

January 9, 1990

LB 141, 742, 1061-1077

Haberman, would you record your presence, please. Thank you. Senator Bernard-Stevens, Senator Goodrich. Senator Wehrbein, would you record your presence, please. Thanks. Senator Schmit. We're looking for Senator Goodrich and Senator Schmit. I understand Senator Goodrich will be here in a moment. Senator Schmit, would you like to record your presence, please. Thank you. And Senator Goodrich is here. Ladies and gentlemen, the question is the adoption of the committee amendments. A roll call vote has been requested. Mr. Clerk, please.

CLERK: (Roll call vote taken. See page 238 of the Legislative Journal.) 23 ayes, 14 nays, Mr. President, on adoption of committee amendments.

PRESIDENT: The committee amendments are not adopted. Do you have anything else on it, Mr. Clerk?

CLERK: Mr. President, yes, I do.

PRESIDENT: The call is raised. Did you wish to read something in, Mr. Clerk, while we're at it?

ASSISTANT CLERK: Yes, Mr. President, new bills. (Read LBs 1061-1077 by title for the first time. See pages 239-43 of the Legislative Journal.)

PRESIDENT: Mr. Clerk, anything further on 141?

CLERK: Mr. President, I do. I now have a motion to the bill by Senator Moore. Senator Moore would move to indefinitely postpone LB 141. Senator Abboud, as introducer, has the option to lay the bill over, Mr. President.

PRESIDENT: Senator Abboud, what do you lay?

SENATOR ABOUD: Lay the bill over.

PRESIDENT: Lay it over?

SENATOR ABOUD: Yes.

PRESIDENT: Okay, it will be laid over. We'll move on to LB 742.

CLERK: Mr. President, 742 was a bill that was introduced by

January 10, 1990

LB 678, 678A, 720, 720A, 742, 1034, 1049-1079

Mr. President, I have a hearing notice from the Government, Military and Veterans Affairs Committee, for the Business and Labor Committee and for the Retirement Systems Committee, all signed by their respective Chairs.

Mr. President, Enrollment and Review reports LB 678 to Select File, E & R amendments; LB 678A, Select File with E & R; LB 720, Select File with E & R and LB 720A, Select File with E & R also, all signed by Senator Lindsay. (See pages 265-66 of the Legislative Journal.)

And I have a reference report, Mr. President, referring LBs 1049-1079. (Also LB 1034. See page 265 of the Legislative Journal.) That is all that I have.

SPEAKER BARRETT: Thank you, Mr. Clerk. Those in favor of the motion to recess until one-thirty please say aye. Opposed no. Ayes have it, motion carried, we are recessed.

RECESS

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you, sir. With a quorum present, we will proceed back to our discussion of LB 742 at which time we were discussing the committee amendments to LB 742. We will return to the speaking order. Correction, we're on a motion to advance the bill. The speaking order beginning with Senator Dierks, if you would care to discuss the motion to advance the bill to E & R, Senator Dierks, followed by Senators Landis, Moore, Smith, Schmit and Bernard-Stevens. Senator Dierks.

SENATOR DIERKS: Thank you, Mr. Speaker and members of the body, I just rise to support Senator Robak's LB 742. I think that... I think these people have a track record that is good and I think we need to honor that. I believe that we do allow people on our roads sometime that maybe shouldn't be there. I don't know how we can stop some of that, but this is some legislation that will allow people to drive again that their track record is proven, they can handle this situation. And they have been kept from this right by the bureaucracy and I think it's time for the bureaucracy to give the right back to them. So I would support 742 and I would urge other people here to do the same thing.

January 31, 1990

LB 50, 376, 472, 519, 753, 973, 1064
1080
LR 8

Those in favor....Excuse me. Mr. Clerk, would you proceed with a roll call on the advancement.

CLERK: (Roll call vote taken. See pages 591-92 of the Legislative Journal.) 30 ayes, 9 nays, Mr. President, on the advancement of LR 8.

SPEAKER BARRETT: Motion is adopted, the bill (sic) is advanced, and the call is raised. Anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. I have reference report referring certain gubernatorial appointments to the appropriate Standing Committee for confirmation hearing, signed by Senator Labedz as Chair of the Reference Committee. Health and Human Services Committee reports LB 1064 to General File; LB 472, General File with amendments; LB 1080, General File with amendments; LB 376, indefinitely postponed; LB 519, indefinitely postponed; LB 753, indefinitely postponed, those all signed by Senator Wesely. Natural Resources reports LB 973 to General File with amendments, those signed by Senator Schmit. (See pages 592-94 of the Legislative Journal.)

Mr. President, I have a hearing notice from the Judiciary Committee signed by Senator Chizek as Chair of the committee. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Turning to LB 50, Mr. Clerk, on Select File.

CLERK: Mr. President, LB 50, the first order of business are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay, would you care to handle the E & R amendments, please.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 50.

SPEAKER BARRETT: Thank you. Any discussion? If not, shall the E & R amendments be adopted to LB 50? All in favor say aye. Opposed no. Carried, they are adopted.

CLERK: Mr. President, Senator Dierks would move to amend his bill. The amendment is on page 558 of the Journal.

