LB 224 1299
LB 767 1299
Urban Affairs
LB 369 1299
LB 598 1299

RECESS (See Motions and Speaker)

REFERENCE REPORTS, BILLS AND RESOLUTIONS
..... 84, 120, 148, 170, 184, 217, 249, 281, 340, 354, 386, 393, 405, 464, 572, 783, 1032, 1086

REFERENCE REPORTS, GOVERNOR APPOINTMENTS
..... 150, 283, 464, 783, 975, 1020, 1086 1233, 1302, 1405, 1794, 2340, 2465

REPORTS, ACKNOWLEDGED
Administrative Services, Department of, Comprehensive Annual Financial Report 1692
Auditor of Public Accounts, reports on state agencies 190, 1491
Building Division, State, letter regarding proposed name change of State Office Building 41
Education, Board of, reports of investments for Omaha School Employees Retirement System 457
Energy Office of Weatherization Program, annual report 40
Environmental Control, Department of, report 190
Environmental Control, Department of, Wastewater Construction Grants, Program #518 40
Game and Parks Commission, recommended projects

for Land and Water Conservation Fund 842
Historical Society, annual report 40
Investment Council, South Africa related investments 346
Investment Finance Authority, reports 345, 1975
Natural Resources Commission, State Erosion and Sediment Control Program 40
Natural Resources District reports 39, 190, 344, 456, 1070
Power Review Board, biennial report 190
Public Counsel (Ombudsman), annual report 2140
Public Employees Retirement Systems, investment expenses 1415
Public Employees Retirement Systems, actuarial valuation reports 931
Roads, Department of, biennial report for Nebraska Public Transportation Assistance Program 513
Roads, Department of, maps of State Highway system 1069
Roads, Department of, one year and five year plan by Game and Parks Commission 40
Roads, Department of, projected highway use revenue distribution report 700
Roads, Department of, Public Roads Classifications and Standards Board, minutes 40, 842, 1333, 1692, 2378
Roads, Department of, quarterly report for State Highway Commission 672, 2016
Roads, Department of, statement of deposits to Highway Cash Fund and roads Operation Cash Fund for different calendar months 40, 190, 650, 1333, 1692, 2326
State Patrol Drug Control Cash Fund, report 842
State Risk Board, Office of Risk Management 1333
State Treasurer, biennial report 190
Worker's Compensation Court, annual report 40

RESIGNATION LETTERS

Harris, Bill 2265

RESOLUTIONS, INTERIM STUDY

Report of Executive Board to refer 2371, 2564

RESOLUTIONS, NUMERICAL

1 Establish procedure for energy overcharge fund disbursement.
(Warner, Hartnett, L. Johnson) 22, 31, 110, 171, 173

2 Ratify U.S. constitutional amendment regarding varying congressional pay.
(Marsh) 61, 121, 178, 327, 350, 362, 382, 384

3CA Proposed constitutional amendment to authorize technical community colleges to incur indebtedness.
(Withem, Nelson) 68, 121, 172, 694, 927, 945

4CA Proposed constitutional amendment to allow county boards to exclude new business property from taxation.
(Chizek, Ashford, Hefner, Pappas, Korshoj, Pirsch, Moore, L. Johnson) 98, 121, 586, 1235

5CA Proposed constitutional amendment to authorize counties to exempt property tax following voter approval.
(Abboud) 107, 150, 586

6CA Proposed constitutional amendment to limit legislative sessions to 60 days.
(Peterson) 125, 150, 795, 1159

7CA Proposed constitutional amendment to increase legislative salaries.
(R. Johnson) 139, 150, 795, 1220

8CA Proposed constitutional amendment to require payments in lieu of taxes for water supply property.
(Beyer, Hartnett, Withem) 141, 150, 217, 744

9 Commend Art Henrickson for state historical marker restoration.
(Baack) 142, 154, 165

10CA Proposed constitutional amendment modifying Initiative 300 regarding financial institutions.
(Baack, Conway) 142, 171, 362, 2007, 2039

11CA Proposed constitutional amendment relating to redeveloped substandard property taxation.
(Lynch) 180, 186, 217, 423, 434, 785, 854, 861, 879, 895, 961, 969, 974

12 Congratulate UNL volleyball team for Big Eight championship.
(Marsh, Morehead, Landis) 211, 219, 249

13 Encourage school districts to provide railroad safety information.

(Miller) 211, 219, 249
14 Express sympathy to the Ernie Swanson family.
(39 Senators) 212, 220, 249
15CA Proposed constitutional amendment to expand wagering on horseraces.
(V. Johnson) 238, 251, 683, 1276
16CA Proposed constitutional amendment to eliminate Auditor of Public Accounts as a constitutional officer.
(Wesely, Pappas) 274, 343, 795, 1011
17CA Proposed constitutional amendment relating to session commencement and terms of members.
(Wesely) 275, 343, 795, 1220
18CA Proposed constitutional amendment relating to legislative salary, service, and session length.
(Rupp) 277, 343, 795, 1159
19CA Proposed constitutional amendment to place the Department of Education under control of the Governor.
(Remmers, Morehead, Scofield, Baack, Moore, Dierks, Weihing, Pappas, V. Johnson) 329, 357, 395, 923
20CA Proposed constitutional amendment to limit certain taxes for highway construction and repair.
(Hartnett) 331, 357, 587
21CA Proposed constitutional amendment to authorize municipalities to use general funds for economic development.
(Urban Affairs) 332, 357, 548, 684, 931, 968, 1528, 1529
22CA Proposed constitutional amendment to require funding of new political subdivision programs.
(Hefner) 333, 357, 614
23CA Proposed constitutional amendment to authorize students as voting members on the Board of Regents.
(Hall) 335, 357, 395, 694
24 Interim study on creation of standards and practices board for teachers.
(Withem) 336, 2371
25 Encourage Conagra to retain its corporate headquarters in Nebraska.
(Lynch, Higgins, Chizek, Hannibal, Hartnett, Ashford, Hall, Withem, Beyer, Pirsch, Goodrich, V. Johnson, Labedz, Abboud) 337, 349, 359
26 Recognize Stamford, Nebraska for 100th anniversary.

(Elmer) 346, 359, 369
27 Urge Congress to pass statute relating to congressional salaries.
(Landis, Moore, Coordsen, Marsh, Nelson, Smith, Elmer, Ashford, Morehead) 401, 420, 432
28 Urge Congress to support federal Essential Air Service legislation.
(Scofield, Nelson, Miller, Smith, Elmer, Weihing, Baack, Langford, Rupp, Lamb, R. Johnson) 461, 490, 498
29 Encourage the development of shelled corn as a boiler fuel.
(Dierks, Hefner) 498, 524, 572, 788, 810
30 Urge Congress to halt reduction of the Temporary Emergency Food Program.
(Nelson, Miller, R. Johnson, Higgins, Ashford, Coordsen, Baack, Scofield, Harris, Landis, Smith, Morehead, Schellpeper, Rupp, Dierks, Hannibal, Chambers) 505, 524, 527
31 Endorse federal legislation providing for payment of Winnebago claims.
(V. Johnson, Chambers, Hartnett, Lynch, Landis, Marsh, Pappas, Labedz, Korshoj) 637, 691, 700
32 Approve gift of property by Genevive Margrave to Game and Parks Foundation.
(Remmers, Rupp) 639, 661, 672
33 Approve Harry and Addi Johnston gift of property to Game and Parks Foundation.
(Rupp, Dierks) 689, 701, 721
34 Interim study on suicide prevention program development.
(Baack) 697, 2371, 2564
35 Honor extension staff and volunteers of the Cooperative Extension Service.
(Beyer) 744, 755, 784
36 Recognize Elm Creek, Nebraska, for 100th anniversary.
(Langford) 754, 784, 799
37 Commend Academic Decathlon supporters, participants, and Omaha Central High.
(Pirsch) 796, 799, 826
38 Recognize 100th anniversary of Ragan, Nebraska.
(Elmer) 809, 826, 842
39 Congratulate Lincoln Southeast boys for state swimming title.

(Harris, Marsh) 905, 908, 931
40 Congratulate Lincoln East High School girls for Class A basketball win.
(Wesely, Marsh, McFarland, Warner) 979, 1023, 1044
41 Encourage Nebraskans to carry Uniform Organ Donor Cards.
(Wesely) 980, 985, 1023
42 Congratulate the Gering Courier on its 100th anniversary.
(Weihing) 983, 1023, 1044
43 Recognize Gering, Nebraska for 100th anniversary.
(Weihing) 983, 1024, 1044
44 Congratulate Battle Creek girls for 4th consecutive state championship.
(Peterson) 993, 1024, 1044
45 Express sympathy to family of Senator Edward Zorinsky.
(47 Senators) 996, 997, 1023
46 Congratulate Lexington girls for Class B basketball win.
(Barrett) 1014, 1024, 1044
47 Approve expenditure by Nebraska State Colleges Board of Trustees.
(Appropriations) 1029, 1042, 1070
48 Express sympathy to Dwight W. Burney family.
(45 Senators) 1034, 1042, 1050
49 Congratulate Osceola High School girls for state basketball and volleyball win.
(R. Johnson) 1038, 1042, 1070
50 Congratulate Omaha Westside girls for Class A state swimming title.
(Ashford, Hannibal, Goodrich) 1059, 1171, 1198
51 Congratulate Clay Center High School boys for state tournament wins.
(R. Johnson) 1070, 1171, 1198
52 Congratulate Norfolk High School boys for Class A basketball championship.
(Peterson) 1088, 1171, 1198
53 Congratulate Clearwater boys for Class D-2 state basketball title.
(Dierks) 1109, 1171, 1198
54 Congratulate Sterling boys for Class D-1 basketball state title.
(Remmers) 1132, 1171, 1198
55 Congratulate Humphrey High School boys for Class C-2 basketball title.

(Rupp) 1137, 1171, 1198
56 Express sympathy to Craig Dodge family.
(34 Senators) 1138, 1171, 1198
57 Congratulate Fremont Bergan High School boys for Class C-1 basketball win.
(L. Johnson) 1139, 1171, 1198
58 Observe March 20th as National Agricultural Day.
(R. Johnson) 1171, 1172, 1198
59 Congratulate Clay Center boys for Class C-2 state basketball win.
(R. Johnson) 1173, 1225, 1270
60 Congratulate Aurora High School boys for Class B basketball state title.
(R. Johnson) 1173, 1225, 1270
61 Congratulate Sutton High School boys for 2nd place Class B championship.
(R. Johnson) 1174, 1225, 1270
62 Congratulate Hampton boys basketball team for state tournament participation.
(R. Johnson) 1175, 1225, 1270
63 Congratulate Nebraska State Patrol for 50 years of service.
(Chambers, Chizek, Ashford, Korshoj, Marsh, Beyer, Elmer) 1175, 1270, 1380
64 Recognize Palmer, Nebraska for 100th anniversary.
(R. Johnson) 1184, 1225, 1270
65 Designate July 3-5 as "Sign On" to the Constitution weekend.
(Ashford, V. Johnson) 1222, 1270, 1380
66 Congratulate Tekamah-Herman boys for Class C-1 state wrestling win.
(Korshoj) 1224, 1303, 1333
67 Recognize Thomas County, Nebraska for 100th anniversary.
(Lamb) 1230, 1303, 1333
68 Recognize Grant County, Nebraska for 100th anniversary.
(Haberman) 1241, 1303, 1329
69 Approve financing plans and funds for UNL recreation athletic facility.
(Appropriations) 1262, 1268, 1303, 1309-1312, 1333
70 Express sympathy to Pearl Hartnett family.
(Beyer, Withem) 1389, 1415, 1446
71 Express support for Omaha Tribe relating to Blackbird Bend title claim.

(30 Senators) 1439, 1447, 1471
72 Honor James Manning for forty years service as an educator.
(Peterson, Rupp, Conway) 1489, 1502, 1527
73 Interim study on safety of motorcycles and similar vehicles.
(Smith, Landis) 1490, 2371
74 Recognize Ralston, Nebraska for 75th anniversary.
(Abboud) 1497, 1502, 1527
75 Recognize Verdigre, Nebraska for 100th anniversary.
(Hefner) 1510, 1527, 1538
76 Recognize courage and dedication of Mormon pioneers.
(Lynch) 1544, 1559, 1580
77 Interim study on municipal zoning and annexation laws.
(Urban Affairs) 1587, 2372
78 Interim study on Legislative Resolution 21CA.
(Urban Affairs) 1588, 2372
79 Recognize 25th anniversary of University of Nebraska Research and Development Center.
(R. Johnson, L. Johnson, Morehead, Nelson, Warner, Hefner, Peterson, Coordsen, Miller, Lamb, Moore, Elmer, Schmit, Dierks, Remmers) 1628, 1641, 1661
80 Interim study on motorcycle helmet usage and related safety issues.
(Lynch, Goodrich, Schellpeper, Beyer, Pappas, Morehead, Wesely) 1645, 2372
81 Recognize the contribution of Arbor Day to environment and communities.
(Marsh, Wehrbein, Dierks, L. Johnson, Remmers) 1695, 1723, 1728
82 Recognize Benedict, Nebraska for 100th anniversary.
(Moore) 1709, 1786, 1796
83 Recognize Gresham, Nebraska for 100th anniversary.
(Moore) 1710, 1786, 1796
84 Recognize Henderson, Nebraska for 100th anniversary.
(Moore) 1711, 1786, 1796
85 Recognize McCool Junction, Nebraska for 100th anniversary.
(Moore) 1712, 1786, 1796
86 Recognize Goehner, Nebraska for 100th anniversary.
(Moore) 1712, 1786, 1796
87 Recognize Cordova, Nebraska for 100th anniversary.

(Moore) 1713, 1786, 1796
88 Recognize South Sioux City, Nebraska for 100th anniversary.
(Conway, Hefner, Korshoj, Peterson, Schellpeper) 1716, 1786, 1796
89 Recognize 25th anniversary of Southwest Rural Fire Protection District.
(Warner) 1726, 1747, 1776
90 Express sympathy to Ed Johnson family.
(Wesely) 1788, 1807, 1819
91 Declare Nebraska Historical and Special Interest Automobile Recognition Week.
(Abboud) 1789, 1964, 1975
92 Recognize Virginia, Nebraska for 100th anniversary.
(Morehead) 1791, 1834, 1874
93 Urge Congress to provide assistance to strengthen the farm credit system.
(Rogers, Wehrbein) 1802, 1903, 1910
94 Interim study relating to transportation safety issues.
(Wesely) 1815, 2372
95 Express gratitude and best wishes to Rev. Dr. Robert E. Palmer.
(49 Senators) 1842, 1902
96 Recommend additional studies by the Alzheimer's Disease Task Force.
(Smith, Lynch, Wesely, Schellpeper, Morehead, Lamb, Goodrich, Beyer, Pappas) 1849, 1872, 1887
97 Declare April 26-May 2 as Victims Rights Week.
(Pirsch) 1852, 1872, 1887
98 Urge investigation into racially demeaning portrayals at Monroe Jr. High.
(Chambers) 1890, 1926, 1927, 1940
99 Recognize Union, Nebraska for 100th anniversary.
(Wehrbein) 1903, 1947, 1962
100 Recognize Nehawka, Nebraska for 100th anniversary.
(Wehrbein) 1903, 1947, 1962
101 Recognize Madrid, Nebraska for 100th anniversary.
(Haberman) 1910, 2103, 2140
102 Urge FDA action for stricter label regulations regarding saturated fats.
(R. Johnson) 1931, 1964, 1975
103 Proclaim week of June 1-7, 1987 as Polio Survivors Week.

(Marsh) 1943, 1965, 1975
104 Interim study to review a propose changes to the Nebraska Liquor Control Act.
(General Affairs) 1950, 2372
105 Recognize efforts of Nebraska State Volunteer Firefighters Association.
(Nelson) 1960, 1965, 1975
106 Continue membership and efforts of Children's Select Committee.
(Scofield, Chizek, Moore, Barrett, Landis, Withem, Hall, Wesely, Marsh, Smith, Labedz, McFarland, Pirsch, Morehead, Hannibal, Warner) 1984, 2103, 2140, 2564
107 Recognize Daykin, Nebraska for 100th anniversary.
(Coordsen) 1999, 2103, 2140
108 Congratulate Beatrice State Developmental Center for 100th anniversary.
(Morehead) 2010, 2103, 2125
109 Recognize contributions of University of Nebraska Agricultural Research Division.
(R. Johnson, Rogers, Nelson, Moore, Wehrbein, Miller, Weihing, Schmit, Elmer) 2020, 2227, 2254
110 Express appreciation for Nebraska Association of Former Legislators gift.
(Barrett, Labedz) 2042, 2103, 2140
111 Recognize Ray and Letha Wilson for 70th wedding anniversary.
(Warner) 2048, 2103, 2125
112 Interim study on drug and alcohol testing standards in the workplace.
(Judiciary and Lynch, Morehead, Pappas, Scofield) 2049, 2372
113 Interim study to compare Nebraska and federal rules of civil procedure.
(Judiciary) 2050, 2372
114 Recognize Gilead, Nebraska for 100th anniversary.
(Coordsen) 2052, 2103, 2140
115 Recognize Omaha Public Schools "I Can Say NO" substance abuse program.
(Hannibal) 2053, 2103, 2125
116 Interim study on Nebraska's comparative fault statutes.
(Ashford, Conway) 2065, 2372
117 Interim study on gambling laws and their enforcement.

(Judiciary and Baack, V. Johnson, Rogers) ... 2065, 2372
118 Commend Creighton and University of Nebraska for psychiatric department merger.
(Withem) 2076, 2104, 2140
119 Recognize Milligan, Nebraska for 100th anniversary.
(Coordsen) 2077
120 Recognize Deshler, Nebraska for 100th anniversary.
(Coordsen) 2078, 2104, 2140
121 Recognize Bruning, Nebraska for 100th anniversary.
(Coordsen) 2078, 2104, 2140
122 Recognize Ohiowa, Nebraska for 100th anniversary.
(Coordsen) 2079, 2104, 2140
123 Urge Congress to support Interstate Sales Tax Collection Act of 1987.
(Hefner, V. Johnson) 2081, 2104, 2125
124 Interim study on construction and drainage standards for state buildings.
(Rogers) 2090, 2372
125 Interim study on liability insurance coverage and premiums.
(Coordsen) 2091, 2372
126 Recognize Pilger, Nebraska for 100th anniversary.
(Schellpeper) 2093, 2227, 2254
127 Recognize Leigh, Nebraska for 100th anniversary.
(Schellpeper) 2094, 2227, 2254
128 Recognize Howells, Nebraska for 100th anniversary.
(Schellpeper) 2094, 2227, 2254
129 Recognize Rogers, Nebraska for 100th anniversary.
(Schellpeper) 2095, 2227, 2254
130 Interim study on the recall process.
(Rupp) 2105, 2372
131 Interim study of school land administration and conservation practices.
(Rupp) 2106, 2372
132 Congratulate Syracuse Volunteer Fire Department on its 100th anniversary.
(Wehrbein) 2111, 2227, 2254
133 Recognize Roseland, Nebraska for 100th anniversary.
(Smith) 2111, 2227, 2254
134 Urge Nebraska Historical Society consideration of Joslyn Castle acquisition.
(Ashford) 2112, 2293, 2327
135 Interim study of all-terrain vehicle regulation and equipping.

(L. Johnson, Moore, Warner, Goodrich, Lamb, Remmers, Hefner, Schmit, Rupp, Smith) 2139, 2373
136 Recognize Wallace, Nebraska for 100th anniversary.
(Elmer) 2143, 2293, 2327
137 Interim study to evaluate marketing efforts of agricultural commodities and products.
(R. Johnson) 2144, 2373
138 Interim study of commodity board objectives, effectiveness, and membership.
(R. Johnson) 2144, 2373
139 Interim study on grasslands protection.
(R. Johnson) 2145, 2373
140 Interim study to create fund for unpaid employees due to business failure.
(Business and Labor) 2149, 2373
141 Interim study to review the Nebraska Workers' Compensation System.
(Business and Labor) 2150, 2373
142 Interim study to review Nebraska's employment security system.
(Business and Labor) 2151, 2373
143 Interim study to regulate hazardous materials in the workplace.
(Business and Labor) 2151, 2373
144 Interim study on mental retardation service delivery system.
(Health and Human Services) 2154, 2373
145 Recognize Farwell, Nebraska for 100th anniversary.
(Rogers) 2155, 2293, 2327
146 Recognized Wolbach, Nebraska for 100th anniversary.
(Rogers) 2156, 2293, 2327
147 Interim study to review employer contributions to employment security.
(Hefner) 2158, 2373
148 Interim study of the impact of Initiative 3 on the Nebraska economy.
(R. Johnson) 2159, 2373
149 Congratulate Dr. Darrell E. Wininger as Volunteer of the Year.
(Remmers) 2160, 2293, 2389
150 Interim study on closing the University of Nebraska Medical Center.
(Schmit, Moore, Pappas) 2164, 2373, 2564
151 Interim study on the rules of the Nebraska Legislature.

(Rules) 2165, 2373
152 Designate May 10-16 as Transportation Week.
(Beyer) 2165, 2293, 2327
153 Interim study of the Agricultural Stabilization and Conservation Service.
(R. Johnson) 2167, 2373
154 Recognize Ruskin, Nebraska for 100th anniversary.
(Miller) 2168, 2293, 2327
155 Interim study of Nebraska Criminal Code definition of deadly weapon.
(Haberman) 2169, 2374
156 Recognize Lamar, Nebraska for 100th anniversary.
(Haberman) 2169, 2327, 2378
157 Recognize Venango, Nebraska for 100th anniversary.
(Haberman) 2170, 2327, 2378
158 Recognize Perkins County for 100th anniversary.
(Haberman) 2171, 2327, 2378
159 Recognize Elsie, Nebraska for 100th anniversary.
(Haberman) 2171, 2327, 2378
160 Interim study of higher education funding policies in Nebraska.
(Conway) 2173, 2374, 2565
161 Designate and urge recognition of May 18 as Nebraska State Museum Day.
(Wesely) 2182, 2293, 2327
162 Interim study on the need for lifeline telephone service in Nebraska.
(Pappas, Labedz) 2193, 2374
163 Congratulate Senator Bill Harris for being elected Mayor of Lincoln.
(48 Senators) 2194, 2227, 2254
164 Interim study to review minimum age requirement for kindergarten.
(Hefner) 2195, 2374
165 Interim study on cement truck licensing, registration and taxation.
(Hefner) 2195, 2374
166 Encourage US West to locate a research site in Nebraska.
(42 Senators) 2201, 2227, 2233
167 Congratulate St. Bridget's Church for 100th anniversary.
(Hall) 2202, 2294, 2327
168 Interim study relating to state highway and county road bridge systems.

(Transportation) 2207, 2374
169 Interim study on railroad range fires.
(Transportation) 2208, 2374
170 Interim study of commercial motor vehicle operator licensure.
(Transportation) 2209, 2374
171 Interim study of motor vehicle classification and registration requirements.
(Transportation) 2209, 2374
172 Interim study of emergency medical services system in Nebraska.
(Rogers) 2210, 2374
173 Interim study on the pursuit of educational excellence in Nebraska.
(Scofield, Baack, Morehead, Withem, Remmers, V. Johnson) 2215, 2374, 2564
174 Recognize Funk, Nebraska for 100th anniversary.
(Barrett) 2216, 2327, 2378
175 Commend National Railway Historical Society for tourist railroad work.
(L. Johnson, Schellpeper) 2217, 2327, 2378
176 Interim study of prison industries.
(Haberman, Korshoj, Weihing) 2219, 2374
177 Interim study of surrogate parentage and in-vitro fertilization.
(Barrett, Chambers, Chizek, Wesely) 2220, 2374, 2565
178 Interim study of chemical agent disposal and cleanup.
(Nelson, Miller) 2236, 2374
179 Interim study of UCC centralized computer system for agricultural liens.
(Remmers, Rogers) 2237, 2375
180 Interim study of alternative methods to structure school districts.
(Withem) 2237, 2375
181 Interim study of school program evaluation procedures.
(Withem) 2238, 2375
182 Interim study of the year-round school concept.
(Withem) 2239, 2375
183 Interim study of higher education system governance and coordination.
(Withem) 2240, 2375, 2565
184 Interim study of child support, adoption, and juvenile offenders.

(Judiciary) 2241, 2375
185 Interim study of deposit of public funds in financial institutions.
(Banking, Commerce and Insurance) 2242, 2375
186 Interim study of rental property taxation and possible exemptions.
(Pappas) 2242, 2375
187 Interim study of methods used to finance Nebraska highways, roads, and streets.
(Revenue) 2243, 2375
188 Interim study of petition laws and signature verification procedures.
(Rupp) 2248, 2375
189 Interim study of waste regulation and liability of producers and disposers.
(Scofield, Schmit, Warner, R. Johnson, Chizek) 2249, 2375, 2564
190 Interim study of education's role in the economic growth of Nebraska.
(Withem) 2249, 2375, 2564
191 Interim study to eliminate University of Nebraska Central Administration.
(Withem) 2250, 2375, 2565
192 Interim study relating to tort and insurance reform issues.
(Schellpeper) 2251, 2376, 2564
193 Interim study to review Department of Correctional Services visitation policy.
(Hall, Chambers) 2252, 2290, 2376
194 Interim study on student debt and student aid for higher education.
(Withem, Moore, Baack) 2253, 2376, 2564
195 Recognize Lushton, Nebraska for 100th anniversary.
(Moore) 2257, 2327, 2378
196 Interim study of the state infrastructure to provide economic growth.
(Hartnett, Warner) 2258, 2376
197 Interim study of public contract system methods in building projects.
(Lynch) 2259, 2376
198 Interim study to develop Highway 81 as part of a north-south interstate.
(Moore, Conway, Coordsen, R. Johnson, Peterson,

Rupp, Schmit, Hefner) 2266, 2290, 2376
199 Interim study of motor vehicle inspection laws and their effectiveness.
(Moore) 2266, 2376
200 Interim study to eliminate state government agency program duplication.
(Moore, Abboud) 2267, 2376
201 Interim study of Nebraska medicaid program and optional medicaid services.
(Moore, Abboud) 2267, 2376
202 Recognize Loretto, Nebraska for 100th anniversary.
(Dierks) 2268, 2328, 2378
203 Recognize Petersburg, Nebraska for 100th anniversary.
(Dierks) 2268, 2328, 2378
204 Interim study of Nebraska election statutes.
(Rupp) 2269, 2376
205 Interim study of Iowa State Buildings Program for energy conservation.
(Baack, Rupp) 2269, 2376
206 Interim study of public and private printing industries in Nebraska.
(Rupp) 2271, 2376
207 Interim study of Nebraska Business Corporation and Banking Acts.
(Pirsch) 2272, 2376
208 Interim study of crime victim compensation and assistance programs.
(Pirsch, Schmit) 2273, 2376
209 Interim study for statewide public postsecondary education policymaking.
(Warner) 2273, 2377, 2565
210 Interim study of the printing industry and related taxation provisions.
(R. Johnson) 2279, 2377
211 Interim study relating to state university and college faculty salaries.
(Landis) 2279, 2377, 2564
212 Interim study to strengthen Nebraska's economic development policies.
(Wesely) 2280, 2377, 2564
213 Interim study to determine the adequacy of retired teacher benefits.
(Wesely) 2281, 2377
214 Interim study of human service and health issues.

(Wesely) 2282, 2377
215 Interim study of student discipline and related statutory provisions.
(Wesely) 2282, 2377
216 Interim study relating to the disposal of surplus state property by DAS.
(Schmit, Beyer, Dierks, Korshoj, Moore, Wehrbein) 2283, 2377, 2565
217 Interim study of volunteer worker liability issues.
(Pirsch) 2283, 2377
218 Interim study relating to an statewide enhanced 911 emergency system.
(Lamb) 2284, 2377
219 Interim study to evaluate federal and state funding of mass transit.
(Hall) 2285, 2377
220 Interim study of waste material storage, disposal, and management.
(Schmit, Elmer, Schellpeper, Wesely, Weihing, Scofield, Lamb, Hall, Conway, R. Johnson, Hefner) 2286, 2290, 2377
221 Interim study relating to energy usage and development.
(Schmit, Elmer, Dierks, Weihing, Lamb, Hall, R. Johnson) 2286, 2377
222 Interim study of water and natural resources in Nebraska.
(Schmit, Elmer, Weihing, Rupp, Lamb, Hall, R. Johnson) 2287, 2377
223 Declare Stromsburg, Nebraska the Swedish capital of Nebraska.
(Moore) 2351
224 Proclaim Oakland, Nebraska as the Swede Capital of Nebraska.
(Korshoj) 2355
225 Urge Governor to appoint Midwest Regional Grain Marketing Compact representatives.
(Hannibal, Abboud, Conway, Lamb, Dierks, Morehead, R. Johnson, Miller, Elmer, Schellpeper, Coordsen, Hefner, Weihing, Chambers, Wehrbein, V. Johnson, Moore, L. Johnson, Rupp, Scofield, Chizek, Beyer) 2357, 2416, 2428
226 Recognize J. Frank and Hazel T. Hoyt for 76th wedding anniversary.
(Elmer) 2382, 2416, 2428
227 Designate June 5, 1987 as Polka Day Nebraska Style.

(Hall) 2386, 2416, 2428
228 Support LR 173 relating to excellence in education and citizen task force.
(Withem, Scofield, Morehead) 2426, 2692, 2696
229 Congratulate Jack Van Berg for thoroughbred racing achievements.
(Rupp, Schmit) 2427, 2692, 2696
230 Interim study to examine the Uniform Marital Property Act.
(Pappas) 2480, 2564
231 Interim study on expanding job training programs for welfare recipients.
(Ashford) 2481, 2564
232 Oppose legal attempts to construe legislative intent relating to LB 716.
(Chambers) 2523, 2692
233 Place portraits of Washington and Lincoln in the legislative chambers.
(Hefner, Elmer, Abboud,
Rupp) 2526, 2635, 2684-2691, 2746
234 Congratulate Kearney State College Lady Lopers for NAIA Softball win.
(Langford) 2537, 2746
235 Congratulate Elkhorn High School boys for Class B track championship.
(Beyer) 2548, 2746
236 Recognize Thayer, Nebraska for 100th anniversary.
(Moore) 2640, 2746
237 Recognize importance of US Constitution and encourage school participation.
(Withem) 2640, 2746
238 Recognize Malmo, Nebraska for 100th anniversary.
(Schmit) 2641, 2746
239 Recognize Prague, Nebraska for 100th anniversary.
(Schmit) 2642, 2746
240 Recognize Dwight, Nebraska for 100th anniversary.
(Schmit) 2643, 2746
241 Recognize Ceresco, Nebraska for 100th anniversary.
(Schmit) 2643, 2746
242 Recognize Morse Bluff, Nebraska for 100th anniversary.
(Schmit) 2644, 2746
243 Recognize Octavia, Nebraska for 100th anniversary.
(Schmit) 2645, 2746
244 Recognize Linwood, Nebraska for 100th anniversary.

(Schmit) 2646, 2746
245 Congratulate Audra Aruiso as Miss Indian America.
(Schmit) 2646, 2746

RULES, AMENDMENTS, MOTIONS

Adopt permanent rules 91, 101, 103
Adopt temporary rules 2, 26, 87
Rule 1, Sec. 16(b) - snow day,
no session 1372
Rule 2, Sec. 2, rules, suspension,
amendment 2399, 2422, 2513-2520
Rule 3, Sec. 3 - standing committees 2, 70, 91
Rule 3, Sec. 13 - public hearings 24, 91, 101, 102
Rule 3, Sec. 14 - revive a bill 24, 91, 101, 102
Rule 5, Sec. 13 - holding of bills 25, 102
Rule 6, Sec. 3 new (d) - deferring consideration
of a bill 2113
Rule 7, Sec. 1 - meeting time,
restrictions 24, 91
Rule 7, Sec. 3 - motion, in writing,
withdrawal 2409

RULINGS OF THE CHAIR

Absent members compelled to return 1816
Amendments germane 966, 1007, 1213, 1282, 1401, 1514, 1516, 1542, 1647, 1680, 1837, 1874, 1940, 1941, 2069, 2233, 2247, 2353, 2429, 2440, 2591, 2595, 2596, 2608
Amendments not before Legislature
7 days 2442
Amendments ruled out of order 2507, 2530, 2532, 2533
Bill withdrawn after hearing 1207
Bracket motion to a time certain,
same day-same stage 1831
Bracket motion where other motion to bracket
to date certain has been offered 1831
Call of the house, raising 735
Challenge the Chair 1213, 1235, 1283, 1514, 1648, 1817, 1831, 1941, 2233, 2380, 2394, 2440, 2531, 2533
Division of the question 1816, 1915
Germaneness issue ruled on if not requested 1941
Motion properly before Legislature 2380
Motion taken up past required
time 1855
Overrule Speaker's Agenda 2219, 2366, 2423

Point of Personal Privilege 1213
Reconsider motion when voting on prevailing side 1831
Sufficient debate 2394
Suspend rules to read Final Reading, whether necessary 655
Tax rate bill considered without suspending rules 2561
Votes required, amendment to motion to suspend rules 1086

SECRETARY OF STATE
Abstract of votes 18
Bonds, oaths, and certificates of elected members 6, 70
Election returns 3
Governor Appointments, Legislature
Johanns, Stephanie A. 2290
Letters and certificates on bills
LB 148 ..... 1234, 1236
LB 392 832
LB 408 ..... 2743, 2758
LB 432 1376
LB 561A 2757
LB 656A 2743, 2756
LB 683 1722
LB 736A 2754
LB 780 ..... 2734, 2749
LB 781 ..... 2735, 2751
LB 784 ..... 2747, 2753
LB 787 2760

SERGEANT AT ARMS
Appoint temporary 3
Election 7
Oath of Office 8

SESSION LAWS
Approve preparation and printing 2747

SNOW DAY
No session 1372

SPEAKER OF THE LEGISLATURE
Announcement
Recess days 109
Election 7
Oath of Office 8
Overrule Speaker's Agenda 2219, 2366, 2423
Refer resolutions to Reference Committee 110, 524

SUSPEND RULES (See Motions)

UNANIMOUS CONSENT
Expedite bills (See Motions)
Print in Journal
Letter from President Reagan to Governor Orr 215
Letter to Attorney General from Senator Chambers regarding prayers at graduations at Kearney State College 802

VISITORS, ADDRESSING LEGISLATURE
Jackson, Rev. Jesse 599

VISITORS, FOREIGN
Africa 1702
Algeria 2024
Austria 2101
Belgium 1191, 2389
Brazil 1066, 1191
Canada 1901, 2035, 2492
Chile 1191
Columbia 1191
Costa Rica 1191
Cyprus 1191
Denmark 1191
Ecuador 1191
Egypt 2024
England 1140
Finland 1191
France 1191
Iraq 1770, 2024
Italy 1191
Jordan 2024
Korea 496, 1140
Kuwait 2024

Madagascar 1678
Norway 1191
Philippines 1241, 1624
Puerto Rico 855
Turkey 1191, 1886
Wales 2254
West Germany 1191, 1718, 2152, 2389
Yemen 2024

SUBJECT INDEX

TO BILLS

AND

CONSTITUTIONAL AMENDMENT RESOLUTIONS

This index includes all bills introduced during the Ninetieth Legislature, First Session. Constitutional amendment resolutions are identified by a CA after the number.

Compiled by

Patrick J. O'Donnell
Clerk of the Legislature

Linda Srb, Index Clerk

STATE OF NEBRASKA
LEGISLATURE
1987 BILLS AND CONSTITUTIONAL AMENDMENT RESOLUTIONS INTRODUCED SUBJECT INDEX

LB

ABUSE

Adult Protective Services Act: adopt(Wesely, Smith, Marsh)..... 463
Child victims or witnesses to felonies: authorize videotape depositions(Scofield, Hartnett, Smith, Rupp, Harris, Withem, Baack, Pappas, Barrett, Conway, McFarland, Higgins, Morehead, Pirsch)..... 90
Felons, convicted: prohibit placement in nursing or veterans' homes as a condition of probation(Higgins, Rupp, Nelson, Hall, Korshoj, Peterson, Smith, Labedz, Chizek, Rogers, Conway, Ashford)..... 333
Minors: limit access to certain obscene and harmful materials (Schmit, Moore)..... 181
Sexual assault by a student: change provisions regarding discipline(Wesely, Marsh)..... 316
Sexual assault of a child: include in the definition of victim for criminal procedure purposes(Pirsch)..... 119
Sexual assault probationers: prohibit placement in nursing homes for medical or psychiatric treatment(Haberman)..... 47

ACCOUNTABILITY AND DISCLOSURE COMMISSION, NE. POLITICAL (See Political Accountability and Disclosure Act, NE.)

ACCOUNTANTS

Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Liability: change provisions for tort litigation(Conway, Pirsch, Hefner)..... 425

ADMINISTRATIVE DEPARTMENTS, STATE

Accident reports: require for departments with motor vehicles (Miller)..... 149
Administrative procedures and standards of review: change provisions(Barrett)..... 253
Administrative Services, Department of: extend authorization period allowing direct agency purchase of raw materials (Chambers)..... 354
Administrative Services, Department of: revisor bill to eliminate obsolete language relating to funds(Exec. Bd., Labedz, Chairperson)..... 31
Agency rule changes: change notice provisions(Coordsen, Abboud).. 487
Aging Advisory Committee, Department on: change geographic representation requirements(Smith)..... 456
Agriculture, Department of: adopt the State Livestock Health Act (Dierks, Rogers, Schmit)..... 103
Agriculture, Department of: change provisions relating to donated food and Commercial Fertilizer and Soil Conditioner Act (R. Johnson)..... 201
Agriculture, Department of: eliminate state participation in noxious weed control programs(R. Johnson)..... 138
Agriculture, Department of: provide powers and cash fund relating to animal damage control programs(Rogers, Moore, R. Johnson)..... 102
Appropriation bill 102A
Agriculture, Department of: require food retailers to post disclosures regarding oil type and cholesterol content(Pappas)... 83
Appeals: change procedures(Abboud, Landis, Ashford)..... 352
Appropriate funds for state government expenses(Barrett, req. of Gov.)..... 762
Appropriate funds for state government expenses (Appropriations Comm.)..... 780
Banking and Finance, Department of: adopt and enforce provisions of the Commodity Code(Haberman)..... 575
Appropriation bill 575A

LB

Banking and Finance, Department of: allow banks to subscribe to, purchase, invest, and own shares of investment companies (Schmit, Moore)..... 237
Banking and Finance, Department of: allow Director to impose fines for Nebraska Securities Act violations(Haberman)..... 650
Banking and Finance, Department of: authorize use of unmarked vehicles(Remmers)..... 558
Banking and Finance, Department of: change fee provisions relating to services(Remmers)..... 642
Banking and Finance, Department of: change industrial loan and investment company surety bond requirements(Remmers)..... 559
Banking and Finance, Department of: clarify provisions and expand types of insurance to be sold with loans(Remmers)..... 306
Banking and Finance, Department of: eliminate hearing requirements for closure and unsound practices of credit unions (Remmers)..... 530
Bid specifications: require separate specifications for certain political subdivision construction contracts(Lynch)..... 494
Condemned building and repair orders: allow notice by certified mail(Conway)..... 93
Conference expenses: authorize conditional payment of non-state employee expenses(Rupp)..... 539
Correctional Services, Department of: authorize the sale of certain property(Marsh)..... 526
Correctional Services, Department of: authorize the sale of certain property in Lincoln(Harris)..... 374
Correctional Services, Department of: change provisions relating to crime victims and witnesses(Pirsch)..... 535
Council of State Governments: allocate membership dues(Haberman). 52
County construction contracts: change letting provisions(Lynch).. 429
County Disaster Assistant Fund: establish(Scofield)..... 391
Deficiency appropriations for state government expenses: provide(Barrett, req. of Gov.)..... 763
Deficiency appropriations: authorize(Appropriations Comm.)..... 449
Disclosure of information of wrongdoing or waste by officials or employees: change provisions(Landis, Wesely)..... 89
Domestic Products Procurement Act: adopt(Pappas, Hall)..... 667
Economic Development, Department of: adopt the Business Partnership Act(Scofield, Landis, Hefner, Morehead, Wesely, Withem, Chizek, Conway, Nelson, Harris)..... 736
Appropriation bill 736A
Economic Development, Department of: adopt the Cooperative Development Act of 1967(Moore, Landis, Wesely, Hefner, Morehead, Withem, Conway, Chizek)..... 742
Economic Development, Department of: adopt the Economic Development Act(Wesely)..... 748
Economic Development, Department of: adopt the Enterprise Zone Demonstration Act(Harris)..... 749
Economic Development, Department of: adopt the Tourism Development Act(Wesely, Landis, Morehead, Hefner, Moore, Nelson, Conway, Withem, Korshoj, Chizek, Harris)..... 741
Economic Development, Department of: adopt the Venture Capital Company Act(Wesely, Chizek, Conway, Nelson, Withem, Morehead, Harris)..... 746
Economic Development, Department of: change provisions relating to community development block grants(Wesely, Landis, Morehead, Hefner, Moore, Conway, Withem, Chizek, Harris,)..... 740
Economic Development, Department of: create a poultry development and assistance program(Moore, Wesely, Morehead, Baack)..... 737
Economic Development, Department of: create a statewide risk capital system(Wesely, Landis, Chizek, Morehead, Hefner, Conway, Nelson, Withem, Harris,)..... 745
Economic Development, Department of: create an agricultural development strategy and program(Wesely, Landis, Morehead, Conway, Moore, R. Johnson, Chizek, Baack, Withem, Korshoj, Harris)..... 739

LB

Economic Development, Department of: develop a statewide plan for industrial development(Wesely, Landis, Morehead, Chizek, Conway, Withem, Korshoj, Harris)..... 743
Economic Development, Department of: provide job training to compliment economic development programs(Wesely, Landis, Morehead, Hefner, Chizek, Withem, Conway, Korshoj, Harris)..... 744
Economy and Productivity in State Government Act: adopt(Abboud).. 144
Electrical Board, State: provide powers(Morehead)..... 69
Employee salaries, state: increase salaries by three percent for certain employees(Appropriations Comm.)..... 782
Appropriation bill 782A
Energy Office, Nebraska State: reappropriate certain oil overcharge-related funds for projects in LB 432 (1987) (Appropriations Comm.)..... 787
Environmental Control, Department of: adopt the Solid Waste Management Act(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
Environmental Control, Department of: adopt the Wastewater Treatment Facilities Construction Assistance Act(Barrett, req. of Gov.)..... 766
Environmental Control, Department of: adopt Wastewater Treatment Operator Certification Act(Schmit)..... 533
Environmental Control, Department of: allow the collection of fees and costs(Scofield)..... 501
Environmental Control, Department of: change provisions relating to the Environmental Protection Act(Schmit)..... 152
Environmental Control, Department of: change provisions regarding petroleum products and hazardous substances(Landis).... 365
Environmental Control, Department of: change provisions relating to the Low-level Radioactive Waste Disposal Act(Scofield, Hefner, Schellpeper, Korshoj, Peterson, L. Johnson, Weihing, Conway).... 426
Environmental Control, Department of: increase penalty for Environmental Protection Act violations(Schmit)..... 565
Environmental Control, Department of: provide procedures and requirements for commercial hazardous waste management facilities (Landis, Ashford, Lynch, Korshoj)..... 114
Environmental Control, Department of: require warehouse inspections for conditions conducive to grain dust explosions (R. Johnson)..... 164
Environmental Response and Liability Act: adopt(R. Johnson)..... 706
Family policy: adopt for government service providers(Scofield, Landis, Wesely, Marsh, Hall, Morehead, Higgins, Moore, Smith, Barrett, Warner, Withem, Pirsch)..... 637
Fire inspections: expand authority to conduct(Hartnett)..... 619
Fire Marshal, State: change provisions relating to intermediate care facilities(Health and Human Services Comm.).... 459
Appropriation bill 459A
Food donations: eliminate a labeling requirement and penalty (Wesely)..... 544
Game and Parks: authorize administration by the Governor (Peterson, Pappas, Beyer, Remmers, R. Johnson, Lamb)..... 645
Hearing Impaired, Commission for the: change membership provisions(Wesely)..... 388
Hospital, rehabilitation and nursing home care staff member: redefine to require training in oxygen administration(Scofield).. 190
Industrial Relations, Commission of: change provisions relating to collective bargaining and actions before the Commission (Ashford)..... 718
Insurance, Department of: adopt the Risk Retention Act(Landis, Warner)..... 514
Insurance, Department of: authorize and increase a limit on insurance company investments(Conway, Ashford)..... 712
Insurance, Department of: provide civil immunity for reporting fraud against insurance companies(Lynch, Barrett)..... 399

LB

Interest to creditors: require state agencies to pay(Pappas, Hefner)..... 81
Intergovernmental Data Communications Act: adopt(Warner, Scofield)..... 312
Appropriation bill 312A
Intergovernmental Risk Management Act: adopt(Landis, Remmers, Haberman, Pappas, Lynch, Wehrbein)..... 398
Labor, Department of: adopt the Farm Labor Contractors Act(Smith, Hall, Chambers, Pappas, Weihing, Nelson, R. Johnson)..... 344
Appropriation bill 344A
Labor, Department of: change weekly amount and computation of employment security benefits(Labedz)..... 446
Labor, Department of: repeal provision prohibiting employees of the employment security division from holding political office (Wesely, Hall, Morehead)..... 272
Law enforcement officers: change education and training requirements(Chizek, Korshoj)..... 361
Law Enforcement Training Center, Nebraska: change admission requirements(Chizek, Korshoj)..... 362
Law enforcement: change provisions relating to certificate revocation(Chizek)..... 666
Lottery Act, Nebraska State: adopt(V. Johnson)..... 724
Low-level Radioactive Waste Disposal Act: change provisions (Scofield, Hefner, Schellpeper, Korshoj, Peterson, L. Johnson, Weihing, Conway)..... 426
Motor Vehicles, Department of: furnish drivers license information to Selective Service(Peterson)..... 300
Motor Vehicles, Department of: regulate operation and equipping of all-terrain vehicles(Barrett)..... 80
Motor vehicles: increase financial responsibility requirements for insurance(Pappas)..... 174
Open Meetings Law: change provisions relating to agenda and voting requirements(Urban Affairs Comm.)..... 678
Personnel, Department of: adopt State Employees Collective Bargaining Act(Barrett, Warner, Hall, Labedz, Landis, Hefner, Hannibal, Scofield, McFarland, Wesely, L. Johnson, Marsh)..... 661
Appropriation bill 661A
Proceeds of Stories of Felons Act: adopt(Abboud, Ashford)..... 243
Public construction contracts: require letter of credit or cash as additional security(Urban Affairs Comm.)..... 680
Public lands and buildings: revisor bill to eliminate obsolete language(Exec. Bd., Labedz, Chairperson)..... 32
Public meetings and hearings of state agencies: provide for their location in the affected geographic area(Scofield)..... 189
Radioactive waste: authorize withdrawal from the Central Interstate Low-level Radioactive Waste Compact(Scofield, Hefner, Schellpeper, Korshoj, Peterson, Weihing, L. Johnson,)..... 427
Real estate appraisers: allow notice by certified mail regarding refusal of license(Conway)..... 93
Real Estate Commission, State: change provisions relating to trust accounts for real estate transactions(L. Johnson, Hannibal, Goodrich, Ashford, Hall, Labedz)..... 403
Real Estate Commission, State: change real estate appraiser licensing and educational provisions(Goodrich)..... 40
Appropriation bill 40A
Real estate license investigations: change certain sheriffs' fees and allow employees to serve writs(Chizek, Korshoj)..... 438
Real estate sales personnel: require disclosure that their commission rates are negotiable(Higgins)..... 97
Real estate sales personnel: require disclosure that they are not bound to confidentiality(Higgins)..... 96
Real estate sales personnel: require disclosure that they work for the benefit of the seller(Higgins)..... 98
Revenue, Department of: change income tax provisions(Barrett, req. of Gov.)..... 773
Appropriation bill 773A

LB

Revenue, Department of: transfer duties from the Nebraska Liquor Control Commission to the Department of Revenue(Barrett, req. of Gov.)..... 771
Roads, Department of: adopt the Uniform Arbitration Act to resolve contract disputes(Landis, McFarland, Ashford, Withem).... 71
Roads, Department of: change provisions relating to the State Highway Commission(Elmer)..... 161
Roads, Department of: require posting of signs to promote tourism events(Pappas)..... 84
Salary increase: provide(Barrett, req. of Gov.)..... 764
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Social Services, Department of: apply statutory interest charges to permanent and temporary delinquent child support payments (Judiciary Comm.)..... 569
Social Services, Department of: authorize agreements for information exchanges between biological and adoptive parents (Conway)..... 301
Social Services, Department of: change assistance requirements for the aged, blind, or disabled(Wesely)..... 255
Social Services, Department of: change Foster Care Review Board (Landis, Barrett, Peterson, Beyer)..... 239
Social Services, Department of: change provisions relating to child care centers and foster care (Health and Human Services Comm.)..... 386
Social Services, Department of: change provisions relating to intermediate care facilities for the mentally retarded (Morehead)..... 259
Social Services, Department of: require branch offices in certain counties(Miller, Haberman, Chambers, Smith, Coordsen, Schellpeper, Baack, Nelson, Rogers, Wesely, Moore, Elmer, Weihing, Hefner, Dierks, Korshoj, Lynch, Remmers, Scofield)..... 392
Social Services, Department of: transfer child support enforcement attorneys from Attorney General(Judiciary Comm.)..... 573
Solid Waste Management Act: adopt(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
State agencies: adopt the Building Construction Act(Wesely)..... 227
State agencies: modify agency head management authority, affirmative action, employee benefits and temporary employee pool (Landis)..... 491
Appropriation bill 491A
State Employee Wellness Act: adopt(Wesely)..... 387
State employees and contract holders: prohibit appointments to state agency boards and commissions(Haberman)..... 50
State employees: eliminate prohibition relating to political party officeholding(Withem)..... 110
State employees: establish a pay incentive plan(Rupp, Lynch, Chizek, Wesely)..... 545
State officers' salaries: appropriate funds(Barrett, req. of Gov.)..... 769
State Patrol: change disability benefit provisions(Pappas)..... 493
State Tort Claims Act: limit recoverable claim amounts(Pappas)... 759
Tort Claims Act, State: reference provisions relating to claims against the state(Barrett)..... 252
Vending facilities: change provisions relating to contracts and licensing of blind vendors(Wesely)..... 322
Veterans: provide employment preference for veterans and spouses (Conway, Beyer, Hefner)..... 696
Visitors' Development Act: authorize use of occupancy taxes for capital construction if tourism-related(Pappas)..... 340
Water Resources, Department of: provide excuse for nonuse of surface water rights relating to inadequate water supply(Elmer, Langford, Abboud)..... 356
Witness fees: change provisions(Pirsch, Warner)..... 554

ADMINISTRATIVE PROCEDURE ACT
Reference provisions and change standard of review(Barrett)..... 253

LB

Revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 19

ADMINISTRATIVE SERVICES, DEPARTMENT OF
Agency purchases: extend authorization period to allow direct agency purchase of raw materials from a vendor or supplier (Chambers)..... 354
Capitol Mural Commission: authorize an artwork competition (Wesely)..... 648
Claims against the State: change provisions(Landis, McFarland, Ashford, Withem)..... 71
Conference expenses: authorize conditional payment of non-state employee expenses(Rupp)..... 539
Higher Education Opportunity Program: create(Moore)..... 609
Highway Improvement Bond Fund: create(Hartnett)..... 632
Homestead exemption: change provisions(Revenue Comm.)..... 288
Appropriation bill 288A
Intergovernmental Data Communications Act: adopt(Warner, Scofield)..... 312
Appropriation bill 312A
Solid Waste Management Act: adopt(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
Vehicle Information and Registration System Act: adopt state-wide system(Warner)..... 311

ADOPTION
Information exchanges between adoptive and biological parents: authorize agreements in certain adoptions(Conway)..... 301
Medical histories: require in some cases(Conway)..... 372
Appropriation bill 372A
Nebraska Adoption Act: create(Barrett, Scofield, Chizek, Conway, Schmit)..... 719
Parentage Act, Nebraska: create(Barrett, Scofield, Chizek, Conway, Schmit)..... 719
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
State family policy: provide for government agencies(Scofield, Landis, Wesely, Marsh, Hall, Morehead, Higgins, Moore, Smith, Barrett, Warner, Withem, Pirsch)..... 637
Surrogate parenthood: declare contracts void(Chambers)..... 674

ADOPTION ACT, NEBRASKA
Create(Barrett, Scofield, Chizek, Conway, Schmit)..... 719

ADULT PROTECTIVE SERVICES ACT
Adopt(Wesely, Smith, Marsh)..... 463

ADVERTISING
Automatic dialing-announcing devices: provide for regulation (Wesely)..... 180
Business signs on state roads: require vendors to pay fee to Department of Roads for to erect and post sign panels(Wesely, Landis, Morehead, Hefner, Moore, Nelson, Conway, Withem, Korshoj, Chizek, Harris)..... 741
NEBRASKALAND magazine: allow the use of subscription and advertising revenue for general interest articles (Appropriations Comm.)..... 785
Political campaigns: change provisions relating to size, placement, and information on printed campaign materials(Withem, Barrett)..... 479

AERONAUTICS
Aircraft: change tax provisions(V. Johnson)..... 523
Appropriation bill 523A
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352

LB
Liquor and liquor licensing: change provisions(Morehead)..... 219

AFFIRMATIVE ACTION
Counties: provide personnel administration for certain counties(Withem)..... 586
State agencies: require annual update of agency affirmative action plans and tighten agency compliance regulations(Landis)... 491
Appropriation bill 491A

AGED AND AGING (See also Retirement, Senior Citizens)
Adult Protective Services Act: adopt(Wesely, Smith, Marsh)..... 463
Aging Advisory Committee, Department on: change geographic representation requirements(Smith)..... 456
Care management units: establish for long term care(Smith)..... 42
Appropriation bill 42A
Gambling: change provisions relating to senior citizens' groups (V. Johnson)..... 295
Appropriation bill 295A
Public assistance: change requirements(Wesely)..... 255
State park motor vehicle entry permits: exempt payment by persons over 70(McFarland)..... 159
Telephones: provide telephone service credit for low-income elderly persons(Pappas, Labedz)..... 654

AGENCIES, STATE (See Administrative Departments, State)

AGING, DEPARTMENT ON
Advisory Committee: change geographic representation requirements(Smith)..... 456
Care management units: establish(Smith)..... 42
Appropriation bill 42A

AGRICULTURAL COOPERATIVES
Dry Bean Resources Act: adopt(Weihing, Baack)..... 145
Appropriation bill 145A

AGRICULTURAL PRODUCTS DEVELOPMENT ACT
Adopt(Abboud)..... 513

AGRICULTURAL TECHNOLOGY, CENTER FOR
Agricultural development strategy and program: create(Wesely, Landis, Morehead, Conway, Moore, R. Johnson, Chizek, Baack, Withem, Korshoj, Harris)..... 739

AGRICULTURE (See also Farms and Farming)
Adopt the Agricultural Products Development Act(Abboud)..... 513
Agriculture Act, Nebraska: adopt(Wesely, Scofield, Landis, Morehead, Hefner, R. Johnson, Baack, Conway, Withem, Korshoj)... 738
Animal damage control: provide powers and cash fund(Rogers, Moore, R. Johnson)..... 102
Appropriation bill 102A
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Aquaculture: provide for registration with Game and Parks(Pappas) 155
Brand Law, Nebraska: change provisions(Scofield, Dierks)..... 450
Breweries, farm: provide licensing requirements(Pappas)..... 505
Business Trust Act: adopt(Pappas, Weihing, Baack)..... 337
Appropriation bill 337A
Central filing system: require Secretary of State to compile lien list(Remmers)..... 640
Change provisions of relating to donated food and the Commercial Fertilizer and Soil Conditioner Act(R. Johnson)..... 201
Checkoff boards: require presentation of oral report to the Agriculture Committee(Moore, Schmit, Dierks, R. Johnson)..... 244

	LB
Chemicals: change revenue and taxation provisions(V. Johnson)	523
Appropriation bill	523A
Chemigation: require training sessions with Cooperative Extension(Schmit)	445
Commodities: establish tax on stock, bond, and commodity commissions(Schmit)	563
Commodity Code: adopt(Haberman)	575
Appropriation bill	575A
Commodity testing: provide prior to sale or storage(Schmit)	325
Corporate ownership of farm or ranch land: restrict(Conway, Baack)	547
Curtis, School of Technical Agriculture: change provisions (Goodrich, Elmer)	656
Appropriation bill	656A
Daylight time: change provisions(Government Comm.)	774
Development and promotion of agriculture: establish program(R. Johnson, Moore, Morehead, Coordsen, Wesely)	561
Appropriation bill	561A
Development and strategy program for agriculture: create(Wesely, Landis, Morehead, Conway, Moore, R. Johnson, Chizek, Baack, Withem, Korshoj, Harris)	739
Drainage: change liability provisions(Rogers)	100
Dry Bean Resources Act: adopt(Weihing, Baack)	145
Appropriation bill	145A
Electrical disconnects, main: require installation(Schmit, R. Johnson, Lamb, Pappas, Rupp)	761
Environmental Response and Liability Act: adopt(R. Johnson)	706
Erosion and sediment control: change provisions(Lamb)	594
Ethanol Authority and Development: transfer duties to the Agricultural Revitalization Authority(Schmit)	458
Ethanol: change provisions relating to refunds and production plants(Schmit)	279
Excise tax: eliminate exemption for certain agricultural products(Schmit)	610
Farm Labor Contractors Act: adopt(Smith, Hall, Chambers, Pappas, Weihing, Nelson, R. Johnson)	344
Appropriation bill	344A
Farm Mediation Act: adopt(Schmit, Rogers, Morehead, Chambers)	664
Appropriation bill	664A
Gasoline tax credit: change provisions(Revenue Comm.)	289
Grain Dealer Act: change provisions(Miller)	507
Grain sales: revisor bill to eliminate obsolete language (Exec. Bd., Marsh, Vice Chairperson)	14
Grain Warehouse Act: change provisions(R. Johnson)	164
Grasslands Protection Act: adopt(R. Johnson, Hefner, Scofield, Baack, Rogers, Elmer, Abboud)	124
High Technology and Food Processing Commission: create(Abboud)	141
Horse registration: change provisions for Nebraska-bred horses (V. Johnson)	421
Horseracing: adopt the Sports Wagering Act(Chambers)	757
Appropriation bill	757A
Horseracing: authorize expanded wagering(V. Johnson)	15CA
Horseracing: change parimutuel tax provisions(Schellpeper)	486
Horseracing: change provisions relating to parimutuel wagering taxation and capital improvement(V. Johnson)	467
Horseracing: change tax on parimutuel wagering(R. Johnson)	560
Horseracing: provide for wagering on simulcasts(Schmit)	708
Appropriation bill	708A
Implements, machinery, and repair parts: provide payment date if returned(Hefner)	510
Industry promotion: require agricultural boards to enter into contracts to coordinate industry promotion(Schmit)	755
Initiative 300: modify provisions relating to financial institutions(Baack, Conway)	10CA

LB

Insurance policies: change cancellation and renewal provisions (Haberman)..... 498
Investment Finance Authority Act, Nebraska: change agricultural loan provisions(Schmit)..... 707
Land valuation: change method of computing(Scofield)..... 407
Land valuation: change provisions relating to agricultural and horticultural lands(Landis)..... 366
Liens, agricultural production input: provide(Rogers)..... 101
Appropriation bill 101A
Livestock Health Act, State: adopt(Dierks, Rogers, Schmit)..... 103
Milk Ordinance, Grade A Pasteurized: adopt provisions(Morehead).. 68
Nongame and Endangered Species Conservation Act: change provisions relating to notice and public hearings(Miller)..... 150
Parimutuel wagering: change tax reporting provisions(Chambers)... 671
Petroleum products lien foreclosures: change time limits(Rogers). 314
Potato Development Act and hog cholera: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson).. 20
Poultry: create a poultry development and assistance program (Moore, Wesely, Morehead, Baack)..... 737
Repair parts and materials: provide sales and use tax exemption (Haberman)..... 44
Revisor bill to eliminate a reference to the Nebraska Pesticides and Devices Act(Exec. Bd., Marsh, Vice Chairperson)... 24
Revisor bill to eliminate obsolete statutes(Exec. Bd., Marsh, Vice Chairperson)..... 1
Revisor bill to harmonize provisions regarding agricultural experiment stations(Exec. Bd., Marsh, Vice Chairperson)..... 25
Sales and use tax: exempt certain farm machinery and equipment (Revenue Comm.)..... 293
Sales and use tax: exempt farm tractors and implements of husbandry(Haberman)..... 185
Appropriation bill 185A
State Fairgrounds, Nebraska: authorize improvements(Harris)..... 717
Tax exemption: exempt sales tax relating to farm machinery, equipment, and replacement parts(R. Johnson)..... 562
Tractor testing: modify provisions(L. Johnson, Warner, Moore).... 684
Vehicles: change provisions relating to certain overweight vehicles which haul farm products(Haberman, Moore, Rogers)..... 756
Water use: establish fees(Schmit)..... 566
Weed control: eliminate state participation(R. Johnson)..... 138
Weed district boards: change provisions(Miller)..... 128
Workers' compensation: provide for farm and ranch laborers (Pappas)..... 341

AGRICULTURE ACT, NEBRASKA

Adopt(Wesely, Scofield, Landis, Morehead, Hefner, R. Johnson, Baack, Conway, Withem, Korshoj)..... 738

AGRICULTURE, DEPARTMENT OF

Animal damage control: provide powers and cash fund(Rogers, Moore, R. Johnson)..... 102
Appropriation bill 102A
Business Trust Act: adopt(Pappas, Weihing, Baack)..... 337
Appropriation bill 337A
Change provisions of relating to donated food and the Commercial Fertilizer and Soil Conditioner Act(R. Johnson)..... 201
Commodity testing: provide prior to sale or storage(Schmit)..... 325
Cooking oil: require food retailers to post disclosures regarding type of oil and its cholesterol content(Pappas)..... 83
Create an agricultural development strategy and program(Wesely, Landis, Morehead, Conway, Moore, R. Johnson, Chizek, Baack, Withem, Korshoj, Harris)..... 739
Development and promotion of agriculture: establish program(R. Johnson, Moore, Morehead, Coordsen, Wesely)..... 561
Appropriation bill 561A

LB

Livestock Health Board, State: create as successor to the Bureau of Animal Industry(Dierks, Rogers, Schmit)..... 103
Noxious weed control programs: eliminate state participation (R. Johnson)..... 138
Poultry: create a poultry development and assistance program (Moore, Wesely, Morehead, Baack)..... 737

AID TO DEPENDENT CHILDREN
Increase(V. Johnson)..... 518
Appropriation bill 518A
Increase(Pappas)..... 542
Monthly assistance: increase(Chambers)..... 669
Recipients: require job training and job search programs(Abboud, Schmit)..... 328

AIRPLANES (See Aeronautics)

ALCOHOLIC BEVERAGES (See also Liquors)
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Beverage Container Refund Act: adopt(Pappas, Schellpeper, Landis, Baack)..... 613
Chemically Impaired Professional Act: adopt(Wesely)..... 691
Credit: eliminate provisions relating to liquor purchases on credit(Schmit)..... 709
Drivers licenses: require assessment of points for probationers (Barrett)..... 79
Driving privileges of juveniles: authorize suspension if convicted of an alcohol or drug-related offense(Withem)..... 207
Driving while intoxicated and implied consent: change provisions (Hall)..... 377
Driving while intoxicated: permit detention of certain offenders (Weihing)..... 690
Driving while intoxicated: provide for impounding and revocation of drivers licenses and permits(Chizek, Pirsch, Korshoj)..... 268
Driving while under the influence: expand implied consent provisions to include mind-altering chemicals(Abboud)..... 404
Drug and alcohol testing: prohibit employment penalties if amount of alcohol is below a specified amount(Scofield)..... 502
Employee drug testing: provide requirements(Lynch, Ashford)..... 582
Employment driving permits: provide for certain DWI convictions (Labedz, Hall)..... 689
Excise tax: change exemption provision(Hartnett)..... 628
Farm breweries: provide licensing requirements(Pappas)..... 505
Licenses: require certain information on applications and renewals(General Affairs Comm.)..... 396
Liquor and liquor licensing: change provisions(Morehead)..... 219
Minor in possession: provide for dismissal of charges if the minor reports the purchaser's identity(Haberman)..... 48
Motor vehicles: prohibit open alcoholic beverage containers (Moore)..... 346
Nebraska Liquor Control Commission: transfer duties to the Department of Revenue(Barrett, req. of Gov.)..... 771
Retail liquor licensees: authorize catering(Landis)..... 490
Sale or consumption: require adult supervision (General Affairs Comm.)..... 395
Spirits coolers: impose tax(V. Johnson)..... 725
Tax: increase occupation tax and provide power to the Liquor Control Commission(General Affairs Comm.)..... 550
University of Nebraska at Lincoln: define the southern boundary of UNL for liquor control purposes(Wesely)..... 468

ALIMONY (See Divorce, Husband and Wife)

ALL-TERRAIN VEHICLES
Regulate operation and equipping of(Barrett)..... 80

AMBULANCES (See also Emergencies)
Attendants: allow licensed practical nurses to be certified (Remmers)..... 76
Certified ambulance attendant: clarify definition to include emergency medical technician-ambulance(Peterson, Scofield, Barrett, Hefner, Hartnett)..... 442
Medical emergency ambulance technicians: change certification requirements and limit liability(Rogers)..... 460

AMUSEMENT RIDE ACT, NEBRASKA
Adopt(Wesely)..... 226
Appropriation bill 226A

ANATOMICAL GIFTS
Organ and tissue donations: provide duties and an exemption from liability(Nelson, Hannibal, Ashford)..... 74

ANIMALS
Cats: require rabies vaccinations(Dierks, Rogers)..... 104
Appropriation bill 104A
Damage control: provide powers and cash fund(Rogers, Moore, R. Johnson)..... 102
Appropriation bill 102A
Deer hunting: allow holders of permits to hunt other wild animals(Lamb)..... 171
Dogs: change provisions relating to dogs running at large (Hartnett)..... 630
Falconry and captive propagation: change provisions(Pappas)..... 154
Fighting, pitting, and baiting: prohibit(Wesely, Barrett, McFarland, Marsh, Lynch)..... 170
Fur producing animals: exempt certain species from captivity prohibitions(Rupp, Hefner, Haberman, Dierks, Abboud)..... 379
Horses: change registration provisions for Nebraska-bred horses (V. Johnson)..... 421
Hunting and trapping: prohibit on certain highway locations (Warner, Coordsen)..... 286
Hunting, fishing, and fur harvesting: change provisions(Rupp).... 105
Nongame and Endangered Species Conservation Act: change provisions relating to notice and public hearings(Miller)..... 150

APPORTIONMENT
School funds: change provisions(Pappas)..... 85

APPROPRIATIONS (See also Funds)
Biennial budget: provide calculation relating to excess funds and receipts(Warner)..... 130
Capital construction: appropriate funds(Barrett, req. of Gov.)... 770
Capital construction: appropriate funds(Appropriations Comm.).... 781
Cash Reserve Fund: change provisions(Warner)..... 131
Civil action claims against the state: appropriate funds (Appropriations Comm.)..... 779
Claims against the state: appropriate funds (Business and Labor Comm.)..... 777
Claims against the state: disallow(Business and Labor Comm.)..... 778
Deficiency appropriations for state government expenses: provide(Barrett, req. of Gov.)..... 763
Deficiency appropriations: authorize(Appropriations Comm.)..... 449
Depositors of failed financial institutions: appropriate funds (McFarland, Harris, Wesely, Warner, Landis, Marsh)..... 297
Economic Forecasting Advisory Board, Nebraska: change provisions relating to meeting times, powers, and duties(Warner)..... 343

LB

Educational television replacement tower at Bassett: authorize (Warner, Marsh, Moore, Hannibal, Langford, Scofield, Rogers, Lamb, Dierks, L. Johnson, Wehrbein)..... 245
Energy Office, Nebraska State: reappropriate certain oil overcharge-related funds for projects in LB 432 (1987) (Appropriations Comm.)..... 787
Game and Parks Commission: change provisions relating to use of NEBRASKALAND magazine revenue(Appropriations Comm.)..... 785
Legislative Senators' salaries: appropriate funds(Barrett, req. of Gov.)..... 768
Morrill Hall renovation: appropriate funds(Wesely, Remmers, Harris, Marsh, McFarland)..... 218
Appropriation bill 218A
State employee salaries: increase salaries by three percent for certain employees(Appropriations Comm.)..... 782
Appropriation bill 782A
State fund expenditures: require legislative appropriation for certain(Warner)..... 184
State government expenses: appropriate funds (Appropriations Comm.)..... 780
State government expenses: appropriate funds(Barrett, req. of Gov.)..... 762
State officers' salaries: appropriate funds(Barrett, req. of Gov.)..... 769
State Patrol Operations Cash Fund, Nebraska: transfer funds from the Highway Trust Fund(V. Johnson, Hall)..... 230
Supplemental appropriations: provide for state government expenses and capital construction(Appropriations Comm.)..... 784
Visitors' Development Act: authorize capital construction if tourism-related(Pappas)..... 340
Wage claims: appropriate funds for wage claims approved by the State Claims Board(Business and Labor Comm.)..... 776

ARBITRATION
Uniform Arbitration Act: adopt(Landis, McFarland, Ashford, Withem)..... 71

ARCHITECTS
Liability: change provisions for tort litigation(Conway, Pirsch, Hefner)..... 425
Restrict liability(Nelson, Hannibal, Chizek, L. Johnson, Elmer, Pirsch, Conway, Hefner, Korshoj)..... 492

ART AND ARTISTS
Competition: authorize a Capitol Mural Commission artwork competition(Wesely)..... 648
Videotapes, albums, and tickets: impose tax(Scofield)..... 634

ASBESTOS
Removal: extend date for school districts to levy separate tax for asbestos removal(Hall)..... 212

ASSESSMENTS
Municipal improvements: provide deferral of special assessments for agricultural lands adjacent to municipal improvements (Urban Affairs Comm.)..... 679
Property: change provisions(Miller)..... 508
Referee: provide regarding protests(Ashford, Hall, Lynch)..... 167
Special assessments: change interest rate provisions(Hefner)..... 423

ASSISTANCE (See Medical Assistance, Public Assistance, State Aid)

ATHLETE AGENTS REGISTRATION ACT
Adopt(McFarland)..... 65

ATHLETICS
Athlete Agents Registration Act: adopt(McFarland)..... 65
Board of Examiners in Athletic Training: change provisions (Health and Human Services Comm.)..... 473
Appropriation bill 473A
Nonprofit sports programs: provide immunity from civil damages (Pirsch, Hannibal, Ashford, Haberman)..... 123
Nonprofit sports programs: provide immunity from liability (Ashford, Nelson, Baack, Hannibal)..... 222
Sports volunteers: provide liability exemption(Haberman)..... 43
Sports Wagering Act: adopt(Chambers)..... 757
Appropriation bill 757A
Tickets: impose tax on tickets to sporting events(Scofield)..... 634

ATTORNEY GENERAL
Amusement Ride Act, Nebraska: adopt(Wesely)..... 226
Appropriation bill 226A
Child support enforcement attorneys: transfer to Department of Social Services(Judiciary Comm.)..... 573
Environmental Response and Liability Act: adopt(R. Johnson)..... 706
Farm Mediation Act: adopt(Schmit, Rogers, Morehead, Chambers).... 664
Appropriation bill 664A
Oil overcharge settlement: restrict distribution(Warner, L. Johnson, Wehrbein, Scofield, Marsh, Abboud, Langford, Moore, Hannibal)..... 432
Proceeds of Stories of Felons Act: adopt(Abboud, Ashford)..... 243
Salary: appropriate funds(Barrett, req. of Gov.)..... 769

ATTORNEYS
Child support: transfer child support enforcement attorneys from Attorney General to Department of Social Services (Judiciary Comm.)..... 573
Damages: change provisions relating to motions for new trials (Landis, Ashford, Conway)..... 363
Discovery: authorize for the prosecuting attorney before trial(Pirsch)..... 122
Farm Mediation Act: adopt(Schmit, Rogers, Morehead, Chambers).... 664
Appropriation bill 664A
Frivolous actions: provide for attorney fees and costs(Haberman, Conway, McFarland, Ashford, Pappas, Abboud)..... 261
Legal expense insurance: eliminate(V. Johnson)..... 728
Liability settlements or releases: prohibit in certain cases (Pappas)..... 191
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Small Claims Court: permit appearance of attorney in certain cases(L. Johnson)..... 228
Summary jury trial procedures: provide(Ashford, Abboud, McFarland, V. Johnson)..... 225
Tort litigation: change provisions(Conway, Pirsch, Hefner)..... 425
Trust deed trustee: authorize lawyers' professional corporations to serve(McFarland)..... 156
Uniform Arbitration Act: adopt(Landis, McFarland, Ashford, Withem)..... 71

AUDIOLOGY
Board of Examiners: change membership and licensure provisions (Health and Human Services Comm.)..... 473
Appropriation bill 473A

AUDITOR OF PUBLIC ACCOUNTS
Constitutional officer: eliminate(Wesely, Pappas)..... 16CA
County boards and educational service units: require audit(Warner)..... 183
Appropriation bill 183A

LB
Salary: appropriate funds(Barrett, req. of Gov.)..... 769
Transportation allowances, student: change provisions(Pappas).... 338

AUDITS AND AUDITORS
County boards and educational service units: require audit(Warner)..... 183
Appropriation bill 183A

AUTOMOBILES (See Motor Vehicles)

BALLOTS
Elections: change provisions relating to ballot issues and elections(Hall, Rupp)..... 716
Appropriation bill 716A
Sample ballots: change provisions(Withem)..... 652

BANK HOLDING COMPANY ACT OF 1963
Change provisions(Harris, Schmit, Morehead)..... 375
Incorporate into Nebraska statutes(Schmit, Pappas)..... 240
Modify provisions(Pappas, Haberman)..... 702

BANKING AND FINANCE, DEPARTMENT OF
Bank holding companies: modify provisions(Pappas, Haberman)..... 702
Branch banks: remove limitations(Pappas)..... 703
Building and loan associations: allow state-chartered associations to operate out-of-state(Hannibal)..... 662
Building and loan associations: equalize state and federal provisions(L. Johnson)..... 115
Commodity Code: adopt and enforce provisions(Haberman)..... 575
Appropriation bill 575A
Credit unions: eliminate hearing requirements relating to closure and unsound procedures(Remmers)..... 530
Depositors of failed financial institutions: appropriate funds (McFarland, Harris, Wesely, Warner, Landis, Marsh)..... 297
Electronic fund transfer systems: change provisions(Pappas)..... 615
Fees: change provisions relating to fees charged for services (Remmers)..... 642
Holding companies: change provisions(Schmit, Pappas)..... 240
Industrial loan and investment companies: change surety bond deductible amount requirements(Remmers)..... 559
Insurance sold with loans: clarify limitations and expand types of insurance to be sold(Remmers)..... 306
Investment companies: allow banks to subscribe to, purchase, invest, and own shares of investment companies(Schmit, Moore).... 237
Securities Act, Nebraska: allow Director of Banking and Finance to impose fine for violations of(Haberman)..... 650
Securities Act, Nebraska: provide additional subpoena power (Haberman)..... 497
State-chartered banks or industrial loan and investment companies: change notice requirements relating to acquisition (Remmers)..... 531
Thrift institutions: allow acquisition of newly established banks and provide for fees for loan service costs(Conway, Pirsch, Hannibal, Goodrich, Abboud)..... 332
Tourism Development Act: adopt(Wesely, Landis, Morehead, Hefner, Moore, Nelson, Conway, Withem, Korshoj, Chizek, Harris)..... 741
Unmarked vehicles: authorize(Remmers)..... 558

BANKRUPTCY
Annuities and life insurance contracts: exempt from legal process(Landis)..... 335
Insolvent financial institutions: change provisions relating to claims for deposit and exchange(Landis, Wesely, Marsh, Harris, McFarland, Warner)..... 113

Wage Assurance Fund: create to provide salary payment procedure for employees of insolvent companies(Lynch)..... 349

BANKS AND BANKING (See also Commonwealth, Financial Institutions)
Agricultural production input liens: provide(Rogers)..... 101
Appropriation bill 101A
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Bad checks: increase county collection fee(Peterson)..... 254
Bank holding companies: change provisions(Schmit, Pappas)..... 240
Bank holding companies: modify provisions(Pappas, Haberman)..... 702
Bonds: change refunding provisions(Hartnett)..... 622
Branch banks: remove limitations(Pappas)..... 703
Brand Law, Nebraska: change provisions(Scofield, Dierks)..... 450
Building and loan associations: allow state-chartered associations to operate out-of-state(Hannibal)..... 662
Building and loan associations: equalize state and federal provisions(L. Johnson)..... 115
Building and Loan Associations:allow acquisition of newly established banks and provide loan service fees(Conway, Pirsch, Hannibal, Goodrich, Abboud)..... 332
Capital stock: prohibit banks from making loans secured by capital stock of the bank or its holding company(Remmers)..... 532
Commodity Code: adopt(Haberman)..... 575
Appropriation bill 575A
Copies of loan documents: require lender to furnish(Nelson)..... 73
County officers: change provisions relating to bank deposits (Conway)..... 370
Demand deposit accounts: eliminate requirement relating to the deposit of public funds by school districts and municipalities (Withem)..... 109
Department of Banking and Finance: change fee provisions relating to services(Remmers)..... 642
Depositors of failed financial institutions: appropriate funds (McFarland, Harris, Wesely, Warner, Landis, Marsh)..... 297
Depository Institution Guaranty Corporation Act, Nebraska: eliminate(Harris, Warner, Marsh, Wesely, McFarland, Landis)..... 202
Electronic fund transfer systems: change provisions(Pappas)..... 615
Electronic fund transfers: change provisions relating to tax payments(V. Johnson)..... 523
Appropriation bill 523A
Enterprise Zone Demonstration Act: adopt(Harris)..... 749
Executive officers of banks: change personal lending practices (Banking Comm.)..... 453
Farm Mediation Act: adopt(Schmit, Rogers, Morehead, Chambers).... 664
Appropriation bill 664A
Fiduciaries: authorize certain investments and investment fees(Haberman)..... 577
Fiduciaries: permit investment of funds in investment companies and investment trusts(Haberman)..... 576
Guaranty associations: provide for payment of claims against (Schmit, Pappas)..... 373
Holding companies: change provisions(Harris, Schmit, Morehead)... 375
Holding companies: change provisions(Harris)..... 681
Holding companies: provide restriction(Banking Comm.)..... 454
Industrial loan and investment companies: change surety bond deductible amount requirements(Remmers)..... 559
Initiative 300: modify provisions relating to financial institutions(Baack, Conway)..... 10CA
Insolvent financial institutions: change provisions relating to claims for deposit and exchange(Landis, Wesely, Marsh, Harris, McFarland, Warner)..... 113
Insolvent institutions: appropriate money to Commonwealth Savings Company receiver(Wesely, Marsh, Harris)..... 686

LB

Insurance sold with loans: clarify limitations and expand types of insurance to be sold(Remmers)..... 306
Interest rate: change the maximum interest rate on credit cards and loans(Schmit, Warner, Lamb, Labedz)..... 735
Interstate banking: allow banks and bank holding companies to acquire banks in Nebraska(Schmit, Pappas)..... 240
Interstate banking: allow thrift institutions to acquire newly established banks(Conway, Pirsch, Hannibal, Goodrich, Abboud).... 332
Interstate banking: change provisions(Harris, Schmit, Morehead).. 375
Interstate banking: modify provisions relating to bank holding companies(Pappas, Haberman)..... 702
Interstate banking: modify provisions relating to bank holding companies(Harris)..... 681
Investment companies: allow banks to subscribe to, purchase, invest, and own shares of investment companies(Schmit, Moore).... 237
Investment Finance Authority Act, Nebraska: change agricultural loan provisions(Schmit)..... 707
Investments: allow banks to invest in Federal Home Association, Veterans Administration, and GNMA certificates and bonds (Schmit)..... 753
Postdated checks: provide for bank liability when paid early (Conway)..... 241
Public construction contracts: require letter of credit or cash as additional security on public construction contracts (Urban Affairs Comm.)..... 680
Public fund depositories: change provisions relating to the deposit of securities and "joint custody and pledge agreements" (L. Johnson, Hartnett, Weihing, Conway, Moore, Remmers, Peterson, Morehead, Rupp)..... 440
Public funds: provide for deposit in certain financial institutions(L. Johnson, Hannibal, Goodrich, Labedz)..... 488
Real estate broker trust accounts: change provisions(L. Johnson, Hannibal, Goodrich, Ashford, Hall, Labedz)..... 403
Refunding bonds: authorize districts to contract with bank or trust company for safekeeping and investment of proceeds (Hartnett)..... 623
Retirement: establish for police officers in cities of the second class(Rupp)..... 651
Revisor bill to correct an internal reference(Exec. Bd., Marsh, Vice Chairperson)..... 27
Revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 2
Sales and use tax: exempt certain farm, computer, and manufacturing equipment(Revenue Comm.)..... 293
Savings and Loan Associations: allow thrift institutions to acquire newly established banks(Conway, Pirsch, Hannibal, Goodrich, Abboud)..... 332
School districts: authorize loan agreements in certain circumstances(Lynch)..... 147
Securities Act, Nebraska: allow Director of Banking and Finance to impose fine for violations of(Haberman)..... 650
Securities Act, Nebraska: provide additional subpoena power (Haberman)..... 497
Securities stop orders: change provisions(Conway)..... 213
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
State-chartered banks or industrial loan and investment companies: change notice requirements relating to acquisition (Remmers)..... 531
Technical community colleges: authorize issuance of revenue bonds(Education Comm.)..... 329
Thrift institutions: allow acquisition of newly established banks and provide for fees for loan service costs(Conway, Pirsch, Hannibal, Goodrich, Abboud)..... 332
Tourism Development Act: adopt(Wesely, Landis, Morehead, Hefner, Moore, Nelson, Conway, Withem, Korshoj, Chizek, Harris)..... 741

Transactions exempt from registration: authorize certain mailings by registered mail(Conway)..... 93

BARBERS
Cosmetology Act, Nebraska: change provisions(Wesely, Peterson)... 543
Appropriation bill 543A

BEANS
Dry Bean Resources Act: adopt(Weihing, Baack)..... 145
Appropriation bill 145A

BENEFITS (See Employment Security, Labor)

BEVERAGE CONTAINER REFUND ACT
Adopt(Pappas, Schellpeper, Landis, Baack)..... 613

BEVERAGES
Adopt the Beverage Container Refund Act(Pappas, Schellpeper, Landis, Baack)..... 613
Candy and certain beverages: remove sales and use tax exemption(Revenue Comm.)..... 729

BIDS AND BIDDING (See also Public Lettings)
County construction contracts: change letting provisions(Lynch).. 429
County contracts: authorize persons awarded to furnish bond or deposit(Miller, Langford)..... 211
Political subdivisions: require separate bid specifications for certain political subdivision construction contracts(Lynch)..... 494
Public contracts: change resident preference provisions(Hefner, Chizek)..... 360
Vending facilities: change provisions relating to contracts and licenses to blind persons(Wesely)..... 322

BINGO (See also Gambling, Lotteries, Pickle cards, Video Slot Machines)
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Change limitations on bingo occasions(Hall)..... 378
Horseracing: authorize expanded wagering(V. Johnson)..... 15CA
Lottery Act, Nebraska State: adopt(V. Johnson)..... 724
Nebraska Bingo Act: change provisions(V. Johnson)..... 295
Appropriation bill 295A
Tax, bingo: change provisions(V. Johnson)..... 464

BINGO ACT, NEBRASKA
Change provisions(V. Johnson)..... 295
Appropriation bill 295A

BIRTH
Adolescent Pregnancy Prevention and Services Program: adopt (V. Johnson)..... 517
Appropriation bill 517A
Nebraska Parentage Act and Nebraska Adoption Act: create(Barrett, Scofield, Chizek, Conway, Schmit)..... 719
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Surrogate parenthood: declare contracts void(Chambers)..... 674

BLIGHTED AREAS (See also Economic Development)
Property redevelopment: change finance provisions relating to blighted property(Lynch)..... 11CA

BOARDS AND COMMISSIONS (See also specific heading)
Ambulance Advisors, Board of: change appointment provisions (Rogers)..... 460

LB

Beef Industry Development Board, Nebraska: create an agricultural development strategy and program(Wesely, Landis, Morehead, Conway, Moore, R. Johnson, Chizek, Baack, Withem, Korshoj, Harris)..... 739
Bingo and Pickle Card: change limitations on bingo occasions (Hall)..... 378
Capitol Mural Commission: authorize an artwork competition (Wesely)..... 648
Central Interstate Low-level Radioactive Waste Compact Commission: change Radiation Control Act provisions(Wesely)..... 390
Appropriation bill 390A
Checkoff boards: require presentation of oral report to the Agriculture Committee(Moore, Schmit, Dierks, R. Johnson)..... 244
Clinical Laboratory Technology, Board of Examiners in: establish licensing provisions to practice clinical laboratory technology (V. Johnson, Hall)..... 760
Comprehensive Health Insurance Pool: change membership provisions(Lynch)..... 495
Corn Development, Utilization, and Marketing Board: require contracts to coordinate industry promotion(Schmit)..... 755
Corn Resources Board, Nebraska: require oral report to Agriculture Committee(Moore, Schmit, Dierks, R. Johnson)..... 244
County personnel policy board: change provisions relating to membership and provide power to issue subpoenas(McFarland)..... 198
Dietetics and Nutrition, Board of Examiners in: provide nutritionist certification(Hall)..... 557
Appropriation bill 557A
Drainage district boards: change election provisions(Hall)..... 541
Dry Bean Resources Act: create commission(Weihing, Baack)..... 145
Appropriation bill 145A
Economic Forecasting Advisory Board, Nebraska: change provisions relating to meeting times, powers, and duties(Warner)..... 343
Economy and Productivity in State Government Act: create commission to administer(Abboud)..... 144
Education Commission of the States: change membership provisions (Education Comm.)..... 199
Education, State Board of: change duties and powers(Lamb, Remmers, Dierks)..... 235
Electrical Board, State: provide powers and an exception (Morehead)..... 69
Equalization and Assessment, State Board of: change method of computing valuation of agricultural and horticultural land (Scofield)..... 407
Equalization and Assessment, State Board of: change provisions relating to property assessment and taxation(Miller)..... 508
Equalization and Assessment, State Board of: prohibit percentage valuation changes by the county board of equalization (V. Johnson)..... 465
Ethanol Authority and Development Board: transfer duties to the Agricultural Revitalization Authority(Schmit)..... 458
Ethanol Authority and Development: change provisions relating to refunds and production plants(Schmit)..... 279
Examiners, Board of: change membership and licensure provisions relating to health care personnel (Health and Human Services Comm.)..... 473
Appropriation bill 473A
Farm Mediation Advisory Board: create(Schmit, Rogers, Morehead, Chambers)..... 664
Appropriation bill 664A
Foster Care Review Board: change membership provisions(Landis, Barrett, Peterson, Beyer)..... 239
Grain Sorghum Development, Utilization, and Marketing Board: require contracts to coordinate industry promotion(Schmit)..... 755
Grain Sorghum Development, Utilization, and Marketing: create an agricultural development strategy and program(Wesely, Landis, Morehead, Conway, Moore, R. Johnson, Chizek, Baack, Withem, Korshoj, Harris)..... 739

Grain Sorghum Resources Board: require oral report to Agriculture Committee(Moore, Schmit, Dierks, R. Johnson)..... 244
Health, State Board of: change provisions for licensed health care personnel(Health and Human Services Comm.)..... 473
Appropriation bill 473A
Hearing Impaired, Commission for the: change membership provisions(Wesely)..... 388
Hearing Impaired, Commission for the: provide list of interpreters for certain proceedings(Hall, Remmers, Rogers, Moore, Korshoj, Coordsen, Nelson, Chizek, Schellpeper, Higgins, Peterson, Weihing, Morehead)..... 376
Appropriation bill 376A
High Technology and Food Processing Commission: create(Abboud)... 141
Industrial Relations, Commission of: change provisions relating to Nebraska Professional Teachers' Negotiations Act (Ashford)..... 524
Jail Standards: change standards to be implemented(Chizek, Pirsch, Lynch, Conway)..... 271
Law Enforcement and Criminal Justice, Nebraska Commission on: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 12
Liquor Control Commission, Nebraska: provide power and increase occupation tax(General Affairs Comm.)..... 550
Liquor Control Commission: change licensing provisions(Morehead). 219
Liquor Control Commission: require certain information on liquor license applications and renewals(General Affairs Comm.).. 396
Livestock Health Act, State: create State Livestock Health Board (Dierks, Rogers, Schmit)..... 103
Lottery Commission, Nebraska State: create(V. Johnson)..... 724
Mental Health Regional Governing Board: change funding requirements(Wesely)..... 320
Mental Health: provide a review hearing under the Mental Health Commitment Act(Wesely)..... 499
Motor Vehicle Industry Licensing Board, Nebraska: change provisions for terminating motor vehicle dealer franchises (Lamb)..... 327
Natural resources district boards: change membership and election provisions(Schmit, Wesely, Landis)..... 148
Nebraska Commission for Special Education: provide date of dissolution(Remmers, Hall)..... 142
Parole: change provisions relating to witnesses and victims of crime(Pirsch)..... 535
Personnel Board, State: change provisions relating to authority and membership(Landis)..... 491
Appropriation bill 491A
Political Accountability and Disclosure Commission: eliminate enforcement duties(Conway)..... 555
Postsecondary Education, Nebraska Coordinating Commission for: create the Higher Education Opportunity Program(Moore)..... 609
Postsecondary Education, Nebraska Coordinating Commission for: administer the Work Study Act(Conway)..... 371
Postsecondary Education, Nebraska Coordinating Commission for: provide matching funds(Warner, L. Johnson)..... 38
Postsecondary Education, Nebraska Coordinating Commission for: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 16
Private Security Advisory Board: adopt the Private Security Services Act(Chambers)..... 677
Racing Commission, State: change horse registration provisions for Nebraska-bred horses(V. Johnson)..... 421
Racing Commission, State: provide for wagering on horseracing simulcasts(Schmit)..... 708
Appropriation bill 708A
Radiologic Technology, Board of Examiners in: adopt the Ionizing Radiation Licensing Act(Smith, Lynch, Pappas, Rupp)..... 534

LB

Real Estate Commission, State: change real estate appraiser licensing and educational provisions(Goodrich)..... 40
Appropriation bill 40A
Regents, Board of: establish voluntary tenure settlement program(Haberman)..... 574
River basin commission appointments: repeal obsolete statute (Schmit)..... 567
Rural Health Manpower, Commission on: change provisions (Schellpeper)..... 485
School boards: change provisions regarding publication of allowed claims budgeted and reports to the county board(Lynch)... 331
School boards: change provisions regarding service contracts and tax revenue relating to Educational Service Units(Conway)..... 265
Soybean Development, Utilization, and Marketing Board: create an agricultural development strategy and program(Wesely, Landis, Morehead, Conway, Moore, R. Johnson, Chizek, Baack, Withem, Korshoj, Harris)..... 739
Soybean Development, Utilization, and Marketing Board: require contracts to coordinate industry promotion(Schmit)..... 755
Soybean Resources Board, Nebraska: require oral report to Agriculture Committee(Moore, Schmit, Dierks, R. Johnson)..... 244
State commissions: adopt a family policy for government service providers(Scofield, Landis, Wesely, Marsh, Hall, Morehead, Higgins, Moore, Smith, Barrett, Warner, Withem, Pirsch)..... 637
State employees and contract holders: prohibit appointments to state boards and commissions(Haberman)..... 50
State Highway Commission: provide for an additional member and district(Elmer)..... 161
University of Nebraska Board of Regents: authorize students as voting members(Hall)..... 23CA
University of Nebraska Board of Regents: authorize to reduce or close certain schools and programs(L. Johnson, Warner)..... 685
Water Management Board: establish as sole entity with responsibility for water project consultation with Game and Parks (Miller)..... 150
Water Management Board: require study relating to the purchase, transfer and sale of water rights(Schmit, Pappas, Moore)..... 146
Appropriation bill 146A
Water Management: provide power, duties, and allow for recovery of damages(Schmit, Pappas, Labedz)..... 151
Weed district boards: change provisions(Miller)..... 128
Wheat Development, Utilization, and Marketing Board, Nebraska: require oral report to Agriculture Committee(Moore, Schmit, Dierks, R. Johnson)..... 244
Wheat Development, Utilization, and Marketing Board, Nebraska: create an agricultural development strategy and program(Wesely, Landis, Morehead, Conway, Moore, R. Johnson, Chizek, Baack, Withem, Korshoj, Harris)..... 739

