

January 12, 1990

LB 422, 520, 1012, 1050, 1124, 1125

five minutes and we've cleaned it up a little bit and we moved it on. We didn't have to go to Select File and wait, and we can do these things. It's possible to be done and I appreciate the members. Thank you.

SENATOR LABEDZ: Senator Abboud, there are no further lights on, would you like to close on the advancement of LB 422?

SENATOR ABOUDD: I think we've had a good discussion and I would just move the bill.

SENATOR LABEDZ: Thank you. We're voting on the advancement of LB 422 as amended. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Madam President, on the advancement of 422.

SENATOR LABEDZ: LB 422 is advanced to E & R Initial. Do you have anything to read in, Mr. Clerk?

CLERK: Madam President, I do. New bills. (Read LB 1124 and LB 1125 by title for the first time. (See pages 305-06 of the Legislative Journal.)

Madam President, I have amendments to be printed to LB 520. That is offered by Senators Dierks and Schellpeper. (See pages 306-09 of the Legislative Journal.)

Madam President, a motion from Senator Wesely to withdraw LB 1012. That will be laid over pursuant to Legislature's rules. (See page 309 of the Legislative Journal.)

I have a report of registered lobbyists for the week of January 9 through January 11.

And, Mr. President, hearing notice from the Government, Military and Veterans Affairs Committee. It is signed by Senator Baack as Chair of the committee.

And finally, Senator Bernard-Stevens would like to add his name to LB 1050 as co-introducer.

SENATOR LANDIS PRESIDING

January 17, 1990

LB 163, 821, 822, 823, 824, 825, 826
827, 828, 829, 1102-1135, 1158-1161

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated) ...pastor at UN-L, and now is pastoral associate at Trinity Lutheran Church here in Lincoln. Would you please rise for the invocation.

DR. NORDEN: (Prayer offered.)

PRESIDENT: Dr. Norden, thank you for being with us again, we appreciate it. Come back again. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. Do you have any messages, reports or announcements this morning?

CLERK: Mr. President, Reference Report referring LBs 1102-1135, as well as three gubernatorial appointments to the appropriate standing committees for hearing. (See pages 348-49 of the Legislative Journal.)

Received a report from the Department of Roads filed pursuant to statute, Mr. President. That's all that I have.

PRESIDENT: Would you like to introduce any new bills, or would you not like to?

CLERK: Mr. President, I'm sorry, I do have some other items. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 821 and recommend that same be placed on Select File; LB 822, LB 823, LB 824, LB 825, LB 826, LB 827, LB 828, and LB 829, all on Select File, some of which have E & R amendments attached, Mr. President. Now, that's all that I have, Mr. President. (See pages 350-51 of the Legislative Journal.)

PRESIDENT: New bills, please.

CLERK: Mr. President, new bills. (Read LBs 1158-1161 by title for the first time. See page 352 of the Legislative Journal.) That's all that I have at this time, Mr. President.

PRESIDENT: We'll move on to General File then, LB 163.

March 2, 1990

LB 96, 98, 118, 304, 307, 317, 428
430, 473, 518, 536, 675, 677, 735
770, 796, 797, 896, 898, 899, 905
920, 998, 999, 1018, 1019, 1031, 1125
1136, 1170, 1198, 1207, 1211, 1220, 1222

PRESIDENT: Okay, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: 26 ayes, 0 nays on the advancement of the bill, Mr. President.

PRESIDENT: LB 1222 is advanced. Mr. Clerk, anything for the record?

ASSISTANT CLERK: Mr. President, I have a series of items. Your Committee on Appropriations, whose Chairperson is Senator Warner, to whom was referred LB 1031, reports the bill to the full Legislature with committee amendments; LB 1125, to General File; LB 920, to General File; LB 1170, to General File with amendments; LB 536, General File with amendments; LB 1220, to General File; LB 896, to General File; LB 898, to General File; LB 899, to General File; LB 96, indefinitely postponed; LB 98, indefinitely postponed; LB 118, indefinitely postponed; LB 304, indefinitely postponed; LB 307, indefinitely postponed; LB 317, indefinitely postponed; LB 428, indefinitely postponed; LB 430, indefinitely postponed; LB 473, LB 518, LB 675, LB 677, LB 735, LB 770, LB 796, LB 797, LB 998, LB 999, LB 1198, LB 1207, all indefinitely postponed; and LB 1211 and LB 905, advanced to General File with committee amendments. (See pages 1131-37 of the Legislative Journal.)