February 6, 1990

LB 164, 663, 742, 1059, 1064, 1140, 1238
LR 251

personnel please leave the floor. Senator Lamb, Senator Abboud, Senator Morrissey, please. Senator Moore, the house is under call. Senator Goodrich, please report your presence. Senator Schmit, please check in. Senator Goodrich, please. Senators Chambers and Moore, the house is under call. Senator Moore, would you check in, please. May we proceed, Senator Wesely? A request for a roll call vote in reverse order and the question is the Wesely amendment to LB 742. Mr. Clerk, proceed.

CLERK: (Read roll call vote. See pages 681-82 of the Legislative Journal.) 15 ayes, 17 nays, Mr. President.

SPEAKER BARRETT: Motion fails. Anything for the record? The call is raised.

CLERK: Mr. President, priority bill designation by Senator Wesely for the Health Committee, LB 1064.

Mr. President, new resolution offered by the LR 232 Special Committee. It is signed by Senators Schmit, Baack and Lynch. (Read brief description of LR 251CA. See pages 682-84 of the Legislative Journal.) That will be referred to Reference Committee.

Mr. President, Senator Withem would like to add his name to LB 1140; Senator Dierks to LB 1238, Senator Dierks to LB 1059 and Senator Beck to LB 164. (See page 684 of the Legislative Journal.)

Mr. President, Senator Scofield has amendments to be printed to LB 663. (See pages 684-85 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Landis, your light is on.

SENATOR LANDIS: Let ask what's on the...the board reveals that there is an amendment. Is there an amendment for the body...

SPEAKER BARRETT: No.

SENATOR LANDIS: It's just the bill, right? Let me take just...

CLERK: I have an amendment to the bill.

SPEAKER BARRETT: I'm sorry, we're between amendments.

there are those who might very well want to go, please advise the Clerk's Office should that be the case. Mr. Clerk, to General File, LB 1064, item seven.

CLERK: LB 1064, Mr. President, was a bill introduced by Senator Wesely. (Read title.) The bill was introduced on January 9 of this year, Mr. President; referred to Health and Human Services Committee for public hearing, was advanced to General File. I have no committee amendments. Senator, do you want to explain your bill or take up your amendment?

SENATOR WESELY: Yeah, why don't I do that.

SPEAKER BARRETT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Thank you. And, for your information, Mr. Clerk, you have 1046. It should be 1064. We have been having that problem with this legislation. Thank you. Mr. Speaker and members, LB 1064 is a bill from the Department of Health that's their annual cleanup legislation. Never seems like we ever get anything completely cleaned up, we just find more problems and so this bill deals with a problem we have had in x-ray regulation. We passed legislation some years ago and had delayed implementation now for some time and, finally, I think we're on the road. We do need these other changes in that area dealing with the definitions so that we can comply with the Nuclear Regulatory Commission, and I want to state for the record at this point, as it was stated at the hearing, that those provisions do not affect nuclear power plants or coal plants, as I understand this legislation. And so those that were concerned about that ought not be from what I am told by the Health Department. We do look at licensure of persons who do radon testing and the mitigation of radon in homes. As you know, radon has become a big issue and there is a lot of people moving in this area and we need to make sure that they know what they're doing and this would allow for some oversight of that area. There is a sunset provision on fees for x-ray machines that are deleted and some other authorization for the department on fees under the Radiation Control Act, which is the main thrust of this clean-up bill in its current form. With that, I would like to go to the amendments, Mr. Speaker.

SPEAKER BARRETT: Thank you. We will proceed to your amendment, Senator Wesely. Mr. Clerk.

CLERK: Mr. President, Senator Wesely would move to amend. Senator, I have AM2487 in front of me.

SPEAKER BARRETT: Senator Wesely, on your own amendment.

SENATOR WESELY: Thank you. Mr. Speaker and members, in further working with the Department of Health on cleaning up their statutes, I have passed out, for your information, a one-page front and back summary of this amendment, 2487. It's a quite lengthy amendment and that's why it's not in your black book. But, in any event, it is essentially clean-up legislation dealing with the various licensure activities of the Department of Health, dealing with fees, dealing with obsolete terms, changing language and, from what I can tell in looking at it, it is a technical amendment trying to clean up statutes. You do have a summary in front of you, and if you have questions, I would be happy to get into it, but I really don't think that this is of major substance and is intended by the department to clean up some different problems they have. So I would move this amendment, Mr. Speaker.

SPEAKER BARRETT: Thank you, sir. Discussion on the Wesely amendment to LB 1064. Senator Langford.

SENATOR LANGFORD: Mr. President, I would like to ask Senator Wesely some questions if he would yield.

SPEAKER BARRETT: Would you respond, Senator Wesely.

SENATOR WESELY: Uh-huh.

SENATOR LANGFORD: Since we don't have a copy of the amendment, I would like some explanation on Section 11 and Section 12. Do interns, right now, practice as...do they do internships in Nebraska right now?

SENATOR WESELY: Yes, they can, uh-huh.

SENATOR LANGFORD: And you are doing away with that, I see.

SENATOR WESELY: No. No. What it does is clarify that during their internship they can practice podiatry and chiropractic. I know the summary is a little confusing but that's the intent.

SENATOR LANGFORD: We...we...since we don't have the actual

amendment, you're...there's no difference in scope of practice then?

SENATOR WESELY: No. No. No, it allows them to do what we thought they could do and there was some language problem they're clearing up that I understand.

SENATOR LANGFORD: Do you promise hand on Bible and all that good stuff?

SENATOR WESELY: I promise. I promise everything in here is okay.

SENATOR LANGFORD: Thank you.

SPEAKER BARRETT: Other discussion? Senator Wesely, would you care to close.