BOATS

Liquor licensing: change provision(Morehead)..... 219
Public Docks Act: adopt(Hartnett)..... 621

BOILER INSPECTION ACT

Adopt(Business and Labor Comm.)..... 462
Appropriation bill 462A

BONDS

Banks: allow banks to invest in Federal Home Association and Veterans Administration bonds(Schmit)..... 753
Cities and villages: adopt the Solid Waste Management Act(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
Commissions: establish tax on stock, bond, and commodity commissions(Schmit)..... 563

County contracts: authorize persons awarded to furnish bond or deposit(Miller, Langford)..... 211
Elections: change provisions(Withem)..... 652
Grain Dealer Act: change provisions relating to surety liability (Miller)..... 507
Highway Improvement Bond Fund: create(Hartnett)..... 632
Industrial loan and investment companies: change surety bond deductible amount requirements(Remmers)..... 559
Motor vehicles: provide for seizure and detention of motor vehicles at weigh stations(Beyer)..... 307
Public Docks Act: adopt(Hartnett)..... 621
Refunding: authorize certain districts, cities and villages to issue refunding bonds(Hartnett)..... 623
Refunding: change provisions(Hartnett)..... 622
Road construction: provide for the issuance of additional bonds(Schmit, Hefner, Moore)..... 457
School Improvement Act: adopt(Lynch)..... 596
Technical community colleges: authorize issuance of revenue bonds(Education Comm.)..... 329

BRAND LAW, NEBRASKA
Change Nebraska Brand Law provisions(Scofield, Dierks)..... 450

BRIDGES (See also Highways)
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Bonds: provide for the issuance of additional bonds for road construction(Schmit, Hefner, Moore)..... 457
County construction contracts: change letting provisions(Lynch).. 429
County contracts: authorize persons awarded to furnish bond or deposit(Miller, Langford)..... 211
Highway construction: limit certain taxes(Hartnett)..... 20CA
Highway Improvement Bond Fund: create(Hartnett)..... 632
Highway Trust Fund and State Aid Bridge Fund: change provisions (Revenue Comm.)..... 289
Hunting and shooting: change provisions(Lynch)..... 597
Hunting and trapping: prohibit on certain highway locations (Warner, Coordsen)..... 286
Overweight vehicles: change provisions relating to vehicles which haul farm products(Haberman, Moore, Rogers)..... 756
Registration and approval requirements of motor vehicles: change provisions(Transportation Comm.)..... 224
School buses: permit passing of parked school buses in certain cases(Hartnett, Beyer)..... 347
Speed limits: raise certain highway and interstate limits(Hall, Chambers, Pappas)..... 430
State Fairgrounds: provide road improvement(Schellpeper)..... 704
Tires and windshields: change provisions relating to minimum requirements for highway use(Beyer)..... 504
Tourism Development Act: adopt; change provisions relating to informational and business signs on state roads(Wesely, Landis, Morehead, Hefner, Moore, Nelson, Conway, Withem, Korshoj, Chizek, Harris)..... 741

BROKERS (See Real Estate)

BUILDING AND LOAN ASSOCIATIONS
Electronic fund transfer systems: change provisions(Pappas)..... 615
Out-of-state operations: permit(Hannibal)..... 662
Public funds: provide for deposit in certain financial institutions(L. Johnson, Hannibal, Goodrich, Labedz)..... 488
Real estate broker trust accounts: change provisions(L. Johnson, Hannibal, Goodrich, Ashford, Hall, Labedz)..... 403
State and federal provisions: equalize(L. Johnson)..... 115

LB

Thrift institutions: allow acquisition of newly established banks and provide loan service fees(Conway, Pirsch, Hannibal, Goodrich, Abboud)..... 332

BUILDING CONSTRUCTION ACT
Adopt(Wesely)..... 227

BUILDINGS (See also Public Lands, Buildings, and Funds)
Building Construction Act: adopt(Wesely)..... 227
City codes: change filing requirements for public use(Wehrbein).. 483
Code violations: provide penalties(Withem)..... 481
Fire and building code enforcement: provide(Marsh)..... 646
Government building roofs: establish construction requirements (Rogers)..... 315
Plumbing fixtures: require scald prevention devices(Lynch)..... 264

BUSES
Metropolitan Transit Authority: change tax levy provisions(Hall, Hartnett, V. Johnson, Labedz, Higgins, Lynch)..... 471
Pupil transportation vehicles: change inspection provisions (Beyer, Hartnett)..... 538
School buses: permit passing in certain cases when buses are parked(Hartnett, Beyer)..... 347
School-provided transportation: authorize for certain students (Education Comm.)..... 200

BUSINESS PARTNERSHIP ACT
Business Partnership Act: adopt(Scofield, Landis, Hefner, Morehead, Wesely, Withem, Chizek, Conway, Nelson, Harris)..... 736
Appropriation bill 736A

BUSINESS TRUST ACT
Adopt(Pappas, Weihing, Baack)..... 337
Appropriation bill 337A

BUSINESSES (See also Corporations)
Adopt the Business Trust Act(Pappas, Weihing, Baack)..... 337
Appropriation bill 337A
Capital Companies Tax Credit Act: adopt(Abboud)..... 247
Consumer Protection Act: change provisions(McFarland)..... 617
Cooperative Development Act of 1987: adopt(Moore, Landis, Wesely, Hefner, Morehead, Withem, Conway, Chizek)..... 742
Corporate registration and tax payments: change dissolution date for tax-delinquent corporations(Korshoj)..... 186
Economic Development Act: adopt(Wesely)..... 748
Employee drug and alcohol testing: provide requirements(Lynch, Ashford)..... 582
Employment and Investment Growth Act: adopt(Barrett, req. of Gov.)..... 775
Appropriation bill 775A
Employment Expansion and Investment Incentive Act: redefine qualifying business to include retail business headquarters (Wesely, Hannibal, Abboud, Hefner)..... 323
Enterprise Zone Demonstration Act: adopt(Harris)..... 749
Farm machinery, implements, and repair parts: provide payment date if returned(Hefner)..... 510
Farm tractors and farm vehicles: exempt from sales and use tax (Haberman)..... 185
Appropriation bill 185A
Financial planning businesses: provide for regulation(Conway).... 214
Franchise and franchise fees: change provisions(McFarland)..... 62
Franchises: change definition provisions(McFarland)..... 63
Income tax, corporate: lower rate from 25 to 20 per cent (Revenue Comm.)..... 284
Appropriation bill 284A

LB

Income tax: change calculations(Barrett, req. of Gov.)..... 772
Appropriation bill 772A
Income tax: change method for determining corporate tax (Revenue Comm.)..... 294
Income tax: change provisions(Barrett, req. of Gov.)..... 773
Appropriation bill 773A
Income withholding for child support: change provisions (Judiciary Comm.)..... 570
Industrial development: develop a statewide plan(Wesely, Landis, Morehead, Chizek, Conway, Withem, Korshoj, Harris)..... 743
Insolvent: create the Wage Assurance fund to provide salary payment procedure for employees of insolvent companies(Lynch).... 349
Liability insurance: authorize purchase for corporate directors (Ashford)..... 137
Military training: authorize leaves of absence for private sector employees(Chizek, R. Johnson)..... 439
Minimum wage: increase(V. Johnson)..... 474
Motor vehicle dealer franchises: change provisions for termination(Lamb)..... 327
Private Security Services Act: adopt(Chambers)..... 677
Research and development: provide tax credit(Wesely, Hefner, Morehead, Withem, Conway, Harris)..... 747
Risk capital: create a statewide system(Wesely, Landis, Chizek, Morehead, Hefner, Conway, Nelson, Withem, Harris,)..... 745
Sales and use tax refunds on manufacturing and processing equipment: change provisions(Goodrich, Hefner, Chizek, Elmer, Peterson, Harris, Wesely, Hartnett,)..... 267
Sales and use tax: exempt certain farm, manufacturing, and computer equipment(Revenue Comm.)..... 293
Sales tax: expand state jurisdiction to include additional entities subject to sales tax collection(Hefner)..... 304
Appropriation bill 304A
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Signs on state roads, business: require vendors to pay fee to Department of Roads to post and erect sign panels(Wesely, Landis, Morehead, Hefner, Moore, Nelson, Conway, Withem, Korshoj, Chizek, Harris)..... 741
Small Business Incubators Incentives Act: adopt(Abboud)..... 139
Tax credit: increase income tax credit under the Employment Expansion and Investment Incentive Act(Chizek, Ashford, Korshoj, Hefner, Abboud)..... 270
Appropriation bill 270A
Taxation of new or expanding businesses: allow exemption(Chizek, Ashford, Hefner, Pappas, Korshoj, Pirsch, Moore, L. Johnson,)... 4CA
Tobacco Products Tax Act: adopt(Revenue Comm.)..... 730
Appropriation bill 730A
Tobacco, smokeless: provide penalty if distributed at less than cost or unsolicited(Nelson, Remmers)..... 72
Tourism Development Act: adopt(Wesely, Landis, Morehead, Hefner, Moore, Nelson, Conway, Withem, Korshoj, Chizek, Harris)..... 741
Trade Secrets Act: adopt(By Pappas and Johanns amendment)..... 337A
Trade Secrets Act: adopt(Wesely)..... 309
Unitary business: change taxable income determination(Hannibal).. 585
Unitary businesses: change income tax calculation(Barrett, req. of Gov.)..... 772
Appropriation bill 772A
Unitary group taxation: eliminate provisions(Pappas)..... 168

CABIN TRAILERS

Require certificate of title for all(Dierks, Abboud)..... 604

CABLE TELEVISION

Municipalities: authorize certain municipalities to own, operate, or lease a cable television system(Lamb)..... 593

LB

CAMPAIGNS (See also Political Accountability and Disclosure Act, NE.)
Contributions and committees: change provisions(Withem, Barrett). 480
Political Accountability and Disclosure Act: change campaign contribution and disclosure provisions(Hefner)..... 592
Political advertising: change provisions relating to size, placement, and information on printed campaign materials(Withem, Barrett)..... 479
Political convention delegates: change filing deadlines for primary elections(Withem)..... 357
Political party conventions, state: change representation(Withem) 358
Yard signs: prohibit use in campaigns(Pappas)..... 342

CANCER
Eppley Institute: appropriation regarding sale of tobacco(Nelson, Remmers)..... 143
Insurance: require insurance companies to pay for diagnostic examinations for persons with a genetic predisposition to cancer (V. Johnson)..... 727

CANDY
Sales and use tax: remove exemption(Revenue Comm.)..... 729

CAPITAL COMPANIES TAX CREDIT ACT
Adopt(Abboud)..... 247

CAPITAL CONSTRUCTION
Appropriate funds(Appropriations Comm.)..... 781
Appropriate funds(Barrett, req. of Gov.)..... 770
Correctional Services, Department of: appropriate funds for Hastings Regional Center renovation(Barrett, req. of Gov.)..... 763
Nebraska Educational Telecommunications Commission: appropriate funds to rebuild transmitter tower(Barrett, req. of Gov.)..... 763
Supplemental appropriations: provide for state government expenses and capital construction(Appropriations Comm.)..... 784
Technical community colleges: change provisions relating to capital construction(Smith)..... 455
Visitors' Development Act funds: authorize capital construction if tourism-related(Pappas)..... 340

CAPITAL PUNISHMENT (See also Death Penalty)
Aggravating circumstances: establish additional(Peterson, Hefner) 318
Eliminate death penalty and limit parole and discharge(Chambers).. 675
Mentally incompetent persons: change death penalty provisions and provisions relating to unprofessional conduct(Wesely, Chambers)..... 750

CATERING
Liquor: authorize retail liquor licensees to provide catering (Landis)..... 490

CATS
Rabies vaccinations: require of household cats(Dierks, Rogers)... 104
Appropriation bill 104A

CEMETERIES
Burial lots and pre-need sales: authorize notice by certified mail(Conway)..... 93
Unmarked Human Burial and Skeletal Remains Protection Act: adopt (Pappas)..... 612

CERTIFICATION (See Schools, Teachers)

CHARITABLE AND FRATERNAL SOCIETIES
Funds, illegal solicitation of: eliminate provisions(Lynch)..... 512

LB

Gambling: change provisions(V. Johnson)..... 295
Appropriation bill 295A
Not-for-profit directors, officers: restrict liability(Morehead, Ashford)..... 67

CHEMICALLY IMPAIRED PROFESSIONAL ACT
Adopt(Wesely)..... 691

CHEMICALS (See also Environmental Control and Protection)
Chemigation: require training sessions with Cooperative Extension(Schmit)..... 445
Environmental Protection Act: increase penalty for violations (Schmit)..... 565
Environmental Response and Liability Act: adopt(R. Johnson)..... 706
Hazardous Materials Disclosure Act: adopt(V. Johnson)..... 516
Hazardous waste management facilities, commercial: provide procedure and guidelines for the establishment of(Landis, Ashford, Lynch, Korshoj)..... 114
Petroleum Products and Hazardous Substances Storage and Handling Act: change provisions regarding the definition of tank (Landis)..... 365
Railroads: require cabooses on trains carrying hazardous substances(Pappas)..... 339
Railroads: require flagperson with trains carrying hazardous materials(Pappas)..... 193
Train transport of hazardous materials: provide inspection (Pappas)..... 153

CHEMIGATION
Training: require sessions with Cooperative Extension(Schmit).... 445

CHILD SUPPORT (See also Divorce, Husband and Wife)
Attorneys, enforcement: transfer from Attorney General to Department of Social Services(Judiciary Comm.)..... 573
Change child and spousal support payment provisions(Hartnett, Withem)..... 525
Change provisions(Judiciary Comm.)..... 570
Criminal nonsupport: change provisions(Withem)..... 590
Delinquent payments: apply statutory interest charges to permanent and temporary child support payments(Judiciary Comm.).. 569
Jurisdiction: change provisions(Withem)..... 589
Marital Property Act, Nebraska: adopt(Pappas)..... 172
Revisor bill to reinstate omitted language regarding child support(Exec. Bd., Labedz, Chairperson)..... 37
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475

CHILDREN
Adolescent Pregnancy Prevention and Services Program: adopt (V. Johnson)..... 517
Appropriation bill 517A
Adoption: authorize agreements for information exchanges between biological and adoptive parents(Conway)..... 301
Adoption: require medical histories(Conway)..... 372
Appropriation bill 372A
Aid to Dependent Children recipients: require job training and job search programs(Abboud, Schmit)..... 328
Aid to Dependent Children: increase(Pappas)..... 542
Aid to Dependent Children: increase(V. Johnson)..... 518
Appropriation bill 518A
Aid to Dependent Children: increase monthly assistance(Chambers). 669
Alcohol, possession of: provide for dismissal of charges if purchaser's identity is reported(Haberman)..... 48
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352

	LB
Biotinidase deficiency: prescribe screening of infants(Conway)...	91
Child care centers and foster care: change provisions (Health and Human Services Comm.).....	386
Child support payments: change provisions(Hartnett, Withem).....	525
Child support: apply statutory interest charges to permanent and temporary child support payments that are delinquent (Judiciary Comm.).....	569
Child support: change jurisdiction provisions(Withem).....	589
Child support: change provisions(Judiciary Comm.).....	570
Child support: change provisions relating to criminal nonsupport(Withem).....	590
Child support: transfer child support enforcement attorneys from Attorney General to Department of Social Services (Judiciary Comm.).....	573
Driving privileges: authorize suspension if convicted of an alcohol or drug related offense(Withem).....	207
Family policy: adopt for government service providers(Scofield, Landis, Wesely, Marsh, Hall, Morehead, Higgins, Moore, Smith, Barrett, Warner, Withem, Pirsch).....	637
Foster care placement/removal from home: limit circumstances (Scofield, Higgins, Barrett, Marsh, Smith, Morehead, Warner, Hall, Moore).....	635
Foster Care Review Board: change membership provisions(Landis, Barrett, Peterson, Beyer).....	239
Gifted students: establish the Unicameral Scholars Institute(McFarland).....	158
Appropriation bill	158A
Immunization: provide reports regarding immunization of children (Health and Human Services Comm.).....	472
Individual Long-Term Care Account Act: adopt(Lynch).....	714
Juvenile court judges: increase number in certain areas(Abboud, Ashford).....	162
Labor: revisor bill to eliminate obsolete language(Exec. Bd., Labedz, Chairperson).....	35
Maternal and child care: authorize Department of Health to conduct WIC and CSFP Programs(Lynch).....	643
Medical or psychological treatment: require parental payments (Scofield, Landis, Marsh, Withem, Morehead, Moore, Hall, Smith, Barrett, Warner, Higgins,).....	638
Appropriation bill	638A
Metabolic diseases: establish testing and registry (Health and Human Services Comm., Conway).....	385
Missing Children Identification Act: adopt(Lynch, Hartnett).....	599
Nebraska Juvenile Code: change provisions relating to temporary detention and custody(Scofield, Moore, Marsh, Smith, Morehead, Warner, Hall, Barrett).....	636
Nebraska Parentage Act and Nebraska Adoption Act: create(Barrett, Scofield, Chizek, Conway, Schmit).....	719
Obscene and harmful materials: limit access(Schmit, Moore).....	181
Offenders, juvenile: limit placement and commitment(Chambers)....	355
Revisor bill to reinstate omitted language regarding child support(Exec. Bd., Labedz, Chairperson).....	37
School age requirements: change kindergarten and first grade provisions(Hefner).....	424
School Improvement Act: adopt(Lynch).....	596
Sexual assault: include in the definition of victim for criminal procedure purposes(Pirsch).....	119
Shoplifting: change provisions(Pirsch, Ashford).....	536
Short Form Act, Nebraska: adopt(V. Johnson, Ashford).....	475
Special Education Act: adopt federal definitions for handicapping conditions(Baack).....	367
Special education programs: change age restriction(Baack).....	166
Special education: change reimbursement provisions(Baack).....	413
Special education: require minimum caseloads for programs (Hartnett).....	624

Surrogate parenthood: declare contracts void(Chambers)..... 674
Surrogate parents for handicapped children: authorize appointment under certain conditions(Baack)..... 165
Videotape depositions: authorize in certain cases(Scofield, Hartnett, Smith, Rupp, Harris, Withem, Baack, Pappas, Barrett, Conway, McFarland, Higgins, Morehead, Pirsch)..... 90

CHIROPRACTORS AND CHIROPRACTIC

Medical assistance: exclude certain services from medical assistance payments(Miller)..... 695

CIGARETTES (See also Tobacco)

Clean Indoor Air Act: modify provisions(Marsh)..... 95
Minors, use or purchase by: increase penalty(Haberman)..... 54
Purchase, use, and sale by persons under 18: repeal provisions (Haberman)..... 53
Sales tax for the sale of tobacco: provide(Nelson, Remmers)..... 143
Tobacco Products Tax Act: adopt to increase the cigarette tax(Revenue Comm.)..... 730
Appropriation bill 730A
Unfair Cigarette Sales Act: repeal(Landis, Elmer, Warner)..... 208

CITIES AND VILLAGES: LAWS APPLICABLE TO ALL

Bingo: change taxation provisions(V. Johnson)..... 464
Code licensing, standard: provide penalties for violations (Withem)..... 481
Domestic Products Procurement Act: adopt(Pappas, Hall)..... 667
Economic development: authorize use of general funds (Urban Affairs Comm.)..... 21CA
Ethanol: change provisions relating to refunds and production plants(Schmit)..... 279
Fire inspections: expand authority to conduct(Hartnett)..... 619
Fire protection districts: provide continued jurisdiction over annexed territory(Abboud)..... 515
Handicapped and disabled parking spaces, permits and license plates: change provisions(Lynch, Hartnett)..... 598
Appropriation bill 598A
Hazardous waste management facilities, commercial: provide procedure and guidelines for the establishment of(Landis, Ashford, Lynch, Korshoj)..... 114
Incorporated: require consent to adopt the Enterprise Zone Demonstration Act(Harris)..... 749
Liquor and liquor licensing: change provisions(Morehead)..... 219
Liquor: authorize retail liquor licensees to provide catering (Landis)..... 490
Lottery Act, Nebraska State: adopt(V. Johnson)..... 724
Mobile home park operators: change licensing and competency provisions(Landis)..... 364
Municipal cooperative financing: change provisions to include municipalities incorporated under laws of another state(Schmit).. 324
Municipal Gas Regulatory Act: adopt(Urban Affairs Comm.)..... 687
Natural gas: change provisions relating to rate increases and supplier duties(Withem, Korshoj, Landis, Hartnett)..... 663
Appropriation bill 663A
Police citations: prohibit quotas(Moore)..... 476
Political Subdivisions Tort Claims Act: change provisions (Hannibal)..... 258
Programs and services, new: require Legislature to fund(Hefner).. 22CA
Property redevelopment: change finance provisions relating to blighted property(Lynch)..... 11CA
Public construction contracts: require letter of credit or cash as additional security(Urban Affairs Comm.)..... 680
Public Docks Act: adopt(Hartnett)..... 621
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475

LB

Solid Waste Management Act: adopt(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
Utility services: allow cities and villages to tax, assess, and collect for utility services(Smith, Nelson, R. Johnson, Lamb, Baack, Conway, Remmers, Scofield, L. Johnson)..... 546
Wastewater Treatment Facilities Construction Assistance Act: create(Barrett, req. of Gov.)..... 766
Water supply property: require payments in lieu of taxes(Beyer, Hartnett, Withem)..... 8CA
Weed and debris: provide removal by certain political subdivisions(Conway, Baack)..... 752
Weed control: eliminate state participation in noxious weed control programs(R. Johnson)..... 138
Zoning: change jurisdiction provisions(Lynch, Conway)..... 422

CITIES AND VILLAGES: PARTICULAR CLASSES

Bonds: authorize certain districts, cities and village to issue refunding bonds(Hartnett)..... 623
Cable television: authorize certain municipalities to own, operate, or lease a cable television system(Lamb)..... 593
Codes, city: change filing requirements for public use(Wehrbein). 483
Elections: change provisions(Withem)..... 652
First class cities: change provisions relating to city council votes on contracts(Hartnett)..... 625
Improvement districts, municipal: provide deferral of special assessments for certain agricultural lands(Urban Affairs Comm.).. 679
Property taxes: require payment on water supply property in lieu of(Beyer, Hartnett, Withem)..... 205
Special improvement districts: create to replace, reconstruct, or repair sewers, alleys, and streets(Smith, Hartnett, Remmers, Weihing)..... 721

CITIES OF THE FIRST CLASS

City council: change provisions relating to voting on city contracts(Hartnett)..... 625
Codes, city: change filing requirements for public use(Wehrbein). 483
Dogs: change provisions relating to dogs running at large (Hartnett)..... 630
Electrical energy charges: change provisions(Schmit)..... 238
Improvement districts, municipal: provide deferral of special assessments for certain agricultural lands(Urban Affairs Comm.).. 679
Learners' permit: provide additional(Rupp)..... 540
Lottery Act, Nebraska State: adopt(V. Johnson)..... 724
Police officers: permit lump sum pension benefits in certain cases(Pappas)..... 192
Property tax lid: create exception for levy to fund certain pension plans and judgements(L. Johnson, Hartnett, Remmers, Peterson, Rupp, Morehead, Weihing,)..... 441
Public fund depositories: change provisions relating to the deposit of securities and "joint custody and pledge agreements" (L. Johnson, Hartnett, Weihing, Conway, Moore, Remmers, Peterson, Morehead, Rupp)..... 440
Zoning: change jurisdiction provisions(Lynch, Conway)..... 422
Zoning: restrict changes within the 3 mile limit(Conway, Lynch).. 263

CITIES OF THE METROPOLITAN CLASS (See also Omaha)

Elections: change provisions(Withem)..... 652
Eminent domain: establish provisions to provide replacement property in some cases(Urban Affairs Comm.)..... 369
Learners' permit: provide additional(Rupp)..... 540
Lottery Act, Nebraska State: adopt(V. Johnson)..... 724
Mayor and city council offices: change vacancy provisions(Pirsch) 394
Metropolitan Utilities Districts: allow ownership of pipelines(Hall, Withem, Hartnett, Ashford, Pirsch, Chizek, Lynch, Goodrich, Labedz, Abboud)..... 177

Special assessments: provide for a referee to hear protests (Ashford, Hall, Lynch)..... 167
Transit Authority, Metropolitan: change tax levy provisions(Hall, Hartnett, V. Johnson, Labedz, Higgins, Lynch)..... 471
Zoning: change jurisdiction provisions(Lynch, Conway)..... 422
Zoning: change provisions relating to environmentally sensitive areas(Lynch)..... 351
Zoning: restrict changes within the 3 mile limit(Conway, Lynch).. 263

CITIES OF THE PRIMARY CLASS (See also Lincoln)

Learners' permit: provide additional(Rupp)..... 540
Lincoln police and firefighters: change benefit provisions of their retirement plan(Harris, Landis, McFarland)..... 409
Lincoln police and firefighters: change retirement plan provisions(Harris, Landis, Warner, Marsh, McFarland)..... 408
Lottery Act, Nebraska State: adopt(V. Johnson)..... 724
Plats: provide method for approval of certain plats in Lincoln (Landis)..... 715
Zoning regulation variances: provide for primary class cities (Marsh)..... 317
Zoning: change jurisdiction provisions(Lynch, Conway)..... 422
Zoning: restrict changes within the 3 mile limit(Conway, Lynch).. 263

CITIES OF THE SECOND CLASS AND VILLAGES

Cable television: authorize certain municipalities to own, operate, or lease a cable television system(Lamb)..... 593
Codes, city: change filing requirements for public use(Wehrbein). 483
Electrical energy charges: change provisions(Schmit)..... 238
Improvement districts, municipal: provide deferral of special assessments for certain agricultural lands(Urban Affairs Comm.).. 679
Lottery Act, Nebraska State: adopt(V. Johnson)..... 724
Police officers: establish retirement system(Rupp)..... 651
Property taxes: require payment on water supply property in lieu of(Beyer, Hartnett, Withem)..... 205
Public fund depositories: change provisions relating to the deposit of securities and "joint custody and pledge agreements" (L. Johnson, Hartnett, Weihing, Conway, Moore, Remmers, Peterson, Morehead, Rupp)..... 440
School Improvement Act: adopt(Lynch)..... 596
Sewer system connections: authorize notice by certified mail to property owners(Conway)..... 93

CIVIL PROCEDURE

Ambulance technicians, medical emergency: limit civil liability (Rogers)..... 460
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Arbitration: repeal provisions and adopt the Uniform Arbitration Act(Landis, McFarland, Ashford, Withem)..... 71
Damages: change provisions relating to motions for new trials (Landis, Ashford, Conway)..... 363
Eminent domain: change procedure for claiming damages(Wehrbein).. 236
Eminent domain: exempt school districts from certain procedures(Withem)..... 359
Frivolous actions: provide for attorney fees and costs(Haberman, Conway, McFarland, Ashford, Pappas, Abboud)..... 261
Garnishment: change provisions(Rupp)..... 242
Hearing impaired persons: provide interpreters for certain proceedings(Hall, Remmers, Rogers, Moore, Korshoj, Coordsen, Nelson, Chizek, Schellpeper, Higgins, Peterson, Weihing, Morehead)..... 376
Appropriation bill 376A
Jurisdiction of the judgment debtor: change notice provisions to include certified mail(Conway)..... 93

LB

Jury selection lists: change provisions related to licensed drivers(Withem)..... 111
Libel and slander: change provision(Haberman)..... 221
Revisor bill to harmonize provisions(Exec. Bd., Labedz, Chairperson)..... 33
Rules of procedure, pretrial procedures, joinder and certain pleadings, motions, and orders: change provisions(McFarland)..... 64
Service of process: change sheriffs fees(Warner, Nelson, Chizek). 223
Sheriffs: change certain fees and allow employees to serve writs (Chizek, Korshoj)..... 438
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Summary jury trial procedures: provide(Ashford, Abboud, McFarland, V. Johnson)..... 225
Tort Claims Act, State: reference provisions relating to claims against the state(Barrett)..... 252
Tort litigation: change provisions(Conway, Pirsch, Hefner)..... 425

CIVIL RIGHTS
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Equal pay for equal work: provide for certain wages(V. Johnson).. 731

CLAIMS
Civil action claims against the state: appropriate funds (Appropriations Comm.)..... 779
Court, Small Claims: permit appearance of attorney in certain cases(L. Johnson)..... 228
Guaranty associations: provide for payment of claims against (Schmit, Pappas)..... 373
Insurance, fraudulent: provide procedures, liability limitations and a penalty(Barrett)..... 78
Small Claims Court forms: authorize acknowledgement by additional persons(Hefner, L. Johnson)..... 77
Small Claims Court: change provisions(Pirsch, Ashford)..... 536
State Tort Claims Act: reference provisions relating to claims against the state(Barrett)..... 252
State: appropriate funds for payment of certain claims against the state(Business and Labor Comm.)..... 777
State: disallow certain claims against the state (Business and Labor Comm.)..... 778
Uniform Arbitration Act: adopt(Landis, McFarland, Ashford, Withem)..... 71
Wage claims: appropriate funds for wage claims approved by the State Claims Board(Business and Labor Comm.)..... 776
Workers' compensation: increase weekly income benefit(Hall)..... 292
Appropriation bill 292A

CLAIMS BOARD, STATE
Judges' disability plan: assign selection of insurance carrier to Risk Manager(Haberman)..... 56
Risk Manager, State: require cooperation with Department of Personnel for group insurance plan development(Landis)..... 491
Appropriation bill 491A
State Tort Claims Act: reference provisions relating to claims against the state(Barrett)..... 252
Wage claims: appropriate funds(Business and Labor Comm.)..... 776
Workers' compensation: increase weekly income benefit(Hall)..... 292
Appropriation bill 292A

CLEAN INDOOR AIR ACT, NEBRASKA
Modify provisions(Marsh)..... 95

COLLECTIVE BARGAINING (See also Labor)
Police: change bargaining unit membership provisions(Wesely, Chizek, Ashford, Pappas)..... 519

State employees: adopt the State Employees Collective Bargaining Act(Barrett, Warner, Hall, Labedz, Landis, Hefner, Hannibal, Scofield, McFarland, Wesely, L. Johnson, Marsh)..... 661
Appropriation bill 661A
State employees: change certain provisions relating to the Commission of Industrial Relations and collective bargaining (Ashford)..... 718
Teacher negotiating organizations: repeal Nebraska Professional Teachers' Negotiations Act(Ashford)..... 524
Teachers: establish procedures for reductions in force(McFarland) 521

COLLEGES (See Postsecondary Education, Universities and Colleges)

COMMERCIAL FERTILIZER AND SOIL CONDITIONER ACT, NEBRASKA
Agriculture, Department of: change provisions of law(R. Johnson). 201

COMMISSION SALESPERSON PAYMENT ACT
Adopt(Conway)..... 92

COMMISSIONS (See Boards and Commission)

COMMODITIES (See Agriculture, Farms and Farming)

COMMODITY CODE
Adopt(Haberman)..... 575
Appropriation bill 575A

COMMONWEALTH (See also Banks and Banking, Financial Institutions)
Depositors of failed financial institutions: appropriate funds (McFarland, Harris, Wesely, Warner, Landis, Marsh)..... 297
Depository Institution Guaranty Corporation Act, Nebraska: eliminate(Harris, Warner, Marsh, Wesely, McFarland, Landis)..... 202
Guaranty associations: provide for payment of claims against (Schmit, Pappas)..... 373
Insolvent institutions: appropriate money to Commonwealth Savings Company receiver(Wesely, Marsh, Harris)..... 686

COMMUNICATION (See also Telecommunications)
Automatic dialing-announcing devices: provide for regulation (Wesely)..... 180
Microwave communications facilities: eliminate provisions(Schmit) 641
Teacher training programs: authorize to include communications technologies(Scofield, Baack)..... 581
Telecommunications: change regulation provisions(Schmit)..... 380
Telecommunications: eliminate certain deregulation provisions(Schmit)..... 381
Telecommunications: eliminate certificates of convenience and necessity for new telecommunications services or facilities (Schmit)..... 382
Two-way radios: require use by state patrol officers while on duty and outside of vehicle(Pappas)..... 82

COMMUNITY DEVELOPMENT (See Economic Development)

COMMUNITY DEVELOPMENT ASSISTANCE ACT
Sunset provision of December 31, 1988: eliminate(Landis)..... 66

COMMUNITY PUBLIC HEALTH SERVICES ACT
Adopt(Health and Human Services Comm.)..... 506
Appropriation bill 506A

COMPACTS
Central Interstate Low-level Radioactive Waste: authorize withdrawal if Nebraska is host state facility designee(Scofield, Hefner, Schellpeper, Korshoj, Peterson, Weihing, L. Johnson,)... 427

LB

Lower Niobrara River and Ponca Creek: repeal(Schmit)..... 568

COMPREHENSIVE COMMUNITY MENTAL HEALTH SERVICE ACT, NEBRASKA
Residential and Community Living Mental Health Services Incentive Act: adopt as a supplemental program(Wesely)..... 321

COMPREHENSIVE HEALTH INSURANCE POOL ACT
Modify provisions(Wesely, Lynch)..... 319

COMPUTERS
Electronic fund transfer systems: change provisions(Pappas)..... 615
Gaming devices: provide tax on certain devices(Schmit, Hartnett, Conway)..... 701
Intergovernmental Data Communications Act: adopt to coordinate a system to facilitate information transfers between agencies (Warner, Scofield)..... 312
Appropriation bill 312A
Sales and use tax: exempt certain farm, manufacturing, and computer equipment(Revenue Comm.)..... 293
Teacher training programs: authorize to include communications technologies(Scofield, Baack)..... 581
Vehicle Information and Registration System Act: adopt state-wide system(Warner)..... 311

CONDEMNATION
Clerk magistrates: change duties relating to condemnation(Miller) 601
Damages: change procedure for claims(Wehrbein)..... 236
Eminent domain: establish provision to provide replacement property in some cases(Urban Affairs Comm.)..... 369
Eminent domain: exempt school districts from certain procedures(Withem)..... 359

CONSERVATION
Energy Settlement Fund, Nebraska: provide appropriations procedure for funds received from oil overcharge settlements (Warner, Moore, Scofield, Hannibal, Hartnett, L. Johnson, Marsh, Abboud, Wehrbein, Langford)..... 683
Erosion and sediment control: change provisions(Lamb)..... 594
Grasslands Protection Act: adopt(R. Johnson, Hefner, Scofield, Baack, Rogers, Elmer, Abboud)..... 124
Nongame and Endangered Species Conservation Act: change provisions relating to notice and public hearings(Miller)..... 150
Nongame and Endangered Species Conservation Fund: change tax refund contribution provision(Barrett, req. of Gov.)..... 773
Appropriation bill 773A

CONSTITUTION
Auditor of Public Accounts: eliminate as a constitutional officer(Wesely, Pappas)..... 16CA
Cities and villages: authorize use of general funds for economic development purposes(Urban Affairs Comm.)..... 21CA
County boards: allow exclusion of new or expanding business property from taxation(Chizek, Ashford, Hefner, Pappas, Korshoj, Pirsch, Moore, L. Johnson,)..... 4CA
Education, Department of: place under control of the Governor (Remmers, Morehead, Scofield, Baack, Moore, Dierks, Weihing, Pappas, V. Johnson)..... 19CA
Highway construction: limit certain taxes(Hartnett)..... 20CA
Horseracing: authorize expanded wagering(V. Johnson)..... 15CA
Initiative 300: modify provisions relating to financial institutions(Baack, Conway)..... 10CA
Legislative salaries: increase(R. Johnson)..... 7CA
Legislative sessions: limit to 60 days(Peterson)..... 6CA
Legislature: change members' salary, length of service and legislative session(Rupp)..... 18CA

Legislature: redefine session commencement and terms of members (Wesely)..... 17CA
Political subdivisions: require Legislature to fund new programs and services(Hefner)..... 22CA
Property redevelopment: change finance provisions relating to blighted property(Lynch)..... 11CA
Property tax exemption to stimulate economic development: authorize county boards to initiate vote of electors(Abboud)..... 5CA
Technical community college indebtedness: authorize(Withem, Nelson)..... 3CA
University of Nebraska Board of Regents: authorize students as voting members(Hall)..... 23CA
Water supply property: require payments in lieu of taxes(Beyer, Hartnett, Withem)..... 8CA

CONSTRUCTION
Bid specifications: require separate specifications for certain political subdivision construction contracts(Lynch)..... 494
Building Construction Act: adopt(Wesely)..... 227
Capital construction: appropriate funds(Barrett, req. of Gov.)... 770
City codes: change filing requirements for public use(Wehrbein).. 483
Code violations: provide penalty(Withem)..... 481
Cooperative Development Act of 1987: adopt(Moore, Landis, Wesely, Hefner, Morehead, Withem, Conway, Chizek)..... 742
Earthmoving equipment: change tax provisions(Revenue Comm.)..... 591
Government building roofs: establish construction requirements (Rogers)..... 315
Heavy motor vehicles: adopt the Weight-distance Tax Act (V. Johnson, Hall)..... 732
Plumbing fixtures: require scald prevention devices(Lynch)..... 264
Public construction contracts: require letter of credit or cash as additional security(Urban Affairs Comm.)..... 680
Wastewater Treatment Facilities Construction Assistance Act: create(Barrett, req. of Gov.)..... 766

CONSUMER PROTECTION ACT
Change provisions(McFarland)..... 617

CONTRACTORS
Bid specifications: require separate bid specifications for certain political subdivision construction contracts(Lynch)..... 494
Sales and use tax: provide sales tax for certain landscaping and sod sales(Warner)..... 287

CONTRACTS
Agricultural industry: require agricultural boards to enter into contracts to coordinate industry promotion(Schmit)..... 755
Aid to Dependent Children recipients: require job training and job search programs(Abboud, Schmit)..... 328
Annuities: exempt from taxation(Hannibal)..... 584
Athlete Agents Registration Act: adopt to require athlete agents to register with the Secretary of State(McFarland)..... 65
Cities of the first class: change provisions relating to city council votes on city contracts(Hartnett)..... 625
Commodity Code: adopt(Haberman)..... 575
Appropriation bill 575A
Construction: require separate bid specifications for certain political subdivision construction contracts(Lynch)..... 494
County construction contracts: change letting provisions(Lynch).. 429
County contracts: authorize persons awarded to furnish bond or deposit(Miller, Langford)..... 211
Domestic Products Procurement Act: adopt(Pappas, Hall)..... 667
Educational service units: change provisions relating to service contracts(Conway)..... 265

LB

Farm machinery, implements, and repair parts: provide payment date if returned(Hefner)..... 510
Hospital district boards: prohibit officers from having an interest in certain contracts(Barrett)..... 134
Insurance company officers: permit certain loans(Lynch)..... 713
Investment Finance Authority Act, Nebraska: change agricultural loan provisions(Schmit)..... 707
Marriage: adopt the Nebraska Marital Property Act(Pappas)..... 172
Public construction contracts: require letter of credit or cash as additional security(Urban Affairs Comm.)..... 680
Public contract bids: change resident preference provisions (Hefner, Chizek)..... 360
School districts: change provisions relating to reorganized and new school districts(McFarland)..... 520
Schools: authorize contracts for nonteaching services(Morehead).. 616
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
State agency contract holders: prohibit appointment to serve on state agency boards, commissions, committees, councils, panels (Haberman)..... 50
State Employees Collective Bargaining Act: adopt(Barrett, Warner, Hall, Labedz, Landis, Hefner, Hannibal, Scofield, McFarland, Wesely, L. Johnson, Marsh)..... 661
Appropriation bill 661A
Surrogate parenthood: declare contracts void(Chambers)..... 674
Uniform Arbitration Act: adopt(Landis, McFarland, Ashford, Withem)..... 71

CONTROLLED SUBSTANCES (See also Drugs and Narcotics)

Analogue, controlled substance: define(Dierks, Rupp, Conway, Remmers)..... 537
Chemically Impaired Professional Act: adopt(Wesely)..... 691
Driving privileges of juveniles: authorize suspension if convicted of alcohol or drug related offense(Withem)..... 207
Driving while intoxicated and implied consent: change provisions (Hall)..... 377
Education courses: provide criteria(Schmit, Remmers, Wehrbein)... 402
Employee drug testing: provide requirements(Lynch, Ashford)..... 582
Mail Service Prescription Drug Act: create(Lynch)..... 350
Appropriation bill 350A
Prescriptions and physician-patient privilege provisions: change(Pirsch, Marsh, Chizek)..... 273
Appropriation bill 273A
Tax: provide on certain drugs(Schmit, Hartnett, Conway)..... 701
Testing by employers: prohibit employment penalties if amount of alcohol is below a specified amount(Scofield)..... 502

COOPERATIVE DEVELOPMENT ACT OF 1987

Adopt(Moore, Landis, Wesely, Hefner, Morehead, Withem, Conway, Chizek)..... 742

CORN (See also Grain; Agriculture)

Commodity testing: provide prior to sale or storage(Schmit)..... 325
Excise tax: eliminate exemption for certain agricultural products(Schmit)..... 610

CORPORATIONS (See also Businesses)

Adopt the Business Trust Act(Pappas, Weihing, Baack)..... 337
Appropriation bill 337A
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Business signs on state roads: require vendors to pay fee to Department of Roads to post and erect sign panels(Wesely, Landis, Morehead, Hefner, Moore, Nelson, Conway, Withem, Korshoj, Chizek, Harris)..... 741

LB
Capital Companies Tax Credit Act: adopt(Abboud)..... 247
Consumer Protection Act: change provisions(McFarland)..... 617
Cooperative Development Act of 1987: adopt(Moore, Landis, Wesely, Hefner, Morehead, Withem, Conway, Chizek)..... 742
Credit unions: allow acquisition of newly established banks and provide for fees for loan service costs(Conway, Pirsch, Hannibal, Goodrich, Abboud)..... 332
Credit unions: change funds relating to electronic fund transfer systems(Pappas)..... 615
Credit unions: eliminate hearing requirements relating to closure and unsound procedures(Remmers)..... 530
Credit unions: provide equal treatment of state and federal (Goodrich, Pirsch)..... 197
Depository Institution Guaranty Corporation Act, Nebraska: eliminate(Harris, Warner, Marsh, Wesely, McFarland, Landis)..... 202
Economic Development Act: adopt(Wesely)..... 748
Employee drug and alcohol testing: provide requirements(Lynch, Ashford)..... 582
Employment and Investment Growth Act: adopt(Barrett, req. of Gov.)..... 775
Appropriation bill 775A
Enterprise Zone Demonstration Act: adopt(Harris)..... 749
Farm machinery, implements, and repair parts: provide payment date if returned(Hefner)..... 510
Farm tractors and farm vehicles: exempt from sales and use tax (Haberman)..... 185
Appropriation bill 185A
Farms and ranches: restrict corporate ownership(Conway, Baack)... 547
Financial planning businesses: provide for regulation(Conway).... 214
Franchises and franchise fees: change provisions(McFarland)..... 62
Franchises: change definition provisions(McFarland)..... 63
Grain Warehouse Act: change provisions(R. Johnson)..... 164
Income tax: change calculations(Barrett, req. of Gov.)..... 772
Appropriation bill 772A
Income tax: change method for determining(Revenue Comm.)..... 294
Income tax: change provisions(Barrett, req. of Gov.)..... 773
Appropriation bill 773A
Income tax: lower rate from 25 to 20 per cent(Revenue Comm.)..... 284
Appropriation bill 284A
Income withholding for child support: change provisions (Judiciary Comm.)..... 570
Industrial development: develop a statewide plan(Wesely, Landis, Morehead, Chizek, Conway, Withem, Korshoj, Harris)..... 743
Liability insurance: authorize purchase for corporate directors (Ashford)..... 137
Military training: authorize leaves of absence for private sector employees(Chizek, R. Johnson)..... 439
Minimum wage: increase(V. Johnson)..... 474
Nebraska Business Corporation Act: authorize certified mail as notice regarding director's dissent(Conway)..... 93
Normal schools: revisor bill to eliminate obsolete language (Exec. Bd., Labedz, Chairperson)..... 31
Not-for-profit organization directors, officers: restrict liability(Morehead, Ashford)..... 67
Private Security Services Act: adopt(Chambers)..... 677
Professional corporations, lawyers': authorize to serve as trustee of a trust deed(McFarland)..... 156
Public Education Income Tax Act: adopt(Remmers, Moore)..... 210
Registration and tax payments: change dissolution date for tax-delinquent corporations(Korshoj)..... 186
Research and development: provide tax credit(Wesely, Hefner, Morehead, Withem, Conway, Harris)..... 747
Sales and use tax refunds on manufacturing and processing equipment: change provisions(Goodrich, Hefner, Chizek, Elmer, Peterson, Harris, Wesely, Hartnett,)..... 267

LB

Sales and use tax: exempt certain farm, manufacturing, and computer equipment(Revenue Comm.)..... 293
Sales tax: expand state jurisdiction to include additional entities subject to sales tax collection(Hefner)..... 304
Appropriation bill 304A
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Small business: change tax provisions(V. Johnson)..... 523
Appropriation bill 523A
Tax credit: increase income tax credit under the Employment Expansion and Investment Incentive Act(Chizek, Ashford, Korshoj, Hefner, Abboud)..... 270
Appropriation bill 270A
Taxation of new or expanding businesses: allow exemption(Chizek, Ashford, Hefner, Pappas, Korshoj, Pirsch, Moore, L. Johnson,)... 4CA
Tort litigation: change provisions(Conway, Pirsch, Hefner)..... 425
Tourism Development Act: adopt(Wesely, Landis, Morehead, Hefner, Moore, Nelson, Conway, Withem, Korshoj, Chizek, Harris)..... 741
Trade Secrets Act: adopt(Wesely)..... 309
Trade Secrets Act: adopt(By Pappas and Johanns amendment)..... 337A
Unitary business: change taxable income determination(Hannibal).. 585
Unitary group taxation: eliminate provisions(Pappas)..... 168

CORRECTION FACILITIES (See State Institutions)

CORRECTIONAL SERVICES, DEPARTMENT OF
Authorize the sale of certain property(Marsh)..... 526
Industries, correctional: authorize the direct purchase of raw materials and supplies(Chambers)..... 354
Juvenile offenders: limit placement and commitment(Chambers)..... 355
Juveniles: require parental payment for court-ordered juvenile treatment expenses(Scofield, Landis, Marsh, Withem, Morehead, Moore, Hall, Smith, Barrett, Warner, Higgins,)..... 638
Appropriation bill 638A
Property: authorize the sale of certain Lincoln property(Harris). 374
Revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 11
Witnesses and victims of crime: change provisions(Pirsch)..... 535
Workers' compensation: provide for certain inmates who work in correctional industries programs(Chambers)..... 353

COSMETOLOGY ACT, NEBRASKA
Change provisions(Wesely, Peterson)..... 543
Appropriation bill 543A

COUNSELING
Board of Examiners: change membership and licensure provisions (Health and Human Services Comm.)..... 473
Appropriation bill 473A

COUNTIES
Agricultural and Horticultural Land Valuation Boards: create (Scofield)..... 407
Agricultural land: require counties to conduct or contract for market value appraisals on agricultural land(Scofield)..... 407
Animal damage control: authorize county boards to provide in accordance with state and federal plans(Rogers, Moore, R. Johnson)..... 102
Appropriation bill 102A
Assessor, County: establish water use fees(Schmit)..... 566
Attorney, County: adopt the Adult Protective Services Act(Wesely, Smith, Marsh)..... 463
Attorney, County: change provisions relating to child support (Judiciary Comm.)..... 570
Audits: change provisions(Warner)..... 183
Appropriation bill 183A

SUBJECT INDEX

	37 LB
Bank deposits by county officials: change provisions(Conway).....	370
Bid specifications: require separate specifications for certain political subdivision construction contracts(Lynch).....	494
Child support: apply statutory interest charges to permanent and temporary child support payments that are delinquent (Judiciary Comm.).....	569
Cities and villages: require payment on water supply property in lieu of taxes(Beyer, Hartnett, Withem).....	205
Construction contracts: change letting provisions(Lynch).....	429
Contracts: authorize persons awarded to furnish bond or deposit (Miller, Langford).....	211
Coroner's juror: increase fee(Rogers, Lamb).....	313
Coroners: require examination for certain police-related deaths related deaths(Chambers).....	676
County Assessor: change provisions relating to property assessment and taxation(Miller).....	508
County Attorney: adopt the Unmarked Human Burial and Skeletal Remains Protection Act(Pappas).....	612
County Attorney: increase bad check collection fee(Peterson).....	254
County Attorney: require report regarding plea bargaining decisions(Haberman).....	49
County Clerks: require reporting to the Department of Health regarding medical services to indigent persons(Wesely).....	126
County Revenue Act: adopt(Schmit).....	710
County superintendent of public instruction and county superintendent: change provisions(Miller).....	128
Criminal Justice Assistance and Improvement Fund: create(Pirsch).	698
Disaster Assistance Fund, County: establish(Scofield).....	391
Dogs: change provisions relating to dogs running at large (Hartnett).....	630
Domestic Products Procurement Act: adopt(Pappas, Hall).....	667
Drainage districts: change provisions relating to board elections(Hall).....	541
Earthmoving equipment: change tax provisions(Revenue Comm.).....	591
Election officials: increase rate of compensation(Langford).....	231
Elections: change provisions(Withem).....	652
Employees, County: change provisions relating to vesting of prior service benefits for certain employees(Haberman).....	549
Enterprise Zone Demonstration Act: adopt(Harris).....	749
Ethanol: change provisions relating to refunds and production plants(Schmit).....	279
Fire inspections: expand authority to conduct(Hartnett).....	619
Frauds, Statute of: provide for the assertion of third party rights(Lamb).....	758
Government building roofs: establish construction requirements (Rogers).....	315
Homestead exemption: change provisions(Revenue Comm.).....	288
Appropriation bill	288A
Homestead exemption: change provisions relating to eligibility, applications, hearings, and reductions (By Hall and Warner amendments).....	376 A
Hospital district boards: prohibit officers from having an interest in certain contracts(Barrett).....	134
Hospital districts: require publication of financial statements(Pappas).....	282
Intergovernmental Data Communications Act: adopt(Warner, Scofield).....	312
Appropriation bill	312A
Intergovernmental Risk Management Act: adopt(Landis, Remmers, Haberman, Pappas, Lynch, Wehrbein).....	398
Interlocal Cooperation Act: authorize the creation of regional park authorities(Lamb).....	415
Judicial districts: change composition(Hefner, Conway, Korshoj)..	509
Low-level Radioactive Waste Disposal Act: change provisions relating to composition of local monitoring committee(Scofield, Hefner, Schellpeper, Korshoj, Peterson, L. Johnson, Weihing, Conway).....	426

LB

Medical assistance to the poor: change county payment and contractual provisions(V. Johnson)..... 466
Mental health regional governing board programs: change funding requirements(Wesely)..... 320
Missing Children Identification Act: adopt(Lynch, Hartnett)..... 599
Motor vehicle sales tax: change procedure for payment(Beyer)..... 204
Motor vehicle titles: change provisions(Hartnett)..... 305
Appropriation bill 305A
Personnel administration: provide for certain counties(Withem)... 586
Personnel policy board: change provisions relating to membership and provide power to issue subpoenas(McFarland)..... 198
Police citations: prohibit quotas(Moore)..... 476
Political Subdivisions Tort Claims Act: change provisions (Hannibal)..... 258
Programs and services, new: require Legislature to fund(Hefner).. 22CA
Property tax exemption to stimulate economic development: authorize county boards to initiate vote of electors(Abboud)..... 5CA
Property tax: prohibit percentage valuation changes by county board of equalization(V. Johnson)..... 465
Property transfers between adjoining school districts: allow where transfer would provide less travel for school children (Dierks)..... 61
Public Docks Act: adopt(Hartnett)..... 621
Purchases of personal property or services: authorize for certain county officials under certain conditions(Haberman)..... 55
Purchasing agent, county: change provisions(Abboud)..... 602
Register of deeds: provide requirements for instruments to be recorded(Withem)..... 477
Retirement age, voluntary: change(Haberman)..... 60
Retirement, mandatory: eliminate provisions(Abboud)..... 296
Sales and use tax: adopt the County Revenue Act(Schmit)..... 280
Sanitary and improvement districts: provide mail-in ballots for elections(Withem)..... 587
School district reports: change provisions(Lynch)..... 331
School funds: provide for twice monthly distribution in certain counties(Nelson, Smith, Weihing)..... 169
School Improvement Act: adopt(Lynch)..... 596
School reorganization committees: change membership provisions (Withem)..... 443
Sheriffs: change education and training requirements(Chizek, Korshoj)..... 361
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Social Services, Department of: require branch offices in certain counties(Miller, Haberman, Chambers, Smith, Coordsen, Schellpeper, Baack, Nelson, Rogers, Wesely, Moore, Elmer, Weihing, Hefner, Dierks, Korshoj, Lynch, Remmers, Scofield)..... 392
Solid Waste Management Act: adopt(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
State Assistance for the Medically Indigent Act: adopt(Wesely)... 500
Taxation of new or expanding businesses: allow exemption(Chizek, Ashford, Hefner, Pappas, Korshoj, Pirsch, Moore, L. Johnson,)... 4CA
Vehicle Information and Registration System Act: adopt(Warner)... 311
Vending facilities: change provisions relating to contracts and licensing of blind vendors(Wesely)..... 322
Weed and debris: provide removal by certain political subdivisions(Conway, Baack)..... 752
Weed control: eliminate state participation in noxious weed control programs(R. Johnson)..... 138
Zoning changes for cities within the 3 mile limit: require county board approval(Conway, Lynch)..... 263
Zoning: change jurisdiction provisions(Lynch, Conway)..... 422

COUNTY ASSESSOR

Assessment and taxation: change property tax provisions(Miller).. 508

Earthmoving equipment: change tax provisions(Revenue Comm.)..... 591
Homestead exemption: change provisions(Revenue Comm.)..... 288
Appropriation bill 288A
Vehicle Information and Registration System Act: adopt(Warner)... 311
Water: establish use fees(Schmit)..... 566

COUNTY ATTORNEY
Adult Protective Services Act: adopt(Wesely, Smith, Marsh)..... 463
Amusement Ride Act, Nebraska: adopt(Wesely)..... 226
Appropriation bill 226A
Bad checks: increase county collection fee(Peterson)..... 254
Child support: change provisions(Judiciary Comm.)..... 570
Criminal Justice Assistance and Improvement Fund: create(Pirsch). 698
Plea bargains: require report regarding decisions involving plea bargains(Haberman)..... 49
Private detectives: transfer investigations of character of applicants for license from County Attorney to State Patrol (Chizek)..... 175
Unmarked Human Burial and Skeletal Remains Protection Act: adopt (Pappas)..... 612
Witnesses and victims of crime: change provisions(Pirsch)..... 535

COUNTY CLERK
Motor vehicle titles: change provisions(Hartnett)..... 305
Appropriation bill 305A
Vehicle Information and Registration System Act: adopt(Warner)... 311

COUNTY CORONER
Increase fee for juror(Rogers, Lamb)..... 313

COUNTY COURT
Clerk magistrates: change provisions relating to certain duties (Miller)..... 601
Judges: increase salaries(Schmit)..... 564
Appropriation bill 564A
Judges' salaries: appropriate funds(Barrett, req. of Gov.)..... 769
Judicial districts: change composition(Hefner, Conway, Korshoj).. 509
Judicial districts: change composition(Langford)..... 484
Nebraska Parentage Act and Nebraska Adoption Act: create(Barrett, Scofield, Chizek, Conway, Schmit)..... 719
Payments to county courts: change provisions(Conway)..... 370
Small Claims Court: permit appearance of attorney in certain cases(L. Johnson)..... 228

COUNTY EMPLOYEES RETIREMENT ACT
Retirement age, voluntary: change(Haberman)..... 60
Retirement, mandatory: eliminate provisions(Abboud)..... 296

COUNTY GOVERNMENT AND OFFICERS
Adopt the County Revenue Act(Schmit)..... 280
Agricultural and Horticultural Land Valuation Boards: create (Scofield)..... 407
Agricultural land: require counties to conduct or contract for market value appraisals on agricultural land(Scofield)..... 407
Assessor, County: change provisions relating to the homestead exemption(Revenue Comm.)..... 288
Appropriation bill 288A
Assessor, County: change tax provisions relating to earthmoving equipment(Revenue Comm.)..... 591
Audits: change provisions(Warner)..... 183
Appropriation bill 183A
Bank deposits by county officials: change provisions(Conway)..... 370
Bid specifications: require separate specifications for certain political subdivision construction contracts(Lynch)..... 494

	LB
Boards, County: authorize animal damage control in accordance with state and federal plans; change levy provisions(Rogers, Moore, R. Johnson)	102
Appropriation bill	102A
Child support: apply statutory interest charges to permanent and temporary child support payments that are delinquent (Judiciary Comm.)	569
Cities and villages: require payment on water supply property in lieu of taxes(Beyer, Hartnett, Withem)	205
Construction contracts: change letting provisions(Lynch)	429
Contracts: authorize person awarded to furnish bond or deposit(Miller, Langford)	211
Coroner' juror: increase fee(Rogers, Lamb)	313
Coroners: require examination for certain police-related deaths (Chambers)	676
County Assessor: change homestead exemption provisions (By Hall and Warner amendments)	376A
County Assessor: change provisions relating to property assessment and taxation(Miller)	508
County Assessors: establish water use fees(Schmit)	566
County Attorney: adopt the Adult Protective Services Act(Wesely, Smith, Marsh)	463
County Attorney: adopt the Nebraska Amusement Ride Act(Wesely)	226
Appropriation bill	226A
County Attorney: adopt the Unmarked Human Burial and Skeletal Remains Protection Act(Pappas)	612
County attorney: change provisions relating to child support (Judiciary Comm.)	570
County Attorney: change provisions relating to crime victims and witnesses(Pirsch)	535
County Attorney: increase bad check collection fee(Peterson)	254
County attorneys: require report regarding plea bargaining decisions(Haberman)	49
County Clerks: require reporting to the Department of Health regarding medical services to indigent persons(Wesely)	126
County Revenue Act: adopt(Schmit)	710
County superintendent of public instruction and county superintendent: change provisions(Miller)	128
Criminal Justice Assistance and Improvement Fund: create(Pirsch)	698
Disaster Assistance Fund, County: establish(Scofield)	391
Domestic Products Procurement Act: adopt(Pappas, Hall)	667
Elections: change provisions(Withem)	652
Employees: change provisions relating to vesting of prior service benefits for certain employees(Haberman)	549
Enterprise Zone Demonstration Act: adopt(Harris)	749
Fire inspections: expand authority to conduct(Hartnett)	619
Government building roofs: establish construction requirements (Rogers)	315
Hospital district boards: prohibit officers from having an interest in certain contracts(Barrett)	134
Hospital districts: require publication of financial statements(Pappas)	282
Intergovernmental Data Communications Act: adopt(Warner, Scofield)	312
Appropriation bill	312A
Intergovernmental Risk Management Act: adopt(Landis, Remmers, Haberman, Pappas, Lynch, Wehrbein)	398
Interlocal Cooperation Act: authorize the creation of regional park authorities(Lamb)	415
Low-level Radioactive Waste Disposal Act: change provisions relating to composition of local monitoring committee(Scofield, Hefner, Schellpeper, Korshoj, Peterson, L. Johnson, Weihing, Conway)	426
Medical assistance to the poor: change county payment and contractual provisions(V. Johnson)	466

LB

Mental health regional governing board programs: change funding requirements(Wesely)..... 320
Missing Children Identification Act: adopt(Lynch, Hartnett)..... 599
Motor vehicle sales tax: change procedure for payment(Beyer)..... 204
Motor vehicle titles: change provisions(Hartnett)..... 305
Appropriation bill 305A
Personnel administration: provide for certain counties(Withem)... 586
Personnel policy board: change provisions relating to membership and provide power to issue subpoenas(McFarland)..... 198
Police citations: prohibit quotas(Moore)..... 476
Political Subdivisions Tort Claims Act: change provisions (Hannibal)..... 258
Property tax exemption to stimulate economic development: authorize county boards to initiate vote of electors(Abboud)..... 5CA
Property tax: prohibit percentage valuation changes by county board of equalization(V. Johnson)..... 465
Property transfers between adjoining school districts: allow where transfer would provide less travel for school children (Dierks)..... 61
Public Docks Act: adopt(Hartnett)..... 621
Purchases of personal property or services: authorize for certain county officials under certain conditions(Haberman)..... 55
Purchasing agent, county: change provisions(Abboud)..... 602
Register of deeds: provide requirements for instruments to be recorded(Withem)..... 477
Retirement age, voluntary: change(Haberman)..... 60
Retirement, mandatory: eliminate provisions(Abboud)..... 296
Sanitary and improvement districts: provide mail-in ballots for elections(Withem)..... 587
School district reports: change provisions(Lynch)..... 331
School funds: provide for twice monthly distribution in certain counties(Nelson, Smith, Weihing)..... 169
School reorganization committees: change membership provisions (Withem)..... 443
Sheriffs: change education and training requirements(Chizek, Korshoj)..... 361
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Solid Waste Management Act: adopt(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
State Assistance for the Medically Indigent Act: adopt(Wesely)... 500
Taxation of new or expanding business property: allow exclusion (Chizek, Ashford, Hefner, Pappas, Korshoj, Pirsch, Moore, L. Johnson,)..... 4CA
Treasurer, County: change provisions relating to the homestead exemption(Revenue Comm.)..... 288
Appropriation bill 288A
Vehicle Information and Registration System Act: adopt(Warner)... 311
Vending facilities: change provisions relating to contracts and licenses to blind persons(Wesely)..... 322
Weed control: eliminate state participation in noxious weed control programs(R. Johnson)..... 138
Zoning changes for cities within the 3 mile limit: require county board approval(Conway, Lynch)..... 263
Zoning: change jurisdiction provisions(Lynch, Conway)..... 422

COUNTY PURCHASING ACT
Change provisions(Abboud)..... 602
Personal property or services: authorize elected officials in specified counties to make certain purchases(Haberman)..... 55

COUNTY REVENUE ACT
Adopt(Schmit)..... 280

COUNTY TREASURER
Homestead exemption: change provisions(Revenue Comm.)..... 288
Appropriation bill 288A

LB

Solid Waste Management Act: adopt(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
Vehicle Information and Registration System Act: adopt(Warner)... 311

COURTS (See also specific Court, Civil Procedure, Criminal Procedure)
Adoption: require medical histories(Conway)..... 372
Appropriation bill 372A
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Clerk magistrates: change duties(Miller)..... 601
Controlled substances: change provisions related to prescriptions and physician-patient privilege(Pirsch, Marsh, Chizek)..... 273
Appropriation bill 273A
County judicial districts: change composition(Hefner, Conway, Korshoj)..... 509
County: change judicial district composition(Langford)..... 484
Crime witnesses and victims: prohibit intimidation(Pirsch, Landis)..... 118
Damages: change provisions relating to motions for new trials (Landis, Ashford, Conway)..... 363
Death penalty: eliminate; and limit parole and discharge (Chambers)..... 675
District Courts: provide action for enforcement of agricultural production input liens(Rogers)..... 101
Appropriation bill 101A
Federal court: restrict distribution of oil overcharge settlement(Warner, L. Johnson, Wehrbein, Scofield, Marsh, Abboud, Langford, Moore, Hannibal)..... 432
Fee payments to county courts: change provisions regarding manner of payment(Conway)..... 370
Frauds, Statute of: provide for the assertion of third party rights(Lamb)..... 758
Frivolous actions: provide for attorney fees and costs(Haberman, Conway, McFarland, Ashford, Pappas, Abboud)..... 261
Garnishment: change provisions(Rupp)..... 242
Grand jury petitions: require printed names(Withem)..... 478
Judges: increase salaries(Schmit)..... 564
Appropriation bill 564A
Judges: provide disability insurance(Haberman)..... 56
Judges' retirement benefits: provide cost-of-living adjustment (Haberman)..... 57
Judges' retirement: change age and benefits(Goodrich)..... 194
Judges' retirement: increase monthly benefit provisions(Haberman) 58
Juvenile: increase number in certain areas(Abboud, Ashford)..... 162
Juveniles: limit circumstances relating to foster care placement/removal from home(Scofield, Higgins, Barrett, Marsh, Smith, Morehead, Warner, Hall, Moore)..... 635
Juveniles: require parental payments for juvenile treatment expenses(Scofield, Landis, Marsh, Withem, Morehead, Moore, Hall, Smith, Barrett, Warner, Higgins,)..... 638
Appropriation bill 638A
Marital Property Act, Nebraska: adopt(Pappas)..... 172
Mental health service providers: limit liability(Scofield)..... 406
Nebraska Parentage Act and Nebraska Adoption Act: create(Barrett, Scofield, Chizek, Conway, Schmit)..... 719
Plea bargains: require county attorneys to prepare reports (Haberman)..... 49
Retirement, mandatory: eliminate provisions(Abboud)..... 296
Rules of procedure, pretrial procedures, joinder and certain pleadings, motions, and orders: change provisions(McFarland).... 64
Service of process: authorize certified mail(Conway)..... 93
Session laws, journals and statutes: change provisions relating to sale and distribution(Judiciary Comm.)..... 572

LB
Shoplifting: change provisions(Pirsch, Ashford)..... 536
Small Claims Court forms: authorize acknowledgement by additional persons(Hefner, L. Johnson)..... 77
Small Claims: permit appearance of attorney in certain cases (L. Johnson)..... 228
Summary jury trial procedures: provide(Ashford, Abboud, McFarland, V. Johnson)..... 225
Supreme Court: adopt the Intergovernmental Data Communications Act(Warner, Scofield)..... 312
Appropriation bill 312A
Supreme Court: change standard of review relating to the Administrative Procedure Act(Barrett)..... 253
Supreme Court: eliminate biennial rule revision(Judiciary Comm.). 571
Tort litigation: change provisions(Conway, Pirsch, Hefner)..... 425
Videotape depositions of certain children: authorize(Scofield, Hartnett, Smith, Rupp, Harris, Withem, Baack, Pappas, Barrett, Conway, McFarland, Higgins, Morehead, Pirsch)..... 90
Witness fees: change provisions(Pirsch, Warner)..... 554
Witnesses and victims of crime: change provisions(Pirsch)..... 535
Workers' Compensation Court: establish fee schedule for medical services(Barrett)..... 187
Appropriation bill 187A

COURTS; RULES OF EVIDENCE

Controlled substances obtained from practitioners: change provisions(Pirsch, Marsh, Chizek)..... 273
Appropriation bill 273A

CREDIT CARDS

Fees: authorize additional fees for loan service costs relating to credit cards(Conway, Pirsch, Hannibal, Goodrich, Abboud)..... 332
Interest rate: change the maximum interest rate on credit cards and loans(Schmit, Warner, Lamb, Labedz)..... 735

CREDIT UNIONS (See also Corporations)

Electronic fund transfer systems: change provisions(Pappas)..... 615
Hearings: eliminate Department of Banking hearing requirement before closure or corrective action is imposed on credit unions (Remmers)..... 530
State and federal: provide equal treatment(Goodrich, Pirsch)..... 197

CRIMES AND PUNISHMENTS (See also Criminal Code, Nebraska)

Adult Protective Services Act: adopt(Wesely, Smith, Marsh)..... 463
Animals: prohibit the pitting of one against another(Wesely, Barrett, McFarland, Marsh, Lynch)..... 170
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Bad checks: increase county collection fee(Peterson)..... 254
Child victims and witnesses: authorize videotape depositions in certain cases(Scofield, Hartnett, Smith, Rupp, Harris, Withem, Baack, Pappas, Barrett, Conway, McFarland, Higgins, Morehead, Pirsch)..... 90
Controlled substance analogue: define(Dierks, Rupp, Conway, Remmers)..... 537
Controlled substances obtained from practitioners: change provisions(Pirsch, Marsh, Chizek)..... 273
Appropriation bill 273A
Criminal mischief: include pecuniary losses to determine the classification of the offense(Pirsch)..... 120
Death penalty: eliminate; and limit parole and discharge (Chambers)..... 675
Death penalty: establish additional aggravating circumstances (Peterson, Hefner)..... 318
Funds, illegal solicitation of: eliminate provisions(Lynch)..... 512

LB
Lottery Act, Nebraska State: adopt(V. Johnson)..... 724
Medical assistance: authorize reservation of assets by a spouse when determining eligibility for assistance(Withem, Lynch, Chizek)..... 419
Appropriation bill 419A
Medical assistance: authorize spousal reservation of income for determining medical assistance eligibility(Withem, Lynch)..... 418
Minors: limit access to certain obscene and harmful materials (Schmit, Moore)..... 181
Nonsupport, criminal: change provisions(Withem)..... 590
Obscene materials: change provisions for sale, distribution and possession(Pirsch)..... 117
Obscenity: eliminate a restriction on local regulation(Peterson). 262
Perjury: change provisions(Wesely, McFarland)..... 451
Perjury: extend to include oaths authorized by law(Wesely)..... 452
Prostitution: change provision(Chizek)..... 176
Sexual assault of a child: include in the definition of victim for criminal procedure purposes(Pirsch)..... 119
Shoplifting: change provisions(Pirsch, Ashford)..... 536
Sports Wagering Act: adopt(Chambers)..... 757
Appropriation bill 757A
Theft: change provisions(Pirsch)..... 121
Theft: change provisions(Ashford)..... 606
Tobacco obtained or used by minors: increase penalty(Haberman)... 54
Tobacco use, purchase, and sale by minors: repeal provisions (Haberman)..... 53
Trespass, criminal: change provisions(Lynch)..... 597
Witness fees: change provisions(Pirsch, Warner)..... 554
Witnesses and victims of crime: change provisions(Pirsch)..... 535
Witnesses and victims of crime: prohibit intimidation(Pirsch, Landis)..... 118

CRIMINAL CODE, NEBRASKA (See also Crimes and Punishments)
Adult Protective Services Act: adopt(Wesely, Smith, Marsh)..... 463
Animals: prohibit the pitting of one against another(Wesely, Barrett, McFarland, Marsh, Lynch)..... 170
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Bad checks: increase county collection fee(Peterson)..... 254
Controlled substance analogue: define(Dierks, Rupp, Conway, Remmers)..... 537
Controlled substances obtained from practitioners: change provisions(Pirsch, Marsh, Chizek)..... 273
Appropriation bill 273A
Criminal mischief: include pecuniary losses to determine the classification of the offense(Pirsch)..... 120
Death penalty: eliminate; and limit parole and discharge (Chambers)..... 675
Discovery: authorize for the prosecuting attorney before trial(Pirsch)..... 122
Funds, illegal solicitation of: eliminate provisions(Lynch)..... 512
Juvenile offenders: limit placement and commitment(Chambers)..... 355
Lottery Act, Nebraska State: adopt(V. Johnson)..... 724
Medical assistance: authorize reservation of assets by a spouse when determining eligibility for assistance(Withem, Lynch, Chizek)..... 419
Appropriation bill 419A
Medical assistance: authorize spousal reservation of income for determining medical assistance eligibility(Withem, Lynch)..... 418
Minors: limit access to certain obscene and harmful materials (Schmit, Moore)..... 181
Nonsupport, criminal: change provisions(Withem)..... 590
Obscene materials: change provisions for sale, distribution and possession(Pirsch)..... 117

SUBJECT INDEX

	45 LB
Obscenity: eliminate a restriction on local regulation(Peterson).	262
Perjury: change provisions(Wesely, McFarland)	451
Perjury: extend to include oaths authorized by law(Wesely)	452
Prostitution: change provision(Chizek)	176
Sports Wagering Act: adopt(Chambers)	757
Appropriation bill	757A
Theft: change provisions(Ashford)	606
Theft: change provisions(Pirsch)	121
Tobacco obtained or used by minors: increase penalty to Class IV misdemeanor(Haberman)	54
Tobacco use, purchase, and sale by minors: repeal provisions (Haberman)	53
Trespass, criminal: change provisions(Lynch)	597
Witnesses and victims of crime: prohibit intimidation(Pirsch, Landis)	118

CRIMINAL PROCEDURE (See also District Court, Courts)

Death penalty: change provisions regarding mentally incompetent persons(Wesely, Chambers)	750
Death penalty: eliminate; and limit parole and discharge (Chambers)	675
Death penalty: establish additional aggravating circumstances (Peterson, Hefner)	318
Discovery: authorize for the prosecuting attorney before trial(Pirsch)	122
Fee payments to courts: change provisions regarding manner of payment(Conway)	370
Felons, convicted: prohibit placement in nursing or veterans' homes as a condition of probation(Higgins, Rupp, Nelson, Hall, Korshoj, Peterson, Smith, Labedz, Chizek, Rogers, Conway, Ashford)	333
Fire inspections: expand authority to conduct(Hartnett)	619
Grand jury petitions: require printed names(Withem)	478
Grand jury: require coroner's examination and grand jury for certain police-related deaths(Chambers)	676
Hearing impaired persons: provide interpreters for certain proceedings(Hall, Remmers, Rogers, Moore, Korshoj, Coordsen, Nelson, Chizek, Schellpeper, Higgins, Peterson, Weihing, Morehead)	376
Appropriation bill	376A
Juvenile offenders: limit placement and commitment(Chambers)	355
Peace bonds: eliminate provisions(Judiciary Comm.)	665
Plea bargains: require county attorneys to prepare reports (Haberman)	49
Revisor bill to eliminate obsolete language(Exec. Bd., Labedz, Chairperson)	34
Revisor bill to harmonize provisions(Exec. Bd., Labedz, Chairperson)	33
Undercover agents: prohibit probationers and inmates from working as law enforcement agency employees(Chambers)	670
Victim: change definition by adding sexual assault of a child(Pirsch)	119
Videotape depositions of certain children: authorize(Scofield, Hartnett, Smith, Rupp, Harris, Withem, Baack, Pappas, Barrett, Conway, McFarland, Higgins, Morehead, Pirsch)	90
Witnesses and victims of crime: change provisions(Pirsch)	535
Witnesses and victims of crime: prohibit intimidation(Pirsch, Landis)	118

DAIRY

Milk Ordinance, Grade A Pasteurized: adopt provisions(Morehead)	68

DAMAGES

Eminent domain: change procedure for claiming damages(Wehrbein)	236

LB

Motions for new trials on damage issues: change provisions (Landis, Ashford, Conway)..... 363
Water rights: allow recovery from the Water Management Board (Schmit, Pappas, Labedz)..... 151

DATA PROCESSING
Intergovernmental Data Communications Act: adopt(Warner, Scofield)..... 312
Appropriation bill 312A

DAYLIGHT TIME
Change provisions(Government Comm.)..... 774

DEATH AND DYING
Coroner, County: increase fee for juror(Rogers, Lamb)..... 313
Marital Property Act, Nebraska: adopt(Pappas)..... 172
Motor vehicle titles: eliminate fee for surviving owner(Smith)... 41
Police custody: require coroner's examination and grand jury for certain police-related deaths(Chambers)..... 676
Rights of the Terminally Ill Act: create(Landis, Morehead, Marsh) 88
Unmarked Human Burial and Skeletal Remains Protection Act: adopt (Pappas)..... 612

DEATH PENALTY (See also Capital Punishment)
Aggravating circumstances: establish additional(Peterson, Hefner) 318
Eliminate; and limit parole and discharge(Chambers)..... 675
Mentally incompetent persons: change provisions(Wesely, Chambers) 750

DEBTS
Agricultural production input liens: require supplier to notify lender of agricultural production input liens(Rogers)..... 101
Appropriation bill 101A
Central filing system: require Secretary of State to compile lien list(Remmers)..... 640
Collateral substitution: provide(Rogers)..... 393
Copies of loan documents: require lender to furnish(Nelson)..... 73
Farm Mediation Act: adopt(Schmit, Rogers, Morehead, Chambers).... 664
Appropriation bill 664A
Financial planning businesses: regulate(Conway)..... 214
Future advances: change provisions(Haberman)..... 136
Garnishment: change provisions(Rupp)..... 242
Insurance policy benefits: exempt from legal process(Landis)..... 335
Insurance sold with loans: clarify limitations and expand types of insurance to be sold(Remmers)..... 306
Interest to creditors: require state agencies to pay(Pappas, Hefner)..... 81
Public power districts: authorize investment in insurance securities and other instruments of indebtedness(Schellpeper).... 246
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Technical community colleges: authorize to incur indebtedness (Withem, Nelson)..... 3CA
Third party rights: provide assertion(Lamb)..... 758

DECEDENTS' ESTATES
Fiduciaries: permit investment of funds in investment companies and investment trusts(Haberman)..... 576
Income tax: change provisions(Barrett, req. of Gov.)..... 773
Appropriation bill 773A
Inheritance tax deductions: change a provision(Miller)..... 125
Motor vehicle certificate of title: eliminate fee for surviving owner(Smith)..... 41
Nebraska Parentage Act and Nebraska Adoption Act: create(Barrett, Scofield, Chizek, Conway, Schmit)..... 719
Notice of testacy proceeding: authorize certified mail in some cases(Conway)..... 93

LB
Public Education Income Tax Act: adopt(Remmers, Moore)..... 210
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Small Claims Court: permit appearance of attorney in certain cases(L. Johnson)..... 228
State-chartered bank or industrial loan and investment shares: change notice requirements relating to inheritance acquisition (Remmers)..... 531

DEEDS
Insurance company officers: permit certain loans(Lynch)..... 713
Register of deeds: provide requirements for instruments to be recorded(Withem)..... 477
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Tax sale certificates and deeds: change return dates and foreclosure provisions(Withem)..... 215
Trust deed trustee: authorize lawyers' professional corporations to serve(McFarland)..... 156

DEER
Hunting permits: allow holders to hunt other wild animals(Lamb).. 171

DEFAMATION
Change provisions(Haberman)..... 221

DENTISTS AND DENTISTRY
Board of Examiners: change membership provisions (Health and Human Services Comm.)..... 473
Appropriation bill 473A
Controlled substances: change provisions relating to prescriptions and physician-patient privilege(Pirsch, Marsh, Chizek)..... 273
Appropriation bill 273A
Dental assistants: provide delegation of duties(V. Johnson, Marsh)..... 552

DEPOSITIONS
Videotapes of children: authorize in lieu of courtroom or in camera testimony(Scofield, Hartnett, Smith, Rupp, Harris, Withem, Baack, Pappas, Barrett, Conway, McFarland, Higgins, Morehead, Pirsch)..... 90

DEPOSITORY INSTITUTION GUARANTY CORPORATION ACT, NEBRASKA
Claims: provide payment(Schmit, Pappas)..... 373
Depositors of failed financial institutions: appropriate funds (McFarland, Harris, Wesely, Warner, Landis, Marsh)..... 297
Eliminate(Harris, Warner, Marsh, Wesely, McFarland, Landis)..... 202

DETECTIVES, PRIVATE
Licensing requirements: transfer investigation of character of applicants to State Patrol from County Attorney(Chizek)..... 175

DISABLED PERSONS (See also Handicapped Persons)
Adult Protective Services Act: adopt(Wesely, Smith, Marsh)..... 463
Blind persons: transfer rehabilitation services administration to the Division of Rehabilitation Services(V. Johnson)..... 527
Commitment and release: provide a review hearing under the Mental Health Commitment Act(Wesely)..... 499
Hearing impaired persons: provide interpreters for certain proceedings(Hall, Remmers, Rogers, Moore, Korshoj, Coordsen, Nelson, Chizek, Schellpeper, Higgins, Peterson, Weihing, Morehead)..... 376
Appropriation bill 376A
Hearing Impaired, Commission for the: change membership provisions(Wesely)..... 388

LB

Homestead exemption: change provisions relating to disabled persons(Schmit)..... 754
Individual Long-Term Care Account Act: adopt(Lynch)..... 714
Intermediate care facilities: change provisions relating to the mentally retarded(Morehead)..... 259
Mental health and retardation regions: create additional (Goodrich)..... 195
Mental health records: provide access to certain records of the developmentally disabled and the mentally ill(Pirsch)..... 697
Mental health service providers: limit liability(Scofield)..... 406
Mental retardation: provide powers and duties for mental retardation regions and the director(Goodrich)..... 668
Mentally ill and dangerous persons: restrict jailing prior to commitment(Wesely)..... 257
Mentally incompetent persons: change death penalty provisions and provisions regarding unprofessional conduct(Wesely, Chambers) 750
Mentally retarded: allow persons to receive community-based services(Miller, Morehead, Lynch)..... 556
Nebraska Commission for Special Education: provide date of dissolution(Remmers, Hall)..... 142
Parking spaces, permits and license plates: change provisions (Lynch, Hartnett)..... 598
Appropriation bill 598A
Public assistance: change requirements(Wesely)..... 255
Special Education Act: adopt federal definitions for handicapping conditions(Baack)..... 367
Special education programs: change age restriction(Baack)..... 166
Special education: change reimbursement provisions(Baack)..... 413
Special education: require minimum caseloads for programs (Hartnett)..... 624
Surrogate parents: authorize appointment by school district (Baack)..... 165
Vending facilities: change provisions relating to contracts and licensing of blind vendors(Wesely)..... 322
Veterans: change provisions relating to the homestead exemption (Revenue Comm.)..... 288
Appropriation bill 288A

DISTRICT COURT (See also Courts, Criminal Procedure)

Agricultural production input liens: provide action for enforcement(Rogers)..... 101
Appropriation bill 101A
Ambulance technicians, medical emergency: limit civil liability (Rogers)..... 460
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Arbitration: repeal provisions and adopt the Uniform Arbitration Act(Landis, McFarland, Ashford, Withem)..... 71
Child and spousal support payments: change provisions(Hartnett, Withem)..... 525
Child support: apply statutory interest charges to permanent and temporary child support payments that are delinquent (Judiciary Comm.)..... 569
Child support: change provisions(Judiciary Comm.)..... 570
Clerk magistrates: change provisions relating to certain duties (Miller)..... 601
Collateral substitution: provide(Rogers)..... 393
Crime witnesses and victims: prohibit intimidation(Pirsch, Landis)..... 118
Damages: change provisions relating to motions for new trials (Landis, Ashford, Conway)..... 363
Death penalty: change provisions regarding mentally incompetent persons(Wesely, Chambers)..... 750
Death penalty: eliminate; and limit parole and discharge (Chambers)..... 675

LB

Death penalty: establish additional aggravating circumstances (Peterson, Hefner)..... 318
Declaratory judgments on state agency rules: provide for petition in certain affected geographic areas(Scofield)..... 189
Eminent domain: exempt school districts from certain procedures(Withem)..... 359
Fee payments to courts: change provisions regarding manner of payment(Conway)..... 370
Felons, convicted: prohibit placement in nursing or veterans' homes as a condition of probation(Higgins, Rupp, Nelson, Hall, Korshoj, Peterson, Smith, Labedz, Chizek, Rogers, Conway, Ashford)..... 333
Fire inspections: expand authority to conduct(Hartnett)..... 619
Frauds, Statute of: provide for the assertion of third party rights(Lamb)..... 758
Frivolous actions: provide for attorney fees and costs(Haberman, Conway, McFarland, Ashford, Pappas, Abboud)..... 261
Garnishment: change provisions(Rupp)..... 242
Grand jury petitions: require printed names(Withem)..... 478
Grand jury: require coroner's examination and grand jury for certain police-related deaths(Chambers)..... 676
Hearing impaired persons: provide interpreters for certain proceedings(Hall, Remmers, Rogers, Moore, Korshoj, Coordsen, Nelson, Chizek, Schellpeper, Higgins, Peterson, Weihing, Morehead)..... 376
Appropriation bill 376A
Judges: increase salaries(Schmit)..... 564
Appropriation bill 564A
Judges' salaries: appropriate funds(Barrett, req. of Gov.)..... 769
Jury selection lists: change provisions related to licensed drivers(Withem)..... 111
Libel and slander: change provisions(Haberman)..... 221
Libel: change notice provisions to allow certified mail(Conway).. 93
Peace bonds: eliminate provisions(Judiciary Comm.)..... 665
Plea bargains: require county attorneys to prepare reports (Haberman)..... 49
Propane Safety Act: adopt(Schmit, Elmer)..... 723
Appropriation bill 723A
Revisor bill to eliminate obsolete language(Exec. Bd., Labedz, Chairperson)..... 34
Revisor bill to harmonize provisions(Exec. Bd., Labedz, Chairperson)..... 33
Rules of procedure, pretrial procedures, joinder and certain pleadings, motions, and orders: change provisions(McFarland).... 64
Sexual assault probationers: prohibit placement in nursing homes (Haberman)..... 47
Sheriffs: change certain fees and allow employees to serve writs (Chizek, Korshoj)..... 438
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Summary jury trial procedures: provide(Ashford, Abboud, McFarland, V. Johnson)..... 225
Tort Claims Act, State: reference provisions relating to claims against the state(Barrett)..... 252
Tort litigation: change provisions(Conway, Pirsch, Hefner)..... 425
Undercover agents: prohibit probationers and inmates from working as law enforcement agency employees(Chambers)..... 670
Victim: change definition by adding sexual assault of a child(Pirsch)..... 119
Videotape depositions of certain children: authorize(Scofield, Hartnett, Smith, Rupp, Harris, Withem, Baack, Pappas, Barrett, Conway, McFarland, Higgins, Morehead, Pirsch)..... 90
Witnesses and victims of crime: change provisions(Pirsch)..... 535

DIVIDENDS

Income tax: change provisions(Barrett, req. of Gov.)..... 773
Appropriation bill 773A

LB

DIVORCE (See also Child Support, Husband and Wife)
Child and spousal support payments: change provisions(Hartnett, Withem)..... 525
Child support: apply statutory interest charges to permanent and temporary child support payments that are delinquent (Judiciary Comm.)..... 569
Child support: change jurisdiction provisions(Withem)..... 589
Child support: change provisions(Judiciary Comm.)..... 570
Child support: transfer child support enforcement attorneys from Attorney General to Department of Social Services (Judiciary Comm.)..... 573
Criminal nonsupport: change provisions(Withem)..... 590
Insurance, health: provide for optional continuation for certain persons(Labedz, Morehead, Pappas, Elmer)..... 580
Marital Property Act, Nebraska: adopt(Pappas)..... 172
Revisor bill to reinstate omitted language regarding child support(Exec. Bd., Labedz, Chairperson)..... 37
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475

DOGS
Dogs running at large: change provisions(Hartnett)..... 630
Fighting, pitting, and baiting: prohibit(Wesely, Barrett, McFarland, Marsh, Lynch)..... 170

DOMESTIC PRODUCTS PROCUREMENT ACT
Adopt(Pappas, Hall)..... 667

DOMESTIC VIOLENCE (See Abuse, Husband and Wife)

DRAINAGE (See also Irrigation)
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
County contracts: authorize persons awarded to furnish bond or deposit(Miller, Langford)..... 211
Districts: change provisions relating to board elections(Hall)... 541
Fire protection districts: provide continued jurisdiction over annexed territory(Abboud)..... 515
Irrigation districts: change liability provisions(Weihing)..... 579
Liability provisions: change(Rogers)..... 100
Sale and transfer of water rights: require study and provide criteria for permits(Schmit, Pappas, Moore)..... 146
Appropriation bill 146A
Sanitary and improvement districts: provide mail-in ballots for elections(Withem)..... 587
Temporary injunctions: revisor bill to harmonize provisions (Exec. Bd., Labedz, Chairperson)..... 33
Water district subdivisions, districts, and appropriations: change provisions(Moore)..... 140

DRUGS AND NARCOTICS (See also Controlled Substances)
Chemically Impaired Professional Act: adopt(Wesely)..... 691
Controlled substance analogue: define(Dierks, Rupp, Conway, Remmers)..... 537
Driving privileges of juveniles: authorize suspension if convicted of an alcohol or drug related offense(Withem)..... 207
Driving while intoxicated and implied consent: change provisions (Hall)..... 377
Education courses: provide criteria(Schmit, Remmers, Wehrbein)... 402
Employee drug testing: provide requirements(Lynch, Ashford)..... 582
Mail Service Prescription Drug Act: create(Lynch)..... 350
Appropriation bill 350A
Prescriptions and physician-patient privilege provisions: change(Pirsch, Marsh, Chizek)..... 273
Appropriation bill 273A

LB
Tax: provide on certain drugs(Schmit, Hartnett, Conway)..... 701
Testing by employers: prohibit employment penalties if amount of alcohol is below a specified amount(Scofield)..... 502

DRY BEAN RESOURCES ACT
Adopt(Weihing, Baack)..... 145
Appropriation bill 145A

ECONOMIC COOPERATION AND DEVELOPMENT, ORGANIZATION FOR
Eliminate provisions(L. Johnson, Warner, Moore)..... 684

ECONOMIC DEVELOPMENT
Adopt the Economic Development Act(Wesely)..... 748
Agricultural development: create strategy and program(Wesely, Landis, Morehead, Conway, Moore, R. Johnson, Chizek, Baack, Withem, Korshoj, Harris)..... 739
Agricultural industry promotion: require agricultural boards to enter into contracts to coordinate industry promotion(Schmit).... 755
Agricultural Products Development Act: adopt(Abboud)..... 513
Agriculture: establish program for agricultural development and promotion(R. Johnson, Moore, Morehead, Coordsen, Wesely)..... 561
Appropriation bill 561A
Business Partnership Act: adopt(Scofield, Landis, Hefner, Morehead, Wesely, Withem, Chizek, Conway, Nelson, Harris)..... 736
Appropriation bill 736A
Capital Companies Tax Credit Act: adopt(Abboud)..... 247
Cities and villages: authorize use of general funds for economic development purposes(Urban Affairs Comm.)..... 21CA
Community Development Assistance Act: eliminate sunset provision (Landis)..... 66
Community development: change provisions relating to block grants(Wesely, Landis, Morehead, Hefner, Moore, Conway, Withem, Chizek, Harris,)..... 740
Cooperative Development Act of 1987: adopt(Moore, Landis, Wesely, Hefner, Morehead, Withem, Conway, Chizek)..... 742
Employment and Investment Growth Act: adopt(Barrett, req. of Gov.)..... 775
Appropriation bill 775A
Employment Expansion and Investment Incentive Act: increase the income tax credit(Chizek, Ashford, Korshoj, Hefner, Abboud).. 270
Appropriation bill 270A
Employment Expansion and Investment Incentive Act: redefine qualifying business to include retail business headquarters (Wesely, Hannibal, Abboud, Hefner)..... 323
Enterprise Zone Demonstration Act: adopt(Harris)..... 749
High Technology and Food Processing Commission: create(Abboud)... 141
Industrial development: develop a statewide plan(Wesely, Landis, Morehead, Chizek, Conway, Withem, Korshoj, Harris)..... 743
Investment Finance Authority Act, Nebraska: change agricultural loan provisions(Schmit)..... 707
Job training: provide to compliment Department of Economic Development programs(Wesely, Landis, Morehead, Hefner, Chizek, Withem, Conway, Korshoj, Harris)..... 744
Organization for Economic Cooperation and Development: modify provisions relating to tractor testing(L. Johnson, Warner, Moore) 684
Poultry: create a poultry development and assistance program (Moore, Wesely, Morehead, Baack)..... 737
Property redevelopment: change finance provisions relating to blighted property(Lynch)..... 11CA
Property tax exemption: authorize county boards to initiate voter approval(Abboud)..... 5CA
Research and development: provide tax credit(Wesely, Hefner, Morehead, Withem, Conway, Harris)..... 747
Risk capital: create a statewide system(Wesely, Landis, Chizek, Morehead, Hefner, Conway, Nelson, Withem, Harris,)..... 745

LB

Sales and use tax: exempt certain farm, computer, and manufacturing equipment(Revenue Comm.)..... 293
Small Business Incubators Incentives Act: adopt(Abboud)..... 139
Tourism Development Act: adopt(Wesely, Landis, Morehead, Hefner, Moore, Nelson, Conway, Withem, Korshoj, Chizek, Harris)..... 741
Venture Capital Company Act: adopt to provide a tax credit for certain investments(Wesely, Chizek, Conway, Nelson, Withem, Morehead, Harris)..... 746
Venture Capital Network Act: adopt(Abboud, Ashford, Morehead).... 163
Appropriation bill 163A