Senator Landis would ask to print amendments to LB 1136 in the Journal. (See pages 1137-38 of the Legislative Journal.) Senator Warner has asked to announce an Executive Session of the Appropriations Committee in Room 1003, upon adjournment today. And I have a request from Senator Ashford to add his name to LB 1018 and LB 1019.

PRESIDENT: No objections, so ordered.

ASSISTANT CLERK: Then, Mr. President, I have a priority motion. Senator Hannibal would move that we adjourn until March 5, 1990, at 9:00 a.m.

March 15, 1990

LB 1031, 1125

fortunately, will not be necessary as there are no other speakers. Senator Schmit, do you wish to close?

SENATOR SCHMIT: Mr. President, and members, I appreciate the comments and the support the amendment has been given. I believe that the members of the Appropriations Committee have recognized that there is a substantial amount of good reasoning that would support the appropriation and I would hope that you would give it an affirmative vote, and thank you very much.

SENATOR LAMB: The motion is the adoption of the amendment by Senator Schmit. Those in support vote aye, those opposed vote no. Have you all voted? Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Schmit's amendment.

SENATOR LAMB: The amendment is adopted.

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

SENATOR LAMB: On the bill, Senator Warner.

SENATOR WARNER: Mr. President, I move the bill be advanced to E & R Initial.

SENATOR LAMB: The motion is to advance LB 1031. All those in support vote aye, those opposed vote no. Have you all voted? Record, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB 1031.

SENATOR LAMB: The bill is advanced. Next bill, Mr. Clerk.

CLERK: Mr. President, the next bill is LB 1125. It was introduced by the Appropriations Committee. (Read title.) The bill was introduced on January 12 of this year, referred to the Appropriations Committee. The bill was advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR LAMB: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, and members of the Legislature,

this bill is one which has become an annual requirement since the enactment of the State Employees Collective Bargaining Act. Under that act, you will recall that there are some items that can be negotiated in the bargaining process with the represented employees in which there are statutory provisions that govern those particular items. Under that act, it was LB 661, as I recall, it did permit in those selected areas for bargaining to, in effect, bargain something that was in state statute. However, for all employees who are not represented and the constitutional officers, those items that are in statute are binding, and so we have annually introduced legislation to provide the same benefits for the nonrepresented employees as the represented employees and this is what this bill does. It will extend those same requirements. The budgeting in all cases were made on the basis that those benefits would be equal for represented and nonrepresented employees. I would move the bill be advanced.

SENATOR LAMB: Is there any discussion on the bill? If not, Senator Warner, would you care to close? Senator Warner waives closing. The motion is the advancement of LB 1125. Those in support vote aye, those opposed vote no. Have you all voted? Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 1125.

SENATOR LAMB: The bill has been advanced. Next bill, Mr. Clerk.

CLERK: Mr. President, LB 920 was a bill introduced by Senator Warner. (Read title.) The bill was introduced on January 3 of this year, referred to Appropriations, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR LAMB: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, LB 920 creates the Public Safety Cash Fund. Currently, I am sure many of you will recall, there are under some circumstances federal funds that are received by the Patrol relating to drug forfeitures or confiscated property, and any of those items would be deposited in this newly created fund. What currently happens now, it is deposited into another cash fund within the Patrol, and by making it a separate fund, it will be much

March 19, 1990

LB 315, 536, 898, 899, 920, 1031, 1125
1126, 1170, 1220
LR 310, 311

all would want to be treated if we were in that same situation. If any of us were in a circumstance where we were in a drug and alcohol problem, lost our jobs and wanted to deal with that problem, hadn't the resources, and at that time faced with an inability to get unemployment benefits, out of work, no future, what kind of situation are these people going to be in? The problem that they have is only going to get worse. Let's try and make it better. Let's try and deal with that drug problem and getting them into treatment. I ask your support for this amendment.

