

January 10, 1990

LB 567A, 610, 1080-1090  
LR 231

Mr. Clerk, would you proceed.

CLERK: (Roll call vote read. See page 253 of the Legislative Journal.) 22 ayes, 12 nays, Mr. President, on adoption of the resolution.

SPEAKER BARRETT: The resolution is adopted. Anything for the record, Mr. Clerk? New bills?

CLERK: Mr. President, I do.

SPEAKER BARRETT: The call is raised.

CLERK: Mr. President, a hearing notice from the Natural Resources Committee offered by Senator Schmit as Chair.

New bills: (Read LBs 1080-1090 by title for the first time. See pages 254-56 of the Legislative Journal.)

Mr. President, Senator Withem has amendments to be printed to LB 567A and Senator Smith to LB 610.

Mr. President, I have a priority motion.

SPEAKER BARRETT: Mr. Clerk, proceed.

CLERK: Mr. President, Senator Chambers would move to reconsider the vote on adoption of LR 231.

SPEAKER BARRETT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, if the Legislature is going to try to impose some kind of conduct on the other members, it should at least be done by a majority vote of the members of the Legislature. That resolution did not get a majority vote, and I'll tell you something else. The Legislature is governed by the Constitution, the Legislature is also governed by the statutes and the Legislature is governed by its rules. What happens in this Legislature is determined by rules. This resolution did not amend the rules. This resolution's contents does not constitute a rule. It's just a statement and it was passed by less than a majority of the members of the Legislature. So I think it ought to be reconsidered and I think when that next vote is taken we should defeat the resolution and you should put

January 17, 1990

LB 257, 871, 888, 890, 894, 909, 917  
924, 932, 946, 954, 978, 990, 992  
1018, 1028, 1046, 1047, 1079, 1080, 1085  
1104, 1107, 1115, 1118, 1162-1169  
LR 240

Services Committee, all signed by their respective chairs. (Re: LB 1104, LB 992, LB 894, LB 1028, LB 932, LB 909, LB 1079, LR236, LB 1115, LB 1107, LB 890, LB 924, LB 990, LB 1118, LB 978, LB 1018, LB 871, LB 1046, LB 1047, LB 917, LB 1085, LB 954, LB 946, LB 888, LB 1080. See pages 358-59 of the Legislative Journal.)

Mr. President, new bills. (Read LBs 1162-1169 by title for the first time. See pages 359-60 of the Legislative Journal.)

Mr. President, a new resolution by Senators Moore and Hall. (LR 240.) It would propose an amendment to Article VII, Section 10 of the State Constitution. That will be referred to Reference Committee, Mr. President. That's all that I have, Mr. President. (See pages 361-62 of the Legislative Journal.)

PRESIDENT: Thank you. We'll move on to Select File, number 2, LB 257. Mr. Clerk.

CLERK: Mr. President, 257 is on Select File. The first order of business are Enrollment and Review amendments, Mr. President.

PRESIDENT: Senator Baack, would you handle that, please.

SENATOR BAACK: Sure, I would move that the E & R amendments be adopted.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. They are adopted.

CLERK: Mr. President, the first amendment I have to the bill is by Senator Pirsch. I have a note that she wants to withdraw, Mr. President.

PRESIDENT: Senator Pirsch, are you present?

CLERK: She's excused, I believe, Mr. President, until she arrives.

PRESIDENT: Okay, she is present somewhere. We'll withdraw them and check to make sure that's correct.

CLERK: The next amendment, Mr. President, is by Senator Withem. Senator, your amendment is on page...well, it was printed last year.

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 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.)

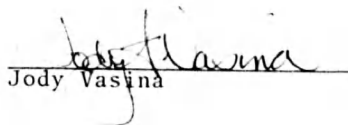
I have a new A bill, Mr. President. (Read LB 901A by title for the first time. See page 796 of the Legislative Journal.)

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

LB 1146.

SPEAKER BARRETT: LB 1146 advances. Items for the record, Mr. Clerk.