ECONOMIC DEVELOPMENT ACT
Adopt(Wesely)..... 748

ECONOMIC DEVELOPMENT, DEPARTMENT OF
Adopt the Economic Development Act(Wesely)..... 748
Agricultural development: create strategy and program(Wesely, Landis, Morehead, Conway, Moore, R. Johnson, Chizek, Baack, Withem, Korshoj, Harris)..... 739
Capital Companies Tax Credit Act: adopt(Abboud)..... 247
Community development: change provisions relating to block grants(Wesely, Landis, Morehead, Hefner, Moore, Conway, Withem, Chizek, Harris,)..... 740
Cooperative Development Act of 1987: adopt(Moore, Landis, Wesely, Hefner, Morehead, Withem, Conway, Chizek)..... 742
Enterprise Zone Demonstration Act: adopt(Harris)..... 749
Ethanol: change provisions(Schmit, Harris, Nelson, Miller, Pappas)..... 658
Industrial development: develop a statewide plan(Wesely, Landis, Morehead, Chizek, Conway, Withem, Korshoj, Harris)..... 743
Job training: provide to compliment Department of Economic Development programs(Wesely, Landis, Morehead, Hefner, Chizek, Withem, Conway, Korshoj, Harris)..... 744
Poultry: create a poultry development and assistance program (Moore, Wesely, Morehead, Baack)..... 737
Revisor bill to eliminate obsolete statutes(Exec. Bd., Marsh, Vice Chairperson)..... 1
Risk capital: create a statewide system(Wesely, Landis, Chizek, Morehead, Hefner, Conway, Nelson, Withem, Harris,)..... 745
Small Business Division: adopt the Business Partnership Act (Scofield, Landis, Hefner, Morehead, Wesely, Withem, Chizek, Conway, Nelson, Harris)..... 736
Appropriation bill 736A
Temporary licensing of film vehicles: provide approval(Landis, Morehead)..... 75
Appropriation bill 75A
Tourism Development Act: adopt(Wesely, Landis, Morehead, Hefner, Moore, Nelson, Conway, Withem, Korshoj, Chizek, Harris)..... 741
Venture Capital Company Act: adopt to provide a tax credit for certain investments(Wesely, Chizek, Conway, Nelson, Withem, Morehead, Harris)..... 746
Venture Capital Network Act: adopt to provide information on informal risk capital investment opportunities in Nebraska (Abboud, Ashford, Morehead)..... 163
Appropriation bill 163A

ECONOMY AND PRODUCTIVITY IN STATE GOVERNMENT ACT
Adopt(Abboud)..... 144

EDUCATION (See also Schools)
Adolescent Pregnancy Prevention and Services Program: adopt (V. Johnson)..... 517
Appropriation bill 517A
Annexation and accreditation: change provisions(Withem)..... 417

LB

Annexed territory: eliminate a consideration for schools serving annexed territory(Withem) ... 595
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford) ... 352
Asbestos removal: extend date for school districts to levy separate tax for asbestos removal(Hall) ... 212
Boundaries and reorganization elections: change provisions (Withem) ... 444
Career Teacher Incentive Act: adopt(Withem) ... 482
Class II school district budgets: change provisions(Moore, Lamb, Dierks) ... 127
Class VI districts: provide additional requirement for formation (Rupp) ... 107
Commission of the States, Education: change membership provisions(Education Comm.) ... 199
Contingency funds: allow school districts to establish to cover losses(Education Comm.) ... 217
County reorganization committees: change membership provisions (Withem) ... 443
County superintendent: change provisions(Miller) ... 128
Drug education courses: provide criteria(Schmit, Remmers, Wehrbein) ... 402
Educational Facilities Authority Act, Nebraska: allow short-term operating deficit financing(Goodrich) ... 431
Educational service units and county boards: require audit (Warner) ... 183
Appropriation bill ... 183A
Educational service units: change provisions regarding contracts for services and use of tax revenue(Conway) ... 265
Educational service units: provide mission statement and change provisions(Education Comm., Miller, Conway, Smith) ... 688
Appropriation bill ... 688A
Educational service units: provide reorganization(Miller, Smith, Conway) ... 649
Eminent domain: exempt school districts from certain procedures(Withem) ... 359
Employee retirement: change provisions relating to buy-backs, retirement definitions, and contributions(Haberman) ... 549
English: establish as the official language of Nebraska(Schmit, Weihing, Hefner, Elmer, Dierks, Langford, Wehrbein, Korshoj, Coordsen) ... 400
Equalization Act, School Foundation and: change provisions (Withem, Chizek) ... 283
Equalization aid: change calculations(Lamb, R. Johnson, Rogers, Dierks) ... 414
Equalization aid: change provisions for calculating(Withem) ... 281
Equalization aid: decrease property tax levy for eligibility purposes(Rogers, Lamb) ... 434
Funds: provide for twice monthly distribution in certain counties(Nelson, Smith, Weihing) ... 169
Gifted students: establish the Unicameral Scholars Institute(McFarland) ... 158
Appropriation bill ... 158A
Governor: place the Department of Education under control of the Governor(Remmers, Morehead, Scofield, Baack, Moore, Dierks, Weihing, Pappas, V. Johnson) ... 19CA
High school accreditation: provide standards(Lamb, Remmers, Dierks) ... 235
Kindergarten and first grade: change minimum age requirements (Hefner) ... 424
Lease agreements: allow school districts to refinance without elections(Rogers, Baack) ... 435
Loan agreements: allow certain school districts to enter(Lynch) ... 147
Missing Children Identification Act: adopt(Lynch, Hartnett) ... 599

LB

Non-resident high school tuition charges: delete provisions allowing reductions(Withem)..... 182
Nonresident tuition payments: change provisions relating to school districts(Barrett, req. of Gov.)..... 765
Nonresident tuition: change calculation provisions(Baack, Scofield, Lamb)..... 644
Nonteaching service contracts: authorize(Morehead)..... 616
Normal schools: eliminate obsolete language(Exec. Bd., Labedz, Chairperson)..... 31
Opening and closing dates of school terms: restrict(Pappas, Lynch)..... 99
Permanent School Fund: change investment fee provisions relating to funds managed by the State Investment Officer (Appropriations Comm.)..... 786
Private vocational institutions: authorize the granting of certain degrees(Schmit, Warner)..... 232
Private, denominational, and parochial schools: modify provisions(Pappas)..... 682
Professional Teachers' Negotiations Act, Nebraska: change provisions relating to jurisdiction over labor disputes (Ashford)..... 524
Property transfers between adjoining school districts: allow where transfer would provide less travel for school children (Dierks)..... 61
Public Education Income Tax Act: adopt(Remmers, Moore)..... 210
Pupil transportation vehicle operator permits: change provisions(Hartnett)..... 348
Pupil transportation vehicles: change inspection provisions (Beyer, Hartnett)..... 538
Rehabilitation services: transfer administration from Department of Public Institutions to Division of Rehabilitation Services (V. Johnson)..... 527
Retirement, Omaha employees: change provisions(Goodrich)..... 298
Retirement: allow school retirement plan buy-backs of certain prior service(Goodrich, Hartnett)..... 551
Retirement: authorize for school employees after 35 years of service(Pappas)..... 160
Retirement: change provisions relating to funds deposited with the school retirement system(Haberman)..... 578
Appropriation bill 578A
Revisor bill relating to child labor and education(Exec. Bd., Labedz, Chairperson)..... 35
Revisor bill to eliminate references to repealed provisions (Exec. Bd., Labedz, Chairperson)..... 30
School buses: permit passing of parked school buses in certain cases(Hartnett, Beyer)..... 347
School district equalization aid: change calculation(Lamb)..... 70
School district mergers: provide regarding certain Class I districts(Rupp)..... 106
School districts, new: eliminate restriction on creation of(Lamb, R. Johnson, Dierks, Moore)..... 326
School districts: change provisions regarding publication of allowed claims budgeted and reports to the county board(Lynch)... 331
School districts: require merger(V. Johnson)..... 726
Appropriation bill 726A
School districts: require organization of reorganized and new school districts(McFarland)..... 520
School employees, retired: increase supplemental retirement benefits(Wesely)..... 178
School funds: change provisions relating to apportionment and distribution(Pappas)..... 85
School Improvement Act: adopt(Lynch)..... 596
Special Education Act: adopt federal definitions for handicapping conditions(Baack)..... 367

LB
Special education programs: change age restriction(Baack)..... 166
Special Education, Nebraska Commission for: provide date of dissolution(Remmers, Hall)..... 142
Special education: change reimbursement provisions(Baack)..... 413
Special education: require minimum caseloads for programs (Hartnett)..... 624
State employees: prohibit wage withholding for political purposes(Hefner, Coordsen, Lamb, Elmer, Peterson)..... 528
Student discipline: change provisions in sexual assault cases (Wesely, Marsh)..... 316
Surrogate parents for handicapped children: authorize school district to appoint under certain conditions(Baack)..... 165
Teacher certification and program authorization: change provisions(Education Comm.)..... 529
Appropriation bill 529A
Teacher preparation time: require(Lynch)..... 234
Teacher training programs: authorize to include communications technologies(Scofield, Baack)..... 581
Teachers: establish endorsement requirements(Lynch)..... 310
Teachers: establish procedures for reductions in force(McFarland) 521
Technical community colleges: allow purchase and indemnification of liability insurance(Lynch)..... 285
Technical community colleges: authorize issuance of revenue bonds(Education Comm.)..... 329
Transportation allowances, student: change provisions(Pappas).... 338
Transportation: authorize for certain students for a fee (Education Comm.)..... 200
Vocational Education Program Support Act: adopt(Nelson, Wesely).. 647
Appropriation bill 647A
Weatherization Fund, School: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 18
Weatherization Fund: change provisions relating to the Homestead Exemption Fund(Hartnett)..... 627

EDUCATION, DEPARTMENT OF

Adolescent Pregnancy Prevention and Services Program: adopt (V. Johnson)..... 517
Appropriation bill 517A
Career Teacher Incentive Act: adopt(Withem)..... 482
Class I district mergers: allow when a Class I district is included in the area which makes up a Class VI district(Rupp).... 106
Class II school district budgets: change provisions(Moore, Lamb, Dierks)..... 127
Class VI districts: provide additional requirement for formation (Rupp)..... 107
Drug education courses: provide criteria(Schmit, Remmers, Wehrbein)..... 402
Educational service units: change provisions regarding service contracts and use of tax revenue(Conway)..... 265
Educational service units: provide mission statement and change provisions(Education Comm., Miller, Conway, Smith)..... 688
Appropriation bill 688A
Equalization aid: change provisions for calculating(Withem)..... 281
Gifted students: establish the Unicameral Scholars Institute(McFarland)..... 158
Appropriation bill 158A
Kindergarten and first grade: change minimum age requirements (Hefner)..... 424
Non-resident high school tuition charges: delete provisions allowing reductions(Withem)..... 182
Opening and closing dates of school terms: restrict(Pappas, Lynch)..... 99
Place under control of the Governor(Remmers, Morehead, Scofield, Baack, Moore, Dierks, Weihing, Pappas, V. Johnson)..... 19CA

LB

Public Education Assistance Fund: administer from tax imposed on videotapes, albums, and tickets(Scofield)..... 634
School districts, new: eliminate restriction on creation of(Lamb, R. Johnson, Dierks, Moore)..... 326
School funds: provide for twice monthly distribution in certain counties(Nelson, Smith, Weihing)..... 169
School-provided transportation: authorize for certain students (Education Comm.)..... 200
Special Education Act: adopt federal definitions for handicapping conditions(Baack)..... 367
Special education programs: eliminate a duty and change age restriction(Baack)..... 166
Special education: change reimbursement provisions(Baack)..... 413
Special education: require minimum caseloads for programs (Hartnett)..... 624
Student transportation allowances: change provisions(Pappas)..... 338
Surrogate parents for handicapped children: authorize appointment under certain conditions(Baack)..... 165
Teacher certification and program authorization: change provisions(Education Comm.)..... 529
Appropriation bill 529A
Teacher training programs: authorize to include communications technologies(Scofield, Baack)..... 581
Teachers: establish endorsement requirements(Lynch)..... 310
Vending facilities: change provisions relating to contracts and licensing of blind vendors(Wesely)..... 322

EDUCATION, STATE BOARD OF
Annexation and accreditation: change provisions(Withem)..... 417
Educational service units: provide mission statement and change provisions(Education Comm., Miller, Conway, Smith)..... 688
Appropriation bill 688A
Educational service units: provide reorganization(Miller, Smith, Conway)..... 649
Private, denominational, and parochial schools: modify provisions(Pappas)..... 682
Special Education Act: adopt federal definitions for handicapping conditions(Baack)..... 367

EDUCATIONAL FACILITIES AUTHORITY ACT, NEBRASKA
Financing: allow short-term operating deficits(Goodrich)..... 431

EDUCATIONAL SERVICE UNITS
Audits and cost of audit: require(Warner)..... 183
Appropriation bill 183A
Class II school district budgets: change provisions(Moore, Lamb, Dierks)..... 127
Contracts for services and use of tax revenue: change provisions(Conway)..... 265
Provide mission statement and change provisions(Education Comm., Miller, Conway, Smith)..... 688
Appropriation bill 688A
Reorganization: provide(Miller, Smith, Conway)..... 649
Special Education Act: adopt federal definitions for handicapping conditions(Baack)..... 367
Special education: require minimum caseloads for programs (Hartnett)..... 624

EDUCATIONAL TELEVISION (See also Television)
KMNE television tower and antenna at Bassett: authorize replacement(Warner, Marsh, Moore, Hannibal, Langford, Scofield, Rogers, Lamb, Dierks, L. Johnson, Wehrbein)..... 245
Nebraska Educational Telecommunications Commission: appropriate funds to rebuild transmitter tower(Barrett, req. of Gov.)..... 763

ELECTIONS (See also Voters and Voting)
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford) ... 352
Campaign contributions and committees: change provisions(Withem, Barrett) ... 480
Change provisions(Withem) ... 652
Change provisions relating to elections and ballot issues(Hall, Rupp) ... 716
Appropriation bill ... 716A
Compensation of officials: increase(Langford) ... 231
County boards: authorize property tax exemption to stimulate economic development following voter approval(Abboud) ... 5CA
County Purchasing Act: change provisions(Abboud) ... 602
County superintendent of public instruction and county superintendent: change provisions(Miller) ... 128
Educational service units: provide reorganization(Miller, Smith, Conway) ... 649
Labor, Department of: repeal provision prohibiting employees of the employment security division from holding political office (Wesely, Hall, Morehead) ... 272
Omaha mayor and city council offices: change vacancy provisions (Pirsch) ... 394
Political Accountability and Disclosure Act: change campaign contribution and disclosure provisions(Hefner) ... 592
Political campaign advertising: change provisions relating to size, placement, and information on printed campaign materials (Withem, Barrett) ... 479
Political convention delegates: change filing deadlines for primary elections(Withem) ... 357
Political conventions, county: provide delegate selection by precinct caucus(Withem) ... 588
Political party conventions, state: change representation(Withem) 358
Polls: change the hours(Withem) ... 251
Recall of legislators: provide procedure(Landis) ... 334
Results: require report by precinct(Pappas) ... 129
Sanitary and improvement districts: provide mail-in ballots (Withem) ... 587
School district reorganization: change provisions(Withem) ... 444
School Improvement Act: adopt(Lynch) ... 596
State employees: eliminate prohibition relating to political party officeholding(Withem) ... 110
State employees: prohibit wage withholding for political purposes(Hefner, Coordsen, Lamb, Elmer, Peterson) ... 528
Yard signs: prohibit use in campaigns(Pappas) ... 342

ELECTRICAL ACT, STATE
Code violations: provide penalties(Withem) ... 481
Electrical Board, State: provide powers and an exception (Morehead) ... 69
Vehicles: require identification of vehicles utilized by contractors(Goodrich) ... 489

ELECTRICAL DIVISION, STATE
Vehicles: require identification of vehicles utilized by contractors(Goodrich) ... 489

ELECTRICITY (See also Public Power)
Agricultural production input liens: provide(Rogers) ... 101
Appropriation bill ... 101A
Cities and villages: allow taxation, assessment, and collection for utility services(Smith, Nelson, R. Johnson, Lamb, Baack, Conway, Remmers, Scofield, L. Johnson) ... 546
City codes: change filing requirements for public use(Wehrbein) .. 483

	LB
Code violations: provide penalties(Withem)	481
Electrical Board, State: provide powers and an exception (Morehead)	69
Electrical energy charges: change provisions(Schmit)	238
Ethanol: establish surcharge on electricity(Schmit, Harris, Nelson, Miller, Pappas)	658
Main electrical disconnects: require installation(Schmit, R. Johnson, Lamb, Pappas, Rupp)	761
Vehicles: require identification of vehicles utilized by contractors(Goodrich)	489

ELEVATORS

Revisor bill to harmonize provisions and code title(Exec. Bd., Labedz, Chairperson)	36

EMBALMERS AND EMBALMING

Board of Examiners: change registration and licensure provisions (Health and Human Services Comm.)	473
Appropriation bill	473A

EMERGENCIES

Ambulance attendants: allow licensed practical nurses to be certified(Remmers)	76
Ambulance technicians, medical emergency: change certification requirements and limit liability(Rogers)	460
Certified ambulance attendant: clarify definition to include emergency medical technician-ambulance(Peterson, Scofield, Barrett, Hefner, Hartnett)	442
Service providers, emergency: change immunity provisions (Hartnett)	620

EMINENT DOMAIN

Damages: change procedure for claims(Wehrbein)	236
Replacement property: establish provisions to provide in some cases(Urban Affairs Comm.)	369
School districts: exempt from certain procedures(Withem)	359

EMPLOYEES (See also Public Employees)

Clean Indoor Air Act: modify provisions(Marsh)	95
Commission of Industrial Relations: change provisions relating to findings and orders by the Commission(Hefner)	711
Drug and alcohol testing: prohibit employment penalties if amount of alcohol is below a specified amount(Scofield)	502
Drug and alcohol testing: provide requirements(Lynch, Ashford)	582
Employment Security Act: change provisions relating to leasing and purchasing of motor vehicles(Landis, Hall, Labedz)	720
Employment security benefits: change weekly amount and computation(Labedz)	446
Equal pay for equal work: provide for certain wages(V. Johnson)	731
Hazardous Materials Disclosure Act: adopt(V. Johnson)	516
Head Start employees: disqualify from employment security provisions(Hefner, Barrett, Peterson)	179
Insolvent companies: provide salary payment procedure for employees(Lynch)	349
Military training: authorize leaves of absence for private sector employees(Chizek, R. Johnson)	439
Minimum wage: increase(V. Johnson)	474
Unemployment benefits: change eligibility provisions (Business and Labor Comm.)	469
Unemployment benefits: change provisions relating to students under the Employment Security Law(Landis, Hall, Labedz)	276
Unemployment benefits: change provisions under the Employment Security Law relating to prorated remuneration(Landis, Coordsen, Hall, Labedz)	274

LB

Unemployment benefits: eliminate a provision relating to witness immunity under the Employment Security Law(Landis, Hall, Labedz). 277
Unemployment benefits: provide a schedule of fees for services (Landis, Hall, Labedz)..... 278
Unemployment benefits: provide for reinstatement of employer's experience account under the Employment Security Law(Landis, Coordsen, Hall, Labedz)..... 275
Unemployment: adjust federally funded extended benefits (Business and Labor Comm.)..... 461
Unemployment: change eligibility requirements(Hefner, Korshoj, Coordsen)..... 605
Unemployment: change employer's contribution rate(Hefner)..... 290
Unemployment: change weekly benefit and eligibility provisions (Labedz)..... 433
Uniform Arbitration Act: adopt(Landis, McFarland, Ashford, Withem)..... 71
Veterans: provide employment preference for veterans and spouses (Conway, Beyer, Hefner)..... 696
Workers' Compensation: change provisions relating to medical opinions and work-hardening(Goodrich, Hefner)..... 548
Workers' Compensation: establish fee schedule for medical services(Barrett)..... 187
Appropriation bill 187A
Workers' compensation: increase weekly income benefit(Hall)..... 292
Appropriation bill 292A

EMPLOYERS

Clean Indoor Air Act: modify provisions(Marsh)..... 95
Commission of Industrial Relations: change provisions relating to findings and orders by the Commission(Hefner)..... 711
Drug and alcohol testing: prohibit employment penalties if amount of alcohol is below a specified amount(Scofield)..... 502
Drug and alcohol testing: provide requirements(Lynch, Ashford)... 582
Employment Security Act: change provisions relating to leasing and purchasing of motor vehicles(Landis, Hall, Labedz)..... 720
Employment security benefits: change weekly amount and computation(Labedz)..... 446
Equal pay for equal work: provide for certain wages(V. Johnson).. 731
Hazardous Materials Disclosure Act: adopt(V. Johnson)..... 516
Income withholding for child support: change provisions (Judiciary Comm.)..... 570
Insolvent companies: provide salary payment procedure for employees(Lynch)..... 349
Military training: authorize leaves of absence for private sector employees(Chizek, R. Johnson)..... 439
Minimum wage: increase(V. Johnson)..... 474
Tax credit: increase income tax credit under the Employment Expansion and Investment Incentive Act(Chizek, Ashford, Korshoj, Hefner, Abboud)..... 270
Appropriation bill 270A
Unemployment benefits: change eligibility provisions (Business and Labor Comm.)..... 469
Unemployment benefits: change provisions relating to students under the Employment Security Law(Landis, Hall, Labedz). 276
Unemployment benefits: change provisions under the Employment Security Law relating to prorated remuneration(Landis, Coordsen, Hall, Labedz)..... 274
Unemployment benefits: eliminate a provision relating to witness immunity under the Employment Security Law(Landis, Hall, Labedz). 277
Unemployment benefits: provide a schedule of fees for services (Landis, Hall, Labedz)..... 278
Unemployment benefits: provide for reinstatement of employer's experience account under the Employment Security Law(Landis, Coordsen, Hall, Labedz)..... 275

LB

Unemployment: adjust federally funded extended benefits (Business and Labor Comm.)..... 461
Unemployment: change eligibility requirements(Hefner, Korshoj, Coordsen)..... 605
Unemployment: change employer's contribution rate(Hefner)..... 290
Unemployment: change weekly benefit and eligibility provisions (Labedz)..... 433
Uniform Arbitration Act: adopt(Landis, McFarland, Ashford, Withem)..... 71
Veterans: provide employment preference for veterans and spouses (Conway, Beyer, Hefner)..... 696
Workers' Compensation: change provisions relating to medical opinions and work-hardening(Goodrich, Hefner)..... 548
Workers' Compensation: establish fee schedule for medical services(Barrett)..... 187
Appropriation bill 187A
Workers' compensation: increase weekly income benefit(Hall)..... 292
Appropriation bill 292A

EMPLOYMENT AND INVESTMENT GROWTH ACT
Adopt(Barrett, req. of Gov.)..... 775
Appropriation bill 775A

EMPLOYMENT EXPANSION AND INVESTMENT INCENTIVE ACT
Redefine qualifying business to include retail business headquarters(Wesely, Hannibal, Abboud, Hefner)..... 323
Tax credit: increase the income tax credit(Chizek, Ashford, Korshoj, Hefner, Abboud)..... 270
Appropriation bill 270A

EMPLOYMENT SECURITY
Benefits and eligibility: change provisions(Labedz)..... 433
Commission of Industrial Relations: change provisions relating to findings and orders by the Commission(Hefner)..... 711
Eligibility: change provisions(Hefner, Korshoj, Coordsen)..... 605
Employer's contribution rate: change(Hefner)..... 290
Extended benefits: adjust federally funded benefits (Business and Labor Comm.)..... 461
Head Start employees: disqualify(Hefner, Barrett, Peterson)..... 179
Labor, Department of: repeal provision prohibiting employees of the employment security division from holding political office (Wesely, Hall, Morehead)..... 272
Motor vehicles: change provisions of the Employment Security Act relating to leases and purchases(Landis, Hall, Labedz)..... 720
Unemployment benefits: change eligibility provisions (Business and Labor Comm.)..... 469
Unemployment benefits: change provisions relating to students under the Employment Security Law(Landis, Hall, Labedz). 276
Unemployment benefits: change provisions under the Employment Security Law relating to prorated remuneration(Landis, Coordsen, Hall, Labedz)..... 274
Unemployment benefits: change weekly amount and computation (Labedz)..... 446
Unemployment benefits: eliminate a provision relating to witness immunity under the Employment Security Law(Landis, Hall, Labedz). 277
Unemployment benefits: provide a schedule of fees for services (Landis, Hall, Labedz)..... 278
Unemployment benefits: provide for reinstatement of employer's experience account under the Employment Security Law(Landis, Coordsen, Hall, Labedz)..... 275
Workers' compensation: provide maximum and minimum weekly benefits(Hall)..... 660

ENERGY (See also Minerals, Oil, and Natural Gas; Fuels)
Energy Settlement Fund, Nebraska: provide appropriations procedure for funds received from oil overcharge settlements (Warner, Moore, Scofield, Hannibal, Hartnett, L. Johnson, Marsh, Abboud, Wehrbein, Langford)..... 683

Ethanol Authority and Development: transfer duties to the Agricultural Revitalization Authority(Schmit)..... 458
Ethanol: change provisions(Schmit, Harris, Nelson, Miller, Pappas)..... 658
Excise tax: eliminate exemption for ethanol(Schmit)..... 610
Highway Improvement Bond Fund: create(Hartnett)..... 632
Motor vehicle fuel tax: change provisions(V. Johnson)..... 523
Appropriation bill 523A
Motor vehicle fuel taxes: limit for highway construction and repair(Hartnett)..... 20CA
Nebraska Energy Settlement Fund: provide appropriations procedure for funds received from oil overcharge settlements (Warner, Moore, Scofield, Hannibal, Hartnett, L. Johnson, Marsh, Abboud, Wehrbein, Langford)..... 683
Oil overcharge funds: reappropriate unexpended balances for projects in LB 432 (1987)(Appropriations Comm.)..... 787
Overcharge settlement, oil: restrict distribution(Warner, L. Johnson, Wehrbein, Scofield, Marsh, Abboud, Langford, Moore, Hannibal)..... 432
Oxygenated fuel: provide for the sale(Schmit, Baack)..... 751
Propane Safety Act: adopt(Schmit, Elmer)..... 723
Appropriation bill 723A
Radiation Control Act: change provisions(Wesely)..... 390
Appropriation bill 390A
Tax credit: adopt the Enterprise Zone Demonstration Act(Harris).. 749

ENERGY OFFICE, STATE

Nebraska Energy Settlement Fund: provide appropriations procedure for funds received from oil overcharge settlements (Warner, Moore, Scofield, Hannibal, Hartnett, L. Johnson, Marsh, Abboud, Wehrbein, Langford)..... 683
Oil overcharge funds: reappropriate unexpended balances for projects in LB 432 (1987)(Appropriations Comm.)..... 787
Oil overcharge settlement: restrict distribution(Warner, L. Johnson, Wehrbein, Scofield, Marsh, Abboud, Langford, Moore, Hannibal)..... 432

ENERGY SETTLEMENT FUND, NEBRASKA

Oil overcharge funds: reappropriate unexpended balances for projects in LB 432 (1987)(Appropriations Comm.)..... 787
Provide appropriations procedure for funds received from oil overcharge settlements and court orders(Warner, Moore, Scofield, Hannibal, Hartnett, L. Johnson, Marsh, Abboud, Wehrbein, Langford)..... 683

ENGINEERS AND ENGINEERING

Liability: change provisions for tort litigation(Conway, Pirsch, Hefner)..... 425
Liability: provide restriction(Nelson, Hannibal, Chizek, L. Johnson, Elmer, Pirsch, Conway, Hefner, Korshoj)..... 492

ENTERPRISE ZONE DEMONSTRATION ACT

Adopt(Harris)..... 749

ENVIRONMENTAL CONTROL AND PROTECTION

Adopt the Environmental Response and Liability Act(R. Johnson).... 706
Chemigation: require training sessions with Cooperative Extension(Schmit)..... 445
Clean Indoor Air Act: modify provisions(Marsh)..... 95
Environmental Protection Act: change provisions(Schmit)..... 152
Fees and costs: allow Department of Environmental Control to collect(Scofield)..... 501
Hazardous materials carried by rail: provide inspection(Pappas).. 153
Hazardous Materials Disclosure Act: adopt(V. Johnson)..... 516

LB

Hazardous waste management facilities, commercial: provide procedures and guidelines for establishment of(Landis, Ashford, Lynch, Korshoj)..... 114
Low-level Radioactive Waste Disposal Act: change provisions (Scofield, Hefner, Schellpeper, Korshoj, Peterson, L. Johnson, Weihing, Conway)..... 426
Oxygenated fuel: provide for the sale(Schmit, Baack)..... 751
Penalty: increase for violations of the Environmental Protection Act(Schmit)..... 565
Petroleum Products and Hazardous Substances Storage and Handling Act: change provisions regarding the definition of tank (Landis)..... 365
Radiation Control Act: change provisions(Wesely)..... 390
Appropriation bill 390A
Radioactive waste: authorize withdrawal from the Central Interstate Low-level Radioactive Waste Compact(Scofield, Hefner, Schellpeper, Korshoj, Peterson, Weihing, L. Johnson,)..... 427
Railroads: require cabooses on trains carrying hazardous substances(Pappas)..... 339
Railroads: require flagperson with trains carrying hazardous materials(Pappas)..... 193
Solid Waste Management Act: adopt(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
Solid waste: require assessment and classification of disposal sites(R. Johnson)..... 639
Appropriation bill 639A
Vehicle Inspection Act: adopt(Beyer)..... 503
Wastewater Treatment Facilities Construction Assistance Act: create(Barrett, req. of Gov.)..... 766
Wastewater Treatment Operator Certification Act: adopt(Schmit)... 533
Zoning: change provisions relating to zoning of environmentally sensitive areas(Lynch)..... 351

ENVIRONMENTAL CONTROL, DEPARTMENT OF

Adopt the Environmental Response and Liability Act(R. Johnson).... 706
Beverage Container Refund Act: adopt(Pappas, Schellpeper, Landis, Baack)..... 613
Control Council, Environmental: establish wastewater treatment operator certification program(Schmit)..... 533
Environmental Protection Act: change provisions(Schmit)..... 152
Fees and costs: allow Department of Environmental Control to collect(Scofield)..... 501
Grain Warehouse Act: require warehouse inspections for conditions conducive to grain dust explosions(R. Johnson)..... 164
Hazardous waste management facilities, commercial: provide procedures and guidelines for establishment of(Landis, Ashford, Lynch, Korshoj)..... 114
Low-level Radioactive Waste Disposal Act: change provisions (Scofield, Hefner, Schellpeper, Korshoj, Peterson, L. Johnson, Weihing, Conway)..... 426
Penalty: increase for violations of the Environmental Protection Act(Schmit)..... 565
Petroleum Products and Hazardous Substances Storage and Handling Act: change provisions regarding the definition of tank (Landis)..... 365
Solid Waste Management Act: adopt(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
Solid waste: require assessment and classification of disposal sites(R. Johnson)..... 639
Appropriation bill 639A
Synthetic fuel additives: require testing(Schmit, Hefner, Dierks, Korshoj)..... 401
Wastewater Treatment Facilities Construction Assistance Act: create(Barrett, req. of Gov.)..... 766

LB
Wastewater Treatment Operator Certification Act: adopt(Schmit).., 533

ENVIRONMENTAL PROTECTION ACT
Change provisions(Schmit)..... 152
Penalty: increase for violations(Schmit)..... 565

ENVIRONMENTAL RESPONSE AND LIABILITY ACT
Adopt(R. Johnson)..... 706

EQUALIZATION BOARD
Earthmoving equipment: change tax provisions(Revenue Comm.)..... 591

EQUIPMENT
Earthmoving equipment: change tax provisions(Revenue Comm.)..... 591
Farm machinery, equipment, and replacement parts: exempt sales tax(R. Johnson)..... 562
Farm machinery, implements, and repair parts: provide payment date if returned(Hefner)..... 510
Farm tractors and implements of husbandry: exempt from sales and use tax(Haberman)..... 185
Appropriation bill 185A
Sales and use tax refunds on manufacturing and processing equipment: change provisions(Goodrich, Hefner, Chizek, Elmer, Peterson, Harris, Wesely, Hartnett,)..... 267
Sales and use tax: exempt certain farm, manufacturing, and computer equipment(Revenue Comm.)..... 293
Well-servicing equipment: provide motor vehicle registration fee (Baack)..... 411

ESTATES (See also Decedents' Estates)
Fiduciaries: permit investment of funds in investment companies and investment trusts(Haberman)..... 576
Income tax: change method for determining corporate and individual(Revenue Comm.)..... 294
Inheritance tax deductions: change a provision(Miller)..... 125
Motor vehicle certificate of title: eliminate fee for surviving owner(Smith)..... 41
Public Education Income Tax Act: adopt(Remmers, Moore)..... 210

ETHANOL (See Motor Vehicle Fuels, Fuels)
Authority and Development Board: transfer duties to the Agricultural Revitalization Authority(Schmit)..... 458
Change provisions(Schmit, Harris, Nelson, Miller, Pappas)..... 658
Excise tax: eliminate exemption(Schmit)..... 610
Refunds and production plants: change provisions(Schmit)..... 279
Synthetic fuel additives: require testing(Schmit, Hefner, Dierks, Korshoj)..... 401

ETHANOL AUTHORITY AND DEVELOPMENT ACT
Agricultural Revitalization Authority: transfer duties from the Ethanol Authority and Development Board(Schmit)..... 458
Change provisions(Schmit, Harris, Nelson, Miller, Pappas)..... 658
Refunds and production plants: change provisions(Schmit)..... 279

EXPLOSIVES
Train transport of hazardous materials: provide inspection (Pappas)..... 153

EYES
Optometry: change licensing provisions(Morehead, Rogers, Rupp, Smith, Remmers, Schmit, Hartnett, R. Johnson, Conway, Coordsen). 116

FAIRGROUNDS
Improvements: authorize for the Nebraska State Fairgrounds (Harris)..... 717

LB
Road improvement: provide(Schellpeper)..... 704

FARM LABOR CONTRACTORS ACT
Adopt(Smith, Hall, Chambers, Pappas, Weihing, Nelson, R. Johnson). 344
Appropriation bill 344A

FARM MEDIATION ACT
Adopt(Schmit, Rogers, Morehead, Chambers)..... 664
Appropriation bill 664A

FARMS AND FARMING (See also Agriculture)
Agricultural Products Development Act: adopt(Abboud)..... 513
Agriculture Act, Nebraska: adopt(Wesely, Scofield, Landis, Morehead, Hefner, R. Johnson, Baack, Conway, Withem, Korshoj)... 738
Agriculture, Department of: change provisions relating to donated food and Commercial Fertilizer and Soil Conditioner Act (R. Johnson)..... 201
Animal damage control: provide powers and cash fund(Rogers, Moore, R. Johnson)..... 102
Appropriation bill 102A
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Aquaculture: provide for registration with Game and Parks(Pappas) 155
Breweries, farm: provide licensing requirements(Pappas)..... 505
Business Trust Act: adopt(Pappas, Weihing, Baack)..... 337
Appropriation bill 337A
Central filing system: require Secretary of State to compile lien list(Remmers)..... 640
Checkoff boards: require presentation of oral report to the Agriculture Committee(Moore, Schmit, Dierks, R. Johnson)..... 244
Chemigation: require training sessions with Cooperative Extension(Schmit)..... 445
Commodities: establish tax on stock, bond, and commodity commissions(Schmit)..... 563
Commodity Code: adopt(Haberman)..... 575
Appropriation bill 575A
Commodity testing: provide prior to sale or storage(Schmit)..... 325
Corporate ownership of farm or ranch land: restrict(Conway, Baack)..... 547
Curtis, School of Technical Agriculture: change provisions (Goodrich, Elmer)..... 656
Appropriation bill 656A
Daylight time: change provisions(Government Comm.)..... 774
Development and promotion of agriculture: establish program(R. Johnson, Moore, Morehead, Coordsen, Wesely)..... 561
Appropriation bill 561A
Development and strategy program for agriculture: create(Wesely, Landis, Morehead, Conway, Moore, R. Johnson, Chizek, Baack, Withem, Korshoj, Harris)..... 739
Drainage: change liability provisions(Rogers)..... 100
Dry Bean Resources Act: adopt(Weihing, Baack)..... 145
Appropriation bill 145A
Electrical disconnects, main: require installation(Schmit, R. Johnson, Lamb, Pappas, Rupp)..... 761
Environmental Response and Liability Act: adopt(R. Johnson)..... 706
Erosion and sediment control: change provisions(Lamb)..... 594
Ethanol Authority and Development: transfer duties to the Agricultural Revitalization Authority(Schmit)..... 458
Ethanol: change provisions relating to refunds and production plants(Schmit)..... 279
Excise tax: eliminate exemption for certain agricultural products(Schmit)..... 610
Farm Labor Contractors Act: adopt(Smith, Hall, Chambers, Pappas, Weihing, Nelson, R. Johnson)..... 344
Appropriation bill 344A

SUBJECT INDEX

	65 LB
Farm Mediation Act: adopt(Schmit, Rogers, Morehead, Chambers)	664
Appropriation bill	664A
Gasoline tax credit: change provisions(Revenue Comm.)	289
Grain Dealer Act: change provisions(Miller)	507
Grain sales: revisor bill to eliminate obsolete language (Exec. Bd., Marsh, Vice Chairperson)	14
Grain Warehouse Act: change provisions(R. Johnson)	164
Grasslands Protection Act: adopt(R. Johnson, Hefner, Scofield, Baack, Rogers, Elmer, Abboud)	124
High Technology and Food Processing Commission: create(Abboud)	141
Horse registration: change provisions for Nebraska-bred horses (V. Johnson)	421
Horseracing: adopt the Sports Wagering Act(Chambers)	757
Appropriation bill	757A
Horseracing: authorize expanded wagering(V. Johnson)	15CA
Horseracing: change parimutuel tax provisions(Schellpeper)	486
Horseracing: change provisions relating to parimutuel wagering taxation and capital improvement(V. Johnson)	467
Horseracing: change tax on parimutuel wagering(R. Johnson)	560
Horseracing: provide for wagering on simulcasts(Schmit)	708
Appropriation bill	708A
Implements, machinery, and repair parts: provide payment date if returned(Hefner)	510
Industry promotion: require agricultural boards to enter into contracts to coordinate industry promotion(Schmit)	755
Initiative 300: modify provisions relating to financial institutions(Baack, Conway)	10CA
Insurance policies: change cancellation and renewal provisions (Haberman)	498
Investment Finance Authority Act, Nebraska: change agricultural loan provisions(Schmit)	707
Land valuation: change method of computing(Scofield)	407
Land valuation: change provisions relating to agricultural and horticultural lands(Landis)	366
Liens, agricultural production input: provide(Rogers)	101
Appropriation bill	101A
Livestock Health Act, State: adopt(Dierks, Rogers, Schmit)	103
Milk Ordinance, Grade A Pasteurized: adopt provisions(Morehead)	68
Nongame and Endangered Species Conservation Act: change provisions relating to notice and public hearings(Miller)	150
Parimutuel wagering: change tax reporting provisions(Chambers)	671
Petroleum products lien foreclosures: change time limits(Rogers)	314
Potato Development Act and hog cholera: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)	20
Poultry: create a poultry development and assistance program (Moore, Wesely, Morehead, Baack)	737
Repair parts and materials: provide sales and use tax exemption (Haberman)	44
Revisor bill to eliminate a reference to the Nebraska Pesticides and Devices Act(Exec. Bd., Marsh, Vice Chairperson)	24
Revisor bill to harmonize provisions regarding agricultural experiment stations(Exec. Bd., Marsh, Vice Chairperson)	25
Sales and use tax: exempt certain farm machinery and equipment (Revenue Comm.)	293
Sales and use tax: exempt farm tractors and implements of husbandry(Haberman)	185
Appropriation bill	185A
State Fairgrounds, Nebraska: authorize improvements(Harris)	717
Tax exemption: exempt sales tax relating to farm machinery, equipment, and replacement parts(R. Johnson)	562
Tractor testing: modify provisions(L. Johnson, Warner, Moore)	684
Vehicles: change provisions relating to certain overweight vehicles which haul farm products(Haberman, Moore, Rogers)	756
Water use: establish fees(Schmit)	566

LB

Weed control: eliminate state participation(R. Johnson)..... 138
Workers' compensation: provide for farm and ranch laborers (Pappas)..... 341

FEDERAL INVESTMENT COMPANY ACT OF 1940
Fiduciaries: permit investment of funds in investment companies and investment trusts(Haberman)..... 576

FEDERAL LAWS
Comprehensive Environmental Response, Compensation and Liability Act:adopt the Environmental Response and Liability Act (R. Johnson)..... 706
Developmental and Disabilities Assistance and Bill of Rights Act: provide access to certain mental health records(Pirsch)..... 697
Income tax, Nebraska: change method for determining corporate and individual income taxes(Revenue Comm.)..... 294
Liability Risk Retention Act of 1986: create the Risk Retention Act for state regulation of groups formed under federal law (Landis, Warner)..... 514
National park property jurisdiction: change provisions(Morehead, Rupp)..... 233
Uniform Time Act of 1966: provide Nebraska compliance with federal daylight savings time changes(Government Comm.)..... 774

FEDERAL REGULATIONS
Milk Ordinance, Grade A Pasteurized: adopt provisions(Morehead).. 68

FEES AND PERMITS
Liquor licensing fees: change(Morehead)..... 219

FEES AND SALARIES
Agricultural products: eliminate excise tax exemption for certain products(Schmit)..... 610
Aquaculture: provide for registration with Game and Parks(Pappas) 155
Banking and Finance, Department of: change fee provisions relating to services(Remmers)..... 642
Beans, dry: pay fee of six cents per hundredweight for all dry beans grown in Nebraska to Dry Bean Resources Commission (Weihing, Baack)..... 145
Appropriation bill 145A
Brand Law, Nebraska: change provisions(Scofield, Dierks)..... 450
Business signs on state roads: require vendors to pay fee to Department of Roads to post and erect sign panels(Wesely, Landis, Morehead, Hefner, Moore, Nelson, Conway, Withem, Korshoj, Chizek, Harris)..... 741
Business Trust Act: adopt(Pappas, Weihing, Baack)..... 337
Appropriation bill 337A
City council candidates: change filing fee provisions(Withem).... 652
Clinical Laboratory Technology: establish licensing provisions (V. Johnson, Hall)..... 760
Controlled shooting areas: change fee(Hefner, Conway, Rupp)..... 206
Coroner: increase fee for juror(Rogers, Lamb)..... 313
Cosmetology Act, Nebraska: change provisions(Wesely, Peterson)... 543
Appropriation bill 543A
County courts: change provisions regarding manner of fee payments(Conway)..... 370
Driving record abstract: increase fee(Barrett, req. of Gov.)..... 767
Appropriation bill 767A
Environmental Control, Department of: allow the collection of fees and costs(Scofield)..... 501
Environmental Response and Liability Act: adopt(R. Johnson)..... 706
Equal pay for equal work: provide for certain wages(V. Johnson).. 731
Farm breweries: provide licensing requirements(Pappas)..... 505
Fiduciaries: authorize certain investments and investment fees(Haberman)..... 577

SUBJECT INDEX

	67 LB
Film vehicle temporary registration: provide(Landis, Morehead)...	75
Appropriation bill ...	75A
Franchise fees: change provisions regarding definition(McFarland)	62
Gambling: change provisions(V. Johnson)...	295
Appropriation bill ...	295A
Garnishment: change provisions(Rupp)...	242
Grain Warehouse Act: require fee based on warehouse capacity (R. Johnson)...	164
Handicapped and disabled parking spaces, permits and license plates: change provisions(Lynch, Hartnett)...	598
Appropriation bill ...	598A
Hazardous waste management facilities, commercial: require fee for administration costs relating to permit and notice of intent (Landis, Ashford, Lynch, Korshoj)...	114
Health care personnel: change licensure and fee provisions (Health and Human Services Comm.)...	473
Appropriation bill ...	473A
Highway construction: limit taxes(Hartnett)...	20CA
Home health care and nursing services: authorize political subdivisions and the Department of Health to provide(Wesely)...	389
Hunting, fishing, and fur harvesting permits: change provisions (Rupp)...	105
Ionizing Radiation Licensing Act: adopt(Smith, Lynch, Pappas, Rupp)...	534
Judges: increase salaries(Schmit)...	564
Appropriation bill ...	564A
Judges' salaries: appropriate funds for Supreme Court, district, county, and juvenile court judges(Barrett, req. of Gov.)...	769
Landfill surcharge fees: adopt the Solid Waste Management Act (Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)...	692
Law Enforcement Improvement Fund: raise fees for certain violations(Chizek, Korshoj)...	361
Legislative Senators' salaries: appropriate funds(Barrett, req. of Gov.)...	768
Lobbyist registration: increase for additional principals (Haberman)...	51
Lottery Act, Nebraska State: adopt(V. Johnson)...	724
Low-level Radioactive Waste Disposal Act: change provisions (Scofield, Hefner, Schellpeper, Korshoj, Peterson, L. Johnson, Weihing, Conway)...	426
Metabolic diseases: establish testing and registry (Health and Human Services Comm., Conway)...	385
Minimum wage rate: increase(V. Johnson)...	474
Mobile home park operators: change licensing and competency provisions(Landis)...	364
Motor vehicle registration fees: change provisions (Transportation Comm.)...	224
Motor vehicle registration: create the Highway Improvement Bond Fund from registration fees(Hartnett)...	632
Motor vehicle titles: change provisions(Hartnett)...	305
Appropriation bill ...	305A
Motor vehicle titles: eliminate fee for surviving owner(Smith)...	41
Motor vehicle: redefine for vehicle registration purposes(Landis, Morehead)...	75
Appropriation bill ...	75A
Municipal Gas Regulatory Act: adopt(Urban Affairs Comm.)...	687
Municipal sales tax: change administrative fee for tax collected by the state(Pappas, Wesely, Hartnett)...	447
Nursing home administrators: change licensing provisions(Wesely).	693
Appropriation bill ...	693A
Nutritionists: provide certification(Hall)...	557
Appropriation bill ...	557A
Overweight vehicles: change provisions relating to vehicles which haul farm products(Haberman, Moore, Rogers)...	756

	LB
Political campaign contributions and committees: change provisions(Withem, Barrett)	480
Private Security Services Act: adopt(Chambers)	677
Propane Safety Act: adopt(Schmit, Elmer)	723
Appropriation bill	723A
Public Docks Act: adopt(Hartnett)	621
Pupil transportation vehicle operator permits: change provisions(Hartnett)	348
Radiation Control Act: change provisions(Wesely)	390
Appropriation bill	390A
Register of deeds: provide requirements for instruments to be recorded(Withem)	477
Residential and Community Living Mental Health Services Incentive Act: adopt(Wesely)	321
Rural Health Manpower, Commission on: change provisions (Schellpeper)	485
Safe Drinking Water Act, Nebraska: change provisions (Health and Human Services Comm.)	383
Appropriation bill	383A
Service of process: change sheriffs fees(Warner, Nelson, Chizek)	223
Sheriffs: change certain fees(Chizek, Korshoj)	438
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)	475
Solid Waste Management Act: collect a fee from motor vehicle sales(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)	692
Sports Wagering Act: adopt(Chambers)	757
Appropriation bill	757A
State employees: prohibit wage withholding for political purposes(Hefner, Coordsen, Lamb, Elmer, Peterson)	528
State employees: provide salary increase(Barrett, req. of Gov.)	764
State officers' salaries: appropriate funds(Barrett, req. of Gov.)	769
Thrift institutions: allow acquisition of newly established banks and provide for fees for loan service costs(Conway, Pirsch, Hannibal, Goodrich, Abboud)	332
Tobacco Products Tax Act: adopt(Revenue Comm.)	730
Appropriation bill	730A
Vehicle Information and Registration System Act: adopt(Warner)	311
Warehouses: require license(R. Johnson)	291
Wastewater Treatment Operator Certification Act: provide fee for certification costs(Schmit)	533
Water use: establish fees(Schmit)	566
Well-servicing equipment: provide motor vehicle registration fee (Baack)	411
Witnesses: change provisions relating to witness fees(Pirsch, Warner)	554

FERTILIZERS (See also Environmental Control and Protection)

Agricultural production input liens: provide(Rogers)	101
Appropriation bill	101A
Environmental Response and Liability Act: adopt(R. Johnson)	706

FINANCIAL INSTITUTIONS (See also Banks and Banking, Commonwealth)

Agricultural cooperatives: authorize certified mail as notice in some agricultural cooperative transactions(Conway)	93
Agricultural production input liens: provide(Rogers)	101
Appropriation bill	101A
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)	352
Bad checks: increase county collection fee(Peterson)	254
Bank holding companies: change provisions(Harris)	681
Bank holding companies: change provisions(Schmit, Pappas)	240
Bank holding companies: modify provisions(Pappas, Haberman)	702
Banking and Finance, Department of: change fee provisions relating to services(Remmers)	642

SUBJECT INDEX

	69 LB
Bonds: change refunding provisions(Hartnett)	622
Branch banks: remove limitations(Pappas)	703
Brand Law, Nebraska: change provisions(Scofield, Dierks)	450
Building and loan associations: allow state-chartered associations to operate out-of-state(Hannibal)	662
Building and loan associations: equalize state and federal provisions(L. Johnson)	115
Building and Loan Associations: allow acquisition of newly established banks and provide loan service fees(Conway, Pirsch, Hannibal, Goodrich, Abboud)	332
Capital stock: prohibit banks from making loans secured by capital stock of the bank or its holding company(Remmers)	532
Commodity Code: adopt(Haberman)	575
Appropriation bill	575A
County officers: change provisions relating to bank deposits (Conway)	370
Demand deposit accounts: eliminate requirement relating to the deposit of public funds by school districts and municipalities (Withem)	109
Depositors of failed financial institutions: appropriate funds (McFarland, Harris, Wesely, Warner, Landis, Marsh)	297
Depository Institution Guaranty Corporation Act, Nebraska: eliminate(Harris, Warner, Marsh, Wesely, McFarland, Landis)	202
Electronic fund transfer systems: change provisions(Pappas)	615
Electronic fund transfers: change provisions relating to tax payments(V. Johnson)	523
Appropriation bill	523A
Enterprise Zone Demonstration Act: adopt(Harris)	749
Executive officers of banks: change personal lending practices (Banking Comm.)	453
Farm Mediation Act: adopt(Schmit, Rogers, Morehead, Chambers)	664
Appropriation bill	664A
Fiduciaries: authorize certain investments and investment fees(Haberman)	577
Fiduciaries: permit investment of funds in investment companies and investment trusts(Haberman)	576
Guaranty associations: provide for payment of claims against (Schmit, Pappas)	373
Holding companies: change provisions(Harris, Schmit, Morehead)	375
Holding companies: provide restriction(Banking Comm.)	454
Industrial loan and investment companies: change surety bond deductible amount requirements(Remmers)	559
Initiative 300: modify provisions relating to financial institutions(Baack, Conway)	10CA
Insolvency: change provisions relating to claims for deposit and exchange(Landis, Wesely, Marsh, Harris, McFarland, Warner)	113
Insolvent institutions: appropriate money to Commonwealth Savings Company receiver(Wesely, Marsh, Harris)	686
Insurance sold with loans: clarify limitations and expand types of insurance to be sold(Remmers)	306
Interest rate: change the maximum interest rate on credit cards and loans(Schmit, Warner, Lamb, Labedz)	735
Interstate banking: allow banks and bank holding companies to acquire banks in Nebraska(Schmit, Pappas)	240
Interstate banking: allow thrift institutions to acquire newly established banks(Conway, Pirsch, Hannibal, Goodrich, Abboud)	332
Interstate banking: change provisions(Harris, Schmit, Morehead)	375
Interstate banking: modify provisions relating to bank holding companies(Harris)	681
Interstate banking: modify provisions relating to bank holding companies(Pappas, Haberman)	702
Investment companies: allow banks to subscribe to, purchase, invest, and own shares of investment companies(Schmit, Moore)	237
Investment Finance Authority Act, Nebraska: change agricultural loan provisions(Schmit)	707

LB

Investments: allow banks to invest in Federal Home Association, Veterans Administration, and GNMA certificates and bonds (Schmit)..... 753
Postdated checks: provide for bank liability when paid early (Conway)..... 241
Public construction contracts: require letter of credit or cash as additional security on public construction contracts (Urban Affairs Comm.)..... 680
Public fund depositories: change provisions relating to the deposit of securities and "joint custody and pledge agreements" (L. Johnson, Hartnett, Weihing, Conway, Moore, Remmers, Peterson, Morehead, Rupp)..... 440
Public funds: provide for deposit in certain financial institutions(L. Johnson, Hannibal, Goodrich, Labedz)..... 488
Real estate broker trust accounts: change provisions(L. Johnson, Hannibal, Goodrich, Ashford, Hall, Labedz)..... 403
Refunding bonds: authorize districts to contract with bank or trust company for safekeeping and investment of proceeds (Hartnett)..... 623
Retirement: establish for police officers in cities of the second class(Rupp)..... 651
Revisor bill to correct an internal reference(Exec. Bd., Marsh, Vice Chairperson)..... 27
Revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 2
Sales and use tax: exempt certain farm, computer, and manufacturing equipment(Revenue Comm.)..... 293
Savings and Loan Associations: allow thrift institutions to acquire newly established banks(Conway, Pirsch, Hannibal, Goodrich, Abboud)..... 332
School districts: authorize loan agreements in certain circumstances(Lynch)..... 147
Securities Act, Nebraska: allow Director of Banking and Finance to impose fine for violations of(Haberman)..... 650
Securities Act, Nebraska: provide additional subpoena power (Haberman)..... 497
Securities stop orders: change provisions(Conway)..... 213
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
State-chartered banks or industrial loan and investment companies: change notice requirements relating to acquisition (Remmers)..... 531
Technical community colleges: authorize issuance of revenue bonds(Education Comm.)..... 329
Thrift institutions: allow acquisition of newly established banks and provide for fees for loan service costs(Conway, Pirsch, Hannibal, Goodrich, Abboud)..... 332
Tourism Development Act: adopt(Wesely, Landis, Morehead, Hefner, Moore, Nelson, Conway, Withem, Korshoj, Chizek, Harris)..... 741

FIRE

Building and fire code enforcement: provide(Marsh)..... 646
Emergency service providers: change immunity provisions(Hartnett) 620
Fire inspections: expand authority to conduct(Hartnett)..... 619
Fire protection districts: change provisions relating to contracts and state property within the district(Hartnett)..... 618
Fire protection districts: provide continued jurisdiction over annexed territory(Abboud)..... 515
Improvement Districts, Fire: authorize issuance of refunding bonds(Hartnett)..... 623
Improvement Districts, Fire: change bond refunding provisions (Hartnett)..... 622
Insurance companies: change retaliatory tax provisions(Rogers)... 302
Insurance companies: change tax rate(Hartnett)..... 303
Volunteer firefighters: change age requirement for group life insurance(Hartnett)..... 607

FIRE MARSHAL, STATE
Building and fire code enforcement: provide(Marsh)..... 646
Code violations: provide penalties(Withem)..... 481
Fire inspections: expand authority to conduct(Hartnett)..... 619
Insurance companies, fire: change tax rate(Hartnett)..... 303
Intermediate care facilities: change investigative duties (Health and Human Services Comm.)..... 459
Appropriation bill 459A
Propane Safety Act: adopt(Schmit, Elmer)..... 723
Appropriation bill 723A

FIREFIGHTERS
Emergency service providers: change immunity provisions(Hartnett) 620
Fire inspections: expand authority to conduct(Hartnett)..... 619
Fire protection districts: change provisions relating to contracts and state property within the district(Hartnett)..... 618
First class cities: create exception for levy to fund certain pension plans(L. Johnson, Hartnett, Remmers, Peterson, Rupp, Morehead, Weihing,)..... 441
Hazardous materials: adopt the Hazardous Materials Disclosure Act(V. Johnson)..... 516
Insurance: change age requirement for volunteer firefighter group life insurance(Hartnett)..... 607
Retirement: change Lincoln firefighter retirement plan benefit provisions(Harris, Landis, McFarland)..... 409
Retirement: change Lincoln firefighters retirement plan provisions(Harris, Landis, Warner, Marsh, McFarland)..... 408
Tort litigation: change provisions(Conway, Pirsch, Hefner)..... 425

FISH
Aquaculture: provide for registration and fee with Game and Parks(Pappas)..... 155
Ponds, private: provide for removal of fish(Hartnett)..... 629

FISHING (See Game and Parks)

FOOD
Candy and certain beverages: remove sales and use tax exemption(Revenue Comm.)..... 729
Cooking oil: require food retailers to post disclosures regarding type of oil and its cholesterol content(Pappas)..... 83
Donations: eliminate a labeling requirement and penalty(Wesely).. 544
High Technology and Food Processing Commission: create(Abboud)... 141
Nutritionists: provide certification(Hall)..... 557
Appropriation bill 557A
Sales and use tax exemption: eliminate(Pappas)..... 94

FORECLOSURE (See also Bankruptcy; Liens)
Insurance policy benefits: exempt from legal process(Landis)..... 335
Petroleum products liens: change time limit(Rogers)..... 314
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Tax sale certificates and deeds: change return dates and foreclosure provisions(Withem)..... 215

FOSTER CARE
Change provisions relating to investigation of household members (Health and Human Services Comm.)..... 386
Indian Child Welfare Act: authorize certified mail as notice relating to termination of parental rights(Conway)..... 93
Placement and removal from home: limit circumstances(Scofield, Higgins, Barrett, Marsh, Smith, Morehead, Warner, Hall, Moore).. 635
Review Board: change membership provisions(Landis, Barrett, Peterson, Beyer)..... 239

LB

FRANCHISE PRACTICES ACT
Definition of franchise: change provisions(McFarland)..... 63
Fees: change provisions regarding definition(McFarland)..... 62

FRANCHISES
Definition: change provisions(McFarland)..... 63
Fees: change provisions(McFarland)..... 62
Motor vehicle dealer: change provisions for termination of franchise agreements with manufacturer(Lamb)..... 327
Sales tax: expand state jurisdiction to include additional entities subject to sales tax collection(Hefner)..... 304
Appropriation bill 304A

FRAUD
Insurance claims: provide procedures, liability limitations, and a penalty(Barrett)..... 78
Insurance: provide civil immunity for reporting fraud against insurance companies(Lynch, Barrett)..... 399

FRAUDS, STATUTE OF
Third party rights: provide assertion(Lamb)..... 758

FUELS (See also Motor Vehicle Fuels, Ethanol, Petroleum Products)
Motor vehicle fuels taxes: change reporting provisions (V. Johnson)..... 523
Appropriation bill 523A
Oil overcharge funds: reappropriate unexpended balances for projects in LB 432 (1987)(Appropriations Comm.)..... 787
Special fuel user: redefine(Landis, Morehead)..... 75
Appropriation bill 75A
Synthetic fuel additives: require testing(Schmit, Hefner, Dierks, Korshoj)..... 401
Tax credit: change provisions(Revenue Comm.)..... 289
Taxes: limit for highway construction and repair(Hartnett)..... 20CA

FUNDS (See also Appropriations)
Agricultural College Endowment Fund: change fee provisions relating to funds managed by the State Investment Officer (Appropriations Comm.)..... 786
Amusement Ride Fund, Nebraska: create to administer the Nebraska Amusement Ride Act(Wesely)..... 226
Appropriation bill 226A
Animal Damage Control Cash Fund: create(Rogers, Moore, R. Johnson)..... 102
Appropriation bill 102A
Biennial budget: provide calculation relating to excess funds and receipts(Warner)..... 130
Bridge Fund, State Aid: change provisions(Revenue Comm.)..... 289
Capital construction: appropriate funds(Appropriations Comm.).... 781
Capital construction: appropriate funds(Barrett, req. of Gov.)... 770
Cash Reserve Fund: change provisions(Warner)..... 131
Charitable Gaming Operations: change provisions(V. Johnson)..... 295
Appropriation bill 295A
Chemurgy Fund: eliminate(Goodrich, Elmer)..... 656
Appropriation bill 656A
County Disaster Assistance Fund: create(Scofield)..... 391
Criminal Justice Assistance and Improvement Fund: create(Pirsch). 698
Deficiency appropriations for state government expenses: provide(Barrett, req. of Gov.)..... 763
Deficiency appropriations: authorize(Appropriations Comm.)..... 449
Demand deposit accounts: eliminate requirement relating to the deposit of public funds(Withem)..... 109
Depositors of failed financial institutions: appropriate funds (McFarland, Harris, Wesely, Warner, Landis, Marsh)..... 297

LB

Dry Bean Development, Utilization, Promotion and Education Fund: create(Weihing, Baack)..... 145
Appropriation bill 145A
Energy Settlement Fund, Nebraska: provide appropriations procedure for funds received from oil overcharge settlements (Warner, Moore, Scofield, Hannibal, Hartnett, L. Johnson, Marsh, Abboud, Wehrbein, Langford)..... 683
Environmental Control Cash Fund, Department of: require fee for costs relating to hazardous waste management facility permit (Landis, Ashford, Lynch, Korshoj)..... 114
Environmental Response and Liability Fund: adopt the Environmental Response and Liability Act(R. Johnson)..... 706
Ethanol Authority and Development Cash Fund: change provisions relating to the sale of oxygenated fuel(Schmit, Baack)..... 751
Ethanol Development Equity Fund: create(Schmit, Harris, Nelson, Miller, Pappas)..... 658
Ethanol Research and Development Fund: create(Schmit, Harris, Nelson, Miller, Pappas)..... 658
Farm Labor Contractors Fund: create for purposes of enforcing the Farm Labor Contractors Act(Smith, Hall, Chambers, Pappas, Weihing, Nelson, R. Johnson)..... 344
Appropriation bill 344A
Fire Insurance Tax: change provisions(Hartnett)..... 303
Fire Insurance Tax: change provisions(Rogers)..... 302
Game and Parks Commission: change provisions relating to use of NEBRASKALAND magazine revenue(Appropriations Comm.)..... 785
Government building roofs: establish construction requirements (Rogers)..... 315
Health Cash Fund, Department of: establish metabolic disease testing and registry(Health and Human Services Comm., Conway)..... 385
Higher Education Opportunity Fund: create(Moore)..... 609
Highway Cash Fund: change distribution provisions(Hartnett)..... 632
Highway Cash Fund: require commercial vendors to pay fee for erecting sign panels on state roads(Wesely, Landis, Morehead, Hefner, Moore, Nelson, Conway, Withem, Korshoj, Chizek, Harris). 741
Highway Improvement Bond Fund: create(Hartnett)..... 632
Highway Trust Fund: change provisions(Revenue Comm.)..... 289
Highway Trust Fund: change provisions for distribution of sales tax on motor vehicles(V. Johnson)..... 470
Highway Trust Fund: provide for the issuance of additional road construction bonds(Schmit, Hefner, Moore)..... 457
Highway Trust Fund: transfer funds to the State Patrol (V. Johnson, Hall)..... 230
Homestead Exemption Fund: authorize(Hartnett)..... 627
Illegal solicitation: eliminate provisions(Lynch)..... 512
Interstate Registration Operations Cash Fund: create(Hartnett)... 305
Appropriation bill 305A
Investment Officer's Cash Fund, State: change fee provisions relating to funds managed by the State Investment Officer (Appropriations Comm.)..... 786
Law Enforcement Improvement Fund: raise fees for certain violations(Chizek, Korshoj)..... 361
Legislative Senators' salaries: appropriate funds(Barrett, req. of Gov.)..... 768
Liquor Control Commission Cash Fund: change provisions(Morehead).. 219
Lottery Fund, State: create(V. Johnson)..... 724
Lottery Net Revenue Fund: create(V. Johnson)..... 724
Maternal and Child Health Fund: establish for high-risk pregnancies(Wesely, V. Johnson)..... 229
Appropriation bill 229A
Miscellaneous Services Revolving Fund: change provisions (V. Johnson)..... 523
Appropriation bill 523A

LB

Morrill Hall renovation: appropriate funds(Wesely, Remmers, Harris, Marsh, McFarland)..... 218
Appropriation bill 218A
Natural Resources Commission Cash Fund: revisor bill to change name of fund from Nebraska Soil and Water Conservation fund (Exec. Bd., Marsh, Vice Chairperson)..... 29
Nongame and Endangered Species Conservation Fund: change tax refund contribution provision(Barrett, req. of Gov.)..... 773
Appropriation bill 773A
Normal School Endowment Fund: change fee provisions relating to funds managed by the State Investment Officer (Appropriations Comm.)..... 786
Nutritionists: provide certification(Hall)..... 557
Appropriation bill 557A
Oil overcharge funds: reappropriate unexpended balances for projects in LB 432 (1987)(Appropriations Comm.)..... 787
Permanent School Fund: change investment fee provisions relating to funds managed by the State Investment Officer (Appropriations Comm.)..... 786
Permanent School Fund: change provisions relating to the Radiation Control Act(Wesely)..... 390
Appropriation bill 390A
Postsecondary Education, Nebraska Coordinating Commission for: provide matching funds(Warner, L. Johnson)..... 38
Private Security Cash Fund, Nebraska: create(Chambers)..... 677
Public Education Assistance Fund: create(Scofield)..... 634
Public power districts: authorize investment in insurance securities and other instruments of indebtedness(Schellpeper).... 246
Radiation Long-term Care Cash Fund, Department of Health: change provisions relating to the Radiation Control Act(Wesely).. 390
Appropriation bill 390A
Radiation Site Closure and Reclamation Cash Fund, Department of Health: change Radiation Control Act provisions(Wesely)..... 390
Appropriation bill 390A
Safe Drinking Water Act, Nebraska: change provisions (Health and Human Services Comm.)..... 383
Appropriation bill 383A
School Employers Deposit Fund: change provisions(Haberman)..... 578
Appropriation bill 578A
School Foundation and Equalization Fund: change provisions (Withem, Chizek)..... 283
School Foundation and Equalization Fund: change provisions(Baack, Scofield, Lamb)..... 644
School Foundation and Equalization Fund: decrease property tax levy for equalization aid eligibility(Rogers, Lamb)..... 434
School Weatherization Fund: change provision relating to oil and gas severance tax(Hartnett)..... 627
School Weatherization Fund: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 18
Schools: change provisions relating to apportionment and distribution(Pappas)..... 85
Schools: provide for twice monthly distribution in certain counties(Nelson, Smith, Weihing)..... 169
Securities Act Cash Fund: provide penalties for violations of the Nebraska Securities Act and credit to Fund(Haberman)..... 650
Soil and Water Conservation Fund, Nebraska: revisor bill to rename fund as the Natural Resources Commission Cash Fund (Exec. Bd., Marsh, Vice Chairperson)..... 29
Solid Waste Management Fund: create(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
State Assistance to the Medically Indigent: create(Wesely)..... 500
State Assistance: change provisions relating to county payment and contractual provisions for medical assistance to the poor (V. Johnson)..... 466

State Building Fund: authorize appropriation for ETV tower at Bassett(Warner, Marsh, Moore, Hannibal, Langford, Scofield, Rogers, Lamb, Dierks, L. Johnson, Wehrbein)..... 245
State employee salaries: increase salaries by three percent for certain employees(Appropriations Comm.)..... 782
Appropriation bill 782A
State Fire Marshal Cash Fund: adopt the Propane Safety Act (Schmit, Elmer)..... 723
Appropriation bill 723A
State fund expenditures: require legislative appropriation (Warner)..... 184
State government expenses: appropriate funds(Barrett, req. of Gov.)..... 762
State government expenses: appropriate funds (Appropriations Comm.)..... 780
State officers' salaries: appropriate funds(Barrett, req. of Gov.)..... 769
State Patrol Road Operations Cash Fund, Nebraska: transfer funds from the Highway Trust Fund(V. Johnson, Hall)..... 230
State Recreation Road Fund: provide road improvement for the Nebraska State Fairgrounds(Schellpeper)..... 704
Supplemental appropriations: provide for state government expenses and capital construction(Appropriations Comm.)..... 784
Tax Administration Cash Fund: create(Scofield)..... 633
Tax Commissioner Revolving Fund: change provisions relating to motor vehicle titles(Hartnett)..... 305
Appropriation bill 305A
Tax Refund: create the County Disaster Assistance Fund(Scofield). 391
Telephone Service Fund, Nebraska: provide telephone service credit for low-income elderly persons(Pappas, Labedz)..... 654
Tobacco Products Administration Cash Fund: adopt the Tobacco Products Tax Act(Revenue Comm.)..... 730
Appropriation bill 730A
Tobacco: provide for tax on sale and distribution(Nelson, Remmers)..... 143
Track Distribution Fund: change provisions relating to parimutuel wagering and capital improvements(V. Johnson)..... 467
Track Distribution Fund: change tax on parimutuel wagering (R. Johnson)..... 560
Treasurer's Cash Fund: change investment fee provisions relating to funds managed by the State Investment Officer (Appropriations Comm.)..... 786
University Endowment Fund: change fee provisions relating to funds managed by the State Investment Officer (Appropriations Comm.)..... 786
Uranium Severance Contingency Fund: create(Scofield)..... 633
Vehicle Information and Registration System Cash Fund: create (Warner)..... 311
Victim's Compensation Fund: provide for deposit of inmates' wages(Chambers)..... 353
Visitors' Development Act: authorize capital construction if tourism-oriented(Pappas)..... 340
Wage Assurance Fund: create to provide salary payment procedure for employees of insolvent companies(Lynch)..... 349
Wage claims: appropriate funds for wage claims approved by the State Claims Board(Business and Labor Comm.)..... 776
Wastewater Treatment Facilities Construction Loan Fund: create(Barrett, req. of Gov.)..... 766
Wastewater Treatment Operator Certification Cash Fund: create (Schmit)..... 533
Water Maintenance Fund, Nebraska: establish water use fees (Schmit)..... 566
Women and Infant Care: establish for high-risk pregnancies (Wesely, V. Johnson)..... 229
Appropriation bill 229A

LB

FUNERAL DIRECTORS AND FUNERALS
Embalmers, student: change licensing provisions (Health and Human Services Comm.) ... 473
Appropriation bill ... 473A
Licenses: change provisions relating to licensure of funeral directors and funeral establishments (Health and Human Services Comm.) ... 473
Appropriation bill ... 473A

GAMBLING (See also Bingo, Lotteries, Pickle cards, Video Slot Machines)
Animals: prohibit the pitting of one against another(Wesely, Barrett, McFarland, Marsh, Lynch) ... 170
Bingo taxation: change provisions(V. Johnson) ... 464
Bingo: change limitations on bingo occasions(Hall) ... 378
Change provisions(V. Johnson) ... 295
Appropriation bill ... 295A
Horseracing: authorize expanded wagering(V. Johnson) ... 15CA
Horseracing: change provisions relating to parimutuel wagering taxation and capital improvement(V. Johnson) ... 467
Horseracing: change tax on parimutuel wagering(R. Johnson) ... 560
Horseracing: provide for wagering on simulcasts(Schmit) ... 708
Appropriation bill ... 708A
Lottery Act, Nebraska State: adopt(V. Johnson) ... 724
Parimutuel tax: change provisions(Schellpeper) ... 486
Parimutuel wagering: change tax reporting provisions(Chambers) ... 671
Sports Wagering Act: adopt(Chambers) ... 757
Appropriation bill ... 757A
Tax: provide for certain bookmaking and gambling devices(Schmit, Hartnett, Conway) ... 701

GAME AND FISH (See Game and Parks)

GAME AND PARKS
All-terrain vehicles: regulate operation and equipping of (Barrett) ... 80
Aquaculturists: provide for registration and fee(Pappas) ... 155
Controlled shooting areas: change provisions(Hefner, Conway, Rupp) ... 206
Deer permits: allow holders to hunt other wild animals(Lamb) ... 171
Falconry and captive propagation: change provisions(Pappas) ... 154
Fish: provide for removal from private ponds(Hartnett) ... 629
Fur producing animals: exempt certain species from captivity prohibitions(Rupp, Hefner, Haberman, Dierks, Abboud) ... 379
Governor: authorize administration of Game and Parks(Peterson, Pappas, Beyer, Remmers, R. Johnson, Lamb) ... 645
Hunting and shooting: change provisions(Lynch) ... 597
Hunting and trapping: prohibit on certain highway locations (Warner, Coordsen) ... 286
Interlocal Cooperation Act: authorize the creation of regional park authorities(Lamb) ... 415
Liability: change provisions regarding persons who charge for entrance to land(Scofield) ... 405
NEBRASKALAND magazine: allow the use of subscription and advertising revenue for general interest articles (Appropriations Comm.) ... 785
Nongame and Endangered Species Conservation Act: change provisions relating to notice and public hearings(Miller) ... 150
Permits and fees related to hunting, fishing, and fur harvesting: change provisions(Rupp) ... 105
State Fairgrounds: provide road improvement(Schellpeper) ... 704
State park motor vehicle entry permits: exempt payment by persons over 70(McFarland) ... 159

GAME AND PARKS COMMISSION
Fish: provide for removal from private ponds(Hartnett)..... 629
Governor: authorize administration of Game and Parks(Peterson, Pappas, Beyer, Remmers, R. Johnson, Lamb)..... 645
NEBRASKALAND magazine: allow the use of subscription and advertising revenue for general interest articles (Appropriations Comm.)..... 785

GARBAGE
Adopt the Solid Waste Management Act(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
Disposal sites: require assessment and classification of solid waste disposal sites(R. Johnson)..... 639
Appropriation bill 639A
Removal: provide for weed and debris removal by certain political subdivisions(Conway, Baack)..... 752

GARNISHMENT
Child support: change provisions(Judiciary Comm.)..... 570
Insurance policy benefits: exempt from legal process(Landis)..... 335

GASOHOL (See Ethanol, Motor Vehicle Fuels)

GASOLINE (See Motor Vehicle Fuels)

GOVERNOR
Appropriate funds(Appropriations Comm.)..... 780
Appropriate funds for state government expenses(Barrett, req. of Gov.)..... 762
Capital construction: appropriate funds(Barrett, req. of Gov.)... 770
Corporations: change income tax calculations(Barrett, req. of Gov.)..... 772
Appropriation bill 772A
Deficiency appropriations for state government expenses: provide(Barrett, req. of Gov.)..... 763
Driving record abstract: increase fee(Barrett, req. of Gov.)..... 767
Appropriation bill 767A
Dry Bean Resources Commission: appoint certain members(Weihing, Baack)..... 145
Appropriation bill 145A
Education Commission of the States: change membership provisions (Education Comm.)..... 199
Education, Department of: place under control of the Governor (Remmers, Morehead, Scofield, Baack, Moore, Dierks, Weihing, Pappas, V. Johnson)..... 19CA
Employment and Investment Growth Act: adopt(Barrett, req. of Gov.)..... 775
Appropriation bill 775A
Game and Parks: authorize administration by the Governor (Peterson, Pappas, Beyer, Remmers, R. Johnson, Lamb)..... 645
Income tax: change provisions(Barrett, req. of Gov.)..... 773
Appropriation bill 773A
Intergovernmental Data Communications Act: adopt(Warner, Scofield)..... 312
Appropriation bill 312A
Legislative Senators' salaries: appropriate funds(Barrett, req. of Gov.)..... 768
Liquor control: transfer duties of the Nebraska Liquor Control Commission to the Department of Revenue(Barrett, req. of Gov.)... 771
Nonresident tuition payments: change provisions relating to school districts(Barrett, req. of Gov.)..... 765
Salary of Governor: appropriate funds(Barrett, req. of Gov.)..... 769
State employees: provide salary increase(Barrett, req. of Gov.).. 764

LB

State officers' salaries: appropriate funds(Barrett, req. of Gov.)..... 769
Unitary businesses: change income tax calculation(Barrett, req. of Gov.)..... 772
Appropriation bill 772A
Vehicle Information and Registration System Act: adopt(Warner)... 311
Wastewater Treatment Facilities Construction Assistance Act: create(Barrett, req. of Gov.)..... 766

GRAIN
Commodity testing: provide prior to sale or storage(Schmit)..... 325
Excise tax: eliminate exemption for certain agricultural products(Schmit)..... 610
Grain Dealer Act: change provisions(Miller)..... 507
Grain Warehouse Act: change provisions(R. Johnson)..... 164
Overweight vehicles: change provisions relating to vehicles which haul farm products(Haberman, Moore, Rogers)..... 756
Sales: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 14

GRAIN DEALER ACT
Change provisions(Miller)..... 507

GRAIN WAREHOUSE ACT
Adopt(R. Johnson)..... 164

GRASSLANDS PROTECTION ACT
Adopt(R. Johnson, Hefner, Scofield, Baack, Rogers, Elmer, Abboud). 124

GROUND WATER (See also Natural Resources, Water)
Permit to withdraw: change provisions(Moore)..... 140
Safe Drinking Water Act, Nebraska: change provisions (Health and Human Services Comm.)..... 383
Appropriation bill 383A
Sale and transfer of water rights: require study and provide criteria for permits(Schmit, Pappas, Moore)..... 146
Appropriation bill 146A
Sale and transfer: provide(Schmit, Pappas, Labedz)..... 151
Surface water rights: provide excuse for nonuse relating to inadequate water supply(Elmer, Langford, Abboud)..... 356
Use: establish fees(Schmit)..... 566
Well-servicing equipment: provide motor vehicle registration fee (Baack)..... 411

GUARDIAN AND WARD
Nonsupport, criminal: change provisions(Withem)..... 590
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475

HANDICAPPED PERSONS (See also Disabled Persons)
Adult Protective Services Act: adopt(Wesely, Smith, Marsh)..... 463
Blind persons: transfer rehabilitation services administration to the Division of Rehabilitation Services(V. Johnson)..... 527
Commitment and release: provide a review hearing under the Mental Health Commitment Act(Wesely)..... 499
Hearing impaired persons: provide interpreters for certain proceedings(Hall, Remmers, Rogers, Moore, Korshoj, Coordsen, Nelson, Chizek, Schellpeper, Higgins, Peterson, Weihing, Morehead)..... 376
Appropriation bill 376A
Hearing Impaired, Commission for the: change membership provisions(Wesely)..... 388
Homestead exemption: change provisions relating to disabled persons(Schmit)..... 754
Individual Long-Term Care Account Act: adopt(Lynch)..... 714

Intermediate care facilities: change provisions relating to the mentally retarded(Morehead)..... 259
Mental health and retardation regions: create additional (Goodrich)..... 195
Mental health records: provide access to certain records of the developmentally disabled and the mentally ill(Pirsch)..... 697
Mental health service providers: limit liability(Scofield)..... 406
Mental retardation: provide powers and duties for mental retardation regions and the director(Goodrich)..... 668
Mentally ill and dangerous persons: restrict jailing prior to commitment(Wesely)..... 257
Mentally incompetent persons: change death penalty provisions and provisions regarding unprofessional conduct(Wesely, Chambers) 750
Mentally retarded: allow persons to receive community-based services(Miller, Morehead, Lynch)..... 556
Nebraska Commission for Special Education: provide date of dissolution(Remmers, Hall)..... 142
Parking spaces, permits and license plates: change provisions (Lynch, Hartnett)..... 598
Appropriation bill 598A
Public assistance: change requirements(Wesely)..... 255
Special Education Act: adopt federal definitions for handicapping conditions(Baack)..... 367
Special education programs: change age restriction(Baack)..... 166
Special education: change reimbursement provisions(Baack)..... 413
Special education: require minimum caseloads for programs (Hartnett)..... 624
Surrogate parents: authorize appointment by school district (Baack)..... 165
Vending facilities: change provisions relating to contracts and licensing of blind vendors(Wesely)..... 322
Veterans, disabled: change provisions relating to the homestead exemption(Revenue Comm.)..... 288
Appropriation bill 288A

HAZARDOUS WASTE

Adopt the Hazardous Materials Disclosure Act(V. Johnson)..... 516
Environmental Control, Department of: allow the collection of fees and costs(Scofield)..... 501
Environmental Protection Act: increase penalty for violations (Schmit)..... 565
Environmental Response and Liability Act: adopt(R. Johnson)..... 706
Low-level Radioactive Waste Disposal Act: change provisions (Scofield, Hefner, Schellpeper, Korshoj, Peterson, L. Johnson, Weihing, Conway)..... 426
Management facilities, commercial: provide procedures and guidelines for establishment of hazardous waste facilities (Landis, Ashford, Lynch, Korshoj)..... 114
Petroleum Products and Hazardous Substances Storage and Handling Act: change provisions regarding the definition of tank (Landis)..... 365
Radiation Control Act: change provisions(Wesely)..... 390
Appropriation bill 390A
Radioactive waste: authorize withdrawal from the Central Interstate Low-level Radioactive Waste Compact(Scofield, Hefner, Schellpeper, Korshoj, Peterson, Weihing, L. Johnson,)..... 427
Railroad transport: provide for inspection(Pappas)..... 153
Railroads: require cabooses on trains carrying hazardous substances(Pappas)..... 339
Railroads: require flagperson with trains carrying hazardous materials(Pappas)..... 193
Revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 4

HEALTH CARE

Adopt the Nebraska Health Care Information Act(Wesely)..... 256

LB

Adult Protective Services Act: adopt(Wesely, Smith, Marsh)..... 463
Ambulance attendant, certified: clarify definition to include emergency medical technician-ambulance(Peterson, Scofield, Barrett, Hefner, Hartnett)..... 442
Ambulance technicians, medical emergency: change certification requirements and limit liability(Rogers)..... 460
Board of Examiners: change licensure and membership provisions (Health and Human Services Comm.)..... 473
Appropriation bill 473A
Certificate of Need Act, Nebraska Health Care: eliminate(Pappas)..... 173
Change provisions relating to the Nebraska Health Care Certificate of Need Act(Wesely)..... 410
Chemically Impaired Professional Act: adopt(Wesely)..... 691
Clinical Laboratory Technology: establish licensing provisions (V. Johnson, Hall)..... 760
Community Public Health Services Act: adopt (Health and Human Services Comm.)..... 506
Appropriation bill 506A
Comprehensive Health Insurance Pool Act: modify provisions (Wesely, Lynch)..... 319
Comprehensive Health Insurance Pool: change board membership provisions(Lynch)..... 495
Drug education courses: provide criteria(Schmit, Remmers, Wehrbein)..... 402
Emergency service providers: change immunity provisions(Hartnett) 620
Felons, convicted: prohibit placement in nursing or veterans' homes as a condition of probation(Higgins, Rupp, Nelson, Hall, Korshoj, Peterson, Smith, Labedz, Chizek, Rogers, Conway, Ashford)..... 333
Health maintenance organizations: repeal provisions relating to open enrollment(Wesely)..... 203
Hospital districts: require publication of financial statements(Pappas)..... 282
Individual Long-Term Care Account Act: adopt(Lynch)..... 714
Insurance: provide requirements for long-term care policies (Withem)..... 416
Insurance: require insurance companies to pay for diagnostic examinations for persons with a genetic predisposition to cancer (V. Johnson)..... 727
Insurance: require notifying insured of the right to select health care providers(Peterson)..... 266
Intermediate care facilities: change provisions relating to licensure categories and nursing requirements (Health and Human Services Comm.)..... 459
Appropriation bill 459A
Liability: change provisions for actions against health care providers(Conway, Pirsch, Hefner)..... 425
Maternal and child care: authorize Department of Health to conduct WIC and CSFP Programs(Lynch)..... 643
Medical assistance: authorize reservation of assets by a spouse when determining eligibility for assistance(Withem, Lynch, Chizek)..... 419
Appropriation bill 419A
Medical assistance: authorize spousal reservation of income for determining medical assistance eligibility(Withem, Lynch)..... 418
Metabolic diseases: establish testing and registry (Health and Human Services Comm., Conway)..... 385
Nursing and home health care services: authorize political subdivisions and the Department of Health to provide(Wesely)..... 389
Nursing home administrators: change licensing provisions(Wesely). 693
Appropriation bill 693A
Nursing Home Advisory Council: change membership provisions (Wesely)..... 694

LB

Nursing home inspections: require semi-annual and unannounced inspections(Withem)..... 250
Nursing homes: redefine care staff member and nursing assistant(Withem)..... 248
Nursing homes: require disclosure of ownership(Withem)..... 249
State Assistance for the Medically Indigent Act: adopt(Wesely)... 500
Swing-bed hospitals: provide certification(Smith, Higgins)..... 699

HEALTH CARE CERTIFICATE OF NEED ACT, NEBRASKA
Change provisions(Wesely)..... 410
Eliminate(Pappas)..... 173
Nursing and home health care services: authorize political subdivisions and the Department of Health to provide(Wesely)..... 389

HEALTH CARE FACILITIES (See Hospitals, Nursing Homes)

HEALTH CARE INFORMATION ACT, NEBRASKA
Adopt(Wesely)..... 256

HEALTH MAINTENANCE ORGANIZATION ACT
Open enrollment: repeal provisions(Wesely)..... 203

HEALTH, DEPARTMENT OF
Adolescent Pregnancy Prevention and Services Program: adopt (V. Johnson)..... 517
Appropriation bill 517A
Adoption: require medical histories(Conway)..... 372
Appropriation bill 372A
Adult Protective Services Act: adopt(Wesely, Smith, Marsh)..... 463
Ambulance attendant, certified: clarify definition to include emergency medical technician-ambulance(Peterson, Scofield, Barrett, Hefner, Hartnett)..... 442
Biotinidase deficiency: prescribe screening of infants(Conway)... 91
Chemically Impaired Professional Act: adopt(Wesely)..... 691
Clinical Laboratory Technology: establish licensing provisions (V. Johnson, Hall)..... 760
Community Public Health Services Act: adopt (Health and Human Services Comm.)..... 506
Appropriation bill 506A
Cosmetology Act, Nebraska: change provisions(Wesely, Peterson)... 543
Appropriation bill 543A
Dental assistants: provide delegation of duties(V. Johnson, Marsh)..... 552
Health Care Certificate of Need Act, Nebraska: change provisions (Wesely)..... 410
High-risk pregnancy support program: establish(Wesely, V. Johnson)..... 229
Appropriation bill 229A
Home health care and nursing services: provide(Wesely)..... 389
Hospital districts: require publication of financial statements (Pappas)..... 282
Hospital, rehabilitation and nursing home care staff member: redefine to require training in oxygen administration(Scofield).. 190
Immunization: provide reports regarding immunization of children (Health and Human Services Comm.)..... 472
Indigent persons: require reporting of services rendered by hospitals(Wesely)..... 126
Intermediate care facilities for the mentally retarded: change provisions(Morehead)..... 259
Intermediate care facilities: change provisions relating to licensure categories and nursing requirements (Health and Human Services Comm.)..... 459
Appropriation bill 459A
Ionizing Radiation Licensing Act: adopt(Smith, Lynch, Pappas, Rupp)..... 534

LB

Licenses: change provisions for licensed health care personnel(Health and Human Services Comm.)..... 473
Appropriation bill 473A
Mail Service Prescription Drug Act: create(Lynch)..... 350
Appropriation bill 350A
Maternal and child care: authorize Department of Health to conduct WIC and CSFP Programs(Lynch)..... 643
Metabolic diseases: establish testing and registry (Health and Human Services Comm., Conway)..... 385
Mobile home park operators: change licensing and competency provisions(Landis)..... 364
Nebraska Parentage Act and Nebraska Adoption Act: create(Barrett, Scofield, Chizek, Conway, Schmit)..... 719
Nursing home administrators: change licensing provisions(Wesely). 693
Appropriation bill 693A
Nursing home inspections: require semi-annual and unannounced inspections(Withem)..... 250
Nursing homes: require disclosure of ownership(Withem)..... 249
Organ and tissue donations: provide number of donors for statistical purposes(Nelson, Hannibal, Ashford)..... 74
Radiation Control Act: change provisions(Wesely)..... 390
Appropriation bill 390A
Regulation of Health Professions Act, Nebraska: extend termination date(Health and Human Services Comm.)..... 384
Appropriation bill 384A
Rural Health Manpower, Commission on: change provisions (Schellpeper)..... 485
Safe Drinking Water Act, Nebraska: change provisions (Health and Human Services Comm.)..... 383
Appropriation bill 383A
State Employee Wellness Act: adopt(Wesely)..... 387
Swing-bed hospitals: provide certification(Smith, Higgins)..... 699
Vital Statistics, Bureau of: adopt the Missing Children Identification Act(Lynch, Hartnett)..... 599
X-ray equipment: establish training & operating requirements (Baack)..... 653

HEALTH, STATE BOARD OF

Uniform Licensing Law: change provisions relating to licensure of health care personnel(Health and Human Services Comm.)..... 473
Appropriation bill 473A

HEARING AIDS

Dispensers and fitters of hearing aids: change Board of Examiner and licensing provisions(Health and Human Services Comm.)..... 473
Appropriation bill 473A

HIGHWAY BOND ACT, NEBRASKA

Funds: change disposition of funds received(Hartnett)..... 632
Road construction: provide for the issuance of additional bonds(Schmit, Hefner, Moore)..... 457

HIGHWAYS (See also Bridges, Roads)

Alcohol: prohibit open containers in motor vehicles(Moore)..... 346
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Bonds: provide for the issuance of additional bonds for road construction(Schmit, Hefner, Moore)..... 457
Construction and repair: limit certain taxes(Hartnett)..... 20CA
County construction contracts: change letting provisions(Lynch).. 429
County contracts: authorize persons awarded to furnish bond or deposit(Miller, Langford)..... 211
Create the Highway Improvement Bond Fund(Hartnett)..... 632
Driving while intoxicated and implied consent: change provisions (Hall)..... 377

LB

Driving while intoxicated: permit detention of certain offenders (Weihing)..... 690
Driving while intoxicated: provide for impounding and revocation of drivers licenses and permits(Chizek, Pirsch, Korshoj)..... 268
Employment driving permits: provide for certain DWI convictions (Labedz, Hall)..... 689
Fifth wheel connection devices: restrict repositioning if loaded (Warner)..... 39
Funds, Highway Trust and State Aid Bridge: change provisions (Revenue Comm.)..... 289
Government and public utility employees: provide exemption for rules of the road(Warner)..... 133
Heavy motor vehicles: adopt the Weight-distance Tax Act (V. Johnson, Hall)..... 732
Hunting and shooting: change provisions(Lynch)..... 597
Hunting and trapping: prohibit on certain highway locations (Warner, Coordsen)..... 286
Improvement Districts, Road: change bond refunding provisions (Hartnett)..... 622
Liquor: expand implied consent-driving while under the influence provisions to include mind-altering chemicals(Abboud)..... 404
Mail box placement and support: change provisions(Peterson)..... 299
Motor vehicle turn and brake signals: change provisions(Ashford). 216
Motor vehicles: provide for seizure and detention at weigh stations(Beyer)..... 307
Motorcyclists: require helmet protection(Lynch)..... 428
Overweight vehicles: change provisions relating to vehicles which haul farm products(Haberman, Moore, Rogers)..... 756
Pedestrian-control traffic signals: change provisions(Miller).... 135
Property transfers between adjoining school districts: allow where transfer would provide less travel for school children (Dierks)..... 61
Registration and approval requirements of motor vehicles: change provisions(Transportation Comm.)..... 224
Road Improvement Districts: authorize issuance of refunding bonds(Hartnett)..... 623
School buses: permit passing of parked school buses in certain cases(Hartnett, Beyer)..... 347
Speed limits: raise certain highway and interstate limits(Hall, Chambers, Pappas)..... 430
State Fairgrounds: provide road improvement(Schellpeper)..... 704
State Highway Commission: provide for an additional member and district(Elmer)..... 161
Tires and windshields: change provisions relating to minimum requirements for highway use(Beyer)..... 504
Tourism Development Act: adopt and change provisions relating to informational and business signs on state roads(Wesely, Landis, Morehead, Hefner, Moore, Nelson, Conway, Withem, Korshoj, Chizek, Harris)..... 741
Tourism events: require posting of signs to promote(Pappas)..... 84
Vehicle Inspection Act: adopt(Beyer)..... 503
Weight restrictions for tandem and dummy axles: provide(Warner).. 132

HISTORICAL SOCIETY, NEBRASKA STATE

Unmarked Human Burial and Skeletal Remains Protection Act: adopt (Pappas)..... 612

HOMESTEAD EXEMPTIONS (See also Revenue and Taxation)

Change provisions(Revenue Comm.)..... 288
Appropriation bill 288A
Change provisions relating to eligibility, applications, hearings and reductions(By Hall and Warner amendments)..... 376A
Create the Homestead Exemption Fund(Hartnett)..... 627

LB
Disabled persons: change provisions(Schmit)..... 754

HOMICIDE
Death penalty: eliminate; and limit parole and discharge (Chambers)..... 675

HORSERACING
Parimutuel tax: change provisions(R. Johnson)..... 560
Parimutuel tax: change provisions(Schellpeper)..... 486
Parimutuel wagering: change provisions relating to taxation and capital improvement(V. Johnson)..... 467
Parimutuel wagering: change tax reporting provisions(Chambers)... 671
Registration: change provisions for Nebraska-bred horses (V. Johnson)..... 421
Simulcasts: provide for wagering(Schmit)..... 708
Appropriation bill 708A
Wagering: authorize expanded wagering(V. Johnson)..... 15CA