SPEAKER BARRETT: Thank you. The question is the adoption of the Wesely amendment to LB 315. All in favor of that motion vote aye, opposed nay.

SENATOR WESELY: I'll take a record vote and that will be fine.

SPEAKER BARRETT: Thank you. Record, Mr. Clerk. A record vote has been requested.

CLERK: (Read record vote. See pages 1436-37 of the Legislative Journal.) 12 ayes, 19 nays, Mr. President, on the amendment.

SPEAKER BARRETT: Motion fails. Next item.

CLERK: Mr. President, may I read some items before we proceed?

SPEAKER BARRETT: Yes, proceed.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 1031 and recommend the same be placed on Select File; LB 1125, LB 920, LB 1170, LB 536, LB 1220, LB 1126, LB 898, LB 899, all of those to Select File, some of which have E & R amendments attached. (See pages 1437-40 of the Legislative Journal.)

And, Mr. President, study resolutions. (Read introduction of LR 310 and LR 311 by title for the first time. See pages 1440-41 of the Legislative Journal.) Both will be referred to the Executive Board.

Mr. President, the next amendment I have to the bill is by Senator Coordsen. Senator Coordsen's amendment is on page 1350 of the Journal.

SPEAKER BARRETT: The house is under call. Members, please record your presence. Those outside the Legislative Chamber, please return. The house is under call. Senator Nelson, please. Senator McFarland. Senators Ashford, Schmit, and Scofield, please, the house is under call. Senator Goodrich, may we proceed now. Thank you. Request for a roll call in reverse order. Again, the question is the adoption of the Goodrich amendment. Mr. Clerk, call the roll.

CLERK: (Roll call vote taken. See pages 1567-68 of the Legislative Journal.) 12 ayes, 14 nays, Mr. President, on the amendment.

SPEAKER BARRETT: Motion fails. The call is raised.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1031, as amended, be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? Seeing none, all in favor of the advancement of 1031, as amended, say aye. Opposed no. The ayes have it. Motion carried. The bill is advanced. It would be my hope, ladies and gentlemen, that we could perhaps advance just a few more of the appropriations bills which are presently unamended, specifically, 1125, 1170, 536, 1220, 1126, and 899. Mr. Clerk.

CLERK: LB 1125, Mr. President, I have Enrollment and Review amendments, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 1125 be adopted.

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

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

SPEAKER BARRETT: Senator Lindsay.

March 21, 1990

LB 536, 1125, 1170

SENATOR LINDSAY: Mr. President, I move that LB 1125, as amended, be advanced to E & R for engrossment.

SPEAKER BARRETT: Shall 1125 be advanced? All in favor say aye. Opposed no. Carried. It is advanced. Mr. Clerk, LB 1170.

CLERK: Mr. President, on 1170, I have E & R amendments, first of all, Senator.

SPEAKER BARRETT: Chairman Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 1170 be adopted.

SPEAKER BARRETT: Any discussion? If not, shall the E & R amendments be adopted to 1170? All in favor say aye. Opposed no. Carried. They are adopted.

CLERK: I have nothing further on that bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1170, as amended, be advanced to E & R for engrossment.

SPEAKER BARRETT: Is there discussion? If not, those in favor of its advancement please say aye. Opposed no. Carried. The bill is advanced. LB 536.

CLERK: I have E & R on 536, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 536.

SPEAKER BARRETT: Any discussion? Shall the E & R amendments be adopted to 536? All in favor say aye. Opposed no. Carried. They are adopted.

CLERK: I have nothing further on that bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

March 27, 1990

LB 315, 536, 551, 551A, 799, 898, 899
920, 1019, 1019A, 1031, 1125, 1126, 1136
1170, 1220, 1246

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber. Please stand. The opening prayer of the day by Pastor Robert Bye of the First Presbyterian Church of Plattsmouth, Nebraska, Senator Wehrbein's district. Pastor Bye. (Gavel.)

PASTOR BYE: (Prayer offered.)

SPEAKER BARRETT: Thank you so much, Reverend Bye. Please come back again. Roll call.