CLERK: Mr. President, Senator Hefner has amendments to LB 571 to be printed. Enrollment and Review reports LB 923 and LB 42 to Select File with E & R amendments attached. (See pages 860-62 of the Legislative Journal.)

Mr. President, Senator Hartnett would like to announce there will be a meeting of Urban Affairs at three o'clock this afternoon in Room 1019; Urban Affairs Exec Session, three o'clock in Room 1019 this afternoon. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to General File, LB 1080.

CLERK: Mr. President, LB 1080 was a bill introduced by Senator Schellpeper. (Read title.) The bill was introduced on January 10 of this year, at that time referred to Health and Human Services Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the Health and Human Services Committee.

SPEAKER BARRETT: Chair recognizes Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, members of the Legislature. The bill before you, LB 1080, is a bill introduced by Senator Schellpeper, a very important piece of legislation that deals with the problems brought about by the passage, several years ago, of OBRA legislation by the Congress. This legislation makes a number of changes in standards and requirements for nursing homes across the country. And in our own state we are obviously preparing to implement that legislation as of October 1 of this year. We have a difficulty in a number of areas, and this legislation will allow us to maximize our flexibility in meeting those new standards. The amendments by the committee, number one, exempt ICFMR's from new training requirements that are provided under the bill. Those training requirements are the following--care staff members that now require 90 hours of training would have to have 115 hours; nursing assistants that now have 20 hours of training would have to have 75 hours. These training requirements would be exempted

for ICFMR's, frankly, because of the difficulties right now in our mental retardation system. It's felt that this additional burden would not be appropriate at this time. Additional waivers dealing with nursing requirements that are under OBRA are also changed slightly by the committee amendments. They currently, under the bill, would be a one year waiver. This committee amendment would have them be a maximum of one year, and could be a shorter period of time. These waivers deal with the problem of OBRA requirements for skilled and intermediate care facilities and having a nursing staff, particularly RN nurses. And because of the problems in shortage of personnel in this area there is a provision for waivers under the bill, but the committee amendment would maximize those to one year and allow for a shorter period of time for a waiver, if that would be adequate. Tests are required on the grading...tests are required for these individuals and a grade of 80 percent or higher would be required, and in addition the training that we have, under the bill, would have to meet federal standards. With those explanations, I'd move for the committee amendments.

SPEAKER BARRETT: Thank you. Discussion on the committee amendments as explained by Senator Wesely? Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker and members. I just want to make a point that the committee amendments are the compromise that were worked out with the Nursing Association, the nursing homes and the Health Association. In the original bill the nurses did not quite like it the way we had it worded, and the committee amendments is a compromise that was worked out. So I would just urge that you adopt the committee amendments. Thank you.

SPEAKER BARRETT: Thank you. Any other discussion on the adoption of the committee amendments? Any closing, Senator Wesely? Thank you. The question is the adoption of the committee amendments to LB 1080. Those in favor vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

SPEAKER BARRETT: The committee amendments are adopted. To the bill, as amended. Senator Haberman. I'm sorry. Senator Schellpeper, you haven't opened yet. Proceed.

SENATOR SCHELLPEPER: Mr. Speaker and members, thank you. I think that Senator Wesely probably explained the bill fairly well what it is. I passed out a sheet that also explains what the bill does. I think you all are aware that on October 1 the federal government are coming out with some new regulations, and this will just let the Health Department...would allow some waivers if they think that they need it in the rural areas. This does not say that they have to, but they can allow waivers in rural areas, if there is a nursing shortage, which we have in Nebraska at the present time. We are not backing up on their education, we are not backing up on what they have to have in the nursing homes at the present time. We're just saying that, if they cannot find nurses to staff the nursing homes 24 hours a day, that they can use part-time or have them on-call 24 hours a day, but they don't have to be there 24 hours a day. So I think it's a way to help, to keep our nursing homes in rural Nebraska open and operating without...and still meeting the federal guidelines. I'd be glad to answer any questions, thank you.