HORTICULTURE
Land valuation: change provisions relating to agricultural and horticultural lands(Landis)..... 366
Nurseries: provide tax for certain landscaping and sod sales (Warner)..... 287
Sales and use tax: exempt certain farm, computer, and manufacturing equipment(Revenue Comm.)..... 293
Valuation of land: change method of computing(Scofield)..... 407

HOSPITAL-MEDICAL LIABILITY ACT, NEBRASKA
Commission on Medical Qualifications: change provisions (Health and Human Services Comm.)..... 473
Appropriation bill 473A

HOSPITALS
Care staff member: redefine to require training in oxygen administration(Scofield)..... 190
District board officers: prohibit from having an interest in certain contracts(Barrett)..... 134
Districts: require publication of financial statements(Pappas)... 282
Indigent persons: require reporting of services rendered by hospitals(Wesely)..... 126
Individual Long-Term Care Account Act: adopt(Lynch)..... 714
Intermediate care facilities for the mentally retarded: change provisions(Morehead)..... 259
Intermediate care facilities: change provisions relating to licensure categories and nursing requirements (Health and Human Services Comm.)..... 459
Appropriation bill 459A
Licenses: change provisions for licensed health care personnel(Health and Human Services Comm.)..... 473
Appropriation bill 473A
Metabolic diseases: establish testing and registry (Health and Human Services Comm., Conway)..... 385
Nursing Home Advisory Council: change membership provisions (Wesely)..... 694
Nursing homes: require disclosure of ownership(Withem)..... 249
Organ and tissue donations: provide duties and an exemption from liability(Nelson, Hannibal, Ashford)..... 74
Rights of the Terminally Ill Act: create(Landis, Morehead, Marsh) 88
Swing-bed hospitals: provide certification(Smith, Higgins)..... 699

HOTELS
Minimum wage: increase(V. Johnson)..... 474

HOUSING
Cooperative Development Act of 1987: adopt(Moore, Landis, Wesely, Hefner, Morehead, Withem, Conway, Chizek)..... 742

HOUSING AUTHORITY LAW, NEBRASKA
Tenancy termination: change provisions(Higgins)..... 368

HUNTERS AND HUNTING
Change hunting and shooting provisions(Lynch)..... 597
Controlled shooting areas: change provisions(Hefner, Conway, Rupp)..... 206
Deer permits: allow holders to hunt other wild animals(Lamb)..... 171
Highway hunting and trapping of fur-bearing animals: prohibit on certain locations(Warner, Coordsen)..... 286
Permits: change provisions relating to hunting, fishing, fur harvesting(Rupp)..... 105

HUSBAND AND WIFE
Adoption: authorize agreements for information exchanges between biological and adoptive parents(Conway)..... 301
Adoption: require medical histories(Conway)..... 372
Appropriation bill 372A
Child and spousal support payments: change provisions(Hartnett, Withem)..... 525
Child support: apply statutory interest charges to permanent and temporary child support payments that are delinquent (Judiciary Comm.)..... 569
Child support: change jurisdiction provisions(Withem)..... 589
Child support: change provisions(Judiciary Comm.)..... 570
Child support: transfer child support enforcement attorneys from Attorney General to Department of Social Services (Judiciary Comm.)..... 573
Children and child support: reinstate omitted language(Exec. Bd., Labedz, Chairperson)..... 37
Criminal nonsupport: change provisions(Withem)..... 590
Divorce: revisor bill harmonizing provisions(Exec. Bd., Labedz, Chairperson)..... 33
Income tax: change provisions(Barrett, req. of Gov.)..... 773
Appropriation bill 773A
Marital Property Act, Nebraska: adopt(Pappas)..... 172
Medical assistance: authorize reservation of assets by a spouse when determining eligibility for assistance(Withem, Lynch, Chizek)..... 419
Appropriation bill 419A
Medical assistance: authorize spousal reservation of income for determining medical assistance eligibility(Withem, Lynch)..... 418
Nebraska Parentage Act and Nebraska Adoption Act: create(Barrett, Scofield, Chizek, Conway, Schmit)..... 719
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Surrogate parenthood: declare contracts void(Chambers)..... 674

IMMUNIZATION
Children: provide reports regarding immunization of children (Health and Human Services Comm.)..... 472

IMPROVEMENTS (See Municipal Improvements)

INCOME TAX (See Sales and Income Tax, Revenue and Taxation)

INDIAN AFFAIRS, COMMISSION ON
Unmarked Human Burial and Skeletal Remains Protection Act: adopt (Pappas)..... 612

INDIAN CHILD WELFARE ACT, NEBRASKA
Adoption Act, Nebraska: provide that in case of conflicts the Nebraska Indian Child Welfare Act applies(Barrett, Scofield, Chizek, Conway, Schmit)..... 719

LB

INDIANS (See also Native Americans)
Indian Child Welfare Act: authorize certified mail as notice relating to termination of parental rights(Conway)..... 93
Reservations: require consent to adopt the Enterprise Zone Demonstration Act(Harris)..... 749
Unmarked Human Burial and Skeletal Remains Protection Act: adopt (Pappas)..... 612

INDIVIDUAL LONG-TERM CARE ACCOUNT ACT
Adopt(Lynch)..... 714

INDUSTRIAL LOAN AND INVESTMENT COMPANIES
Acquisition: change notice requirements(Remmers)..... 531
Bank holding companies: provide restriction(Banking Comm.)..... 454
Electronic fund transfer systems: change provisions(Pappas)..... 615
Surety bonds: change deductible amount requirements(Remmers)..... 559

INDUSTRIAL RELATIONS ACT
Commission of Industrial Relations: change provisions relating to actions heard by the Commission(Ashford)..... 718

INDUSTRIAL RELATIONS, COMMISSION OF
Actions heard by the Commission: change provisions(Ashford)..... 718
Change provisions relating to findings and orders(Hefner)..... 711
Nebraska Professional Teachers' Negotiations Act: repeal and provide Commission jurisdiction in some school districts (Ashford)..... 524
State employees: adopt the State Employees Collective Bargaining Act(Barrett, Warner, Hall, Labedz, Landis, Hefner, Hannibal, Scofield, McFarland, Wesely, L. Johnson, Marsh)..... 661
Appropriation bill 661A

INFANTS
Adolescent Pregnancy Prevention and Services Program: adopt (V. Johnson)..... 517
Appropriation bill 517A
Adoption: authorize agreements for information exchanges between biological and adoptive parents(Conway)..... 301
Adoption: require medical histories(Conway)..... 372
Appropriation bill 372A
Aid to Dependent Children recipients: require job training and job search programs(Abboud, Schmit)..... 328
Aid to Dependent Children: increase(Pappas)..... 542
Aid to Dependent Children: increase(V. Johnson)..... 518
Appropriation bill 518A
Aid to Dependent Children: increase monthly assistance(Chambers). 669
Alcohol, possession of: provide for dismissal of charges if purchaser's identity is reported(Haberman)..... 48
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Biotinidase deficiency: prescribe screening of infants(Conway)... 91
Child care centers and foster care: change provisions (Health and Human Services Comm.)..... 386
Child support payments: change provisions(Hartnett, Withem)..... 525
Child support: apply statutory interest charges to permanent and temporary child support payments that are delinquent (Judiciary Comm.)..... 569
Child support: change jurisdiction provisions(Withem)..... 589
Child support: change provisions(Judiciary Comm.)..... 570
Child support: transfer child support enforcement attorneys from Attorney General to Department of Social Services (Judiciary Comm.)..... 573
Driving privileges of juveniles: authorize suspension if convicted of an alcohol or drug related offense(Withem)..... 207

LB

Family policy: adopt for government service providers(Scofield, Landis, Wesely, Marsh, Hall, Morehead, Higgins, Moore, Smith, Barrett, Warner, Withem, Pirsch)..... 637
Foster care placement/removal from home: limit circumstances (Scofield, Higgins, Barrett, Marsh, Smith, Morehead, Warner, Hall, Moore)..... 635
Foster Care Review Board: change membership provisions(Landis, Barrett, Peterson, Beyer)..... 239
Gifted students: establish the Unicameral Scholars Institute(McFarland)..... 158
Appropriation bill 158A
Immunization: provide reports regarding immunization of children (Health and Human Services Comm.)..... 472
Individual Long-Term Care Account Act: adopt(Lynch)..... 714
Juvenile court judges: increase number in certain areas(Abboud, Ashford)..... 162
Labor: revisor bill to eliminate obsolete language(Exec. Bd., Labedz, Chairperson)..... 35
Maternal and child care: authorize Department of Health to conduct WIC and CSFP Programs(Lynch)..... 643
Medical or psychological treatment: require parental payments (Scofield, Landis, Marsh, Withem, Morehead, Moore, Hall, Smith, Barrett, Warner, Higgins,)..... 638
Appropriation bill 638A
Metabolic diseases: establish testing and registry (Health and Human Services Comm., Conway)..... 385
Missing Children Identification Act: adopt(Lynch, Hartnett)..... 599
Nebraska Juvenile Code: change provisions relating to temporary detention and custody(Scofield, Moore, Marsh, Smith, Morehead, Warner, Hall, Barrett)..... 636
Nebraska Parentage Act and Nebraska Adoption Act: create(Barrett, Scofield, Chizek, Conway, Schmit)..... 719
Nonsupport, criminal: change provisions(Withem)..... 590
Obscene and harmful materials: limit access(Schmit, Moore)..... 181
Offenders, juvenile: limit placement and commitment(Chambers)..... 355
Revisor bill to reinstate omitted language regarding child support(Exec. Bd., Labedz, Chairperson)..... 37
School age requirements: change kindergarten and first grade provisions(Hefner)..... 424
School Improvement Act: adopt(Lynch)..... 596
Sexual assault: include in the definition of victim for criminal procedure purposes(Pirsch)..... 119
Shoplifting: change provisions(Pirsch, Ashford)..... 536
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Special Education Act: adopt federal definitions for handicapping conditions(Baack)..... 367
Special education programs: change age restriction(Baack)..... 166
Special education: change reimbursement provisions(Baack)..... 413
Special education: require minimum caseloads for programs (Hartnett)..... 624
Surrogate parenthood: declare contracts void(Chambers)..... 674
Surrogate parents for handicapped children: authorize appointment under certain conditions(Baack)..... 165
Tobacco use or purchase: increase penalty(Haberman)..... 54
Tobacco use, purchase, and sale: repeal prohibitive provisions (Haberman)..... 53
Videotape depositions: authorize in certain cases(Scofield, Hartnett, Smith, Rupp, Harris, Withem, Baack, Pappas, Barrett, Conway, McFarland, Higgins, Morehead, Pirsch)..... 90

INHERITANCE TAX (See also Revenue and Taxation)
Deductions: change a provision(Miller)..... 125

INITIATIVE 300 (See also Agriculture)
Business Trust Act: adopt(Pappas, Weihing, Baack)..... 337
Appropriation bill 337A

	LB
Constitutional amendment to modify provisions relating to financial institutions(Baack, Conway)	10CA
INSPECTIONS	
Boiler Inspection Act: adopt(Business and Labor Comm.)	462
Appropriation bill	462A
INSURANCE	
Annuities and life insurance contracts: exempt from legal process(Landis)	335
Annuity contracts: exempt from taxation(Hannibal)	584
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)	352
Change tax rate on fire insurance companies(Hartnett)	303
Comprehensive Health Insurance Pool Act: modify provisions (Wesely, Lynch)	319
Comprehensive Health Insurance Pool: change board membership provisions(Lynch)	495
Corporate directors: authorize purchase of liability insurance (Ashford)	137
Diagnostic examinations: require insurers to pay for persons who have a genetic predisposition to cancer(V. Johnson)	727
Firefighters, volunteer: change age requirement for group life insurance(Hartnett)	607
Foreign and domestic societies: authorize notice by certified mail in certain cases(Conway)	93
Fraud: provide civil immunity for reporting fraud against companies(Lynch, Barrett)	399
Fraudulent claim investigations: provide procedures, limitation of liability, and a penalty(Barrett)	78
Guaranty associations: provide for payment of claims against (Schmit, Pappas)	373
Health care providers: require notifying insured of the right to select(Peterson)	266
Health maintenance organizations: repeal provisions relating to open enrollment(Wesely)	203
Hospital-Medical Liability Act: change provisions relating to board members(Health and Human Services Comm.)	473
Appropriation bill	473A
Individual Long-Term Care Account Act: adopt(Lynch)	714
Insurance sold with loans: clarify limitations and expand types of insurance to be sold(Remmers)	306
Intergovernmental Risk Management Act: adopt(Landis, Remmers, Haberman, Pappas, Lynch, Wehrbein)	398
Investments: authorize and increase a limit on insurance company investments(Conway, Ashford)	712
Judges: provide for disability insurance(Haberman)	56
Juveniles: require insurance payments in certain juvenile treatment cases(Scofield, Landis, Marsh, Withem, Morehead, Moore, Hall, Smith, Barrett, Warner, Higgins,)	638
Appropriation bill	638A
Legal expense insurance: eliminate(V. Johnson)	728
Liability settlements or releases: prohibit in certain cases (Pappas)	191
Long-term care: provide policy requirements(Withem)	416
Motor vehicles: authorize liability coverage by foreign insurance carriers in certain cases(Haberman, Barrett)	330
Motor vehicles: increase financial responsibility requirements (Pappas)	174
Nonprofit sports programs: provide immunity from liability (Ashford, Nelson, Baack, Hannibal)	222
Not-for-profit organization directors, officers: restrict liability(Morehead, Ashford)	67
Officers: permit certain loans by domestic insurance company officers(Lynch)	713

Optional continuation: provide for certain persons(Labedz, Morehead, Pappas, Elmer)..... 580
Policies: change cancellation and renewal provisions(Haberman)... 498
Property and Liability Insurance Guaranty Association Act, Nebraska: change provisions(Goodrich, Remmers, Schmit, Conway).. 700
Public power districts: authorize investment in insurance securities and other instruments of indebtedness(Schellpeper).... 246
Reports: require filing by insurance companies before they can do business in the state(Coordsen, Pappas, Higgins)..... 397
Retirement: establish for police officers in cities of the second class(Rupp)..... 651
Revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 17
Rights of the Terminally Ill Act: prohibits impairment of life and annuity insurance contracts(Landis, Morehead, Marsh)..... 88
Risk Retention Act: adopt(Landis, Warner)..... 514
Sales and use tax: exempt certain farm, computer, and manufacturing equipment(Revenue Comm.)..... 293
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
State employee health insurance: change state contribution (Appropriations Comm.)..... 783
Appropriation bill 783A
State employees health plan: allow retired state employees to continue(Morehead, Harris)..... 220
State employees, retired: change optional health insurance coverage(Pappas)..... 260
State employees: change life and health insurance age limitation and enrollment provisions(Landis)..... 491
Appropriation bill 491A
State employees: change provisions for deferring annuities from the State Employees Retirement Plan(Nelson)..... 308
Tax rates: provide computation of additions to tax rates relating to out of state taxes(V. Johnson)..... 734
Tax, premium and retaliatory: change provisions(Rogers)..... 302
Technical community colleges: allow purchase and indemnification of liability insurance(Lynch)..... 285
Tort litigation: change provisions(Conway, Pirsch, Hefner)..... 425

INSURANCE, DEPARTMENT OF

Fire insurance companies: change tax rate(Hartnett)..... 303
Fraud: provide civil immunity for reporting fraud against companies(Lynch, Barrett)..... 399
Intergovernmental Risk Management Act: adopt(Landis, Remmers, Haberman, Pappas, Lynch, Wehrbein)..... 398
Investments: authorize and increase a limit on insurance company investments(Conway, Ashford)..... 712
Long-term care policies: provide requirements(Withem)..... 416
Motor vehicles: increase financial responsibility requirements for insurance(Pappas)..... 174
Property and Liability Insurance Guaranty Association Act, Nebraska: change provisions(Goodrich, Remmers, Schmit, Conway).. 700
Reports: require filing by insurance companies before they can do business in the state(Coordsen, Pappas, Higgins)..... 397
Risk Retention Act: adopt(Landis, Warner)..... 514
Tax rates: provide computation of additions to tax rates relating to out of state taxes(V. Johnson)..... 734
Tax, premium and retaliatory: change provisions(Rogers)..... 302

INTEREST

Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Cash Reserve Fund: change a provision relating to the accrual of interest(Warner)..... 131
Child support: apply statutory interest charges to permanent and temporary child support payments that are delinquent (Judiciary Comm.)..... 569

LB

Credit cards and loans: change the maximum interest rate(Schmit, Warner, Lamb, Labedz)..... 735
Delinquent tax payments: reduce interest rate on payments owed to the State or political subdivisions(Goodrich)..... 196
Delinquent taxes and assessments: change interest rate(Langford). 437
Delinquent taxes: change provisions(Hefner)..... 423
Farm machinery, implements, and repair parts: provide payment date if returned(Hefner)..... 510
Special assessments: change provisions(Hefner)..... 423
State agencies: require payment of interest to creditors(Pappas, Hefner)..... 81

INTERGOVERNMENTAL DATA COMMUNICATIONS ACT
Adopt(Warner, Scofield)..... 312
Appropriation bill 312A

INTERGOVERNMENTAL RISK MANAGEMENT ACT
Adopt(Landis, Remmers, Haberman, Pappas, Lynch, Wehrbein)..... 398

INTERLOCAL COOPERATION ACT
Regional park authorities: create(Lamb)..... 415

INTERNAL REVENUE SERVICE
Income tax, Nebraska: change method for determining corporate and individual income taxes(Revenue Comm.)..... 294

INTERSTATE COMPACTS
Central Interstate Low-level Radioactive Waste Compact: change provisions of the Low-level Radioactive Waste Disposal Act (Scofield, Hefner, Schellpeper, Korshoj, Peterson, L. Johnson, Weihing, Conway)..... 426
Central Interstate Low-level Radioactive Waste: authorize withdrawal if Nebraska is host state facility designee(Scofield, Hefner, Schellpeper, Korshoj, Peterson, Weihing, L. Johnson,)... 427
Lower Niobrara River and Ponca Creek: repeal(Schmit)..... 568

INTOXICATION (See also Alcoholic Beverages, Liquors)
Alcohol: prohibit open containers in motor vehicles(Moore)..... 346
Chemically Impaired Professional Act: adopt(Wesely)..... 691
Drivers licenses: require assessment of points for probationers (Barrett)..... 79
Driving while intoxicated and implied consent: change provisions (Hall)..... 377
Driving while intoxicated: permit detention of certain offenders (Weihing)..... 690
Driving while intoxicated: provide for impounding and revocation of drivers licenses and permits(Chizek, Pirsch, Korshoj)..... 268
Driving while under the influence: expand implied consent provisions to include mind-altering chemicals(Abboud)..... 404
Employment driving permits: provide for certain DWI convictions (Labedz, Hall)..... 689

INVESTMENT COUNCIL, NEBRASKA
State Investment Officer: change provisions relating to management fee charges against certain funds (Appropriations Comm.)..... 786

INVESTMENT FINANCE AUTHORITY ACT, NEBRASKA
Change agricultural loan provisions(Schmit)..... 707
Revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 23

INVESTMENT OFFICER, STATE
Fees: change provisions relating to funds managed by the State Investment Officer(Appropriations Comm.)..... 786

INVESTMENTS
Capital Companies Tax Credit Act: adopt(Abboud)..... 247
Employment and Investment Growth Act: adopt(Barrett, req. of Gov.)..... 775
Appropriation bill 775A
Fiduciaries: authorize certain investments and investment fees(Haberman)..... 577
Fiduciaries: permit investment of funds in investment companies and investment trusts(Haberman)..... 576
Income tax: change provisions(Barrett, req. of Gov.)..... 773
Appropriation bill 773A
Insurance companies: authorize and increase the limit on investments by insurance companies(Conway, Ashford)..... 712
Insurance securities or other instruments of indebtedness: authorize investment by public power districts(Schellpeper)..... 246
Investment companies: allow banks to subscribe to, purchase, invest, and own shares of investment companies(Schmit, Moore).... 237
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Surcharge: impose on noninsured financial investments(Schmit).... 448
Tax credit: increase income tax credit under the Employment Expansion and Investment Incentive Act(Chizek, Ashford, Korshoj, Hefner, Abboud)..... 270
Appropriation bill 270A
Venture Capital Company Act: adopt to provide a tax credit for certain investments(Wesely, Chizek, Conway, Nelson, Withem, Morehead, Harris)..... 746
Venture Capital Network Act: adopt(Abboud, Ashford, Morehead).... 163
Appropriation bill 163A

IONIZING RADIATION LICENSING ACT
Adopt(Smith, Lynch, Pappas, Rupp)..... 534

IRRIGATION (See also Drainage)
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Boundary changes, spacing requirement protection, and license holders: authorize certified mail as notice(Conway)..... 93
Chemigation: require training sessions with Cooperative Extension(Schmit)..... 445
Compact, Lower Niobrara River and Ponca Creek: repeal(Schmit).... 568
Drainage districts: change provisions relating to board elections(Hall)..... 541
Drainage: change liability provisions(Rogers)..... 100
Ground water: provide for the sale and transfer(Schmit, Pappas, Labedz)..... 151
Interlocal Cooperation Act: authorize the creation of regional park authorities(Lamb)..... 415
Liability: change provisions relating to irrigation districts (Weihing)..... 579
River basin commission appointments: repeal obsolete statute (Schmit)..... 567
Surface water rights: provide excuse for nonuse relating to inadequate water supply(Elmer, Langford, Abboud)..... 356
Temporary injunctions: revisor bill to harmonize provisions (Exec. Bd., Labedz, Chairperson)..... 33
Water district subdivisions, districts, and appropriations: change provisions(Moore)..... 140
Water use, appropriations, and transfers: change provisions (Schmit, Pappas, Moore)..... 146
Appropriation bill 146A
Water use: establish fees(Schmit)..... 566
Well-servicing equipment: provide motor vehicle registration fee (Baack)..... 411

LB

JAILS
Criminal detention facilities: change standards(Chizek, Pirsch, Lynch, Conway)..... 271
Mentally ill and dangerous persons: restrict jailing prior to commitment(Wesely)..... 257

JUDGES
County judicial districts: change composition(Hefner, Conway, Korshoj)..... 509
County: change judicial district composition(Langford)..... 484
Disability insurance: provide(Haberman)..... 56
Juvenile court judges: increase number in certain areas(Abboud, Ashford)..... 162
Peace bonds: eliminate provisions relating to waiver of uncollectible court costs and sentencing authority (Judiciary Comm.)..... 665
Retirement benefits: provide cost-of-living adjustment(Haberman). 57
Retirement: change age and benefits(Goodrich)..... 194
Retirement: increase monthly benefit provisions(Haberman)..... 58
Rules of procedure, pretrial procedures, joinder and certain pleadings, motions, and orders: change provisions(McFarland).... 64
Salaries: appropriate funds for Supreme Court, district, county, and juvenile court judges(Barrett, req. of Gov.)..... 769
Salaries: increase(Schmit)..... 564
Appropriation bill 564A
Supreme Court: eliminate biennial rule revision(Judiciary Comm.). 571

JUDGMENTS
Frivolous actions: provide for attorney fees and costs(Haberman, Conway, McFarland, Ashford, Pappas, Abboud)..... 261
Garnishment: change provisions(Rupp)..... 242
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
State agency rules: provide for petition for a declaratory judgment in certain affected geographic areas(Scofield)..... 189
Tort Claims Act, State: reference provisions relating to claims against the state(Barrett)..... 252

JURORS AND JURY DUTY
Coroner: increase fee for juror(Rogers, Lamb)..... 313
Grand jury petitions: require printed names(Withem)..... 478
Grand jury: require coroner's examination and grand jury for certain police-related deaths(Chambers)..... 676
Licensed driver lists: change provisions for jury selection (Withem)..... 111

JUVENILE COURT
Foster care placement: require court to make conclusions of law and findings of fact relating to preventative efforts (Scofield, Higgins, Barrett, Marsh, Smith, Morehead, Warner, Hall, Moore)..... 635
Increase number in certain areas(Abboud, Ashford)..... 162
Judges: increase salaries(Schmit)..... 564
Appropriation bill 564A
Judges' salaries: appropriate funds(Barrett, req. of Gov.)..... 769
Nebraska Juvenile Code: change provisions relating to temporary detention and custody(Scofield, Moore, Marsh, Smith, Morehead, Warner, Hall, Barrett)..... 636
Offenders: limit placement and commitment of juveniles(Chambers). 355
Parental payments: require for certain juvenile treatment expenses(Scofield, Landis, Marsh, Withem, Morehead, Moore, Hall, Smith, Barrett, Warner, Higgins,)..... 638
Appropriation bill 638A

JUVENILES (See Children, Infants, Minors)
Adolescent Pregnancy Prevention and Services Program: adopt (V. Johnson)..... 517
Appropriation bill 517A

Adoption: authorize agreements for information exchanges between biological and adoptive parents(Conway)..... 301
Adoption: require medical histories(Conway)..... 372
Appropriation bill 372A
Aid to Dependent Children recipients: require job training and job search programs(Abboud, Schmit)..... 328
Aid to Dependent Children: increase(Pappas)..... 542
Aid to Dependent Children: increase(V. Johnson)..... 518
Appropriation bill 518A
Aid to Dependent Children: increase monthly assistance(Chambers). 669
Alcohol, possession of: provide for dismissal of charges if purchaser's identity is reported(Haberman)..... 48
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Biotinidase deficiency: prescribe screening of infants(Conway)... 91
Child care centers and foster care: change provisions (Health and Human Services Comm.)..... 386
Child support payments: change provisions(Hartnett, Withem)..... 525
Child support: apply statutory interest charges to permanent and temporary child support payments that are delinquent (Judiciary Comm.)..... 569
Child support: change jurisdiction provisions(Withem)..... 589
Child support: change provisions(Judiciary Comm.)..... 570
Child support: transfer child support enforcement attorneys from Attorney General to Department of Social Services (Judiciary Comm.)..... 573
Court judges: increase number in certain areas(Abboud, Ashford).. 162
Driving privileges: authorize suspension if convicted of an alcohol or drug related offense(Withem)..... 207
Family policy: adopt for government service providers(Scofield, Landis, Wesely, Marsh, Hall, Morehead, Higgins, Moore, Smith, Barrett, Warner, Withem, Pirsch)..... 637
Foster care placement/removal from home: limit circumstances (Scofield, Higgins, Barrett, Marsh, Smith, Morehead, Warner, Hall, Moore)..... 635
Foster Care Review Board: change membership provisions(Landis, Barrett, Peterson, Beyer)..... 239
Gifted students: establish the Unicameral Scholars Institute(McFarland)..... 158
Appropriation bill 158A
Immunization: provide reports regarding immunization of children (Health and Human Services Comm.)..... 472
Individual Long-Term Care Account Act: adopt(Lynch)..... 714
Labor: revisor bill to eliminate obsolete language(Exec. Bd., Labedz, Chairperson)..... 35
Maternal and child care: authorize Department of Health to conduct WIC and CSFP Programs(Lynch)..... 643
Medical or psychological treatment: require parental payments when court-ordered(Scofield, Landis, Marsh, Withem, Morehead, Moore, Hall, Smith, Barrett, Warner, Higgins,)..... 638
Appropriation bill 638A
Metabolic diseases: establish testing and registry (Health and Human Services Comm., Conway)..... 385
Missing Children Identification Act: adopt(Lynch, Hartnett)..... 599
Nebraska Juvenile Code: change provisions relating to temporary detention and custody(Scofield, Moore, Marsh, Smith, Morehead, Warner, Hall, Barrett)..... 636
Nebraska Parentage Act and Nebraska Adoption Act: create(Barrett, Scofield, Chizek, Conway, Schmit)..... 719
Nonsupport, criminal: change provisions(Withem)..... 590
Obscene and harmful materials: limit access(Schmit, Moore)..... 181
Offenders, juvenile: limit placement and commitment(Chambers).... 355
Revisor bill to reinstate omitted language regarding child support(Exec. Bd., Labedz, Chairperson)..... 37

LB

School age requirements: change kindergarten and first grade provisions(Hefner)..... 424
School Improvement Act: adopt(Lynch)..... 596
Sexual assault: include in the definition of victim for criminal procedure purposes(Pirsch)..... 119
Shoplifting: change provisions(Pirsch, Ashford)..... 536
Special Education Act: adopt federal definitions for handicapping conditions(Baack)..... 367
Special education programs: change age restriction(Baack)..... 166
Special education: change reimbursement provisions(Baack)..... 413
Special education: require minimum caseloads for programs (Hartnett)..... 624
Surrogate parenthood: declare contracts void(Chambers)..... 674
Surrogate parents for handicapped children: authorize appointment under certain conditions(Baack)..... 165
Tobacco use or purchase: increase penalty(Haberman)..... 54
Tobacco use, purchase, and sale: repeal prohibitive provisions (Haberman)..... 53
Videotape depositions: authorize in certain cases(Scofield, Hartnett, Smith, Rupp, Harris, Withem, Baack, Pappas, Barrett, Conway, McFarland, Higgins, Morehead, Pirsch)..... 90

LABOR

Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Architects, engineers, and land surveyors: restrict liability (Nelson, Hannibal, Chizek, L. Johnson, Elmer, Pirsch, Conway, Hefner, Korshoj)..... 492
Boiler Inspection Act: adopt(Business and Labor Comm.)..... 462
Appropriation bill 462A
Commission of Industrial Relations: change provisions relating to findings and orders by the Commission(Hefner)..... 711
Commission Salesperson Payment Act: adopt(Conway)..... 92
Drug and alcohol testing: prohibit employment penalties if amount of alcohol is below a specified amount(Scofield)..... 502
Drug and alcohol testing: provide requirements(Lynch, Ashford)... 582
Elevators: revisor bill to harmonize provisions and rename as the Nebraska Elevator Code(Exec. Bd., Labedz, Chairperson)..... 36
Employment Security Act: change provisions relating to leasing and purchasing of motor vehicles(Landis, Hall, Labedz)..... 720
Employment security: adjust federally funded extended benefits (Business and Labor Comm.)..... 461
Employment security: change eligibility provisions relating to unemployment benefits(Business and Labor Comm.)..... 469
Equal pay for equal work: provide for certain wages(V. Johnson).. 731
Farm Labor Contractors Act: adopt(Smith, Hall, Chambers, Pappas, Weihing, Nelson, R. Johnson)..... 344
Appropriation bill 344A
Head Start employees: disqualify from employment security provisions(Hefner, Barrett, Peterson)..... 179
Industrial Relations, Commission of: change provisions relating to actions heard before the Commission(Ashford)..... 718
Inmates: provide workers' compensation in some cases(Chambers)... 353
Insolvent companies: provide salary payment procedure for employees(Lynch)..... 349
Intergovernmental Risk Management Act: adopt(Landis, Remmers, Haberman, Pappas, Lynch, Wehrbein)..... 398
Job protection insurance: allow sale by loan companies(Remmers).. 306
Job training: provide to compliment Department of Economic Development programs(Wesely, Landis, Morehead, Hefner, Chizek, Withem, Conway, Korshoj, Harris)..... 744
Labor, Department of: repeal provision prohibiting employees of the employment security division from holding political office (Wesely, Hall, Morehead)..... 272

LB
Minimum wage: increase(V. Johnson)..... 474
Police bargaining units: change membership provisions(Wesely, Chizek, Ashford, Pappas)..... 519
Revisor bill to eliminate obsolete language(Exec. Bd., Labedz, Chairperson)..... 35
State employee salaries: increase salaries by three percent for certain employees(Appropriations Comm.)..... 782
Appropriation bill 782A
State employees: adopt the State Employees Collective Bargaining Act(Barrett, Warner, Hall, Labedz, Landis, Hefner, Hannibal, Scofield, McFarland, Wesely, L. Johnson, Marsh)..... 661
Appropriation bill 661A
State employees: prohibit wage withholding for political purposes(Hefner, Coordsen, Lamb, Elmer, Peterson)..... 528
State employees: provide salary increase(Barrett, req. of Gov.).. 764
State government: change provisions for disclosure of information relating to wrongdoing or waste(Landis, Wesely)..... 89
Teachers: repeal provisions relating to the Nebraska Professional Teachers' Negotiations Act(Ashford)..... 524
Unemployment benefits: change provisions relating to students under the Employment Security Law(Landis, Hall, Labedz). 276
Unemployment benefits: change provisions under the Employment Security Law relating to prorated remuneration(Landis, Coordsen, Hall, Labedz)..... 274
Unemployment benefits: eliminate a provision relating to witness immunity under the Employment Security Law(Landis, Hall, Labedz). 277
Unemployment benefits: provide a schedule of fees for services (Landis, Hall, Labedz)..... 278
Unemployment benefits: provide for reinstatement of employer's experience account under the Employment Security Law(Landis, Coordsen, Hall, Labedz)..... 275
Unemployment: adopt the Enterprise Zone Demonstration Act(Harris) 749
Unemployment: change eligibility and weekly benefit provisions (Labedz)..... 433
Unemployment: change eligibility requirements(Hefner, Korshoj, Coordsen)..... 605
Unemployment: change employer's contribution rate(Hefner)..... 290
Unemployment: change weekly amount and computation of employment security benefits(Labedz)..... 446
Uniform Arbitration Act: adopt(Landis, McFarland, Ashford, Withem)..... 71
Veterans: provide employment preference for veterans and spouses (Conway, Beyer, Hefner)..... 696
Workers' Compensation: authorize notice of injury to employer by certified mail(Conway)..... 93
Workers' Compensation: change provisions relating to medical opinions and work-hardening(Goodrich, Hefner)..... 548
Workers' Compensation: establish fee schedule for medical services(Barrett)..... 187
Appropriation bill 187A
Workers' compensation: increase weekly income benefit(Hall)..... 292
Appropriation bill 292A
Workers' compensation: provide for farm and ranch laborers (Pappas)..... 341
Workers' compensation: provide maximum and minimum weekly benefits(Hall)..... 660

LABOR, COMMISSIONER OF

Amusement Ride Act, Nebraska: adopt and provide rules and regulations(Wesely)..... 226
Appropriation bill 226A

LABOR, DEPARTMENT OF

Amusement Ride Act, Nebraska: adopt and provide rules and regulations(Wesely)..... 226
Appropriation bill 226A

	LB
Boiler Inspection Act: adopt(Business and Labor Comm.)	462
Appropriation bill	462A
Employment security benefits: change weekly amount and computation(Labedz)	446
Employment Security Division employees: repeal provision prohibiting employees from holding political office(Wesely, Hall, Morehead)	272
Farm Labor Contractors Act: adopt(Smith, Hall, Chambers, Pappas, Weihing, Nelson, R. Johnson)	344
Appropriation bill	344A
Hazardous Materials Disclosure Act: adopt(V. Johnson)	516
Job training: provide to compliment Department of Economic Development programs(Wesely, Landis, Morehead, Hefner, Chizek, Withem, Conway, Korshoj, Harris)	744
Unemployment benefits: change provisions relating to students under the Employment Security Law(Landis, Hall, Labedz).	276
Unemployment benefits: change provisions under the Employment Security Law relating to prorated remuneration(Landis, Coordsen, Hall, Labedz)	274
Unemployment benefits: eliminate a provision relating to witness immunity under the Employment Security Law(Landis, Hall, Labedz).	277
Unemployment benefits: provide a schedule of fees for services (Landis, Hall, Labedz)	278
Unemployment benefits: provide for reinstatement of employer's experience account under the Employment Security Law(Landis, Coordsen, Hall, Labedz)	275
Wage Assurance Fund: create to provide salary payment procedure for employees of insolvent companies(Lynch)	349

LAND (See Public Lands, Buildings, and Funds; Real Estate)

LAW

Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)	352
Campaign contributions and committees: change provisions(Withem, Barrett)	480
Daylight time, standard: change provisions(Government Comm.)	774
Educational service units: change provisions relating to board membership conflict of interest(Education Comm., Miller, Conway, Smith)	688
Appropriation bill	688A
Elections: prohibit use of yard signs in campaigns(Pappas)	342
Hospital district boards: prohibit officers from having an interest in certain contracts(Barrett)	134
Labor, Department of: repeal provision prohibiting employees of the employment security division from holding political office (Wesely, Hall, Morehead)	272
Liability settlements or releases: prohibit in certain cases (Pappas)	191
Lobbyist disclosure statements: require(Scofield)	188
Political Accountability and Disclosure Act: change campaign contribution and disclosure provisions(Hefner)	592
Political Accountability and Disclosure Commission: eliminate enforcement duties(Conway)	555
Political campaign advertising: change provisions relating to size, placement, and information on printed campaign materials (Withem, Barrett)	479
Session laws, journals and statutes: change provisions relating to sale and distribution(Judiciary Comm.)	572
State fund expenditures: require legislative appropriation for certain(Warner)	184

LAW ENFORCEMENT

Adult Protective Services Act: adopt(Wesely, Smith, Marsh)	463

All-terrain vehicles: regulate operation and equipping of (Barrett)..... 80
Certificates: change revocation provisions(Chizek)..... 666
Citations: prohibit quotas(Moore)..... 476
Custody of prisoners: require coroner's examination and grand jury for certain police-related deaths(Chambers)..... 676
Driving while intoxicated: permit detention of certain offenders (Weihing)..... 690
Hearing impaired persons: provide interpreters for certain proceedings(Hall, Remmers, Rogers, Moore, Korshoj, Coordsen, Nelson, Chizek, Schellpeper, Higgins, Peterson, Weihing, Morehead)..... 376
Appropriation bill 376A
Juveniles: change provisions relating to temporary custody and detention(Scofield, Moore, Marsh, Smith, Morehead, Warner, Hall, Barrett)..... 636
Law Enforcement Training Center, Nebraska: change admission requirements(Chizek, Korshoj)..... 362
Lincoln police: change retirement plan provisions(Harris, Landis, Warner, Marsh, McFarland)..... 408
Mentally ill and dangerous persons: restrict jailing prior to commitment(Wesely)..... 257
Missing Children Identification Act: adopt(Lynch, Hartnett)..... 599
Officers: change education and training requirements(Chizek, Korshoj)..... 361
Police bargaining units: change membership provisions(Wesely, Chizek, Ashford, Pappas)..... 519
Police officers: create exception for levy to fund certain pension plans(L. Johnson, Hartnett, Remmers, Peterson, Rupp, Morehead, Weihing,)..... 441
Police officers: permit lump sum pension benefits for first class city police officers in certain cases(Pappas)..... 192
Private Security Services Act: adopt(Chambers)..... 677
Sheriffs: change certain fees and allow sheriffs' employees to serve writs(Chizek, Korshoj)..... 438
Sheriffs' service of process fees: change(Warner, Nelson, Chizek) 223
Solid Waste Management Act: adopt(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
State patrol officers: require the use of two-way radios while on duty and outside of vehicle(Pappas)..... 82
State Patrol: change disability benefit provisions(Pappas)..... 493
State Patrol: eliminate requirement of red lights on cruisers (Chizek, Pirsch, Korshoj)..... 269
State Patrol: establish cost-of-living adjustment for retired State Patrol members(Goodrich)..... 655
Undercover agents: prohibit probationers and inmates from working as law enforcement agency employees(Chambers)..... 670
Vehicle Inspection Act: adopt(Beyer)..... 503

LAW ENFORCEMENT AND CRIMINAL JUSTICE, NEBRASKA COMMISSION ON

Certificates: change revocation provisions(Chizek)..... 666
Change education and training requirements for law enforcement officers(Chizek, Korshoj)..... 361
Create the Criminal Justice Assistance and Improvement Fund (Pirsch)..... 698
Private Security Services Act: adopt(Chambers)..... 677
Revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 12

LEASES

Motor vehicles: change provisions relating to theft(Ashford)..... 606
School districts: allow lease agreement refinancing without elections(Rogers, Baack)..... 435

LEGISLATURE

Agriculture Committee: require checkoff boards to present oral reports to the Agriculture Committee(Moore, Schmit, Dierks, R. Johnson)..... 244

LB

Appropriations: require for certain provisions of law which provide for the expenditure of state funds(Warner)..... 184
Council of State Governments: allocate membership dues(Haberman). 52
Council, Legislative: adopt the Vehicle Information and Registration System Act(Warner)..... 311
Economic Forecasting Advisory Board, Nebraska: change provisions relating to meeting times, powers, and duties(Warner)..... 343
Executive Board: change membership provisions of the Education Commission of the States(Education Comm.)..... 199
Fiscal Analyst: change provisions relating to revenue estimates (Warner)..... 343
General funds: authorize cities and villages to use general funds for economic development purposes(Urban Affairs Comm.)..... 21CA
Hearing impaired persons: provide interpreters for certain proceedings(Hall, Remmers, Rogers, Moore, Korshoj, Coordsen, Nelson, Chizek, Schellpeper, Higgins, Peterson, Weihing, Morehead)..... 376
Appropriation bill 376A
Lobbyist disclosure statements: require(Scofield)..... 188
Lobbyist registration fees: increase for additional principals (Haberman)..... 51
Low-level Radioactive Waste Disposal Act: change provisions (Scofield, Hefner, Schellpeper, Korshoj, Peterson, L. Johnson, Weihing, Conway)..... 426
Political Accountability and Disclosure Act: change campaign contribution and disclosure provisions(Hefner)..... 592
Political Accountability and Disclosure Commission: eliminate enforcement duties(Conway)..... 555
Political subdivisions: require Legislature to fund new programs and services(Hefner)..... 22CA
Public employee labor contracts: eliminate provisions relating to legislative approval for certain employee contracts(Ashford).. 718
Public power industry: require study(Schmit, Withem, Hartnett)... 705
Recall of legislators: provide procedure(Landis)..... 334
Salaries of members: appropriate funds(Barrett, req. of Gov.)..... 768
Senators: change salary, length of service and legislative session(Rupp)..... 18CA
Senators' salaries: increase(R. Johnson)..... 7CA
Session commencement and terms of members: redefine(Wesely)..... 17CA
Session laws, journals and statutes: change provisions relating to sale and distribution(Judiciary Comm.)..... 572
Sessions: limit to 60 days(Peterson)..... 6CA
State employees: provide three percent salary increase for certain state employees(Appropriations Comm.)..... 782
Appropriation bill 782A
Teacher training programs: require reports relating to communications technology plans(Scofield, Baack)..... 581
Telecommunications Committee: eliminate(Executive Board)..... 511

LIABILITY (See also Negligence, Torts)

Ambulance technicians, medical emergency: limit civil liability (Rogers)..... 460
Amusement Ride Act, Nebraska: adopt(Wesely)..... 226
Appropriation bill 226A
Architects, engineers, and land surveyors: restrict liability (Nelson, Hannibal, Chizek, L. Johnson, Elmer, Pirsch, Conway, Hefner, Korshoj)..... 492
Check endorsement: establish liability for refusal(Schmit)..... 553
Comprehensive Health Insurance Pool Act: modify provisions (Wesely, Lynch)..... 319
Diagnostic examinations: require insurers to pay for persons who have a genetic predisposition to cancer(V. Johnson)..... 727
Drainage by certain landowners: provide factors in determination(Rogers)..... 100

LB

Emergency service providers: change immunity provisions(Hartnett) 620
Environmental Response and Liability Act: adopt(R. Johnson)..... 706
Frivolous actions: provide for attorney fees and costs(Haberman, Conway, McFarland, Ashford, Pappas, Abboud)..... 261
Insurance companies: require filing of report before business can be done in Nebraska(Coordsen, Pappas, Higgins)..... 397
Insurance fraud: provide civil immunity for reporting fraud against companies(Lynch, Barrett)..... 399
Insurance policies: change cancellation and renewal provisions (Haberman)..... 498
Insurance, fraudulent claim investigations: provide procedures, limitation of liability, and a penalty(Barrett)..... 78
Insurance: authorize purchase for corporate directors(Ashford)... 137
Intergovernmental Risk Management Act: adopt(Landis, Remmers, Haberman, Pappas, Lynch, Wehrbein)..... 398
Legal expense insurance: eliminate(V. Johnson)..... 728
Mental health service providers: limit liability(Scofield)..... 406
Motor vehicles: authorize liability coverage by foreign insurance carriers in certain cases(Haberman, Barrett)..... 330
Motor vehicles: increase financial responsibility requirements for insurance(Pappas)..... 174
Nonprofit sports programs: provide immunity(Ashford, Nelson, Baack, Hannibal)..... 222
Nonprofit sports programs: provide immunity from civil damages (Pirsch, Hannibal, Ashford, Haberman)..... 123
Not-for-profit corporation directors: restrict liability (Morehead, Ashford)..... 67
Organ and tissue donations: provide duties and exemption from liability(Nelson, Hannibal, Ashford)..... 74
Political Subdivisions Tort Claims Act: change provisions (Hannibal)..... 258
Property and Liability Insurance Guaranty Association Act, Nebraska: change provisions(Goodrich, Remmers, Schmit, Conway).. 700
Public power and irrigation districts: change liability provisions(Weihing)..... 579
Recreation: change provisions regarding persons who charge for entrance to land(Scofield)..... 405
Risk Retention Act: adopt(Landis, Warner)..... 514
Settlements or releases: prohibit in certain cases(Pappas)..... 191
Shoplifting: change provisions(Pirsch, Ashford)..... 536
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Sports volunteers and organizers: provide exemption(Haberman).... 43
State Tort Claims Act: limit recoverable claim amounts(Pappas)... 759
Summary jury trial procedures: provide(Ashford, Abboud, McFarland, V. Johnson)..... 225
Technical community colleges: allow purchase and indemnification of liability insurance(Lynch)..... 285
Tort Claims Act, State: reference provisions relating to claims against the state(Barrett)..... 252
Tort litigation: change provisions(Conway, Pirsch, Hefner)..... 425
Uniform Arbitration Act: adopt(Landis, McFarland, Ashford, Withem)..... 71
Workers' compensation: provide for farm and ranch laborers (Pappas)..... 341

LIBEL

Certified mail: change notice provisions to allow(Conway)..... 93
Change provisions for libel and slander(Haberman)..... 221

LIBRARY, STATE

Session laws, journals and statutes: change provisions relating to sale and distribution(Judiciary Comm.)..... 572

LICENSES AND PERMITS

Amusement rides: require permits and inspections under the Nebraska Amusement Ride Act(Wesely)..... 226
Appropriation bill 226A

	LB
Aquaculture: provide for registration with Game and Parks(Pappas)	155
Blind persons: change provisions relating to small business licenses(V. Johnson)	527
Brand Law, Nebraska: change provisions(Scofield, Dierks)	450
Cabin trailers: require certificate of title for all(Dierks, Abboud)	604
Child care centers: change provisions (Health and Human Services Comm.)	386
Clinical Laboratory Technology: establish licensing provisions (V. Johnson, Hall)	760
Code violations, building: provide penalties(Withem)	481
Commodity testing, agricultural: provide prior to sale or storage(Schmit)	325
Controlled shooting areas: change expiration date for license (Hefner, Conway, Rupp)	206
Cosmetology Act, Nebraska: change provisions(Wesely, Peterson)	543
Appropriation bill	543A
Deer hunting: allow holders of permits to hunt other wild animals(Lamb)	171
Detectives, private: transfer investigation of character of applicants for license from County Attorney to State Patrol (Chizek)	175
Drivers licenses and permits: provide for impounding and revocation if driving while intoxicated(Chizek, Pirsch, Korshoj)	268
Drivers licenses: change provisions relating to licenses driver lists for jury selection(Withem)	111
Drivers licenses: require assessment of points against license for probationers(Barrett)	79
Driving record abstract: increase fee(Barrett, req. of Gov.)	767
Appropriation bill	767A
Employment driving permits: provide for certain DWI convictions (Labedz, Hall)	689
Environmental Control, Department of: allow the collection of fees and costs(Scofield)	501
Farm breweries: provide licensing requirements(Pappas)	505
Farm Labor Contractors Act: adopt(Smith, Hall, Chambers, Pappas, Weihing, Nelson, R. Johnson)	344
Appropriation bill	344A
Film vehicle temporary registration: provide(Landis, Morehead)	75
Appropriation bill	75A
Financial planning businesses: regulate(Conway)	214
Fur farmers: exempt certain species of fur producing animals from captivity prohibitions(Rupp, Hefner, Haberman, Dierks, Abboud)	379
Gambling: change provisions(V. Johnson)	295
Appropriation bill	295A
Game and Parks: change provisions relating to raptors and captive propagation(Pappas)	154
Grain Dealer Act: change licensing provisions(Miller)	507
Grain Warehouse Act: require licensing by Public Service Commission of all warehouses not under federal license (R. Johnson)	164
Handicapped and disabled permits and license plates: change provisions(Lynch, Hartnett)	598
Appropriation bill	598A
Hazardous waste management facilities, commercial: require fee for administration costs relating to permit and notice of intent (Landis, Ashford, Lynch, Korshoj)	114
Health care personnel: change licensing and fee provisions (Health and Human Services Comm.)	473
Appropriation bill	473A
Health care providers: change unprofessional conduct provisions regarding the sentencing of mentally incompetent persons(Wesely, Chambers)	750

LB

Health professionals: adopt the Chemically Impaired Professional Act(Wesely)..... 691
Home health care and nursing services: authorize political subdivisions and the Department of Health to provide(Wesely)..... 389
Horseracing: authorize expanded wagering(V. Johnson)..... 15CA
Horseracing: provide wagering on horseracing simulcasts(Schmit).. 708
Appropriation bill 708A
Hunting, fishing, and fur harvesting: change provisions(Rupp).... 105
Insurance: require filing of reports by insurance companies before they can do business in the state(Coordsen, Pappas, Higgins)..... 397
Ionizing Radiation Licensing Act: adopt(Smith, Lynch, Pappas, Rupp)..... 534
Juvenile driving privileges: authorize suspension if convicted of an alcohol or drug related offense(Withem)..... 207
Learners' permit: provide additional(Rupp)..... 540
Liquor licenses: require certain information on applications and renewals(General Affairs Comm.)..... 396
Liquor licensing: change provisions(Morehead)..... 219
Liquor: authorize retail liquor licensees to provide catering (Landis)..... 490
Liquor: increase occupation tax and change Liquor Control Commission powers(General Affairs Comm.)..... 550
Lottery Act, Nebraska State: adopt(V. Johnson)..... 724
Low-level Radioactive Waste Disposal Act: change provisions (Scofield, Hefner, Schellpeper, Korshoj, Peterson, L. Johnson, Weihing, Conway)..... 426
Mail Service Prescription Drug Act: create(Lynch)..... 350
Appropriation bill 350A
Mobile home park operators: change licensing and competency provisions(Landis)..... 364
Mobile homes and cabin trailers: change title provisions(Abboud). 522
Motor vehicle certificate of title: eliminate fee for surviving owner(Smith)..... 41
Motor vehicle dealer franchises: change provisions for termination(Lamb)..... 327
Motor vehicle registration: change provisions (Transportation Comm.)..... 224
Motor vehicle titles: change provisions(Hartnett)..... 305
Appropriation bill 305A
Motor vehicle titles: change provisions relating to penalties for offenses(Korshoj)..... 608
Motor vehicle: redefine for vehicle registration purposes(Landis, Morehead)..... 75
Appropriation bill 75A
Motor vehicles: change registration requirements(Pappas)..... 614
Motor vehicles: create the Highway Improvement Bond Fund from registration fees(Hartnett)..... 632
Nursing home administrators: change licensing provisions(Wesely). 693
Appropriation bill 693A
Nursing homes: require disclosure of ownership(Withem)..... 249
Nutritionists: provide certification(Hall)..... 557
Appropriation bill 557A
Optometry: change licensing provisions(Morehead, Rogers, Rupp, Smith, Remmers, Schmit, Hartnett, R. Johnson, Conway, Coordsen). 116
Overweight vehicles: change provisions relating to vehicles which haul farm products(Haberman, Moore, Rogers)..... 756
Private Security Services Act: adopt(Chambers)..... 677
Propane Safety Act: adopt(Schmit, Elmer)..... 723
Appropriation bill 723A
Pupil transportation vehicle operator permits: change provisions(Hartnett)..... 348
Radiation Control Act: change provisions(Wesely)..... 390
Appropriation bill 390A

LB

Real estate appraisers: change licensing and educational provisions(Goodrich)..... 40
Appropriation bill 40A
Safe Drinking Water Act, Nebraska: change provisions (Health and Human Services Comm.)..... 383
Appropriation bill 383A
Selective Service, United States: furnish drivers license information to Selective Service(Peterson)..... 300
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Solid Waste Management Act: adopt(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
Sports Wagering Act: adopt(Chambers)..... 757
Appropriation bill 757A
State park motor vehicle entry permits: exempt payment by persons over 70(McFarland)..... 159
Tobacco distributors: require license(Nelson, Remmers)..... 143
Tobacco Products Tax Act: adopt licensing requirements (Revenue Comm.)..... 730
Appropriation bill 730A
Vehicle Information and Registration System Act: adopt(Warner)... 311
Vending facilities: change provisions relating to contracts and licensing of blind vendors(Wesely)..... 322
Warehouses: require license(R. Johnson)..... 291
Well-servicing equipment: provide motor vehicle registration fee (Baack)..... 411
X-ray equipment: establish training & operating requirements (Baack)..... 653

LIENS (See also Secured Transactions)
Agricultural production input liens: provide(Rogers)..... 101
Appropriation bill 101A
Central filing system: require Secretary of State to compile lien list(Remmers)..... 640
Check endorsement: establish liability for refusal(Schmit)..... 553
Collateral substitution: provide(Rogers)..... 393
Copies of loan documents: require lender to furnish(Nelson)..... 73
County contracts: authorize persons awarded to furnish bond or deposit(Miller, Langford)..... 211
Foreclosure of tax sale certificates and deeds: change return dates and foreclosure provisions(Withem)..... 215
Future advances: change provisions(Haberman)..... 136
Insurance policy benefits: exempt from legal process(Landis)..... 335
Insurance sold with loans: clarify limitations and expand types of insurance to be sold(Remmers)..... 306
Motor vehicle titles: change provisions(Hartnett)..... 305
Appropriation bill 305A
Personal property liens: require written consent for enforceability of certain liens(Baack)..... 722
Petroleum products: change foreclosure time limit(Rogers)..... 314
Public construction contracts: require letter of credit or cash as additional security(Urban Affairs Comm.)..... 680
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Tax: change provisions(V. Johnson)..... 523
Appropriation bill 523A
Vehicle Information and Registration System Act: adopt(Warner)... 311

LIEUTENANT GOVERNOR
Salary: appropriate funds(Barrett, req. of Gov.)..... 769

LINCOLN (See also Cities of the Primary Class)
Learners' permit: provide additional(Rupp)..... 540
Lottery Act, Nebraska State: adopt(V. Johnson)..... 724
Plats: provide method for approval of certain plats in Lincoln (Landis)..... 715

Police and firefighters: change benefit provisions of their retirement plan(Harris, Landis, McFarland)..... 409
Police and firefighters: change retirement plan provisions (Harris, Landis, Warner, Marsh, McFarland)..... 408
Zoning regulation variances: provide for primary class cities (Marsh)..... 317
Zoning: change jurisdiction provisions(Lynch, Conway)..... 422
Zoning: restrict changes within the 3 mile limit(Conway, Lynch).. 263

LIQUOR CONTROL ACT, NEBRASKA
Licenses: require certain information on applications and renewals(General Affairs Comm.)..... 396
Retail liquor licensees: authorize catering(Landis)..... 490
Sale or consumption of alcohol: require adult supervision (General Affairs Comm.)..... 395

LIQUOR CONTROL COMMISSION, NEBRASKA
Transfer duties to the Department of Revenue(Barrett, req. of Gov.)..... 771

LIQUORS (See also Alcoholic Beverages, Intoxication)
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Beverage Container Refund Act: adopt(Pappas, Schellpeper, Landis, Baack)..... 613
Change provisions(Morehead)..... 219
Chemically Impaired Professional Act: adopt(Wesely)..... 691
Credit: eliminate provisions relating to liquor purchases on credit(Schmit)..... 709
Drivers licenses: require assessment of points for probationers (Barrett)..... 79
Driving privileges of juveniles: authorize suspension if convicted of an alcohol or drug related offense(Withem)..... 207
Driving while intoxicated and implied consent: change provisions (Hall)..... 377
Driving while intoxicated: permit detention of certain offenders (Weihing)..... 690
Driving while intoxicated: provide for impounding and revocation of drivers licenses and permits(Chizek, Pirsch, Korshoj)..... 268
Driving while under the influence: expand implied consent provisions to include mind-altering chemicals(Abboud)..... 404
Drug and alcohol testing: prohibit employment penalties if amount of alcohol is below a specified amount(Scofield)..... 502
Employee drug testing: provide requirements(Lynch, Ashford)..... 582
Employment driving permits: provide for certain DWI convictions (Labedz, Hall)..... 689
Excise tax: change exemption provision(Hartnett)..... 628
Farm breweries: provide licensing requirements(Pappas)..... 505
Licenses: require certain information on applications and renewals(General Affairs Comm.)..... 396
Minor in possession: provide for dismissal of charges if the minor reports the purchaser's identity(Haberman)..... 48
Motor vehicles: prohibit open alcoholic beverage containers (Moore)..... 346
Nebraska Liquor Control Commission: transfer duties to the Department of Revenue(Barrett, req. of Gov.)..... 771
Retail liquor licensees: authorize catering(Landis)..... 490
Sale or consumption: require adult supervision (General Affairs Comm.)..... 395
Spirits coolers: impose tax(V. Johnson)..... 725
Tax: increase occupation tax and provide power to the Liquor Control Commission(General Affairs Comm.)..... 550
University of Nebraska at Lincoln: define the southern boundary of UNL for liquor control purposes(Wesely)..... 468

LB

LITTER
Removal: provide for weed and debris removal by certain political subdivisions(Conway, Baack)..... 752
Repeal the Litter Reduction and Recycling Act(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692

LITTER REDUCTION AND RECYCLING ACT
Repeal and adopt the Solid Waste Management Act(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692

LIVESTOCK
Adopt the State Livestock Health Act(Dierks, Rogers, Schmit)..... 103
Animal damage control: provide powers and cash fund(Rogers, Moore, R. Johnson)..... 102
Appropriation bill 102A
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Beef Industry Development Board, Nebraska: require board to enter into contracts to coordinate industry promotion(Schmit).... 755
Brand Law, Nebraska: change provisions(Scofield, Dierks)..... 450
Commodity Code: adopt(Haberman)..... 575
Appropriation bill 575A
Dogs: change provisions relating to dogs running at large (Hartnett)..... 630
Environmental Control, Department of: allow the collection of fees and costs(Scofield)..... 501
Hog cholera: revisor bill to eliminate obsolete language (Exec. Bd., Marsh, Vice Chairperson)..... 20
Poultry: create a poultry development and assistance program (Moore, Wesely, Morehead, Baack)..... 737

LIVESTOCK HEALTH ACT, STATE
Adopt(Dierks, Rogers, Schmit)..... 103

LIVING WILLS
Rights of the Terminally Ill Act: create(Landis, Morehead, Marsh) 88

LOANS
Bank investments: allow banks to invest in GNMA, Federal Home Association, and Veterans Administration bonds and certificates (Schmit)..... 753
Copies of loan documents: require lender to furnish(Nelson)..... 73
Future advances: change provisions(Haberman)..... 136
Insurance company officers: permit certain loans(Lynch)..... 713
Insurance sold with loans: clarify limitations and expand types of insurance to be sold(Remmers)..... 306
Interest rate: change the maximum interest rate on credit cards and loans(Schmit, Warner, Lamb, Labedz)..... 735
Investment Finance Authority Act, Nebraska: change agricultural loan provisions(Schmit)..... 707
Municipal cooperative financing: change provisions to include municipalities incorporated under laws of another state(Schmit).. 324
School districts: authorize loan agreements in certain circumstances(Lynch)..... 147
Thrift institutions: allow acquisition of newly established banks and provide for fees for loan service costs(Conway, Pirsch, Hannibal, Goodrich, Abboud)..... 332
Tourism Development Act: adopt(Wesely, Landis, Morehead, Hefner, Moore, Nelson, Conway, Withem, Korshoj, Chizek, Harris)..... 741

LOBBYISTS AND LOBBYING (See also Political Accountability and Disclosure Act, NE.)
Campaign contributions and disclosures: change provisions(Hefner) 592

LB

Disclosure statements: require(Scofield)..... 188
Political Accountability and Disclosure Commission: eliminate enforcement duties(Conway)..... 555
Registration fees: increase for additional principals(Haberman).. 51

LOCAL HOSPITAL DISTRICT ACT, NEBRASKA
Hospital districts: require publication of financial statements(Pappas)..... 282

LOTTERIES (See also Bingo, Gambling, Pickle cards, Video Slot Machines)
Adopt the Nebraska State Lottery Act(V. Johnson)..... 724
Change provisions(V. Johnson)..... 295
Appropriation bill 295A

LOTTERY ACT, NEBRASKA STATE
Adopt(V. Johnson)..... 724

LOTTERY AND RAFFLE ACT, NEBRASKA
Change provisions(V. Johnson)..... 295
Appropriation bill 295A

LOW-LEVEL RADIOACTIVE WASTE DISPOSAL ACT
Change provisions(Scofield, Hefner, Schellpeper, Korshoj, Peterson, L. Johnson, Weihing, Conway)..... 426

MAIL
Adopt the Mail Service Prescription Drug Act(Lynch)..... 350
Appropriation bill 350A
Certified mail: authorize in certain cases(Conway)..... 93
Change provisions relating to mail box placement and support (Peterson)..... 299
Mail order: expand state jurisdiction to include additional entities subject to sales tax collection(Hefner)..... 304
Appropriation bill 304A

MAIL SERVICE PRESCRIPTION DRUG ACT
Adopt(Lynch)..... 350
Appropriation bill 350A

MARIJUANA (See Controlled Substances, Drugs and Narcotics)

MARRIAGE
Adoption: require medical histories(Conway)..... 372
Appropriation bill 372A
Income tax: change provisions(Barrett, req. of Gov.)..... 773
Appropriation bill 773A
Marital Property Act, Nebraska: adopt(Pappas)..... 172
Nebraska Parentage Act and Nebraska Adoption Act: create(Barrett, Scofield, Chizek, Conway, Schmit)..... 719
Surrogate parenthood: declare contracts void(Chambers)..... 674

MASSAGE
Licensing: change provisions(Health and Human Services Comm.).... 473
Appropriation bill 473A

MECHANICAL AMUSEMENT DEVICES
Amusement Ride Act, Nebraska: adopt(Wesely)..... 226
Appropriation bill 226A

MEDIA
NEBRASKALAND magazine: allow the use of subscription and advertising revenue for general interest articles (Appropriations Comm.)..... 785

LB

MEDICAID

Assistance requirements: change provisions(Wesely)..... 255
Care management units: require use by Medicaid-funded patients (Smith)..... 42
Appropriation bill 42A
Intermediate care facilities: change provisions relating to licensure categories and nursing requirements (Health and Human Services Comm.)..... 459
Appropriation bill 459A
Mentally retarded: allow persons to receive community-based services(Miller, Morehead, Lynch)..... 556
Residential and Community Living Mental Health Services Incentive Act: adopt(Wesely)..... 321

MEDICAL ASSISTANCE

Adult Protective Services Act: adopt(Wesely, Smith, Marsh)..... 463
Aged, blind, or disabled persons: change assistance requirements (Wesely)..... 255
Comprehensive Health Insurance Pool: change board membership provisions(Lynch)..... 495
Counties: change payment and contractual provisions relating to medical assistance for the poor(V. Johnson)..... 466
Eligibility: authorize reservation of assets by a spouse when determining medical assistance eligibility(Withem, Lynch, Chizek) 419
Appropriation bill 419A
Eligibility: authorize reservation of income by a spouse when determining medical assistance eligibility(Withem, Lynch)..... 418
Felons, convicted: prohibit placement in nursing or veterans' homes as a condition of probation(Higgins, Rupp, Nelson, Hall, Korshoj, Peterson, Smith, Labedz, Chizek, Rogers, Conway, Ashford)..... 333
High-risk pregnancy support program: establish(Wesely, V. Johnson)..... 229
Appropriation bill 229A
Hospital districts: require publication of financial statements(Pappas)..... 282
Indigent persons: require reporting of services rendered by hospitals(Wesely)..... 126
Individual Long-Term Care Account Act: adopt(Lynch)..... 714
Insurance: require insurance companies to pay for diagnostic examinations for persons with a genetic predisposition to cancer (V. Johnson)..... 727
Intermediate care facilities: change provisions relating to licensure categories and nursing requirements (Health and Human Services Comm.)..... 459
Appropriation bill 459A
Maternal and child care: authorize Department of Health to conduct WIC and CSFP Programs(Lynch)..... 643
Nursing home administrators: change licensing provisions(Wesely). 693
Appropriation bill 693A
Nursing Home Advisory Council: change membership provisions (Wesely)..... 694
Nursing home inspections: require semi-annual and unannounced inspections(Withem)..... 250
Nursing homes: redefine care staff member and nursing assistant(Withem)..... 248
Payments: exclude certain services from medical assistance payments(Miller)..... 695
State Assistance for the Medically Indigent Act: adopt(Wesely)... 500

MEDICARE

Comprehensive Health Insurance Pool: change board membership provisions(Lynch)..... 495

LB

Indigent persons: require reporting of services rendered by hospitals(Wesely)..... 126
Insurance: provide requirements for long-term care policies (Withem)..... 416

MEDICINE AND SURGERY (See also Health Care; Public Health and Welfare)

Ambulance attendant, certified: clarify definition to include emergency medical technician-ambulance(Peterson, Scofield, Barrett, Hefner, Hartnett)..... 442
Biotinidase deficiency: require infants to be screened(Conway)... 91
Board of Examiners: change membership provisions (Health and Human Services Comm.)..... 473
Appropriation bill 473A
Emergency service providers: change immunity provisions(Hartnett) 620
Fee schedule for medical services: establish for the Nebraska Workers' Compensation Court(Barrett)..... 187
Appropriation bill 187A
Health Care Information Act, Nebraska: adopt(Wesely)..... 256
High-risk pregnancy support program: establish(Wesely, V. Johnson)..... 229
Appropriation bill 229A
Liability: change provisions for tort litigation(Conway, Pirsch, Hefner)..... 425
Organ and tissue donations: provide duties and an exemption from liability(Nelson, Hannibal, Ashford)..... 74
Prescriptions and physician-patient privilege provisions: change(Pirsch, Marsh, Chizek)..... 273
Appropriation bill 273A
Rights of the Terminally Ill Act: create(Landis, Morehead, Marsh) 88
Workers' Compensation: change provisions relating to medical opinions and work-hardening(Goodrich, Hefner)..... 548

MENTAL HEALTH

Adult Protective Services Act: adopt(Wesely, Smith, Marsh)..... 463
Commitment and release: provide a review hearing under the Mental Health Commitment Act(Wesely)..... 499
Counselors: change Board of Examiner membership and licensure provisions(Health and Human Services Comm.)..... 473
Appropriation bill 473A
Intermediate care facilities: change provisions relating to the mentally retarded(Morehead)..... 259
Mentally ill and dangerous persons: restrict jailing prior to commitment(Wesely)..... 257
Mentally incompetent persons: change death penalty provisions and provisions relating to unprofessional conduct(Wesely, Chambers)..... 750
Mentally retarded: allow persons to receive community-based services(Miller, Morehead, Lynch)..... 556
Records: provide access to certain mental health records of the developmentally disabled and the mentally ill(Pirsch)..... 697
Regional governing board programs: change funding requirements (Wesely)..... 320
Regions for mental health and retardation: create additional (Goodrich)..... 195
Residential and Community Living Mental Health Services Incentive Act: adopt(Wesely)..... 321
Retardation, mental: provide powers and duties for mental retardation regions and the director(Goodrich)..... 668
Service providers: limit liability(Scofield)..... 406
Special education: require minimum caseloads for programs (Hartnett)..... 624

MENTAL HEALTH COMMITMENT ACT, NEBRASKA

Review hearing: provide(Wesely)..... 499

LB

MERCHANTS (See also Retailers, Sales)
Beverage Container Refund Act: adopt(Pappas, Schellpeper, Landis, Baack)... 613
Cooking oil: require food retailers to post disclosures regarding type of oil and its cholesterol content(Pappas)... 83
Employment Expansion and Investment Incentive Act: redefine qualifying business to include retail business headquarters (Wesely, Hannibal, Abboud, Hefner)... 323
Farm machinery, implements, and repair parts: provide payment date if returned(Hefner)... 510
Liquor: eliminate provisions relating to liquor purchases on credit(Schmit)... 709
Luxury tax: establish for certain videocassette, satellite, and community antenna television sales(Higgins)... 600
Sales tax: expand state jurisdiction to include additional entities subject to sales tax collection(Hefner)... 304
Appropriation bill ... 304A
Tobacco Products Tax Act: adopt(Revenue Comm.)... 730
Appropriation bill ... 730A
Tobacco, smokeless: provide penalty if distributed at less than cost or unsolicited(Nelson, Remmers)... 72
Tobacco: require distributor's license(Nelson, Remmers)... 143

MILITARY (See also Veterans)
Memorials: authorize erection of memorials to Korean and Vietnam veterans(Hartnett, Abboud)... 626
National Guard, Nebraska: change tuition assistance program provisions(Government Comm.)... 436
Private sector employees: allow leaves of absence for military training(Chizek, R. Johnson)... 439
Veteran's Aid Income Fund: change provisions relating to State Investment Officer management fees(Appropriations Comm.)... 786
Veterans: change homestead exemption eligibility provisions (By Hall and Warner amendments)... 376A
Veterans: change provisions relating to the homestead exemption (Revenue Comm.)... 288
Appropriation bill ... 288A
Veterans: provide employment preference for veterans and spouses (Conway, Beyer, Hefner)... 696

MINERALS, OIL, AND NATURAL GAS (See also Petroleum Products; Fuels; Energy)
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)... 352
Cities and villages: allow taxation, assessment, and collection for utility services(Smith, Nelson, R. Johnson, Lamb, Baack, Conway, Remmers, Scofield, L. Johnson)... 546
Commodity Code: adopt(Haberman)... 575
Appropriation bill ... 575A
Environmental Response and Liability Act: adopt(R. Johnson)... 706
Ethanol plants: change provisions relating to grants obtained by municipalities(Schmit)... 279
Leases with unknown owners or heirs: change provisions regarding petition procedure(McFarland)... 64
Metropolitan Utilities Districts: allow ownership of pipelines(Hall, Withem, Hartnett, Ashford, Pirsch, Chizek, Lynch, Goodrich, Labedz, Abboud)... 177
Municipal Gas Regulatory Act: adopt(Urban Affairs Comm.)... 687
Natural gas: change provisions relating to rate increases and supplier duties(Withem, Korshoj, Landis, Hartnett)... 663
Appropriation bill ... 663A
Oil overcharge funds: reappropriate unexpended balances for projects in LB 432 (1987)(Appropriations Comm.)... 787

Overcharge settlement, oil: restrict distribution(Warner, L. Johnson, Wehrbein, Scofield, Marsh, Abboud, Langford, Moore, Hannibal)..... 432
Petroleum products liens: change time limit(Rogers)..... 314
Radiation Control Act: change provisions(Wesely)..... 390
Appropriation bill 390A
Severance tax: authorize the Homestead Exemption Fund(Hartnett).. 627
Special fuel user: redefine(Landis, Morehead)..... 75
Appropriation bill 75A
Synthetic fuel additives: require testing(Schmit, Hefner, Dierks, Korshoj)..... 401
Tax credit gasoline: change provisions(Revenue Comm.)..... 289
Uranium: change provisions relating to the Radiation Control Act(Wesely)..... 390
Appropriation bill 390A
Uranium: change severance tax provisions(Scofield)..... 633

MINING
Uranium: change severance tax provisions(Scofield)..... 633

MINORS
Adolescent Pregnancy Prevention and Services Program: adopt (V. Johnson)..... 517
Appropriation bill 517A
Adoption: authorize agreements for information exchanges between biological and adoptive parents(Conway)..... 301
Adoption: require medical histories(Conway)..... 372
Appropriation bill 372A
Aid to Dependent Children recipients: require job training and job search programs(Abboud, Schmit)..... 328
Aid to Dependent Children: increase(V. Johnson)..... 518
Appropriation bill 518A
Aid to Dependent Children: increase(Pappas)..... 542
Aid to Dependent Children: increase monthly assistance(Chambers). 669
Alcohol, possession of: provide for dismissal of charges if purchaser's identity is reported(Haberman)..... 48
Biotinidase deficiency: prescribe screening of infants(Conway)... 91
Child care centers and foster care: change provisions (Health and Human Services Comm.)..... 386
Child support payments: change provisions(Hartnett, Withem)..... 525
Child support: apply statutory interest charges to permanent and temporary child support payments that are delinquent (Judiciary Comm.)..... 569
Child support: change jurisdiction provisions(Withem)..... 589
Child support: change provisions(Judiciary Comm.)..... 570
Child support: transfer child support enforcement attorneys from Attorney General to Department of Social Services (Judiciary Comm.)..... 573
Driving privileges: authorize suspension if convicted of an alcohol or drug related offense(Withem)..... 207
Family policy: adopt for government service providers(Scofield, Landis, Wesely, Marsh, Hall, Morehead, Higgins, Moore, Smith, Barrett, Warner, Withem, Pirsch)..... 637
Foster care placement/removal from home: limit circumstances (Scofield, Higgins, Barrett, Marsh, Smith, Morehead, Warner, Hall, Moore)..... 635
Foster Care Review Board: change membership provisions(Landis, Barrett, Peterson, Beyer)..... 239
Gifted students: establish the Unicameral Scholars Institute(McFarland)..... 158
Appropriation bill 158A
Immunization: provide reports regarding immunization of children (Health and Human Services Comm.)..... 472
Individual Long-Term Care Account Act: adopt(Lynch)..... 714

LB

Labor: revisor bill to eliminate obsolete language(Exec. Bd., Labedz, Chairperson)..... 35
Medical or psychological treatment: require parental payments when court-ordered(Scofield, Landis, Marsh, Withem, Morehead, Moore, Hall, Smith, Barrett, Warner, Higgins,)..... 638
Appropriation bill 638A
Missing Children Identification Act: adopt(Lynch, Hartnett)..... 599
Nebraska Juvenile Code: change provisions relating to temporary detention and custody(Scofield, Moore, Marsh, Smith, Morehead, Warner, Hall, Barrett)..... 636
Nebraska Parentage Act and Nebraska Adoption Act: create(Barrett, Scofield, Chizek, Conway, Schmit)..... 719
Nonsupport, criminal: change provisions(Withem)..... 590
Obscene and harmful materials: limit access(Schmit, Moore)..... 181
Offenders, juvenile: limit placement and commitment(Chambers)..... 355
School age requirements: change kindergarten and first grade provisions(Hefner)..... 424
School Improvement Act: adopt(Lynch)..... 596
Sexual assault of a child: include in the definition of victim for criminal procedure purposes(Pirsch)..... 119
Special Education Act: adopt federal definitions for handicapping conditions(Baack)..... 367
Special education: change reimbursement provisions(Baack)..... 413
Special education: require minimum caseloads for programs (Hartnett)..... 624
Surrogate parenthood: declare contracts void(Chambers)..... 674
Surrogate parents for handicapped children: authorize appointment under certain conditions(Baack)..... 165
Tobacco use or purchase: increase penalty(Haberman)..... 54
Tobacco use, purchase, and sale: repeal prohibitive provisions (Haberman)..... 53

MISAPPROPRIATION

Trade Secrets Act: adopt(By Pappas and Johanns amendment)..... 337 A
Trade Secrets Act: adopt(Wesely)..... 309

MISSING CHILDREN IDENTIFICATION ACT

Adopt(Lynch, Hartnett)..... 599

MOBILE HOMES

Certificate of title: change provisions(Abboud)..... 522
Certificate of title: require for certain mobile homes with cabin trailers(Dierks, Abboud)..... 604
Park operators: change licensing and competency provisions (Landis)..... 364

MONOPOLIES

Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Consumer Protection Act: change provisions(McFarland)..... 617
Municipal Gas Regulatory Act: adopt(Urban Affairs Comm.)..... 687
Tobacco Products Tax Act: adopt(Revenue Comm.)..... 730
Appropriation bill 730A
Unfair Cigarette Sales Act: repeal(Landis, Elmer, Warner)..... 208

MORRILL HALL

Renovation: appropriate funds(Wesely, Remmers, Harris, Marsh, McFarland)..... 218
Appropriation bill 218A

MORTGAGES

Annuities and life insurance contracts: exempt from legal process(Landis)..... 335
Bank investments: allow banks to invest in Government National Mortgage Association certificates(Schmit)..... 753

LB
Copies of loan documents: require lender to furnish(Nelson)..... 73
Farm Mediation Act: adopt(Schmit, Rogers, Morehead, Chambers).... 664
Appropriation bill 664A
Future advances: change provisions(Haberman)..... 136
Insurance company officers: permit certain loans(Lynch)..... 713
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475

MOTION PICTURES
Licensing and withholding requirements regarding television and film production: provide(Landis, Morehead)..... 75
Appropriation bill 75A

MOTOR CARRIERS (See Motor Vehicles)

MOTOR VEHICLE FUELS
Additives, synthetic: require testing(Schmit, Hefner, Dierks, Korshoj)..... 401
Energy Settlement Fund, Nebraska: provide appropriations procedure for funds received from oil overcharge settlements (Warner, Moore, Scofield, Hannibal, Hartnett, L. Johnson, Marsh, Abboud, Wehrbein, Langford)..... 683
Ethanol Authority and Development: transfer duties to the Agricultural Revitalization Authority(Schmit)..... 458
Ethanol: change provisions(Schmit, Harris, Nelson, Miller, Pappas)..... 658
Ethanol: change provisions relating to refunds and production plants(Schmit)..... 279
Ethanol: eliminate excise tax exemption(Schmit)..... 610
Highway Improvement Bond Fund: create(Hartnett)..... 632
Highway Trust Fund: transfer funds to the State Patrol (V. Johnson, Hall)..... 230
Overcharge settlement, oil: restrict distribution(Warner, L. Johnson, Wehrbein, Scofield, Marsh, Abboud, Langford, Moore, Hannibal)..... 432
Oxygenated fuel: provide for the sale(Schmit, Baack)..... 751
Special fuel user: redefine(Landis, Morehead)..... 75
Appropriation bill 75A
Tax credit gasoline: change provisions(Revenue Comm.)..... 289
Tax credit: adopt the Enterprise Zone Demonstration Act(Harris).. 749
Tax: change provisions(V. Johnson)..... 523
Appropriation bill 523A
Taxes: limit for highway construction and repair(Hartnett)..... 20CA

MOTOR VEHICLE SAFETY RESPONSIBILITY ACT
Governmental agencies: require accident report(Miller)..... 149

MOTOR VEHICLES
Adopt the Vehicle Inspection Act(Beyer)..... 503
Alcohol: prohibit open containers in motor vehicles(Moore)..... 346
All-terrain vehicles: regulate operation and equipping of (Barrett)..... 80
Ambulance attendants: allow licensed practical nurses to be certified(Remmers)..... 76
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Axles: provide weight restrictions(Warner)..... 132
Banking and Finance, Department of: authorize use of unmarked vehicles(Remmers)..... 558
Cabin trailers: require certificate of title for all(Dierks, Abboud)..... 604
Certificate of title: eliminate fee for surviving owner(Smith)... 41
Certificates of title: change provisions(Hartnett)..... 305
Appropriation bill 305A
Drivers licenses: require assessment of points for probationers (Barrett)..... 79

	LB
Driving privileges of juveniles: authorize suspension if convicted of an alcohol or drug related offense(Withem)	207
Driving record abstract: increase fee(Barrett, req. of Gov.)	767
Appropriation bill	767A
Driving while intoxicated and implied consent: change provisions (Hall)	377
Driving while intoxicated: permit detention of certain offenders (Weihing)	690
Driving while intoxicated: provide for impounding and revocation of drivers licenses and permits(Chizek, Pirsch, Korshoj)	268
Earthmoving equipment: change tax provisions(Revenue Comm.)	591
Electrical contractors: require identification on vehicle (Goodrich)	489
Emergency service providers: change immunity provisions(Hartnett)	620
Employment driving permits: provide for certain DWI convictions (Labedz, Hall)	689
Employment Security Act: change provisions relating to leasing and purchasing of motor vehicles(Landis, Hall, Labedz)	720
Farm machinery repair parts: provide sales and use tax exemption (Haberman)	44
Farm tractors and vehicles: exempt from sales and use tax (Haberman)	185
Appropriation bill	185A
Film vehicle temporary registration: provide(Landis, Morehead)	75
Appropriation bill	75A
Franchises, motor vehicle dealer: change provisions for termination(Lamb)	327
Governmental agencies: require accident report(Miller)	149
Handicapped and disabled parking spaces, permits and license plates: change provisions(Lynch, Hartnett)	598
Appropriation bill	598A
Heavy motor vehicles: adopt the Weight-distance Tax Act (V. Johnson, Hall)	732
Insurance: authorize liability coverage by foreign insurance carriers in certain cases(Haberman, Barrett)	330
Insurance: increase financial responsibility requirements(Pappas)	174
Learners' permit: provide additional(Rupp)	540
Leases: change provisions relating to theft(Ashford)	606
License and record information: furnish to United States Selective Service(Peterson)	300
License grievances: change provisions(McFarland)	64
Liquor: expand implied consent-driving while under the influence provisions to include mind-altering chemicals(Abboud)	404
Lottery Act, Nebraska State: change provisions relating to State of Nebraska motor vehicles(V. Johnson)	724
Metropolitan Transit Authority: change tax levy provisions(Hall, Hartnett, V. Johnson, Labedz, Higgins, Lynch)	471
Mobile homes and cabin trailers: change title provisions(Abboud)	522
Motor vehicle titles: change provisions relating to penalties for offenses(Korshoj)	608
Motorcyclists: require helmet protection(Lynch)	428
Overweight vehicles: change provisions relating to vehicles which haul farm products(Haberman, Moore, Rogers)	756
Oxygenated fuel: provide for the sale(Schmit, Baack)	751
Pupil transportation vehicle operator permits: change provisions(Hartnett)	348
Pupil transportation vehicles: change inspection provisions (Beyer, Hartnett)	538
Registration and approval requirements: change (Transportation Comm.)	224
Registration: change requirements(Pappas)	614
Registration: redefine motor vehicle for registration purposes (Landis, Morehead)	75
Appropriation bill	75A

Revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 22
Sales tax: change distribution provisions(V. Johnson)..... 470
Sales tax: change procedure for payment(Beyer)..... 204
Sales taxes on motor vehicles: limit for highway construction (Hartnett)..... 20CA
School buses: permit passing of parked school buses in certain cases(Hartnett, Beyer)..... 347
School-provided transportation: authorize for certain students (Education Comm.)..... 200
Seizure and detention of: provide at weigh stations(Beyer)..... 307
Semi and truck trailers: restrict repositioning of fifth wheel connection devices(Warner)..... 39
Solid Waste Management Act: collect a fee from sales(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
Speed limits: raise certain highway and interstate limits(Hall, Chambers, Pappas)..... 430
State park entry permits: exempt payment by persons over 70 (McFarland)..... 159
State Patrol cruisers: eliminate requirement of red lights (Chizek, Pirsch, Korshoj)..... 269
Student transportation allowances: change provisions(Pappas)..... 338
Tires and windshields: change provisions relating to minimum requirements for highway use(Beyer)..... 504
Tractor testing: modify provisions(L. Johnson, Warner, Moore).... 684
Turn and brake signals: change provisions(Ashford)..... 216
Vehicle Information and Registration System Act: adopt(Warner)... 311
Voter registration: require drivers license for verification (Hall, Rupp)..... 716
Appropriation bill 716A
Well-servicing equipment: provide motor vehicle registration fee (Baack)..... 411

MOTOR VEHICLES, DEPARTMENT OF

Adopt the Vehicle Inspection Act(Beyer)..... 503
All-terrain vehicles: regulate operation and equipping of (Barrett)..... 80
Certificates of title: change provisions(Hartnett)..... 305
Appropriation bill 305A
Drivers license points: require assessment for probationers (Barrett)..... 79
Driving record abstract: increase fee(Barrett, req. of Gov.)..... 767
Appropriation bill 767A
Driving while intoxicated: provide for impounding and revocation of drivers licenses and permits(Chizek, Pirsch, Korshoj)..... 268
Governmental agencies and political subdivisions: require accident reports to be filed under certain conditions(Miller).... 149
Handicapped and disabled parking spaces, permits and license plates: change provisions(Lynch, Hartnett)..... 598
Appropriation bill 598A
Insurance: authorize liability coverage by foreign insurance carriers in certain cases(Haberman, Barrett)..... 330
Jury selection lists: change provisions related to licensed drivers(Withem)..... 111
License and record information: furnish to United States Selective Service(Peterson)..... 300
Mobile homes and cabin trailers: change title provisions(Abboud). 522
Motorcyclists: require helmet protection(Lynch)..... 428
Registration and approval requirements: change provisions (Transportation Comm.)..... 224
Tires and windshields: change provisions relating to minimum requirements for highway use(Beyer)..... 504
Vehicle Information and Registration System Act: adopt(Warner)... 311

LB

MOTORCYCLES
Helmets: require for motorcyclists(Lynch)..... 428

MUNICIPAL COOPERATIVE FINANCING ACT
Change provisions to include municipalities incorporated under laws of another state(Schmit)..... 324

MUNICIPAL COURT
County judicial districts: change composition(Hefner, Conway, Korshoj)..... 509
Judicial districts: change composition(Langford)..... 484

MUNICIPAL IMPROVEMENTS
Cooperative financing: change provisions to include municipalities incorporated under laws of another state(Schmit).. 324
Government building roofs: establish construction requirements (Rogers)..... 315
Improvement districts, municipal: provide deferral of special assessments for certain agricultural lands(Urban Affairs Comm.).. 679
Special improvement districts: create to replace, reconstruct, or repair sewers, alleys, and streets of cities and villages (Smith, Hartnett, Remmers, Weihing)..... 721

MUNICIPALITIES
Accident reports: required to file with the Department of Motor Vehicles if over $500 damage or when death or injury occurs (Miller)..... 149
Bingo: change taxation provisions(V. Johnson)..... 464
Bonds: change refunding provisions(Hartnett)..... 622
Cable television: authorize certain municipalities to own, operate, or lease a cable television system(Lamb)..... 593
Cooperative financing: change provisions to include municipalities incorporated under laws of another state(Schmit).. 324
Demand deposit accounts: eliminate requirement relating to the deposit of public funds(Withem)..... 109
Ethanol plants: change provisions relating to grants obtained by municipalities(Schmit)..... 279
Government building roofs: establish construction requirements (Rogers)..... 315
Hazardous waste management facilities, commercial: provide procedures and guidelines for establishment of(Landis, Ashford, Lynch, Korshoj)..... 114
Improvement districts, municipal: provide deferral of special assessments for certain agricultural lands(Urban Affairs Comm.).. 679
Intergovernmental Data Communications Act: adopt(Warner, Scofield)..... 312
Appropriation bill 312A
Intergovernmental Risk Management Act: adopt(Landis, Remmers, Haberman, Pappas, Lynch, Wehrbein)..... 398
Low-level Radioactive Waste Disposal Act: change provisions relating to composition of local monitoring committee(Scofield, Hefner, Schellpeper, Korshoj, Peterson, L. Johnson, Weihing, Conway)..... 426
Municipal Gas Regulatory Act: adopt(Urban Affairs Comm.)..... 687
Natural gas: change provisions relating to rate increases and supplier duties(Withem, Korshoj, Landis, Hartnett)..... 663
Appropriation bill 663A
Police citations: prohibit quotas(Moore)..... 476
Political Subdivisions Tort Claims Act: change provisions (Hannibal)..... 258
Programs and services, new: require Legislature to fund(Hefner).. 22CA
Public Docks Act: adopt(Hartnett)..... 621
Sales tax: change administrative fee for municipal sales tax collected by the state(Pappas, Wesely, Hartnett)..... 447

Special improvement districts: create to replace, reconstruct, or repair sewers, alleys, and streets of cities and villages (Smith, Hartnett, Remmers, Weihing)..... 721
Wastewater Treatment Facilities Construction Assistance Act: create(Barrett, req. of Gov.)..... 766

MUSEUMS
Railroad museum: designate(L. Johnson)..... 733

MUSICAL COMPOSITIONS
Videotapes, albums, and tickets: impose tax(Scofield)..... 634

NATIONAL GUARD
Tuition assistance: change provisions(Government Comm.)..... 436

NATIONAL MONUMENTS
National park property jurisdiction: change provisions(Morehead, Rupp)..... 233

NATIVE AMERICANS
Indian Child Welfare Act: authorize certified mail as notice relating to termination of parental rights(Conway)..... 93
Reservations: require consent to adopt the Enterprise Zone Demonstration Act(Harris)..... 749
Unmarked Human Burial and Skeletal Remains Protection Act:adopt (Pappas)..... 612

NATURAL GAS (See Minerals, Oil, and Natural Gas)

NATURAL RESOURCES
Compact, Lower Niobrara River and Ponca Creek: repeal(Schmit).... 568
Environmental Response and Liability Act: adopt(R. Johnson)..... 706
Ground water: provide for the sale and transfer(Schmit, Pappas, Labedz)..... 151
Revisor bill to rename the Nebraska Soil and Water Conservation Fund as the Natural Resources Commission Cash Fund(Exec. Bd., Marsh, Vice Chairperson)..... 29
River basin commission appointments: repeal obsolete statute (Schmit)..... 567
Safe Drinking Water Act, Nebraska: change provisions (Health and Human Services Comm.)..... 383
Appropriation bill 383A
Sales and use tax exemption for natural resources districts: provide(Haberman)..... 45
Surface water rights: provide excuse for nonuse relating to inadequate water supply(Elmer, Langford, Abboud)..... 356
Water district subdivisions, districts, and appropriations: change provisions(Moore)..... 140
Water use, appropriations, and transfers: change provisions (Schmit, Pappas, Moore)..... 146
Appropriation bill 146A

NATURAL RESOURCES DISTRICTS
Grasslands Protection Act: adopt(R. Johnson, Hefner, Scofield, Baack, Rogers, Elmer, Abboud)..... 124
Interlocal Cooperation Act: authorize the creation of regional park authorities(Lamb)..... 415
Low-level Radioactive Waste Disposal Act: change provisions relating to composition of local monitoring committee(Scofield, Hefner, Schellpeper, Korshoj, Peterson, L. Johnson, Weihing, Conway)..... 426
Sales and use tax exemption for purchases: provide(Haberman)..... 45
Tax rates, membership, and elections for boards: change provisions(Schmit, Wesely, Landis)..... 148

LB
Water use: establish fees(Schmit)..... 566

NEBRASKA MARITAL PROPERTY ACT
Adopt(Pappas)..... 172

NEBRASKA PSYCHIATRIC INSTITUTE
Revisor bill to repeal an obsolete statute(Exec. Bd., Marsh, Vice Chairperson)..... 10

NEBRASKA REVENUE ACT OF 1967
Income tax: change method for determining corporate and individual(Revenue Comm.)..... 294

NEGLIGENCE (See also Liability, Torts)
Amusement Ride Act, Nebraska: adopt(Wesely)..... 226
Appropriation bill 226A
Architects, engineers, and land surveyors: restrict liability (Nelson, Hannibal, Chizek, L. Johnson, Elmer, Pirsch, Conway, Hefner, Korshoj)..... 492
Corporate directors: authorize purchase of liability insurance (Ashford)..... 137
Drainage: change liability provisions(Rogers)..... 100
Emergency service providers: change immunity provisions(Hartnett) 620
Legal expense insurance: eliminate(V. Johnson)..... 728
Liability settlements or releases: prohibit in certain cases (Pappas)..... 191
Mental health service providers: limit liability(Scofield)..... 406
Motor vehicles: authorize liability coverage by foreign insurance carriers in certain cases(Haberman, Barrett)..... 330
Nonprofit sports programs: provide immunity from civil damages (Pirsch, Hannibal, Ashford, Haberman)..... 123
Nonprofit sports programs: provide immunity from liability (Ashford, Nelson, Baack, Hannibal)..... 222
Not-for-profit organization directors, officers: restrict liability(Morehead, Ashford)..... 67
Political Subdivisions Tort Claims Act: change provisions (Hannibal)..... 258
Recreation: change provisions regarding persons who charge for entrance to land(Scofield)..... 405
Risk Retention Act: adopt(Landis, Warner)..... 514
Sports volunteers, amateur: provide liability exemption(Haberman) 43
State Tort Claims Act: reference provisions relating to claims against the state(Barrett)..... 252
Technical community colleges: allow purchase and indemnification of liability insurance(Lynch)..... 285
Tort litigation: change provisions(Conway, Pirsch, Hefner)..... 425
Uniform Arbitration Act: adopt(Landis, McFarland, Ashford, Withem)..... 71