PRESIDENT NICHOL PRESIDING

PRESIDENT: I understand we're about ready to start. Mr. Speaker, would you explain the progression we're going to follow, please.

SPEAKER BARRETT: Yes, thank you, Mr. President and members. Obviously we do have a problem with the electronic voting board this morning. Apparently everything else is working. The microphones and the panels on either side of the board are okay, so rather than waste some time waiting for repair people to arrive on the scene, I'd recommend we get started and when it comes to casting a vote, we'll have to either use hands, voice vote or, of course, a roll call. So if we can put up with the inconvenience for a short while, we should be back in business as soon as the repair people are on site. Mr. President, I'd suggest we go ahead with the first item on the agenda.

PRESIDENT: Okay, thank you. Have you any corrections, Mr. Clerk?

CLERK: I have no corrections this morning, Mr. President.

PRESIDENT: Do you have any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 1246 and recommend that same be placed on Select File with E & R amendments attached. Mr. President, Enrollment and Review also reports they have carefully engrossed LB 315 and find it correctly engrossed as well as LB 536, LB 551, LB 551A, LB 799, LB 898, LB 899, LB 920, LB 1019, LB 1019A, LB 1031, LB 1125, LB 1126, LB 1136, LB 1170 and LB 1220, all of those reported

March 29, 1990

LB 1031, 1125, 1170

permit Final Reading today.

SENATOR McFARLAND: The rules are suspended. If members will return to their seats and unauthorized persons will leave the floor, we'll proceed with Final Reading. Thank you. Will all members return to their seats so we can proceed with Final Reading. Mr. Clerk, please proceed with the reading of LB 1031E.

CLERK: (Read LB 1031E on Final Reading.)

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1031 with the emergency clause attached pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Read record vote. See page 1684 of the Legislative Journal.) 39 ayes, 1 nay, 3 present and not voting, 6 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1031E passes. LB 1125E.

CLERK: (Read LB 1125 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1125 with the emergency clause attached pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Read record vote. See page 1685 of the Legislative Journal.) 41 ayes, 0 nays, 2 present and not voting, 6 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1125E passes. LB 1170E, Mr. Clerk.

CLERK: (Read LB 1170E on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1170 with the emergency clause attached become law? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1686 of the Legislative

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LB 163, 163A, 164, 164A, 187, 536, 898
899, 1031, 1125, 1126, 1170, 1220

us. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 1031, LB 1125, LB 1170, LB 536, LB 1220, LB 1126, LB 898, LB 899, LB 163, LB 163A, LB 164 and LB 164A. (See page 1695 of the Legislative Journal.) Senator Wesely, further discussion on the motion to return the bill.

SENATOR WESELY: Yes, Mr. Speaker, members, just very briefly, I rise to indicate for the record why it is I'm going to change position today on this bill. I have supported the concept of the state participating in the cost of indigent care. I have worked and led task forces and introduced legislation to this effect, but I've had conversations with the Nebraska Hospital Association about the two-way street we live on and then that two-way street, when additional public tax dollars go into any particular area, it seems to me that an amount of accountability is in order and unfortunately we have had a desire on the part of the hospitals in particular to ask and request for Medicaid increases, for this legislation on indigent care reimbursement and additional public monies, but when requested to participate in different health care cost containment initiatives they object and block every effort we make practically. For instance, I remember last year on certificate of need their efforts blocked my concerns about certificate of need and that process to contain costs was weakened dramatically as a result of legislation promoted by the Hospital Association last year. This year we have a health care cost data bill that has got the support of a number of different organizations and interests with the exception of the Hospital Association and they are working very hard, as you all know, to block that piece of legislation. If we were able to pass that, if we were able to work with them on the cost containment side of things, I very much support the work of Senator Lynch and those in support of LB 187. The concept is valid. The state should take a responsibility in this area, but before further monies get spent in this field or any other field that go into the hospitals in particular in this state it seems to me appropriate to ask those hospitals to work with us, the public, the taxpayers, the Legislature, to try and deal with the cost issue, the cost containment problem that we have across the State of Nebraska and across this country. And as long as the hand is out to receive the money but there is no assistance whatsoever to help us deal with the cost of this, I, for one, feel unable to support further funding in this manner. I would want to add that in some of the data, in some of the information we have