SPEAKER BARRETT: Thank you. Mr. Clerk, you have an amendment on the desk?

CLERK: Mr. President, Senator Coordsen would move to amend the bill. (Coordsen amendment is printed on pages 862-64 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. Speaker, members of the body. My amendment is a bill that I introduced this session, LB 948, to also address a problem that has come about in the nursing home industry by OBRA '89. And in that particular Omnibus Budget Reconciliation Act they changed the nomenclature for...or the title of the person who could sign the Medicare/Medicaid forms and those sorts of work in a nursing home from a social service designee to a social worker. And that triggered our state Social Worker Certification Act. I have passed out a copy of the amendment. I would share with you that it will be my intent to adjust our current social worker certification laws to make them more understandable, to ensure that the Department of Health's implementing regulations are written in such a way that the social worker statutes will be enforceable, and that the people who are in 120 bed and larger nursing homes are going to be put out of a job by October 1, 1990, will not be put out of a job. Would also share with you that LB 948 was held in Health

and Human Services Committee with the understanding that I would be given the opportunity to present that on 1080 as an amendment. LB 1080 came up a little quicker than what we had anticipated. This amendment was put together this morning so I could forewarn you of what is going to be coming up on Select File. Senator Wesely, myself and several other interested parties are going to be meeting on the exact wording of this amendment, and we will be introducing it again on Select File. So, Mr. Clerk, at this time I would ask that this amendment be withdrawn.

SPEAKER BARRETT: Thank you, it is withdrawn.

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

SPEAKER BARRETT: Thank you. We are back to a discussion on the bill itself. Senator Wesely.

SENATOR WESELY: Thanks. Real briefly, Mr. Speaker. I appreciate, Senator Coordsen, your withdrawing of that amendment. I agree that we have a problem with the legislation and need to take a look at it. The committee did actually hold and then eventually kill LB 948 with the idea of working with you on this, and we will meet in the next few days to deal with that. In addition, I do commend Senator Schellpeper, again, for this legislation. It's important to rural Nebraska to deal with this problem. And I want to make it very clear to individuals that these standards, these changes are federally mandated, they are not from the Legislature. We get calls, on occasion, from people upset, and we must refer them to the fact that this is federal, not a state problem. But we will try, on the state level as best we can, to deal with it. So I do commend both Senator Schellpeper and Senator Coordsen and look forward to the bill moving forward and dealing with some of these other issues as well.

SPEAKER BARRETT: Thank you. Any other discussion on the advancement of the bill? If not, Senator Schellpeper, would you like to close?

SENATOR SCHELLPEPER: Thank you, Mr. Speaker and members. I think that since there aren't any questions, I would just move for the advancement to E & R of LB 1080. Thank you.

SPEAKER BARRETT: Thank you. Shall LB 1080 be advanced to E & R



initial? Those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on the motion to advance LB 1080.

SPEAKER BARRETT: LB 1080 is advanced. LB 1080A.

CLERK: LB 1080A, Mr. President, is a bill introduced by Senator Schellpeper. (Read title.)

SPEAKER BARRETT: The Chair recognizes Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker and members. I couldn't find the A bill, what the amount was. The amount is \$32,303 that would be to implement this bill. So I would just move that the A bill be advanced. Thank you.

SPEAKER BARRETT: Thank you. Discussion on the A bill? If not, those in favor of the advancement of LB 1080A please vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 1080A.

SPEAKER BARRETT: LB 1080A is advanced. Moving to LB 1094, Mr. Clerk.

CLERK: LB 1094, Mr. President, offered by Senator Haberman. (Read title.) The bill was introduced on January 10 of this year, at that time referred to the Banking, Commerce and Insurance for public hearing. The bill was advanced to General File. I have committee amendments pending by the Banking Committee, Mr. President.

SPEAKER BARRETT: Chair recognizes Chairman Landis.