NEGOTIABLE INSTRUMENTS (See also Secured Transactions; Banks and Banking)
Bad checks: increase county collection fee(Peterson)..... 254
Check endorsement: establish liability for refusal(Schmit)..... 553
Postdated checks: provide for bank liability when paid early (Conway)..... 241

NONGAME AND ENDANGERED SPECIES CONSERVATION ACT
Change provisions(Miller)..... 150

NORMAL SCHOOLS
Fund, Normal School Endowment: change fee provisions relating to funds managed by the State Investment Officer (Appropriations Comm.)..... 786

NOTARIES PUBLIC
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475

NUCLEAR WASTE
Hazardous waste management facilities, commercial: provide procedure and guidelines for the establishment of(Landis, Ashford, Lynch, Korshoj)..... 114
Low-level Radioactive Waste Disposal Act: change provisions (Scofield, Hefner, Schellpeper, Korshoj, Peterson, L. Johnson, Weihing, Conway)..... 426
Radiation Control Act: change provisions(Wesely)..... 390
Appropriation bill 390A
Radioactive waste: authorize withdrawal from the Central Interstate Low-level Radioactive Waste Compact(Scofield, Hefner, Schellpeper, Korshoj, Peterson, Weihing, L. Johnson,)..... 427
Railroads: require cabooses on trains carrying hazardous substances(Pappas)..... 339
Railroads: require flagperson with trains carrying hazardous materials(Pappas)..... 193
Train transport of hazardous materials: provide inspection (Pappas)..... 153

NURSERIES
Sales and use tax: provide sales tax for certain landscaping and sod sales(Warner)..... 287

NURSES AND NURSING
Adult Protective Services Act: adopt(Wesely, Smith, Marsh)..... 463
Aides: require training in oxygen administration(Scofield)..... 190
Ambulance attendants: allow licensed practical nurses to be certified(Remmers)..... 76
Chemically Impaired Professional Act: adopt(Wesely)..... 691
Community Public Health Services Act: adopt (Health and Human Services Comm.)..... 506
Appropriation bill 506A
Health Care Information Act, Nebraska: adopt(Wesely)..... 256
Home health care and nursing services: authorize political subdivisions and the Department of Health to provide(Wesely)..... 389
Intermediate care facilities: change provisions relating to licensure categories and nursing requirements (Health and Human Services Comm.)..... 459
Appropriation bill 459A
Licensing: change provisions(Health and Human Services Comm.)..... 473
Appropriation bill 473A
Mentally incompetent persons: change unprofessional conduct provisions when person is convicted of a capital offense(Wesely, Chambers)..... 750
Nursing assistant and care staff member: redefine(Withem)..... 248
Swing-bed hospitals: provide certification(Smith, Higgins)..... 699

NURSING HOME ACT, NEBRASKA
Inspections: require semi-annual and unannounced(Withem)..... 250
Intermediate care facilities: change provisions relating to licensure categories and nursing requirements (Health and Human Services Comm.)..... 459
Appropriation bill 459A
Nursing assistant and care staff member: redefine(Withem)..... 248
Ownership of nursing homes: require disclosure(Withem)..... 249

NURSING HOMES
Administrators: change licensing provisions(Wesely)..... 693
Appropriation bill 693A
Adult Protective Services Act: adopt(Wesely, Smith, Marsh)..... 463
Advisory Council, Nursing Home: change membership provisions (Wesely)..... 694
Care staff member and nursing assistant: redefine(Withem)..... 248

LB

Care staff member: redefine to require training in oxygen administration(Scofield)..... 190
Felons, convicted: prohibit placement in nursing or veterans' homes as a condition of probation(Higgins, Rupp, Nelson, Hall, Korshoj, Peterson, Smith, Labedz, Chizek, Rogers, Conway, Ashford)..... 333
Health Care Certificate of Need Act, Nebraska: eliminate(Pappas)..... 173
Health Care Information Act, Nebraska: adopt(Wesely)..... 256
Individual Long-Term Care Account Act: adopt(Lynch)..... 714
Inspections: require semi-annual and unannounced(Withem)..... 250
Intermediate care facilities: change provisions relating to licensure categories and nursing requirements (Health and Human Services Comm.)..... 459
Appropriation bill 459A
Mentally retarded: allow persons to receive community-based services(Miller, Morehead, Lynch)..... 556
Ownership: require disclosure(Withem)..... 249
Sexual assault probationers: prohibit placement in nursing homes for medical or psychiatric treatment(Haberman)..... 47
Swing-bed hospitals: provide certification(Smith, Higgins)..... 699

NUTRITION
Certification: provide for nutritionists(Hall)..... 557
Appropriation bill 557A

OBSOLETE STATUTES
Agricultural experiment stations: revisor bill to harmonize provisions(Exec. Bd., Marsh, Vice Chairperson)..... 25
Agriculture, State Board of: revisor bill to eliminate obsolete statutes(Exec. Bd., Marsh, Vice Chairperson)..... 1
Agriculture: revisor bill to eliminate a reference to the Nebraska Pesticides and Devices Act(Exec. Bd., Marsh, Vice Chairperson)..... 24
Alcoholism and Drug Abuse, Division on: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson).. 9
Banks and Banking: revisor bill to eliminate obsolete language (Exec. Bd., Marsh, Vice Chairperson)..... 2
Child labor: revisor bill to eliminate obsolete language (Exec. Bd., Labedz, Chairperson)..... 35
Children and child support: revisor bill to reinstate omitted language(Exec. Bd., Labedz, Chairperson)..... 37
Civil and criminal procedure: revisor bill to harmonize provisions(Exec. Bd., Labedz, Chairperson)..... 33
Correctional Services, Department of: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson).. 11
Criminal procedure: revisor bill to eliminate obsolete language (Exec. Bd., Labedz, Chairperson)..... 34
Elevators: revisor bill to harmonize provisions and code title (Exec. Bd., Labedz, Chairperson)..... 36
Grain sales: revisor bill to eliminate obsolete language (Exec. Bd., Marsh, Vice Chairperson)..... 14
Insurance: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 17
Law Enforcement and Criminal Justice, Nebraska Commission on: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 12
Motor vehicles: revisor bill to eliminate obsolete language (Exec. Bd., Marsh, Vice Chairperson)..... 22
Nebraska Potato Development Act: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 20
Normal schools: revisor bill to eliminate obsolete language (Exec. Bd., Labedz, Chairperson)..... 31
Postsecondary Education, Nebraska Coordinating Commission for: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 16

LB

Postsecondary education: revisor bill to correct an internal reference(Exec. Bd., Marsh, Vice Chairperson)..... 26
Public financing: revisor bill to eliminate obsolete language (Exec. Bd., Marsh, Vice Chairperson)..... 23
Public health and welfare: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 21
Public Institutions, Department of: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 7
Public lands and buildings: revisor bill to eliminate obsolete language(Exec. Bd., Labedz, Chairperson)..... 32
Public Service Commission appropriation: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 5
Public Service Commission: revisor bill to change an internal reference(Exec. Bd., Marsh, Vice Chairperson)..... 28
Public Service Commission: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 4
Revenue and taxation: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 6
Revisor of Statutes: revisor bill to eliminate obsolete language (Exec. Bd., Marsh, Vice Chairperson)..... 8
School Weatherization Fund: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 18
Schools: revisor bill to eliminate obsolete language(Exec. Bd., Labedz, Chairperson)..... 30
Securities: revisor bill to correct an internal reference (Exec. Bd., Marsh, Vice Chairperson)..... 27
Social Security: revisor bill to eliminate obsolete language (Exec. Bd., Marsh, Vice Chairperson)..... 3
Soil and Water Conservation Fund, Nebraska: revisor bill to rename fund and harmonize provisions(Exec. Bd., Marsh, Vice Chairperson)..... 29
State Administrative Procedure Act: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 19
State Institutions: revisor bill to eliminate obsolete language (Exec. Bd., Marsh, Vice Chairperson)..... 10
State Treasurer: revisor bill to eliminate obsolete language (Exec. Bd., Marsh, Vice Chairperson)..... 15
University of Nebraska at Lincoln field house: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson).. 13

OCCUPATIONAL AND PROFESSIONAL LICENSES (See Licenses and Permits)

OCCUPATIONAL THERAPY PRACTICE ACT

Board of Examiners: change membership and testing provisions (Health and Human Services Comm.)..... 473
Appropriation bill 473A

OMAHA (See also Cities of the Metropolitan Class)

Elections: change provisions(Withem)..... 652
Eminent domain: establish provisions to provide replacement property in some cases(Urban Affairs Comm.)..... 369
Learners' permit: provide additional(Rupp)..... 540
Lottery Act, Nebraska State: adopt(V. Johnson)..... 724
Mayor and city council offices: change vacancy provisions(Pirsch) 394
Metropolitan Utilities Districts: allow ownership of pipelines(Hall, Withem, Hartnett, Ashford, Pirsch, Chizek, Lynch, Goodrich, Labedz, Abboud)..... 177
Special assessments: provide for a referee to hear protests (Ashford, Hall, Lynch)..... 167
Transit Authority, Metropolitan: change tax levy provisions(Hall, Hartnett, V. Johnson, Labedz, Higgins, Lynch)..... 471
Zoning: change jurisdiction provisions(Lynch, Conway)..... 422
Zoning: change provisions relating to environmentally sensitive areas(Lynch)..... 351

LB

Zoning: restrict changes within the 3 mile limit(Conway, Lynch).. 263

OPEN MEETINGS LAW
Change provisions relating to agenda and voting requirements (Urban Affairs Comm.)..... 678

OPTOMETRISTS AND OPTOMETRY
Licensing provisions: change(Morehead, Rogers, Rupp, Smith, Remmers, Schmit, Hartnett, R. Johnson, Conway, Coordsen)..... 116

OUTDOOR ADVERTISING
Business signs on state roads: require vendors to pay fee to Department of Roads for to erect and post sign panels(Wesely, Landis, Morehead, Hefner, Moore, Nelson, Conway, Withem, Korshoj, Chizek, Harris)..... 741

OXYGEN
Care staff member training: require(Scofield)..... 190

PARAMEDICS
Emergency service providers: change immunity provisions(Hartnett) 620

PARENTAGE ACT, NEBRASKA
Create(Barrett, Scofield, Chizek, Conway, Schmit)..... 719

PARIMUTUEL RACING
Change the parimutuel tax(Schellpeper)..... 486
Change wagering tax provisions(R. Johnson)..... 560
Horseracing: change provisions relating to parimutuel wagering taxation and capital improvement(V. Johnson)..... 467
Wagering: change tax reporting provisions(Chambers)..... 671

PARKS (See Game and Parks, Recreation)

PAROLE
Board membership: change provisions relating to part-time positions and quorums(Chizek)..... 603
Appropriation bill 603A
Death penalty: eliminate; and limit parole and discharge (Chambers)..... 675
Hearings: change provisions(Chambers)..... 672

PAROLE BOARD, NEBRASKA
Hearings: change provisions(Chambers)..... 672
Membership: change employment and quorum provisions(Chizek)..... 603
Appropriation bill 603A

PAUPERS AND PUBLIC ASSISTANCE (See Public Assistance)

PAWNBROKERS
Personal property tax exemption for rental inventory: change provisions(Pappas, Withem)..... 86
Personal property tax: eliminate(Pappas, Chizek)..... 87

PENSIONS (See also Retirement)
County employees: change provisions relating to vesting of prior service benefits for certain employees(Haberman)..... 549
Judges' benefits: provide cost-of-living adjustment(Haberman).... 57
Judges' monthly benefit provisions: increase(Haberman)..... 58
Judges' retirement: change age and benefits(Goodrich)..... 194
Lincoln police and firefighters: change benefit provisions of their retirement plan(Harris, Landis, McFarland)..... 409
Lincoln police and firefighters: change retirement plan provisions(Harris, Landis, Warner, Marsh, McFarland)..... 408

LB
Omaha school employees retirement: change provisions(Goodrich)... 298
Police officers, first class cities: permit lump-sum benefits for officers in certain cases(Pappas)..... 192
Police officers: establish retirement system in cities of the second class(Rupp)..... 651
Public Employees Retirement Board: change membership provisions (Haberman)..... 59
Public employees: change provisions relating to the retirement board and carrier duties(Haberman)..... 549
School employees, retired: increase supplemental retirement benefits(Wesely)..... 178
School employees: change provisions relating to buy-backs, retirement definitions, and contributions(Haberman)..... 549
School retirement: allow buy-backs of certain prior service (Goodrich, Hartnett)..... 551
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
State employees health plan: allow retired state employees to continue(Morehead, Harris)..... 220
State employees, retired: change optional health insurance coverage(Pappas)..... 260
State employees: change provisions for deferring annuities from the State Employees Retirement Plan(Nelson)..... 308
State Patrol: change disability benefit provisions(Pappas)..... 493
State Patrol: establish cost-of-living adjustment for retired State Patrol members(Goodrich)..... 655
Tenure settlement program, voluntary: establish for Nebraska universities and colleges(Haberman)..... 574
University of Nebraska: adjust retirement benefits for certain retired employees(Marsh)..... 336

PERJURY
Extend requirements to include oaths authorized by law(Wesely).... 452
Modify provisions to conform with the Model Penal Code(Wesely, McFarland)..... 451

PERMITS (See Licenses and Permits)

PERSONAL PROPERTY TAX (See Property Tax, Revenue and Taxation)

PERSONNEL, DEPARTMENT OF
Modify agency head management authority, affirmative action, group insurance plan development, and employee benefit provisions (Landis)..... 491
Appropriation bill 491A
Pay incentive plan for state employees: establish(Rupp, Lynch, Chizek, Wesely)..... 545
State Employees Collective Bargaining Act: create Division of Employee Relations for labor contract administration(Barrett, Warner, Hall, Labedz, Landis, Hefner, Hannibal, Scofield, McFarland, Wesely, L. Johnson, Marsh)..... 661
Appropriation bill 661A
State employees: provide salary increase(Barrett, req. of Gov.).. 764
Veterans: provide employment preference for veterans and spouses (Conway, Beyer, Hefner)..... 696

PESTICIDES
Environmental Response and Liability Act: adopt(R. Johnson)..... 706

PESTICIDES AND DEVICES ACT, NEBRASKA
Revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 24

PETITIONS
Elections: change provisions relating to ballot issues and elections(Hall, Rupp)..... 716
Appropriation bill 716A

LB
Grand jury petitions: require printed names(Withem)..... 478

PETROLEUM PRODUCTS
Agricultural production input liens: provide(Rogers)..... 101
Appropriation bill 101A
Energy Settlement Fund, Nebraska: provide appropriations procedure for funds received from oil overcharge settlements (Warner, Moore, Scofield, Hannibal, Hartnett, L. Johnson, Marsh, Abboud, Wehrbein, Langford)..... 683
Environmental Response and Liability Act: adopt(R. Johnson)..... 706
Liens: change foreclosure time limit(Rogers)..... 314
Oil overcharge funds: reappropriate unexpended balances for projects in LB 432 (1987)(Appropriations Comm.)..... 787
Oil overcharge settlement: restrict distribution(Warner, L. Johnson, Wehrbein, Scofield, Marsh, Abboud, Langford, Moore, Hannibal)..... 432
Railroads: require cabooses on trains carrying hazardous substances(Pappas)..... 339
Storage and Handling Act, Petroleum Products and Hazardous Substances: change provisions regarding the definition of tank (Landis)..... 365
Synthetic fuel additives: require testing(Schmit, Hefner, Dierks, Korshoj)..... 401

PHARMACISTS AND PHARMACY
Board of Examiners: change membership and licensure provisions (Health and Human Services Comm.)..... 473
Appropriation bill 473A
Mail Service Prescription Drug Act: create(Lynch)..... 350
Appropriation bill 350A
Prescriptions and physician-patient privilege provisions: change(Pirsch, Marsh, Chizek)..... 273
Appropriation bill 273A

PHYSICAL THERAPISTS AND PHYSICAL THERAPY
Licensing: change provisions(Health and Human Services Comm.).... 473
Appropriation bill 473A

PHYSICIAN ASSISTANTS
Certificates of approval: change provisions (Health and Human Services Comm.)..... 473
Appropriation bill 473A

PHYSICIANS AND SURGEONS (See also Medicine and Surgery; Health Care)
Adult Protective Services Act: adopt(Wesely, Smith, Marsh)..... 463
Biotinidase deficiency: require infants to be screened(Conway)... 91
Chemically Impaired Professional Act: adopt(Wesely)..... 691
Controlled substances: change provisions related to prescriptions and physician-patient privilege(Pirsch, Marsh, Chizek)..... 273
Appropriation bill 273A
Health Care Certificate of Need Act, Nebraska: eliminate(Pappas)..... 173
Health Care Information Act, Nebraska: adopt(Wesely)..... 256
Health maintenance organizations: repeal provisions relating to open enrollment(Wesely)..... 203
High-risk pregnancy support program: establish(Wesely, V. Johnson)..... 229
Appropriation bill 229A
Liability: change provisions for tort litigation(Conway, Pirsch, Hefner)..... 425
Mentally incompetent persons: change unprofessional conduct provisions when person is convicted of a capital offense(Wesely, Chambers)..... 750

LB

Organ and tissue donations: provide duties and exemption from liability(Nelson, Hannibal, Ashford)..... 74
Rights of the Terminally Ill Act: create(Landis, Morehead, Marsh) 88
State Assistance for the Medically Indigent Act: adopt(Wesely)... 500
Swing-bed hospitals: provide certification(Smith, Higgins)..... 699

PICKLE CARDS (See also Bingo, Gambling, Lotteries, Video Slot Machines)
Nebraska Pickle Card Lottery Act: change provisions(V. Johnson).. 295
Appropriation bill 295A

PLANTS
Sales and use tax: provide sales tax for certain landscaping and sod sales(Warner)..... 287

PLUMBING
City codes: change filing requirements for public use(Wehrbein).. 483
Code violations: provide penalties(Withem)..... 481
Scald prevention devices: require on certain fixtures(Lynch)..... 264

PODIATRISTS AND PODIATRY
Medical assistance: exclude certain services from medical assistance payments(Miller)..... 695

POLICE OFFICERS (See also Law Enforcement)
Bargaining units: change membership provisions(Wesely, Chizek, Ashford, Pappas)..... 519
Citations: prohibit quotas(Moore)..... 476
Custody of prisoners: require coroner's examination and grand jury for certain police-related deaths(Chambers)..... 676
Education and training requirements: change provisions(Chizek, Korshoj)..... 361
First class cities: create exception for property tax levy to fund certain pension plans(L. Johnson, Hartnett, Remmers, Peterson, Rupp, Morehead, Weihing,)..... 441
Law enforcement certificates: change revocation provisions (Chizek)..... 666
Law Enforcement Training Center, Nebraska: change admission requirements(Chizek, Korshoj)..... 362
Mentally ill and dangerous persons: restrict jailing prior to commitment(Wesely)..... 257
Pension benefits: permit lump sum for first class city police officers in certain case(Pappas)..... 192
Retirement: change Lincoln police retirement plan benefit provisions(Harris, Landis, McFarland)..... 409
Retirement: change Lincoln police retirement plan provisions (Harris, Landis, Warner, Marsh, McFarland)..... 408
Retirement: establish for police officers in cities of the second class(Rupp)..... 651
Solid Waste Management Act: adopt(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692

POLITICAL ACCOUNTABILITY AND DISCLOSURE ACT, NE.
Campaign advertising: change provisions relating to size, placement, and information on printed campaign materials(Withem, Barrett)..... 479
Campaign contributions and committees: change provisions(Withem, Barrett)..... 480
Contribution and disclosure: change provisions(Hefner)..... 592
County hospital trustees and directors: include within Political Accountability and Disclosure Act provisions(Barrett).. 134
Educational service units: change provisions relating to board membership conflict of interest(Education Comm., Miller, Conway, Smith)..... 688
Appropriation bill 688A

LB

Eliminate commission enforcement duties(Conway)..... 555
Lobbyist disclosure statements: require(Scofield)..... 188
Lobbyist registration fees: increase for additional principals (Haberman)..... 51

POLITICAL PARTIES

Campaign advertising: change provisions relating to size, placement, and information on printed campaign materials(Withem, Barrett)..... 479
Campaign contributions and committees: change provisions(Withem, Barrett)..... 480
Campaign contributions and disclosures: change provisions(Hefner) 592
Contributions: provide for designation on income tax forms(Lynch) 583
Conventions, state: change representation provisions(Withem)..... 358
County conventions: provide delegate selection by precinct caucus(Withem)..... 588
Primary elections: change filing deadlines for political convention delegates(Withem)..... 357
State employees: eliminate prohibition relating to political party officeholding(Withem)..... 110
Yard signs: prohibit use in campaigns(Pappas)..... 342

POLITICAL SUBDIVISIONS

Accident reports: required to file with the Department of Motor Vehicles if over $500 damage or when death or injury occurs (Miller)..... 149
Animal damage control: authorize county boards to provide in accordance with state and federal plans(Rogers, Moore, R. Johnson)..... 102
Appropriation bill 102A
Audits of political subdivisions not under the jurisdiction of the State Auditor: require and provide contract options (Warner)..... 183
Appropriation bill 183A
Bid specifications: require separate bid specifications for certain political subdivision construction contracts(Lynch)..... 494
Bonds: authorize certain districts to issue refunding bonds (Hartnett)..... 623
Bonds: change refunding provisions(Hartnett)..... 622
Building Construction Act: adopt(Wesely)..... 227
City codes: change filing requirements for public use(Wehrbein).. 483
County construction contracts: change letting provisions(Lynch).. 429
County contracts: authorize persons awarded to furnish bond or deposit(Miller, Langford)..... 211
County Purchasing Act: change provisions(Abboud)..... 602
Delinquent taxes and assessments: change interest rate(Langford). 437
Domestic Products Procurement Act: adopt(Pappas, Hall)..... 667
Enterprise Zone Demonstration Act: adopt(Harris)..... 749
Environmental Response and Liability Act: adopt(R. Johnson)..... 706
Ethanol plants: change provisions relating to grants obtained by municipalities(Schmit)..... 279
Fire inspections: expand authority to conduct(Hartnett)..... 619
Government building roofs: establish construction requirements (Rogers)..... 315
Home health care and nursing services: authorize political subdivisions and the Department of Health to provide(Wesely)..... 389
Interest rates on delinquent tax payments: reduce(Goodrich)..... 196
Intergovernmental Data Communications Act: adopt(Warner, Scofield)..... 312
Appropriation bill 312A
Intergovernmental Risk Management Act: adopt(Landis, Remmers, Haberman, Pappas, Lynch, Wehrbein)..... 398
Interlocal Cooperation Act: authorize the creation of regional park authorities(Lamb)..... 415

LB

Liability: change provisions for tort litigation(Conway, Pirsch, Hefner)..... 425
Liquor: authorize retail liquor licensees to provide catering (Landis)..... 490
Low-level Radioactive Waste Disposal Act: change provisions relating to composition of local monitoring committee(Scofield, Hefner, Schellpeper, Korshoj, Peterson, L. Johnson, Weihing, Conway)..... 426
Municipal cooperative financing: change provisions to include municipalities incorporated under laws of another state(Schmit).. 324
Natural gas: change provisions relating to rate increases and supplier duties(Withem, Korshoj, Landis, Hartnett)..... 663
Appropriation bill 663A
Plumbing fixtures: require scald prevention devices and inspection(Lynch)..... 264
Police citations: prohibit quotas(Moore)..... 476
Programs and services, new: require Legislature to fund(Hefner).. 22CA
Public fund depositories: change provisions relating to the deposit of securities and "joint custody and pledge agreements" (L. Johnson, Hartnett, Weihing, Conway, Moore, Remmers, Peterson, Morehead, Rupp)..... 440
Public funds: provide for deposit in certain financial institutions(L. Johnson, Hannibal, Goodrich, Labedz)..... 488
Sales tax: change administrative fee for municipal sales tax collected by the state(Pappas, Wesely, Hartnett)..... 447
Solid Waste Management Act: adopt(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
Special assessments: change interest rate provisions(Hefner)..... 423
Special improvement districts: create to replace, reconstruct, or repair sewers, alleys, and streets of cities and villages (Smith, Hartnett, Remmers, Weihing)..... 721
Tort Claims Act: change provisions(Hannibal)..... 258
Vending facilities: change provisions relating to contracts and licenses to blind persons(Wesely)..... 322
Wastewater Treatment Facilities Construction Assistance Act: create(Barrett, req. of Gov.)..... 766
Water supply property: require cities and villages to make payments on water supply property in lieu of taxes(Beyer, Hartnett, Withem)..... 205
Weed and debris: provide removal by certain political subdivisions(Conway, Baack)..... 752

POLITICAL SUBDIVISIONS TORT CLAIMS ACT

Change provisions(Hannibal)..... 258
Environmental Response and Liability Act: adopt(R. Johnson)..... 706

POLLUTION (See also Environmental Control and Protection)

Clean Indoor Air Act: modify provisions(Marsh)..... 95
Environmental Response and Liability Act: adopt(R. Johnson)..... 706
Low-level Radioactive Waste Disposal Act: change provisions (Scofield, Hefner, Schellpeper, Korshoj, Peterson, L. Johnson, Weihing, Conway)..... 426
Oxygenated fuel: provide for the sale(Schmit, Baack)..... 751
Radioactive waste: authorize withdrawal from the Central Interstate Low-level Radioactive Waste Compact(Scofield, Hefner, Schellpeper, Korshoj, Peterson, Weihing, L. Johnson,)..... 427
Vehicle Inspection Act: adopt(Beyer)..... 503

PORNOGRAPHY

Local regulation: eliminate a restriction(Peterson)..... 262
Minors: limit access to certain obscene and harmful materials (Schmit, Moore)..... 181
Obscene materials: change provisions for sale, distribution and possession(Pirsch)..... 117

LB

POSTSECONDARY EDUCATION (See also Universities and Colleges)
Admission, college: eliminate provision(Pappas)..... 682
Agricultural College Endowment Fund: change fee provisions relating to funds managed by the State Investment Officer (Appropriations Comm.)..... 786
Coordinating Commission for Postsecondary Education, Nebraska: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 16
Educational television: authorize appropriation for ETV replacement tower at Bassett(Warner, Marsh, Moore, Hannibal, Langford, Scofield, Rogers, Lamb, Dierks, L. Johnson, Wehrbein). 245
Field house of University of Nebraska at Lincoln: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 13
Higher Education Opportunity Program: create(Moore)..... 609
Institute of Agriculture and Natural Resources, University of Nebraska: create a poultry development and assistance program (Moore, Wesely, Morehead, Baack)..... 737
Liquor control: define the southern boundary of the University of Nebraska at Lincoln(Wesely)..... 468
Morrill Hall renovation: appropriate funds(Wesely, Remmers, Harris, Marsh, McFarland)..... 218
Appropriation bill 218A
National Guard, Nebraska: change tuition assistance program provisions(Government Comm.)..... 436
Nebraska, University of: authorize Board of Regents to reduce or close certain schools and programs(L. Johnson, Warner)..... 685
Nebraska, University of: create an agricultural development strategy and program(Wesely, Landis, Morehead, Conway, Moore, R. Johnson, Chizek, Baack, Withem, Korshoj, Harris)..... 739
Retirement benefits: adjust for certain retired University of Nebraska employees(Marsh)..... 336
Revisor bill to correct an internal reference(Exec. Bd., Marsh, Vice Chairperson)..... 26
Session laws, journals and statutes: change provisions relating to sale and distribution to UNL College of Law(Judiciary Comm.).. 572
State Colleges, Nebraska: provide three percent salary increase for certain state employees(Appropriations Comm.)..... 782
Appropriation bill 782A
Students: change provisions relating to the Employment Security Law(Landis, Hall, Labedz)..... 276
Tax credit: provide for contributions to postsecondary educational institutions(Hartnett)..... 631
Teacher training programs: require reports to the Legislature relating to communications technology plans(Scofield, Baack)..... 581
Technical community colleges: allow purchase and indemnification of liability insurance(Lynch)..... 285
Technical community colleges: authorize issuance of revenue bonds(Education Comm.)..... 329
Technical community colleges: change provisions relating to capital construction(Smith)..... 455
Tenure settlement program, voluntary: establish(Haberman)..... 574
Tractor testing: modify provisions(L. Johnson, Warner, Moore).... 684
University Endowment Fund: change fee provisions relating to funds managed by the State Investment Officer (Appropriations Comm.)..... 786
University of Nebraska at Lincoln Food Development Center: establish program for agricultural development and promotion (R. Johnson, Moore, Morehead, Coordsen, Wesely)..... 561
Appropriation bill 561A
University of Nebraska Board of Regents: authorize students as voting members(Hall)..... 23CA
University of Nebraska, state colleges and community colleges: adopt the Intergovernmental Risk Management Act(Landis, Remmers, Haberman, Pappas, Lynch, Wehrbein)..... 398

LB

University of Nebraska: adopt the Solid Waste Management Act (Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
University of Nebraska: change provisions relating to the School of Technical Agriculture at Curtis and chemurgy(Goodrich, Elmer)..... 656
Appropriation bill 656A
University of Nebraska: provide free tuition for children of faculty and staff(McFarland)..... 157
University of Nebraska: provide three percent salary increase for certain state employees(Appropriations Comm.)..... 782
Appropriation bill 782A
Work Study Act: adopt(Conway)..... 371

POSTSECONDARY EDUCATION, NE. COORDINATING COMMISSION FOR
Higher Education Act of 1955: provide matching funds(Warner, L. Johnson)..... 38

POTATO DEVELOPMENT ACT, NEBRASKA
Revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 20

POWER (See Public Utilities)

PREMIUM TAX (See also Insurance)
Change provisions(Rogers)..... 302
Risk Retention Act: permit Director of Insurance to regulate, charter, and collect premium taxes from risk retention groups (Landis, Warner)..... 514

PRISONS AND PRISONERS
Correctional Services, Department of: authorize the sale of certain property in Lincoln(Harris)..... 374
Criminal detention facilities: change standards(Chizek, Pirsch, Lynch, Conway)..... 271
Death penalty: eliminate; and limit parole and discharge (Chambers)..... 675
Disciplinary proceedings: require tape recordings(Chambers)..... 673
Appropriation bill 673A
Felons, convicted: prohibit placement in nursing or veterans' homes as a condition of probation(Higgins, Rupp, Nelson, Hall, Korshoj, Peterson, Smith, Labedz, Chizek, Rogers, Conway, Ashford)..... 333
Industries, correctional: authorize the direct purchase of raw materials and supplies(Chambers)..... 354
Mentally ill and dangerous persons: restrict jailing prior to commitment(Wesely)..... 257
Parole Board, Nebraska: change provisions relating to part-time positions and quorums(Chizek)..... 603
Appropriation bill 603A
Parole hearings: change provisions(Chambers)..... 672
Proceeds of Stories of Felons Act: adopt(Abboud, Ashford)..... 243
Undercover agents: prohibit probationers and inmates from working as law enforcement agency employees(Chambers)..... 670
Workers' compensation: provide for certain inmates(Chambers)..... 353

PRIVATE EDUCATION
Modify provisions(Pappas)..... 682
Vocational institutions: authorize the granting of certain degrees(Schmit, Warner)..... 232

PRIVATE INVESTIGATORS
Licensing requirements: transfer investigation of character of applicants to State Patrol from County Attorney(Chizek)..... 175

PRIVATE SECURITY SERVICES ACT
Adopt(Chambers)..... 677

LB

PROBATE
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475

PROBATION
Drivers licenses: require assessment of points(Barrett)..... 79
Felons, convicted: prohibit placement in nursing or veterans' homes as a condition of probation(Higgins, Rupp, Nelson, Hall, Korshoj, Peterson, Smith, Labedz, Chizek, Rogers, Conway, Ashford)..... 333
Sexual assault probationers: prohibit placement in nursing homes (Haberman)..... 47
Undercover agents: prohibit probationers and inmates from working as law enforcement agency employees(Chambers)..... 670

PROCEEDS OF STORIES OF FELONS ACT
Adopt(Abboud, Ashford)..... 243

PROFESSIONAL TEACHERS' NEGOTIATIONS ACT, NEBRASKA
Labor disputes: repeal act and provide Commission of Industrial Relations jurisdiction for certain school districts (Ashford)..... 524

PROPANE SAFETY ACT
Adopt(Schmit, Elmer)..... 723
Appropriation bill 723A

PROPERTY
Annuities and life insurance contracts: exempt from legal process(Landis)..... 335
Earthmoving equipment: change tax provisions(Revenue Comm.)..... 591
Fire inspections: expand authority to conduct(Hartnett)..... 619
Homestead exemption: change provision relating to eligibility, applications, reduction of claims, and hearings (By Hall and Warner amendments)..... 376A
Liens: require written consent for enforceability of certain personal property liens(Baack)..... 722
Marital Property Act, Nebraska: adopt(Pappas)..... 172
Property assessment and taxation: change provisions(Miller)..... 508
Unitary business: change taxable income determination(Hannibal).. 585

PROPERTY AND LIABILITY INSURANCE GUARANTY ASSOCIATION ACT
Change provisions(Goodrich, Remmers, Schmit, Conway)..... 700
Claims: provide payment(Schmit, Pappas)..... 373

PROPERTY TAX (See also Revenue and Taxation)
Agricultural and horticultural lands: change valuation provisions(Landis)..... 366
Animal damage control: change levy and petition provisions (Rogers, Moore, R. Johnson)..... 102
Appropriation bill 102A
Assessment: change provisions(Miller)..... 508
Businesses, new or expanding: allow exemption relating to property(Chizek, Ashford, Hefner, Pappas, Korshoj, Pirsch, Moore, L. Johnson,)..... 4CA
Cities and villages: require payment in lieu of taxes on certain real property acquired for water supply purposes(Beyer, Hartnett, Withem)..... 205
Corporations: change income tax calculations(Barrett, req. of Gov.)..... 772
Appropriation bill 772A
County boards: authorize exemption of property taxes to stimulate economic development following voter approval(Abboud).. 5CA
Earthmoving equipment: change tax provisions(Revenue Comm.)..... 591

LB

Equalization: decrease property tax levy for equalization aid eligibility(Rogers, Lamb)..... 434
First class cities: create exception for levy to fund certain pension plans and judgements(L. Johnson, Hartnett, Remmers, Peterson, Rupp, Morehead, Weihing,)..... 441
Homestead exemption: change provisions(Revenue Comm.)..... 288
Appropriation bill 288A
Metropolitan Transit Authority: change tax levy provisions(Hall, Hartnett, V. Johnson, Labedz, Higgins, Lynch)..... 471
Motor vehicle titles: change provisions(Hartnett)..... 305
Appropriation bill 305A
Natural resources districts: change tax levy(Schmit, Wesely, Landis)..... 148
Omaha: provide for a referee to hear protests prior to a special assessment levy(Ashford, Hall, Lynch)..... 167
Pawnbrokers: eliminate tax(Pappas, Chizek)..... 87
Personal property tax: adopt the Employment and Investment Growth Act(Barrett, req. of Gov.)..... 775
Appropriation bill 775A
Personal property, tangible: change tax provisions(V. Johnson)... 523
Appropriation bill 523A
Public Education Income Tax Act: adopt(Remmers, Moore)..... 210
Redevelopment of blighted property: change finance provisions (Lynch)..... 11CA
Rental inventory: change provisions relating to exemption(Pappas, Withem)..... 86
School equalization aid: change provisions for calculating (Withem)..... 281
School equalization: change valuation tax(Withem, Chizek)..... 283
Special assessments: change interest rate provisions(Hefner)..... 423
Tax Delinquency Amnesty Act: adopt(Abboud, Pappas, Ashford, Hefner, Hartnett, Elmer, Weihing, Conway, Baack, Moore, Langford, Wehrbein, Hannibal, Warner, Peterson)..... 420
Unitary businesses: change income tax calculations(Barrett, req. of Gov.)..... 772
Appropriation bill 772A
Valuation of agricultural and horticultural land: change method of computing(Scofield)..... 407
Valuation: prohibit changes by county board of equalization (V. Johnson)..... 465
Water supply property: require payments in lieu of taxes(Beyer, Hartnett, Withem)..... 8CA

PROSTITUTION
Change provision(Chizek)..... 176

PSYCHIATRISTS AND PSYCHIATRY
Liability: limit for mental health service providers(Scofield)... 406
Mentally incompetent persons: change unprofessional conduct provisions when person is convicted of a capital offense(Wesely, Chambers)..... 750
Nebraska Psychiatric Institute: change provisions(Wesely)..... 112

PSYCHOLOGISTS AND PSYCHOLOGY
Board of Examiners in Professional Counseling: change membership provisions(Health and Human Services Comm.)..... 473
Appropriation bill 473A
Liability: limit for mental health service providers(Scofield)... 406
Mentally incompetent persons: change unprofessional conduct provisions when person is convicted of a capital offense(Wesely, Chambers)..... 750

PUBLIC ASSISTANCE
Aged, blind, or disabled persons: change requirements(Wesely).... 255

LB

Aging Advisory Committee, Department on: change geographic representation requirements(Smith)..... 456
Aid to Dependent Children recipients: require job training and job search programs(Abboud, Schmit)..... 328
Aid to Dependent Children: increase(V. Johnson)..... 518
Appropriation bill 518A
Aid to Dependent Children: increase(Pappas)..... 542
Aid to Dependent Children: increase monthly assistance(Chambers). 669
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Care management units: administer under the Department on Aging(Smith)..... 42
Appropriation bill 42A
Delinquent payments by political subdivisions: authorize notice by certified mail(Conway)..... 93
Hospital districts: require publication of financial statements(Pappas)..... 282
Indigent persons: require reporting of services rendered by hospitals(Wesely)..... 126
Maternal and child care: authorize Department of Health to conduct WIC and CSFP Programs(Lynch)..... 643
Medical assistance to the poor: change county payment and contractual provisions(V. Johnson)..... 466
Medical assistance: authorize reservation of assets by a spouse when determining eligibility for assistance(Withem, Lynch, Chizek)..... 419
Appropriation bill 419A
Medical assistance: authorize spousal reservation of income for determining medical assistance eligibility(Withem, Lynch)..... 418
Medical assistance: exclude certain services from medical assistance payments(Miller)..... 695
Social Security: eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 3
Social Services, Department of: require branch offices in certain counties(Miller, Haberman, Chambers, Smith, Coordsen, Schellpeper, Baack, Nelson, Rogers, Wesely, Moore, Elmer, Weihing, Hefner, Dierks, Korshoj, Lynch, Remmers, Scofield)..... 392
State Assistance for the Medically Indigent Act: adopt(Wesely)... 500

PUBLIC COUNSEL

Investigations of employee or official disclosures of wrongdoing or waste in government: change provisions(Landis, Wesely)..... 89

PUBLIC DOCKS ACT

Adopt(Hartnett)..... 621

PUBLIC EDUCATION INCOME TAX ACT

Adopt(Remmers, Moore)..... 210

PUBLIC EMPLOYEES (See also State Employees)

Adopt the State Employee Wellness Act(Wesely)..... 387
Benefits, affirmative action, agency head management authority, and definition of grievance: modify provisions(Landis)..... 491
Appropriation bill 491A
Collective Bargaining Act, State Employees: change provisions relating to bargaining units and labor contract negotiations (Barrett, Warner, Hall, Labedz, Landis, Hefner, Hannibal, Scofield, McFarland, Wesely, L. Johnson, Marsh)..... 661
Appropriation bill 661A
Counties: provide personnel administration for certain counties(Withem)..... 586
County employees: change voluntary retirement age(Haberman)..... 60
County personnel policy board: change provisions relating to membership and provide power to issue subpoenas(McFarland)..... 198

Disclosure of information relating to wrongdoing or waste in state government: change provisions(Landis, Wesely)..... 89
Economy and Productivity in State Government Act: adopt(Abboud).. 144
Health insurance: change optional coverage for certain retired state employees(Pappas)..... 260
Health insurance: change state contribution provisions (Appropriations Comm.)..... 783
Appropriation bill 783A
Health plan participation: allow retired state employees to continue(Morehead, Harris)..... 220
Industrial Relations, Commission of: change provisions relating to collective bargaining and actions heard before the Commission (Ashford)..... 718
Labor, Department of: repeal provision prohibiting employees of the employment security division from holding political office (Wesely, Hall, Morehead)..... 272
Mandatory retirement: eliminate provisions(Abboud)..... 296
Omaha school employees retirement: change provisions(Goodrich)... 298
Pay incentive plan: establish(Rupp, Lynch, Chizek, Wesely)..... 545
Political party officeholders: eliminate prohibition(Withem)..... 110
Retirement board: change membership provisions(Haberman)..... 59
Retirement: change provisions for deferring annuities(Nelson).... 308
Retirement: change retirement board and carrier duties(Haberman). 549
Rules of the road: provide exemption(Warner)..... 133
Salaries: provide three percent salary increase for certain state employees(Appropriations Comm.)..... 782
Appropriation bill 782A
Salary increase: provide(Barrett, req. of Gov.)..... 764
School employees, retired: increase supplemental retirement benefits(Wesely)..... 178
School employees: authorize retirement after 35 years of service (Pappas)..... 160
School retirement system: change provisions relating to deposit of funds(Haberman)..... 578
Appropriation bill 578A
State agency board, commission, committee or panel appointments: prohibit for state employees and contract holders(Haberman)..... 50
State patrol officers: require the use of two-way radios while on duty and outside of vehicle(Pappas)..... 82
Student discipline: change provisions in sexual assault cases (Wesely, Marsh)..... 316
Teacher preparation time: require school districts to allow (Lynch)..... 234
Teachers: establish endorsement requirements(Lynch)..... 310
University of Nebraska: adjust retirement benefits for certain retired employees(Marsh)..... 336
Wage withholding: prohibit withholding for political purposes (Hefner, Coordsen, Lamb, Elmer, Peterson)..... 528
Witness fees: change provisions(Pirsch, Warner)..... 554

PUBLIC EMPLOYEES RETIREMENT BOARD (See Retirement Board, Public Employees)

PUBLIC HEALTH AND WELFARE (See also Health, Department of; Social Services, Department of

Adolescent Pregnancy Prevention and Services Program: adopt (V. Johnson)..... 517
Appropriation bill 517A
Adoption: require medical histories(Conway)..... 372
Appropriation bill 372A
Adult Protective Services Act: adopt(Wesely, Smith, Marsh)..... 463
Ambulance attendant, certified: clarify definition to include emergency medical technician-ambulance(Peterson, Scofield, Barrett, Hefner, Hartnett)..... 442

	LB
Ambulance technicians, medical emergency: change certification requirements and limit liability(Rogers)	460
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)	352
Biotinidase deficiency: require infants to be screened(Conway)	91
Care management units: establish for long term care(Smith)	42
Appropriation bill	42A
Chemically Impaired Professional Act: adopt(Wesely)	691
Child care centers and foster care: change provisions (Health and Human Services Comm.)	386
Clean Indoor Air Act: modify provisions(Marsh)	95
Clinical Laboratory Technology: establish licensing provisions (V. Johnson, Hall)	760
Community Public Health Services Act: adopt (Health and Human Services Comm.)	506
Appropriation bill	506A
Comprehensive Health Insurance Pool Act: modify provisions (Wesely, Lynch)	319
Comprehensive Health Insurance Pool: change board membership provisions(Lynch)	495
Controlled substances: change provisions related to prescriptions and physician-patient privilege(Pirsch, Marsh, Chizek)	273
Appropriation bill	273A
Cosmetology Act, Nebraska: change provisions(Wesely, Peterson)	543
Appropriation bill	543A
Dental assistants: provide delegation of duties(V. Johnson, Marsh)	552
Drug education courses: provide criteria(Schmit, Remmers, Wehrbein)	402
Emergency service providers: change immunity provisions(Hartnett)	620
Family policy: adopt for government service providers(Scofield, Landis, Wesely, Marsh, Hall, Morehead, Higgins, Moore, Smith, Barrett, Warner, Withem, Pirsch)	637
Fee schedule for medical services: establish for the Nebraska Workers' Compensation Court(Barrett)	187
Appropriation bill	187A
Felons, convicted: prohibit placement in nursing or veterans' homes as a condition of probation(Higgins, Rupp, Nelson, Hall, Korshoj, Peterson, Smith, Labedz, Chizek, Rogers, Conway, Ashford)	333
Food donations: eliminate a labeling requirement and penalty (Wesely)	544
Health Care Certificate of Need Act, Nebraska: eliminate(Pappas)	173
Health Care Certificate of Need Act, Nebraska: change provisions (Wesely)	410
Health Care Information Act, Nebraska: adopt(Wesely)	256
Health maintenance organizations: repeal provisions relating to open enrollment(Wesely)	203
Hearing Impaired, Commission for the: change membership provisions(Wesely)	388
High-risk pregnancy support program: establish(Wesely, V. Johnson)	229
Appropriation bill	229A
Home health care and nursing services: authorize political subdivisions and the Department of Health to provide(Wesely)	389
Hospital districts: require publication of financial statements(Pappas)	282
Hospital, rehabilitation and nursing home care staff member: redefine to require training in oxygen administration(Scofield)	190
Housing Authority Law, Nebraska: change tenancy termination provisions(Higgins)	368
Immunization: provide reports regarding immunization of children (Health and Human Services Comm.)	472

LB

Indigent persons: require reporting of services rendered by hospitals(Wesely)..... 126
Individual Long-Term Care Account Act: adopt(Lynch)..... 714
Insurance, health: require notifying insured of the right to select health care providers(Peterson)..... 266
Insurance: provide requirements for long-term care policies (Withem)..... 416
Insurance: require insurance companies to pay for diagnostic examinations for persons with a genetic predisposition to cancer (V. Johnson)..... 727
Intermediate care facilities for the mentally retarded: change provisions(Morehead)..... 259
Intermediate care facilities: change provisions relating to licensure categories and nursing requirements (Health and Human Services Comm.)..... 459
Appropriation bill 459A
Ionizing Radiation Licensing Act: adopt(Smith, Lynch, Pappas, Rupp)..... 534
Liability: change provisions for actions against health care providers(Conway, Pirsch, Hefner)..... 425
Licenses: change provisions for licensed health care personnel(Health and Human Services Comm.)..... 473
Appropriation bill 473A
Maternal and child care: authorize Department of Health to conduct WIC and CSFP Programs(Lynch)..... 643
Medical assistance to the poor: change county payment and contractual provisions(V. Johnson)..... 466
Medical assistance: authorize reservation of assets by a spouse when determining eligibility for assistance(Withem, Lynch, Chizek)..... 419
Appropriation bill 419A
Medical assistance: authorize spousal reservation of income for determining medical assistance eligibility(Withem, Lynch)..... 418
Medical assistance: exclude certain services from medical assistance payments(Miller)..... 695
Mental health and mental retardation regions: provide for additional(Goodrich)..... 195
Mental health commitment and release: provide for a review hearing under the Mental Health Commitment Act(Wesely)..... 499
Mental health regional governing board programs: change funding requirements(Wesely)..... 320
Mental health service providers: limit liability(Scofield)..... 406
Mentally ill and dangerous persons: restrict jailing prior to commitment(Wesely)..... 257
Mentally ill and developmentally disabled persons: provide access to certain mental health records(Pirsch)..... 697
Mentally incompetent persons: change death penalty provisions and provisions relating to unprofessional conduct(Wesely, Chambers)..... 750
Mentally retarded: allow persons to receive community-based services(Miller, Morehead, Lynch)..... 556
Metabolic diseases: establish testing and registry (Health and Human Services Comm., Conway)..... 385
Mobile home park operators: change licensing and competency provisions(Landis)..... 364
Nebraska Parentage Act and Nebraska Adoption Act: create(Barrett, Scofield, Chizek, Conway, Schmit)..... 719
Nurses: authorize licensed practical nurses to be certified ambulance attendants(Remmers)..... 76
Nursing home administrators: change licensing provisions(Wesely). 693
Appropriation bill 693A
Nursing Home Advisory Council: change membership provisions (Wesely)..... 694
Nursing home inspections: require semi-annual and unannounced inspections(Withem)..... 250

LB

Nursing homes: redefine care staff member and nursing assistant(Withem) ... 248
Nursing homes: require disclosure of ownership(Withem) ... 249
Nutritionists: provide certification(Hall) ... 557
Appropriation bill ... 557A
Optometry: change licensing provisions(Morehead, Rogers, Rupp, Smith, Remmers, Schmit, Hartnett, R. Johnson, Conway, Coordsen). 116
Organ and tissue donations: provide duties and an exemption from liability(Nelson, Hannibal, Ashford) ... 74
Plumbing fixtures: require scald prevention devices(Lynch) ... 264
Private detectives: transfer investigation of character of applicants for license from County Attorney to State Patrol (Chizek) ... 175
Rabies vaccinations: require of cats(Dierks, Rogers) ... 104
Appropriation bill ... 104A
Radiation Control Act: change provisions(Wesely) ... 390
Appropriation bill ... 390A
Regulation of Health Professions Act, Nebraska: extend termination date(Health and Human Services Comm.) ... 384
Appropriation bill ... 384A
Residential and Community Living Mental Health Services Incentive Act: adopt(Wesely) ... 321
Revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson) ... 21
Rights of the Terminally Ill Act: create(Landis, Morehead, Marsh) 88
Rural Health Manpower, Commission on: change provisions (Schellpeper) ... 485
Safe Drinking Water Act, Nebraska: change provisions (Health and Human Services Comm.) ... 383
Appropriation bill ... 383A
Sexual assault probationers: prohibit placement in nursing homes (Haberman) ... 47
Solid waste disposal sites: require assessment and classification by Department of Environmental Control (R. Johnson) ... 639
Appropriation bill ... 639A
Solid Waste Management Act: adopt(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford) ... 692
State Assistance for the Medically Indigent Act: adopt(Wesely) ... 500
State Employee Wellness Act: adopt(Wesely) ... 387
State employees health plan: allow retired state employees to continue(Morehead, Harris) ... 220
Swing-bed hospitals: provide certification(Smith, Higgins) ... 699
X-ray equipment: establish training & operating requirements (Baack) ... 653

PUBLIC INSTITUTIONS (See State Institutions)

PUBLIC INSTITUTIONS, DEPARTMENT OF

Alcoholism and Drug Abuse, Division on: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson) .. 9
Death penalty: eliminate; and limit parole and discharge (Chambers) ... 675
Disciplinary proceedings: require tape recordings(Chambers) ... 673
Appropriation bill ... 673A
Mental health and retardation regions: provide additional (Goodrich) ... 195
Mental health records: provide access to certain records of the developmentally disabled and the mentally ill(Pirsch) ... 697
Mental retardation: provide powers and duties for mental retardation regions and the director(Goodrich) ... 668
Mentally retarded: allow persons to receive community-based services(Miller, Morehead, Lynch) ... 556
Psychiatric Institute, Nebraska: change provisions(Wesely) ... 112

LB

Residential and Community Living Mental Health Services Incentive Act: adopt(Wesely)..... 321
Revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 7
Vending facilities: change provisions relating to contracts and licensing of blind vendors(Wesely)..... 322

PUBLIC LANDS, BUILDINGS, AND FUNDS

Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Bid specifications: require separate bid specifications for certain political subdivision construction contracts(Lynch)..... 494
Building Construction Act: adopt(Wesely)..... 227
Building Fund, State: deficiency appropriation (Appropriations Comm.)..... 449
Capital construction: appropriate funds(Barrett, req. of Gov.)... 770
Capital construction: appropriate funds for NETV tower and Hastings Regional Center renovation(Barrett, req. of Gov.)..... 763
City codes: change filing requirements for public use(Wehrbein).. 483
Clerk magistrates: change provisions relating to Board of Education lands(Miller)..... 601
Code violations: provide penalties(Withem)..... 481
Construction contracts, public: require letter of credit or cash as additional security(Urban Affairs Comm.)..... 680
Contract bids: change resident preference provisions(Hefner, Chizek)..... 360
Demand deposit accounts: eliminate requirement relating to the deposit of public funds(Withem)..... 109
Fire and building code enforcement: provide(Marsh)..... 646
Fire inspections: expand authority to conduct(Hartnett)..... 619
Fire protection districts: change provisions relating to contracts and state property within the district(Hartnett)..... 618
Government building roofs: establish construction requirements (Rogers)..... 315
Handicapped or disabled parking spaces: change provisions(Lynch, Hartnett)..... 598
Appropriation bill 598A
Lakes containing alkali, potash, and saline: authorize notice by certified mail concerning joint removal(Conway)..... 93
National park property: change provisions for concurrent jurisdiction(Morehead, Rupp)..... 233
Normal schools: revisor bill to eliminate obsolete language (Exec. Bd., Labedz, Chairperson)..... 31
Plumbing fixtures: require scald prevention devices(Lynch)..... 264
Public fund depositories: change provisions relating to the deposit of securities and "joint custody and pledge agreements" (L. Johnson, Hartnett, Weihing, Conway, Moore, Remmers, Peterson, Morehead, Rupp)..... 440
Public funds: provide for deposit in certain financial institutions(L. Johnson, Hannibal, Goodrich, Labedz)..... 488
Residential and Community Living Mental Health Services Incentive Act: adopt(Wesely)..... 321
Revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 23
Revisor bill to eliminate obsolete language(Exec. Bd., Labedz, Chairperson)..... 32
State Assistance for the Medically Indigent Act: adopt(Wesely)... 500
State Investment Officer: change fee provisions relating to funds managed by the State Investment Officer (Appropriations Comm.)..... 786
Time deposit accounts: provide for involvement in the Enterprise Zone Demonstration Act(Harris)..... 749
Vehicle Information and Registration System Cash Fund: create (Warner)..... 311

LB

PUBLIC LETTINGS (See also Bids and Bidding)
Bid specifications: require separate specifications for certain political subdivision construction contracts(Lynch)..... 494
County construction contracts: change letting provisions(Lynch).. 429
Residents: change preference provisions regarding bids(Hefner, Chizek)..... 360

PUBLIC MEETINGS
Open Meetings Law: change provisions relating to agenda and voting requirements(Urban Affairs Comm.)..... 678

PUBLIC OFFICERS (See State Officers)

PUBLIC POWER (See Public Utilities)

PUBLIC POWER DISTRICTS
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Insurance securities or other instruments of indebtedness: authorize investment by public power districts(Schellpeper)..... 246
Intergovernmental Risk Management Act: adopt(Landis, Remmers, Haberman, Pappas, Lynch, Wehrbein)..... 398
Interlocal Cooperation Act: authorize the creation of regional park authorities(Lamb)..... 415
Legislature: require study of the public power industry(Schmit, Withem, Hartnett)..... 705
Metropolitan Utilities Districts: allow ownership of pipelines(Hall, Withem, Hartnett, Ashford, Pirsch, Chizek, Lynch, Goodrich, Labedz, Abboud)..... 177
Political Subdivisions Tort Claims Act: change provisions (Hannibal)..... 258
Revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 23
Satellite television services: allow public power districts to provide(Lamb)..... 345
Services and equipment: authorize public power districts to sell certain services and equipment(Baack)..... 412

PUBLIC SERVICE COMMISSION
Automatic dialing-announcing devices: provide for regulation (Wesely)..... 180
Commissioners' salaries: appropriate funds(Barrett, req. of Gov.) 769
Commodity testing, agricultural: provide prior to sale or storage(Schmit)..... 325
Grain Dealer Act: enforce licensing provisions(Miller)..... 507
Grain Warehouse Act: require licensing by Public Service Commission of all warehouses not under federal license (R. Johnson)..... 164
Railroad Inspection Act: adopt(Pappas)..... 611
Revisor bill to change an internal reference(Exec. Bd., Marsh, Vice Chairperson)..... 28
Revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 4
Revisor bill to repeal obsolete language regarding appropriation (Exec. Bd., Marsh, Vice Chairperson)..... 5
Telecommunications: change regulation provisions(Schmit)..... 380
Telecommunications: eliminate certain deregulation provisions(Schmit)..... 381
Telecommunications: eliminate certificates of convenience and necessity for new telecommunications services or facilities (Schmit)..... 382
Telephones: provide telephone service credit for low-income elderly persons(Pappas, Labedz)..... 654

LB
Warehouses: require license(R. Johnson)..... 291

PUBLIC UTILITIES
Cities and villages: allow taxation, assessment, and collection for utility services(Smith, Nelson, R. Johnson, Lamb, Baack, Conway, Remmers, Scofield, L. Johnson)..... 546
Districts, public power: authorize the sale of certain services and equipment(Baack)..... 412
Electrical Board, State: provide powers and an exception (Morehead)..... 69
Electrical disconnects, main: require installation(Schmit, R. Johnson, Lamb, Pappas, Rupp)..... 761
Electrical energy charges: change provisions(Schmit)..... 238
Employees: provide exemption relating to rules of the road (Warner)..... 133
Insurance securities or other instruments of indebtedness: authorize investment by public power districts(Schellpeper)..... 246
Legislature: require study of the public power industry(Schmit, Withem, Hartnett)..... 705
Liability: change provisions relating to irrigation and public power districts(Weihing)..... 579
Metropolitan Utilities Districts: allow ownership of pipelines(Hall, Withem, Hartnett, Ashford, Pirsch, Chizek, Lynch, Goodrich, Labedz, Abboud)..... 177
Microwave communications facilities: eliminate provisions(Schmit) 641
Political Subdivisions Tort Claims Act: change provisions (Hannibal)..... 258
Real property acquired for water supply purposes: require cities and villages to make payment in lieu of taxes(Beyer, Hartnett, Withem)..... 205
Revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 23
Sales tax: eliminate for utility services(Withem, Hannibal, Haberman)..... 108
Satellite television services: allow public power districts to provide(Lamb)..... 345
Water use for power purposes: provide cancellation of rights for noncompliance with lease or non-payment of fee(Moore)..... 140

RABIES
Vaccinations: require of cats(Dierks, Rogers)..... 104
Appropriation bill 104A

RACING
Horse registration: change provisions for Nebraska-bred horses (V. Johnson)..... 421
Horseracing: authorize expanded wagering(V. Johnson)..... 15CA
Horseracing: change provisions relating to parimutuel wagering taxation and capital improvement(V. Johnson)..... 467
Horseracing: provide for wagering on simulcasts(Schmit)..... 708
Appropriation bill 708A
Parimutuel tax: change provisions(Schellpeper)..... 486
Parimutuel tax: change provisions(R. Johnson)..... 560
Parimutuel wagering: change tax reporting provisions(Chambers)... 671

RADIATION CONTROL ACT
Change provisions(Wesely)..... 390
Appropriation bill 390A
X-ray equipment: establish training & operating requirements (Baack)..... 653

RADIOLOGY
Ionizing Radiation Licensing Act: adopt(Smith, Lynch, Pappas, Rupp)..... 534

LB

X-ray equipment: establish training & operating requirements (Baack)..... 653

RAILROAD INSPECTION ACT
Adopt(Pappas)..... 611

RAILROADS
Adopt the Railroad Inspection Act(Pappas)..... 611
Cabooses: require on trains carrying hazardous substances(Pappas) 339
Hazardous material, transportation of: require flagperson(Pappas) 193
Hazardous materials: provide for inspection of trains(Pappas).... 153
Liquor licensing: change provisions(Morehead)..... 219
Museum: designate a railroad museum(L. Johnson)..... 733
Rolling stock: provide sales and use tax exemption on repairs and replacement parts(Haberman)..... 46
Train mile tax: increase(Haberman)..... 496

RAILWAY HISTORICAL SOCIETY, NATIONAL
Railroad museum: designate(L. Johnson)..... 733

RANCHING
Agricultural development: create strategy and program(Wesely, Landis, Morehead, Conway, Moore, R. Johnson, Chizek, Baack, Withem, Korshoj, Harris)..... 739
Agricultural production input liens: provide(Rogers)..... 101
Appropriation bill 101A
Agricultural Products Development Act: adopt(Abboud)..... 513
Agricultural products: eliminate excise tax exemption for certain products(Schmit)..... 610
Agriculture Act, Nebraska: adopt(Wesely, Scofield, Landis, Morehead, Hefner, R. Johnson, Baack, Conway, Withem, Korshoj)... 738
Animal damage control: provide powers and cash fund(Rogers, Moore, R. Johnson)..... 102
Appropriation bill 102A
Brand Law, Nebraska: change provisions(Scofield, Dierks)..... 450
Business Trust Act: adopt(Pappas, Weihing, Baack)..... 337
Appropriation bill 337A
Central filing system: require Secretary of State to compile lien list(Remmers)..... 640
Commodities: establish tax on stock, bond, and commodity commissions(Schmit)..... 563
Commodity Code: adopt(Haberman)..... 575
Appropriation bill 575A
Commodity testing: provide prior to sale or storage(Schmit)..... 325
Corporate ownership of farm or ranch land: restrict(Conway, Baack)..... 547
Daylight time: change provisions(Government Comm.)..... 774
Development and promotion of agriculture: establish program(R. Johnson, Moore, Morehead, Coordsen, Wesely)..... 561
Appropriation bill 561A
Drainage: change liability provisions(Rogers)..... 100
Electrical disconnects, main: require installation(Schmit, R. Johnson, Lamb, Pappas, Rupp)..... 761
Environmental Response and Liability Act: adopt(R. Johnson)..... 706
Erosion and sediment control: change provisions(Lamb)..... 594
Farm breweries: provide licensing requirements(Pappas)..... 505
Farm Labor Contractors Act: adopt(Smith, Hall, Chambers, Pappas, Weihing, Nelson, R. Johnson)..... 344
Appropriation bill 344A
Farm machinery repair parts: provide sales and use tax exemption (Haberman)..... 44
Farm machinery, implements, and repair parts: provide payment date if returned(Hefner)..... 510
Farm Mediation Act: adopt(Schmit, Rogers, Morehead, Chambers).... 664
Appropriation bill 664A

LB

Gasoline tax credit: change provisions(Revenue Comm.)..... 289
Grain Dealer Act: change licensing provisions(Miller)..... 507
Grain Warehouse Act: require licensing by Public Service Commission of all warehouses not under federal license (R. Johnson)..... 164
Grasslands Protection Act: adopt(R. Johnson, Hefner, Scofield, Baack, Rogers, Elmer, Abboud)..... 124
Horse registration: change provisions for Nebraska-bred horses (V. Johnson)..... 421
Horseracing: adopt the Sports Wagering Act(Chambers)..... 757
Appropriation bill 757A
Horseracing: authorize expanded wagering(V. Johnson)..... 15CA
Industry promotion: require agricultural boards to enter into contracts to coordinate industry promotion(Schmit)..... 755
Initiative 300: modify provisions relating to financial institutions(Baack, Conway)..... 10CA
Insurance policies: change cancellation and renewal provisions (Haberman)..... 498
Investment Finance Authority Act, Nebraska: change agricultural loan provisions(Schmit)..... 707
Land valuation: change method of computing valuation of agricultural and horticultural land(Scofield)..... 407
Land valuation: change provisions relating to agricultural and horticultural lands(Landis)..... 366
Livestock Health Act, State: adopt(Dierks, Rogers, Schmit)..... 103
Nongame and Endangered Species Conservation Act: change provisions relating to notice and public hearings(Miller)..... 150
Petroleum products liens: change time limit(Rogers)..... 314
Sales and use tax: exempt certain farm, computer, and manufacturing equipment(Revenue Comm.)..... 293
Sales and use tax: exempt farm tractors and implements of husbandry(Haberman)..... 185
Appropriation bill 185A
Tax exemption: exempt sales tax relating to farm machinery, equipment, and replacement parts(R. Johnson)..... 562
Tractor testing: modify provisions(L. Johnson, Warner, Moore).... 684
Vehicles: change provisions relating to certain overweight vehicles which haul farm products(Haberman, Moore, Rogers)..... 756
Water use: establish fees(Schmit)..... 566
Weed control: eliminate state participation(R. Johnson)..... 138
Workers' compensation: provide for farm and ranch laborers (Pappas)..... 341

REAL ESTATE (See also Real Property)

Appraisers: allow notice by certified mail regarding refusal of licenses(Conway)..... 93
Appraisers: change licensing and educational provisions(Goodrich) 40
Appropriation bill 40A
Correctional Services, Department of: authorize the sale of certain property in Lincoln(Harris)..... 374
Eminent domain: change procedure for claiming damages(Wehrbein).. 236
Eminent domain: establish provision to provide replacement property in some cases(Urban Affairs Comm.)..... 369
Fire inspections: expand authority to conduct(Hartnett)..... 619
Future advances: change provisions(Haberman)..... 136
Future interests: limit the duration of certain future interests (Goodrich)..... 657
Homestead exemption: change provisions(Revenue Comm.)..... 288
Appropriation bill 288A
Homestead exemption: change provisions relating to eligibility, applications, hearings, and reductions (By Hall and Warner amendments)..... 376A
Housing Authority Law, Nebraska: change tenancy termination provisions(Higgins)..... 368

LB

License investigations: change certain sheriffs' fees and allow employees to serve writs(Chizek, Korshoj)..... 438
Nurseries: provide tax for certain landscaping and sod sales (Warner)..... 287
Plats: provide method for approval of certain plats in Lincoln (Landis)..... 715
Ponds, private: provide for removal of fish(Hartnett)..... 629
Property assessment and taxation: change provisions(Miller)..... 508
Register of deeds: provide requirements for instruments to be recorded(Withem)..... 477
Sales personnel: require disclosure that their commission rates are negotiable(Higgins)..... 97
Sales personnel: require disclosure that they are not bound to confidentiality(Higgins)..... 96
Sales personnel: require disclosure that they work for the benefit of the seller(Higgins)..... 98
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Special assessments: change interest rate provisions(Hefner)..... 423
Tax sale certificates and deeds: change return dates and foreclosure provisions(Withem)..... 215
Trust accounts: change provisions(L. Johnson, Hannibal, Goodrich, Ashford, Hall, Labedz)..... 403
Trust deeds: authorize lawyers' professional corporations to serve as trustee(McFarland)..... 156
Uranium: change severance tax provisions(Scofield)..... 633

REAL PROPERTY

Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Condemnation: change provisions relating to duties of clerk magistrates(Miller)..... 601
Correctional Services, Department of: authorize the sale of certain property in Lincoln(Harris)..... 374
Eminent domain: change procedure for claiming damages(Wehrbein).. 236
Eminent domain: establish provision to provide replacement property in some cases(Urban Affairs Comm.)..... 369
Fire inspections: expand authority to conduct(Hartnett)..... 619
Future advances: change provisions(Haberman)..... 136
Future interests: limit the duration of certain future interests (Goodrich)..... 657
Homestead exemption: change provisions(Revenue Comm.)..... 288
Appropriation bill 288A
Homestead exemption: change provisions relating to eligibility, applications, hearings, and reductions (By Hall and Warner amendments)..... 376A
Housing Authority Law, Nebraska: change tenancy termination provisions(Higgins)..... 368
License investigations: change certain sheriffs' fees and allow employees to serve writs(Chizek, Korshoj)..... 438
Nurseries: provide tax for certain landscaping and sod sales (Warner)..... 287
Plats: provide method for approval of certain plats in Lincoln (Landis)..... 715
Ponds, private: provide for removal of fish(Hartnett)..... 629
Property assessment and taxation: change provisions(Miller)..... 508
Property tax exemption to stimulate economic development: authorize county boards to initiate vote of electors(Abboud)..... 5CA
Real estate appraisers: change licensing and educational provisions(Goodrich)..... 40
Appropriation bill 40A
Redevelopment of blighted property: change finance provisions (Lynch)..... 11CA
Register of deeds: provide requirements for instruments to be recorded(Withem)..... 477

LB

Sales personnel: require disclosure that their commission rates are negotiable(Higgins)..... 97
Sales personnel: require disclosure that they are not bound to confidentiality(Higgins)..... 96
Sales personnel: require disclosure that they work for the benefit of the seller(Higgins)..... 98
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Special assessments: change interest rate provisions(Hefner)..... 423
Tax sale certificates and deeds: change return dates and foreclosure provisions(Withem)..... 215
Taxes: require cities and villages to make payment in lieu of taxes on certain real property acquired for water supply purposes (Beyer, Hartnett, Withem)..... 205
Trust accounts: change provisions(L. Johnson, Hannibal, Goodrich, Ashford, Hall, Labedz)..... 403
Trust deeds: authorize lawyers' professional corporations to serve as trustee(McFarland)..... 156
Uranium: change severance tax provisions(Scofield)..... 633
Water supply: require payments in lieu of taxes(Beyer, Hartnett, Withem)..... 8CA

RECLAMATION DISTRICTS
Interlocal Cooperation Act: authorize the creation of regional park authorities(Lamb)..... 415

RECREATION (See also Game and Parks)
Amusement Ride Act, Nebraska: adopt(Wesely)..... 226
Appropriation bill 226A
Liability: change provisions regarding persons who charge for entrance to land(Scofield)..... 405
Mechanical amusement devices: provide tax for certain devices (Schmit, Hartnett, Conway)..... 701
Videotapes, albums, and tickets: impose tax(Scofield)..... 634

RECYCLING
Beverage Container Refund Act: adopt(Pappas, Schellpeper, Landis, Baack)..... 613
Environmental Response and Liability Act: adopt(R. Johnson)..... 706
Litter Reduction and Recycling Act: repeal and adopt the Solid Waste Management Act(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692

REGISTER OF DEEDS
Recorded instruments: provide requirements(Withem)..... 477

REGISTRATION (See also Licenses and Permits)
Cabin trailers: require certificate of title for all(Dierks, Abboud)..... 604
Horses: change registration provisions for Nebraska-bred horses (V. Johnson)..... 421
Mobile homes and cabin trailers: change title provisions(Abboud). 522
Motor vehicle titles: change provisions(Hartnett)..... 305
Appropriation bill 305A
Motor vehicle titles: change provisions relating to penalties for offenses(Korshoj)..... 608
Motor vehicles: authorize liability coverage by foreign insurance carriers in certain cases(Haberman, Barrett)..... 330
Motor vehicles: change requirements(Pappas)..... 614
Vehicle Information and Registration System Act: adopt(Warner)... 311

REGULATION OF HEALTH PROFESSIONS ACT, NEBRASKA
Termination date: extend(Health and Human Services Comm.)..... 384
Appropriation bill 384A

REHABILITATION SERVICES ACT
Change provisions(V. Johnson)..... 527

LB

REORGANIZATION OF SCHOOL DISTRICTS ACT
Change provisions(V. Johnson)..... 726
Appropriation bill 726A

RESOLUTIONS
Auditor of Public Accounts: eliminate as a constitutional officer(Wesely, Pappas)..... 16CA
Cities and villages: authorize use of general funds for economic development purposes(Urban Affairs Comm.)..... 21CA
County boards: allow exclusion of new or expanding business property from taxation(Chizek, Ashford, Hefner, Pappas, Korshoj, Pirsch, Moore, L. Johnson,)..... 4CA
Education, Department of: place under control of the Governor (Remmers, Morehead, Scofield, Baack, Moore, Dierks, Weihing, Pappas, V. Johnson)..... 19CA
Highway construction: limit certain taxes(Hartnett)..... 20CA
Horseracing: authorize expanded wagering(V. Johnson)..... 15CA
Initiative 300: modify provisions relating to financial institutions(Baack, Conway)..... 10CA
Legislative salaries: increase(R. Johnson)..... 7CA
Legislative sessions: limit to 60 days(Peterson)..... 6CA
Legislature: change members' salary, length of service and legislative session(Rupp)..... 18CA
Legislature: redefine session commencement and terms of members (Wesely)..... 17CA
Political subdivisions: require Legislature to fund new programs and services(Hefner)..... 22CA
Property redevelopment: change finance provisions relating to blighted property(Lynch)..... 11CA
Property tax exemption to stimulate economic development: authorize county boards to initiate vote of electors(Abboud)..... 5CA
Technical community college indebtedness: authorize(Withem, Nelson)..... 3CA
University of Nebraska Board of Regents: authorize students as voting members(Hall)..... 23CA
Water supply property: require payments in lieu of taxes(Beyer, Hartnett, Withem)..... 8CA

RESPIRATORY CARE
Board of Examiners: change membership and licensure provisions (Health and Human Services Comm.)..... 473
Appropriation bill 473A

RESTAURANTS
Cooking oil: require food retailers to post disclosures regarding type of oil and its cholesterol content(Pappas)..... 83
Minimum wage: increase(V. Johnson)..... 474

RETAILERS (See also Sales)
Beverage Container Refund Act: adopt(Pappas, Schellpeper, Landis, Baack)..... 613
Cooking oil: require food retailers to post disclosures regarding type of oil and its cholesterol content(Pappas)..... 83
Electronic funds: change provisions relating to sales and use tax payments(V. Johnson)..... 523
Appropriation bill 523A
Employment Expansion and Investment Incentive Act: redefine qualifying business to include retail business headquarters (Wesely, Hannibal, Abboud, Hefner)..... 323
Farm machinery, implements, and repair parts: provide payment date if returned(Hefner)..... 510
Liquor and liquor licensing: change provisions(Morehead)..... 219
Liquor: eliminate provisions relating to liquor purchases on credit(Schmit)..... 709

LB
Minimum wage: increase(V. Johnson)..... 474
Sales tax: expand state jurisdiction to include additional entities subject to sales tax collection(Hefner)..... 304
Appropriation bill 304A
Tobacco Products Tax Act: adopt(Revenue Comm.)..... 730
Appropriation bill 730A
Tobacco, smokeless: provide penalty if distributed at less than cost or unsolicited(Nelson, Remmers)..... 72
Tobacco: require distributor's license(Nelson, Remmers)..... 143
Videocassette and television satellite retailers: establish luxury tax(Higgins)..... 600

RETIREMENT

Aging Advisory Committee, Department on: change geographic representation requirements(Smith)..... 456
County employees: change provisions relating to vesting of prior service benefits for certain employees(Haberman)..... 549
County employees: change voluntary retirement age(Haberman)..... 60
Health insurance: change optional coverage for certain retired state employees(Pappas)..... 260
Health plan participation: allow retired state employees to continue(Morehead, Harris)..... 220
Insurance, health: provide for optional continuation for certain persons(Labedz, Morehead, Pappas, Elmer)..... 580
Judges: change retirement age and benefits(Goodrich)..... 194
Judges' benefits: provide cost-of-living adjustment(Haberman).... 57
Judges' monthly benefit provisions: increase(Haberman)..... 58
Lincoln police and firefighters: change benefit provisions of their retirement plan(Harris, Landis, McFarland)..... 409
Lincoln police and firefighters: change retirement plan provisions(Harris, Landis, Warner, Marsh, McFarland)..... 408
Mandatory retirement: eliminate provisions(Abboud)..... 296
Police and firefighters: create exception for property tax levy to fund certain pension plans(L. Johnson, Hartnett, Remmers, Peterson, Rupp, Morehead, Weihing,)..... 441
Police officers: establish retirement system in cities of the second class(Rupp)..... 651
Police officers: permit lump sum pension benefits for first class city officers in certain cases(Pappas)..... 192
Public Employees Retirement Board: change membership provisions (Haberman)..... 59
Public employees: change provisions relating to the retirement board and carrier duties(Haberman)..... 549
School employees, Omaha: change buy-back provisions(Goodrich).... 298
School employees, retired: increase supplemental retirement benefits(Wesely)..... 178
School employees: authorize after 35 years of service(Pappas).... 160
School employees: change provisions relating to buy-backs, retirement definitions, and contributions(Haberman)..... 549
School retirement system: change provisions relating to deposit of funds(Haberman)..... 578
Appropriation bill 578A
School retirement: allow buy-backs of certain prior service (Goodrich, Hartnett)..... 551
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
State employees: change provisions for deferring annuities from the State Employees Retirement Plan(Nelson)..... 308
State Patrol: change disability benefit provisions(Pappas)..... 493
State Patrol: establish cost-of-living adjustment for retired State Patrol members(Goodrich)..... 655
Telephones: provide telephone service credit for low-income elderly persons(Pappas, Labedz)..... 654
Tenure settlement program, voluntary: establish for Nebraska universities and colleges(Haberman)..... 574

LB

University of Nebraska: adjust retirement benefits for certain retired employees(Marsh)..... 336

RETIREMENT BOARD, PUBLIC EMPLOYEES
Annuities: change provisions regarding annuity deferment(Nelson). 308
Change provisions relating to deferred compensation, board and carrier duties, and vesting of prior service benefits(Haberman).. 549
Mandatory retirement: eliminate provisions(Abboud)..... 296
Membership: change provisions(Haberman)..... 59

REVENUE AND TAXATION
Adopt the Tax Delinquency Amnesty Act(Abboud, Pappas, Ashford, Hefner, Hartnett, Elmer, Weihing, Conway, Baack, Moore, Langford, Wehrbein, Hannibal, Warner, Peterson)..... 420
Agricultural and horticultural lands: change valuation provisions(Landis)..... 366
Agricultural Products Development Act: adopt(Abboud)..... 513
Agricultural products: eliminate excise tax exemption for certain products(Schmit)..... 610
Animal damage control: change levy and petition provisions (Rogers, Moore, R. Johnson)..... 102
Appropriation bill 102A
Annuity contracts: exempt from taxation(Hannibal)..... 584
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Asbestos removal: extend date for school districts to levy separate tax for asbestos removal(Hall)..... 212
Assessments, special: provide deferral for certain agricultural land adjacent to municipal improvements(Urban Affairs Comm.)..... 679
Bank deposits by county officials: change provisions(Conway)..... 370
Biennial budget: provide calculation relating to excess funds and receipts(Warner)..... 130
Bingo: change taxation provisions(V. Johnson)..... 464
Bookmaking and gambling devices: provide tax(Schmit, Hartnett, Conway)..... 701
Businesses, new or expanding: allow exemption relating to property(Chizek, Ashford, Hefner, Pappas, Korshoj, Pirsch, Moore, L. Johnson,)..... 4CA
Candy and certain beverages: remove sales and use tax exemption(Revenue Comm.)..... 729
Capital Companies Tax Credit Act: adopt(Abboud)..... 247
Change provisions(V. Johnson)..... 523
Appropriation bill 523A
Cities and villages: require payment in lieu of taxes on certain real property acquired for water supply purposes(Beyer, Hartnett, Withem)..... 205
Claims against the State: adopt Uniform Arbitration Act(Landis, McFarland, Ashford, Withem)..... 71
Commissions: establish tax on stock, bond, and commodity commissions(Schmit)..... 563
Corporate income tax: lower from 25 to 20 per cent(Revenue Comm.) 284
Appropriation bill 284A
Corporate registration and tax payments: change dissolution date for tax-delinquent corporations(Korshoj)..... 186
Corporations: change income tax calculations(Barrett, req. of Gov.)..... 772
Appropriation bill 772A
County boards: authorize to exempt property taxes to stimulate economic development following voter approval(Abboud)..... 5CA
County Disaster Assistant Fund: establish(Scofield)..... 391
County Revenue Act: adopt(Schmit)..... 280
County Revenue Act: adopt(Schmit)..... 710
Delinquent taxes and assessments: change interest rate(Langford). 437
Delinquent taxes: change interest rate provisions(Hefner)..... 423

Demand deposit accounts: eliminate requirement relating to the deposit of public funds(Withem)..... 109
Drugs: provide tax for certain drugs(Schmit, Hartnett, Conway)... 701
Earthmoving equipment: change tax provisions(Revenue Comm.)..... 591
Economic Forecasting Advisory Board, Nebraska: change provisions (Warner)..... 343
Educational service units: change provisions relating to use of tax revenue(Conway)..... 265
Electricity: establish surcharge(Schmit, Harris, Nelson, Miller, Pappas)..... 658
Employment and Investment Growth Act: adopt(Barrett, req. of Gov.)..... 775
Appropriation bill 775A
Employment Expansion and Investment Incentive Act: increase the income tax credit(Chizek, Ashford, Korshoj, Hefner, Abboud)..... 270
Appropriation bill 270A
Employment Expansion and Investment Incentive Act: redefine qualifying business to include retail business headquarters (Wesely, Hannibal, Abboud, Hefner)..... 323
Enterprise Zone Demonstration Act: allow tax credit(Harris)..... 749
Environmental Response and Liability Act: adopt(R. Johnson)..... 706
Equipment and machinery: exempt certain types from sales and use tax(Revenue Comm.)..... 293
Farm breweries: provide licensing requirements(Pappas)..... 505
Farm machinery repair parts: provide sales and use tax exemption (Haberman)..... 44
Farm machinery, equipment, and replacement parts: exempt sales tax(R. Johnson)..... 562
Farm tractors and farm vehicles: exempt from sales and use tax (Haberman)..... 185
Appropriation bill 185A
Film and television production: provide exemption from withholding(Landis, Morehead)..... 75
Appropriation bill 75A
Fire insurance companies: change tax rate(Hartnett)..... 303
First class cities: create exception for property tax levy to fund certain pension plans and judgements(L. Johnson, Hartnett, Remmers, Peterson, Rupp, Morehead, Weihing,)..... 441
Food and food products: eliminate sales and use tax exemption (Pappas)..... 94
Gambling: increase state tax(V. Johnson)..... 295
Appropriation bill 295A
Highway construction: limit certain taxes(Hartnett)..... 20CA
Homestead Exemption Fund: authorize from oil and gas severance tax receipts(Hartnett)..... 627
Homestead exemption: change provisions(Revenue Comm.)..... 288
Appropriation bill 288A
Homestead exemption: change provisions relating to disabled persons(Schmit)..... 754
Homestead exemption: change provisions relating to eligibility, applications, hearings, and reductions (By Hall and Warner amendments)..... 376A
Horseracing: change tax on parimutuel wagering(R. Johnson)..... 560
Income tax: change method for determining corporate and individual(Revenue Comm.)..... 294
Income tax: change provisions(Barrett, req. of Gov.)..... 773
Appropriation bill 773A
Income tax: decrease rate(Hall)..... 659
Income tax: shift from federal liability to adjusted gross income as a basis for state tax(Barrett, req. of Gov.)..... 773
Appropriation bill 773A
Individual income tax: raise from 19 to 20.5 per cent (Revenue Comm.)..... 284
Appropriation bill 284A

	LB
Individual Long-Term Care Account Act: adopt(Lynch)	714
Inheritance tax deductions: change a provisions(Miller)	125
Inheritance tax: change provisions relating to appraisal by clerk magistrates(Miller)	601
Insurance companies: change provisions relating to premium and retaliatory taxes(Rogers)	302
Insurance: provide computation of addition to tax rates relating to out of state taxes(V. Johnson)	734
Interest rates on delinquent tax payments owed to the State or political subdivisions: reduce(Goodrich)	196
Investments: impose a surcharge on noninsured financial investments(Schmit)	448
Liquor and liquor licensing: change provisions(Morehead)	219
Liquor control: transfer duties of the Nebraska Liquor Control Commission to the Department of Revenue(Barrett, req. of Gov.)	771
Liquor: change excise tax exemption provision(Hartnett)	628
Liquor: impose tax on spirits coolers(V. Johnson)	725
Liquor: increase occupation tax(General Affairs Comm.)	550
Luxury tax: establish provisions(Higgins)	600
Medical assistance to the poor: change county payment and contractual provisions(V. Johnson)	466
Mental health regional governing board programs: change funding requirements(Wesely)	320
Metropolitan Transit Authority: change tax levy provisions(Hall, Hartnett, V. Johnson, Labedz, Higgins, Lynch)	471
Motor vehicle fuels: create the Highway Improvement Bond Fund(Hartnett)	632
Motor vehicle sales tax: change procedure for payment(Beyer)	204
Motor vehicle titles: change provisions(Hartnett)	305
Appropriation bill	305A
Motor vehicles: change registration requirements(Pappas)	614
Motor vehicles: change tax distribution provisions(V. Johnson)	470
Municipal sales tax: change administrative fee for tax collected by the state(Pappas, Wesely, Hartnett)	447
Natural resources districts: change tax levy(Schmit, Wesely, Landis)	148
Natural resources districts: provide sales and use tax exemption for purchases(Haberman)	45
Nurseries: provide tax for certain landscaping and sod sales (Warner)	287
Parimutuel tax: change provisions(Schellpeper)	486
Parimutuel tax: provide wagering on horseracing simulcasts (Schmit)	708
Appropriation bill	708A
Parimutuel wagering: change provisions relating to taxation and capital improvement(V. Johnson)	467
Parimutuel wagering: change tax reporting provisions(Chambers)	671
Pawnbrokers: eliminate personal property tax(Pappas, Chizek)	87
Political party contributions: provide for designation on income tax forms(Lynch)	583
Postsecondary education: provide tax credit for contributions to institutions(Hartnett)	631
Propane: adopt the Propane Safety Act(Schmit, Elmer)	723
Appropriation bill	723A
Property assessment and taxation: change provisions(Miller)	508
Property redevelopment: change finance provisions relating to blighted property(Lynch)	11CA
Property tax valuation: prohibit percentage valuation changes by county board of equalization(V. Johnson)	465
Property tax: decrease levy for equalization aid eligibility (Rogers, Lamb)	434
Public Education Income Tax Act: adopt(Remmers, Moore)	210
Public fund depositories: change provisions relating to the deposit of securities and "joint custody and pledge agreements" (L. Johnson, Hartnett, Weihing, Conway, Moore, Remmers, Peterson, Morehead, Rupp)	440

LB

Public power districts: authorize investment in insurance securities and other instruments of indebtedness(Schellpeper).... 246
Railroad rolling stock replacement parts and repairs: provide sales and use tax exemption(Haberman)..... 46
Reappraisal grievances: change provisions(McFarland)..... 64
Rental inventory: change provisions relating to personal property tax exemption(Pappas, Withem)..... 86
Research and development: provide tax credit(Wesely, Hefner, Morehead, Withem, Conway, Harris)..... 747
Revisor bill to correct a reference to the State Administrative Procedure Act(Exec. Bd., Marsh, Vice Chairperson)..... 19
Revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 6
Sales and use tax refunds on manufacturing and processing equipment: change provisions(Goodrich, Hefner, Chizek, Elmer, Peterson, Harris, Wesely, Hartnett,)..... 267
Sales tax: expand state jurisdiction to include additional entities subject to sales tax collection(Hefner)..... 304
Appropriation bill 304A
Sales tax: provide a sales tax on services(Hall)..... 659
Sales tax: redefine the term "engaged in doing business in the state"(Hefner)..... 304
Appropriation bill 304A
School district equalization aid: change calculation(Lamb)..... 70
School district identification number: require on income tax forms(Remmers, Moore)..... 209
School district mergers: require(V. Johnson)..... 726
Appropriation bill 726A
School district numbers: require for proper filing of income tax returns(Lamb, R. Johnson, Rogers, Dierks)..... 414
School equalization aid: change provisions for calculating (Withem)..... 281
School equalization: change valuation tax(Withem, Chizek)..... 283
School Improvement Act: adopt(Lynch)..... 596
Services: provide a sales tax on services(Hall)..... 659
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Solid Waste Management Act: adopt(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
Special assessments: provide for a referee to hear protests (Ashford, Hall, Lynch)..... 167
Tax benefits for corporations: adopt the Employment and Investment Growth Act(Barrett, req. of Gov.)..... 775
Appropriation bill 775A
Tax sale certificates and deeds, foreclosure of: change return dates and foreclosure provisions(Withem)..... 215
Technical community colleges: change provisions relating to capital construction(Smith)..... 455
Tobacco Products Tax Act: adopt(Revenue Comm.)..... 730
Appropriation bill 730A
Tobacco: provide for tax on sale and distribution(Nelson, Remmers)..... 143
Tort Claims Act, State: reference provisions relating to claims against the state(Barrett)..... 252
Train mile tax: increase(Haberman)..... 496
Uniform Act on Interstate Arbitration and Death Taxes: allow election through notice by certified mail(Conway)..... 93
Unitary business: change taxable income determination(Hannibal).. 585
Unitary businesses: change income tax calculation(Barrett, req. of Gov.)..... 772
Appropriation bill 772A
Unitary groups: eliminate provisions(Pappas)..... 168
Uranium: change severance tax provisions(Scofield)..... 633
Utility services: allow cities and villages to tax, assess, and collect for utility services(Smith, Nelson, R. Johnson, Lamb, Baack, Conway, Remmers, Scofield, L. Johnson)..... 546

LB

Utility services: eliminate sales tax(Withem, Hannibal, Haberman) 108
Valuation of agricultural and horticultural land: change method of computing(Scofield) 407
Vehicle Information and Registration System Act: adopt(Warner) 311
Venture Capital Company Act: adopt to provide a tax credit for certain investments(Wesely, Chizek, Conway, Nelson, Withem, Morehead, Harris) 746
Videotapes, albums, and tickets: impose tax(Scofield) 634
Visitors' Development Act: authorize use of occupancy taxes for capital construction if tourism-related(Pappas) 340
Void tax levy on city or village: authorize notice by certified mail(Conway) 93
Water supply property: require payments in lieu of taxes(Beyer, Hartnett, Withem) 8CA
Weight-distance Tax Act: adopt(V. Johnson, Hall) 732

REVENUE, DEPARTMENT OF

Change various revenue and taxation provisions(V. Johnson) 523
Appropriation bill 523A
County Disaster Assistance Fund: establish(Scofield) 391
Decrease appropriation for Program 108 (By Hall and Warner amendments) 376A
Earthmoving equipment: change tax provisions(Revenue Comm.) 591
Gambling: change provisions(V. Johnson) 295
Appropriation bill 295A
Motor vehicle titles: change provisions(Hartnett) 305
Appropriation bill 305A
Municipal sales tax: change administrative fee for tax collected by the state(Pappas, Wesely, Hartnett) 447
Political party contributions: provide for designation on income tax forms(Lynch) 583
Property assessment and taxation: change provisions(Miller) 508
School district numbers: require for proper filing of income tax returns(Lamb, R. Johnson, Rogers, Dierks) 414
Solid Waste Management Act: adopt(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford) 692
Sports Wagering Act: adopt(Chambers) 757
Appropriation bill 757A
Tax Delinquency Amnesty Act: adopt(Abboud, Pappas, Ashford, Hefner, Hartnett, Elmer, Weihing, Conway, Baack, Moore, Langford, Wehrbein, Hannibal, Warner, Peterson) 420
Tobacco Products Tax Act: adopt(Revenue Comm.) 730
Appropriation bill 730A
Train mile tax: increase(Haberman) 496
Valuation of agricultural and horticultural land: change method of computing(Scofield) 407
Vehicle Information and Registration System Act: adopt(Warner) 311
Venture Capital Company Act: adopt to provide a tax credit for certain investments(Wesely, Chizek, Conway, Nelson, Withem, Morehead, Harris) 746

REVISOR BILLS

Agricultural experiment stations: harmonize provisions(Exec. Bd., Marsh, Vice Chairperson) 25
Agriculture, State Board of: repeal obsolete statutes(Exec. Bd., Marsh, Vice Chairperson) 1
Agriculture: eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson) 24
Alcoholism and Drug Abuse, Division on: eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson) 9
Banks and Banking: eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson) 2
Child labor: eliminate obsolete language(Exec. Bd., Labedz, Chairperson) 35

LB

Children and child support: reinstate omitted language(Exec. Bd., Labedz, Chairperson)..... 37
Civil and criminal procedure: harmonize provisions(Exec. Bd., Labedz, Chairperson)..... 33
Correctional Services, Department of: eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 11
Criminal procedure: eliminate obsolete language(Exec. Bd., Labedz, Chairperson)..... 34
Elevators: rename a code and harmonize provisions(Exec. Bd., Labedz, Chairperson)..... 36
Grain sales: eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 14
Insurance: eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 17
Law Enforcement and Criminal Justice, Nebraska Commission on: eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson).. 12
Motor vehicles: eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 22
Normal schools: eliminate obsolete language(Exec. Bd., Labedz, Chairperson)..... 31
Postsecondary Education, Nebraska Coordinating Commission for: eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson).. 16
Postsecondary education: correct an internal reference(Exec. Bd., Marsh, Vice Chairperson)..... 26
Potato Development Act, Nebraska: eliminate obsolete language (Exec. Bd., Marsh, Vice Chairperson)..... 20
Public financing: eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 23
Public health and welfare: eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 21
Public Institutions, Department of: eliminate obsolete language (Exec. Bd., Marsh, Vice Chairperson)..... 7
Public lands and buildings: eliminate obsolete language (Exec. Bd., Labedz, Chairperson)..... 32
Public Service Commission appropriation: repeal obsolete statute (Exec. Bd., Marsh, Vice Chairperson)..... 5
Public Service Commission: change an internal reference (Exec. Bd., Marsh, Vice Chairperson)..... 28
Public Service Commission: repeal obsolete provisions(Exec. Bd., Marsh, Vice Chairperson)..... 4
Revenue and taxation: eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 6
Revisor of Statutes: eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 8
School Weatherization Fund: eliminate obsolete language (Exec. Bd., Marsh, Vice Chairperson)..... 18
Schools: eliminate references to repealed provisions(Exec. Bd., Labedz, Chairperson)..... 30
Securities: correct an internal reference(Exec. Bd., Marsh, Vice Chairperson)..... 27
Social Security: eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 3
Soil and Water Conservation Fund, Nebraska: rename and harmonize provisions(Exec. Bd., Marsh, Vice Chairperson)..... 29
State Administrative Procedure Act: eliminate obsolete language (Exec. Bd., Marsh, Vice Chairperson)..... 19
State Institutions: eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 10
State Treasurer: eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 15
University of Nebraska at Lincoln field house: eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 13