SENATOR WESELY: Yeah, Mr. Speaker, I can understand, the wording is a little difficult, Senator Langford, I can understand that question. And, frankly, all of these changes have been worked through. The Department of Health has like a podiatry, a chiropractic board, a massage therapy board, they all work and come with recommendations to the department. The department works with them and they come back with these clean-up bills and this amendment. And so all of these things have been approved by all those different folks all the way through the department, back to us, and so I don't think you will find difficulties. Hopefully, they have talked to everybody they need to and everybody is in agreement on these amendments. I don't think there is anything controversial in here. And I promise you if there is, we will take care of it. But, at this point, from what I can tell, we're okay. So I would move the amendment to further clarify some problems we have in some of the Health Department statutes, Mr. Speaker.

SPEAKER BARRETT: Thank you. The question is the adoption of the Wesely amendment to 1064. All in favor vote aye, opposed nay. Voting on the Wesely amendment. Have you all voted? Have you all voted? Record, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The amendment is adopted.

CLERK: I have nothing further on the bill, Mr. President.

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Thank you. Mr. Speaker and members, I know some of you may not know what you just voted for but you can trust me on this one, as Senator DeCamp used to say. And the Health Department has worked through those issues and we are attempting to clean up a number of statutory problems they have. So I would move the advancement of the bill. And, certainly, if you do look at that and find some concerns, I am more than willing to work with you, but I can assure you that I don't think anything controversial was included in any of that.

SPEAKER BARRETT: Thank you. The question is the advancement of the bill to E & R Initial. All in favor vote aye, opposed nay. Voting on the advancement of the bill. Please record.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 1064.

SPEAKER BARRETT: LB 1064 is advanced. A special guest of Senator Hannibal under the north balcony, Mr. Matt Butler from Omaha. Mr. Butler, would you please take a bow. Thank you. We are pleased to have you as our guest this morning. To Select File, Mr. Clerk, LB 163.

CLERK: Mr. President, 163 is on Select File. The first order of business on the bill are...the Enrollment and Review amendments have been adopted, Mr. President, excuse me. There was an amendment to the bill by Senator Johnson that was adopted; an amendment by Senator Morrissey that was adopted. The next amendment I have, Mr. President, Senator Beck, I have an amendment from you, Senator, AM2266. I have a note that you want to withdraw that one.

SPEAKER BARRETT: Thank you. It is withdrawn.

CLERK: Mr. President, the next amendment to the bill is by Senator Haberman.

SPEAKER BARRETT: It is withdrawn.

CLERK: A second from you, Senator Haberman.

February 14, 1990 LB 42, 159, 313, 642, 851, 856, 857
874, 893, 901A, 957, 960, 964-966, 984
997, 1044, 1064, 1080, 1090, 1161, 1184
1193, 1232
LR 11

SPEAKER BARRETT: Thank you. Mr. Clerk, you have a motion?

CLERK: Mr. President, I have a priority motion by Senator Langford, that's to adjourn the body until February 15, 1990. I assume that's nine o'clock, Senator. I do have some items.

SPEAKER BARRETT: Anything for the record, Mr. Clerk?

CLERK: Yes, I do, Mr. President. I have amendments to be printed to LB 42 by Senator Baack. (See pages 793-94 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 1064 to Select File with Enrollment and Review amendments. LB 851, LB 856, LB 857, LB 874, LB 893, LB 957, LB 964, LB 966, LB 984, and LB 997 are all reported correctly engrossed. Those are signed by Senator Lindsay as E & R Chair. Banking Committee reports LB 1161 to General File with amendments, and LB 1193 as indefinitely postponed, those signed by Senator Landis as Chair of the Banking Committee. (See pages 794-96 of the Legislative Journal.)

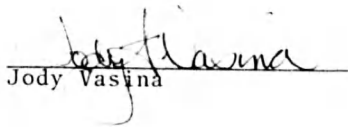
I have a new A bill, Mr. President. (Read LB 901A by title for the first time. See page 796 of the Legislative Journal.)

Mr. President, I have a confirmation report from the Health and Human Services Committee, that is signed by Senator Wesely as Chair. I have a series of priority bill designations. Senator Schellpeper selects LB 1080; Senator Crosby, LB 965; Senator Scofield, LB 1184; Senator Richard Peterson, LR 11CA; and Senator Withem, Education Committee priorities are LB 960 and LB 1090.

Mr. President, Senator Abboud would like to add his name to LB 1044, Senator Crosby and Chambers to LB 642, Senator Elmer and Peterson to LB 159 and AM2372, and Senator Morrissey to LB 1232. I believe that's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The motion before the house is one to adjourn until tomorrow morning at nine o'clock. All in favor say aye. Opposed no. Ayes have it, carried, we are adjourned. (Gavel.)

Proofed by:


Jody Vasina

Mr. President, I have a series of amendments to be printed. Senator Peterson has amendments to LB 1064, Senator Lamb to LB 980. That's all that I have, Mr. President. (See pages 821-22 of the Legislative Journal.)

PRESIDENT: Thank you. May I introduce some guests, please, of Speaker Barrett. Under the south balcony is Larry Langer of Kearney and Chuck Lindsay of Holdrege. Will you gentlemen please stand and be recognized? Thank you for visiting us today. Move on to LB 313.