SENATOR LANDIS: Thank you, Mr. Speaker, members of the Legislature. LB 1094 comes to us from the small loan industry. And Senator Haberman is the introducer. The bill came out of the Banking Committee five to two, and there is a committee amendment. The purpose of the bill is to permit the small loan companies from writing one insurance transaction when they have multiple insurance policies being purchased. Currently, a small loan company cannot only write credit life to accompany the loan

February 20, 1990

LB 39, 290, 339, 618, 688, 771, 899  
900, 941, 980A, 982, 990, 1009, 1032  
1041, 1066, 1073, 1080, 1173, 1195, 1195A  
1200, 1219, 1236, 1240  
LR 257

SPEAKER BARRETT: Any discussion? If not, shall the committee amendments be adopted? All in favor vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SPEAKER BARRETT: The committee amendments are adopted. To the bill as amended. Senator Lindsay.

SENATOR LINDSAY: Mr. President, I think the bill, as explained, as I mentioned, the amendment became the bill, and that is what we're dealing with now. I think I've explained that, some of the other senators, I think, have also discussed that. What I'd do is just be available to answer questions.

SPEAKER BARRETT: Any discussion? Any questions? If not, those in favor of the advancement of the bill to E & R initial please vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB 688.

SPEAKER BARRETT: LB 688 is advanced. Matters for the record, please.

CLERK: Mr. President, the Speaker announces selection of Speaker priority bills that include LB 39, LB 290, LB 339, LB 618, LB 771, LB 899, LB 900, LB 941, LB 982, LB 1009, LB 1032, LB 1041, LB 1066, LB 1073, LB 1173, LB 1195, LB 1200, LB 1219, LB 1236, and LB 1240.

Mr. President, new A bills, (Read LB 980A and LB 1195A by title for the first time. See page 867 of the Legislative Journal.)

A reminder, Mr. President, the Urban Affairs Committee will meet in Exec Session at three o'clock this afternoon. Revenue Committee will hold an Exec Session at one-twenty in the Senate Lounge; Revenue, one-twenty in the Senate Lounge, Mr. President. Senator Haberman has amend...or would like to add his name to LB 1080 and to LB 990 as co-introducer.

Mr. President, new resolution offered by Senator Chambers. (Read brief synopsis of LR 257. See pages 867-68 of the

February 22, 1990      LB 313, 579, 688, 830, 831, 834, 888  
917, 923, 932, 938, 946, 954, 978  
987, 987A, 994, 994A, 1037, 1067, 1077  
1080, 1080A, 1094, 1102, 1109, 1165, 1178  
1217  
LR 259

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning for our invocation, Reverend Dr. Norman E. Leach who is the Executive Director of the Lincoln Interfaith Forum. Would you please rise for the invocation?

REVEREND LEACH: (Prayer offered.)

PRESIDENT: Thank you, Dr. Leach, we appreciate your being here this morning. Please come back. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. Any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: Any messages, reports or announcements?

CLERK: Mr. President, Enrollment and Review respectfully reports they have carefully examined and reviewed LB 1080 and recommend that same be placed on Select File, LB 1080A, LB 1094, LB 688, LB 579, LB 994, LB 994A, LB 830, LB 938, LB 834, LB 987, LB 987A, LB 978, LB 888, LB 917, LB 946, LB 954, LB 1077, LB 1037, LB 1067, LB 831, LB 932, LB 1178, LB 1102, LB 1109, LB 1165 and LB 1217, all reported to Select File, some have E & R amendments attached. (See pages 904-08 of the Legislative Journal.)

Mr. President, amendments to be printed, Senator Crosby to LB 923, Senator Coordsen to LB 313. (See page 908 of the Legislative Journal.)

New resolution by Speaker Barrett. (Read brief description of LR 259. See pages 908-09 of the Legislative Journal.) That will be laid over.

A series of appointment letters from the Governor. Those will be referred to the Reference Committee for confirmation hearing.

Finally, Mr. President, a report from the Board of Public Roads Classifications and Standards. That will be on file in my

PRESIDENT: Thank you. The question is the advancement of the A bill. All those in favor vote aye....Oh, excuse me. The question is the adoption of the Scofield amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: The Scofield amendment is adopted. Senator Scofield, on the advancement of the bill.

