

January 10, 1989

LB 16, 17, 289-299

CLERK: LB 16, by Senator Labedz. (Read title.) The bill was introduced on January 5, referred directly to General File, Mr. President.

PRESIDENT: Senator Labedz, please.

SENATOR LABEDZ: Thank you. This is a bill which repeals a section that is no longer needed or is covered by other sections of law, thus it is now obsolete. I ask you to advance LB 16 to E & R Initial.

PRESIDENT: The question is the advancement of LB 16. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 16.

PRESIDENT: LB 16 advances. LB 17, please.

CLERK: LB 17, Mr. President, is a bill by Senator Labedz as Chair of the Executive Board. (Read title.) Introduced on January 5, referred directly to General File.

PRESIDENT: Senator Labedz, please.

SENATOR LABEDZ: Thank you, Mr. President. You'll be happy to know that LB 17 is the last of the revisor bills on the agenda today. It eliminates a reference to a repeal definition. I urge you to advance, to E & R Initial, LB 17.

PRESIDENT: The question is the advancement of LB 17. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays.

PRESIDENT: LB 17 advances. You have some things to read in, please?

CLERK: Yes, Mr. President, I do. An announcement, Mr. President. Senator Schellpeper has been selected as Vice Chair of the Retirement Committee. That announcement comes from Senator Haberman.

Mr. President...new bills, Mr. President. (Read LPs 289-299 by

January 24, 1989

LB 1-6, 8-12, 14-17, 35, 36, 38, 53
57, 67, 71, 79, 103, 123, 133
158, 180, 181, 190, 223, 236, 255
257, 277, 295, 297

LB 255 to General File, LB 257 to General File with amendments, LB 223 as indefinitely postponed. Banking, Commerce and Insurance Committee, whose Chair is Senator Landis, reports LB 295 to General File and LB 297 as indefinitely postponed. Your Committee on Revenue, whose Chair is Senator Hall, reports LB 133 to General File, LB 277 General File, LB 236 General File with amendments, LB 67 indefinitely postponed, LB 71, LB 103 and LB 181 all indefinitely postponed, all signed by respective Chairs. (See pages 413-14 of the Legislative Journal.)

Mr. President, I have notice of hearing from the Urban Affairs Committee, that is signed by Senator Hartnett; from the Education Committee signed by Senator Withem and from the Retirement Systems Committee signed by Senator Haberman.

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 35 and find the same correctly Engrossed, LB 36, LB 38, LB 53, LB 57, LB 79, LB 123, LB 158 and LB 190 all correctly Engrossed. (See pages 415-16 of the Legislative Journal.)

Mr. President, a communication from the Governor addressed to the Clerk. (Read communication re: LBs 1-6, LBs 8-12, LBs 14-17. See page 416 of the Legislative Journal.) Mr. President, that is all that I have at this time.

SPEAKER BARRETT: Thank you. Proceeding then to General File discussion, LB 180.

CLERK: Mr. President, 180 is a bill introduced by Senator McFarland. (Title read.) The bill was introduced on January 5, referred to Education. The bill was considered on the floor, Mr. President, on January 19. I now have pending an amendment from Senator McFarland. Senator, I understand the amendment you had printed on page 402 you want to withdraw that amendment.

SENATOR MCFARLAND: I'd like to withdraw that, Mr. Clerk.

CLERK: Mr. President, Senator McFarland would move to amend the bill and, if I may, Senator, I'll read the language.

SENATOR MCFARLAND: Please.

CLERK: (Read McFarland amendment. See page 417 of the Legislative Journal.)

adoption of the committee amendments.

SPEAKER BARRETT: Thank you, sir. Discussion on the committee amendments to LB 257? Seeing none, Senator Baack, are we ready to proceed with the vote?

SENATOR BAACK: You bet, yes.

SPEAKER BARRETT: The question is the adoption of the committee amendments to 257. Those in favor vote aye, opposed nay. Record, please.

CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of committee amendments.

SPEAKER BARRETT: The amendments are adopted. To the bill, Senator Baack, as amended.