CLERK: Mr. President, 313 was a bill originally introduced by Senator McFarland. (Read title.) The bill was discussed yesterday by the Legislature, Mr. President. Committee amendments were offered by the Business and Labor Committee, Chaired by Senator Coordsen. There was amendments to those offered by Senators McFarland and Hall. Both of those failed. Senator McFarland moved to reconsider the vote on the Hall amendment. That motion is now pending, Mr. President.

PRESIDENT: Senator McFarland, please.

SENATOR MCFARLAND: Thank you, Mr. President. If permissible, I would like to withdraw the motion to reconsider and take up an amendment that I have submitted and is being passed around and should be received by all the senators and take that up at this time.

PRESIDENT: You wanted to substitute the present one for the one that you had before?

SENATOR MCFARLAND: Yes.

PRESIDENT. All right. Any objection? If not, proceed. (McFarland substitute amendment appears on page 822 of the Legislative Journal.)

SENATOR MCFARLAND: Can I proceed? Thank you, Mr. President. Fellow senators, you may look at the materials that are being distributed to you and this is a committee amendment. You may recall yesterday that I had proposed an amendment which would have increased our unemployment, or excuse me, our workers' compensation maximum weekly benefit to \$275 per week. This would have put us at the very bottom of the states in the Midlands, including our surrounding states. It would have put

March 14, 1990

LB 1031, 1064, 1153, 1222A
LR 239, 292, 293

CLERK: Senator Elmer voting yes. Senator Smith voting yes.

SENATOR HANNIBAL: A roll call vote has been requested. Please take your seats so that the Clerk can call the roll call vote and hear your responses. Senator Chambers, the house is under call. Would you please report to the Chamber. Do you want to wait for Senator Chambers, Senator Hall, or are you ready to go? Mr. Clerk, would you please call the roll.

CLERK: (Roll call vote taken. See page 1365 of the Legislative Journal.) 28 ayes, 7 nays, Mr. President.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: The amendment is adopted. Any matters for the record?

CLERK: I do, Mr. President.

SPEAKER BARRETT: The call is raised.

CLERK: Mr. President, items for the record, amendments to be printed to LB 1064 by Senator Withem; Senator Schmit to LB 1031; Senator Crosby to LB 1153. (See pages 1366-68 of the Legislative Journal.)

Mr. President, new resolutions, LR 292 by Senators Rogers, Dierks, Wehrbein, and Schellpeper calls for an interim study. LB 293 by Senator Schmit asks the Legislature to congratulate the Wahoo High School boys' basketball team. And, Mr. President, a new A bill, LB 1222A by Senator Hartnett. (Read for the first time by title.) And I have amendments to LR 239CA by Senator Schimek to be printed. (See pages 1368-70 of the Legislative Journal.)

SPEAKER BARRETT: The next amendment, Mr. Clerk.

CLERK: Mr. President, I have nothing further to the committee amendments at this time.

SPEAKER BARRETT: We are then addressing the committee amendments. Senator Warner, we now are to the matter of the committee amendments, the adoption of the committee amendments, would you care to take the floor?

March 19, 1990

LB 571A, 656, 1064, 1094
LR 305-309

particular amendment to the bill.

PRESIDENT: The Abboud amendment is withdrawn. Do you have anything else on it, Mr. Clerk?

CLERK: Nothing further on this bill, Mr. President.

PRESIDENT: May I introduce some guests please in the south balcony, guests of Senator Rod Johnson. We have 55 members of the Central City Junior Police Patrol. Would you folks please stand and be recognized by the Legislature, all of you. Thank you for visiting us today. We'll move on to LB 1094 for Final Reading. Mr. Clerk.

CLERK: (Read LB 1094 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1094 pass? All those in favor vote aye, opposed nay.

(Machine malfunction. Some debate lost. Record vote on the passage of LB 1094 can be found on pages 1417-18 of the Legislative Journal. 40 ayes, 2 nays, 5 present and not voting, 2 excused and not voting. LR 305-309 introduced. See pages 1418-22 of the Legislative Journal. LB 571A read by title for the first time. See page 1422 of the Journal.)

PRESIDENT: (LB 1064.) Senator Peterson.

SENATOR PETERSON: I wanted to substitute that other amendment ten...3027.

PRESIDENT: Pardon me? Senator Peterson is asking for a substitute motion. Is there an objection? Senator Wesely.

SENATOR WESELY: I object.

PRESIDENT: You object. Which amendment is next then, Mr. Clerk?

CLERK: Mr. President, Senator Withem would move to amend the bill. (Withem amendment is on page 1366 of the Legislative Journal.)

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Yes, Mr. President, members of the body. My amendment to 1064 is a fairly simple amendment, and I think it's noncontroversial. The only group I could imagine objecting to it might be the Nebraska Hospital Association and they have an amendment, they have a letter on your desk indicating their support of this measure. A few years ago we passed a bill in here that would have...that did put some new standards of regulation on nursing homes concerning their treatment of individuals who were on Medicaid. I had some problems up in my own district of individuals when they'd live in a nursing home for a numbers of years and they would, they would run out of private funds and have to go on Medicaid, they were being asked to vacate the premises because the nursing home chose not to participate in the Medicaid program. This Legislature passed a law saying that they can't do that after a person has lived in that home for 18 months, I believe it is, and is in fact a private-pay individual for that long, that they have to maintain their ability to stay in that nursing home after they go onto Medicaid. The way that was drafted it was not clear whether or not that applied only to freestanding nursing homes or whether it applied to nursing homes that were connected with hospitals. What this particular amendment does is it clarifies for that purpose...purposes of that statute only hospital owned nursing homes are subject to this same specific regulation, not all regulations but this specific regulation. If there are any questions, I'd seek to answer those. If not, I would urge your adoption of the amendment.