SENATOR SCOFIELD: I would move the bill.

PRESIDENT: Thank you. The question is the advancement of the bill. All those in favor say aye. Opposed nay. It is advanced. Anything for the record, Mr. Clerk, at this time?

CLERK: I do, Mr. President, thank you. I have a hearing notice from Natural Resources for gubernatorial appointment. (See page 1080 of the Legislative Journal.)

Senator Coordsen has amendments to LB 1080 to be printed in the Journal. (See pages 1080-83 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Very good. We will move on to LB 159, please.

CLERK: Mr. President, 15 the first order of business are Enrollment and Review amendments.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 159.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. They are adopted.

CLERK: Mr. President, the first amendment I have to the bill is by Senator Kristensen.

PRESIDENT: Senator Kristensen, please.

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

March 5, 1990

LB 260, 594, 923, 953A, 955, 1059, 1080  
1094, 1222, 1238

CLERK: I have E & R, Senator, to 594.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 594.

SPEAKER BARRETT: Any discussion? Shall the E & R amendments to 594 be adopted? All in favor say aye. Opposed no. The ayes have it. They are adopted.

CLERK: I have nothing further, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I'd move that LB 594 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Thank you. Is there discussion? Seeing none, those in favor of the advancement of LB 594 as amended, please say aye. Opposed no. The ayes have it, carried. The bill is advanced. Mr. Clerk, have you matters for the record?

CLERK: I do, Mr. President. I have amendments to LB 1238 by Senator Dierks; Senator Landis has amendments to LB 953A; Senator Withem, amendments to LB 1059; Senator Conway, LB 1094; Senator Coordsen to LB 1080; Senator Byars to LB 1222. (See pages 1161-67 of the Legislative Journal.)

Mr. President, Government Committee gives notice of hearing, signed by Senator Baack. The Appropriations Committee reports LB 955 to General File, that is signed by Senator Warner as Chair of the committee. And Senator Abboud would like to add his name to LB 260 as co-introducer, Mr. President. And, Mr. President, a motion to reconsider adoption of the Wesely amendment, AM2825, to LB 923. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Wesely.

SENATOR WESELY: Yes, Mr. Speaker, I would move that we adjourn until tomorrow morning at 9:00 a.m.

SPEAKER BARRETT: You have heard the motion to adjourn until

March 7, 1990

LB 976, 1031, 1080, 1146  
LR 272, 273, 274

Senator Landis. That motion would be to indefinitely postpone. Senator Schmit, as primary introducer, has the option to lay the bill over, Mr. President.

SPEAKER BARRETT: Senator Schmit, please.

SENATOR SCHMIT: I move to lay the bill over, Mr. President.

SPEAKER BARRETT: The bill is laid over. For the record.

CLERK: Yes, Mr. President, I do. Mr. President, Senator Coordsen has amendments to LB 1031 to be printed; Senator Langford to LB 976. (See pages 1240-41 of the Legislative Journal.)

Mr. President, new resolutions. LR 272 by Senator Abboud. (Read brief description as found on pages 1238-39 of the Legislative Journal.) That will be laid over. Mr. President, LR 273 by Senator Rod Johnson. (Read brief description as found on page 1239 of the Legislative Journal.) And LR 274 by Senator Johnson. (Read brief description as found on pages 1239-40 of the Legislative Journal.) All three of those resolutions will be laid over, Mr. President. That's all that I have at this time.

SPEAKER BARRETT: Thank you. Proceeding then to LB 1080.

CLERK: Mr. President, the first order of business on LB 1080 are adoption...or consideration, I should say, of Enrollment and Review amendments.

SPEAKER BARRETT: The Chair recognizes Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 1080.

SPEAKER BARRETT: Any discussion? Senator Wesely. Seeing none, those in favor of the adoption of the E & R amendments, please say aye. Opposed no. Ayes have it. Motion carried. They are adopted.