REVISOR OF STATUTES

Revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 8

LB

RIGHTS OF THE TERMINALLY ILL ACT
Create(Landis, Morehead, Marsh)..... 88

RISK RETENTION ACT
Adopt(Landis, Warner)..... 514

ROADS (See also Highways)
Alcohol: prohibit open containers in motor vehicles(Moore)..... 346
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Bonds: provide for the issuance of additional bonds for road construction(Schmit, Hefner, Moore)..... 457
County construction contracts: change letting provisions(Lynch).. 429
County contracts: authorize persons awarded to furnish bond or deposit(Miller, Langford)..... 211
Driving while intoxicated and implied consent: change provisions (Hall)..... 377
Driving while intoxicated: permit detention of certain offenders (Weihing)..... 690
Driving while intoxicated: provide for impounding and revocation of drivers licenses and permits(Chizek, Pirsch, Korshoj)..... 268
Employment driving permits: provide for certain DWI convictions (Labedz, Hall)..... 689
Fifth wheel connection devices: restrict repositioning if loaded (Warner)..... 39
Government and public utility employees: provide exemption for rules of the road(Warner)..... 133
Heavy motor vehicles: adopt the Weight-distance Tax Act (V. Johnson, Hall)..... 732
Highway construction: limit certain taxes(Hartnett)..... 20CA
Highway Improvement Bond Fund: create(Hartnett)..... 632
Highway Trust Fund and State Aid Bridge Fund: change provisions (Revenue Comm.)..... 289
Hunting and shooting: change provisions(Lynch)..... 597
Hunting and trapping: prohibit on certain highway locations (Warner, Coordsen)..... 286
Improvement Districts, Road: authorize issuance of refunding bonds(Hartnett)..... 623
Improvement Districts, Road: change bond refunding provisions (Hartnett)..... 622
Liquor: expand implied consent-driving while under the influence provisions to include mind-altering chemicals(Abboud)..... 404
Mail box placement and support: change provisions(Peterson)..... 299
Motor vehicle turn and brake signals: change provisions(Ashford). 216
Motor vehicles: provide for seizure and detention at weigh stations(Beyer)..... 307
Motorcyclists: require helmet protection(Lynch)..... 428
Overweight vehicles: change provisions relating to vehicles which haul farm products(Haberman, Moore, Rogers)..... 756
Pedestrian-control traffic signals: change provisions(Miller).... 135
Property transfers between adjoining school districts: allow where transfer would provide less travel for school children (Dierks)..... 61
Registration and approval requirements of motor vehicles: change provisions(Transportation Comm.)..... 224
School buses: permit passing of parked school buses in certain cases(Hartnett, Beyer)..... 347
Speed limits: raise certain highway and interstate limits(Hall, Chambers, Pappas)..... 430
State Fairgrounds: provide road improvement(Schellpeper)..... 704
State Highway Commission: provide for an additional member and district(Elmer)..... 161

Tires and windshields: change provisions relating to minimum requirements for highway use(Beyer)..... 504
Tourism Development Act: adopt and change provisions relating to informational and business signs on state roads(Wesely, Landis, Morehead, Hefner, Moore, Nelson, Conway, Withem, Korshoj, Chizek, Harris)..... 741
Vehicle Inspection Act: adopt(Beyer)..... 503
Weight restrictions for tandem and dummy axles: provide(Warner).. 132

ROADS, DEPARTMENT OF
Contract disputes: adopt the Uniform Arbitration Act(Landis, McFarland, Ashford, Withem)..... 71
Economic Development Act: adopt(Wesely)..... 748
Highway Trust Fund: deficiency appropriation (Appropriations Comm.)..... 449
Mail box placement and support: change provisions(Peterson)..... 299
Motor vehicles: provide for seizure and detention at weigh stations(Beyer)..... 307
Overweight vehicles: change provisions relating to vehicles which haul farm products(Haberman, Moore, Rogers)..... 756
State Fairgrounds: provide road improvement(Schellpeper)..... 704
State Highway Commission: provide for an additional member and district(Elmer)..... 161
Tourism events: require posting of signs to promote(Pappas)..... 84

RULES OF THE ROAD
Alcohol: prohibit open containers in motor vehicles(Moore)..... 346
All-terrain vehicles: regulate operation and equipping of (Barrett)..... 80
Axles: provide weight restrictions(Warner)..... 132
Drivers licenses: require assessment of points for probationers (Barrett)..... 79
Driving while intoxicated and implied consent: change provisions (Hall)..... 377
Driving while intoxicated: provide for impounding and revocation of drivers licenses and permits(Chizek, Pirsch, Korshoj)..... 268
Fifth wheel connection devices: restrict repositioning if loaded (Warner)..... 39
Government and public utility employees: provide exemption (Warner)..... 133
Hunting and trapping: prohibit on certain highway locations (Warner, Coordsen)..... 286
Liquor: expand implied consent-driving while under the influence provisions to include mind-altering chemicals(Abboud)..... 404
Mail box placement and support: change provisions(Peterson)..... 299
Motor vehicle turn and brake signals: change provisions(Ashford). 216
Motorcyclists: require helmet protection(Lynch)..... 428
Overweight vehicles: change provisions relating to vehicles which haul farm products(Haberman, Moore, Rogers)..... 756
Pedestrian-control traffic signals: change provisions(Miller).... 135
School buses: permit passing of parked school buses in certain cases(Hartnett, Beyer)..... 347
Speed limits: raise certain highway and interstate limits(Hall, Chambers, Pappas)..... 430
Tires and windshields: change provisions relating to minimum requirements for highway use(Beyer)..... 504

SAFE DRINKING WATER ACT, NEBRASKA
Change provisions(Health and Human Services Comm.)..... 383
Appropriation bill 383A

SALARIES (See Fees and Salaries)

SALES
Beverage Container Refund Act: adopt(Pappas, Schellpeper, Landis, Baack)..... 613

LB
Commission Salesperson Payment Act: adopt(Conway)..... 92
Employment Expansion and Investment Incentive Act: redefine qualifying business to include retail business headquarters (Wesely, Hannibal, Abboud, Hefner)..... 323
Farm machinery, implements, and repair parts: provide payment date if returned(Hefner)..... 510
Liquor: eliminate provisions relating to liquor purchases on credit(Schmit)..... 709
Luxury tax: establish for certain videocassette, satellite, and community antenna television sales(Higgins)..... 600
Real estate sales personnel: require disclosure that they are not bound to confidentiality(Higgins)..... 96
Real estate: require disclosure by sales personnel that their commissions are negotiable(Higgins)..... 97
Real estate: require disclosure that sales personnel work for the benefit of the seller(Higgins)..... 98
Sales tax: expand state jurisdiction to include additional entities subject to sales tax collection(Hefner)..... 304
Appropriation bill 304A
Tobacco Products Tax Act: adopt(Revenue Comm.)..... 730
Appropriation bill 730A
Tobacco: require distributor's license(Nelson, Remmers)..... 143

SALES AND INCOME TAX

Biennial budget: provide calculation relating to excess funds and receipts(Warner)..... 130
Capital Companies Tax Credit Act: adopt(Abboud)..... 247
Corporate income tax: lower from 25 to 20 per cent(Revenue Comm.) 284
Appropriation bill 284A
Corporations: change income tax calculations(Barrett, req. of Gov.)..... 772
Appropriation bill 772A
Corporations: provide tax benefits by adoption of the Employment and Investment Growth Act(Barrett, req. of Gov.)..... 775
Appropriation bill 775A
County Disaster Assistant Fund: establish(Scofield)..... 391
Employment and Investment Growth Act: adopt(Barrett, req. of Gov.)..... 775
Appropriation bill 775A
Employment Expansion and Investment Incentive Act: increase the income tax credit(Chizek, Ashford, Korshoj, Hefner, Abboud)..... 270
Appropriation bill 270A
Employment Expansion and Investment Incentive Act: redefine qualifying business to include retail business headquarters (Wesely, Hannibal, Abboud, Hefner)..... 323
Income tax: change provisions(Barrett, req. of Gov.)..... 773
Appropriation bill 773A
Income tax: decrease rate(Hall)..... 659
Income tax: shift from federal liability to adjusted gross income as a basis for state tax(Barrett, req. of Gov.)..... 773
Appropriation bill 773A
Individual and corporate income tax: change method for determining(Revenue Comm.)..... 294
Individual income tax: raise from 19 to 20.5 per cent (Revenue Comm.)..... 284
Appropriation bill 284A
Individual Long-Term Care Account Act: adopt(Lynch)..... 714
Investments: impose a surcharge on noninsured financial investments(Schmit)..... 448
Motor vehicles: change procedure for payment(Beyer)..... 204
Municipal sales tax: change administrative fee for tax collected by the state(Pappas, Wesely, Hartnett)..... 447
Political party contributions: provide for designation on income tax forms(Lynch)..... 583

Postsecondary education: provide tax credit for contributions to institutions(Hartnett)..... 631
Public Education Income Tax Act: adopt(Remmers, Moore)..... 210
Redefine the term "engaged in doing business in the state" for sales tax purposes(Hefner)..... 304
Appropriation bill 304A
Sales tax: expand state jurisdiction to include additional entities subject to sales tax collection(Hefner)..... 304
Appropriation bill 304A
School district identification number: require on income tax forms(Remmers, Moore)..... 209
Services: provide a sales tax on services(Hall)..... 659
Tax Delinquency Amnesty Act: adopt(Abboud, Pappas, Ashford, Hefner, Hartnett, Elmer, Weihing, Conway, Baack, Moore, Langford, Wehrbein, Hannibal, Warner, Peterson)..... 420
Unitary business: change taxable income determination(Hannibal).. 585
Unitary businesses: change income tax calculation(Barrett, req. of Gov.)..... 772
Appropriation bill 772A

SALES AND USE TAX (See also Revenue and Taxation)

Candy and certain beverages: remove sales and use tax exemption(Revenue Comm.)..... 729
Change provisions(V. Johnson)..... 523
Appropriation bill 523A
Corporations: provide tax benefits by adoption of the Employment and Investment Growth Act(Barrett, req. of Gov.)..... 775
Appropriation bill 775A
County Disaster Assistant Fund: establish(Scofield)..... 391
County Revenue Act: adopt(Schmit)..... 710
County Revenue Act: adopt(Schmit)..... 280
Employment and Investment Growth Act: adopt(Barrett, req. of Gov.)..... 775
Appropriation bill 775A
Employment Expansion and Investment Incentive Act: increase the income tax credit(Chizek, Ashford, Korshoj, Hefner, Abboud)..... 270
Appropriation bill 270A
Equipment and machinery: exempt certain types(Revenue Comm.)..... 293
Equipment for manufacturing and processing: change provisions regarding sales and use tax refunds(Goodrich, Hefner, Chizek, Elmer, Peterson, Harris, Wesely, Hartnett,)..... 267
Farm machinery repair parts: provide exemption(Haberman)..... 44
Farm machinery, equipment, and replacement parts: exempt sales tax(R. Johnson)..... 562
Farm tractors and farm vehicles: exempt from sales and use tax (Haberman)..... 185
Appropriation bill 185A
Food and food products: eliminate sales and use tax exemptions (Pappas)..... 94
Highway construction: limit certain taxes(Hartnett)..... 20CA
Motor vehicles: change tax distribution provisions(V. Johnson)... 470
Municipal sales tax: change administrative fee for tax collected by the state(Pappas, Wesely, Hartnett)..... 447
Natural resources districts: provide exemption for purchases (Haberman)..... 45
Nurseries: provide tax for certain landscaping and sod sales (Warner)..... 287
Railroad rolling stock replacement parts and repairs: provide sales and use tax exemption(Haberman)..... 46
Redefine the term "engaged in doing business in the state" for sales tax purposes(Hefner)..... 304
Appropriation bill 304A
Sales tax: expand state jurisdiction to include additional entities subject to sales tax collection(Hefner)..... 304
Appropriation bill 304A

LB

Solid Waste Management Act: collect a fee from motor vehicle sales(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
Tax Delinquency Amnesty Act: adopt(Abboud, Pappas, Ashford, Hefner, Hartnett, Elmer, Weihing, Conway, Baack, Moore, Langford, Wehrbein, Hannibal, Warner, Peterson)..... 420
Tobacco: provide for tax on sale and distribution(Nelson, Remmers)..... 143
Utility services: eliminate sales tax(Withem, Hannibal, Haberman) 108

SANITARY AND IMPROVEMENT DISTRICTS
Bonds: authorize issuance of refunding bonds(Hartnett)..... 623
Bonds: change refunding provisions(Hartnett)..... 622
Elections: provide mail-in ballots(Withem)..... 587
Municipalities: provide deferral of special assessments for certain agricultural land adjacent to municipal improvements (Urban Affairs Comm.)..... 679
Special improvement districts: create to replace, reconstruct, or repair sewers, alleys, and streets of cities and villages (Smith, Hartnett, Remmers, Weihing)..... 721

SCHOOL DISTRICTS (See also Schools)
Adolescent Pregnancy Prevention and Services Program: adopt (V. Johnson)..... 517
Appropriation bill 517A
Adopt the School Improvement Act(Lynch)..... 596
Annexation and accreditation: change provisions(Withem)..... 417
Annexed territory: eliminate a consideration for schools serving annexed territory(Withem)..... 595
Asbestos removal: extend date for school districts to levy separate tax for asbestos removal(Hall)..... 212
Audits: change payment provisions for county and educational service unit audits by the State Auditor(Warner)..... 183
Appropriation bill 183A
Boundaries and reorganization elections: change provisions (Withem)..... 444
Career Teacher Incentive Act: adopt(Withem)..... 482
Class I district mergers: allow when a Class I district is included in the area which makes up a Class VI district(Rupp).... 106
Class II budgets: change provisions(Moore, Lamb, Dierks)..... 127
Class VI districts: provide additional requirement for formation (Rupp)..... 107
Contingency funds: allow school districts to establish to cover losses(Education Comm.)..... 217
County reorganization committees: change membership provisions (Withem)..... 443
Demand deposit accounts: eliminate requirement relating to the deposit of public funds(Withem)..... 109
Educational Facilities Authority Act, Nebraska: allow short-term operating deficit financing(Goodrich)..... 431
Educational service units: change provisions regarding contracts for services and use of tax revenue(Conway)..... 265
Educational service units: provide mission statement and change provisions(Education Comm., Miller, Conway, Smith)..... 688
Appropriation bill 688A
Eminent domain: exempt school districts from certain procedures(Withem)..... 359
Equalization Act, School Foundation and: change provisions (Withem, Chizek)..... 283
Equalization aid: change calculation(Lamb)..... 70
Equalization aid: change calculations(Lamb, R. Johnson, Rogers, Dierks)..... 414
Equalization aid: change provisions for calculating(Withem)..... 281
Equalization aid: decrease property tax levy for eligibility purposes(Rogers, Lamb)..... 434

Funds: change provisions relating to apportionment and distribution(Pappas)..... 85
Funds: provide for twice monthly distribution in certain counties(Nelson, Smith, Weihing)..... 169
High school accreditation: provide standards(Lamb, Remmers, Dierks)..... 235
Income tax: require school district identification number (Remmers, Moore)..... 209
Intergovernmental Risk Management Act: adopt(Landis, Remmers, Haberman, Pappas, Lynch, Wehrbein)..... 398
Kindergarten and first grade: change minimum age requirements (Hefner)..... 424
Lease agreements: allow school districts to refinance without elections(Rogers, Baack)..... 435
Loan agreements: allow in certain circumstances(Lynch)..... 147
Merger: require(V. Johnson)..... 726
Appropriation bill 726A
New: eliminate restrictions on the creation of(Lamb, R. Johnson, Dierks, Moore)..... 326
Non-resident high school tuition charges: delete provisions allowing reductions(Withem)..... 182
Nonresident tuition payments: change provisions relating to school districts(Barrett, req. of Gov.)..... 765
Nonresident tuition: change calculation provisions(Baack, Scofield, Lamb)..... 644
Nonteaching service contracts: authorize(Morehead)..... 616
Omaha school employees retirement: change provisions(Goodrich)... 298
Opening and closing dates of school terms: restrict(Pappas, Lynch)..... 99
Political Subdivisions Tort Claims Act: change provisions (Hannibal)..... 258
Professional Teachers' Negotiations Act, Nebraska: change provisions relating to jurisdiction over labor disputes (Ashford)..... 524
Property transfers between adjoining school districts: allow where transfer would provide less travel for school children (Dierks)..... 61
Public construction contracts: require letter of credit or cash as additional security(Urban Affairs Comm.)..... 680
Pupil transportation vehicle operator permits: change provisions(Hartnett)..... 348
Pupil transportation vehicles: change inspection provisions (Beyer, Hartnett)..... 538
Reorganized and new districts: require organization(McFarland)... 520
Reports: change provisions regarding reports to the county board and publication of allowed claims budgeted(Lynch)..... 331
Retirement, school employees: change provisions relating to buy-backs, retirement definitions, and contributions(Haberman)..... 549
Special Education Act: adopt federal definitions for handicapping conditions(Baack)..... 367
Special education: change reimbursement provisions(Baack)..... 413
Special education: require minimum caseloads for programs (Hartnett)..... 624
Student discipline: change provisions in sexual assault cases (Wesely, Marsh)..... 316
Surrogate parents for handicapped children: authorize appointment under certain conditions(Baack)..... 165
Teacher certification and program authorization: change provisions(Education Comm.)..... 529
Appropriation bill 529A
Teacher preparation time: require(Lynch)..... 234
Teachers: establish endorsement requirements(Lynch)..... 310
Teachers: establish procedures for reductions in force(McFarland) 521
Transportation allowances, student: change provisions(Pappas).... 338

LB

Transportation for certain students: authorize for a fee (Education Comm.)..... 200

SCHOOL FOUNDATION AND EQUALIZATION ACT
Change calculations(Lamb, R. Johnson, Rogers, Dierks)..... 414
Change provisions(Withem, Chizek)..... 283

SCHOOL IMPROVEMENT ACT
Adopt(Lynch)..... 596

SCHOOLS (See also School Districts)
Adolescent Pregnancy Prevention and Services Program: adopt (V. Johnson)..... 517
Appropriation bill 517A
Adopt the School Improvement Act(Lynch)..... 596
Annexation and accreditation: change provisions(Withem)..... 417
Annexed territory: eliminate a consideration for schools serving annexed territory(Withem)..... 595
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Asbestos removal: extend date for school districts to levy separate tax for asbestos removal(Hall)..... 212
Boundaries and reorganization elections: change provisions (Withem)..... 444
Buses: permit passing of parked school buses in certain cases (Hartnett, Beyer)..... 347
Career Teacher Incentive Act: adopt(Withem)..... 482
Class I district mergers: allow when a Class I district is included in the area which makes up a Class VI district(Rupp).... 106
Class II school district budgets: change provisions(Moore, Lamb, Dierks)..... 127
Class VI districts: provide additional requirement for formation (Rupp)..... 107
Contingency funds: allow school districts to establish to cover losses(Education Comm.)..... 217
County reorganization committees: change membership provisions (Withem)..... 443
County superintendent: change provisions(Miller)..... 128
Districts, new: eliminate restrictions on creation of(Lamb, R. Johnson, Dierks, Moore)..... 326
Districts: change provisions regarding publication of allowed claims budgeted and reports to the county board(Lynch)... 331
Districts: require merger(V. Johnson)..... 726
Appropriation bill 726A
Districts: require organization of reorganized and new school districts(McFarland)..... 520
Drug education courses: provide criteria(Schmit, Remmers, Wehrbein)..... 402
Education Commission of the States: change membership provisions (Education Comm.)..... 199
Educational Facilities Authority Act, Nebraska: allow short-term operating deficit financing(Goodrich)..... 431
Educational service units and county boards: require audit (Warner)..... 183
Appropriation bill 183A
Educational service units: change provisions regarding contracts for services and use of tax revenue(Conway)..... 265
Educational service units: provide mission statement and change provisions(Education Comm., Miller, Conway, Smith)..... 688
Appropriation bill 688A
Educational service units: provide reorganization(Miller, Smith, Conway)..... 649
Eminent domain: exempt school districts from certain procedures(Withem)..... 359

LB

English: establish as the official language of Nebraska(Schmit, Weihing, Hefner, Elmer, Dierks, Langford, Wehrbein, Korshoj, Coordsen)..... 400
Equalization Act, School Foundation and: change provisions (Withem, Chizek)..... 283
Equalization aid: change calculation for school districts(Lamb).. 70
Equalization aid: change calculations(Lamb, R. Johnson, Rogers, Dierks)..... 414
Equalization aid: change provisions for calculating(Withem)..... 281
Equalization aid: decrease property tax levy for eligibility purposes(Rogers, Lamb)..... 434
Funds: change provisions relating to apportionment and distribution(Pappas)..... 85
Funds: provide for twice monthly distribution in certain counties(Nelson, Smith, Weihing)..... 169
Gifted students: establish the Unicameral Scholars Institute(McFarland)..... 158
Appropriation bill 158A
Governor: place the Department of Education under control of the Governor(Remmers, Morehead, Scofield, Baack, Moore, Dierks, Weihing, Pappas, V. Johnson)..... 19CA
High school accreditation: provide standards(Lamb, Remmers, Dierks)..... 235
Kindergarten and first grade: change minimum age requirements (Hefner)..... 424
Lease agreements: allow school districts to refinance without elections(Rogers, Baack)..... 435
Loan agreements: allow certain school districts to enter(Lynch).. 147
Missing Children Identification Act: adopt(Lynch, Hartnett)..... 599
Non-resident high school tuition charges: delete provisions allowing reductions(Withem)..... 182
Nonresident tuition payments: change provisions relating to school districts(Barrett, req. of Gov.)..... 765
Nonresident tuition: change calculation provisions(Baack, Scofield, Lamb)..... 644
Nonteaching service contracts: authorize(Morehead)..... 616
Normal schools: eliminate obsolete language(Exec. Bd., Labedz, Chairperson)..... 31
Opening and closing dates of school terms: restrict(Pappas, Lynch)..... 99
Permanent School Fund: change investment fee provisions relating to funds managed by the State Investment Officer (Appropriations Comm.)..... 786
Private vocational institutions: authorize the granting of certain degrees(Schmit, Warner)..... 232
Private, denominational, and parochial schools: modify provisions(Pappas)..... 682
Professional Teachers' Negotiations Act, Nebraska: change provisions relating to jurisdiction over labor disputes (Ashford)..... 524
Property transfers between adjoining school districts: allow where transfer would provide less travel for school children (Dierks)..... 61
Public Education Income Tax Act: adopt(Remmers, Moore)..... 210
Pupil transportation vehicle operator permits: change provisions(Hartnett)..... 348
Pupil transportation vehicles: change inspection provisions (Beyer, Hartnett)..... 538
Rehabilitation services: transfer administration from Department of Public Institutions to Division of Rehabilitation Services (V. Johnson)..... 527
Retired employees: increase supplemental retirement benefits (Wesely)..... 178
Retirement, mandatory: eliminate provisions(Abboud)..... 296

LB
Retirement, Omaha employees: change provisions(Goodrich)..... 298
Retirement, school employees: change provisions relating to buy-backs, retirement definitions, and contributions(Haberman)..... 549
Retirement: allow school retirement plan buy-backs of certain prior service(Goodrich, Hartnett)..... 551
Retirement: authorize for school employees after 35 years of service(Pappas)..... 160
Retirement: change provisions relating to funds deposited with the school retirement system(Haberman)..... 578
Appropriation bill 578A
Revisor bill relating to child labor and education(Exec. Bd., Labedz, Chairperson)..... 35
Revisor bill to eliminate references to repealed provisions (Exec. Bd., Labedz, Chairperson)..... 30
Special Education Act: adopt federal definitions for handicapping conditions(Baack)..... 367
Special education programs: change age restriction(Baack)..... 166
Special Education, Nebraska Commission for: provide date of dissolution(Remmers, Hall)..... 142
Special education: change reimbursement provisions(Baack)..... 413
Special education: require minimum caseloads for programs (Hartnett)..... 624
State employees: prohibit wage withholding for political purposes(Hefner, Coordsen, Lamb, Elmer, Peterson)..... 528
Student discipline: change provisions in sexual assault cases (Wesely, Marsh)..... 316
Surrogate parents for handicapped children: authorize appointment under certain conditions(Baack)..... 165
Teacher certification and program authorization: change provisions(Education Comm.)..... 529
Appropriation bill 529A
Teacher preparation time: require(Lynch)..... 234
Teacher training programs: authorize to include communications technologies(Scofield, Baack)..... 581
Teachers: establish endorsement requirements(Lynch)..... 310
Teachers: establish procedures for reductions in force(McFarland) 521
Technical community colleges: authorize issuance of revenue bonds(Education Comm.)..... 329
Transportation allowances, student: change provisions(Pappas).... 338
Transportation: authorize for certain students for a fee (Education Comm.)..... 200
Vocational Education Program Support Act: adopt(Nelson, Wesely).. 647
Appropriation bill 647A
Weatherization Fund, School: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 18
Weatherization Fund: change provisions relating to the Homestead Exemption Fund(Hartnett)..... 627

SECRETARY OF STATE

Administrative agency rule changes: change notice provisions (Coordsen, Abboud)..... 487
Agricultural production input liens: provide form for lien-notification statement(Rogers)..... 101
Appropriation bill 101A
Athlete Agents Registration Act: administer(McFarland)..... 65
Business Trust Act: adopt(Pappas, Weihing, Baack)..... 337
Appropriation bill 337A
Central filing system: require lien list compilation(Remmers).... 640
Corporate registration and tax payments: change dissolution date for tax-delinquent corporations(Korshoj)..... 186
Election results: require report by precinct(Pappas)..... 129
Funds, illegal solicitation of: eliminate provisions(Lynch)..... 512
Recall of legislators: provide procedure(Landis)..... 334
Salary: appropriate funds(Barrett, req. of Gov.)..... 769

SECURED TRANSACTIONS (See also Liens, Uniform Commercial Code)
Central filing system: require Secretary of State to compile lien list(Remmers)..... 640
Collateral substitution: provide(Rogers)..... 393
Copies of loan documents: require lender to furnish(Nelson)..... 73
Future advances: change provisions(Haberman)..... 136
Insurance sold with loans: clarify limitations and expand types of insurance to be sold(Remmers)..... 306
Interest to creditors: require state agencies to pay(Pappas, Hefner)..... 81
Motor vehicle titles: change provisions(Hartnett)..... 305
Appropriation bill 305A
Personal property liens: require written consent for enforceability of certain liens(Baack)..... 722
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Tax sale certificates and deeds, foreclosure of: change return dates and foreclosure provisions(Withem)..... 215

SECURITIES
Bank loans: prohibit banks from making loans secured by capital stock of the bank or its holding company(Remmers)..... 532
Business Trust Act: adopt(Pappas, Weihing, Baack)..... 337
Appropriation bill 337A
Commodity Code: adopt(Haberman)..... 575
Appropriation bill 575A
Fiduciaries: authorize certain investments and investment fees(Haberman)..... 577
Fiduciaries: permit investment of funds in investment companies and investment trusts(Haberman)..... 576
Income tax: change provisions(Barrett, req. of Gov.)..... 773
Appropriation bill 773A
Investment companies: allow banks to subscribe to, purchase, invest, and own shares of investment companies(Schmit, Moore).... 237
Public fund depositories: change provisions relating to the deposit of securities and "joint custody and pledge agreements" (L. Johnson, Hartnett, Weihing, Conway, Moore, Remmers, Peterson, Morehead, Rupp)..... 440
Public power districts: authorize investment in insurance securities and other instruments of indebtedness(Schellpeper).... 246
Revisor bill to correct an internal reference(Exec. Bd., Marsh, Vice Chairperson)..... 27
Securities Act, Nebraska: allow Director of Banking and Finance to impose fine for violations of(Haberman)..... 650
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Stop orders: change provisions(Conway)..... 213
Subpoenas: provide additional power to enforce the Nebraska Securities Act(Haberman)..... 497
Venture Capital Network Act: adopt(Abboud, Ashford, Morehead).... 163
Appropriation bill 163A

SECURITIES ACT OF NEBRASKA
Stop orders: change provisions(Conway)..... 213
Subpoena power: provide additional for the Director of Banking and Finance to enforce the Nebraska Securities Act(Haberman)..... 497
Transactions exempt from registration: authorize certain mailings by registered mail(Conway)..... 93
Violations: allow Director of Banking and Finance to impose fines(Haberman)..... 650

SECURITY GUARDS
Private Security Services Act: adopt(Chambers)..... 677
Witness fees: change provisions(Pirsch, Warner)..... 554

SECURITY INTERESTS (See also Secured Transactions; Financial Institutions)
Agricultural production input liens: provide(Rogers)..... 101
Appropriation bill 101A

LB

Collateral substitution: provide(Rogers)..... 393
Insolvent financial institutions: change provisions relating to claims for deposit and exchange(Landis, Wesely, Marsh, Harris, McFarland, Warner)..... 113

SEMITRAILERS (See Motor Vehicles)

SENIOR CITIZENS (See also Aged and Aging)
Adult Protective Services Act: adopt(Wesely, Smith, Marsh)..... 463
Aging Advisory Committee, Department on: change geographic representation requirements(Smith)..... 456
Care management units: establish for long term care(Smith)..... 42
Appropriation bill 42A
Gambling: change provisions relating to groups(V. Johnson)..... 295
Appropriation bill 295A
Public assistance: change requirements(Wesely)..... 255
State park motor vehicle entry permits: exempt payment by persons over 70(McFarland)..... 159
Telephones: provide telephone service credit for low-income elderly persons(Pappas, Labedz)..... 654

SEWERS AND SEWER SYSTEMS
Cities and villages: create special improvement districts to replace, reconstruct, or repair alleys and streets(Smith, Hartnett, Remmers, Weihing)..... 721
Sanitary sewer extension districts: provide deferral of special assessments for certain adjacent agricultural land (Urban Affairs Comm.)..... 679

SEXUAL ABUSE (See Abuse)

SHERIFFS (See also Law Enforcement)
Citations: prohibit quotas(Moore)..... 476
Custody of prisoners: require coroner's examination and grand jury for certain police-related deaths(Chambers)..... 676
Education and training requirements: change provisions(Chizek, Korshoj)..... 361
Fees: change certain fees and allow employees to serve writs (Chizek, Korshoj)..... 438
Law enforcement certificates: change revocation provisions (Chizek)..... 666
Law Enforcement Training Center, Nebraska: change admission requirements(Chizek, Korshoj)..... 362
Mentally ill and dangerous persons: restrict jailing prior to commitment(Wesely)..... 257
Service of process: change fees(Warner, Nelson, Chizek)..... 223
Solid Waste Management Act: adopt(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692

SHOPLIFTING
Change provisions(Pirsch, Ashford)..... 536

SHORT FORM ACT, NEBRASKA
Adopt(V. Johnson, Ashford)..... 475

SMALL BUSINESS INCUBATORS INCENTIVE ACT
Adopt(Abboud)..... 139

SMALL CLAIMS COURT
Acknowledgement of forms: authorize additional persons(Hefner, L. Johnson)..... 77
Attorneys: permit appearance in certain cases(L. Johnson)..... 228
Change provisions(Pirsch, Ashford)..... 536

SMALL LOTTERY AND RAFFLE ACT, NEBRASKA
Change provisions(V. Johnson)..... 295
Appropriation bill 295A

SNOWMOBILES
Motor vehicle titles: change provisions(Hartnett)..... 305
Appropriation bill 305A

SOCIAL SECURITY (See also Public Assistance)
Aged, blind, or disabled persons: change assistance requirements (Wesely)..... 255
Revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 3

SOCIAL SERVICES, DEPARTMENT OF (See also Health, Department of; Public Health and Welfare)
Adoption: authorize agreements for information exchanges between biological and adoptive parents(Conway)..... 301
Adult Protective Services Act: adopt(Wesely, Smith, Marsh)..... 463
Aged, blind, or disabled persons: change assistance requirements (Wesely)..... 255
Aging Advisory Committee, Department on: change geographic representation requirements(Smith)..... 456
Aid to Dependent Children recipients: require job training and job search programs(Abboud, Schmit)..... 328
Aid to Dependent Children: increase(V. Johnson)..... 518
Appropriation bill 518A
Aid to Dependent Children: increase(Pappas)..... 542
Branch offices: require in certain counties(Miller, Haberman, Chambers, Smith, Coordsen, Schellpeper, Baack, Nelson, Rogers, Wesely, Moore, Elmer, Weihing, Hefner, Dierks, Korshoj, Lynch, Remmers, Scofield)..... 392
Care management units: establish for long-term care of the elderly and administer through Department on Aging(Smith)..... 42
Appropriation bill 42A
Child support enforcement attorneys: transfer from Attorney General to Department of Social Services(Judiciary Comm.)..... 573
Child support: apply statutory interest charges to permanent and temporary child support payments that are delinquent (Judiciary Comm.)..... 569
Child support: change provisions(Judiciary Comm.)..... 570
Foster care placement/removal from home: limit circumstances (Scofield, Higgins, Barrett, Marsh, Smith, Morehead, Warner, Hall, Moore)..... 635
Foster Care Review Board: change membership provisions(Landis, Barrett, Peterson, Beyer)..... 239
Foster parents and day care: allow investigation of household members(Health and Human Services Comm.)..... 386
High-risk pregnancy support program: establish duty to refer women who are eligible(Wesely, V. Johnson)..... 229
Appropriation bill 229A
Immunization: provide reports regarding immunization of children (Health and Human Services Comm.)..... 472
Intermediate care facilities for the mentally retarded: change provisions(Morehead)..... 259
Juveniles: require parental payment for court-ordered juvenile treatment expenses(Scofield, Landis, Marsh, Withem, Morehead, Moore, Hall, Smith, Barrett, Warner, Higgins,)..... 638
Appropriation bill 638A
Medical assistance to the poor: change county payment and contractual provisions(V. Johnson)..... 466
Medical assistance: authorize reservation of assets by a spouse when determining eligibility for assistance(Withem, Lynch, Chizek)..... 419
Appropriation bill 419A
Medical assistance: authorize spousal reservation of income for determining medical assistance eligibility(Withem, Lynch)..... 418

LB

Mentally retarded: allow persons to receive community-based services(Miller, Morehead, Lynch)..... 556
Nebraska Parentage Act and Nebraska Adoption Act: create(Barrett, Scofield, Chizek, Conway, Schmit)..... 719
Nursing Home Advisory Council: change membership provisions (Wesely)..... 694
Residential and Community Living Mental Health Services Incentive Act: adopt(Wesely)..... 321
State Assistance for the Medically Indigent Act: adopt(Wesely)... 500
Telephones: provide telephone service credit for low-income elderly persons(Pappas, Labedz)..... 654

SOCIAL WORK
Adult Protective Services Act: adopt(Wesely, Smith, Marsh)..... 463
Board of Examiners: change membership and licensure provisions (Health and Human Services Comm.)..... 473
Appropriation bill 473A

SOIL CONSERVATION (See also Conservation)
Erosion and sediment control: change provisions(Lamb)..... 594
Grasslands Protection Act: adopt(R. Johnson, Hefner, Scofield, Baack, Rogers, Elmer, Abboud)..... 124

SOLID WASTE
Adopt the Solid Waste Management Act(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
Disposal sites: require assessment and classification(R. Johnson) 639
Appropriation bill 639A
Environmental Response and Liability Act: adopt(R. Johnson)..... 706
Hazardous waste management facilities, commercial: provide procedure and guidelines for the establishment of(Landis, Ashford, Lynch, Korshoj)..... 114

SOLID WASTE MANAGEMENT ACT
Adopt(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692

SOYBEANS
Commodity testing: provide prior to sale or storage(Schmit)..... 325

SPECIAL ACTS
English: establish as the official language of Nebraska(Schmit, Weihing, Hefner, Elmer, Dierks, Langford, Wehrbein, Korshoj, Coordsen)..... 400

SPECIAL EDUCATION (See Disabled Persons; Schools)

SPECIAL EDUCATION ACT
Special Education Act: adopt federal definitions for handicapping conditions(Baack)..... 367

SPECIAL FUELS (See Motor Vehicle Fuels)

SPEECH PATHOLOGISTS AND PATHOLOGY
Board of Examiners: change membership and licensure provisions (Health and Human Services Comm.)..... 473
Appropriation bill 473A
Medical assistance: exclude certain services from medical assistance payments(Miller)..... 695

SPEED LIMITS
Raise certain highway and interstate speed limits(Hall, Chambers, Pappas)..... 430

SPORTS (See Athletics)

SPORTS WAGERING ACT
Adopt(Chambers)..... 757
Appropriation bill 757A

STATE ADMINISTRATIVE DEPARTMENTS (See Administrative Departments, State)

STATE AGENCIES (See Administrative Departments, State)

STATE AID (See Public Assistance)

STATE EMPLOYEES (See also Public Employees)
Adopt the State Employee Wellness Act(Wesely)..... 387
Benefits, affirmative action, agency head management authority, and definition of grievance: modify provisions(Landis)..... 491
Appropriation bill 491A
Collective Bargaining Act, State Employees: change provisions relating to bargaining units and labor contract negotiations (Barrett, Warner, Hall, Labedz, Landis, Hefner, Hannibal, Scofield, McFarland, Wesely, L. Johnson, Marsh)..... 661
Appropriation bill 661A
County employees: change voluntary retirement age(Haberman)..... 60
Disclosure of information relating to wrongdoing or waste in state government: change provisions(Landis, Wesely)..... 89
Economy and Productivity in State Government Act: adopt(Abboud).. 144
Health insurance: change optional coverage for certain retired state employees(Pappas)..... 260
Health insurance: change state contribution provisions (Appropriations Comm.)..... 783
Appropriation bill 783A
Health plan participation: allow retired state employees to continue(Morehead, Harris)..... 220
Industrial Relations, Commission of: change provisions relating to collective bargaining and actions before the Commission (Ashford)..... 718
Labor, Department of: repeal provision prohibiting employees of the employment security division from holding political office (Wesely, Hall, Morehead)..... 272
Omaha school employees retirement: change provisions(Goodrich)... 298
Pay incentive plan: establish(Rupp, Lynch, Chizek, Wesely)..... 545
Political party officeholders: eliminate prohibition(Withem)..... 110
Retirement board: change membership provisions(Haberman)..... 59
Retirement, mandatory: eliminate provisions(Abboud)..... 296
Retirement: change provisions for deferring annuities(Nelson).... 308
Retirement: change provisions relating to retirement board and carrier duties(Haberman)..... 549
Rules of the road: provide exemption(Warner)..... 133
Salaries: provide three percent salary increase for certain state employees(Appropriations Comm.)..... 782
Appropriation bill 782A
Salary increase: provide(Barrett, req. of Gov.)..... 764
School employees, retired: increase supplemental retirement benefits(Wesely)..... 178
School employees: authorize retirement after 35 years of service (Pappas)..... 160
School retirement system: change provisions relating to deposit of funds(Haberman)..... 578
Appropriation bill 578A
State agency board, commission, committee or panel appointments: prohibit for state employees and contract holders(Haberman)..... 50
State patrol officers: require the use of two-way radios while on duty and outside of vehicle(Pappas)..... 82
Student discipline: change provisions in sexual assault cases (Wesely, Marsh)..... 316

LB

Teachers: establish endorsement requirements(Lynch)..... 310
University of Nebraska: adjust retirement benefits for certain retired employees(Marsh)..... 336
Wage withholding: prohibit withholding for political purposes (Hefner, Coordsen, Lamb, Elmer, Peterson)..... 528
Witness fees: change provisions(Pirsch, Warner)..... 554

STATE EMPLOYEES COLLECTIVE BARGAINING ACT
Adopt(Barrett, Warner, Hall, Labedz, Landis, Hefner, Hannibal, Scofield, McFarland, Wesely, L. Johnson, Marsh)..... 661
Appropriation bill 661A

STATE FIRE MARSHAL
City codes: change filing requirements for public use(Wehrbein).. 483

STATE GOVERNMENTS, COUNCIL OF
Membership dues: allocate(Haberman)..... 52

STATE INSTITUTIONS
Alcoholism and Drug Abuse, Division on: provide criteria for drug education courses(Schmit, Remmers, Wehrbein)..... 402
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Correctional Services, Department of: adopt the Proceeds of Stories of Felons Act(Abboud, Ashford)..... 243
Correctional Services, Department of: authorize the direct purchase of raw materials and supplies(Chambers)..... 354
Correctional Services, Department of: authorize the sale of certain property in Lincoln(Harris)..... 374
Correctional Services, Department of: authorize the sale of certain property(Marsh)..... 526
Correctional Services, Department of: deficiency appropriation (Appropriations Comm.)..... 449
Correctional Services, Department of: limit placement and commitment of juvenile offenders(Chambers)..... 355
Correctional Services, Department of: provide workers' compensation for certain inmates(Chambers)..... 353
Correctional Services, Department of: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson).. 11
Correctional Services, Department of: revisor bill to eliminate obsolete language relating to a transfer of property(Exec. Bd., Marsh, Vice Chairperson)..... 12
Family policy: adopt for government service providers(Scofield, Landis, Wesely, Marsh, Hall, Morehead, Higgins, Moore, Smith, Barrett, Warner, Withem, Pirsch)..... 637
Mental health commitment and release: provide for a review hearing under the Mental Health Commitment Act(Wesely)..... 499
Nebraska Psychiatric Institute: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 10
Parole Board, Nebraska: change parole hearing provisions (Chambers)..... 672
Parole Board, Nebraska: change provisions relating to part-time positions and quorums(Chizek)..... 603
Appropriation bill 603A
Penal and correctional institutions: require tape recorded disciplinary proceedings(Chambers)..... 673
Appropriation bill 673A
Public construction contracts: require letter of credit or cash as additional security on public construction contracts (Urban Affairs Comm.)..... 680
Public Institutions, Department of: change provisions relating to the Nebraska Psychiatric Institute(Wesely)..... 112
Public Institutions, Department of: change standards for criminal detention facilities(Chizek, Pirsch, Lynch, Conway)..... 271

LB

Public Institutions, Department of: eliminate death penalty; and limit parole and discharge(Chambers)..... 675
Public Institutions, Department of: eliminate obsolete language (Exec. Bd., Marsh, Vice Chairperson)..... 7
Public Institutions, Department of: provide access to certain mental health records(Pirsch)..... 697
Public Institutions, Department of: provide powers and duties for mental retardation regions and the director(Goodrich)..... 668
Public Institutions, Department of: restrict the jailing of mentally ill and dangerous persons prior to commitment(Wesely)... 257
Public Institutions, Department of: revisor bill relating to the Division on Alcoholism and Drug Abuse(Exec. Bd., Marsh, Vice Chairperson)..... 9
Public Institutions, Department of: transfer administration of rehabilitation services for the blind to Rehabilitation Services (V. Johnson)..... 527
Public Institutions: create additional mental health and retardation regions(Goodrich)..... 195
Special Education Act: adopt federal definitions for handicapping conditions(Baack)..... 367
Vending facilities: change provisions relating to contracts and licensing of blind vendors(Wesely)..... 322

STATE OFFICERS

Administrative agency rule changes: change notice provisions (Coordsen, Abboud)..... 487
Administrative procedures and standards of review: change provisions(Barrett)..... 253
Appeals from state agency decisions: change procedures(Abboud, Landis, Ashford)..... 352
Attorney General: adopt the Nebraska Amusement Ride Act(Wesely).. 226
Appropriation bill 226A
Attorney General: adopt the Unmarked Human Burial and Skeletal Remains Protection Act(Pappas)..... 612
Attorney General: change provisions relating to the Consumer Protection Act(McFarland)..... 617
Attorney General: create the Nebraska Parentage and Nebraska Adoption Acts(Barrett, Scofield, Chizek, Conway, Schmit)..... 719
Attorney General: restrict distribution of federal court oil overcharge settlement(Warner, L. Johnson, Wehrbein, Scofield, Marsh, Abboud, Langford, Moore, Hannibal)..... 432
Attorney General: transfer child support enforcement attorneys to Department of Social Services(Judiciary Comm.)..... 573
Auditor of Public Accounts: adopt the Nebraska State Lottery Act(V. Johnson)..... 724
Auditor of Public Accounts: eliminate as a constitutional officer(Wesely, Pappas)..... 16CA
Auditor of Public Accounts: require annual audits of county boards and educational service units(Warner)..... 183
Appropriation bill 183A
Bid specifications: require separate specifications for certain political subdivision construction contracts(Lynch)..... 494
Budget Director, State: create the Higher Education Opportunity Program(Moore)..... 609
Conference expenses: authorize conditional payment of non-state employee expenses(Rupp)..... 539
Deputies: change certain fees and allow employees to serve writs (Chizek, Korshoj)..... 438
Disclosure of information relating to wrongdoing or waste in state government: change provisions(Landis, Wesely)..... 89
Domestic Products Procurement Act: adopt(Pappas, Hall)..... 667
Economy and Productivity in State Government Act: adopt(Abboud).. 144
Labor, Commissioner of: adopt the Boiler Inspection Act (Business and Labor Comm.)..... 462
Appropriation bill 462A

LB

Municipal cooperative financing: change provisions to include municipalities incorporated under laws of another state(Schmit).. 324
Open Meetings Law: change provisions relating to agenda and voting requirements(Urban Affairs Comm.)..... 678
Perjury: extend to include oaths authorized by law(Wesely)..... 452
Public construction contracts: require letter of credit or cash as additional security(Urban Affairs Comm.)..... 680
Public Employees Retirement Board: change membership provisions (Haberman)..... 59
Public meetings and hearings of state agencies: provide for their location in the affected geographic area(Scofield)..... 189
Recall of legislators: provide procedure(Landis)..... 334
Retirement, mandatory: eliminate provisions(Abboud)..... 296
Salaries: appropriate funds(Barrett, req. of Gov.)..... 769
Secretary of State: administer the Athlete Agents Registration Act(McFarland)..... 65
Secretary of State: change dissolution date for tax-delinquent corporations(Korshoj)..... 186
Secretary of State: provide form for lien-notification statement relating to agricultural production input liens (Rogers)..... 101
Appropriation bill 101A
Secretary of State: require compilation of lien list under the central filing system(Remmers)..... 640
Secretary of State: require that certain election results be reported by precinct(Pappas)..... 129
State Treasurer: change provision relating to the Cash Reserve Fund(Warner)..... 131
State Treasurer: create the Highway Improvement Bond Fund (Hartnett)..... 632
State Treasurer: establish the Dry Bean Development, Utilization, Promotion, and Education Fund(Weihing, Baack)..... 145
Appropriation bill 145A
State Treasurer's authorization of certain interfund transfers: revisor bill to repeal provisions(Exec. Bd., Marsh, Vice Chairperson)..... 15
Tort Claims Act, State: reference provisions relating to claims against the state(Barrett)..... 252
Transportation allowances, student: change provisions(Pappas).... 338
Treasurer, State: change provisions relating to motor vehicle titles(Hartnett)..... 305
Appropriation bill 305A
University of Nebraska Medical Center: change provisions relating to Nebraska Psychiatric Institute(Wesely)..... 112

STATE PATROL

Citations: prohibit quotas(Moore)..... 476
Cruisers: eliminate requirement of red lights(Chizek, Pirsch, Korshoj)..... 269
Custody of prisoners: require coroner's examination and grand jury for certain police-related deaths(Chambers)..... 676
Disability: change benefit provisions(Pappas)..... 493
Education and training requirements: change provisions(Chizek, Korshoj)..... 361
Law enforcement certificates: change revocation provisions (Chizek)..... 666
Law Enforcement Training Center, Nebraska: change admission requirements(Chizek, Korshoj)..... 362
Missing Children Identification Act: adopt(Lynch, Hartnett)..... 599
Motor vehicles: provide for seizure and detention at weigh stations(Beyer)..... 307
Overweight vehicles: change provisions relating to vehicles which haul farm products(Haberman, Moore, Rogers)..... 756
Private detectives: transfer investigations of character of applicants for license from County Attorney to State Patrol (Chizek)..... 175

LB

Retirement: establish cost-of-living adjustment for retired State Patrol members(Goodrich)..... 655
Solid Waste Management Act: adopt(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
State Patrol Road Operations Cash Fund: transfer funds from the Highway Trust Fund(V. Johnson, Hall)..... 230
Two-way radios: required to be carried while on duty and outside of vehicle(Pappas)..... 82

STATE TORT CLAIMS ACT
Limit claim amounts(Pappas)..... 759
Tort Claims Act, State: reference provisions relating to claims against the state(Barrett)..... 252

STATE TREASURER
Cash Reserve Fund: change provisions(Warner)..... 131
County Disaster Assistant Fund: establish(Scofield)..... 391
Criminal Justice Assistance and Improvement Fund: create(Pirsch). 698
Dry Bean Development, Utilization, Promotion, and Education Fund: create(Weihing, Baack)..... 145
Appropriation bill..... 145A
Higher Education Opportunity Program: create(Moore)..... 609
Highway Improvement Bond Fund: create(Hartnett)..... 632
Interfund transfers: Revisor bill to eliminate obsolete language (Exec. Bd., Marsh, Vice Chairperson)..... 15
Ionizing Radiation Licensing Act: adopt(Smith, Lynch, Pappas, Rupp)..... 534
Motor vehicle titles: change provisions(Hartnett)..... 305
Appropriation bill..... 305A
Salary: appropriate funds(Barrett, req. of Gov.)..... 769
Treasurer's Cash Fund: change investment fee provisions relating to funds managed by the State Investment Officer (Appropriations Comm.)..... 786

STATE VETERINARIAN
Rabies vaccinations: require of cats(Dierks, Rogers)..... 104
Appropriation bill..... 104A

STOCK
Employment and Investment Growth Act: adopt(Barrett, req. of Gov.)..... 775
Appropriation bill..... 775A

STOCKS
Bank loans: prohibit banks from making loans secured by capital stock of the bank or its holding company(Remmers)..... 532
Commissions: establish tax on stock, bond, and commodity commissions(Schmit)..... 563
Securities Act, Nebraska: provide penalties(Haberman)..... 650
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475

STREETS
Cities and villages: create special improvement districts to replace, reconstruct, or repair alleys and streets(Smith, Hartnett, Remmers, Weihing)..... 721

SUBPOENAS
County personnel policy board: provide power to issue subpoenas (McFarland)..... 198
Securities Act of Nebraska: provide additional subpoena power for Director of Banking and Finance to enforce(Haberman)..... 497

SUNSET BILLS
Community Development Assistance Act: eliminate provision(Landis) 66

LB

Metropolitan Transit Authority: remove sunset provisions from property tax levy(Hall, Hartnett, V. Johnson, Labedz, Higgins, Lynch)..... 471
Nebraska Commission for Special Education: provide date of dissolution(Remmers, Hall)..... 142
Rural Health Manpower, Commission on: extend sunset provision to July, 1990(Schellpeper)..... 485

SUPREME COURT (See also Courts)
Administrative Procedure Act: change standard of review(Barrett). 253
Intergovernmental Data Communications Act: adopt(Warner, Scofield)..... 312
Appropriation bill 312A
Judges: increase salaries(Schmit)..... 564
Appropriation bill 564A
Rules: eliminate biennial revision(Judiciary Comm.)..... 571
Salaries of Judges, Clerk, and Reporter: appropriate funds (Barrett, req. of Gov.)..... 769
Session laws, journals and statutes: change provisions relating to sale and distribution(Judiciary Comm.)..... 572

SURETIES (See also Bonds)
County contracts: authorize persons awarded to furnish bond or deposit(Miller, Langford)..... 211

SURVEYORS
Restrict liability(Nelson, Hannibal, Chizek, L. Johnson, Elmer, Pirsch, Conway, Hefner, Korshoj)..... 492

TAX COMMISSIONER
Agricultural and horticultural lands: change valuation provisions(Landis)..... 366
Biennial budget: provide calculation relating to excess funds and receipts(Warner)..... 130
Change various revenue and taxation provisions(V. Johnson)..... 523
Appropriation bill 523A
County Disaster Assistant Fund: establish(Scofield)..... 391
County Revenue Act: adopt(Schmit)..... 710
County Revenue Act: adopt(Schmit)..... 280
Environmental Response and Liability Act: adopt(R. Johnson)..... 706
Gambling: change provisions(V. Johnson)..... 295
Appropriation bill 295A
Homestead exemption: change provisions relating to claim reduction or rejection hearings(By Hall and Warner amendments)... 376A
Income tax: change method for determining corporate and individual(Revenue Comm.)..... 294
Income tax: change provisions(Barrett, req. of Gov.)..... 773
Appropriation bill 773A
Insurance companies: change provisions relating to premium and retaliatory taxes(Rogers)..... 302
Motor vehicle titles: change provisions(Hartnett)..... 305
Appropriation bill 305A
Motor vehicles: change tax distribution provisions(V. Johnson)... 470
Municipal sales tax: change administrative fee for tax collected by the state(Pappas, Wesely, Hartnett)..... 447
Reappraisal grievances: change provisions(McFarland)..... 64
Salary: appropriate funds(Barrett, req. of Gov.)..... 769
School district numbers: require for proper filing of income tax returns(Lamb, R. Johnson, Rogers, Dierks)..... 414
Solid Waste Management Act: adopt(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
Tobacco Products Tax Act: adopt(Revenue Comm.)..... 730
Appropriation bill 730A
Unitary business: change taxable income determination(Hannibal).. 585

Unitary group taxation: eliminate provisions(Pappas)..... 168
Uranium severance tax: change provisions and create funds (Scofield)..... 633
Vehicle Information and Registration Council: create(Warner)..... 311
Videotapes, albums, and tickets: impose tax(Scofield)..... 634
Weight-distance Tax Act: adopt(V. Johnson, Hall)..... 732

TAX DELINQUENCY AMNESTY ACT
Adopt(Abboud, Pappas, Ashford, Hefner, Hartnett, Elmer, Weihing, Conway, Baack, Moore, Langford, Wehrbein, Hannibal, Warner, Peterson)..... 420

TAXATION (See Revenue and Taxation)

TEACHERS (See also Public Employees, Schools)
Adopt the Career Teacher Incentive Act(Withem)..... 482
Certification and program authorization: change provisions (Education Comm.)..... 529
Appropriation bill 529A
Contracts: authorize for nonteaching services(Morehead)..... 616
Endorsement: establish requirements(Lynch)..... 310
Preparation time: require school districts to allow(Lynch)..... 234
Professional Teachers' Negotiations Act, Nebraska: change provisions relating to jurisdiction over labor disputes (Ashford)..... 524
Reduction in force: establish procedures(McFarland)..... 521
Retirement, school employees: change provisions relating to buy-backs, retirement definitions, and contributions(Haberman)..... 549
Retirement: allow school retirement plan buy-backs of certain prior service(Goodrich, Hartnett)..... 551
School retirement system: change provisions relating to deposit of funds(Haberman)..... 578
Appropriation bill 578A
Special Education Act: adopt federal definitions for handicapping conditions(Baack)..... 367
Student discipline: change provisions in sexual assault cases (Wesely, Marsh)..... 316
Tenure settlement program, voluntary: establish for Nebraska universities and colleges(Haberman)..... 574
Training programs: authorize to include communications technologies(Scofield, Baack)..... 581
Wage withholding: prohibit withholding for political purposes (Hefner, Coordsen, Lamb, Elmer, Peterson)..... 528

TECHNICAL COMMUNITY COLLEGES (See also Universities and Colleges)
Capital construction: change provisions(Smith)..... 455
Indebtedness: authorize(Withem, Nelson)..... 3CA
Intergovernmental Risk Management Act: adopt(Landis, Remmers, Haberman, Pappas, Lynch, Wehrbein)..... 398
Liability insurance: allow purchase and indemnification rights (Lynch)..... 285
Revenue bonds: authorize issuance(Education Comm.)..... 329
Revisor bill to eliminate references to repealed provisions (Exec. Bd., Labedz, Chairperson)..... 30

TELECOMMUNICATIONS (See also Communication)
Cable television: authorize certain municipalities to own, operate, or lease a cable television system(Lamb)..... 593
Certificates of convenience and necessity: eliminate for new telecommunications services or facilities(Schmit)..... 382
Community antenna, videocassette and satellite retailers: establish luxury tax(Higgins)..... 600
Deregulation: eliminate certain provisions(Schmit)..... 381
Educational television: authorize appropriation for replacement tower at Bassett(Warner, Marsh, Moore, Hannibal, Langford, Scofield, Rogers, Lamb, Dierks, L. Johnson, Wehrbein)..... 245

LB

Legislature: eliminate the Telecommunications Committee (Executive Board)..... 511
Licensing and withholding requirements regarding television and film production: provide(Landis, Morehead)..... 75
Appropriation bill 75A
Lottery Act, Nebraska State: adopt(V. Johnson)..... 724
Microwave communications facilities: eliminate provisions(Schmit) 641
Public power districts: provide satellite television services (Lamb)..... 345
Regulation: change provisions(Schmit)..... 380
Simulcasts: provide for wagering on horseracing simulcasts (Schmit)..... 708
Appropriation bill 708A
Teacher training programs: authorize to include communications technologies(Scofield, Baack)..... 581
Telemarketing: expand state jurisdiction to include additional entities subject to sales tax collection(Hefner)..... 304
Appropriation bill 304A
Telephones: provide telephone service credit for low-income elderly persons(Pappas, Labedz)..... 654
Videotape depositions for certain children: authorize(Scofield, Hartnett, Smith, Rupp, Harris, Withem, Baack, Pappas, Barrett, Conway, McFarland, Higgins, Morehead, Pirsch)..... 90
Videotapes, albums, and tickets: impose tax(Scofield)..... 634

TELEPHONES

Automatic dialing-announcing devices: provide for regulation (Wesely)..... 180
Elderly persons: provide telephone service credit(Pappas, Labedz) 654
Telecommunications: change regulation provisions(Schmit)..... 380
Telecommunications: eliminate certain deregulation provisions(Schmit)..... 381
Telecommunications: eliminate certificates of convenience and necessity for new telecommunications services or facilities (Schmit)..... 382
Telemarketing: expand state jurisdiction to include additional entities subject to sales tax collection(Hefner)..... 304
Appropriation bill 304A

TELEVISION

Cable:authorize certain municipalities to own, operate, or lease a cable television system(Lamb)..... 593
Community antenna television service: establish luxury tax (Higgins)..... 600
Educational: authorize appropriation for replacement tower at Bassett(Warner, Marsh, Moore, Hannibal, Langford, Scofield, Rogers, Lamb, Dierks, L. Johnson, Wehrbein)..... 245
Licensing and withholding requirements for television and film production: provide(Landis, Morehead)..... 75
Appropriation bill 75A
Nebraska Educational Telecommunications Commission: appropriate funds to rebuild transmitter tower(Barrett, req. of Gov.)..... 763
Satellite television retailers: establish luxury tax(Higgins).... 600
Satellite television services: allow public power districts to provide(Lamb)..... 345
Simulcasts: provide for wagering on horseracing simulcasts (Schmit)..... 708
Appropriation bill 708A
Teacher training programs: authorize to include communications technologies(Scofield, Baack)..... 581
Telecommunications: change regulation provisions(Schmit)..... 380
Telecommunications: eliminate certain deregulation provisions(Schmit)..... 381

Telecommunications: eliminate certificates of convenience and necessity for new telecommunications services or facilities (Schmit)..... 382
Telemarketing: expand state jurisdiction to include additional entities subject to sales tax collection(Hefner)..... 304
Appropriation bill..... 304A
Video cassette recorder retailers: establish luxury tax(Higgins). 600
Videotapes, albums, and tickets: impose tax(Scofield)..... 634

TIME
Change provisions relating to standard daylight time (Government Comm.)..... 774

TOBACCO (See also Cigarettes)
Adopt the Tobacco Products Tax Act(Revenue Comm.)..... 730
Appropriation bill..... 730A
Clean Indoor Air Act: modify provisions(Marsh)..... 95
Distribution of smokeless tobacco: provide a penalty if distributed at less than cost(Nelson, Remmers)..... 72
Minors, use or purchase by: increase penalty(Haberman)..... 54
Purchase, use, and sale by persons under 18: repeal provisions (Haberman)..... 53
Sales tax: provide(Nelson, Remmers)..... 143
Unfair Cigarette Sales Act: repeal(Landis, Elmer, Warner)..... 208

TOBACCO PRODUCTS TAX ACT
Tobacco Products Tax Act: adopt(Revenue Comm.)..... 730
Appropriation bill..... 730A

TORTS (See also Liability, Negligence)
Ambulance technicians, medical emergency: limit civil liability (Rogers)..... 460
Amusement Ride Act, Nebraska: adopt(Wesely)..... 226
Appropriation bill..... 226A
Architects, engineers, and land surveyors: restrict liability (Nelson, Hannibal, Chizek, L. Johnson, Elmer, Pirsch, Conway, Hefner, Korshoj)..... 492
Drainage: change liability provisions(Rogers)..... 100
Emergency service providers: change immunity provisions(Hartnett) 620
Environmental Response and Liability Act: adopt(R. Johnson)..... 706
Insurance fraud: provide civil immunity for reporting fraud against insurance companies(Lynch, Barrett)..... 399
Insurance, fraudulent claim investigations: provide procedures, limitation of liability, and a penalty(Barrett)..... 78
Legal expense insurance: eliminate(V. Johnson)..... 728
Liability insurance: authorize purchase for corporate directors (Ashford)..... 137
Liability settlements or releases: prohibit in certain cases (Pappas)..... 191
Litigation: change provisions(Conway, Pirsch, Hefner)..... 425
Mental health service providers: limit liability(Scofield)..... 406
Motor vehicles: authorize liability coverage by foreign insurance carriers in certain cases(Haberman, Barrett)..... 330
Nonprofit sports programs: provide immunity from civil damages (Pirsch, Hannibal, Ashford, Haberman)..... 123
Nonprofit sports programs: provide immunity from liability (Ashford, Nelson, Baack, Hannibal)..... 222
Not-for-profit organization directors, officers: restrict liability(Morehead, Ashford)..... 67
Organ and tissue donation: provide duties and exemption from liability(Nelson, Hannibal, Ashford)..... 74
Political Subdivisions Tort Claims Act: change provisions (Hannibal)..... 258
Recreation: change provisions regarding persons who charge for entrance to land(Scofield)..... 405

LB

Risk Retention Act: adopt(Landis, Warner)..... 514
Sports volunteers, amateur: provide liability exemption(Haberman) 43
State Tort Claims Act: limit recoverable claim amounts(Pappas)... 759
State Tort Claims Act: reference provisions relating to claims against the state(Barrett)..... 252
Technical community colleges: allow the indemnification and purchase of liability insurance by technical community colleges (Lynch)..... 285
Trade Secrets Act: adopt(By Pappas and Johanns amendment)..... 337A
Trade Secrets Act: adopt(Wesely)..... 309
Uniform Arbitration Act: adopt(Landis, McFarland, Ashford, Withem)..... 71

TOURISM DEVELOPMENT ACT
Adopt(Wesely, Landis, Morehead, Hefner, Moore, Nelson, Conway, Withem, Korshoj, Chizek, Harris)..... 741

TRADE PRACTICES
Adopt the Trade Secrets Act(By Pappas and Johanns amendment)..... 337A
Automatic dialing-announcing devices: provide for regulation (Wesely)..... 180
Franchises and franchise fees: change provisions(McFarland)..... 62
Franchises: change definition provisions(McFarland)..... 63
Insurance: change cancellation and renewal provisions(Haberman).. 498
Trade Secrets Act: adopt(Wesely)..... 309

TRADE SECRETS ACT
Adopt(Wesely)..... 309
Adopt(By Pappas and Johanns amendment)..... 337A

TRAILERS (See also Motor Vehicles)
Cabin trailers and mobile homes: change title provisions(Abboud). 522
Heavy motor vehicles: adopt the Weight-distance Tax Act (V. Johnson, Hall)..... 732

TRANSPORTATION
Gasoline tax credit: change provisions(Revenue Comm.)..... 289
Heavy motor vehicles: adopt the Weight-distance Tax Act (V. Johnson, Hall)..... 732
Metropolitan Transit Authority: change tax levy provisions(Hall, Hartnett, V. Johnson, Labedz, Higgins, Lynch)..... 471
Pupil transportation vehicle operator permits: change provisions(Hartnett)..... 348
Pupil transportation vehicles: change inspection provisions (Beyer, Hartnett)..... 538
Railroad Inspection Act: adopt(Pappas)..... 611
Railroad museum: designate(L. Johnson)..... 733
Railroad rolling stock replacement parts and repairs: provide sales and use tax exemption(Haberman)..... 46
Railroads: require cabooses on trains carrying hazardous substances(Pappas)..... 339
Railroads: require flagperson with trains carrying hazardous materials(Pappas)..... 193
School buses: permit passing of parked school buses in certain cases(Hartnett, Beyer)..... 347
School-provided transportation: authorize for certain students (Education Comm.)..... 200
Student transportation allowances: change provisions(Pappas)..... 338
Train mile tax: increase(Haberman)..... 496
Trains carrying hazardous materials: provide inspection(Pappas).. 153

TRAVEL AND TOURISM
Adopt the Tourism Development Act(Wesely, Landis, Morehead, Hefner, Moore, Nelson, Conway, Withem, Korshoj, Chizek, Harris). 741

Historical tourism events: require Department of Roads to post signs(Pappas)..... 84
Interlocal Cooperation Act: authorize the creation of regional park authorities(Lamb)..... 415

TRIALS (See Criminal Procedure)

TRUCKS (See also Motor Vehicles)
Fifth wheel connection devices: restrict repositioning if loaded (Warner)..... 39
Motor vehicles: provide for seizure and detention at weigh stations(Beyer)..... 307
Trailer and semi-trailer registration fees: standardize (Transportation Comm.)..... 224
Weight restrictions for tandem and dummy axles: provide(Warner).. 132

TRUST COMPANIES
Bank holding companies: provide restriction(Banking Comm.)..... 454
Bonds: change refunding provisions(Hartnett)..... 622
Fiduciaries: authorize certain investments and investment fees(Haberman)..... 577
Technical community colleges: authorize issuance of revenue bonds(Education Comm.)..... 329

TRUSTS AND TRUSTEES
Adopt the Business Trust Act(Pappas, Weihing, Baack)..... 337
Appropriation bill 337A
Fiduciaries: authorize certain investments and investment fees(Haberman)..... 577
Fiduciaries: permit investment of funds in investment companies and investment trusts(Haberman)..... 576
Income tax: change method for determining corporate and individual(Revenue Comm.)..... 294
Income tax: change provisions(Barrett, req. of Gov.)..... 773
Appropriation bill 773A
Individual Long-Term Care Account Act: adopt(Lynch)..... 714
Proceeds of Stories of Felons Act: adopt(Abboud, Ashford)..... 243
Public Education Income Tax Act: adopt(Remmers, Moore)..... 210
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475
Taxes: change various provisions(V. Johnson)..... 523
Appropriation bill 523A
Trust deed trustee: authorize lawyers' professional corporations to serve(McFarland)..... 156

TUITION
National Guard, Nebraska: change tuition assistance program provisions(Government Comm.)..... 436
Non-resident high school tuition charges: delete provisions allowing reductions(Withem)..... 182
Nonresident(Baack, Scofield, Lamb)..... 644
University of Nebraska faculty and staff: provide free for their children(McFarland)..... 157

UNEMPLOYMENT (See Employment Security)

UNFAIR CIGARETTE SALES ACT
Repeal(Landis, Elmer, Warner)..... 208

UNIFORM ANATOMICAL GIFT ACT
Organ and tissue gifts made pursuant to a request for consent: provide duties(Nelson, Hannibal, Ashford)..... 74

UNIFORM ARBITRATION ACT
Adopt(Landis, McFarland, Ashford, Withem)..... 71

LB

UNIFORM BUILDING CODE
Building Construction Act: adopt(Wesely)..... 227

UNIFORM COMMERCIAL CODE
Agricultural production input liens: provide(Rogers)..... 101
Appropriation bill 101A
Auction sales: allow notice of the auction by certified mail(Conway)..... 93
Check endorsement: establish liability for refusal(Schmit)..... 553
Collateral substitution: provide(Rogers)..... 393
Liens: require written consent for enforceability of certain personal property liens(Baack)..... 722
Postdated checks: provide for bank liability when paid early (Conway)..... 241
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475

UNIFORM DURABLE POWER OF ATTORNEY ACT, NEBRASKA
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475

UNIFORM FRAUDULENT CONVEYANCE ACT
Third party rights: provide assertion(Lamb)..... 758

UNIFORM LICENSING LAW
Health, State Board of: change Board of Examiner licensure provisions(Health and Human Services Comm.)..... 473
Appropriation bill 473A

UNIFORM STANDARD CODE FOR MOBILE HOME PARKS
Operators: change licensing and competency provisions(Landis).... 364

UNIFORM STATE TAX LIEN REGISTRATION AND ENFORCEMENT ACT
Tobacco Products Tax Act: adopt(Revenue Comm.)..... 730
Appropriation bill 730A

UNIONS (See also Labor)
Police bargaining units: change membership provisions(Wesely, Chizek, Ashford, Pappas)..... 519
Teachers: establish procedures for reductions in force(McFarland) 521

UNIVERSITIES AND COLLEGES (See also Postsecondary Education)
Admission, college: eliminate provision(Pappas)..... 682
Agricultural College Endowment Fund: change fee provisions relating to funds managed by the State Investment Officer (Appropriations Comm.)..... 786
Educational television: authorize appropriation for ETV replacement tower at Bassett(Warner, Marsh, Moore, Hannibal, Langford, Scofield, Rogers, Lamb, Dierks, L. Johnson, Wehrbein). 245
Eppley Institute: appropriation regarding sale of tobacco(Nelson, Remmers)..... 143
Field house of University of Nebraska at Lincoln: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 13
Fund, University Endowment: change fee provisions relating to funds managed by the State Investment Officer (Appropriations Comm.)..... 786
Higher Education Opportunity Program: create(Moore)..... 609
Institute of Agriculture and Natural Resources, University of Nebraska: create a poultry development and assistance program (Moore, Wesely, Morehead, Baack)..... 737
Liquor control: define the southern boundary of the University of Nebraska at Lincoln(Wesely)..... 468
Morrill Hall renovation: appropriate funds(Wesely, Remmers, Harris, Marsh, McFarland)..... 218
Appropriation bill 218A

LB

Municipal universities: eliminate requirement relating to the deposit of public funds in demand deposit accounts(Withem)..... 109
National Guard, Nebraska: change tuition assistance program provisions(Government Comm.)..... 436
Nebraska, University of: adopt the Solid Waste Management Act (Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
Nebraska, University of: authorize Board of Regents to reduce or close certain schools and programs(L. Johnson, Warner)..... 685
Nebraska, University of: create an agricultural development strategy and program(Wesely, Landis, Morehead, Conway, Moore, R. Johnson, Chizek, Baack, Withem, Korshoj, Harris)..... 739
Nebraska, University of: deficiency appropriation (Appropriations Comm.)..... 449
Postsecondary Education, Nebraska Coordinating Commission for: provide matching funds(Warner, L. Johnson)..... 38
Postsecondary Education, Nebraska Coordinating Commission for: revisor bill to eliminate obsolete language(Exec. Bd., Marsh, Vice Chairperson)..... 16
Psychiatric Institute, Nebraska: change provisions(Wesely)..... 112
Retirement benefits: adjust for certain retired University of Nebraska employees(Marsh)..... 336
Retirement, mandatory: eliminate provisions(Abboud)..... 296
Revisor bill to correct an internal reference(Exec. Bd., Marsh, Vice Chairperson)..... 26
Session laws, journals and statutes: change provisions relating to sale and distribution to UNL College of Law(Judiciary Comm.).. 572
State colleges, community colleges and the University of Nebraska: adopt the Intergovernmental Risk Management Act (Landis, Remmers, Haberman, Pappas, Lynch, Wehrbein)..... 398
State Colleges, Nebraska: provide three percent salary increase for certain state employees(Appropriations Comm.)..... 782
Appropriation bill 782A
Students: change provisions relating to the Employment Security Law(Landis, Hall, Labedz)..... 276
Tax credit: provide for contributions to postsecondary educational institutions(Hartnett)..... 631
Teacher training programs: require reports to the Legislature relating to communications technology plans(Scofield, Baack)..... 581
Technical community college indebtedness: authorize(Withem, Nelson)..... 3CA
Technical community colleges: allow purchase and indemnification of liability insurance(Lynch)..... 285
Technical community colleges: authorize issuance of revenue bonds(Education Comm.)..... 329
Technical community colleges: change provisions relating to capital construction(Smith)..... 455
Tenure settlement program, voluntary: establish(Haberman)..... 574
Tractor testing: modify provisions(L. Johnson, Warner, Moore).... 684
Tuition: provide free for children of University of Nebraska faculty and staff(McFarland)..... 157
University of Nebraska at Lincoln Food Development Center: establish program for agricultural development and promotion (R. Johnson, Moore, Morehead, Coordsen, Wesely)..... 561
Appropriation bill 561A
University of Nebraska Board of Regents: authorize students as voting members(Hall)..... 23CA
University of Nebraska: change provisions relating to the School of Technical Agriculture at Curtis and chemurgy(Goodrich, Elmer)..... 656
Appropriation bill 656A
University of Nebraska: provide three percent salary increase for certain state employees(Appropriations Comm.)..... 782
Appropriation bill 782A
Work Study Act: adopt(Conway)..... 371

LB

UNIVERSITY OF NEBRASKA (See Universities and Colleges)

URANIUM (See also Minerals, Oil, and Natural Gas)
Radiation Control Act: change provisions(Wesely)..... 390
Appropriation bill 390A
Severance tax: change provisions(Scofield)..... 633

VEHICLE INFORMATION AND REGISTRATION SYSTEM ACT
Adopt(Warner)..... 311

VEHICLE INSPECTION ACT
Adopt(Beyer)..... 503

VENTURE CAPITAL COMPANY ACT
Adopt to provide a tax credit for certain investments(Wesely, Chizek, Conway, Nelson, Withem, Morehead, Harris)..... 746

VENTURE CAPITAL NETWORK ACT
Adopt(Abboud, Ashford, Morehead)..... 163
Appropriation bill 163A

VETERANS (See also Military)
Banks: allow banks to invest in Veterans Administration bonds (Schmit)..... 753
Counties: provide personnel administration for certain counties(Withem)..... 586
Employment: provide preference for certain veterans and spouses (Conway, Beyer, Hefner)..... 696
Felons, convicted: prohibit placement in nursing or veterans' homes as a condition of probation(Higgins, Rupp, Nelson, Hall, Korshoj, Peterson, Smith, Labedz, Chizek, Rogers, Conway, Ashford)..... 333
Homestead exemption: change eligibility provisions (By Hall and Warner amendments)..... 376 A
Homestead exemption: change provisions(Revenue Comm.)..... 288
Appropriation bill 288A
Homestead exemption: change provisions relating to disabled persons(Schmit)..... 754
Memorials: authorize erection of memorials to Korean and Vietnam veterans(Hartnett, Abboud)..... 626
Veteran's Aid Income Fund: change provisions relating to State Investment Officer management fees(Appropriations Comm.)..... 786

VETERANS AFFAIRS, DEPARTMENT OF
Felons, convicted: prohibit placement in nursing or veterans' homes as a condition of probation(Higgins, Rupp, Nelson, Hall, Korshoj, Peterson, Smith, Labedz, Chizek, Rogers, Conway, Ashford)..... 333

VETERINARY MEDICINE
Animal technicians: change licensure and fee provisions (Health and Human Services Comm.)..... 473
Appropriation bill 473A
Controlled substances: change provisions related to prescriptions and physician-patient privilege(Pirsch, Marsh, Chizek)..... 273
Appropriation bill 273A
Livestock Health Act, State: adopt(Dierks, Rogers, Schmit)..... 103
Rabies vaccinations: require of cats(Dierks, Rogers)..... 104
Appropriation bill 104A

VICTIMS OF CRIME
Change provisions(Pirsch)..... 535

LB
Intimidation: prohibit(Pirsch, Landis)..... 118
Sexual assault of a child: include in the definition of victim for criminal procedure purposes(Pirsch)..... 119

VIDEO SLOT MACHINES (See also Bingo, Gambling, Lotteries, Pickle cards)
Tax: provide for certain gaming devices(Schmit, Hartnett, Conway) 701

VISITORS' DEVELOPMENT ACT
Capital construction: authorize if tourism-oriented(Pappas)..... 340

VISUALLY HANDICAPPED (See Handicapped Persons, Disabled Persons)

VITAL STATISTICS, BUREAU OF
Missing Children Identification Act: adopt(Lynch, Hartnett)..... 599
Nebraska Parentage Act and Nebraska Adoption Act: create(Barrett, Scofield, Chizek, Conway, Schmit)..... 719

VOCATIONAL EDUCATION PROGRAM SUPPORT ACT
Adopt(Nelson, Wesely)..... 647
Appropriation bill 647A

VOTERS AND VOTING (See also Elections)
Campaign contributions and committees: change provisions(Withem, Barrett)..... 480
Compensation of election officials: increase(Langford)..... 231
County boards: authorize exemption of property taxes to stimulate economic development following voter approval(Abboud).. 5CA
Election results: require report by precinct(Pappas)..... 129
Elections: change provisions(Withem)..... 652
Elections: change provisions relating to ballot issues and elections(Hall, Rupp)..... 716
Appropriation bill 716A
Omaha mayor and city council offices: change vacancy provisions (Pirsch)..... 394
Political Accountability and Disclosure Act: change campaign contribution and disclosure provisions(Hefner)..... 592
Political campaign advertising: change provisions relating to size, placement, and information on printed campaign materials (Withem, Barrett)..... 479
Political convention delegates: change filing deadlines for primary elections(Withem)..... 357
Political conventions, county: provide delegate selection by precinct caucus(Withem)..... 588
Political party conventions, state: change representation(Withem) 358
Polls: change the hours(Withem)..... 251
Recall of legislators: provide procedure(Landis)..... 334
Sanitary and improvement districts: provide mail-in ballots (Withem)..... 587
School district reorganization: change provisions(Withem)..... 444
State employees: prohibit wage withholding for political purposes(Hefner, Coordsen, Lamb, Elmer, Peterson)..... 528
Yard signs: prohibit use in campaigns(Pappas)..... 342

WAGES (See Fees and Salaries)

WAREHOUSES
Commodity testing, agricultural: provide prior to sale or storage(Schmit)..... 325
Grain sales: revisor bill to eliminate obsolete language (Exec. Bd., Marsh, Vice Chairperson)..... 14
Grain Warehouse Act: change provisions(R. Johnson)..... 164
Licenses: require(R. Johnson)..... 291
Unitary business: change taxable income determination(Hannibal).. 585

LB

WARRANTS
Motor vehicles: change registration requirements(Pappas)..... 614
Peace bonds: eliminate provisions(Judiciary Comm.)..... 665
Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475

WASTE
Environmental Control, Department of: allow the collection of fees and costs(Scofield)..... 501
Environmental Response and Liability Act: adopt(R. Johnson)..... 706
Hazardous waste management facilities, commercial: provide procedure and guidelines for the establishment of(Landis, Ashford, Lynch, Korshoj)..... 114
Low-level Radioactive Waste Disposal Act: change provisions (Scofield, Hefner, Schellpeper, Korshoj, Peterson, L. Johnson, Weihing, Conway)..... 426
Solid waste: adopt the Solid Waste Management Act(Wesely, Withem, Chizek, Hartnett, Lynch, Ashford)..... 692
Solid waste: require assessment and classification of disposal sites(R. Johnson)..... 639
Appropriation bill 639A

WASTEWATER TREATMENT FACILITIES CONSTRUCTION ASSISTANCE ACT
Create(Barrett, req. of Gov.)..... 766

WASTEWATER TREATMENT OPERATOR CERTIFICATION ACT
Adopt(Schmit)..... 533

WATER (See also Ground Water, Irrigation, Natural Resources)
Aquaculture: provide for registration with Game and Parks(Pappas) 155
Chemigation: require training sessions with Cooperative Extension(Schmit)..... 445
Cities and villages: require payment in lieu of taxes on certain real property acquired for water supply purposes(Beyer, Hartnett, Withem)..... 205
Compact, Lower Niobrara River and Ponca Creek: repeal(Schmit).... 568
District subdivisions, districts, appropriations, and ground water withdrawal permits: change provisions(Moore)..... 140
Districts, water: provide deferral of special assessments for certain agricultural land adjacent to municipal improvements (Urban Affairs Comm.)..... 679
Drainage: change liability provisions(Rogers)..... 100
Environmental Control, Department of: allow the collection of fees and costs(Scofield)..... 501
Establish water use fees(Schmit)..... 566
Ground water: provide for the sale and transfer(Schmit, Pappas, Labedz)..... 151
Ponds, private: provide for removal of fish(Hartnett)..... 629
Property for supply: require payments in lieu of taxes(Beyer, Hartnett, Withem)..... 8CA
Public Docks Act: adopt(Hartnett)..... 621
River basin commission appointments: repeal obsolete statute (Schmit)..... 567
Safe Drinking Water Act, Nebraska: change provisions (Health and Human Services Comm.)..... 383
Appropriation bill 383A
Sale and transfer of water rights: require study and provide criteria for permits(Schmit, Pappas, Moore)..... 146
Appropriation bill 146A
Surface water rights: provide excuse for nonuse relating to inadequate water supply(Elmer, Langford, Abboud)..... 356
Wastewater Treatment Facilities Construction Assistance Act: create(Barrett, req. of Gov.)..... 766
Wastewater Treatment Operator Certification Act: adopt(Schmit)... 533

LB

Well-servicing equipment: provide motor vehicle registration fee (Baack)..... 411

WATER RESOURCES, DEPARTMENT OF
District subdivisions, districts, appropriations, and ground water withdrawal permits: change provisions(Moore)..... 140
Ground water: provide for sale, transfer, and factors regarding out of state(Schmit, Pappas, Labedz)..... 151
Surface water rights: provide excuse for nonuse relating to inadequate water supply(Elmer, Langford, Abboud)..... 356
Use, appropriation, and transfer of water: change provisions (Schmit, Pappas, Moore)..... 146
Appropriation bill 146A

WEED CONTROL
Noxious weed: change definitional provision(R. Johnson)..... 138
Removal: provide for weed and debris removal by certain political subdivisions(Conway, Baack)..... 752
State participation in noxious weed control programs: eliminate (R. Johnson)..... 138
Weed district boards: change provisions(Miller)..... 128

WEIGH STATIONS
Motor vehicles: provide for seizure and detention at weigh stations(Beyer)..... 307

WEIGHT-DISTANCE TAX ACT
Adopt(V. Johnson, Hall)..... 732

WEIGHTS AND MEASURES
Agriculture, Department of: change provisions relating to donate donated food and Commercial Fertilizer and Soil Conditioner Act (R. Johnson)..... 201

WELLNESS ACT, STATE EMPLOYEE
Adopt(Wesely)..... 387

WELLS (See also Ground Water, Irrigation, Water)
Well-servicing equipment: provide motor vehicle registration fee (Baack)..... 411

WHEAT
Commodity testing: provide prior to sale or storage(Schmit)..... 325
Excise tax: eliminate exemption for certain agricultural products(Schmit)..... 610

WILDLIFE
Animal damage control: provide powers and cash fund(Rogers, Moore, R. Johnson)..... 102
Appropriation bill 102A
Deer hunting: allow holders of permits to hunt other wild animals(Lamb)..... 171
Falconry and captive propagation: change provisions(Pappas)..... 154
Fur producing animals: exempt certain species from captivity prohibitions(Rupp, Hefner, Haberman, Dierks, Abboud)..... 379
Nongame and Endangered Species Conservation Act: change provisions relating to notice and public hearings(Miller)..... 150

WILLS
Fiduciaries: permit investment of funds in investment companies and investment trusts(Haberman)..... 576
Living Wills: adopt the Rights of the Terminally Ill Act(Landis, Morehead, Marsh)..... 88
Marital Property Act, Nebraska: adopt(Pappas)..... 172

LB

Short Form Act, Nebraska: adopt(V. Johnson, Ashford)..... 475

WITNESSES
Unemployment benefits: eliminate a provision relating to witness immunity under the Employment Security Law(Landis, Hall, Labedz). 277

WITNESSES OF CRIME
Videotape depositions of certain children: authorize(Scofield, Hartnett, Smith, Rupp, Harris, Withem, Baack, Pappas, Barrett, Conway, McFarland, Higgins, Morehead, Pirsch)..... 90
Witness fees: change provisions(Pirsch, Warner)..... 554

WORK STUDY ACT
Adopt(Conway)..... 371

WORKERS' COMPENSATION
Architects, engineers, and land surveyors: restrict liability (Nelson, Hannibal, Chizek, L. Johnson, Elmer, Pirsch, Conway, Hefner, Korshoj)..... 492
Benefits: provide weekly maximum and minimum benefits(Hall)..... 660
Inmates: provide workers' compensation in some cases(Chambers)... 353
Intergovernmental Risk Management Act: adopt(Landis, Remmers, Haberman, Pappas, Lynch, Wehrbein)..... 398
Medical opinions: provide additional in certain cases(Goodrich, Hefner)..... 548
Medical services fee schedule: establish for the Nebraska Workers Compensation Court(Barrett)..... 187
Appropriation bill 187A
Police officers: establish retirement system in cities of the second class(Rupp)..... 651
Provide for farm and ranch laborers(Pappas)..... 341
Weekly income benefit: increase(Hall)..... 292
Appropriation bill 292A

WORKERS' COMPENSATION COURT
Judges: increase salaries(Schmit)..... 564
Appropriation bill 564A
Medical opinions and work-hardening: change provisions(Goodrich, Hefner)..... 548
Medical services fee schedule: establish(Barrett)..... 187
Appropriation bill 187A

WORKMEN'S COMPENSATION (See Workers' Compensation)

YOUTH DIAGNOSTIC AND REHABILITATION CENTER
Juvenile offenders: limit placement and commitment(Chambers)..... 355

ZONES AND ZONING
Cities: restrict changes within the 3 mile limit(Conway, Lynch).. 263
Environmentally sensitive areas: change provisions(Lynch)..... 351
Jurisdiction: change for cities, villages and counties(Lynch, Conway)..... 422
Plats: provide method for approval of certain plats in Lincoln (Landis)..... 715
Variances for regulations: provide for primary class cities (Marsh)..... 317

SECTION INDEX

This section index herein compiled contains all existing sections of the Nebraska Statutes including R. S. Cumulative Supplement 1986 which would be either amended or repealed by legislative bills introduced in the Ninetieth Legislature, First Session. An "A" indicates amendment and an "R" indicates repeal.