PRESIDENT: Thank you. Any further discussion? If not, the question is the adoption of the Withem amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator Withem's amendment.

PRESIDENT: The Withem amendment is adopted. Do you have anything further on the bill, Mr. Clerk?

CLERK: Mr. President, Senator Peterson would move to amend. (Peterson AM3027 appears on pages 1423-27 of the Legislative Journal.)

SENATOR PETERSON: Mr. President, we got a little confusion here and I apologize for that. Last week...I'm going to bring you up

to date a little bit on this, I got concerned about the price tag on an amendment that I published earlier, and sat down with the Health Department and called back to the first responders and they said they couldn't see the need for all that \$59,000 price tag, and so got back to the first responders and they said all we ever wanted was liability, be immune from liability unless of gross negligence, and got a first responder on it. Now, in talking to Senator Wesely, he has some grave concerns because that's not the way he originally intended, he thought the 407 process was responding. So what we're going to do is I'm going to offer this amendment to start with here, see the reaction on the floor, and if this amendment doesn't go, then we'll come in with a...the first responder is going to come in with a bill next year, hopefully, and we'll work it out. This...this first responder is the Emergency Rescue Act which does the following, it just adds the responder...first responder to the Board of Ambulance Advisors, and Section 31 is the finding of the Legislature that the first responder should be trained and certified and the First Responder Emergency Rescue Act be essential to aid in advancement and quality of care being provided by emergency medical services in the state. And Section 34 adds the application for a certificate of training which would require the applicant have successfully passed either the Nebraska Forty Hour Emergency Medical Services-First Responder Course developed by the Department of Health, based on the curriculum of the U.S. Department of Transportation or hold a certificate of the U.S. Department of Transportation Forty Hour Emergency Medical Services, and the Nebraska Fire Service's Fifty-two Hour Firefighter. Section 35, the department, with the approval of the Ambulance Board, shall adopt rules and regulations necessary for the administration of the act, but the rules shall not include setting requirements for training of certified first responders. The Department of Health can deny, suspend or revoke the certificates for violations of the act; permitting, aiding or abetting the commission of any unlawful act, or conduct or practices detrimental to the health or safety of patients or members of the general public. A certified first responder who provides public emergency care or rescue services shall not be liable in any civil action except for limited situations which arise out of the operation of any motor vehicle, aircraft or boat while a person was impaired by alcoholic liquor or a controlled substance. And it was my intention, when I introduced 472 last year, all that the first responders ever wanted was the liability, be immune from liability, and that primarily on a volunteer basis be protected

from civil liability in the performance of such services for their communities. It was then referred to the 407 process during last summer and it was determined that such an act was desirable. In an earlier amendment, the fiscal note showed a need of approximately 59,000 a year to administer this act because the Department of Health thought there needed to be a renewed certificate every three years and continuing education. This is not what the first responders wanted, that part of it. I met last week with them, as I stated earlier, the Department of Health, and I got back to the first responders and they said, well, we're glad you got back to us and we don't want that. So Friday I had these amendments that I got before you, this amendment, determined that since the first responders are getting necessary training and continuing education now, that they felt it would eliminate the need for all this renewal of continuing education requirements because they do it on their own now. And so I ask for the adoption of this amendment.

PRESIDENT: Thank you. Senator Wesely, please, followed by Senator Schellpeper.

SENATOR WESELY: Mr. President and members, Senator Peterson, I think the better course at this time would be to take up a motion that Senator Beyer placed up there to...and lay over this bill. Your amendment deals with an important problem but it is not the amendment that the Health and Human Services Committee adopted out of the 407 review and, as a result, we simply have not had time to review it. I think we can resolve the differences between what you would like and what the bill that came out of committee appears to be. But we can't do it on the floor and we can't in the next few minutes figure out where we're at on it. So I would really ask you to consider taking a couple of days to work with us on it and we'll figure a way out of this. I'm not asking you to respond, I'm just saying that I'd ask that he withdraw the amendment, if he would, please, and let us deal with it in another fashion than trying to fight it out on the floor.

PRESIDENT: Okay, Senator Wesely, please. Were you...you weren't requesting a response? Okay. Senator Schellpeper, please.

SENATOR SCHELLPEPER: Thank you, Mr. President, and members, I would like to ask Senator Peterson some questions. How does your amendment differ from what we discussed in the Health

Committee?

PRESIDENT: Senator Peterson.

SENATOR PETERSON: What this amendment does different is, all this does is going through the 407 it put one member on the board of the Ambulance Advisors and it just eliminates them from the liability of gross negligence. The amendment that was printed earlier was a renewed certificate every three years and continuing education and the first responders didn't want that because they do their own educating and the price tag, doing it this other way, would have made it fiscally no dollars needed and they don't want that.

SENATOR SCHELLPEPER: Okay, thank you. We discussed this a little bit in the Health Committee. Would you be willing to work with the Health Committee or...to work this out rather than...

SENATOR PETERSON: If there's time before now and the end of the session if we can get it done. Senator Wesely says yes.

SENATOR SCHELLPEPER: I think it probably would be best if we tried that...

SENATOR PETERSON: Okay.