CLERK: Mr. President, Senator Coordsen would move to amend the bill. Senator, I have your AM2800 before me.

SPEAKER BARRETT: The Chair recognizes Senator Coordsen.

SENATOR COORDSEN: Is this the first one?

CLERK: This...well, 2765, I understand you want to withdraw, Senator.

SENATOR COORDSEN: Right. Right.

CLERK: Is that right? Okay. Then, Senator...

SENATOR COORDSEN: Okay, 2800 is the amendment.

CLERK: Right.

SENATOR COORDSEN: AM2800 is a negotiated-out version of what was LB 948 which addressed a problem that had been brought about in the nursing home industry because of a change of terminology in federal regulations in the OBRA '89 in which some people who worked in nursing homes and had a responsibility for social service activities in those homes were faced by...with a real possibility of losing their jobs because of a change of the terminology of that job. The Association of Social Workers had some problems with the original bill as how it might impact all of those people who are either a certified master social worker or certified social workers. I had introduced this amendment on General File and then pulled it and we had a meeting of the affected parties in Senator Wesely's office with the nursing home industry and the social workers in place. Amendment 2800 then is a provision in the nursing home industry that would provide that those people that are currently employed in positions that are required to be called social workers would be able to be grandfathered in if they had been engaged in the actual practice of social work at least 20 hours per week for three of the past seven years prior to the effective date of this act. It has a final date for grandfathering of October 1, 1991 and it has another provision that those who have a degree in social work from a nonapproved course or a related field and have actually been engaged in the practice of social work in a nursing home for at least 1,000 hours may also apply by October 1, 1991 for certification as a social worker. This bill relates only to those people who are currently employed in nursing homes in those types of activities. Little bit of history that when the original nursing home...or the original social worker legislation was passed, these people felt that they were excluded from the certifying process because of the

exemption that existed for state employees or entities that contracted with the state. So there was not an effort at that time to get people to become grandfathered in in the nursing home industry in the same fashion that it was taken care of in other phases of social work. So this doesn't allow people with a different type of experience to be grandfathered in than those that were grandfathered in under the original bill. With that, I would move for the adoption of this amendment.

SPEAKER BARRETT: Thank you, sir. Discussion on the Coordsen amendment. Senators Wesely and Schellpeper.

SENATOR WESELY: Thank you, Mr. Speaker and members, we did try to work with Senator Coordsen and the other parties concerned about this matter and they are very pleased that we reached a compromise. It essentially comes down to this that the OBRA...when we...before we get to the OBRA I want to talk about when we passed the social worker legislation it was clearly stated on the floor and in the record that we were not intending to have anybody forced to hire social workers. However, though we did keep our promise in terms of the state, the federal government did pass through OBRA a mandate that social workers be certified and so, in fact, we did end up forcing people to hire social workers. Now, as a result of that, the nursing home industry which had not felt that they were required to hire social workers hadn't had their individuals go through the grandfather or grandmother clause that we had provided for in the social work legislation and thus hadn't had their individuals who had been involved in this granted some sort of recognition or social work legislation. So, as a result, when the OBRA came in and the other complicating factors came together, the nursing homes really did face a problem and Senator Coordsen brought it to the attention of the Health and Human Services Committee. So we did sit down and recognize that 1080 does deal with the OBRA legislation, does deal with trying to conform to it. But how do we get at the problem social workers have with not wanting to open up and letting anybody into social work after they've worked so hard to get their legislation through and at the same time recognize the nursing homes' problem? And so the compromise we reached was in those cases of individuals involved in nursing homes that are out there doing their job and probably should have been under the grandfather, grandmother clause, whatever you want to call it, and didn't get done in time, didn't get...I'm doing that for Senator Smith so she knows I'm open-minded about these things,



March 7, 1990

LB 948, 949, 1080

but anyway the feeling was that we needed to focus in on that problem and not open it up beyond that. And I think Senator Coordsen's amendment is right on target, should help the nursing home industry, not hurt the social workers, not hurt the intent of that original legislation and deal with a pretty important problem. I'm very pleased with this compromise. I hope you will vote for it.