SECTION	REPEAL OR AMEND	BILL
1-149	A	352
2-104	R	1
2-105	R	1
2-125 to 2-127	A	717
2-128	A	717
2-219	A	724
2-219	A	757
2-946.02	A	138
2-952 to 2-954	A	138
2-953	A	1
2-953	A	128
2-954	A	1
2-955	A	1
2-955	A	138
2-957	A	138
2-958	A	1
2-958	A	138
2-960	A	352
2-960 to 2-963	A	138
2-961	A	1
2-962	A	1
2-963	A	1
2-964	A	1
2-964	R	138
2-965	R	1
2-965	R	138
2-966	A	1
2-966	A	138
2-1035	A	352
2-1207	A	708
2-1208.01	A	467
2-1208.01	A	486
2-1208.01	A	560
2-1208.01	A	671
2-1208.04	A	467
2-1208.04	A	560
2-1213	A	421
2-1221	A	1
2-1221.01	R	1
2-1503.01	A	566
2-1506	A	29
2-1547	A	29
2-1587	A	566
2-15,111	A	150
2-15,117	A	151
2-15,117	A	566
2-1804	A	20
2-1804	A	102
2-1810	A	20
2-1822	A	352
2-1825	A	20
2-1826	A	20
2-2303	A	1
2-2309	A	102
2-2309	A	244
2-2310	A	1
2-2311	A	1
2-2311	A	610
2-2317	A	1
2-2318	A	1
2-2320	R	1
2-2433	A	352
2-2504.01	R	1
2-2507	R	1
2-2701	A	684
2-2702	A	684
2-2703	A	684
2-2901 to 2-2908	R	102
2-3005	A	103
2-3007	A	103
2-3107	A	352
2-3204	A	352
2-3205	R	1
2-3213	A	148
2-3214	A	148
2-3225	A	148
2-3258	R	1
2-3311	A	102
2-3311	A	755
2-3321	A	244
2-3407	A	102
2-3622	A	102
2-3622	A	755
2-3623	A	610
2-3632	A	244
2-3804	A	155
2-3901	A	68
2-3918	A	103
2-3938	A	352
2-4011	A	102
2-4011	A	755
2-4012	A	610
2-4017	A	244
2-4603	A	594
2-4605	A	594
2-4608	A	594
2-4610	A	594
2-4612	A	594
2-4724	A	458
3-140	A	352
3-405	A	352
8-101	A	454
8-101	A	615
8-112	A	2
8-113	A	2
8-114	A	2
8-115	A	2
8-121	A	2
8-124	A	2
8-126	A	2
8-128	A	2
8-132	A	2
8-140	A	453
8-141	A	753
8-148	A	237
8-148	A	532
8-157	A	615
8-157	A	703
8-185	A	2
8-187	A	2
8-190	A	2
8-193	A	2
8-197	A	2
8-1,102	A	2

SECTION INDEX

SECTION	REPEAL OR AMEND	BILL
8-1,103	A	2
8-1,104	A	2
8-1,106	A	113
8-1,107	A	113
8-1,116	A	2
8-1,119	A	2
8-1,120	A	2
8-1,122	R	2
8-1,132	R	2
8-1,135	A	352
8-355	A	115
8-355	A	662
8-403.05	A	559
8-435	A	735
8-602	A	642
8-602	A	703
8-815	A	332
8-816	A	642
8-820	A	735
8-821	A	332
8-902	A	240
8-902	A	375
8-902	A	454
8-902	A	702
8-903	A	240
8-903	A	375
8-903	A	681
8-903	A	702
8-903	A	703
8-1013	A	352
8-1108.01	A	650
8-1108.01	A	650
8-1109	A	27
8-1109	A	213
8-1111	A	93
8-1115	A	497
8-1119	A	352
8-1201	A	454
8-1202	A	454
8-1502	A	531
8-1506	A	352
8-1511	A	332
to 8-1513		
9-201	A	295
9-203	A	295
9-204	A	724
9-211	A	295
9-214	A	295
9-216	A	295
9-218	A	295
9-222	A	295
9-224	R	295
9-226	A	295
to 9-231		
9-229	A	352
9-233	A	295
9-234	A	295
9-239	A	295
9-239	A	464
9-241	A	295
9-244	A	295
9-244	A	378
9-246	A	295
9-247	A	295
9-253	A	295
9-254	A	295
9-257	A	295
to 9-259		
9-261	A	295
9-262	A	295
9-301	A	295
9-303	A	295
9-309	A	295
9-312	A	724
9-316	A	295
9-320	A	295
9-322	A	295
to 9-325		
9-325	A	352
9-328	A	295
9-329	A	295
9-331	A	295
to 9-333		
9-335	A	295
9-336	A	295
9-338	A	295
9-340	A	295
9-342	A	295
9-343	A	295
9-346	A	295
9-348	A	295
9-349	A	295
9-352	A	295
9-401	A	295
9-402	A	724
9-408	A	295
9-411	A	295
9-411	A	724
9-415	A	295
9-415	A	724
9-418	A	295
9-419	A	295
to 9-422		
9-421	A	352
9-422	A	724
9-425	A	295
to 9-428		
9-431	A	295
9-434	A	295
9-502	A	724
9-504	A	295
9-507	A	724
9-509	A	724
9-601	A	295
9-607	A	724
10-613	A	622
10-613	A	623
10-614	A	623
10-703.01	A	652
10-704	R	596
12-802	A	93
12-1116	A	93
13-203	A	302
13-206	A	302
13-207	A	302
14-102	A	724
14-208	A	394
14-217.01	A	394

SECTION	REPEAL OR AMEND	BILL
14-217.01	A	652
14-217.02	A	394
14-366	A	369
14-373	A	351
14-401	A	351
14-402	A	351
14-403	A	351
14-418	A	263
14-418	A	422
14-419	A	422
14-547	A	167
14-1103.03	A	177
14-1805	A	471
14-1821	A	471
15-106	A	715
15-258	A	724
15-902	A	263
15-902	A	422
15-905	A	422
15-1001	A	409
15-1001.01	A	408
15-1002	A	409
15-1004	A	409
15-1005	A	409
to 15-1007		
15-1007.02	A	408
15-1007.02	A	409
15-1007.05	A	408
15-1013.01	A	409
15-1013.02	A	408
15-1013.02	A	409
15-1016	R	408
15-1017	A	408
15-1106	A	317
16-226	A	724
16-503	A	625
16-702	A	441
16-715	A	440
16-901	A	263
16-901	A	422
16-1007	A	192
16-1013	A	192
17-120	A	724
17-149.01	A	93
17-207	A	724
17-601.01	A	596
17-601.02	A	596
17-603	A	596
17-720	A	440
18-132	A	481
18-414	A	663
18-414	A	687
18-415	R	663
18-415	R	687
18-701	R	621
to 18-716		
18-1306	A	422
18-1719	A	752
18-1736	A	598
18-1737	A	598
to 18-1738.01		
18-1739	A	598
18-1740	A	598
18-2409	A	324
18-2410	A	324
18-2438	A	324
19-405	A	652
19-406	A	652
19-922	A	483
19-2101	R	692
to 19-2107		
19-2111	R	692
to 19-2113		
19-2427	A	679
to 19-2429		
19-3023	A	652
19-4101	R	692
to 19-4121		
20-113	A	771
20-142	A	352
21-328	A	352
21-624	A	31
21-1777	A	530
21-17,120.01	A	197
21-17,127	R	202
to 21-17,145		
21-1983	A	352
21-2004	A	137
21-2007	A	2
21-2012	A	186
21-2035	A	93
21-2046	A	93
21-2056	A	425
21-2217	A	186
22-408	A	596
23-114	A	422
23-315	A	211
23-342	A	211
23-343.01	A	134
23-343.04	A	134
23-343.05	A	134
23-343.09	R	134
23-343.12	A	134
23-343.16	A	134
23-343.17	A	134
23-343.38	A	134
23-343.41	R	134
23-343.45	R	134
23-343.47	A	282
23-343.74	A	282
23-358	A	102
to 23-361		
23-373	A	422
23-379	R	692
to 23-381		
23-609	A	102
23-1201	A	535
23-1608	A	183
23-1701.01	A	361
23-1801	A	313
23-2201	A	415
to 23-2206		
23-2315	A	60
23-2315	A	296
23-2319	A	60
23-2413	A	398
23-2420	A	258
23-2520	A	198

SECTION INDEX

SECTION	REPEAL OR AMEND	BILL
23-2521	A	198
23-2522	A	198
23-3104	A	602
23-3105	A	602
23-3108	A	55
24-201.01	A	564
24-210	A	571
24-313	A	352
24-342	A	675
24-503	A	484
24-503	A	509
24-519	A	601
24-523	A	228
24-523	A	536
24-524	A	77
24-525	A	228
24-530	A	370
to 24-532		
24-532.01	A	370
24-536	A	228
24-540	A	242
24-597	A	93
24-701	A	57
24-701	A	194
24-704	A	549
24-708	A	194
24-708	A	296
24-709	A	194
24-710	A	58
24-710	A	194
25-213	A	252
25-213	A	425
25-217	A	64
25-222	A	425
25-301	R	64
to 25-313		
25-315	R	64
to 25-331		
25-603	R	64
25-801	R	64
to 25-824		
25-823	R	425
25-824	A	261
25-824	R	425
25-832	R	64
to 25-837		
25-839	A	221
25-840	R	221
25-840.01	A	93
25-842	R	64
to 25-856		
25-908	R	64
to 25-910		
25-913	R	64
to 25-915		
25-1056	R	242
25-1221.01	A	425
25-1333	A	425
25-1336	R	425
25-1501	A	242
25-1552	A	242
25-1558	A	242
25-1560	A	242
25-1562	A	242
25-1591	A	93
25-1628	A	111
25-1914	A	33
25-1920	A	33
25-1931	A	33
25-1937	A	352
25-2103	R	71
to 25-2120		
25-2401	R	376
to 25-2406		
25-2501	A	359
25-2505	R	359
27-504	A	273
27-504	A	406
27-504	A	406
28-101	A	118
28-101	A	170
28-101	A	181
28-101	A	451
28-101	A	463
28-105	A	675
28-105.01	R	675
28-303	A	675
28-401	A	273
28-401	A	537
28-411	A	273
28-414	A	273
28-417	A	273
28-418	A	273
28-433	A	352
28-511	A	606
28-518	A	121
28-519	A	120
28-522	A	597
28-602	A	724
28-611	A	254
28-705	A	418
28-705	A	419
28-706	A	418
28-706	A	419
28-706	A	590
28-708	R	463
28-710	A	463
to 28-713		
28-715	A	463
28-726	A	463
28-801	A	176
28-807	A	181
28-807	A	262
28-807	A	117
to 28-809		
28-811	A	117
28-811	A	262
28-812	R	117
28-813	A	117
28-814	A	262
to 28-816		
28-820	A	262
to 28-826		
28-828	A	262
28-829	R	262
28-915	A	451
28-915	A	452
28-919	A	118

SECTION	REPEAL OR AMEND	BILL
28-921	A	118
28-1101	A	724
28-1101	A	757
28-1105	A	724
28-1105	A	757
28-1113	A	724
28-1113	A	757
28-1335	A	597
28-1418	A	54
28-1418	R	53
28-1419	R	53
28-1421	A	53
28-1424	A	53
28-1425	A	53
28-1427	A	54
28-1427	R	53
28-1440	R	512
to 28-1449		
29-119	A	119
29-119	A	535
29-424	A	370
29-511	R	665
29-512	R	665
29-831	A	619
29-1001	A	355
29-1301	A	118
29-1401	A	676
29-1401.01	A	478
29-1816	A	34
29-1822	A	750
29-1901	A	535
29-1917	A	90
29-2020	A	675
29-2205	R	665
29-2206	A	370
29-2262	A	47
29-2262	A	333
29-2262.01	A	670
29-2306	A	33
29-2315.01	A	33
29-2317	A	33
29-2412	A	370
29-2519	R	675
to 29-2525		
29-2523	A	318
29-2527	R	675
29-2528	R	675
29-2532	R	675
to 29-2536		
29-2537	A	750
29-2537	R	675
29-2538	R	675
29-2539	R	675
29-2540	R	675
29-2541	R	675
29-2542	R	675
to 29-2546		
29-2702	A	370
29-2703	A	665
29-2708	A	370
29-2709	A	370
29-2709	A	665
29-3205	A	675
30-2309	A	719
30-2427	A	93
30-2613	A	536
31-118	A	211
31-201	A	100
31-355	A	211
31-409	A	541
31-433	A	33
31-735	A	587
31-766	A	515
31-1022	A	352
32-210.01	A	231
32-210.01	A	652
32-216	A	652
32-216.02	A	652
32-221	A	716
32-223	A	652
32-308	A	128
32-308	A	596
32-403	A	231
32-403	A	652
32-421.01	A	128
32-433	A	652
32-445.01	A	251
32-491	A	652
32-4,101	A	649
32-4,104	A	649
32-4,147	A	596
32-4,152	A	652
32-503.01	A	357
32-503.01	A	652
32-504	A	596
32-504	A	652
32-513	A	128
32-524	A	596
32-535	A	128
32-554	A	358
32-702	A	716
32-703	A	716
32-704	A	716
32-705	A	716
32-706	A	352
32-706	A	716
32-707	A	352
32-713	A	716
32-1401	A	334
32-1402	A	334
32-1402	A	652
32-1403	A	596
32-1405	A	334
to 32-1407		
33-106	A	242
33-117	A	223
33-117	A	438
33-126.05	A	370
33-139.01	A	554
33-150	A	557
33-150	A	760
35-107	A	425
35-107	A	620
35-108	A	607
35-508	A	618
35-513.01	A	618
35-514	A	618
36-609	A	758

SECTION INDEX

SECTION	REPEAL OR AMEND	BILL
37-101	A	154
37-101	A	645
37-204	A	105
37-212	A	105
37-212	A	785
37-213	A	171
37-431	A	150
37-435	A	150
37-501	A	597
37-503.05	A	629
37-510	A	597
37-713	A	379
37-720	A	154
to 37-726		
37-901	A	206
37-903	A	206
37-907	A	206
37-1003	A	405
37-1005	A	405
37-1008	A	405
37-1105	A	159
37-1107.01	A	159
37-1273	A	785
39-602	A	504
39-606	A	133
39-615	A	135
39-634.01	A	741
39-634.02	A	741
39-653	A	216
39-660	A	347
39-661	A	347
39-662	A	430
39-662.02	R	430
39-666	A	430
39-666	A	504
39-669.07	A	377
39-669.07	A	404
39-669.07	A	689
39-669.08	A	268
39-669.08	A	377
39-669.08	A	404
39-669.08	A	689
39-669.11	A	404
39-669.15	A	268
39-669.16	A	268
39-669.16	A	689
39-669.17	A	268
39-669.18	A	268
39-669.22	A	79
39-669.26	A	428
39-669.26	A	430
39-669.34	A	689
39-685	A	286
39-6,122	A	268
39-6,127	A	224
39-6,131	A	504
39-6,135	A	224
39-6,136	A	504
39-6,138	A	224
39-6,139	A	224
39-6,143	R	224
to 39-6,146		
39-6,156	A	224
39-6,157	R	224
39-6,158	R	224
39-6,159	A	224
39-6,160	A	224
39-6,163	A	224
39-6,164	A	224
39-6,167	R	224
39-6,168	R	224
39-6,180	A	132
39-6,181	A	756
39-810	A	429
39-820	A	211
39-825	A	211
39-847.01	A	289
39-1010	A	299
39-1101	A	161
to 39-1103		
39-1108	A	161
39-1109	R	161
39-1390	A	704
39-1391	A	704
39-2111	A	352
39-2121	A	352
39-2201	A	457
39-2201	A	632
39-2203	A	457
39-2203	A	632
39-2205	A	632
39-2209	A	632
39-2211	A	632
to 39-2214		
39-2215	A	230
39-2215	A	289
39-2215	A	632
39-2216	A	632
39-2217	A	632
39-2219	A	632
39-2221	A	632
39-2222	A	632
39-2222	A	457
to 39-2224		
39-2224	A	632
39-2226	A	632
42-347	A	573
42-358.02	A	569
42-364.05	A	589
42-371	A	719
42-372	A	33
42-784	A	719
42-788	A	719
42-7,101	A	589
43-101	A	719
43-102	R	719
43-102.01	R	719
43-103	R	719
43-104	R	719
43-104.02	R	719
to 43-104.05		
43-104.06	R	719
43-104.07	A	719
43-105	R	719
43-106	R	719
43-106.01	A	719
43-107	A	372
43-107	A	719

SECTION	REPEAL OR AMEND	BILL
43-108	A	719
43-109	A	372
43-109	R	719
43-110	A	719
43-111	R	719
43-111.01	A	719
43-112	A	719
43-113	A	372
43-113	A	719
43-115	A	719
43-116	R	719
43-117	A	719
43-118	A	719
43-119	A	372
43-129	A	372
43-147	A	719
43-245	A	638
43-247	A	719
43-248	A	635
43-250	A	636
43-251	A	355
43-254	A	355
43-254	A	635
43-254	A	638
43-255	A	636
43-258	A	638
43-275	A	636
43-281	A	355
43-284	A	635
43-284	A	638
43-286	A	355
43-286	A	638
43-287	A	355
43-290	A	638
43-2,101	A	638
43-2,119	A	162
43-512	A	518
43-512	A	542
43-512	A	573
43-512	A	669
43-512.02	A	719
43-512.03	A	37
43-512.03	A	570
43-512.03	A	719
43-512.05	A	525
43-512.05	A	719
43-512.07	A	570
43-512.10	A	719
43-601	R	367
43-602	R	367
43-604	A	413
43-604	R	367
43-605 to 43-605.03	A	367
43-606	A	367
43-606	R	596
43-607	A	367
43-607.01	R	367
43-607.02	A	367
43-608	R	367
43-608	R	596
43-610.01	R	367
43-611	A	367
43-611.01	A	367
43-616.03	R	367
43-617 to 43-619	A	367
43-620	R	367
43-621	R	367
43-622	R	367
43-623	R	367
43-624	R	367
43-625	A	367
43-626	A	367
43-626.01	A	367
43-627.01	A	624
43-627.01	R	367
43-629	R	367
43-630	R	367
43-631	R	367
43-632	R	367
43-640	R	367
43-641	A	367
43-642	A	367
43-643	A	367
43-645	R	367
43-646	A	166
43-646	A	367
43-646.01	A	367
43-646.02	A	367
43-646.03	A	367
43-646.04	R	367
43-646.05	R	367
43-646.06	A	367
43-646.07	R	367
43-646.08	A	367
43-646.09	A	367
43-646.10	R	367
43-647	A	367
43-647.01	A	367
43-648	A	367
43-648	A	413
43-649	A	367
43-650	A	367
43-651	A	367
43-653	A	367
43-660	A	367
43-661 to 43-662.01	A	367
43-664 to 43-666	A	367
43-666	A	352
43-667	R	367
43-668	R	367
43-669 to 43-677	A	367
43-678	R	367
43-679	A	367
43-680	A	367
43-707	A	352
43-1202	A	719
43-1301	A	239
43-1301	A	719
43-1302	A	239
43-1304	A	239
43-1315	A	635
43-1401 to 42-1405	R	719

SECTION	REPEAL OR AMEND	BILL
43-1406	R	719
43-1407	R	719
to 43-1410		
43-1411	R	719
43-1412	R	719
43-1413	R	719
to 43-1418		
43-1503	A	719
43-1505	A	93
43-1701	A	570
43-1704	A	573
43-1717	A	719
43-1718	A	570
to 43-1720		
43-1723	A	570
43-1727	A	570
43-1734	A	570
43-1742	A	719
43-1802	A	719
44-111.01	A	352
44-127.09	A	352
44-127.10	A	352
44-127.11	R	352
44-127.19	A	352
44-133	A	352
44-134	A	352
44-149	A	17
44-150	A	734
44-222.02	A	352
44-224.09	A	352
44-238	A	352
44-308	A	17
44-309	A	712
44-311.06	A	712
44-313	A	17
44-320	A	713
44-352	A	352
44-359	A	17
44-360	A	352
44-367	A	352
44-368	A	352
44-371	A	335
44-371	A	713
44-379	A	498
44-382	A	17
to 44-385		
44-386.07	A	352
44-3,124	A	397
44-402.01	A	17
44-511	A	352
44-512	A	352
44-626	A	352
44-711	A	352
44-751	A	352
44-752	A	352
44-766	A	352
44-1089	A	335
44-10,106	A	93
44-10,107	A	352
44-1212	A	352
44-1432	A	397
44-1434	A	397
44-1441	A	352
44-1485	A	352
44-1525	A	498
44-1530	A	352
44-1531	A	352
44-1620	A	220
44-1620	A	260
44-1620	A	491
44-1620.01	A	491
44-1620.01	A	783
44-1621	A	491
44-1622	A	491
44-1623	A	491
44-1626	A	491
44-1627	A	491
44-1629	A	491
44-1633	R	491
to 44-1638		
44-1636	A	580
to 44-1638		
44-1638	R	491
44-1703	A	306
44-1713	A	352
44-2312	A	352
44-2401	A	373
44-2403	A	373
44-2403	A	700
44-2404	A	373
44-2406	A	352
44-2406	A	373
44-2407	A	302
44-2407	A	373
44-2407	A	700
44-2410	A	373
44-2418	A	700
44-2710	A	352
44-2716	A	302
44-2819	R	425
44-2828	A	425
44-2848	A	473
44-2851	A	352
44-2913	A	352
44-3010	A	352
44-3110	A	352
44-3255	R	203
44-3256	R	203
44-3257	R	203
44-3278	A	352
44-3283	A	352
44-3601	A	416
44-3611	A	416
44-3720	A	352
44-4027	A	352
44-4113	A	266
44-4216	A	495
44-4222	A	319
44-4233	A	302
45-101.02	A	735
45-101.03	A	735
45-101.04	R	735
45-104.01	A	196
45-104.01	A	423
45-104.01	A	437
45-137	A	735
45-138	A	735
45-139	A	306

SECTION	REPEAL OR AMEND	BILL
45-150	A	352
45-151	R	352
45-152	R	352
45-350	A	352
45-605	A	352
45-616	A	352
46-158	A	140
46-210	A	33
46-218	A	140
46-222	R	140
to 46-224		
46-229.03	A	140
46-229.04	A	140
46-229.04	A	356
46-233.01	A	146
46-233.01	A	151
46-235	A	140
46-236	A	140
46-236	A	352
46-236	A	566
46-238	A	140
46-260	R	140
46-263	A	140
46-273	A	140
46-279	R	140
46-280	R	140
46-288	A	146
46-288	A	151
46-289	A	146
46-289	A	151
46-290	A	146
to 46-292		
46-290	A	151
to 46-292		
46-294	A	146
46-294	A	151
46-2,108	A	146
46-2,108	A	151
46-2,114	A	140
46-528	A	352
46-568	A	33
46-576	A	93
46-613.01	A	146
46-613.01	A	151
46-634.01	A	148
46-638	A	146
46-638	A	151
46-640	A	140
46-641	A	140
46-642	A	140
46-643	A	140
46-654	A	93
46-669	A	352
46-674.15	A	352
46-677	A	146
46-677	A	151
46-685	A	352
46-805	A	352
46-901	A	567
46-1128	A	445
46-1146	A	352
46-1236	A	93
46-1237	A	352
48-106	A	341
48-111	A	492
48-115	A	353
48-120	A	187
48-120	A	548
48-121.01	A	292
48-121.01	A	660
48-128	A	398
48-133	A	93
48-144.02	A	398
48-144.04	A	398
48-146	A	398
48-146.02	A	398
48-162	A	187
48-162.01	A	548
48-162.02	A	398
48-178.01	A	398
48-1,110	A	660
48-224	A	528
48-225	A	696
to 48-228		
48-302.01	A	35
48-303	A	35
48-307	A	35
48-308	A	35
48-311	A	35
48-313	A	35
48-416	A	352
48-418	A	36
48-418.07	A	36
48-418.12	A	36
48-418.13	A	36
48-601	A	433
48-604	A	720
48-606	A	278
48-609	A	272
48-615	R	277
48-624	A	433
48-624	A	446
48-625	A	461
48-627	A	433
48-627	A	469
48-627	A	605
48-628	A	179
48-628	A	274
48-628	A	276
48-638	A	352
48-639	R	352
48-640	A	352
48-641	A	352
48-644	A	352
48-649	A	290
48-650	A	352
48-652	A	275
48-660.01	A	352
48-669	A	433
48-669	A	446
48-701	A	462
to 48-710		
48-712	A	462
to 48-714		
48-714.01	R	462
48-714.02	A	462
to 48-718		
48-801.01	A	718

SECTION	REPEAL OR AMEND	BILL
48-810	A	524
48-810	A	661
48-811	A	661
48-813	A	661
48-816	A	519
48-816	A	524
48-816	A	661
48-817	A	661
48-818	A	661
48-818	A	711
48-837	A	661
48-837	A	718
48-837	A	764
48-838	A	661
48-840	A	764
48-840	R	782
48-840 to 48-842	R	718
48-841	A	764
48-841	R	782
48-842	A	661
48-842	A	764
48-1120	A	352
48-1203	A	474
48-1204	R	474
48-1230	A	92
48-1230	A	731
48-1231	A	92
49-507	A	572
49-508	A	572
49-509	A	572
49-617	A	572
49-617	A	771
49-707	A	572
49-1301	A	774
49-1302	A	774
49-1303	R	774
49-1401	A	188
49-1401	A	342
49-1401	A	480
49-1401	A	592
49-1402	A	188
49-1403	A	188
49-1413	A	480
49-1445	A	480
49-1446.03	R	555
49-1447	A	555
49-1449	A	555
49-1450	A	555
49-1451	R	555
49-1454	A	480
49-1455	A	592
49-1457	R	592
49-1462	A	480
49-1462	A	555
49-1463	A	480
49-1463	R	555
49-1474.01	A	342
49-1474.01	A	479
49-1479	A	480
49-1482	A	51
49-1484	A	555
49-14,103.01	A	134
49-14,103.01	A	688
49-14,118	A	555
49-14,123	A	188
49-14,123	A	555
49-14,124 to 49-14,126	R	555
49-14,131	A	352
50-424	A	511
50-425	A	511
52-118	A	211
52-118 to 52-118.02	A	680
52-118.01	A	211
52-903	A	314
53-101.03	A	771
53-102	A	395
53-103	A	219
53-103	A	468
53-103	A	490
53-103	A	505
53-103	A	725
53-103	A	771
53-105 to 53-112	R	771
53-112.03	R	771
53-115 to 53-116	A	771
53-117 to 53-117.02		
53-117.03	A	771
53-117.04	A	219
53-117.04	A	771
53-118 to 53-122	A	771
53-123	A	505
53-123	A	771
53-123.02	A	771
53-123.04	A	219
53-123.05	A	219
53-123.05	A	771
53-123.09	A	771
53-123.10	A	771
53-123.12	A	219
53-123.12 to 53-124	A	771
53-124	A	219
53-124	A	505
53-124.11	A	219
53-124.11	A	490
53-124.11	A	771
53-125	A	771
53-126 to 53-130	A	771
53-130	A	219
53-130	A	396
53-131	A	219
53-131	A	396
53-131	A	550
53-131 to 53-134.01	A	771
53-132	A	396
53-133	A	219
53-133	A	550
53-134	A	219
53-134	A	550
53-135	A	219

SECTION	REPEAL OR AMEND	BILL
53-135	A	396
53-135	A	771
53-135.01	A	219
53-135.01	A	771
53-138.01	A	219
53-138.01	A	771
53-138.02	A	771
53-140	A	771
53-140.01	A	771
53-142	A	771
53-144	A	219
53-146	A	771
53-150 to 53-156	A	771
53-158	A	771
53-159	A	771
53-160	A	505
53-160	A	550
53-160	A	725
53-160	A	771
53-160.01	A	628
53-160.09	R	771
53-161	A	771
53-164.01	A	219
53-164.01	A	505
53-164.01	A	771
53-165	A	771
53-166	A	771
53-168	A	219
53-168	A	709
53-168	A	771
53-168.05	A	771
53-169	A	505
53-170.03	A	771
53-170.04	A	771
53-171	A	505
53-174	A	219
53-175	A	219
53-175	A	709
53-176	A	771
53-177	A	771
53-180.05	A	48
53-183	R	219
53-186	A	771
53-187	A	771
53-188	A	771
53-194.03	A	771
53-195	A	771
53-198 to 53-1,100	A	771
53-1,104	A	771
53-1,114	A	771
53-1,116	A	352
53-1,116	A	771
53-1,117	A	219
54-101	A	450
54-104.01	A	450
54-105	A	450
54-112	A	450
54-132	A	450
54-143	A	450
54-147	A	450
54-162	A	450
54-608 to 54-611	A	630
54-613	A	630
54-748	R	20
54-861	A	352
54-1160	A	103
54-1170	A	352
54-1183 to 54-1185	A	450
54-1348	A	103
54-1503	A	20
54-1504	R	20
54-1505	A	20
54-1507	R	20
54-1507.01	R	20
54-1509	A	20
54-1511	A	20
54-1703	A	103
54-1706	A	352
54-1707	A	352
54-1905	A	352
54-2001	A	103
54-2112	A	102
54-2112	A	755
55-161	A	439
57-212.01	A	64
57-605	A	352
57-705	A	627
57-913	A	352
57-916	A	438
57-1201 to 57-1204	A	633
57-1206	A	633
57-1207	A	633
57-1209	R	633
57-1212	A	633
57-1213	A	633
58-209.01	A	749
58-219	A	749
58-239	A	658
58-239	A	707
58-239.01	A	458
58-239.01	R	658
58-242	A	707
59-823	A	33
59-1501 to 59-1518	R	208
59-1502	A	730
59-1516	A	352
59-1601	A	617
59-1606 to 59-1608	A	617
59-1608.01	R	617
59-1608.02	R	617
59-1609 to 59-1611	A	617
59-1614 to 59-1616	A	617
59-1617	A	617
59-1617	A	687
59-1622	A	617
59-1623	A	617
60-102	A	522
60-102	A	604
60-106	A	305

SECTION	REPEAL OR AMEND	BILL
60-110	A	305
60-111	A	41
60-111	A	305
60-112	A	305
60-113	A	305
60-114	A	522
60-115	A	305
60-115	A	311
60-116	A	608
60-124	A	352
60-301	A	75
60-301	A	80
60-301	A	224
60-302	A	305
60-302	A	311
60-302	A	330
60-302	A	692
60-303	A	614
60-310	A	224
60-311.14	A	598
60-315	A	305
60-318	A	305
60-325	A	224
60-330	A	224
60-332	A	224
60-334	A	224
60-335	A	22
60-335.01	A	22
60-335.02	R	22
60-344	A	305
60-345	A	411
60-401	A	80
60-403	A	300
60-403	A	716
60-403.07	A	75
60-407	A	224
60-407	A	540
60-409	A	311
60-409.11	A	352
60-412	A	300
60-412	A	767
60-420	A	64
60-420	A	352
60-501	A	80
60-503	A	352
60-529	A	330
60-533	A	330
60-534	A	174
60-561	A	149
60-570	A	174
60-1001	A	558
60-1001	A	724
60-1001	A	771
60-1001.01	A	269
60-1004	A	22
60-1307	A	307
60-1415	A	352
60-1420	A	327
60-1435	A	352
60-2102	A	80
66-401	A	523
66-418.03	A	523
66-419	A	523
66-420	A	523
66-424	A	632
66-431	A	523
66-432	A	523
66-445	A	289
66-447	A	289
66-452	A	289
66-452	A	749
66-461	A	289
66-473	A	632
66-602	A	75
66-602	A	224
66-637	A	523
66-1301	A	458
66-1301 to 66-1304	A	658
66-1303	A	458
66-1304	R	458
66-1305 to 66-1307	A	458
66-1306	A	658
66-1307	A	658
66-1307	A	751
66-1308	A	610
66-1308 to 66-1314	R	658
66-1309	A	279
66-1309	A	458
66-1313	A	458
66-1315 to 66-1317	A	458
66-1317 to 66-1325	R	658
66-1318	A	279
66-1319 to 66-1323	A	458
66-1325	A	458
68-104	A	466
68-126	A	466
68-150	A	418
68-150	A	419
68-214	A	418
68-214	A	419
68-215.14	R	3
68-605	A	3
68-615	A	3
68-616	R	3
68-630	A	93
68-701	A	392
68-716	A	418
68-716	A	419
68-1007	A	255
68-1008	A	42
68-1019	A	695
68-1026	A	418
68-1026	A	419
68-1034	A	352
68-1101	A	456
68-1102	R	456
68-1103	A	456
68-1509	A	418
68-1509	A	419
68-1521	R	3
69-1201 to 69-1205	A	214

SECTION	REPEAL OR AMEND	BILL
69-1209	A	214
69-1212	A	214
to 69-1215		...
69-1320	A	352
69-1501	A	510
70-408	A	238
70-625	A	23
70-625	A	345
70-625	A	412
70-671	A	579
70-704	A	23
70-806	A	352
70-807	A	352
70-1021	R	641
70-1022	R	641
71-101	A	473
71-101	A	552
71-101	A	557
71-101	A	760
71-102	A	557
71-102	A	760
71-107	A	557
71-107	A	760
71-108	A	473
71-110	A	557
71-110	A	760
71-111	A	473
71-112	A	557
71-112	A	760
71-112.03	A	473
71-112.04	R	473
to 71-112.06		
71-113	A	473
71-113	A	557
71-113	A	760
71-114	A	473
71-115	A	473
71-115.01	A	473
71-115.02	A	473
to 71-115.04		
71-116	A	473
71-118	A	473
71-124.01	A	473
71-125	A	473
71-131	A	557
71-138	A	473
71-140	A	21
71-147	A	473
71-148	A	273
71-148	A	557
71-148	A	750
71-149	A	473
71-159	A	352
71-161	R	352
71-161.07	A	352
71-161.16	A	352
71-162	A	473
71-162	A	557
71-162	A	760
71-183.02	A	552
71-195	A	473
71-198	A	473
71-1,104.05	A	352
71-1,107.23	A	352
71-1,107.23	A	473
71-1,132.07	A	473
71-1,132.14	A	473
71-1,133	A	116
71-1,135.02	A	116
71-1,136.03	A	473
71-1,147.09	A	473
71-1,147.12	A	352
71-1,147.31	A	352
71-1,156	A	473
71-1,158	A	473
71-1,159	A	473
71-1,165	A	352
71-1,166	R	473
71-1,175	A	473
71-1,178	A	473
71-1,183	A	473
71-1,195.02	A	473
71-235	A	352
71-351	A	543
71-365	A	543
71-374	A	543
71-382	A	543
71-384	A	543
71-387	A	543
71-390	A	543
71-3,102	A	543
71-3,103	A	543
71-3,105	A	543
71-3,106	A	543
71-3,107	A	543
71-3,108	A	543
71-3,109	A	543
71-3,112	A	543
71-3,141	A	543
71-3,168	A	543
71-3,171	A	543
71-3,178	A	543
71-604.01	A	91
71-604.01	R	385
71-604.03	A	91
71-604.03	R	385
71-604.04	A	91
71-604.04	R	385
71-626.01	A	372
71-628	A	719
71-630	A	719
71-640.01	A	719
71-640.02	A	719
71-1107	A	21
71-1111	A	21
71-1327	A	473
71-1329	A	473
71-1330	A	473
71-1333	A	473
71-1335	A	352
71-1536	A	368
71-1567	A	352
71-1701	A	389
71-1702	A	389
71-1725	A	352
71-1761	A	352
71-1901	A	386
to 71-1903		

SECTION	REPEAL OR AMEND	BILL
71-1907	A	386
71-1910	A	472
71-1912	A	386
71-1915	A	472
71-1916	A	352
71-2017	A	459
71-2017.01	A	259
71-2017.01	A	459
71-2017.03	A	459
71-2017.05	R	259
71-2020	A	459
71-2023	A	249
71-2024	A	459
71-2024	A	694
71-2024.01	R	459
71-2024.02	R	459
71-2027	A	352
71-2033	A	694
71-2034	A	694
71-2036	A	694
to 71-2038		
71-2041.01	A	259
71-2041.01	A	693
71-2042	A	693
71-2045.01	A	693
to 71-2045.03		
71-2045.02	A	352
71-2045.05	A	693
to 71-2045.07		
71-2050	A	190
to 71-2052		
71-2052	A	463
71-2506	A	352
71-2610	A	473
71-2701	A	473
71-2703	A	473
71-2715	A	473
71-2719	A	352
71-2815	A	473
71-2817	A	352
71-2819	A	473
71-3205	A	175
71-3211	A	352
71-3501	A	653
to 71-3503		
71-3501	A	390
to 71-3505		
71-3505	A	352
71-3505	A	653
71-3507	A	352
71-3507	A	390
to 71-3511		
71-3512	A	653
71-3512	R	390
71-3513	A	390
to 71-3519		
71-3514	A	653
71-3517	A	653
71-3519	A	653
71-3705	A	473
71-3706	A	473
71-4401	A	104
to 71-4410		
71-4412	A	104

SECTION	REPEAL OR AMEND	BILL
71-4609	A	352
71-4621	A	364
to 71-4624		
71-4626	A	352
71-4627	A	364
71-4628	A	364
71-4630	A	352
71-4630	A	364
71-4631	A	352
71-4634	A	364
71-4701	A	473
71-4706	A	473
to 71-4708		
71-4712	A	352
71-4720	A	388
71-4721	A	388
71-4724	A	388
71-4725	A	388
71-4728	A	388
71-5002	A	195
71-5004	A	195
71-5009	A	195
71-5009	A	320
71-5027	A	195
71-5102	A	442
71-5102	A	460
71-5108	A	76
71-5109	A	460
71-5111	A	460
71-5111	A	620
71-5113	A	352
71-5113	A	460
71-5115	A	460
71-5116	A	460
71-5301	A	383
to 71-5303		
71-5303	A	352
71-5306	A	383
71-5309	A	383
71-5310	A	383
71-5313	A	383
71-5504	A	473
71-5511	A	620
71-5513	A	620
71-5517	A	352
71-5519	A	473
71-5602	A	485
71-5603	A	485
71-5607	A	485
71-5608	A	485
71-5612	A	485
71-5629	A	485
71-5701	A	95
to 71-5703		
71-5707	A	95
71-5709	A	95
to 71-5711		
71-5713	A	95
71-5801	A	410
71-5801	R	173
to 71-5813		
71-5815	R	173
to 71-5826		
71-5828	R	173
to 71-5838		

SECTION	REPEAL OR AMEND	BILL
71-5834	A	410
71-5836	A	410
71-5838	A	410
71-5840	R	173
to 71-5855		
71-5842	A	410
71-5844	A	410
71-5844.01	A	410
71-5849	A	410
71-5857	R	173
to 71-5870		
71-5858	A	410
71-5859	A	410
71-5860	R	410
to 71-5866		
71-5866	A	352
71-5867	A	410
71-5872	R	173
71-5907	A	352
71-6009	A	190
71-6024	A	250
71-6031	A	352
71-6038	A	190
71-6038	A	248
71-6039	A	463
71-6104	A	473
71-6108	A	473
71-6112	A	473
71-6115	A	473
71-6230	A	384
71-6310	A	352
71-6314	A	352
72-224.03	A	352
72-240.14	A	601
72-240.19	A	352
72-312	A	93
72-607	A	233
72-1105	A	598
72-1119	A	646
72-1249.02	A	31
72-1249.02	A	786
72-1263	A	749
73-101	A	494
73-101.01	A	360
73-101.02	A	360
74-5,100	A	339
74-5,102	A	153
74-5,103	A	153
74-1320	A	496
75-109	A	380
75-109	A	381
75-128	A	380
75-359	R	4
to 75-362		
75-604	A	380
75-604	A	381
75-604	R	382
75-609	A	380
75-609	A	381
75-701	A	28
75-803	R	5
75-901	A	507
to 75-903		
75-902	A	164
75-907	A	507
to 75-909		
76-107	A	657
76-122	A	657
76-238.01	A	136
76-2,104	A	657
76-552	A	352
76-705	A	236
76-706	A	601
76-710	A	601
76-711	A	601
76-712	A	601
76-715.01	A	601
76-720	A	236
76-723	A	236
76-723	A	601
76-908	A	352
76-1003	A	156
76-1212	A	352
77-101	A	508
77-202	A	86
77-202	A	584
77-202	A	775
77-202.07	A	352
77-202.46	A	591
77-204	A	508
77-362.01	R	420
77-371	A	508
77-378	A	352
77-378	A	508
77-387	R	508
to 77-396		
77-393	A	352
77-394	R	352
77-401	A	508
77-402	R	508
77-407	A	596
77-408	A	508
to 77-410		
77-411	R	508
77-412	A	508
77-425	A	19
77-425	A	352
77-429	A	508
77-501	A	407
77-501	A	508
to 77-503		
77-504	R	508
77-505	A	508
77-506	A	407
77-506	A	508
77-507	R	508
77-507.01	A	407
77-507.01	A	508
77-507.02	A	19
77-507.02	R	508
77-508	A	407
77-508	A	508
77-508.01	A	508
77-509	A	508
77-510	A	508
77-511	A	508
77-612	A	352
77-802	A	508

SECTION	REPEAL OR AMEND	BILL
77-907	A	584
77-911	A	352
77-912	A	302
77-1201	A	508
77-1202	A	508
77-1207	R	508
77-1209	A	508
77-1209.02	A	508
77-1209.03	A	508
77-1217	R	508
77-1218	R	508
77-1219	A	508
77-1220	R	86
77-1220	R	87
77-1228	R	508
77-1229	A	508
77-1238	A	305
77-1239.01	A	352
77-1240	A	305
77-1240.01	A	305
77-1240.03	A	305
77-1241	R	305
77-1241.02 to 77-1241.04	R	305
77-1241.06 to 77-1241.08	R	305
77-1241.09	A	305
77-1301	A	508
77-1301.06	A	508
77-1301.08	A	508
77-1301.09 to 77-1301.11	R	508
77-1301.12	A	508
77-1301.15	A	508
77-1301.16	A	64
77-1301.16	A	352
77-1301.16	A	508
77-1303	A	508
77-1318	A	508
77-1320.02	R	508
77-1320.03	R	508
77-1320.04	A	508
77-1320.05	R	508
77-1320.06	R	508
77-1328	R	508
77-1336	A	19
77-1358	A	407
77-1362	A	366
77-1362 to 77-1364	A	407
77-1364	A	366
77-1364	A	407
77-1365	A	366
77-1366	R	407
77-1367	R	407
77-1368	A	407
77-1502	A	508
77-1503	R	508
77-1503.01	A	407
77-1503.01	A	508
77-1503.01	R	465
77-1504	A	508
77-1506	R	508
77-1506.02	A	508
77-1506.02	R	465
77-1506.03	R	465
77-1507	A	508
77-1514	A	407
77-1514	A	508
77-1601	A	466
77-1736.11	A	93
77-1775	A	352
77-1813	A	215
77-1832	A	93
77-1837	A	215
77-1902	A	215
77-2016.04	A	125
77-2018.05	A	125
77-2019	A	601
77-2205	A	252
77-2326.01 to 77-2326.04	A	370
77-2326.07 to 77-2326.09	A	370
77-2328	A	440
77-2329	A	440
77-2351	A	109
77-2353.01	A	246
77-2407	A	71
77-2407	A	352
77-2602	A	730
77-2602.03	A	730
77-2701	A	267
77-2701	A	293
77-2701	A	294
77-2701	A	523
77-2701	A	562
77-2701	A	600
77-2701	A	634
77-2701	A	772
77-2701	A	773
77-2701	A	775
77-2701.01	A	284
77-2701.01	A	659
77-2701.01	R	294
77-2702	A	46
77-2702	A	108
77-2702	A	185
77-2702	A	287
77-2702	A	304
77-2702	A	562
77-2702	A	659
77-2702 to 77-2704	A	523
77-2703	A	108
77-2703	A	204
77-2703	A	305
77-2703	A	659
77-2704	A	44
77-2704	A	45
77-2704	A	46
77-2704	A	94
77-2704	A	185
77-2704	A	562
77-2704	A	729
77-2704	A	749
77-2704.01	A	46
77-2708	A	523
77-2708	A	749

SECTION	REPEAL OR AMEND	BILL
77-2711	A	523
77-2714	A	6
77-2714	A	523
77-2714 to 77-2715.01	A	773
77-2715	A	247
77-2715	A	294
77-2715	A	448
77-2715	A	513
77-2715	A	523
77-2715	A	631
77-2715	A	746
77-2715	A	747
77-2715	A	749
77-2715.01	A	130
77-2716	A	714
77-2716	A	773
77-2717	A	523
77-2718	R	773
77-2719	R	294
77-2719	R	773
77-2721	A	294
77-2721	R	773
77-2723	R	773
77-2724	A	773
77-2725	A	773
77-2729	A	773
77-2730	A	6
77-2730	A	294
77-2732	A	294
77-2732	A	773
77-2733	A	294
77-2733	A	773
77-2734.01	A	523
77-2734.02	A	284
77-2734.02	A	294
77-2734.02 to 77-2734.05	A	168
77-2734.03	A	247
77-2734.03	A	513
77-2734.03	A	631
77-2734.03	A	746
77-2734.03	A	747
77-2734.03	A	749
77-2734.04	A	749
77-2734.05	A	585
77-2734.05	A	772
77-2734.05	A	775
77-2734.07	A	749
77-2734.08	R	168
77-2734.09	A	772
77-2734.09	R	168
77-2734.10	A	168
77-2734.11	A	168
77-2734.14	A	585
77-2753	A	75
77-2753	A	773
77-2761	A	523
77-2762	A	294
77-2762	R	773
77-2765	A	773
77-2766	A	294
77-2766	R	773
77-2768	A	523
77-2770	A	168
77-2772	A	523
77-2773	A	523
77-2775	A	294
77-2775	A	773
77-2781	A	773
77-2786	A	168
77-2786	A	247
77-2786	A	294
77-2786	A	773
77-2793	A	773
77-27,119	A	209
77-27,119	A	414
77-27,119.01	A	773
77-27,124	R	6
77-27,127	A	352
77-27,132	A	391
77-27,132	A	470
77-27,132	A	706
77-27,140	A	596
77-27,144	A	447
77-27,147	A	108
77-27,153	A	352
77-27,158	A	343
77-27,159	A	343
77-27,170	A	352
77-27,180	A	523
77-27,182	A	352
77-27,183	A	523
77-27,185	A	293
77-27,185	R	267
77-27,186	A	267
77-27,186	R	293
77-27,188	A	270
77-27,189	A	323
77-3311	A	93
77-3501	A	288
77-3501	A	376A
77-3502	A	288
77-3502	A	376A
77-3504	A	288
77-3504	A	376A
77-3505	A	288
77-3505	A	376A
77-3507 to 77-3511	A	288
77-3508	A	754
77-3508	A	376A
77-3509.01	A	376A
77-3509.02	A	376A
77-3510	A	376A
77-3511	A	376A
77-3513	A	288
77-3513	A	376A
77-3514	A	288
77-3514	A	376A
77-3516	A	288
77-3516	A	376A
77-3517	A	288
77-3517	A	376A
77-3518	R	288
77-3518	R	376A
77-3519	A	288
77-3519	A	376A

SECTION	REPEAL OR AMEND	BILL
77-3520	A	288
77-3520	A	376A
77-3523	A	288
77-3523	A	376A
77-3525	R	288
77-3525	R	376A
77-3526	A	288
77-3526	A	376A
77-3529	A	288
77-3529	A	376A
77-3902 to 77-3905	A	523
77-3906	A	701
77-5517	A	352
79-101	A	596
79-102	A	596
79-102.01	A	107
79-102.01	R	326
79-102.01	R	596
79-102.02	R	326
79-102.02	R	596
79-106	A	596
79-201	A	99
79-201	A	682
79-203	R	367
79-204	R	367
79-205	A	596
79-207 to 79-210	A	596
79-211	A	596
79-311	A	128
79-311	R	596
79-311.10 to 79-320.01	R	596
79-317	A	128
79-318	R	367
79-320.01	A	128
79-328	A	235
79-328	A	682
79-328	A	688
79-401	R	596
79-402	A	444
79-402	R	596
79-402	R	726
79-402.03	A	726
79-402.03 to 79-402.05	R	596
79-402.06	A	444
79-402.06	R	596
79-402.07	A	726
79-402.07 to 79-402.12	R	596
79-402.09	A	520
79-402.09	A	726
79-402.11	A	726
79-403	R	596
79-403.01 to 79-403.04	R	596
79-406	A	61
79-406	R	596
79-407 to 79-419	R	596
79-408	A	417
79-415	R	726
79-420	A	417
79-420	R	596
79-422	A	596
79-423	R	596
79-424	A	596
79-425.01	A	596
79-426 to 79-426.19	R	596
79-426.05	A	443
79-426.07	A	726
79-426.08	A	726
79-426.15	A	444
79-426.16	A	444
79-426.19	A	520
79-426.22	A	726
79-426.22 to 79-426.26	R	596
79-432	A	596
79-436	R	596
79-437	R	596
79-443	A	596
79-444	A	424
79-445	A	596
79-445	A	765
79-451	A	596
79-458	A	596
79-464	A	596
79-465	R	596
79-466	A	596
79-469	A	596
79-470	A	596
79-478 to 79-486	R	596
79-488	A	538
79-488.03	A	347
79-488.04	R	596
79-488.06	A	348
79-490	A	200
79-490	A	210
79-490	A	338
79-490	A	596
79-492	A	338
79-492	A	596
79-493	A	31
79-493 to 79-499	R	596
79-4,100	R	596
79-4,101	R	596
79-4,102	A	182
79-4,102	A	210
79-4,102	A	367
79-4,102	A	644
79-4,102	R	596
79-4,103 to 79-4,105	R	596
79-4,106.01 to 79-4,106.05	R	596
79-4,140.04 to 79-4,140.08	A	529
79-4,153	A	596
79-4,154	A	435
79-4,155	A	285
79-4,160	A	210
79-4,180	A	316

SECTION	REPEAL OR AMEND	BILL
79-4,207	A	212
79-501	R	596
to 79-504		
79-505	R	596
to 79-512		
79-511	A	520
79-512.01	R	596
79-516.01	R	596
79-516.04	A	596
79-519	A	596
79-520	A	596
79-521	A	596
79-531	A	147
79-537	R	596
79-541	A	596
79-542	A	596
79-543	R	596
79-546	A	596
79-547.02	A	596
79-548	A	127
79-548	A	596
79-548.01	A	596
79-550	R	596
79-550.01	R	596
79-552	R	331
79-552	R	596
79-601	R	596
to 79-604		
79-603	A	106
79-701	R	596
79-702.06	A	726
79-703	R	331
79-703	R	596
to 79-704.01		
79-703.01	R	331
79-704	R	127
79-704.01	R	127
79-706	R	596
79-801	A	595
79-801	A	596
79-801.01	R	596
79-801.02	R	596
79-802	A	596
79-803.12	R	596
79-805	A	331
79-806	R	331
79-810	A	331
79-1002	A	596
79-1032	A	298
79-1041	A	298
79-1044	A	298
79-1045	A	298
79-1048	A	298
79-1049	A	298
79-1057	R	296
79-1057	R	298
79-1101	R	596
79-1103	R	596
79-1103.02	R	596
79-1103.03	R	596
79-1103.05	R	596
to 79-1107		
79-1108	R	596
79-1109	R	596
to 79-1112		
79-1111	A	331
79-1240	A	310
79-1247.02	A	235
79-1247.02	A	417
79-1247.05	A	482
79-1247.05	A	529
79-1247.06	A	529
79-1247.09	A	529
79-1247.11	A	596
79-1254.05	A	521
79-1254.06	A	521
79-1254.10	A	234
79-1270	A	402
79-1287	R	524
to 79-1295		
79-12,101	A	528
79-12,104	A	520
79-12,104	A	726
79-12,104	R	596
79-12,105	A	520
79-12,105	R	596
79-12,106	R	596
79-12,111	A	596
79-12,145	A	18
79-12,145	A	210
79-12,145	A	627
79-1302	A	85
79-1303	R	85
79-1304	A	85
79-1305	R	596
79-1306	A	596
79-1307.01	A	169
79-1308.01	A	30
79-1308.01	A	596
79-1310	A	596
79-1330	A	414
79-1330	R	210
79-1331	R	210
79-1332	R	210
79-1332.01	R	210
to 79-1333.02		
79-1333	A	596
79-1334	A	596
79-1334	R	210
to 79-1340		
79-1335	A	283
79-1335	A	414
79-1335	A	434
79-1335	A	596
79-1336	A	283
79-1336	A	414
79-1338	A	70
79-1338	A	281
79-1338	A	644
79-1342	R	210
to 79-1344.01		
79-1343	A	283
79-1344	A	283
79-1344	A	414
79-1344.01	R	283
79-1368	A	210
79-1369	A	210
79-1369	A	367

SECTION	REPEAL OR AMEND	BILL
79-1438.04	R	329
79-1438.05	R	329
79-1438.06	R	329
to 79-1438.12		
79-1447	A	527
to 79-1449		
79-1451	A	527
79-1452	A	527
79-1501	A	549
79-1501	A	551
79-1503	A	549
79-1509	A	549
79-1509.04	R	549
79-1512	A	549
79-1520	A	549
79-1521	A	296
79-1521	A	549
to 79-1522.01		
79-1522.01	A	160
79-1522.01	A	578
79-1522.01	A	596
79-1523	A	549
79-1528	A	549
79-1529	A	160
79-1529	A	549
79-1531	A	578
79-1544	A	352
79-1545	A	549
79-1546	A	549
79-1555	R	549
79-1558	A	178
79-1560	A	178
79-1701	A	682
79-1701.01	R	682
79-1705	A	596
79-1903	A	367
79-1911	A	367
79-2003	A	367
79-2102	A	596
79-2201	A	688
79-2201.01	A	649
79-2202	A	649
79-2202.02	R	649
79-2203	A	649
79-2203.02	A	649
79-2203.03	A	649
79-2204	A	649
79-2204.01	A	649
79-2205	A	265
79-2205	A	688
79-2208	A	265
79-2208	A	649
79-2209	A	265
79-2210.04	A	183
79-2212	A	596
79-2213	A	367
79-2301	R	596
to 79-2317		
79-2504	A	199
79-2637	A	329
79-2644	A	30
79-2648	A	329
79-2650.07	A	455
79-2820	A	252
to 79-2821		

SECTION	REPEAL OR AMEND	BILL
79-2838	A	352
79-2839	R	352
to 79-2840		
79-2901	A	431
79-2905	A	431
79-2907	A	431
79-3204	A	142
80-201	A	626
80-401	A	786
81-101	A	645
81-102	A	645
81-129	A	31
81-146	A	724
81-161.03	A	354
81-201	A	155
81-202	R	103
to 81-202.02		
81-217.29	A	201
81-217.30	A	544
81-217.30	R	201
81-217.31	A	201
81-217.32	R	201
81-2,162.01	A	201
81-2,162.04	A	24
81-2,162.04	A	201
81-2,162.22	A	201
81-502	A	459
81-502	A	771
81-502.04	A	352
81-517	A	93
81-523	A	303
81-801	R	645
81-801.01	R	645
81-802	R	645
81-803.01	R	645
81-804	R	645
81-807	A	645
81-809	A	645
81-810	A	645
81-811	A	645
81-814	A	645
81-815.41	R	32
to 81-815.44		
81-815.52	A	32
81-822	A	52
81-829.42	A	391
81-829.43	A	352
81-855	A	429
81-885.21	A	403
81-885.24	A	96
81-885.24	A	97
81-885.24	A	98
81-885.30	A	352
81-885.47	A	96
81-885.47	A	97
81-885.47	A	98
81-8,139.01	A	352
81-8,202	A	352
81-8,209	A	252
81-8,210	A	252
81-8,211	A	252
81-8,212	A	252
81-8,213	A	252
to 81-8,215		

SECTION	REPEAL OR AMEND	BILL
81-8,215.01	A	252
81-8,216	A	252
to 81-8,218		
81-8,219	A	252
81-8,220	A	252
to 81-8,223		
81-8,224	A	252
81-8,225	A	252
81-8,226	A	252
81-8,227	A	252
81-8,228	A	252
to 81-8,232		
81-8,231	A	398
81-8,234	R	252
81-8,235	A	759
81-8,236	A	252
81-8,239	A	252
81-8,239.01	A	56
81-8,239.03	A	252
81-8,245	A	89
81-8,280	A	40
81-8,283	A	40
81-8,285	A	93
81-8,285	A	352
81-8,285	A	438
81-1012	R	22
81-1108.33	R	32
to 81-1108.35		
81-1108.44	R	32
to 81-1108.47		
81-1111.01	A	81
81-1111.02	A	81
81-1201.11	A	749
81-1201.13	A	741
81-1201.14	A	736
81-1201.15	A	743
81-1201.16	A	740
81-1201.18	A	740
81-1258	A	340
81-1302	A	491
81-1302	A	545
81-1307	A	491
81-1311	A	491
81-1315	A	110
81-1316	A	491
81-1316	A	724
81-1318	A	89
81-1318	A	491
81-1319	A	19
81-1319	A	352
81-1341.01	A	764
81-1341.01	A	782
81-1355	A	491
81-1356	A	491
81-1359	A	491
81-1360	A	491
81-1361	A	491
81-1367	A	491
81-1368	A	491
81-1401	A	361
81-1403	A	666
81-1410	A	362
81-1414	A	361
81-1429	A	361
81-1429	A	698
81-1439	A	361
81-1443	A	361
81-1501	A	152
81-1504	A	501
81-1505	A	501
81-1505.01	A	114
81-1505.01	A	501
81-1507	A	152
81-1508	A	565
81-1509	A	352
81-1511	A	152
81-1512	A	152
81-1513	A	352
81-1516	A	152
81-1516	R	692
81-1517	R	692
81-1518	R	692
81-1519	A	152
81-1519	A	766
81-1519	R	692
81-1520	A	152
81-1520	R	692
81-1521.01	A	114
to 81-1521.03		
81-1521.02	A	152
81-1521.02	A	692
81-1521.02	A	766
81-1521.04	A	114
81-1521.05	A	114
81-1521.05	A	152
81-1521.06	A	114
81-1521.06	A	152
81-1521.07	R	152
81-1528	A	692
81-1529	A	152
81-1530	R	152
81-1532	A	114
81-1532	A	501
81-1532	A	766
81-1533	R	766
81-1534	R	692
to 81-1552		
81-1553	R	692
81-1554	R	692
to 81-1558		
81-1559	R	692
81-1560	R	692
to 81-1560.03		
81-1561	R	692
81-1562	R	692
81-1563	R	692
81-1565	R	692
81-1566	R	692
81-1569	A	706
81-1578	A	427
81-1578	A	426
to 81-1580		
81-1588	A	426
81-1590	A	426
81-1592	A	426
81-1599	A	426
to 81-15,107		
81-15,107	A	352

SECTION	REPEAL OR AMEND	BILL
81-15,112	A	352
81-15,119	A	365
81-15,122	A	352
81-1607	A	23
81-1832	A	352
81-1835	A	353
81-1836	A	243
81-1848	A	535
81-1931	A	352
81-2005	A	771
81-2019	A	549
81-2022	R	549
81-2026	A	493
81-2101	A	489
81-2104	A	69
83-101.10 to 83-101.13	R	7
83-107.03	R	8
83-107.04	R	8
83-108.03	R	8
83-109	A	352
83-109	A	697
83-160.01	R	9
83-183.01	A	353
83-189 to 83-191	A	603
83-196	A	603
83-1,105	A	355
83-1,107	A	675
83-1,107.01	A	675
83-1,110	A	672
83-1,112	A	672
83-1,132	R	675
83-1,142	A	668
83-1,143.06	A	195
83-1,147	A	112
83-210.01	A	322
83-210.01 to 83-211	A	527
83-210.03 to 83-212	A	322
83-211.01 to 83-212	R	527
83-305.01 to 83-305.03	A	112
83-305.04	R	10
83-305.04	R	112
83-305.05	R	112
83-374	A	352
83-376	A	112
83-382	A	367
83-4,101	A	355
83-4,103	A	112
83-4,109	A	352
83-4,122	A	673
83-4,123	A	673
83-4,124	A	271
83-4,126 to 83-4,128	A	271
83-4,131 to 84-4,134	A	271
83-918 to 83-921	R	11
83-924.01	R	12
83-1020	A	257
83-1028	A	257
83-1039	A	257
83-1046	A	499
83-1131	A	352
83-1133	A	352
84-127	A	112
84-218	A	719
84-218	R	573
84-304	A	183
84-309	A	252
84-310	R	252
84-609	R	15
84-610	R	15
84-611	R	15
84-612	A	131
84-613	A	131
84-805	A	438
84-806	A	438
84-901	A	253
84-902	A	253
84-903	A	253
84-905	A	253
84-905.01	A	253
84-906	A	253
84-906.05	A	253
84-907	A	189
84-907	A	253
84-907	A	487
84-907.01	A	253
84-908	A	253
84-909 to 84-916	A	253
84-911 to 84-913	A	189
84-917	A	253
84-917	A	352
84-918	A	253
84-919	A	253
84-919	A	352
84-1309.01	R	549
84-1317	A	296
84-1319	A	308
84-1320	A	308
84-1321	A	308
84-1332	A	549
84-1411	A	189
84-1411	A	678
84-1412	A	324
84-1413	A	678
84-1501	A	59
84-1503	A	549
84-1504	A	549
84-1510	A	549
85-105	A	656
85-106.04	A	336
85-121	A	656
85-127	A	25
85-156 to 85-161	R	656
85-176	A	572
85-1,100	R	13
85-1,104	A	656
85-1,111	A	112

SECTION	REPEAL OR AMEND	BILL
85-321	R	31
85-505.01	A	436
85-606	A	296
85-607	R	682
85-914	R	16
85-9,103	A	26
85-9,105	A	16
86-801	R	380
to 86-811		
86-801	R	381
to 86-811		
86-802	A	382
86-809	A	382
86-811	A	382
87-302	A	180
87-307	A	180
to 87-311		
87-402	A	62
87-402	A	63
88-401	R	291
88-402	R	291
88-403	R	291
88-404	R	291
88-405	R	291
to 88-408		
88-501	A	14
88-501	R	164
88-502	R	164
88-502.01	R	164
88-502.02	A	164
88-503	R	164
88-504	R	164
88-505	R	164
to 88-512		
88-513	R	164
88-514	R	164
88-515	A	14
88-515	R	164
88-516	R	164
88-517	R	164
88-519	R	14
88-519	R	164
88-523	A	14
88-523	R	164
88-524	R	164
89-1,101	A	201
90-201	R	32
to 90-208		
90-210	R	32
to 90-212		
90-217	R	32
90-226	R	32

CONSTITUTIONAL AMENDMENTS

ARTICLE	SECTION	REPEAL OR AMEND	LR
III	10	A	6
III	10	A	17
III	22	A	22
III	24	A	15
III	7	A	7
III	7, 10	A	18
IV	1, 28	A	16
IV	29 NEW	A	16
VII	10	A	23
VII	2, 3, 4	A	19
VIII	12	A	11
VIII	13 NEW	A	3
VIII	13 NEW	A	5
VIII	13 NEW	A	8
VIII	2	A	4
XII	8	A	10
XIII	2	A	21
XV	19 NEW	A	20

UNIFORM COMMERCIAL CODE

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
3-114	A	241	9-403	A	101
4-401	A	241	9-404	A	393
6-106	A	93	9-414	A	101

1961 Legislative Bills Amended or Repealed (FIRST Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL	LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB 673		R	568				

1984 Legislative Bills Amended or Repealed (SECOND Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL	LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB 372	18	A	66				

1985 Legislative Bills Amended or Repealed (SECOND Special Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL	LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB 7	68	A	37				

1986 Legislative Bills Amended or Repealed (SECOND Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB 131A		R	762
LB 131A		R	780
LB 153A		R	762
LB 153A		R	780
LB 217A		R	762
LB 217A		R	780
LB 277A		R	762
LB 277A		R	780
LB 284A		R	762
LB 284A		R	780
LB 286A		R	762
LB 286A		R	780
LB 310A		R	762
LB 310A		R	780
LB 318A		R	762
LB 318A		R	780
LB 325A		R	762
LB 325A		R	780
LB 333A		R	762
LB 333A		R	780
LB 355A		R	762
LB 355A		R	780
LB 438A		R	762
LB 438A		R	780
LB 474A		R	762
LB 474A		R	780
LB 575A		R	762
LB 575A		R	780
LB 579A		R	762
LB 579A		R	780
LB 600	12	A	37
LB 643A		R	762
LB 643A		R	780
LB 757A		R	762
LB 757A		R	780
LB 774A		R	762
LB 774A		R	780
LB 775A		R	762
LB 775A		R	780
LB 795A		R	762
LB 795A		R	780
LB 835A		R	762
LB 835A		R	780
LB 840	1	A	763
LB 850A		R	762
LB 850A		R	780
LB 851A		R	762
LB 851A		R	780
LB 894A		R	762
LB 894A		R	780
LB 900A		R	762
LB 900A		R	780
LB 925A		R	762
LB 925A		R	780
LB 967		R	780
LB 967A		R	762
LB 992A		R	762
LB 992A		R	780
LB1001A		R	762
LB1001A		R	780
LB1004A		R	762
LB1004A		R	780
LB1007	3	R	780
LB1007A	3	R	762
LB1027A		R	762
LB1027A		R	780
LB1036A		R	762
LB1036A		R	780
LB1037A		R	762
LB1037A		R	780
LB1038		R	770
LB1038		R	781
LB1041A		R	762
LB1041A		R	780
LB1049A		R	762
LB1049A		R	780
LB1051A		R	762
LB1051A		R	780
LB1105A		R	762
LB1105A		R	780
LB1124A		R	762
LB1124A		R	780
LB1143A		R	762
LB1143A		R	780
LB1230A		R	762
LB1230A		R	780
LB1251	21,28,42,44,	A	763
LB1251	3,7,8,11,18,	A	763
LB1251	57,64,76,78,	A	763
LB1251	79,80	A	763
LB1251	87	A	432
LB1252		R	770
LB1252		R	781
LB1252	4	A	763
LB1258A		R	762
LB1258A		R	780

1986 Legislative Bills Amended or Repealed (FOURTH Special Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB 1	11,12,14,15,	A	763
LB 1	20	A	763
LB 1	3,4,5,6,9,	A	763
LB 2	1	R	367
LB 2	1, 2	A	413
LB 2	2	A	367
LB 2	3	R	413

SUBJECT

INDEX

TO

RESOLUTIONS INTRODUCED

This index includes all resolutions introduced during the Ninetieth Legislature, First Session. The constitutional amendment resolutions are identified by a CA after the number.

LR

ACADEMIC DECATHLON
Commend Academic Decathlon supporters and participants and congratulate Omaha Central High School championship team (Pirsch)..... 37LR

ADMINISTRATIVE DEPARTMENTS, STATE
Agriculture, Department of: interim study to compile history of agricultural commodities and products marketing programs (R. Johnson)..... 137LR
Contracts, construction or repair: interim study of the single and separate contract systems utilized by political subdivisions (Lynch)..... 197LR
Duplication of programs: interim study to eliminate state government program duplications(Moore, Abboud)..... 200LR
Economic Development, Department of: interim study to compile history of agricultural commodities marketing programs (R. Johnson)..... 137LR
Energy conservation: interim study of Iowa Buildings Program designed to conserve energy in state-owned buildings(Baack, Rupp) 205LR
Property, state surplus: interim study of procedure utilized by Department of Administrative Services to dispose of(Schmit, Beyer, Dierks, Korshoj, Moore, Wehrbein)..... 216LR

ADMINISTRATIVE SERVICES, DEPARTMENT OF
Materiel division: interim study of the identification and disposal of surplus state property(Schmit, Beyer, Dierks, Korshoj, Moore, Wehrbein)..... 216LR

ADOPTION
Birthfathers: interim study relating to rights in adoption (Judiciary Comm.)..... 184LR
Surrogate parentage and in-vitro fertilization: interim study of legal issues(Barrett, Chambers, Chizek, Wesely)..... 177LR

AERONAUTICS
Essential Air Service: support congressional legislation (Scofield, Nelson, Miller, Smith, Elmer, Weihing, Baack, Langford, Rupp, Lamb, R. Johnson)..... 28LR
Transportation Week: honor transportation industry and designate May 10-16 as Transportation Week(Beyer)..... 152LR

AGED AND AGING
Medicaid: interim study of the Nebraska medicaid program and optional medicaid services(Moore, Abboud)..... 201LR

AGING, DEPARTMENT ON
Telephone service: interim study on the need for lifeline assistance, effect of AT&T divestiture, and price increases (Pappas, Labedz)..... 162LR

AGRICULTURE
Agricultural Stabilization and Conservation Service: interim study to determine its capabilities under the Food Security Act (R. Johnson)..... 153LR
Chemical agents: interim study to explore the need for proper regulation of disposal and cleanup(Nelson, Miller)..... 178LR
Commodities and agricultural products: interim study to evaluate State of Nebraska and other states' marketing programs (R. Johnson)..... 137LR
Commodity boards: interim study of commodity board objectives, effectiveness and membership(R. Johnson)..... 138LR
Cooperative Extension Service: honor extension staff and volunteers for their contributions(Beyer)..... 35LR

LR

Corn, shelled: encourage development of shelled corn as a boiler fuel in place of coal(Dierks, Hefner)..... 29LR
Farm credit system: urge Congress to provide assistance to strengthen and safeguard the farm credit system(Rogers, Wehrbein) 93LR
Grain Marketing Compact, Midwest Regional: urge Governor to appoint Senators Warner and Schmit as representatives(Hannibal, Abboud, Conway, Lamb, Dierks, Morehead, R. Johnson, Miller, Elmer, Schellpeper, Coordsen, Hefner, Weihing, Chambers, Wehrbein, V. Johnson, Moore, L. Johnson, Rupp, Scofield, Chizek, Beyer)..... 225LR
Grasslands protection: interim study of the objectives and provisions of LB 124, the Grasslands Protection Act(R. Johnson).. 139LR
Horseracing: authorize expanded wagering(V. Johnson)..... 15CA
Initiative 300: interim study of the impact of Initiative 300 on the Nebraska economy(R. Johnson)..... 148LR
Initiative 300: modify provisions relating to financial institutions(Baack, Conway)..... 10CA
Liens and financing statements: interim study of centralized computer system for filing of liens and financing statements (Remmers, Rogers)..... 179LR
National Agriculture Day: observe on March 20th(R. Johnson)..... 58LR
Soybean Association, American: support efforts for stricter label regulations relating to saturated fats in foods (R. Johnson)..... 102LR
Temporary Emergency Food Program: urge Congress to block attempt to reduce budget by shifting of funds(Nelson, Miller, R. Johnson, Higgins, Ashford, Coordsen, Baack, Scofield, Harris, Landis, Smith, Morehead, Schellpeper, Rupp, Dierks, Hannibal, Chambers). 30LR
Thoroughbred racing: congratulate Jack Van Berg for achievements and express best wishes for a Triple Crown victory for Alysheba (Rupp, Schmit)..... 229LR
University of Nebraska Agricultural Research Division: recognize achievements of researchers(R. Johnson, Rogers, Nelson, Moore, Wehrbein, Miller, Weihing, Schmit, Elmer)..... 109LR
University of Nebraska Research and Development Center: congratulate on its 25th anniversary(R. Johnson, L. Johnson, Morehead, Nelson, Warner, Hefner, Peterson, Coordsen, Miller, Lamb, Moore, Elmer, Schmit, Dierks, Remmers)..... 79LR

AGRICULTURE, DEPARTMENT OF

Commodities and agricultural products: interim study to compile history of State of Nebraska and other states' marketing programs (R. Johnson)..... 137LR

AID TO DEPENDENT CHILDREN

Job training for welfare recipients: interim study to expand and improve existing programs(Ashford)..... 231LR

ALCOHOLIC BEVERAGES

Nebraska Liquor Control Act: interim study to undertake an in-depth review and propose changes(General Affairs Comm.).... 104LR
Omaha Public Schools: recognize and commend for its "I Can Say NO" substance abuse program(Hannibal)..... 115LR
Testing: interim study on alcohol and drug testing standards in the workplace(Judiciary Comm.)..... 112LR

ALL-TERRAIN VEHICLES

Interim study of all-terrain vehicle regulation and equipping (L. Johnson, Moore, Warner, Goodrich, Lamb, Remmers, Hefner, Schmit, Rupp, Smith)..... 135LR
Safety: interim study(Smith, Landis)..... 73LR

ALZHEIMER'S DISEASE

Task Force, Alzheimer's Disease: recommend to Governor that task force be rechartered to make additional studies(Smith, Lynch, Wesely, Schellpeper, Morehead, Lamb, Goodrich, Beyer, Pappas)..... 96LR

AMBULANCES
Emergency medical services system: interim study to determine volunteer availability, training, and regulation changes (Rogers)..... 172LR

ANATOMICAL GIFTS
Organ donations: encourage Nebraskans to sign Uniform Organ Donor Cards to aid in the fight against kidney disease(Wesely)... 41LR

ANNIVERSARY
Beatrice State Developmental Center: congratulate for 100th anniversary(Morehead)..... 108LR
Benedict, Nebraska: recognize for 100th anniversary(Moore)..... 82LR
Bruning, Nebraska: recognize for 100th(Coordsen)..... 121LR
Ceresco, Nebraska: recognize for 100th anniversary(Schmit)..... 241LR
Cordova, Nebraska: recognize for 100th anniversary(Moore)..... 87LR
Daykin, Nebraska: recognize for 100th anniversary(Coordsen)..... 107LR
Deshler, Nebraska: recognize for 100th anniversary(Coordsen)..... 120LR
Dwight, Nebraska: recognize for 100th anniversary(Schmit)..... 240LR
Elm Creek, Nebraska: recognize for 100th anniversary(Langford)... 36LR
Elsie, Nebraska: recognize for 100th anniversary(Haberman)..... 159LR
Farwell, Nebraska: recognize for 100th anniversary(Rogers)..... 145LR
Funk, Nebraska: recognize for 100th anniversary(Barrett)..... 174LR
Gering Courier: congratulate for 100th anniversary(Weihing)..... 42LR
Gering, Nebraska: recognize for 100th anniversary(Weihing)..... 43LR
Gilead, Nebraska: recognize for 100th anniversary(Coordsen)..... 114LR
Goehner, Nebraska: recognize for 100th anniversary(Moore)..... 86LR
Grant County, Nebraska: recognize for 100th anniversary(Haberman) 68LR
Gresham, Nebraska: recognize for 100th anniversary(Moore)..... 83LR
Henderson, Nebraska: recognize for 100th anniversary(Moore)..... 84LR
Howells, Nebraska: recognize for 100th anniversary(Schellpeper).. 128LR
Hoyt, J. Frank and Hazel T.: recognize for 76th wedding anniversary(Elmer)..... 226LR
Lamar, Nebraska: recognize for 100th anniversary(Haberman)..... 156LR
Leigh, Nebraska: recognize for 100th anniversary(Schellpeper).... 127LR
Linwood, Nebraska: recognize for 100th anniversary(Schmit)..... 244LR
Loretto, Nebraska: recognize for 100th anniversary(Dierks)..... 202LR
Lushton, Nebraska: recognize for 100th anniversary(Moore)..... 195LR
Madrid, Nebraska: recognize for 100th anniversary(Haberman)..... 101LR
Malmo, Nebraska: recognize for 100th anniversary(Schmit)..... 238LR
McCool Junction, Nebraska: recognize for 100th anniversary(Moore) 85LR
Milligan, Nebraska: recognize for 100th anniversary(Coordsen).... 119LR
Morse Bluff, Nebraska: recognize for 100th anniversary(Schmit)... 242LR
Nehawka, Nebraska: recognize for 100th anniversary(Wehrbein)..... 100LR
Octavia, Nebraska: recognize for 100th anniversary(Schmit)..... 243LR
Ohiowa, Nebraska: recognize for 100th anniversary(Coordsen)..... 122LR
Palmer, Nebraska: recognize for 100th anniversary(R. Johnson).... 64LR
Perkins County, Nebraska: recognize for 100th anniversary (Haberman)..... 158LR
Petersburg: recognize for 100th anniversary(Dierks)..... 203LR
Pilger, Nebraska: recognize for 100th anniversary(Schellpeper)... 126LR
Prague, Nebraska: recognize for 100th anniversary(Schmit)..... 239LR
Ragan, Nebraska: recognize for 100th anniversary(Elmer)..... 38LR
Ralston, Nebraska: recognize for 75th anniversary(Abboud)..... 74LR
Rogers, Nebraska: recognize for 100th anniversary(Schellpeper)... 129LR
Roseland, Nebraska: recognize for 100th anniversary(Smith)..... 133LR
Ruskin, Nebraska: recognize for 100th anniversary(Miller)..... 154LR
South Sioux City, Nebraska: recognize for 100th anniversary (Conway, Hefner, Korshoj, Peterson, Schellpeper)..... 88LR
Southwest Rural Fire Protection District: applaud efforts and commend for 25th anniversary(Warner)..... 89LR
St. Bridget's Church: congratulate for 100th anniversary(Hall)... 167LR
Stamford, Nebraska: recognize for 100th anniversary(Elmer)..... 26LR

LR

State Patrol, Nebraska: congratulate for 50 years of service (Chambers, Chizek, Ashford, Korshoj, Marsh, Beyer, Elmer)..... 63LR
Stromsburg, Nebraska Swedish Festival: recognize 35th anniversary and status as state's oldest ethnic festival(Moore).. 223LR
Syracuse Volunteer Fire Department: congratulate for its efforts and 100th anniversary(Wehrbein)..... 132LR
Thayer, Nebraska: recognize for 100th anniversary(Moore)..... 236LR
Thomas County, Nebraska: recognize for 100th anniversary(Lamb)... 67LR
Union, Nebraska: recognize for 100th anniversary(Wehrbein)..... 99LR
University of Nebraska Research and Development Center: congratulate on its 25th anniversary(R. Johnson, L. Johnson, Morehead, Nelson, Warner, Hefner, Peterson, Coordsen, Miller, Lamb, Moore, Elmer, Schmit, Dierks, Remmers)..... 79LR
Venango, Nebraska: recognize for 100th anniversary(Haberman)..... 157LR
Verdigre, Nebraska: recognize for 100th anniversary(Hefner)..... 75LR
Virginia, Nebraska: recognize for 100th anniversary(Morehead).... 92LR
Wallace, Nebraska: recognize for 100th anniversary(Elmer)..... 136LR
Wilson, Ray and Letha: recognize for 70th wedding anniversary (Warner)..... 111LR
Wolbach, Nebraska: recognize for 100th anniversary(Rogers)..... 146LR

ART AND ARTISTS

Henrickson, Art: extend appreciation for state historical marker restoration(Baack)..... 9LR
Polka music: designate June 5, 1987 as Polka Day/Nebraska Style to honor polka music and dancing(Hall)..... 227LR
Portraits of Washington and Lincoln: urge placement of portraits in the legislative chambers(Hefner, Elmer, Abboud, Rupp)..... 233LR

ARUISO, AUDRA

Miss Indian America: congratulate and encourage her mission to promote a better understanding between all people(Schmit)..... 245LR

ATHLETICS

Archbishop Bergan High School boys of Fremont for Class C-1 state basketball title: congratulate(L. Johnson)..... 57LR
Aurora High School boys for Class B state basketball championship title: congratulate(R. Johnson)..... 60LR
Battle Creek High School girls for fourth consecutive state basketball championship: congratulate(Peterson)..... 44LR
Clay Center High School boys for Class C-2 state basketball championship title: congratulate(R. Johnson)..... 59LR
Clay Center High School boys for district basketball and state wrestling and football championships: congratulate(R. Johnson).. 51LR
Clearwater High School boys for Class D-2 state basketball title: congratulate(Dierks)..... 53LR
Elkhorn High School boys for Class B state track and field championship: congratulate(Beyer)..... 235LR
Hampton High School boys for Class D-1 state basketball tournament participation: congratulate(R. Johnson)..... 62LR
Humphrey High School boys for Class C-2 state basketball title: congratulate(Rupp)..... 55LR
Johnson, Ed: express sympathy to family(Wesely)..... 90LR
Kearney State College Lady Lopers for 1987 National Fast Pitch NAIA Softball Championship: congratulate(Langford)..... 234LR
Lexington High School girls for Class B basketball state title: congratulate(Barrett)..... 46LR
Lincoln East High School girls for Class A state basketball title: congratulate(Wesely, Marsh, McFarland, Warner)..... 40LR
Lincoln Southeast High School boys for state swimming title: commend(Harris, Marsh)..... 39LR
Norfolk High School boys for Class A basketball state title: congratulate(Peterson)..... 52LR
Omaha Westside High School girls for Class A state swimming championship: congratulate(Ashford, Hannibal, Goodrich)..... 50LR

LR

Osceola High School girls for state volleyball and Class C-2 state basketball championships: congratulate(R. Johnson)..... 49LR
Sterling High School boys for Class D-1 state basketball title: congratulate(Remmers)..... 54LR
Sutton High School boys for second place finish in Class B state basketball championship: congratulate(R. Johnson)..... 61LR
Tekamah-Herman High School boys for Class C-1 state wrestling championship: congratulate(Korshoj)..... 66LR
University of Nebraska at Lincoln womens' volleyball team for Big Eight championship: congratulate(Marsh, Morehead, Landis)..... 12LR
University of Nebraska at Lincoln: approve financing plans and funds for recreation/athletic facility(Appropriations Comm.)..... 69LR

ATTORNEY GENERAL
Energy overcharge: request Attorney General to delay disbursement of funds until procedure is established(Warner, Hartnett, L. Johnson)..... 1LR

ATTORNEYS
Petition laws: declare that the pendency of LB 716 should not be construed by the courts as an expression of legislative intent (Chambers)..... 232LR
Surrogate parentage and in-vitro fertilization: interim study of related legal and social issues(Barrett, Chambers, Chizek, Wesely)..... 177LR

AUDITOR OF PUBLIC ACCOUNTS
Constitutional officer: eliminate(Wesely, Pappas)..... 16CA

AURORA, NEBRASKA
High School boys for Class B state basketball championship title: congratulate(R. Johnson)..... 60LR

BANKS AND BANKING
Initiative 300: modify provisions relating to financial institutions(Baack, Conway)..... 10CA
Nebraska Banking Act: interim study of Nebraska Banking and Business Corporation Acts to encourage incorporation in Nebraska (Pirsch)..... 207LR
Public fund deposits: interim study relating to deposits in financial institutions(Banking Comm.)..... 185LR

BASKETBALL
Archbishop Bergan High School boys of Fremont for Class C-1 state basketball title: congratulate(L. Johnson)..... 57LR
Aurora High School boys for Class B state championship title: congratulate(R. Johnson)..... 60LR
Battle Creek High School girls for fourth consecutive state basketball championship: congratulate(Peterson)..... 44LR
Clay Center High School boys for Class C-2 state championship: congratulate(R. Johnson)..... 59LR
Clay Center High School boys for district basketball championship: congratulate(R. Johnson)..... 51LR
Clearwater High School boys for Class D-2 state title: congratulate(Dierks)..... 53LR
Hampton High School boys for Class D-1 state basketball tournament participation: congratulate(R. Johnson)..... 62LR
Humphrey High School boys for Class C-2 state title: congratulate(Rupp)..... 55LR
Lexington High School girls for Class B win: congratulate (Barrett)..... 46LR
Lincoln East High School girls for Class A win: congratulate (Wesely, Marsh, McFarland, Warner)..... 40LR

LR

Norfolk High School boys for Class A basketball state title: congratulate(Peterson)..... 52LR
Osceola High School girls for Class C-2 state basketball championship: congratulate(R. Johnson)..... 49LR
Sterling High School boys for Class D-1 state title: congratulate(Remmers)..... 54LR
Sutton High School boys for second place finish in Class B state championship: congratulate(R. Johnson)..... 61LR

BATTLE CREEK, NEBRASKA
High School girls for fourth consecutive state basketball championship: congratulate(Peterson)..... 44LR

BENEDICT, NEBRASKA
Anniversary: recognize for 100th(Moore)..... 82LR

BIDS AND BIDDING
Contracts: interim study of the single and separate contract systems utilized by political subdivision building projects (Lynch)..... 197LR

BINGO
Horseracing: authorize expanded wagering(V. Johnson)..... 15CA
Interim study on gambling laws and their enforcement (Judiciary Comm. and Baack, V. Johnson, Rogers)..... 117LR

BLIGHTED AREAS
Property redevelopment: change finance provisions relating to blighted property(Lynch)..... 11CA

BOARDS AND COMMISSIONS
Commodity boards: interim study of commodity board objectives, effectiveness and membership(R. Johnson)..... 138LR
Corn Development, Utilization, and Marketing Board: encourage development of shelled corn as a boiler fuel(Dierks, Hefner)..... 29LR
Educational Lands and Funds, Board of: interim study of school land administration and conservation practices(Rupp)..... 131LR
Postsecondary Education, Nebraska Coordinating Commission for: interim study of proper role and responsibilities of Commission (Withem)..... 183LR
University of Nebraska Board of Regents: authorize students as voting members(Hall)..... 23CA

BONDS
Municipalities: interim study on Legislative Resolution 21CA relating to economic and industrial development (Urban Affairs Comm.)..... 78LR
University and state college bonds: interim study on a procedure for legislative approval of bond issues(Rules Comm.)... 151LR

BRIDGES
Financing: interim study of methods used to finance Nebraska highways, roads and streets(Revenue Comm.)..... 187LR
Highway construction: limit certain taxes(Hartnett)..... 20CA
State highway and country road bridge systems: interim study on financing and maintenance(Transportation Comm.)..... 168LR
State Highway 81: interim study to develop State Highway 81 as part of the north-south interstate system(Moore, Conway, Coordsen, R. Johnson, Peterson, Rupp, Schmit, Hefner)..... 198LR

BROWN-STEPHENS ACT
Winnebago trust allotments: endorse federal legislation providing payment of claims pursuant to the Brown-Stephens Act (V. Johnson, Chambers, Hartnett, Lynch, Landis, Marsh, Pappas, Labedz, Korshoj)..... 31LR

BRUNING, NEBRASKA
Anniversary: recognize for 100th(Coordsen)..... 121LR

BURNEY, DWIGHT W.
Express sympathy to family(45 Senators)..... 48LR

BUSES
Mass transit: interim study to evaluate federal and state funding(Hall)..... 219LR

BUSINESSES
Business failures: interim study to create a fund for unpaid employee wages due to business failure (Business and Labor Comm.)..... 140LR
Conagra, Inc.: encourage Conagra to retain its corporate headquarters in Nebraska(Lynch, Higgins, Chizek, Hannibal, Hartnett, Ashford, Hall, Withem, Beyer, Pirsch, Goodrich, V. Johnson, Labedz, Abboud)..... 25LR
Economic development: interim study to strengthen Nebraska's economic development policies(Wesely)..... 212LR
Education: interim study of the role of education in the economic growth and development strategy of the state(Withem).... 190LR
Hazardous materials: interim study relating to regulation of storage, handling, and the right-to-know (Business and Labor Comm.)..... 143LR
Nebraska Business Corporation Act: interim study of Nebraska Business Corporation and Banking Acts to attract corporations (Pirsch)..... 207LR
Swanson, Ernie: express sympathy to family(39 Senators)..... 14LR
Taxation of new or expanding businesses: allow exemption(Chizek, Ashford, Hefner, Pappas, Korshoj, Pirsch, Moore, L. Johnson,)... 4CA

CEMENT
Cement trucks: interim study to determine fairness of current licensing, registration and taxation statutes(Hefner)..... 165LR

CEMETERIES
Mormon Pioneer Cemetery and Information Center: recognize courage and dedication of pioneers(Lynch)..... 76LR

CERESCO, NEBRASKA
Anniversary: recognize for 100th(Schmit)..... 241LR

CHARITABLE AND FRATERNAL SOCIETIES
Optimists, Nebraska District: commend Optimist support and sponsorship of the Academic Decathlon(Pirsch)..... 37LR
Volunteer Leaders, Organization of: congratulate Dr. Darrell E. Wininger as Volunteer of the Year(Remmers)..... 149LR

CHEMICALS
Disposal and cleanup: interim study to explore the need for proper regulation and protection(Nelson, Miller)..... 178LR
Interim study of waste product and material storage, transportation, management, and disposal in Nebraska(Schmit, Elmer, Schellpeper, Wesely, Weihing, Scofield, Lamb, Hall, Conway, R. Johnson, Hefner)..... 220LR
Regulation: interim study of waste regulation and the legal and financial liability of producers and disposers(Scofield, Schmit, Warner, R. Johnson, Chizek)..... 189LR
Transportation: interim study relating to safety inspections, hazardous materials transportation and jurisdiction(Wesely)..... 94LR

CHILD SUPPORT
Enforcement: interim study relating to federal and state rules of procedure(Judiciary Comm.)..... 184LR

LR

CHILDREN
Child support, adoption, and detention of juvenile offenders: interim study relating to child and family welfare (Judiciary Comm.)..... 184LR
Kindergarten: interim study to review minimum age requirement (Hefner)..... 164LR
Select Committee, Children's: continue efforts and membership (Scofield, Chizek, Moore, Barrett, Landis, Withem, Hall, Wesely, Marsh, Smith, Labedz, McFarland, Pirsch, Morehead, Hannibal, Warner)..... 106LR
Surrogate parentage and in-vitro fertilization: interim study of legal issues(Barrett, Chambers, Chizek, Wesely)..... 177LR

CHURCHES
Jesus Christ of Latter-day Saints, Church of: recognize courage and dedication of Mormon pioneers(Lynch)..... 76LR
Palmer, Rev. Dr. Robert E.: express gratitude for service to the Legislature(49 Senators)..... 95LR
St. Bridget's Church: congratulate for 100th anniversary(Hall)... 167LR

CITIES AND VILLAGES: LAWS APPLICABLE TO ALL
Economic development: authorize use of general funds (Urban Affairs Comm.)..... 21CA
Programs and services, new: require Legislature to fund(Hefner).. 22CA
Property redevelopment: change finance provisions relating to blighted property(Lynch)..... 11CA
Water supply property: require payments in lieu of taxes(Beyer, Hartnett, Withem)..... 8CA

CITIES OF THE METROPOLITAN CLASS
Central High School, Omaha: congratulate Academic Decathlon championship team(Pirsch)..... 37LR

CITIES OF THE PRIMARY CLASS
Harris, Bill: congratulate for being elected Mayor of Lincoln (48 Senators)..... 163LR
Lincoln East High School girls for Class A state basketball title: congratulate(Wesely, Marsh, McFarland, Warner)..... 40LR
Lincoln Southeast High School boys for state swimming title: congratulate(Harris, Marsh)..... 39LR

CIVIL PROCEDURE
Child support: interim study relating to federal and state rules of procedure for enforcement(Judiciary Comm.)..... 184LR
Interim study to compare Nebraska and federal rules of civil procedure(Judiciary Comm.)..... 113LR
Legislative approval of civil action claims: interim study (Rules Comm.)..... 151LR
Liability insurance and tort reform: interim study(Schellpeper).. 192LR
Liability, comparative fault, and the collateral source rule: interim study to determine possible changes in Nebraska law (Ashford, Conway)..... 116LR

CIVIL RIGHTS
Monroe Junior High School: urge investigation and corrective action relating to a racially demeaning portrayal in a skit (Chambers)..... 98LR
Omaha Tribe: express support for Omaha Tribe relating to Blackbird Bend controversy(30 Senators)..... 71LR

CLAY CENTER, NEBRASKA
High School boys for Class C-2 state basketball championship title: congratulate(R. Johnson)..... 59LR

LR

High School boys for state wrestling, football, and district basketball championships: congratulate(R. Johnson)..... 51LR

CLEARWATER, NEBRASKA
High School boys for Class D-2 state basketball title: congratulate(Dierks)..... 53LR

COMMON CARRIERS
Commercial motor vehicle operator licensing: interim study to conform state law to federal Commercial Motor Vehicle Safety Act (Transportation Comm.)..... 170LR
Transportation Week: honor transportation industry and designate May 10-16 as Transportation Week(Beyer)..... 152LR

COMMUNICATION
Printing industry: interim study of Nebraska's tax structure as it relates to the printing industry(R. Johnson)..... 210LR
Printing: interim study of public and private printing industries in Nebraska(Rupp)..... 206LR
Telephone service: interim study on the need for lifeline assistance, effect of AT&T divestiture, and price increases (Pappas, Labedz)..... 162LR
US West: encourage location of Advanced Technology research site in Nebraska(42 Senators)..... 166LR

COMPACTS
Grain Marketing Compact, Midwest Regional: urge Governor to appoint Senators Warner and Schmit as representatives(Hannibal, Abboud, Conway, Lamb, Dierks, Morehead, R. Johnson, Miller, Elmer, Schellpeper, Coordsen, Hefner, Weihing, Chambers, Wehrbein, V. Johnson, Moore, L. Johnson, Rupp, Scofield, Chizek, Beyer)..... 225LR

CONAGRA, INC.
Encourage Conagra to retain its corporate headquarters in Nebraska(Lynch, Higgins, Chizek, Hannibal, Hartnett, Ashford, Hall, Withem, Beyer, Pirsch, Goodrich, V. Johnson, Labedz, Abboud)..... 25LR

CONGRESS
Essential Air Service: support congressional legislation (Scofield, Nelson, Miller, Smith, Elmer, Weihing, Baack, Langford, Rupp, Lamb, R. Johnson)..... 28LR
Farm credit system: urge Congress to provide assistance to strengthen and safeguard the farm credit system(Rogers, Wehrbein) 93LR
Interstate Sales Tax Collection Act of 1987: urge Congress to adopt(Hefner, V. Johnson)..... 123LR
Salaries: urge Congress to pass statute relating to congressional salaries(Landis, Moore, Coordsen, Marsh, Nelson, Smith, Elmer, Ashford, Morehead)..... 27LR
Senators and Representatives: ratify amendment regarding varying compensation for Senators and Representatives(Marsh)..... 2LR
Temporary Emergency Food Program: urge Congress to block attempt to reduce budget by shifting of funds(Nelson, Miller, R. Johnson, Higgins, Ashford, Coordsen, Baack, Scofield, Harris, Landis, Smith, Morehead, Schellpeper, Rupp, Dierks, Hannibal, Chambers). 30LR
Winnebago trust allotments: endorse federal legislation providing payment of claims pursuant to the Brown-Stephens Act (V. Johnson, Chambers, Hartnett, Lynch, Landis, Marsh, Pappas, Labedz, Korshoj)..... 31LR
Zorinsky, Edward: express sympathy to family(47 Senators)..... 45LR

CONSERVATION
Arbor Day: recognize contribution of Arbor Day to conservation practices(Marsh, Wehrbein, Dierks, L. Johnson, Remmers)..... 81LR

LR

Energy conservation: interim study of Iowa Buildings Program designed to conserve energy in state-owned buildings(Baack, Rupp) 205LR
Grasslands protection: interim study of the objectives and provisions of LB 124, the Grasslands Protection Act(R. Johnson).. 139LR
School lands: interim study of school land administration and conservation practices(Rupp)..... 131LR
Soil and water: interim study relating to financing conservation practices and developments(Schmit, Elmer, Weihing, Rupp, Lamb, Hall, R. Johnson)..... 222LR
Waste products and materials: interim study relating to storage, transportation, management and disposal in Nebraska (Schmit, Elmer, Schellpeper, Wesely, Weihing, Scofield, Lamb, Hall, Conway, R. Johnson, Hefner)..... 220LR

CONSTITUTION

Auditor of Public Accounts: eliminate as a constitutional officer(Wesely, Pappas)..... 16CA
Cities and villages: authorize use of general funds for economic development purposes(Urban Affairs Comm.)..... 21CA
County boards: allow exclusion of new or expanding business property from taxation(Chizek, Ashford, Hefner, Pappas, Korshoj, Pirsch, Moore, L. Johnson,)..... 4CA
Education, Department of: place under control of the Governor (Remmers, Morehead, Scofield, Baack, Moore, Dierks, Weihing, Pappas, V. Johnson)..... 19CA
Highway construction: limit certain taxes(Hartnett)..... 20CA
Horseracing: authorize expanded wagering(V. Johnson)..... 15CA
Initiative 300: modify provisions relating to financial institutions(Baack, Conway)..... 10CA
Legislative salaries: increase(R. Johnson)..... 7CA
Legislative sessions: limit to 60 days(Peterson)..... 6CA
Legislature: change members' salary, length of service and legislative session(Rupp)..... 18CA
Legislature: redefine session commencement and terms of members (Wesely)..... 17CA
Political subdivisions: require Legislature to fund new programs and services(Hefner)..... 22CA
Property redevelopment: change finance provisions relating to blighted property(Lynch)..... 11CA
Property tax exemption to stimulate economic development: authorize county boards to initiate vote of electors(Abboud)..... 5CA
Technical community college indebtedness: authorize(Withem, Nelson)..... 3CA
United States Constitution: recognize importance and designate week of September 13-19 for commemoration and debate(Withem)..... 237LR
United States, Constitution of: encourage participation in the "Sign On" to the Constitution program(Ashford, V. Johnson)..... 65LR
United States: ratify amendment regarding varying compensation for Senators and Representatives(Marsh)..... 2LR
University of Nebraska Board of Regents: authorize students as voting members(Hall)..... 23CA
Water supply property: require payments in lieu of taxes(Beyer, Hartnett, Withem)..... 8CA

CONSTRUCTION

Cement trucks: interim study to determine fairness of current licensing, registration and taxation statutes(Hefner)..... 165LR
Highway and street financing: interim study of methods used (Revenue Comm.)..... 187LR
Public building maintenance: interim study on construction and drainage standards for state buildings(Rogers)..... 124LR
University of Nebraska at Lincoln: approve financing plans and funds for recreation/athletic facility(Appropriations Comm.)..... 69LR

CONTROLLED SUBSTANCES

Omaha Public Schools: recognize and commend for its "I Can Say NO" substance abuse program(Hannibal)..... 115LR

LR

Testing for alcohol and drugs: interim study relating to testing in the workplace(Judiciary Comm.)..... 112LR