SENATOR SCHELLPEPER: ...avenue rather than try to work it out here back and forth. Thank you.

SENATOR PETERSON: Okay, I'll withdraw the amendment if that's in order or take up Senator Beyer's kill motion which would lay it over.

PRESIDENT: Senator Pirsch, please. Pardon me. Okay, the amendment is withdrawn. And we have something else, Mr. Clerk?

CLERK: Senator Beyer, do you still want your motion then, Senator?

SENATOR BEYER: Yeah.

CLERK: Mr. President, Senator Beyer would move to indefinitely postpone. Senator Wesely has the option to lay the bill over as introducer.

March 19, 1990

LB 348, 542, 594, 965, 1032, 1064, 1094
1146, 1236

PRESIDENT: Senator Wesely, what do you say?

SENATOR WESELY: Yeah, lay it over.

PRESIDENT: Lay it over? It is laid over. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 348, LB 542, LB 594, LB 965, LB 1032, LB 1236 and LB 1094. Anything for the record at this time, Mr. Clerk? Then we'll move on to LB 1146.

CLERK: Mr. President, on 1146 the Enrollment and Review amendments have been adopted. There was an amendment by Senator Landis to the bill that was adopted and an amendment to the bill by Senator Schmit that was adopted. I have pending, Mr. President, a motion to indefinitely postpone that was offered by Senator Landis. Senator Schmit agreed to lay the bill over at that time.

PRESIDENT: Senator Landis, do you wish to have that withdrawn?

SENATOR LANDIS: (Microphone not activated) having it withdrawn.

PRESIDENT: Thank you. I learned something today. It is withdrawn.

CLERK: Mr. President, the next motion I have to the bill is by Senator Chambers.

PRESIDENT: Is Senator Chambers about? Not behind the glass? Senator Chambers wishes to withdraw that. That's the sign. Thank you. It is withdrawn.

CLERK: Mr. President, Senator Wesely and Senator Schmit would move to amend the bill. Senator, I've got 3043 in front of me. (The Wesely amendment appears on pages 1428-30 of the Legislative Journal.)

PRESIDENT: Senator Wesely, are you going to handle that?

SENATOR WESELY: Yeah.

PRESIDENT: All right. Please.

SENATOR WESELY: Thank you. Mr. President and members, I

March 30, 1990

LB 688, 1064

the burdens that they bear, the costs that they have to live with, the claims on their time and emotional life, to shoulder up under the burden of being a single parent, low income family in this country. There is very little help, very little assistance, and the wonder that the women in this situation are three times more likely to have an abortion than women who are financially better off. If we wish to resolve the difficulty and pain, the suffering, the cataclysm of abortion, wouldn't a far better place to begin be to attend to the needs of low income women who are economically coerced into this option by the bleak circumstances that arise...

PRESIDENT: Time.

SENATOR LANDIS: ...and for which they must overcome with their lives? That is the place that we should be spending our efforts.

PRESIDENT: Thank you. I understand we have a priority motion. Mr. Clerk, anything for the record?

CLERK: Mr. President, Senator Lindsay has amendments to LB 1064 to be printed. (See pages 1766-67 of the Legislative Journal.)

Mr. President, Senator Langford would move to adjourn until Monday morning at nine o'clock.

PRESIDENT: You have heard the motion. All in favor vote aye, opposed nay. We are on Final Reading, you should be in your seats. Have you all voted? Record, Mr. Clerk. Senator Withem, please.

SENATOR WITHEM: Request a roll call vote.

PRESIDENT: Okay.

SENATOR WITHEM: A call, everybody check in and do a roll call vote.

PRESIDENT: Okay, we are under call, so we should check in. Would you please record your presence. Incidentally, the motion is to adjourn until nine o'clock Monday morning, nine o'clock. Please check in, look up to see if your light is on. Senator Lamb, please. Thank you. We are looking for Senator Labedz, Senator Hartnett, Senator Haberman, and Senator Scofield.

April 2, 1990

LB 1064, 1113A

money saved as a result of that amendment, if we can only find now 2,300 more bills like it, we'll be able to fund that education bill of yours. We'll keep looking.

SPEAKER BARRETT: Thank you. Any other discussion? Senator Moore, any closing?

SENATOR MOORE: Simply move for the adoption of the amendment.

SPEAKER BARRETT: Thank you. The question is the adoption of the Moore amendment to 1113A. All in favor vote aye, opposed nay. Record, please.

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of Senator Moore's amendment to the bill.

SPEAKER BARRETT: The amendment is adopted.

CLERK: I have nothing further on the bill, Mr. President.

SPEAKER BARRETT: Thank you. Senator Wesely, on the bill as amended. Thank you. You've heard the motion to move the bill. Is there discussion? If not, those in favor of its advancement to E & R Initial, please voice aye, opposed nay. Record, please.

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB 1113A.

SPEAKER BARRETT: LB 1113A advances. To Select File, Mr. Clerk, LB 1064.

CLERK: Mr. President, LB 1064 has been discussed on Select File. E & R amendments have been adopted. An amendment to the bill by Senator Withem was adopted. Senator Beyer had moved to indefinitely postpone the bill, laid the bill over. Senator Beyer, it is my understanding you wish to withdraw that kill motion at this time.

SPEAKER BARRETT: It is withdrawn.

CLERK: Mr. President, Senator Lindsay, Wesely, Byars and Labedz would move to amend. The amendment is found on page 1766 of the Journal.