March 29, 1990

LB 163, 163A, 164, 164A, 187, 187A, 259
259A, 260, 260A, 272A, 313, 313A, 338
488, 488A, 503, 503A, 520, 520A, 536
567, 567A, 662, 898, 899, 1031, 1125
1126, 1170, 1220

morning visiting in the south balcony. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 520, LB 520A, LB 567, and LB 567A. Senator Lynch, please check in. Senator Byars. Senator Schimek, please. Senator Labedz. Members will return to your seats for a roll call vote. Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1713-14 of the Legislative Journal.) 14 ayes, 33 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: Motion fails. Mr. Clerk, have you a priority motion?

CLERK: I do, Mr. President. May I read some items?

SPEAKER BARRETT: Proceed.

CLERK: Mr. President, amendments to be printed to LB 338 by the Health and Human Services Committee. (See pages 1714-17 of the Legislative Journal.)

Messages that bills read on Final Reading this morning have been presented to the Governor. (Re: LB 1031, LB 1125, LB 1170, LB 536, LB 1220, LB 1126, LB 898, LB 899, LB 163, LB 163A, LB 164, LB 164A, LB 187, LB 187A, LB 259, LB 259A, LB 260, LB 260A, LB 272A, LB 313, LB 313A, LB 488, LB 488A, LB 503, LB 503A. See page 1714 of the Legislative Journal.)

And LB 272A has been reported correctly enrolled, Mr. President. That is all that I have.

SPEAKER BARRETT: To the motion.

CLERK: Mr. President, the first motion, Senator Hall would move to recess until one-thirty, Mr. President.

SPEAKER BARRETT: You have heard the motion to recess until one-thirty. All in favor say aye. Opposed no. Carried. We are recessed.

RECESS

April 4, 1990

LB 260, 260A, 313, 313A, 488, 488A, 520
567, 567A, 663, 663A, 854, 899, 1124
1125, 1141
LR 239

SENATOR BERNARD-STEVENS: It'd be a fascinating turn of events to have that happen. But the bottom line is all of this debate is about a bill that's unconstitutional. Bottom line is in some cases in western Nebraska, by the way the bill is, it may not be possible to get the kind of counseling that they need in order to get the permit signed on the informed consent. Bottom line is some people in western Nebraska who don't have a counselor or someone that fits the definition that's in LB 84 (sic), which I'll again bet that 90 percent of the people in this body still have no clue of what that definition is, nor care, that a lot of people in the rural part of our state have to go elsewhere to find somebody who fits the qualifications that are in the bill. I took the time to call counselors throughout western Nebraska and ask if they felt they qualified under the bill. They stated, the way the bill is written, probably not.

SPEAKER BARRETT: Time has expired.

SENATOR BERNARD-STEVENS: But if we'd a been allowed to make some (inaudible).. improve that situation. Thank you.

SPEAKER BARRETT: Thank you. Senator... excuse me, Mr. Clerk, you have a motion on the desk?

CLERK: Mr. President, Senator Chambers, I understand you want to offer a motion to adjourn until nine o'clock tomorrow morning, Thursday, April 5.

SPEAKER BARRETT: Have you anything to read in, Mr. Clerk?

CLERK: Mr. President, I do. I have your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LR 239CA and find the same correctly engrossed, LB 1141 and LB 1124. (See pages 1902-04 of the Legislative Journal.)

Mr. President, I also have three communications from the Governor regarding signed bills addressed to the Clerk: Engrossed LB 663, LB 663A, received in my office March 30 and signed by me on April 4. (See pages 1905-06 of the Legislative Journal.) A second communication: Engrossed LB 1125, LB 899, LB 260, LB 260A, LB 313, LB 313A, LB 488, LB 488A, LB 520, LB 567, LB 567A, received in my office on March 29 and signed by me on April 4 and delivered to the Secretary of State, Sincerely, Kay Orr, Governor. (See Page 1905 of the Legislative