CORDOVA, NEBRASKA
Anniversary: recognize for 100th(Moore)..... 87LR

CORN
Boiler fuel: encourage development of shelled corn as a boiler fuel in place of coal(Dierks, Hefner)..... 29LR

CORPORATIONS
Agricultural land: interim study of the impact of Initiative 300 on the Nebraska economy(R. Johnson)..... 148LR
Business failures: interim study to create a fund for unpaid employee wages due to business failure (Business and Labor Comm.)..... 140LR
Conagra, Inc.: encourage Conagra to retain its corporate headquarters in Nebraska(Lynch, Higgins, Chizek, Hannibal, Hartnett, Ashford, Hall, Withem, Beyer, Pirsch, Goodrich, V. Johnson, Labedz, Abboud)..... 25LR
Economic development: interim study to strengthen Nebraska's economic development policies(Wesely)..... 212LR
Education: interim study of the role of education in the economic growth and development strategy of the state(Withem).... 190LR
Hazardous materials: interim study relating to regulation of storage, handling, and the right-to-know (Business and Labor Comm.)..... 143LR
Nebraska Business Corporation Act: interim study of Nebraska Business Corporation and Banking Acts to attract corporations (Pirsch)..... 207LR
Taxation of new or expanding businesses: allow exemption(Chizek, Ashford, Hefner, Pappas, Korshoj, Pirsch, Moore, L. Johnson,)... 4CA
US West: encourage location of Advanced Technology research site in Nebraska(42 Senators)..... 166LR

CORRECTIONAL SERVICES, DEPARTMENT OF
Inmate visitation: interim study to review Department of Correctional Services policies(Hall, Chambers)..... 193LR
Juvenile offenders: interim study relating to detention of noncriminal juvenile status offenders and access to evaluation (Judiciary Comm.)..... 184LR

COUNTIES
Grant County, Nebraska: recognize for 100th anniversary(Haberman) 68LR
Perkins County, Nebraska: recognize for 100th anniversary (Haberman)..... 158LR
Programs and services, new: require Legislature to fund(Hefner).. 22CA
Property tax exemption to stimulate economic development: authorize county boards to initiate vote of electors(Abboud)..... 5CA
State highway and country road bridge systems: interim study on financing and maintenance(Transportation Comm.)..... 168LR
Taxation of new or expanding businesses: allow exemption(Chizek, Ashford, Hefner, Pappas, Korshoj, Pirsch, Moore, L. Johnson,)... 4CA
Thomas County, Nebraska: recognize for 100th anniversary(Lamb)... 67LR

COUNTY GOVERNMENT AND OFFICERS
Property tax exemption to stimulate economic development: authorize county boards to initiate vote of electors(Abboud)..... 5CA
Taxation of new or expanding business property: allow exclusion (Chizek, Ashford, Hefner, Pappas, Korshoj, Pirsch, Moore, L. Johnson,)..... 4CA

CRIMES AND PUNISHMENTS
Deadly weapons: interim study of the Nebraska Criminal Code definition of deadly weapon(Haberman)..... 155LR

LR

Petition laws: declare that the pendency of LB 716 should not be construed by the courts as an expression of legislative intent (Chambers)..... 232LR
Victim compensation and assistance: interim study of federal and state programs(Pirsch, Schmit)..... 208LR

CRIMINAL CODE, NEBRASKA
Deadly weapons: interim study of the Nebraska Criminal Code definition of deadly weapon(Haberman)..... 155LR

DAYKIN, NEBRASKA
Anniversary: recognize for 100th(Coordsen)..... 107LR

DEATHS
Burney, Dwight W.: express sympathy to family(45 Senators)..... 48LR
Dodge, Craig: express sympathy to family(34 Senators)..... 56LR
Hartnett, Pearl: express sympathy to family(Beyer, Withem)..... 70LR
Johnson, Ed: express sympathy to family(Wesely)..... 90LR
Swanson, Ernie: express sympathy to family(39 Senators)..... 14LR
Zorinsky, Edward: express sympathy to family(47 Senators)..... 45LR

DEBTS
Agricultural liens and financing statements: interim study of centralized computer system(Remmers, Rogers)..... 179LR
Technical community colleges: authorize to incur indebtedness (Withem, Nelson)..... 3CA

DESHLER, NEBRASKA
Anniversary: recognize for 100th(Coordsen)..... 120LR

DISABLED PERSONS
Beatrice State Developmental Center: congratulate for 100th anniversary(Morehead)..... 108LR
Mental retardation: interim study on the mental retardation delivery system(Health and Human Services Comm.)..... 144LR

DISCRIMINATION
Monroe Junior High School: urge investigation and corrective action relating to a racially demeaning portrayal in a skit (Chambers)..... 98LR

DODGE, CRAIG
Express sympathy to family(34 Senators)..... 56LR

DRUGS AND NARCOTICS
Omaha Public Schools: recognize and commend for its "I Can Say NO" substance abuse program(Hannibal)..... 115LR
Testing for alcohol and drugs: interim study relating to testing in the workplace(Judiciary Comm.)..... 112LR

DWIGHT, NEBRASKA
Anniversary: recognize for 100th(Schmit)..... 240LR

ECONOMIC DEVELOPMENT
Agricultural products and commodities: interim study to compile history of State of Nebraska and other states' marketing programs (R. Johnson)..... 137LR
Cities and villages: authorize use of general funds for economic development purposes(Urban Affairs Comm.)..... 21CA
Education: interim study of the role of education in the economic growth and development strategy of the state(Withem).... 190LR
Infrastructure of the state: interim study to examine the role of a sound public infrastructure in providing for economic growth (Hartnett, Warner)..... 196LR

Interim study to strengthen Nebraska's economic development policies(Wesely)..... 212LR
Municipalities: interim study on Legislative Resolution 21CA relating to funds for economic and industrial development (Urban Affairs Comm.)..... 78LR
Property redevelopment: change finance provisions relating to blighted property(Lynch)..... 11CA
Property tax exemption: authorize county boards to initiate voter approval(Abboud)..... 5CA
University of Nebraska Research and Development Center: congratulate on its 25th anniversary(R. Johnson, L. Johnson, Morehead, Nelson, Warner, Hefner, Peterson, Coordsen, Miller, Lamb, Moore, Elmer, Schmit, Dierks, Remmers)..... 79LR

ECONOMIC DEVELOPMENT, DEPARTMENT OF
Agricultural products and commodities: interim study to compile history of State of Nebraska and other states' marketing programs (R. Johnson)..... 137LR
Infrastructure of the state: interim study to examine the role of a sound public infrastructure in providing for economic growth (Hartnett, Warner)..... 196LR

EDUCATION
Academic Decathlon: commend supporters, participants, and Omaha Central High School championship team(Pirsch)..... 37LR
Constitution, United States: recognize importance and encourage discussion in public schools during the week of September 13-19 (Withem)..... 237LR
Discrimination: urge investigation and corrective action for a racially demeaning portrayal at Monroe Junior High School (Chambers)..... 98LR
Excellence in education: interim study(Scofield, Baack, Morehead, Withem, Remmers, V. Johnson)..... 173LR
Excellence in education: support reexamination and urge citizen task force appointments pursuant to LR 173 to examine state needs (Withem, Scofield, Morehead)..... 228LR
Governor: place the Department of Education under control of the Governor(Remmers, Morehead, Scofield, Baack, Moore, Dierks, Weihing, Pappas, V. Johnson)..... 19CA
Johnson, Ed: express sympathy to family(Wesely)..... 90LR
Joslyn Castle: urge Historical Society to consider acquisition and operation of Joslyn Castle(Ashford)..... 134LR
Kindergarten: interim study to review minimum age requirement (Hefner)..... 164LR
Lands administration: interim study of school land administration and conservation practices(Rupp)..... 131LR
Omaha Public Schools: recognize and commend for its "I Can Say NO" substance abuse program(Hannibal)..... 115LR
Program evaluations: interim study of procedures used to assess school effectiveness or performance(Withem)..... 181LR
Railroads: encourage school districts to provide railroad safety information(Miller)..... 13LR
School districts: interim study of alternative methods to structure school districts(Withem)..... 180LR
Standards and practices board for teachers and school administrators: interim study(Withem)..... 24LR
State economic development: interim study of the role of education to encourage research center development(Withem)..... 190LR
Student discipline: interim study of related statutes in order to allow school boards to deal effectively with the problem (Wesely)..... 215LR
Suicide prevention: appoint Select Committee to study and develop suicide prevention programs(Baack)..... 34LR
Teachers, retired: interim study to determine the adequacy of current benefits received by retired teachers(Wesely)..... 213LR

LR

Year-round school concept: interim study of Nebraska statutes which restrict school districts(Withem)..... 182LR

EDUCATION, DEPARTMENT OF

Place under control of the Governor(Remmers, Morehead, Scofield, Baack, Moore, Dierks, Weihing, Pappas, V. Johnson)..... 19CA
School program evaluations: interim study of procedures used to assess school effectiveness or performance(Withem)..... 181LR
Standards and practices board for teachers and school administrators: interim study(Withem)..... 24LR
Year-round school concept: interim study of Nebraska statutes which restrict school districts(Withem)..... 182LR

ELECTIONS

County boards: authorize property tax exemption to stimulate economic development following voter approval(Abboud)..... 5CA
Interim study of Nebraska election statutes(Rupp)..... 204LR
Petition laws: declare that the pendency of LB 716 should not be construed by the courts as an expression of legislative intent (Chambers)..... 232LR
Petition laws: interim study of petition laws as they relate to the signature verification process(Rupp)..... 188LR
Recall of public officials: interim study to develop statutory criteria and possible exemptions of certain officials(Rupp)..... 130LR

ELKHORN, NEBRASKA

High School boys for Class B state track and field championship: congratulate(Beyer)..... 235LR

ELM CREEK, NEBRASKA

Anniversary: recognize for 100th(Langford)..... 36LR

ELSIE, NEBRASKA

Anniversary: recognize for 100th(Haberman)..... 159LR

EMERGENCIES

Health and human service programs: interim study(Wesely)..... 214LR
Interim study relating to obtaining an enhanced 911 emergency system across the state(Lamb)..... 218LR
Medical services system, emergency: interim study to determine volunteer availability, training, and regulation changes (Rogers)..... 172LR

EMPLOYEES

Business failures: interim study to create a fund for unpaid employee wages due to business failure (Business and Labor Comm.)..... 140LR
Drugs and alcohol: interim study on drug and alcohol testing standards in the workplace(Judiciary Comm.)..... 112LR
Employment security: interim study to review Nebraska's employment security system(Business and Labor Comm.)..... 142LR
Hazardous materials: interim study relating to regulation of storage, handling, and the right-to-know (Business and Labor Comm.)..... 143LR
Unemployment: interim study to review employer contribution rates under the Employment Security Law(Hefner)..... 147LR

EMPLOYERS

Business failures: interim study to create a fund for unpaid employee wages due to business failure (Business and Labor Comm.)..... 140LR
Drugs and alcohol: interim study on drug and alcohol testing standards in the workplace(Judiciary Comm.)..... 112LR
Employment security: interim study to review Nebraska's employment security system(Business and Labor Comm.)..... 142LR

Hazardous materials: interim study relating to regulation of storage, handling, and the right-to-know (Business and Labor Comm.)..... 143LR
Unemployment: interim study to review employer contribution rates under the Employment Security Law(Hefner)..... 147LR

EMPLOYMENT SECURITY
Employer contributions: interim study to review contribution rates(Hefner)..... 147LR
Interim study to review Nebraska's employment security system (Business and Labor Comm.)..... 142LR

ENERGY
Corn, shelled: encourage development of shelled corn as a boiler fuel in place of coal(Dierks, Hefner)..... 29LR
Energy overcharge: request Governor to delay disbursement of funds until procedures and policies are established(Warner, Hartnett, L. Johnson)..... 1LR
Interim study relating to energy usage and development(Schmit, Elmer, Dierks, Weihing, Lamb, Hall, R. Johnson)..... 221LR
Motor vehicle fuel taxes: limit for highway construction and repair(Hartnett)..... 20CA

ENERGY CONSERVATION
Iowa Buildings Program: interim study to conserve energy in state-owned buildings(Baack, Rupp)..... 205LR

ENVIRONMENTAL CONTROL AND PROTECTION
Chemical agents: interim study to explore the need for proper regulation of disposal and cleanup(Nelson, Miller)..... 178LR
Hazardous materials transportation: interim study relating to transportation, safety inspections, and jurisdiction(Wesely).. 94LR
Hazardous materials: interim study relating to regulation of storage, handling, and the right-to-know (Business and Labor Comm.)..... 143LR
Waste products and materials: interim study relating to storage, transportation, management and disposal in Nebraska (Schmit, Elmer, Schellpeper, Wesely, Weihing, Scofield, Lamb, Hall, Conway, R. Johnson, Hefner)..... 220LR
Waste regulation: interim study of waste regulation and the legal and financial liability of producers and disposers (Scofield, Schmit, Warner, R. Johnson, Chizek)..... 189LR

ETHANOL
Interim study relating to development, financing, and promotion of the ethanol fuels industry(Schmit, Elmer, Dierks, Weihing, Lamb, Hall, R. Johnson)..... 221LR

EXPLOSIVES
Transportation: interim study relating to safety inspections, hazardous materials transportation and jurisdiction(Wesely)..... 94LR

FARMS AND FARMING
Agricultural Stabilization and Conservation Service: interim study to determine its capabilities under the Food Security Act (R. Johnson)..... 153LR
Commodities and agricultural products: interim study to evaluate State of Nebraska and other states' marketing programs (R. Johnson)..... 137LR
Commodity boards: interim study of commodity board objectives, effectiveness and membership(R. Johnson)..... 138LR
Cooperative Extension Service: honor extension staff and volunteers for their contributions(Beyer)..... 35LR
Corn, shelled: encourage the development of shelled corn as a boiler fuel in place of coal(Dierks, Hefner)..... 29LR

LR

Farm credit system: urge Congress to provide assistance to strengthen and safeguard the farm credit system(Rogers, Wehrbein) 93LR
Grain Marketing Compact, Midwest Regional: urge Governor to appoint Senators Warner and Schmit as representatives(Hannibal, Abboud, Conway, Lamb, Dierks, Morehead, R. Johnson, Miller, Elmer, Schellpeper, Coordsen, Hefner, Weihing, Chambers, Wehrbein, V. Johnson, Moore, L. Johnson, Rupp, Scofield, Chizek, Beyer)..... 225LR
Grasslands protection: interim study of the objectives and provisions of LB 124, the Grasslands Protection Act(R. Johnson).. 139LR
Horseracing: authorize expanded wagering(V. Johnson)..... 15CA
Initiative 300: interim study of the impact of Initiative 300 on the Nebraska economy(R. Johnson)..... 148LR
Initiative 300: modify provisions relating to financial institutions(Baack, Conway)..... 10CA
Liens and financing statements: interim study of centralized computer system for filing of liens and financing statements (Remmers, Rogers)..... 179LR
National Agriculture Day: observe on March 20th(R. Johnson)..... 58LR
Soybean Association, American: support efforts for stricter label regulations relating to saturated fats in foods (R. Johnson)..... 102LR
Temporary Emergency Food Program: urge Congress to block attempt to reduce budget by shifting of funds(Nelson, Miller, R. Johnson, Higgins, Ashford, Coordsen, Baack, Scofield, Harris, Landis, Smith, Morehead, Schellpeper, Rupp, Dierks, Hannibal, Chambers). 30LR
Thoroughbred racing: congratulate Jack Van Berg for achievements and express best wishes for a Triple Crown victory for Alysheba (Rupp, Schmit)..... 229LR
University of Nebraska Agricultural Research Division: recognize achievements of researchers(R. Johnson, Rogers, Nelson, Moore, Wehrbein, Miller, Weihing, Schmit, Elmer)..... 109LR
University of Nebraska Research and Development Center: congratulate on its 25th anniversary(R. Johnson, L. Johnson, Morehead, Nelson, Warner, Hefner, Peterson, Coordsen, Miller, Lamb, Moore, Elmer, Schmit, Dierks, Remmers)..... 79LR

FARWELL, NEBRASKA

Anniversary: recognize Farwell, Nebraska for 100th(Rogers)..... 145LR

FEDERAL LAWS

Agricultural Stabilization and Conservation Service: interim study to determine its capabilities under the Food Security Act (R. Johnson)..... 153LR
Commercial Motor Vehicle Safety Act of 1986: interim study to conform state law to federal law(Transportation Comm.)..... 170LR
Congressional salaries: urge Congress to pass statute relating to congressional salary changes(Landis, Moore, Coordsen, Marsh, Nelson, Smith, Elmer, Ashford, Morehead)..... 27LR
Constitution of the United States: encourage participation in the "Sign On" to the Constitution program(Ashford, V. Johnson)... 65LR
Constitution, United States: ratify amendment regarding varying compensation for Senators and Representatives(Marsh)..... 2LR
Essential Air Service: support congressional legislation (Scofield, Nelson, Miller, Smith, Elmer, Weihing, Baack, Langford, Rupp, Lamb, R. Johnson)..... 28LR
Hatch Act: recognize 100th anniversary and contributions of the University of Nebraska Agricultural Research Division(R. Johnson, Rogers, Nelson, Moore, Wehrbein, Miller, Weihing, Schmit, Elmer) 109LR
Interstate Sales Tax Collection Act of 1987: urge Congress to adopt(Hefner, V. Johnson)..... 123LR
Winnebago trust allotments: endorse federal legislation providing payment of claims pursuant to the Brown-Stephens Act (V. Johnson, Chambers, Hartnett, Lynch, Landis, Marsh, Pappas, Labedz, Korshoj)..... 31LR

FEDERAL REGULATIONS
Food labeling: support American Soybean Association efforts for stricter labeling relating to saturated fats as ingredients (R. Johnson)..... 102LR

FEES AND SALARIES
Highway construction: limit taxes(Hartnett)..... 20CA

FINANCIAL INSTITUTIONS
Initiative 300: modify provisions relating to financial institutions(Baack, Conway)..... 10CA
Nebraska Banking Act: interim study of Nebraska Banking and Business Corporation Acts to encourage incorporation in Nebraska (Pirsch)..... 207LR
Public fund deposits: interim study relating to deposits in financial institutions(Banking Comm.)..... 185LR

FIRE
Range fires: interim study on the occurrence of range fires which result from the operation of trains(Transportation Comm.).. 169LR
Southwest Rural Fire Protection District: applaud efforts and commend for 25th anniversary(Warner)..... 89LR
Syracuse Volunteer Fire Department: congratulate for its efforts and 100th anniversary(Wehrbein)..... 132LR
Volunteer Firefighters Association, Nebraska State: recognize efforts and 50th anniversary of Nebraska State Fire School (Nelson)..... 105LR

FIREFIGHTERS
Range fires: interim study on the occurrence of range fires which result from the operation of trains(Transportation Comm.).. 169LR
Southwest Rural Fire Protection District: applaud efforts and commend for 25th anniversary(Warner)..... 89LR
Syracuse Volunteer Fire Department: congratulate for its efforts and 100th anniversary(Wehrbein)..... 132LR
Volunteer Firefighters Association, Nebraska State: recognize efforts and 50th anniversary of Nebraska State Fire School (Nelson)..... 105LR

FOOD
Labeling: support American Soybean Association efforts for stricter labeling relating to saturated fats as ingredients (R. Johnson)..... 102LR

FOOD SECURITY ACT OF 1985
Agricultural Stabilization and Conservation Service: interim study to determine its capabilities under the Food Security Act (R. Johnson)..... 153LR

FOOTBALL
Clay Center High School boys for Class C-2 State Football Championship: congratulate(R. Johnson)..... 51LR

FREMONT, NEBRASKA
Archbishop Bergan High School boys for Class C-1 state basketball title: congratulate(L. Johnson)..... 57LR
National Railway Historical Society: commend efforts for operation of tourist railroad, depot, and rail museum(L. Johnson, Schellpeper)..... 175LR

FUELS
Corn, shelled: encourage development of shelled corn as a boiler fuel in place of coal(Dierks, Hefner)..... 29LR

LR

Energy overcharge: request Governor to delay disbursement of funds until procedures and policies are established(Warner, Hartnett, L. Johnson)..... 1LR
Ethanol: interim study relating to development, financing, and promotion of the ethanol fuels industry(Schmit, Elmer, Dierks, Weihing, Lamb, Hall, R. Johnson)..... 221LR
Taxes: limit for highway construction and repair(Hartnett)..... 20CA

FUNDS
Deposits of public funds: interim study relating to deposits in financial institutions(Banking Comm.)..... 185LR
University of Nebraska at Lincoln: approve financing plans and funds for recreation/athletic facility(Appropriations Comm.)..... 69LR

FUNK, NEBRASKA
Anniversary: recognize for 100th(Barrett)..... 174LR

GAMBLING
Horseracing: authorize expanded wagering(V. Johnson)..... 15CA
Interim study on gambling laws and their enforcement (Judiciary Comm. and Baack, V. Johnson, Rogers)..... 117LR

GAME AND PARKS
Ashfall State Historical Park: approve Harry and Addi Johnston gift of property to Game and Parks Foundation(Rupp, Dierks)..... 33LR
Gift of property: approve gift conveyed by Genevive Margrave to Game and Parks Foundation(Remmers, Rupp)..... 32LR

GERING, NEBRASKA
Anniversary: recognize for 100th(Weihing)..... 43LR
Gering Courier: congratulate for 100th anniversary(Weihing)..... 42LR

GILEAD, NEBRASKA
Anniversary: recognize for 100th(Coordsen)..... 114LR

GOEHNER, NEBRASKA
Anniversary: recognize for 100th(Moore)..... 86LR

GOVERNOR
Air Service, Essential: enlist Governor's assistance in support of(Scofield, Nelson, Miller, Smith, Elmer, Weihing, Baack, Langford, Rupp, Lamb, R. Johnson)..... 28LR
Alzheimer's Disease Task Force: recommend recharter to make additional studies(Smith, Lynch, Wesely, Schellpeper, Morehead, Lamb, Goodrich, Beyer, Pappas)..... 96LR
Burney, Dwight W.: express sympathy to family(45 Senators)..... 48LR
Children's Select Committee: continue efforts and membership (Scofield, Chizek, Moore, Barrett, Landis, Withem, Hall, Wesely, Marsh, Smith, Labedz, McFarland, Pirsch, Morehead, Hannibal, Warner)..... 106LR
Constitution of the United States: encourage participation in the "Sign On" to the Constitution program(Ashford, V. Johnson)... 65LR
Education, Department of: place under control of the Governor (Remmers, Morehead, Scofield, Baack, Moore, Dierks, Weihing, Pappas, V. Johnson)..... 19CA
Energy overcharge: request Governor to delay disbursement of funds until procedures and policies are established(Warner, Hartnett, L. Johnson)..... 1LR
Grain Marketing Compact, Midwest Regional: urge Governor to appoint Senators Warner and Schmit as representatives(Hannibal, Abboud, Conway, Lamb, Dierks, Morehead, R. Johnson, Miller, Elmer, Schellpeper, Coordsen, Hefner, Weihing, Chambers, Wehrbein, V. Johnson, Moore, L. Johnson, Rupp, Scofield, Chizek, Beyer)..... 225LR

GRAIN
Midwest Regional Grain Marketing Compact: urge Governor to appoint Senators Warner and Schmit as representatives(Hannibal, Abboud, Conway, Lamb, Dierks, Morehead, R. Johnson, Miller, Elmer, Schellpeper, Coordsen, Hefner, Weihing, Chambers, Wehrbein, V. Johnson, Moore, L. Johnson, Rupp, Scofield, Chizek, Beyer)..... 225LR

GRANT COUNTY, NEBRASKA
Anniversary: recognize for 100th(Haberman)..... 68LR

GRASSLANDS PROTECTION ACT
Interim study(R. Johnson)..... 139LR

GRESHAM, NEBRASKA
Anniversary: recognize for 100th(Moore)..... 83LR

GROUND WATER
Transfers and marketing of ground and surface water: interim study relating to water and natural resources in Nebraska(Schmit, Elmer, Weihing, Rupp, Lamb, Hall, R. Johnson)..... 222LR

HAMPTON, NEBRASKA
High School boys for Class D-1 state basketball tournament participation: congratulate(R. Johnson)..... 62LR

HANDICAPPED PERSONS
Beatrice State Developmental Center: congratulate for 100th anniversary(Morehead)..... 108LR
Mental retardation: interim study on the mental retardation delivery system(Health and Human Services Comm.)..... 144LR

HARRIS, BILL
Congratulate for being elected Mayor of Lincoln(48 Senators)..... 163LR

HARTNETT, PEARL
Express sympathy to family(Beyer, Withem)..... 70LR

HAZARDOUS WASTE
Chemical agents: interim study to explore the need for proper regulation of disposal and cleanup(Nelson, Miller)..... 178LR
Materials, hazardous: interim study relating to regulation of hazardous material storage, handling, and the right-to-know (Business and Labor Comm.)..... 143LR
Regulation: interim study of waste regulation and the legal and financial liability of producers and disposers(Scofield, Schmit, Warner, R. Johnson, Chizek)..... 189LR
Transportation: interim study relating to safety inspections, hazardous materials transportation and jurisdiction(Wesely)..... 94LR
Waste products and materials: interim study relating to storage, transportation, management and disposal in Nebraska (Schmit, Elmer, Schellpeper, Wesely, Weihing, Scofield, Lamb, Hall, Conway, R. Johnson, Hefner)..... 220LR

HEALTH CARE
Alzheimer's Disease Task Force: recommend recharter to make additional studies(Smith, Lynch, Wesely, Schellpeper, Morehead, Lamb, Goodrich, Beyer, Pappas)..... 96LR
Emergency medical services system: interim study to determine volunteer availability, training, and regulation changes (Rogers)..... 172LR
Interim study of human service programs and health issues(Wesely). 214LR
Medicaid: interim study of the Nebraska medicaid program and optional medicaid services(Moore, Abboud)..... 201LR

LR

Organ donations: encourage Nebraskans to sign Uniform Organ Donor Cards to aid in the fight against kidney disease(Wesely)... 41LR
Polio Survivors Week: proclaim for week of June 1-7, 1987(Marsh). 103LR
University of Nebraska Medical Center: interim study on the impact of closing UNMC and comparison of Creighton University (Schmit, Moore, Pappas)..... 150LR

HEALTH, DEPARTMENT OF
Interim study of human service programs and health issues(Wesely). 214LR

HENDERSON, NEBRASKA
Anniversary: recognize for 100th(Moore)..... 84LR

HENRICKSON, ART
State historical marker restoration: extend appreciation(Baack).. 9LR

HERBICIDES
Disposal and cleanup: interim study to explore the need for proper regulation and protection(Nelson, Miller)..... 178LR

HERMAN, NEBRASKA
High School boys for Class C-1 state wrestling championship: congratulate(Korshoj)..... 66LR

HIGHWAYS
Construction and repair: limit certain taxes(Hartnett)..... 20CA
Financing: interim study of methods used to finance Nebraska highways, roads and streets(Revenue Comm.)..... 187LR
State highway and country road bridge systems: interim study on financing and maintenance(Transportation Comm.)..... 168LR
State Highway 81: interim study to develop State Highway 81 as part of the north-south interstate system(Moore, Conway, Coordsen, R. Johnson, Peterson, Rupp, Schmit, Hefner)..... 198LR

HISTORICAL SOCIETY, NEBRASKA STATE
Joslyn Castle: urge Historical Society to consider acquisition and operation of Joslyn Castle(Ashford)..... 134LR

HOLIDAYS
Arbor Day: recognize the contribution of Arbor Day to the environment and encourage tree planting(Marsh, Wehrbein, Dierks, L. Johnson, Remmers)..... 81LR

HORSERACING
Van Berg, Jack: congratulate for thoroughbred racing achievements and express best wishes for a Triple Crown success (Rupp, Schmit)..... 229LR
Wagering: authorize expanded wagering(V. Johnson)..... 15CA

HOWELLS, NEBRASKA
Anniversary: recognize for 100th(Schellpeper)..... 128LR

HOYT, J. FRANK AND HAZEL T.
Anniversary: recognize for 76th wedding anniversary(Elmer)..... 226LR

HUMPHREY, NEBRASKA
High School boys for Class C-2 state basketball title: congratulate(Rupp)..... 55LR

HUNTERS AND HUNTING
Game and Parks Foundation: approve gift of property conveyed by Genevive Margrave(Remmers, Rupp)..... 32LR

HUSBAND AND WIFE
Adoption: interim study relating to the rights of birthfathers (Judiciary Comm.)..... 184LR

Child support: interim study relating to federal and state rules of procedure for enforcement(Judiciary Comm.)..... 184LR
Surrogate parentage and in-vitro fertilization: interim study of legal issues(Barrett, Chambers, Chizek, Wesely)..... 177LR
Uniform Marital Property Act: interim study(Pappas)..... 230LR

IMMUNIZATION
Polio Survivors Week: proclaim for week of June 1-7, 1987(Marsh). 103LR

INDIANS
Aruiso, Audra: congratulate as Miss Indian America and her mission to promote a better understanding between all people (Schmit)..... 245LR
Omaha Tribe: express support for Omaha Tribe relating to its Blackbird Bend property rights(30 Senators)..... 71LR
Winnebago trust allotments: endorse federal legislation providing payment of claims pursuant to the Brown-Stephens Act (V. Johnson, Chambers, Hartnett, Lynch, Landis, Marsh, Pappas, Labedz, Korshoj)..... 31LR

INFANTS
Child support, adoption, and detention of juvenile offenders: interim study relating to child and family welfare (Judiciary Comm.)..... 184LR
Kindergarten: interim study to review minimum age requirement (Hefner)..... 164LR
Select Committee, Children's: continue efforts and membership (Scofield, Chizek, Moore, Barrett, Landis, Withem, Hall, Wesely, Marsh, Smith, Labedz, McFarland, Pirsch, Morehead, Hannibal, Warner)..... 106LR
Surrogate parentage and in-vitro fertilization: interim study of legal issues(Barrett, Chambers, Chizek, Wesely)..... 177LR

INITIATIVE 300
Constitutional amendment to modify provisions relating to financial institutions(Baack, Conway)..... 10CA
Interim study of its impact on Nebraska's economy(R. Johnson)..... 148LR

INSURANCE
Liability insurance and tort reform: interim study(Schellpeper).. 192LR
Liability insurance: interim study on coverage and premiums (Coordsen)..... 125LR

INSURANCE, DEPARTMENT OF
Liability insurance: interim study relating to information which should be reported by insurance companies to the State (Schellpeper)..... 192LR

INTERIM STUDIES
Agricultural liens and financing statements: issues regarding the centralized computer system for filing(Remmers, Rogers)..... 179LR
Agricultural products and commodities: compile history of state marketing programs and compare with other states' efforts (R. Johnson)..... 137LR
Agricultural Stabilization and Conservation Service and its capabilities under the Food Security Act(R. Johnson)..... 153LR
All-terrain vehicle regulation and equipping(L. Johnson, Moore, Warner, Goodrich, Lamb, Remmers, Hefner, Schmit, Rupp, Smith)... 135LR
Banking and Business Corporation Acts, Nebraska: encourage corporations to incorporate in Nebraska(Pirsch)..... 207LR
Business failures: create fund for unpaid employee wages due to business failures(Business and Labor Comm.)..... 140LR
Cement trucks: fairness of current licensing, registration and taxation statutes(Hefner)..... 165LR

LR

Chemical agents: explore the need for proper regulation of disposal and cleanup(Nelson, Miller)..... 178LR
Child and family welfare: child support, adoption, and juvenile offenders(Judiciary Comm.)..... 184LR
Children's Select Committee: continue efforts and membership (Established through Legislative Resolution 393, 1986)(Scofield, Chizek, Moore, Barrett, Landis, Withem, Hall, Wesely, Marsh, Smith, Labedz, McFarland, Pirsch, Morehead, Hannibal, Warner)... 106LR
Civil procedure: comparison of Nebraska and federal rules (Judiciary Comm.)..... 113LR
Commercial motor vehicle operator licensing: conform state law to federal Commercial Motor Vehicle Safety Act (Transportation Comm.)..... 170LR
Commodity board objectives, effectiveness, and membership (R. Johnson)..... 138LR
Crime victim compensation and assistance: federal and state programs(Pirsch, Schmit)..... 208LR
Criminal Code, Nebraska: definition of deadly weapon(Haberman)... 155LR
Drug and alcohol testing standards in the workplace (Judiciary Comm.)..... 112LR
Economic and industrial development: interim study on LR 21CA relating to voter approval of spending local funds (Urban Affairs Comm.)..... 78LR
Economic development policies: strengthen(Wesely)..... 212LR
Education: role of education in the economic growth and development strategy of the state(Withem)..... 190LR
Educational excellence and the enhancement of the educational profession(Scofield, Baack, Morehead, Withem, Remmers, V. Johnson)..... 173LR
Election statutes, Nebraska: examine in relation to unaffiliated voters and primary elections(Rupp)..... 204LR
Emergency medical services system: determination of volunteer availability, training, and regulation changes(Rogers)..... 172LR
Emergency system, 911: obtain an enhanced 911 emergency system across the state(Lamb)..... 218LR
Employment security system of Nebraska: review (Business and Labor Comm.)..... 142LR
Employment security: review of employer contribution rates under the Employment Security Law(Hefner)..... 147LR
Energy conservation: analysis of the Iowa Buildings Program designed to conserve energy in state-owned buildings(Baack, Rupp) 205LR
Energy usage: public power, ethanol, alternative fuel sources, and future energy needs(Schmit, Elmer, Dierks, Weihing, Lamb, Hall, R. Johnson)..... 221LR
Gambling laws and their enforcement(Judiciary Comm. and Baack, V. Johnson, Rogers)..... 117LR
Grasslands protection: analysis of the objectives and provisions of LB 124, the Grasslands Protection Act(R. Johnson).. 139LR
Hazardous materials regulation, storage, handling, and the right-to-know(Business and Labor Comm.)..... 143LR
Health and human service programs(Wesely)..... 214LR
Higher education system governance and coordination: the role of government and feasibility of a statewide Board of Regents (Withem)..... 183LR
Highway and street financing methods(Revenue Comm.)..... 187LR
Infrastructure of the state: examine the role of a sound public infrastructure in providing for economic growth(Hartnett, Warner) 196LR
Initiative 300 and the impact of its agricultural land restrictions on Nebraska's economy(R. Johnson)..... 148LR
Job training program expansion and improvement for welfare recipients(Ashford)..... 231LR
Kindergarten: lower minimum age requirement for entry and comparison of state laws governing minimum age requirements (Hefner)..... 164LR

LR
Legislature, Rules of the(Rules Comm.)..... 151LR
Liability insurance and tort reform: determine whether civil litigation changes would affect affordability(Schellpeper)..... 192LR
Liability insurance coverage and premiums(Coordsen)..... 125LR
Liability, comparative fault, and the collateral source rule: determine possible changes in Nebraska law(Ashford, Conway)..... 116LR
Liquor Control Act, Nebraska: review and propose changes (General Affairs Comm.)..... 104LR
Mass transit: evaluate federal and state funding(Hall)..... 219LR
Medicaid and optional medicaid services(Moore, Abboud)..... 201LR
Mental retardation service delivery system (Health and Human Services Comm.)..... 144LR
Motor vehicle classification and registration requirements (Transportation Comm.)..... 171LR
Motor vehicle inspection laws and their effect on safety(Moore)... 199LR
Motorcycle helmet usage and related safety issues(Lynch, Goodrich, Schellpeper, Beyer, Pappas, Morehead, Wesely)..... 80LR
Motorcycle safety and the safe operation of mopeds, motorbikes, all-terrain vehicles and similar types of vehicles(Smith, Landis). 73LR
Municipal development law: assess factors relating to extra-territorial zoning, annexation, and municipal growth (Urban Affairs Comm.)..... 77LR
Petition laws: relationship of petition laws to the signature verification process(Rupp)..... 188LR
Postsecondary education funding policies and future needs(Conway). 160LR
Postsecondary educational policies: develop statewide public postsecondary education policies(Warner)..... 209LR
Printing industry and the Nebraska tax structure as it relates to the printing industry(R. Johnson)..... 210LR
Printing: public and private printing industries in Nebraska (Rupp)..... 206LR
Prison industries: future programs and fair pricing to make the services competitive(Haberman, Korshoj, Weihing)..... 176LR
Prison inmate visitation: Department of Correctional Services policy review(Hall, Chambers)..... 193LR
Public building and repair project contracts: analysis of the single and separate contract systems(Lynch)..... 197LR
Public building maintenance: construction and drainage standards relating to state buildings(Rogers)..... 124LR
Public fund deposits in financial institutions(Banking Comm.)..... 185LR
Range fires which result from the operation of trains (Transportation Comm.)..... 169LR
Recall of public officials: develop statutory criteria and determine if certain officials should be exempt(Rupp)..... 130LR
Rental property taxation and exemptions(Pappas)..... 186LR
School districts: alternative methods to accomplish an improved school district structure(Withem)..... 180LR
School land administration and conservation practices(Rupp)..... 131LR
School program evaluations: procedures used to assess school effectiveness or performance(Withem)..... 181LR
School teachers and administrators autonomous state standards and practices board: create for quality education(Withem)..... 24LR
State agencies: eliminate state government program duplication (Moore, Abboud)..... 200LR
State highway and country road bridge systems: financing and maintenance(Transportation Comm.)..... 168LR
State Highway 81: develop as part of the north-south interstate system(Moore, Conway, Coordsen, R. Johnson, Peterson, Rupp, Schmit, Hefner)..... 198LR
State property, surplus: disposal procedures utilized by the Department of Administrative Services(Schmit, Beyer, Dierks, Korshoj, Moore, Wehrbein)..... 216LR
Student aid: needs, alternative methods of financing, and reallocation of benefits(Withem, Moore, Baack)..... 194LR

LR

Student discipline and related statutes: allow school boards to deal effectively with the problem(Wesely)..... 215LR
Suicide prevention program development for young adults(Baack).... 34LR
Surrogate parentage and in-vitro fertilization: legal issues (Barrett, Chambers, Chizek, Wesely)..... 177LR
Teachers, retired: determine adequacy of benefits received by retired teachers(Wesely)..... 213LR
Telephone service: determination of extent of need for lifeline assistance, effect of AT&T divestiture, and price increases (Pappas, Labedz)..... 162LR
Transportation: safety inspections, hazardous materials transportation, jurisdiction, and risk to the general public (Wesely)..... 94LR
Uniform Marital Property Act(Pappas)..... 230LR
University and college faculty salaries, state(Landis)..... 211LR
University of Nebraska Central Administration: eliminate(Withem). 191LR
University of Nebraska Medical Center: determine feasibility and fiscal impact of closing UNMC and contracting with Creighton (Schmit, Moore, Pappas)..... 150LR
Volunteer workers: legal, social, and economic issues relating to volunteer liability(Pirsch)..... 217LR
Waste products and materials: storage, disposal, transportation, and management(Schmit, Elmer, Schellpeper, Wesely, Weihing, Scofield, Lamb, Hall, Conway, R. Johnson, Hefner)..... 220LR
Waste regulation and the legal and financial liability of producers and disposers(Scofield, Schmit, Warner, R. Johnson, Chizek)..... 189LR
Water and natural resources: water transfers, conservation, and natural resources districts(Schmit, Elmer, Weihing, Rupp, Lamb, Hall, R. Johnson)..... 222LR
Workers' Compensation System, Nebraska: review administration, benefits, and operation of Second Injury Fund (Business and Labor Comm.)..... 141LR
Year-round school concept: Nebraska statutes which restrict school districts(Withem)..... 182LR

INTERSTATE COMPACTS

Grain Marketing Compact, Midwest Regional: urge Governor to appoint Senators Warner and Schmit as representatives(Hannibal, Abboud, Conway, Lamb, Dierks, Morehead, R. Johnson, Miller, Elmer, Schellpeper, Coordsen, Hefner, Weihing, Chambers, Wehrbein, V. Johnson, Moore, L. Johnson, Rupp, Scofield, Chizek, Beyer)..... 225LR

IRRIGATION

Ground and surface water: interim study relating to transfers and marketing of(Schmit, Elmer, Weihing, Rupp, Lamb, Hall, R. Johnson)..... 222LR

JOHNSON, ED

Express sympathy to family(Wesely)..... 90LR

JOHNSTON, HARRY H. AND ADDI M.

Ashfall State Historical Park: approve Harry and Addi Johnston gift of property to Game and Parks Foundation(Rupp, Dierks)..... 33LR

JUDGES

Petition laws: declare that the pendency of LB 716 should not be construed by the courts as an expression of legislative intent (Chambers)..... 232LR

JUVENILES

Criminal offenders: interim study relating to detention of noncriminal juvenile status offenders and access to evaluation (Judiciary Comm.)..... 184LR

Kindergarten: interim study to review minimum age requirement (Hefner)..... 164LR
Select Committee, Children's: continue efforts and membership (Scofield, Chizek, Moore, Barrett, Landis, Withem, Hall, Wesely, Marsh, Smith, Labedz, McFarland, Pirsch, Morehead, Hannibal, Warner)..... 106LR
Surrogate parentage and in-vitro fertilization: interim study of legal issues(Barrett, Chambers, Chizek, Wesely)..... 177LR

KEARNEY STATE COLLEGE
Lady Lopers softball team for 1987 National Fast Pitch NAIA Softball Championship: congratulate(Langford)..... 234LR

LABOR
Business failures: interim study to create a fund for unpaid employee wages due to business failure (Business and Labor Comm.)..... 140LR
Drugs and alcohol: interim study on drug and alcohol testing standards in the workplace(Judiciary Comm.)..... 112LR
Employment security: interim study to review employer contribution rates(Hefner)..... 147LR
Employment security: interim study to review Nebraska's employment security system(Business and Labor Comm.)..... 142LR
Hazardous materials: interim study relating to regulation of storage, handling, and the right-to-know (Business and Labor Comm.)..... 143LR
Job training for welfare recipients: interim study to expand and improve existing programs(Ashford)..... 231LR
Workers' Compensation System, Nebraska: interim study to review administration, benefits, and operation of Second Injury Fund (Business and Labor Comm.)..... 141LR

LABOR, DEPARTMENT OF
Job Training Partnership Act: interim study to expand and improve job training programs for welfare recipients(Ashford).... 231LR

LAMAR, NEBRASKA
Anniversary: recognize for 100th(Haberman)..... 156LR

LAW ENFORCEMENT
Dodge, Craig: express sympathy to family(34 Senators)..... 56LR
Emergency system, 911: interim study relating to obtaining an enhanced 911 emergency system across the state(Lamb)..... 218LR
State Patrol, Nebraska: congratulate for 50 years of service (Chambers, Chizek, Ashford, Korshoj, Marsh, Beyer, Elmer)..... 63LR

LEGISLATURE
Air Service, Essential: request Transportation Committee to examine community needs in order to support(Scofield, Nelson, Miller, Smith, Elmer, Weihing, Baack, Langford, Rupp, Lamb, R. Johnson)..... 28LR
Association of Former Legislators, Nebraska: express appreciation for gift of walnut podiums to Legislature(Barrett, Labedz)..... 110LR
Burney, Dwight W.: express sympathy to family(45 Senators)..... 48LR
Children's Select Committee: continue efforts and membership (Scofield, Chizek, Moore, Barrett, Landis, Withem, Hall, Wesely, Marsh, Smith, Labedz, McFarland, Pirsch, Morehead, Hannibal, Warner)..... 106LR
General funds: authorize cities and villages to use general funds for economic development purposes(Urban Affairs Comm.)..... 21CA
Grain Marketing Compact, Midwest Regional: urge Governor to appoint Senators Warner and Schmit as representatives(Hannibal, Abboud, Conway, Lamb, Dierks, Morehead, R. Johnson, Miller, Elmer, Schellpeper, Coordsen, Hefner, Weihing, Chambers, Wehrbein, V. Johnson, Moore, L. Johnson, Rupp, Scofield, Chizek, Beyer)..... 225LR

LR

Hartnett, Pearl: express sympathy to family(Beyer, Withem)..... 70LR
Palmer, Rev. Dr. Robert E.: express gratitude for service to the Legislature(49 Senators)..... 95LR
Political subdivisions: require Legislature to fund new programs and services(Hefner)..... 22CA
Portraits of Washington and Lincoln: urge placement of portraits in the legislative chambers(Hefner, Elmer, Abboud, Rupp)..... 233LR
Rules of the Nebraska Legislature: interim study(Rules Comm.).... 151LR
Senator Bill Harris: congratulate for being elected Mayor of Lincoln(48 Senators)..... 163LR
Senators: change salary, length of service and legislative session(Rupp)..... 18CA
Senators' salaries: increase(R. Johnson)..... 7CA
Session commencement and terms of members: redefine(Wesely)..... 17CA
Sessions: limit to 60 days(Peterson)..... 6CA
Suicide prevention: appoint Select Committee to study and develop suicide prevention programs(Baack)..... 34LR
Wilson, Ray and Letha: recognize 70th wedding anniversary of former Sergeant at Arms(Warner)..... 111LR

LEIGH, NEBRASKA
Anniversary: recognize for 100th(Schellpeper)..... 127LR

LEXINGTON, NEBRASKA
Lexington High School girls for Class B basketball state title: congratulate(Barrett)..... 46LR

LIABILITY
Civil litigation system: interim study to determine if changes would affect liability insurance affordability(Schellpeper)..... 192LR
Comparative fault, liability, and the collateral source rule: interim study to determine possible changes in Nebraska law (Ashford, Conway)..... 116LR
Insurance, liability: interim study on coverage and premiums (Coordsen)..... 125LR
Legislative approval of civil action claims: interim study (Rules Comm.)..... 151LR
Volunteer workers: interim study of the legal, social, and economic issues surrounding volunteer liability(Pirsch)..... 217LR
Waste regulation: interim study of waste regulation and the legal and financial liability of producers and disposers (Scofield, Schmit, Warner, R. Johnson, Chizek)..... 189LR

LICENSES AND PERMITS
Commercial motor vehicle operator licensing: interim study to conform state law to federal Commercial Motor Vehicle Safety Act (Transportation Comm.)..... 170LR
Horseracing: authorize expanded wagering(V. Johnson)..... 15CA

LIENS
Agricultural liens and financing statements: interim study of centralized computer system(Remmers, Rogers)..... 179LR

LINCOLN
East High School girls for Class A state basketball title: congratulate(Wesely, Marsh, McFarland, Warner)..... 40LR
Harris, Bill: congratulate for being elected Mayor of Lincoln (48 Senators)..... 163LR
Southeast High School boys for state swimming title: congratulate(Harris, Marsh)..... 39LR

LINCOLN, ABRAHAM
Portraits of Lincoln and Washington: urge placement of portraits in the legislative chambers(Hefner, Elmer, Abboud, Rupp)..... 233LR

LINWOOD, NEBRASKA
Anniversary: recognize for 100th(Schmit)..... 244LR

LIQUOR CONTROL ACT, NEBRASKA
Interim study to undertake an in-depth review and propose changes (General Affairs Comm.)..... 104LR

LIQUORS
Nebraska Liquor Control Act: interim study to undertake an in-depth review and propose changes(General Affairs Comm:).... 104LR
Omaha Public Schools: recognize and commend for its "I Can Say NO" substance abuse program(Hannibal)..... 115LR
Testing for alcohol and drugs: interim study relating to testing in the workplace(Judiciary Comm.)..... 112LR

LORETTO, NEBRASKA
Anniversary: recognize for 100th(Dierks)..... 202LR

LOTTERIES
Interim study on gambling laws and their enforcement (Judiciary Comm. and Baack, V. Johnson, Rogers)..... 117LR

LUSHTON, NEBRASKA
Anniversary: recognize for 100th(Moore)..... 195LR

MADRID, NEBRASKA
Anniversary: recognize for 100th(Haberman)..... 101LR

MALMO, NEBRASKA
Anniversary: recognize for 100th(Schmit)..... 238LR

MANNING, JAMES
Honor for forty years service as educator at Northeast Community College(Peterson, Rupp, Conway)..... 72LR

MARGRAVE, GENEVIVE
Gift of property: approve gift to Game and Parks Foundation in memory of her husband(Remmers, Rupp)..... 32LR

MARRIAGE
Child and family welfare: child support, adoption, and juvenile offenders(Judiciary Comm.)..... 184LR
Surrogate parentage and in-vitro fertilization: interim study of legal issues(Barrett, Chambers, Chizek, Wesely)..... 177LR
Uniform Marital Property Act: interim study(Pappas)..... 230LR

MARTIAL ARTS
Deadly weapon: interim study of the Nebraska Criminal Code definition of deadly weapon(Haberman)..... 155LR

MASS TRANSIT
Interim study to evaluate federal and state funding of mass transit(Hall)..... 219LR

MCCOOK, NEBRASKA
Hoyt, J. Frank and Hazel T.: recognize for 76th wedding anniversary(Elmer)..... 226LR

MCCOOL JUNCTION, NEBRASKA
Anniversary: recognize for 100th(Moore)..... 85LR

MEDIA
Gering Courier: congratulate for 100th anniversary(Weihing)..... 42LR

LR

MEDICAID
Interim study of the Nebraska medicaid program and optional medicaid services(Moore, Abboud)..... 201LR

MEDICAL ASSISTANCE
Medicaid: interim study of the Nebraska medicaid program and optional medicaid services(Moore, Abboud)..... 201LR

MEDICINE AND SURGERY
Alzheimer's Disease Task Force: recommend recharter to make additional studies(Smith, Lynch, Wesely, Schellpeper, Morehead, Lamb, Goodrich, Beyer, Pappas)..... 96LR
Emergency medical services system: interim study to determine volunteer availability, training, and regulation changes (Rogers)..... 172LR
Human service programs and health issues: interim study(Wesely).. 214LR
In-vitro fertilization: interim study relating to legal issues(Barrett, Chambers, Chizek, Wesely)..... 177LR
Medicaid: interim study of the Nebraska medicaid program and optional medicaid services(Moore, Abboud)..... 201LR
Organ donations: encourage Nebraskans to sign Uniform Organ Donor Cards to aid in the fight against kidney disease(Wesely)... 41LR
Polio Survivors Week: proclaim for week of June 1-7, 1987(Marsh). 103LR
University of Nebraska Medical Center: interim study on the impact of closing UNMC and comparison of Creighton University (Schmit, Moore, Pappas)..... 150LR

MENTAL HEALTH
Beatrice State Developmental Center: congratulate for 100th anniversary(Morehead)..... 108LR
Creighton-Nebraska Health Foundation: commend for efforts in merger of Nebraska/Creighton University psychiatric departments (Withem)..... 118LR
Retardation, mental: interim study on the mental retardation delivery system(Health and Human Services Comm.)..... 144LR

MERCHANTS
Swanson, Ernie: express sympathy to family(39 Senators)..... 14LR

MILLIGAN, NEBRASKA
Anniversary: recognize for 100th(Coordsen)..... 119LR

MINERALS, OIL, AND NATURAL GAS
Coal: encourage development of shelled corn as a boiler fuel in place of coal(Dierks, Hefner)..... 29LR
Energy overcharge: request Attorney General to delay disbursement of funds until procedure is established(Warner, Hartnett, L. Johnson)..... 1LR

MINORS
Child support, adoption, and detention of juvenile offenders: interim study relating to child and family welfare (Judiciary Comm.)..... 184LR
Kindergarten: interim study to review minimum age requirement (Hefner)..... 164LR
Select Committee, Children's: continue efforts and membership (Scofield, Chizek, Moore, Barrett, Landis, Withem, Hall, Wesely, Marsh, Smith, Labedz, McFarland, Pirsch, Morehead, Hannibal, Warner)..... 106LR
Surrogate parentage and in-vitro fertilization: interim study of legal issues(Barrett, Chambers, Chizek, Wesely)..... 177LR

MOPEDS
Safety: interim study(Smith, Landis)..... 73LR

MORRILL HALL
Fundraising: support private fundraising efforts to help maintain and improve museums in Nebraska(Wesely)..... 161LR

MORSE BLUFF, NEBRASKA
Anniversary: recognize for 100th(Schmit)..... 242LR

MORTGAGES
Agricultural liens and financing statements: interim study of centralized computer system(Remmers, Rogers)..... 179LR

MOTOR VEHICLE FUELS
Energy overcharge: request Governor to delay disbursement of funds until procedures and policies are established(Warner, Hartnett, L. Johnson)..... 1LR
Ethanol: interim study relating to development, financing, and promotion of the ethanol fuels industry(Schmit, Elmer, Dierks, Weihing, Lamb, Hall, R. Johnson)..... 221LR
Taxes: limit for highway construction and repair(Hartnett)..... 20CA

MOTOR VEHICLES
All-terrain vehicles: interim study of regulation and equipping of all-terrain vehicles(L. Johnson, Moore, Warner, Goodrich, Lamb, Remmers, Hefner, Schmit, Rupp, Smith)..... 135LR
Cement trucks: interim study to determine fairness of current licensing, registration and taxation statutes(Hefner)..... 165LR
Classification and registration requirements: interim study of current statutes(Transportation Comm.)..... 171LR
Commercial motor vehicle operator licensing: interim study to conform state law to federal Commercial Motor Vehicle Safety Act (Transportation Comm.)..... 170LR
Inspections of motor vehicles: interim study relating to motor vehicle inspection law and their effect on safety(Moore)... 199LR
Motorcycle helmets: interim study on motorcycle usage and related health and safety issues(Lynch, Goodrich, Schellpeper, Beyer, Pappas, Morehead, Wesely)..... 80LR
Motorcycles: interim study on the safety of motorcycles and similar vehicles(Smith, Landis)..... 73LR
Nebraska Historical and Special Interest Automobile Recognition Week: designate for week of May 9-17(Abboud)..... 91LR
Safety in transportation: interim study relating to safety inspections, hazardous materials transportation, and risk (Wesely)..... 94LR
Sales taxes on motor vehicles: limit for highway construction (Hartnett)..... 20CA
Transportation Week: honor transportation industry and designate May 10-16 as Transportation Week(Beyer)..... 152LR

MOTORCYCLES
Helmet usage: interim study on helmet usage and related safety issues(Lynch, Goodrich, Schellpeper, Beyer, Pappas, Morehead, Wesely)..... 80LR
Safety: interim study(Smith, Landis)..... 73LR

MUNICIPALITIES
Contracts, construction or repair: interim study of the single and separate contract systems utilized by political subdivisions (Lynch)..... 197LR
Economic development: interim study on Legislative Resolution 21CA relating to funds for economic and industrial development (Urban Affairs Comm.)..... 78LR
Programs and services, new: require Legislature to fund(Hefner).. 22CA
State property, surplus: interim study of Department of Administrative Services procedures to dispose of state property (Schmit, Beyer, Dierks, Korshoj, Moore, Wehrbein)..... 216LR

LR
Zoning and annexation: interim study(Urban Affairs Comm.)..... 77LR

MUSEUMS
Nebraska State Museum Day: recognize May 18 as Museum Day and support efforts to improve museums in Nebraska(Wesely)..... 161LR
Rail Museum, Nebraska State: commend efforts of National Railway Historical Society(L. Johnson, Schellpeper)..... 175LR

MUSIC
Polka music: designate June 5, 1987 as Polka Day/Nebraska Style to honor polka music and dancing(Hall)..... 227LR

NATIONAL RAILWAY HISTORICAL SOCIETY
Rail Museum, Nebraska State: commend efforts of Society in the operation of the Fremont and Elkhorn Valley Railroad(L. Johnson, Schellpeper)..... 175LR

NATIVE AMERICANS
Aruiso, Audra: congratulate as Miss Indian America and her mission to promote a better understanding between all people (Schmit)..... 245LR
Omaha Tribe: express support for Omaha Tribe relating to its Blackbird Bend property rights(30 Senators)..... 71LR
Winnebago trust allotments: endorse federal legislation providing payment of claims pursuant to the Brown-Stephens Act (V. Johnson, Chambers, Hartnett, Lynch, Landis, Marsh, Pappas, Labedz, Korshoj)..... 31LR

NATURAL RESOURCES
Interim study of water and natural resources in Nebraska(Schmit, Elmer, Weihing, Rupp, Lamb, Hall, R. Johnson)..... 222LR

NATURAL RESOURCES DISTRICTS
Interim study relating to the demographic and geographic structure of natural resources districts(Schmit, Elmer, Weihing, Rupp, Lamb, Hall, R. Johnson)..... 222LR

NEGLIGENCE
Civil litigation system: interim study to determine if changes would affect liability insurance affordability(Schellpeper)..... 192LR
Legislative approval of civil action claims: interim study (Rules Comm.)..... 151LR
Liability insurance: interim study on coverage and premiums (Coordsen)..... 125LR
Liability, comparative fault, and the collateral source rule: interim study to determine possible changes in Nebraska law (Ashford, Conway)..... 116LR
Volunteer workers: interim study of the legal, social, and economic issues surrounding volunteer liability(Pirsch)..... 217LR
Waste regulation: interim study of waste regulation and the legal and financial liability of producers and disposers (Scofield, Schmit, Warner, R. Johnson, Chizek)..... 189LR

NEHAWKA, NEBRASKA
Anniversary: recognize for 100th(Wehrbein)..... 100LR

NEWSPAPERS
Gering Courier: congratulate for 100th anniversary(Weihing)..... 42LR

NORFOLK, NEBRASKA
High School boys for Class A basketball state title: congratulate(Peterson)..... 52LR

NUCLEAR WASTE
Transportation: interim study relating to safety inspections, hazardous materials transportation and jurisdiction(Wesely)..... 94LR

Waste products and materials: interim study relating to storage, transportation, management and disposal in Nebraska (Schmit, Elmer, Schellpeper, Wesely, Weihing, Scofield, Lamb, Hall, Conway, R. Johnson, Hefner)..... 220LR
Waste regulation: interim study of waste regulation and the legal and financial liability of producers and disposers (Scofield, Schmit, Warner, R. Johnson, Chizek)..... 189LR

OAKLAND, NEBRASKA
Swede Capital of Nebraska: proclaim City of Oakland as Swede Capital of Nebraska(Korshoj)..... 224LR

OCTAVIA, NEBRASKA
Anniversary: recognize for 100th(Schmit)..... 243LR

OHIOWA, NEBRASKA
Anniversary: recognize for 100th(Coordsen)..... 122LR

OMAHA
Central High School, Omaha: congratulate Academic Decathlon championship team(Pirsch)..... 37LR
Westside High School girls for Class A state Swimming championship: congratulate(Ashford, Hannibal, Goodrich)..... 50LR

OMAHA TRIBE
Blackbird Bend: express support for Omaha Tribe relating to property rights(30 Senators)..... 71LR

OSCEOLA, NEBRASKA
High School girls for state volleyball and Class C-2 state basketball championships: congratulate(R. Johnson)..... 49LR

PALMER, NEBRASKA
Anniversary: recognize for 100th(R. Johnson)..... 64LR

PALMER, REV. DR. ROBERT E.
Express gratitude for service to the Legislature(49 Senators)..... 95LR

PENSIONS
Teachers, retired: interim study to determine the adequacy of current benefits received by retired teachers(Wesely)..... 213LR

PERKINS COUNTY, NEBRASKA
Anniversary: recognize for 100th(Haberman)..... 158LR

PERU, NEBRASKA
Wininger, Dr. Darrell E.: congratulate for being named Volunteer of the Year by the Organization of Volunteer Leaders(Remmers).... 149LR

PESTICIDES
Disposal and cleanup: interim study to explore the need for proper regulation and protection(Nelson, Miller)..... 178LR

PETERSBURG, NEBRASKA
Anniversary: recognize for 100th(Dierks)..... 203LR

PETITIONS
Interim study of petition laws as they relate to the signature verification process(Rupp)..... 188LR
Pendency of LB 716: oppose legal attempts to construe legislative intent relating to any action before the court (Chambers)..... 232LR

PETROLEUM PRODUCTS
Energy overcharge: request Governor to delay disbursement of funds until procedures and policies are established(Warner, Hartnett, L. Johnson)..... 1LR

LR

PHYSICIANS AND SURGEONS
Alzheimer's Disease Task Force: recommend recharter to make additional studies(Smith, Lynch, Wesely, Schellpeper, Morehead, Lamb, Goodrich, Beyer, Pappas)..... 96LR
Medicaid: interim study of the Nebraska medicaid program and optional medicaid services(Moore, Abboud)..... 201LR
Organ donations: encourage Nebraskans to sign Uniform Organ Donor Cards to aid in the fight against kidney disease(Wesely)... 41LR
University of Nebraska Medical Center: interim study on the impact of closing UNMC and comparison of Creighton University (Schmit, Moore, Pappas)..... 150LR

PICKLE CARDS
Interim study on gambling laws and their enforcement (Judiciary Comm. and Baack, V. Johnson, Rogers)..... 117LR

PILGER, NEBRASKA
Anniversary: recognize for 100th(Schellpeper)..... 126LR

PIONEERS
Mormons: recognize courage and dedication of pioneers(Lynch)..... 76LR

POLICE OFFICERS
Emergency system, 911: interim study relating to obtaining an enhanced 911 emergency system across the state(Lamb)..... 218LR

POLIO
Proclaim Polio Survivors Week for June 1-7, 1987(Marsh)..... 103LR

POLITICAL PARTIES
Unaffiliated voters: interim study to examine Nebraska election statutes relating to primary elections(Rupp)..... 204LR

POLITICAL SUBDIVISIONS
Contracts, construction or repair: interim study of the single and separate contract systems utilized by political subdivisions (Lynch)..... 197LR
Municipal development law: assess factors relating to extra-territorial zoning, annexation, and municipal growth (Urban Affairs Comm.)..... 77LR
Programs and services, new: require Legislature to fund(Hefner).. 22CA
State property, surplus: interim study of Department of Administrative Services procedures to dispose of state property (Schmit, Beyer, Dierks, Korshoj, Moore, Wehrbein)..... 216LR

POLLUTION
Chemical agents: interim study to explore the need for proper regulation of disposal and cleanup(Nelson, Miller)..... 178LR
Hazardous materials: interim study relating to regulation of storage, handling, and the right-to-know (Business and Labor Comm.)..... 143LR
Waste products and materials: interim study relating to storage, transportation, management and disposal in Nebraska (Schmit, Elmer, Schellpeper, Wesely, Weihing, Scofield, Lamb, Hall, Conway, R. Johnson, Hefner)..... 220LR
Waste regulation: interim study of waste regulation and the legal and financial liability of producers and disposers (Scofield, Schmit, Warner, R. Johnson, Chizek)..... 189LR

POSTSECONDARY EDUCATION
Bond procedures: interim study on a procedure for legislative approval of university and state college bond issues (Rules Comm.)..... 151LR

Creighton-Nebraska Health Foundation: commend for efforts in merger of Nebraska/Creighton University psychiatric departments (Withem)..... 118LR
Economic development: interim study of the role of education to encourage research center development(Withem)..... 190LR
Faculty salaries: interim study relating to low state university and college faculty salaries(Landis)..... 211LR
Funding: interim study of higher education funding policies and future needs(Conway)..... 160LR
Higher education system governance and coordination: interim study of government's role and statewide Board of Regents (Withem)..... 183LR
Interim study to develop statewide public postsecondary educational policies(Warner)..... 209LR
Manning, James: honor for forty years service as an educator at Northeast Community College(Peterson, Rupp, Conway)..... 72LR
Nebraska State Colleges Board of Trustees: approve expenditure for additional housing and parking space at Kearney State College (Appropriations Comm.)..... 47LR
Student aid: interim study to determine needs, alternative methods of financing, and reallocation of benefits(Withem, Moore, Baack)..... 194LR
University of Nebraska Agricultural Research Division: recognize achievements of researchers(R. Johnson, Rogers, Nelson, Moore, Wehrbein, Miller, Weihing, Schmit, Elmer)..... 109LR
University of Nebraska at Lincoln womens' volleyball team for Big Eight championship: congratulate(Marsh, Morehead, Landis)..... 12LR
University of Nebraska at Lincoln: approve financing plans and funds for recreation/athletic facility(Appropriations Comm.)..... 69LR
University of Nebraska at Lincoln: interim study of Iowa Buildings Program designed to save energy in state buildings (Baack, Rupp)..... 205LR
University of Nebraska at Omaha: commend UNO support and sponsorship of the Academic Decathlon(Pirsch)..... 37LR
University of Nebraska Board of Regents: authorize students as voting members(Hall)..... 23CA
University of Nebraska Central Administration: interim study to eliminate(Withem)..... 191LR
University of Nebraska Medical Center: interim study on the impact of closing the University of Nebraska Medical Center (Schmit, Moore, Pappas)..... 150LR
University of Nebraska Research and Development Center: congratulate on its 25th anniversary(R. Johnson, L. Johnson, Morehead, Nelson, Warner, Hefner, Peterson, Coordsen, Miller, Lamb, Moore, Elmer, Schmit, Dierks, Remmers)..... 79LR
University of Nebraska: encourage development of shelled corn as a boiler fuel(Dierks, Hefner)..... 29LR

POWER (See Public Power)

PRAGUE, NEBRASKA

Anniversary: recognize for 100th(Schmit)..... 239LR

PRINTERS

Interim study of public and private printing industries in Nebraska(Rupp)..... 206LR
Interim study of the printing industry and related tax structure (R. Johnson)..... 210LR

PRISONS AND PRISONERS

Inmate visitation: interim study to review visitation policies of Department of Correctional Services(Hall, Chambers)..... 193LR
Interim study of prison industries(Haberman, Korshoj, Weihing).... 176LR

LR

PRIVATE EDUCATION
Higher education: interim study of the role of state and public institutions in coordination with private institutions(Withem)... 183LR

PROPERTY
Uniform Marital Property Act: interim study(Pappas)..... 230LR

PROPERTY TAX
Businesses, new or expanding: allow exemption relating to property(Chizek, Ashford, Hefner, Pappas, Korshoj, Pirsch, Moore, L. Johnson,)..... 4CA
County boards: authorize exemption of property taxes to stimulate economic development following voter approval(Abboud).. 5CA
Redevelopment of blighted property: change finance provisions (Lynch)..... 11CA
Rental property: interim study relating to property taxation and exemptions(Pappas)..... 186LR
Water supply property: require payments in lieu of taxes(Beyer, Hartnett, Withem)..... 8CA

PUBLIC ASSISTANCE
Job training for welfare recipients: interim study to expand and improve existing programs(Ashford)..... 231LR
Temporary Emergency Food Program: urge Congress to block attempt to reduce budget by shifting of funds(Nelson, Miller, R. Johnson, Higgins, Ashford, Coordsen, Baack, Scofield, Harris, Landis, Smith, Morehead, Schellpeper, Rupp, Dierks, Hannibal, Chambers). 30LR

PUBLIC HEALTH AND WELFARE
Alzheimer's Disease Task Force: recommend recharter to make additional studies(Smith, Lynch, Wesely, Schellpeper, Morehead, Lamb, Goodrich, Beyer, Pappas)..... 96LR
Emergency medical services system: interim study to determine volunteer availability, training, and regulation changes (Rogers)..... 172LR
Interim study of human service programs and health issues(Wesely). 214LR
Job training for welfare recipients: interim study to expand and improve existing programs(Ashford)..... 231LR
Medicaid: interim study of the Nebraska medicaid program and optional medicaid services(Moore, Abboud)..... 201LR
Organ donations: encourage Nebraskans to sign Uniform Organ Donor Cards to aid in the fight against kidney disease(Wesely)... 41LR
Polio Survivors Week: proclaim for week of June 1-7, 1987(Marsh). 103LR
University of Nebraska Medical Center: interim study on the impact of closing UNMC and comparison of Creighton University (Schmit, Moore, Pappas)..... 150LR

PUBLIC LANDS, BUILDINGS, AND FUNDS
Construction and drainage standards: interim study on standards for state buildings(Rogers)..... 124LR
Deposits of public funds: interim study relating to deposits in financial institutions(Banking Comm.)..... 185LR
School lands: interim study of school land administration and conservation practices(Rupp)..... 131LR

PUBLIC POWER DISTRICTS
Energy usage and development: interim study(Schmit, Elmer, Dierks, Weihing, Lamb, Hall, R. Johnson)..... 221LR

PUBLIC SERVICE COMMISSION
Telephone service: interim study on the need for lifeline assistance, effect of AT& divestiture, and price increases (Pappas, Labedz)..... 162LR

PUBLIC UTILITIES
Corn, shelled: encourage development of shelled corn as a boiler fuel in place of coal(Dierks, Hefner)..... 29LR
Energy usage: interim study of the role and structure of public power in Nebraska(Schmit, Elmer, Dierks, Weihing, Lamb, Hall, R. Johnson)..... 221LR

RACING
Horseracing: authorize expanded wagering(V. Johnson)..... 15CA
Van Berg, Jack: congratulate for thoroughbred racing achievements and express best wishes for a Triple Crown success (Rupp, Schmit)..... 229LR

RAGAN, NEBRASKA
Anniversary: recognize for 100th(Elmer)..... 38LR

RAILROADS
Fremont and Elkhorn Valley Railroad: commend efforts of National Railway Historical Society for railroad museum (L. Johnson, Schellpeper)..... 175LR
Range fires: interim study on the occurrence of range fires which result from the operation of trains(Transportation Comm.).. 169LR
School districts: encourage railroad safety information programs (Miller)..... 13LR
Transportation Week: honor transportation industry and designate May 10-16 as Transportation Week(Beyer)..... 152LR
Transportation: interim study relating to safety inspections, hazardous materials transportation and jurisdiction(Wesely)..... 94LR

RALSTON, NEBRASKA
Anniversary: recognize for 75th(Abboud)..... 74LR

RANCHING
Agricultural liens and financing statements: interim study of centralized computer system(Remmers, Rogers)..... 179LR
Agricultural products and commodities: interim study to evaluate State of Nebraska and other states' marketing programs (R. Johnson)..... 137LR
Commodity boards: interim study of commodity board objectives, effectiveness and membership(R. Johnson)..... 138LR
Cooperative Extension Service: honor extension staff and volunteers for their contributions(Beyer)..... 35LR
Farm credit system: urge Congress to provide assistance to strengthen and safeguard the farm credit system(Rogers, Wehrbein) 93LR
Grain Marketing Compact, Midwest Regional: urge Governor to appoint Senators Warner and Schmit as representatives(Hannibal, Abboud, Conway, Lamb, Dierks, Morehead, R. Johnson, Miller, Elmer, Schellpeper, Coordsen, Hefner, Weihing, Chambers, Wehrbein, V. Johnson, Moore, L. Johnson, Rupp, Scofield, Chizek, Beyer)..... 225LR
Grasslands protection: interim study of the objectives and provisions of LB 124, the Grasslands Protection Act(R. Johnson).. 139LR
Horseracing: authorize expanded wagering(V. Johnson)..... 15CA
Initiative 300: interim study of the impact of Initiative 300 on the Nebraska economy(R. Johnson)..... 148LR
Initiative 300: modify provisions relating to financial institutions(Baack, Conway)..... 10CA
Thoroughbred racing: congratulate Jack Van Berg for achievements and express best wishes for a Triple Crown victory for Alysheba (Rupp, Schmit)..... 229LR
University of Nebraska Agricultural Research Division: recognize achievements of researchers(R. Johnson, Rogers, Nelson, Moore, Wehrbein, Miller, Weihing, Schmit, Elmer)..... 109LR

LR

REAL PROPERTY
Game and Parks Foundation: approve gift of property conveyed by Genevive Margrave(Remmers, Rupp)..... 32LR
Game and Parks Foundation: approve Harry and Addi Johnston gift of property to be designated as the Ashfall State Historical Park (Rupp, Dierks)..... 33LR
Omaha Tribe: express support for Omaha Tribe relating to its Blackbird Bend property rights(30 Senators)..... 71LR
Property tax exemption to stimulate economic development: authorize county boards to initiate vote of electors(Abboud)..... 5CA
Redevelopment of blighted property: change finance provisions (Lynch)..... 11CA
Water supply: require payments in lieu of taxes(Beyer, Hartnett, Withem)..... 8CA

RECREATION
Ashfall State Historical Park: approve Harry and Addi Johnston gift of property to Game and Parks Foundation(Rupp, Dierks)..... 33LR

RECYCLING
Waste products and materials: interim study relating to storage, transportation, management and disposal in Nebraska (Schmit, Elmer, Schellpeper, Wesely, Weihing, Scofield, Lamb, Hall, Conway, R. Johnson, Hefner)..... 220LR

RETAILERS
Swanson, Ernie: express sympathy to family(39 Senators)..... 14LR

RETIREMENT SYSTEM, TEACHERS'
Benefits to retired teachers: interim study to determine the adequacy of current benefit received(Wesely)..... 213LR

REVENUE AND TAXATION
Businesses, new or expanding: allow exemption relating to property(Chizek, Ashford, Hefner, Pappas, Korshoj, Pirsch, Moore, L. Johnson,)..... 4CA
County boards: authorize to exempt property taxes to stimulate economic development following voter approval(Abboud)..... 5CA
Highway and street financing: interim study of methods used (Revenue Comm.)..... 187LR
Highway construction: limit certain taxes(Hartnett)..... 20CA
Interstate Sales Tax Collection Act of 1987: urge Congress to adopt(Hefner, V. Johnson)..... 123LR
Printing industry: interim study of Nebraska's tax structure as it relates to the printing industry(R. Johnson)..... 210LR
Property redevelopment: change finance provisions relating to blighted property(Lynch)..... 11CA
Rental property: interim study relating to property taxation and exemptions(Pappas)..... 186LR
Water supply property: require payments in lieu of taxes(Beyer, Hartnett, Withem)..... 8CA

ROADS
Financing: interim study of methods used to finance Nebraska highways, roads and streets(Revenue Comm.)..... 187LR
Highway construction: limit certain taxes(Hartnett)..... 20CA
State highway and country road bridge systems: interim study on financing and maintenance(Transportation Comm.)..... 168LR
State Highway 81: interim study to develop State Highway 81 as part of the north-south interstate system(Moore, Conway, Coordsen, R. Johnson, Peterson, Rupp, Schmit, Hefner)..... 198LR

ROGERS, NEBRASKA
Anniversary: recognize for 100th(Schellpeper)..... 129LR

ROSELAND, NEBRASKA
Anniversary: recognize for 100th(Smith)..... 133LR

RULES OF THE ROAD
All-terrain vehicles: interim study of regulation and equipping of all-terrain vehicles(L. Johnson, Moore, Warner, Goodrich, Lamb, Remmers, Hefner, Schmit, Rupp, Smith)..... 135LR
Motorcycle helmets: interim study on motorcycle usage and related health and safety issues(Lynch, Goodrich, Schellpeper, Beyer, Pappas, Morehead, Wesely)..... 80LR
Motorcycles: interim study on the safety of motorcycles and similar vehicles(Smith, Landis)..... 73LR

RUSKIN, NEBRASKA
Anniversary: recognize for 100th(Miller)..... 154LR

SALES
Swanson, Ernie: express sympathy to family(39 Senators)..... 14LR

SALES AND INCOME TAX
Interstate Sales Tax Collection Act of 1987: urge Congress to adopt(Hefner, V. Johnson)..... 123LR

SALES AND USE TAX
Highway construction: limit certain taxes(Hartnett)..... 20CA
Printing industry: interim study of Nebraska's tax structure as it relates to the printing industry(R. Johnson)..... 210LR

SCHOOL DISTRICTS
Excellence in education: support reexamination and urge citizen task force appointments pursuant to LR 173 to examine state needs (Withem, Scofield, Morehead)..... 228LR
Interim study of alternative methods to structure school districts(Withem)..... 180LR
Omaha Public Schools: recognize and commend for its "I Can Say NO" substance abuse program(Hannibal)..... 115LR
Omaha: urge State Historical Society to consider acquisition & operation of Joslyn Castle after school board vacates in 1989 (Ashford)..... 134LR
Program evaluations: interim study of procedures used to assess school effectiveness or performance(Withem)..... 181LR
Railroads: encourage school districts to provide railroad safety information(Miller)..... 13LR
Student discipline: interim study of related statutes in order to allow school boards to deal effectively with the problem (Wesely)..... 215LR
Teachers, retired: interim study to determine the adequacy of current benefits received by retired teachers(Wesely)..... 213LR
Year-round school concept: interim study of Nebraska statutes which restrict school districts(Withem)..... 182LR

SCHOOLS
Academic Decathlon: commend supporters, participants, and Omaha Central High School championship team(Pirsch)..... 37LR
Constitution, United States: recognize importance and encourage discussion in public schools during the week of September 13-19 (Withem)..... 237LR
Discrimination: urge investigation and corrective action for a racially demeaning portrayal at Monroe Junior High School (Chambers)..... 98LR
Districts: interim study of alternative methods to structure school districts(Withem)..... 180LR
Education: interim study of the role of education in the economic growth and development strategy of the state(Withem).... 190LR

LR

Educational excellence: interim study to enhance the educational profession(Scofield, Baack, Morehead, Withem, Remmers, V. Johnson)..... 173LR
Excellence in education: support reexamination and urge citizen task force appointments pursuant to LR 173 to examine state needs (Withem, Scofield, Morehead)..... 228LR
Governor: place the Department of Education under control of the Governor(Remmers, Morehead, Scofield, Baack, Moore, Dierks, Weihing, Pappas, V. Johnson)..... 19CA
Joslyn Castle: urge Historical Society to consider acquisition and operation of Joslyn Castle(Ashford)..... 134LR
Kindergarten: interim study to review minimum age requirement (Hefner)..... 164LR
Lands administration: interim study of school land administration and conservation practices(Rupp)..... 131LR
Omaha Public Schools: recognize and commend for its "I Can Say NO" substance abuse program(Hannibal)..... 115LR
Program evaluations: interim study of procedures used to assess school effectiveness or performance(Withem)..... 181LR
Railroads: encourage school districts to provide railroad safety information(Miller)..... 13LR
Standards and practices board for teachers and school administrators: interim study(Withem)..... 24LR
Student discipline: interim study of related statutes in order to allow school boards to deal effectively with the problem (Wesely)..... 215LR
Suicide prevention: appoint Select Committee to study and develop suicide prevention programs(Baack)..... 34LR
Teachers, retired: interim study to determine the adequacy of current benefits received by retired teachers(Wesely)..... 213LR
Year-round school concept: interim study of Nebraska statutes which restrict school districts(Withem)..... 182LR

SENIOR CITIZENS

Medicaid: interim study of the Nebraska medicaid program and optional medicaid services(Moore, Abboud)..... 201LR

SHERIFFS

Dodge, Craig: express sympathy to family(34 Senators)..... 56LR
Emergency system, 911: interim study relating to obtaining an enhanced 911 emergency system across the state(Lamb)..... 218LR

SOCIAL SERVICES, DEPARTMENT OF

Human service programs and health issues: interim study(Wesely).. 214LR
Job training for welfare recipients: interim study to expand and improve existing programs(Ashford)..... 231LR
Telephone service: interim study on the need for lifeline assistance, effect of AT&T divestiture, and price increases (Pappas, Labedz)..... 162LR

SOFTBALL

Kearney State College Lady Lopers for 1987 National Fast Pitch NAIA Softball Championship: congratulate(Langford)..... 234LR

SOIL AND WATER CONSERVATION

Practices and developments: interim study relating to financing conservation practices and developments(Schmit, Elmer, Weihing, Rupp, Lamb, Hall, R. Johnson)..... 222LR

SOLID WASTE

Waste products and materials: interim study relating to storage, transportation, management and disposal in Nebraska (Schmit, Elmer, Schellpeper, Wesely, Weihing, Scofield, Lamb, Hall, Conway, R. Johnson, Hefner)..... 220LR

LR

Waste regulation: interim study of waste regulation and the legal and financial liability of producers and disposers (Scofield, Schmit, Warner, R. Johnson, Chizek)..... 189LR

SOUTH SIOUX CITY, NEBRASKA
Anniversary: recognize for 100th(Conway, Hefner, Korshoj, Peterson, Schellpeper)..... 88LR

SOYBEANS
Food labeling: support American Soybean Association efforts for stricter labeling relating to saturated fats as ingredients (R. Johnson)..... 102LR

STAMFORD, NEBRASKA
Anniversary: recognize for 100th(Elmer)..... 26LR

STATE FIRE MARSHAL
Range fires: interim study on the occurrence of range fires which result from the operation of trains(Transportation Comm.).. 169LR

STATE INSTITUTIONS
Correctional Services, Department of: interim study to review inmate visitation policies(Hall, Chambers)..... 193LR
Prison industries: interim study(Haberman, Korshoj, Weihing)..... 176LR

STATE OFFICERS
Attorney General: request to delay disbursement of energy overcharge funds until procedure is established(Warner, Hartnett, L. Johnson)..... 1LR
Auditor of Public Accounts: eliminate as a constitutional officer(Wesely, Pappas)..... 16CA

STATE PATROL
Congratulate for 50 years of service to the state(Chambers, Chizek, Ashford, Korshoj, Marsh, Beyer, Elmer)..... 63LR
Emergency system, 911: interim study relating to obtaining an enhanced 911 emergency system across the state(Lamb)..... 218LR

STERLING, NEBRASKA
High School boys for Class D-1 state basketball title: congratulate(Remmers)..... 54LR

STROMSBURG, NEBRASKA
Swedish capital of Nebraska: reaffirm proclamation of 1966 by declaring Stromsburg, Nebraska the Swedish capital of Nebraska (Moore)..... 223LR

SUICIDE
Prevention programs: appoint a Select Committee to study and develop suicide prevention programs(Baack)..... 34LR

SUTTON, NEBRASKA
High School boys for second place finish in Class B state basketball championship: congratulate(R. Johnson)..... 61LR

SWANSON, ERNIE
Express sympathy to family(39 Senators)..... 14LR

SWIMMING
Omaha Westside High School girls for Class A state swimming championship: congratulate(Ashford, Hannibal, Goodrich)..... 50LR

TEACHERS
Educational excellence: interim study to enhance the educational profession(Scofield, Baack, Morehead, Withem, Remmers, V. Johnson)..... 173LR

LR

Excellence in education: support reexamination and urge citizen task force appointments pursuant to LR 173 to examine state needs (Withem, Scofield, Morehead)..... 228LR
Retirement benefits: interim study to determine the adequacy of current benefits received by retired teachers(Wesely)..... 213LR
Standards and practices board: interim study(Withem)..... 24LR
Student discipline: interim study of related statutes in order to allow school boards to deal effectively with the problem (Wesely)..... 215LR
Year-round school concept: interim study of Nebraska statutes which restrict school districts(Withem)..... 182LR

TECAMAH, NEBRASKA
High School boys for Class C-1 state wrestling championship: congratulate(Korshoj)..... 66LR

TECHNICAL COMMUNITY COLLEGES
Economic development: interim study of the role of education to encourage research center development(Withem)..... 190LR
Indebtedness: authorize(Withem, Nelson)..... 3CA
Manning, James: honor for forty years service as an educator at Northeast Community College(Peterson, Rupp, Conway)..... 72LR
Student aid: interim study to determine needs, alternative methods of financing, and reallocation of benefits(Withem, Moore, Baack)..... 194LR

TELECOMMUNICATIONS
Telephone service: interim study on the need for lifeline assistance, effect of AT&T divestiture, and price increases (Pappas, Labedz)..... 162LR
US West: encourage location of Advanced Technology research site in Nebraska(42 Senators)..... 166LR

TELEPHONES
Lifeline telephone service: interim study on the need for assistance, effect of the AT&T divestiture, and price increases (Pappas, Labedz)..... 162LR
US West: encourage location of Advanced Technology research site in Nebraska(42 Senators)..... 166LR

THAYER, NEBRASKA
Anniversary: recognize for 100th(Moore)..... 236LR

THOMAS COUNTY, NEBRASKA
Anniversary: recognize for 100th(Lamb)..... 67LR

TORTS
Civil litigation system: interim study to determine if changes would affect liability insurance affordability(Schellpeper)..... 192LR
Legislative approval of civil action claims: interim study (Rules Comm.)..... 151LR
Liability insurance: interim study on coverage and premiums (Coordsen)..... 125LR
Liability, comparative fault, and the collateral source rule: interim study to determine possible changes in Nebraska law (Ashford, Conway)..... 116LR
Volunteer workers: interim study of the legal, social, and economic issues surrounding volunteer liability(Pirsch)..... 217LR
Waste regulation: interim study of waste regulation and the legal and financial liability of producers and disposers (Scofield, Schmit, Warner, R. Johnson, Chizek)..... 189LR

TRACK AND FIELD
Elkhorn High School boys for Class B state track and field championship: congratulate(Beyer)..... 235LR

TRANSPORTATION
Commercial motor vehicle operator licensing: interim study to conform state law to federal Commercial Motor Vehicle Safety Act (Transportation Comm.)..... 170LR
Designate May 10-16 as Transportation Week(Beyer)..... 152LR
Mass transit: interim study to evaluate federal and state funding(Hall)..... 219LR
Railroads: encourage school districts to provide railroad safety information(Miller)..... 13LR
Safety: interim study relating to safety inspections, jurisdiction, hazardous materials transportation, and risks (Wesely)..... 94LR

TRAVEL AND TOURISM
National Railway Historical Society: commend efforts for operation of Fremont and Elkhorn Valley railroad and museum (L. Johnson, Schellpeper)..... 175LR

TREE CITY, USA
Arbor Day: urge Nebraska communities to carry out tree planting programs to be a leading Tree City, USA state(Marsh, Wehrbein, Dierks, L. Johnson, Remmers)..... 81LR

TRUCKS
Safety in transportation: interim study relating to safety inspections, hazardous materials transportation, and risks (Wesely)..... 94LR

TUITION
Student aid: interim study to determine needs, alternative methods of financing, and reallocation of benefits(Withem, Moore, Baack)..... 194LR

UNIFORM COMMERCIAL CODE
Agricultural liens and financing statements: interim study of centralized computer system(Remmers, Rogers)..... 179LR

UNIFORM MARITAL PROPERTY ACT
Interim study(Pappas)..... 230LR

UNION, NEBRASKA
Anniversary: recognize for 100th(Wehrbein)..... 99LR

UNIVERSITIES AND COLLEGES
Bond procedures: interim study on a procedure for legislative approval of university and state college bond issues (Rules Comm.)..... 151LR
Creighton-Nebraska Health Foundation: commend for efforts in merger of Nebraska/Creighton University psychiatric departments (Withem)..... 118LR
Economic development: interim study of the role of education to encourage research center development(Withem)..... 190LR
Faculty salaries: interim study relating to low state university and college faculty salaries(Landis)..... 211LR
Funding: interim study of higher education funding policies and future needs(Conway)..... 160LR
Higher education system governance and coordination: interim study of government's role and statewide Board of Regents (Withem)..... 183LR
Manning, James: honor for forty years service as an educator at Northeast Community College(Peterson, Rupp, Conway)..... 72LR
Nebraska State Colleges Board of Trustees: approve expenditure for additional housing and parking space at Kearney State College (Appropriations Comm.)..... 47LR

LR

Postsecondary educational policies: interim study to develop statewide public postsecondary education policies(Warner)..... 209LR
Student aid: interim study to determine needs, alternative methods of financing, and reallocation of benefits(Withem, Moore, Baack)..... 194LR
Technical community college indebtedness: authorize(Withem, Nelson)..... 3CA
University of Nebraska Agricultural Research Division:recognize achievements of researchers(R. Johnson, Rogers, Nelson, Moore, Wehrbein, Miller, Weihing, Schmit, Elmer)..... 109LR
University of Nebraska at Lincoln womens volleyball team for Big Eight championship: congratulate(Marsh, Morehead, Landis)..... 12LR
University of Nebraska at Lincoln: approve financing plans and funds for recreation/athletic facility(Appropriations Comm.)..... 69LR
University of Nebraska at Lincoln: interim study of Iowa Buildings Program designed to save energy in state buildings (Baack, Rupp)..... 205LR
University of Nebraska at Omaha: commend UNO support and sponsorship of the Academic Decathlon(Pirsch)..... 37LR
University of Nebraska Board of Regents: authorize students as voting members(Hall)..... 23CA
University of Nebraska Central Administration: interim study to eliminate(Withem)..... 191LR
University of Nebraska Medical Center: interim study on the impact of closing the University of Nebraska Medical Center (Schmit, Moore, Pappas)..... 150LR
University of Nebraska Research and Development Center: congratulate on its 25th anniversary(R. Johnson, L. Johnson, Morehead, Nelson, Warner, Hefner, Peterson, Coordsen, Miller, Lamb, Moore, Elmer, Schmit, Dierks, Remmers)..... 79LR
University of Nebraska: encourage development of shelled corn as a boiler fuel(Dierks, Hefner)..... 29LR

VAN BERG, JACK
Thoroughbred racing: congratulate for awards, achievements, and express best wishes for a Triple Crown victory for Alysheba (Rupp, Schmit)..... 229LR

VENANGO, NEBRASKA
Anniversary: recognize for 100th(Haberman)..... 157LR

VERDIGRE, NEBRASKA
Anniversary: recognize for 100th(Hefner)..... 75LR

VICTIMS OF CRIME
Interim study of crime victim compensation and assistance programs administered by federal and state government(Pirsch, Schmit)..... 208LR
Victims Rights Week: declare for week of April 26-May 2(Pirsch).. 97LR

VIDEO SLOT MACHINES
Interim study on gambling laws and their enforcement (Judiciary Comm. and Baack, V. Johnson, Rogers)..... 117LR

VIRGINIA, NEBRASKA
Anniversary: recognize for 100th(Morehead)..... 92LR

VOLLEYBALL
Osceola High School girls for state volleyball championship: congratulate(R. Johnson)..... 49LR
University of Nebraska at Lincoln womens volleyball team for Big Eight championship: congratulate(Marsh, Morehead, Landis)..... 12LR

VOTERS AND VOTING
County boards: authorize exemption of property taxes to stimulate economic development following voter approval(Abboud).. 5CA
Election statutes: interim study to examine statutes in relation to unaffiliated voters and primary elections(Rupp)..... 204LR
Petition laws: declare that the pendency of LB 716 should not be construed by the courts as an expression of legislative intent (Chambers)..... 232LR
Petition laws: interim study of petition laws as they relate to the signature verification process(Rupp)..... 188LR
Recall of public officials: interim study to develop statutory criteria and possible exemptions of certain officials(Rupp)..... 130LR

WALLACE, NEBRASKA
Anniversary: recognize for 100th(Elmer)..... 136LR

WASHINGTON, GEORGE
Portraits of Washington and Lincoln: urge placement of portraits in the legislative chambers(Hefner, Elmer, Abboud, Rupp)..... 233LR

WASTE
Chemical agents: interim study to explore the need for proper regulation of disposal and cleanup(Nelson, Miller)..... 178LR
Interim study of waste product and material storage, transportation, management, and disposal in Nebraska(Schmit, Elmer, Schellpeper, Wesely, Weihing, Scofield, Lamb, Hall, Conway, R. Johnson, Hefner)..... 220LR
Regulation: interim study relating to the legal and financial liability of producers and disposers(Scofield, Schmit, Warner, R. Johnson, Chizek)..... 189LR

WATER
Interim study of water and natural resources in Nebraska(Schmit, Elmer, Weihing, Rupp, Lamb, Hall, R. Johnson)..... 222LR
Property for supply: require payments in lieu of taxes(Beyer, Hartnett, Withem)..... 8CA

WEAPONS
Criminal Code, Nebraska: interim study on the definition of deadly weapon(Haberman)..... 155LR

WILDLIFE
Game and Parks Foundation: approve gift of property conveyed by Genevive Margrave(Remmers, Rupp)..... 32LR

WILSON, RAY AND LETHA
Recognize for 70th wedding anniversary(Warner)..... 111LR

WININGER, DR. DARRELL E.
Congratulate as Volunteer of the Year(Remmers)..... 149LR

WINNEBAGO TRIBE
Trust allotments: endorse federal legislation providing payment of claims pursuant to the Brown-Stephens Act(V. Johnson, Chambers, Hartnett, Lynch, Landis, Marsh, Pappas, Labedz, Korshoj)..... 31LR

WITNESSES OF CRIME
Victim compensation and assistance: interim study of federal and state programs(Pirsch, Schmit)..... 208LR
Victims Rights Week: declare for week of April 26-May 2(Pirsch).. 97LR

WOLBACH, NEBRASKA
Anniversary: recognize for 100th(Rogers)..... 146LR

LR

WORKERS' COMPENSATION
Interim study to review the Nebraska Workers' Compensation System (Business and Labor Comm.)..... 141LR

WRESTLING
Clay Center High School boys for State Wrestling Championship: congratulate(R. Johnson)..... 51LR
Tekamah-Herman High School boys for Class C-1 state championship: congratulate(Korshoj)..... 66LR

ZONING
Municipal zoning and annexation: interim study (Urban Affairs Comm.)..... 77LR

ZORINSKY, EDWARD
Express sympathy to family(47 Senators)..... 45LR