SPEAKER BARRETT: Thank you. Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker, and members, I, too, rise to support Senator Coordsen. I want the body also to know that this is not LB 948 or LB 949. There was a lot of letters that we all received on those bills. This is a compromise version that was worked out and I think it's been worked out with all of the parties involved, so this is not LB 948. So I do support the amendment. Thank you.

SPEAKER BARRETT: Any other discussion on the amendment? Senator Coordsen, for a closing statement.

SENATOR COORDSEN: Just to move the adoption of the amendment.

SPEAKER BARRETT: Thank you. The question is the adoption of the Coordsen amendment to LB 1080. All in favor vote aye, opposed nay. Record.

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

SPEAKER BARRETT: The Coordsen amendment is adopted.

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

SPEAKER BARRETT: Thank you. We're back to the matter of advancing LB 1080. Any discussion? Seeing none, Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1080, as amended, be advanced to E & R for Engrossing.

SPEAKER BARRETT: Thank you. Any discussion? If not, those in favor of the motion to advance 1080 to E & R Engrossing say aye. Opposed no. Ayes have it. Motion carried. The bill is advanced. To the A bill, Mr. Clerk.

March 12, 1990

LB 571, 656, 688, 880, 923, 960, 960A  
1031, 1080, 1080A, 1094, 1184, 1184A

Warner and the Appropriations Committee, because of a variety of circumstances, the right people were not there at any given time, doesn't really mean that it might not have passed out of the appropriations process. You can do what you want. I have not went around and counted noses on this issue. I have an abiding faith in the members of this body to do what's right. It's up to you. I would move the advancement of the amendment.

SPEAKER BARRETT: Thank you. And the question before the body is the adoption of the Coordsen amendment to the committee amendments to LB 1031. Those in favor of that motion vote aye, opposed nay. Senator Coordsen.

SENATOR COORDSEN: Yes, since most of us are here, a quick call of the house and roll call vote.

SPEAKER BARRETT: Thank you. Shall the house go under call? All in favor vote aye, opposed nay. Record, please.

CLERK: 24 ayes, 1 nay, Mr. President, to go under call.

SPEAKER BARRETT: The house is under call. Members, please return to your seats and record your presence. Senator Warner, please check in. Senator Chambers, the house is under call. Senator Schmit, please. Senators Hall, Rod Johnson, Schmit and Chambers, the house is under call. Senator Coordsen, you are ready to proceed with a roll call? The question is the Coordsen amendment, the adoption of the Coordsen amendment. Members, please take your seats for roll call vote. Mr. Clerk, proceed with the roll call.

CLERK: (Roll call vote read. See pages 1308-09 of the Legislative Journal.) 22 ayes, 16 nays, Mr. President, on the adoption of the amendment.

SPEAKER BARRETT: The motion fails and the call is raised. Anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 571 and find the same correctly engrossed; LB 656, LB 688, LB 880, LB 923, LB 960 and LB 960A, LB 1080, LB 1080A, LB 1094, LB 1184, LB 1184A. (See pages 1309-1312 of the Legislative Journal.)

April 3, 1990

LB 1004, 1004A, 1080, 1080A, 1184

PRESIDENT: LB 1004 passes. LB 1004A.

CLERK: (Read LB 1004A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1004A pass? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 1830 of the Legislative Journal.) 33 ayes, 7 nays, 6 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 1004A passes. LB 1080.

CLERK: (Read LB 1080 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1080 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 1831 of the Legislative Journal.) 43 ayes, 0 nays, 3 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 1080 passes. LB 1080A.

CLERK: (Read LB 1080A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1080A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1831-32 of the Legislative Journal.) 43 ayes, 0 nays, 4 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 1080A passes. LB 1184 with the emergency clause attached.

CLERK: (Read LB 1184 on Final Reading.)

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 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,