SENATOR BAACK: Yes, I think I went ahead and explained the bill already. The amendments did not change my explanation. So, with that, if there are any questions, I'll be glad to try to answer them; if not, I just urge the advancement of the bill.

SPEAKER BARRETT: Any discussion on the advancement of LB 257? Seeing none, the question then before the body is the advancement of LB 257 to E & R Initial. All in favor of that motion vote aye, opposed nay. Record, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 257.

SPEAKER BARRETT: The bill is advanced. LB 295.

CLERK: LB 295, Mr. President, was a bill introduced by Senator Abboud. (Read title.) The bill was originally introduced on January 10, referred to Banking, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Thank you. Senator Abboud, for the introduction of 295.

SENATOR ABBODD: Yes, Mr. President. There are no amendments that were adopted by the committee. It's a pretty basic bill. It amends the Nebraska Long-Term Care Insurance Act that we passed in 1987. That was based on the National Association of

Insurance Commissioners Model Long-Term Care Insurance Act that was passed about that same time. The NAIC model act was recently amended, in December of this past year. And LB 295 merely adopts the amendments of this model act. In amending the act, it provides that the long-term care insurance policies will not restrict or limit benefits based upon a requirement that a person must be hospitalized prior to receiving benefits from the policy, or that a policy will not require that a person must receive a certain level of institutional care before the policy will provide benefits. LB 295 redefines the preexisting conditions exclusion, in addition it provides for a 30-day free look period, which extends the 10-day period that we currently have, that a person must have the opportunity to examine the policy and decide to keep it or return it within that 30-day period or receive a refund of the premium payment. It's a good bill. The language from...of 295 is verbatim what was adopted by the NAIC in their meeting in December. I believe Senator Withem was the senator that originally carried the bill, back in 1987. This merely adds an amendment onto that that was adopted by the commissioners.

SPEAKER BARRETT: Thank you, Senator Abboud. Discussion? Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body. Just a little historical background on this issue. Several years ago, when I was on Health and Human Services Committee, the kindly Chairman of that committee, Senator Wesely, gave me the opportunity to chair a committee dealing with long-term care issues. One of the things we discovered was that there is a new product being marketed to help senior citizens with this overbearing cost of nursing home care, long-term care insurance. Two problems with it. Number one is that there were some hucksters out in the market that were developing products, marketing them, that really did not provide the type of protection needed. And, on the other hand, the legitimate insurance companies were having difficulty developing this product because of all of the uncertainties in their actuarial studies. It was pointed out to us, by the Department of Insurance, that we needed regulation, and that we also...that regulation we needed needed to be consistent with the type of regulation that was taking place across the country, because if Nebraska were to pass their own homegrown insurance through our regulatory rules on long-term care insurance, the companies would just bypass Nebraska and would not market in this state.

So it was hammered into us that we need to pass the Model Long-Term Care Regulatory Act. What Senator Abboud is bringing you here are amendments to our bill to make it remain consistent with the model act, and I think it's...I'm pleased he's doing that. I think it is important that we keep our act current with the national standards. I appreciate his bringing this bill and would urge you to support it.

SPEAKER BARRETT: Thank you. Senator Wesely, please.

SENATOR WESELY: Mr. Speaker, members, just real briefly. I appreciated Senator Withem's comments. Again, when he did chair that task force and the resulting work I think it was very positive for the state. I would say, in following up as well, that this bill does clear up one problem that we did have, and that was the prior hospitalization request. So for older citizens in the state, I've had many complaints across the State of Nebraska, people saying they can't get coverage unless they're in the hospital prior to going into the nursing home. And it's really been a problem. This federal change, and now the state change will mirror that, is going to help a lot of folks. This is a very good piece of legislation and I'm glad that we're going to see that we can take care of that problem. So I would support this very strongly.

SPEAKER BARRETT: Any further discussion? Senator Abboud, would you care to close? Thank you. The question before the body is the advancement of LB 295 to E & R Initial. All in favor vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 295.