SPEAKER BARRETT: Senator Wesely, will you handle the amendment,

please.

SENATOR WESELY: Yes, thank you. Mr. Speaker, members, Senator Byars, Senator Lindsay and I have, all three of us have worked quite hard on the issue of dealing with this lawsuit problem in home health aides and their ability to practice the sort of work that they have been doing for many years, but now have come under scrutiny by the Health Department. This amendment is LB 688 as it sits on Final Reading and sat there for quite some time on Friday and the fear that we have is that the elements of the bill are vital, absolutely vital, that we must pass the legislation and we must have this take effect this year or we have any number of lawsuits and disruption in our mental retardation system as well as other types of facilities that are affected by these provisions. So all you, if you need to, if you look at LB 688, and I'll give you some background on it, but that is the essence of the bill. It provides for a one-year provision until July 1 of 1991, a hold harmless provision with training requirements for these individuals for this routine health care maintenance procedure so that they wouldn't have to meet the stringent licensure that they had in the past. Simply would ask your adoption of the amendment and I appreciate both Senator Lindsay and Senator Byars' cooperation on this. A lot of time and effort has gone into this compromise and we need to see that it gets done this session.

SPEAKER BARRETT: Discussion? Any discussion on the Wesely et al. amendment? Anything further, Senator Wesely? The question is the...excuse me, Senator Beck.

SENATOR BECK: I just have a question for Senator Wesely, if I could.

SPEAKER BARRETT: Senator Wesely, please.

SENATOR BECK: When we were working with...as the bill went along and moved along, Senator Wesely, there were concerns from some of the nursing personnel and, you know, the bill has kind of been up and down and around now, and it shows up again, and I think that there is definitely a need, but I want to know if their concerns are allayed. The nursing profession was concerned about the bill and if you could just kind of give me the background on that, or that I would know that their concerns are put to rest.

SENATOR WESELY: Senator Beck, I'll go ahead and answer.

SENATOR BECK: Yeah.

SENATOR WESELY: Senator Beck, the situation is we did sit down, Senator Lindsay was involved, Senator Byars was involved and we did meet with the nurses and we tried to recognize their concerns. We had the bill last year, put it through a 407 review process, came back with some recommendations. We've taken those recommendations. We've negotiated further. We've got it only applicable for a one-year period to deal with the crisis that we have right now and then we will continue negotiations, continue to work with the nurses, continue to work with other parties and we'll have to come back and readdress this issue next year, but for now we need this bill and we need it this session. So what I'm saying is, I don't think we've taken care of all their concerns. At the same time, I think they have accepted the fact that we have to deal with this problem and they are accepting of this particular bill at this time and that we'll work with them further to develop the ongoing policy we'll need to have to fully address the issue, but I think at this point, for the most part, they are accepting the situation.

SENATOR BECK: Okay, fine. Thank you, Senator, thank you very much.

SPEAKER BARRETT: Any other discussion? Senator Wesely, would you like to close? The question is the adoption of the amendment. Those in favor vote aye, opposed nay. Record, please.

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of Senator Wesely's amendment to the bill.

SPEAKER BARRETT: The amendment is adopted.

CLERK: I have nothing further pending to the bill, Mr. President.

SPEAKER BARRETT: Thank you. Senator Wesely.

SENATOR WESELY: The bill's advancement.

SPEAKER BARRETT: Would you repeat that, Senator Wesely.

April 2, 1990

LB 843, 1064, 1064A

SENATOR WESELY: I move the bill be advanced, Mr. Speaker.

SPEAKER BARRETT: Thank you. Any discussion? If not, those in favor of the advancement of the bill say aye. Opposed no. Ayes have it, motion carried, the bill is advanced. The A bill.

CLERK: LB 1064A, Mr. President, I have no E & R. Senator Peterson, you had an amendment printed, Senator. I have a note that you wish to withdraw. Is that correct?

SPEAKER BARRETT: It is withdrawn.

CLERK: Mr. President, I have nothing pending to LB 1064A.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1064A be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? If not, those in favor of the advancement of 1064A please say aye. Opposed no. Ayes have it, motion carried, the bill is advanced. LB 843, Mr. Clerk.

CLERK: Mr. President, 843, first item, Senator, are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 843.

SPEAKER BARRETT: Any discussion? If not, shall the E & R amendments to LB 843 be adopted? All in favor say aye. Opposed no. Carried, they are adopted.

CLERK: Mr. President, I now have an amendment from Senator Baack. Senator, with a note this is to be withdrawn. It was one printed on page 1585 of the Journal. To be withdrawn?

SPEAKER BARRETT: Withdrawn.

CLERK: The next amendment, Mr. President, is by Senator Baack. Senator, I have AM3234 in front of me. (Baack amendment appears on pages 1793-94 of the Legislative Journal.)

April 3, 1990

LB 42, 42A, 642, 656, 799, 866, 880
880A, 953A, 1004, 1004A, 1019, 1019A, 1059
1059A, 1064, 1064A, 1080, 1080A, 1113, 1113A
1136, 1146, 1184, 1184A, 1222A
LR 418

CLERK: (Read LB 1222A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is shall LB 1222A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1847 of Legislative Journal.) 44 ayes, 0 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 1222A passes. Do you have something for the record, Mr. Clerk?

CLERK: Mr. President, I do, a new resolution by the Judiciary Committee, (LR 418.) a study resolution. Enrollment and Review reports LB 1064 and LB 1064A as correctly engrossed, both signed by Senator Lindsay as Chair; and LB 1059 and LB 1059A is correctly enrolled. Enrollment and Review reports LB 1113 and LB 1113A to Select File, signed by Senator Lindsay. Amendments to be printed by Senator Hartnett to LB 953A, Senator Hall to LB 866. And, Mr. President, a confirmation report from Transportation Committee signed by Senator Lamb as Chair. That's all that I have, Mr. President. (See pages 1847-52 of the Legislative Journal.)

PRESIDENT: While the Legislature is in session, capable of transacting business, I propose to sign and do sign LB 880, LB 880A, LB 1004, LB 1004A, LB 1080, LB 1080A, LB 1184, LB 1184A, LB 656, LB 1146, LB 42, LB 42A, LB 799, LB 1019, LB 1019A, LB 1059A, LB 1059, LB 1136, LB 1122, correction, LB 1222, and LB 1222A. We're ready to go. Mr. Clerk, do you have something on the desk?

CLERK: Mr. President, motion pending from this morning was one offered by Senator Chambers and that motion was to overrule or change the Speaker's agenda to permit consideration of a suspension motion relating to LB 642.

PRESIDENT: (Gavel). Could we have your attention so we can hear the speaker? Senator Chambers, please.

SENATOR CHAMBERS: Thank you. Mr. Chairman and members of the Legislature, this is a continuation from what I was attempting

April 5, 1990

LB 220, 220A, 571A, 571, 843A, 843, 958
1064A, 1064, 1241, 1244

All in favor vote aye, opposed nay. Have you all voted?
Record.

CLERK: (Record vote read. See page 1979 of the Legislative Journal.) 29 ayes, 0 nays, 8 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 843A passes. LB 958.

CLERK: (Read LB 958 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 958 pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. See page 1980 of the Legislative Journal.) 31 ayes, 1 nay, 5 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 958 passes. LB 1064E.

CLERK: (Read LB 1064 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1064 with the emergency clause attached pass? All in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: (Record vote read. See page 1981 of the Legislative Journal.) The vote is 36 ayes, 0 nays, 1 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1064E passes. And while the Legislature is in session and capable of transacting business I propose to sign and I do sign, LB 571A, LB 571, LB 1241, LB 1244, LB 220, LB 220A, and LB 843. Mr. Clerk, would you read LB 1064A.

CLERK: (Read LB 1064A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1064A pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

April 5, 1990

LB 843A, 958, 1064A, 1064

CLERK: (Record vote read. See pages 1982-83 of the Legislative Journal.) 34 ayes, 0 nays, 3 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1064A passes. Have you any messages on the President's desk?

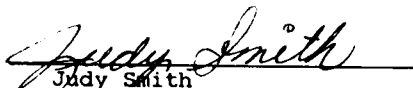
CLERK: I do not have any messages, Mr. President.

SPEAKER BARRETT: Nothing for the record. Senator Wehrbein. While the Legislature is in session and capable of transacting business, I propose and I do sign LB 843A, LB 958, LB 1064, and LB 1064A. Senator Wehrbein, would you be kind enough to adjourn us until Monday morning at eight o'clock.

SENATOR WEHRBEIN: Yes, Mr. Speaker, and members, I will be happy to adjourn us until Monday morning, at 8:00 a.m.

SPEAKER BARRETT: Thank you, sir. All in favor say aye. Opposed no. Carried. We are adjourned until...(recorder turned off).

Proofed by:


Judy Smith

April 9, 1990

LB 220, 220A, 315, 369, 369A, 551, 551A
571, 56, 720, 720A, 799, 851, 896
923, 953, 958, 960, 960A, 980, 980A
994, 994A, 1018, 1063, 1063A, 1064, 1064A
1080, 1090, 1136, 1146, 1184, 1184A, 1244

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber for the last day of the Second Session of the 91st Legislature. We're especially happy to have with us this morning our own Harland Johnson for our prayer of the morning. Would you please rise?

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Harland, and may I say, on behalf of all the members of the Legislature, we have truly appreciated your prayers during the session. They have been very meaningful because you understand us so well, so thank you again. Roll call, please.

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Thank you. Any corrections to the Journal?

CLERK: No corrections this morning, Mr. President.

PRESIDENT: Any messages, reports, or announcements today?

CLERK: Mr. President, a series of messages. First, communications from the Governor. Engrossed...well, before that, Mr. President, bills read on Final Reading as of late last Thursday were presented to the Governor on Thursday evening as of 8:15 p.m. Communications from the Governor, Mr. President, and I might indicate to the members that copies of messages I have received have been distributed and you should have a copy on your desk. Communications to the Clerk: Engrossed LB 1080, LB 1184, LB 1184A, LB 656, LB 1146, LB 799, and LB 1136 were received in my office on April 3 and signed by me on April 6 and delivered to the Secretary of State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) A second communication: Engrossed LB 220, LB 220A, LB 315, LB 369, LB 369A, LB 551, LB 551A, LB 571, LB 720, LB 720A, LB 851, LB 896, LB 923, LB 953, LB 958, LB 960, LB 960A, LB 980, LB 980A, LB 994, LB 994A, LB 1018, LB 1063, LB 1063A, LB 1064, LB 1064A, LB 1090, and LB 1244 were received in my office on April 3 and signed by me on April 7, delivered to the Secretary of the State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) In addition to those items,