SPEAKER BARRETT: LB 295 advances. LB 133.

CLERK: LB 133, Mr. President, by Senator Wehrbein. (Read title.) The bill was introduced on January 5, referred to the Revenue Committee, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: The Chair recognizes Senator Wehrbein.

SENATOR WEHRBEIN: Mr. Speaker and members, this bill is relatively simple. It changes exemptions required for cemeteries, the application time from four years to ten.

January 26, 1989

LB 43, 45, 113, 133, 134, 168, 169
171, 172, 255, 257, 277, 295

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George Norris Legislative Chamber, the opening of the 15th day in this, the First Session of the Ninety-first Legislature. For our opening prayer the Chaplain of the day, the Reverend David Quam, Central Alliance Church in Lincoln. Pastor Quam, please.

REVEREND DAVID QUAM: (Prayer offered.)

SPEAKER BARRETT: Thank you, Reverend Quam, hope you can come back again. Roll call.

CLERK: Twenty-nine members present this morning, Mr. President.

SPEAKER BARRETT: Thank you. With a quorum present, any corrections to the Journal?

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any messages, reports, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 134 and recommend the same be placed on Select File; LB 255, LB 257, LB 295, LB 133, and LB 277, those on Select File, some of which have E & R amendments attached. (See page 449 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 45 and find the same correctly engrossed; LB 168 and LB 169, also correctly engrossed.

Mr. President, your Committee on Natural Resources, whose Chair is Senator Schmit, to whom was referred LB 43 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 113, LB 171, LB 172, all advanced to General File, all signed by Senator Schmit as Chair.

Mr. President, a hearing notice from the Natural Resources Committee for Thursday, February 2. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. To item number five on the agenda,

SENATOR LINDSAY: Mr. President, I move that LB 255 be advanced.

SPEAKER BARRETT: Shall 255 be advanced? Those in favor say aye. Opposed no. Carried, the bill is advanced. LB 295.

CLERK: I have E & R amendments pending, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 295 be adopted.

SPEAKER BARRETT: Shall the E & R amendments to 295 be adopted? Those in favor say aye. Opposed no. Carried, they are adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 295, as amended, be advanced.

SPEAKER BARRETT: The question is the advancement of 295, as amended. All in favor say aye. Opposed no. Carried, the bill is advanced. LB 133.

CLERK: No amendments pending, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 133 be advanced.

SPEAKER BARRETT: The question is the advancement of LB 133. All in favor say aye. Opposed no. Ayes have it, motion carried, the bill is advanced. LB 277.

CLERK: I have no amendments to the bill, Senator.

SPEAKER BARRETT: Chairman Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 277 be advanced.

SPEAKER BARRETT: The question before the body is the advancement of 277. All in favor say aye. Opposed no. Ayes

to put into the record, Mr. Clerk?

CLERK: Mr. President, I do. Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 94 and find the same correctly engrossed; LB 133, LB 134, LB 251, LB 277 and LB 295, all correctly engrossed, Mr. President. That's all that I have. (See pages 486-87 of the Legislative Journal.)

PRESIDENT: Thank you. Move on to LB 165, please.

CLERK: LB 165 by Senator Chambers. (Read title.) The bill was introduced on January 5, referred to the Government Committee for public hearing. The bill was advanced to General File, Mr. President. I do have committee amendments pending by the Government Committee.

PRESIDENT: Senator Bernard-Stevens, are you going to take the committee amendments?

SENATOR BERNARD-STEVENS: Yes, I am.

PRESIDENT: Okay.

SENATOR BERNARD-STEVENS: Mr. President and members of the body, the committee amendments are relatively simple and somewhat technical. In the bill, it had it that the Douglas County Election Commissioner will be responsible for the redistricting of the City of Omaha and there was a section in there that says about sanctions, about if something would not be done well or not done at all. And there was a section in there calling for a removal of office as one of the possibilities that could be done in the sanctions. It did not specify, however, whether it would be mandatory or if there would be a process. So what the committee has done, through committee counsel, has gone back to an existing section of law which has its process set up on the removal of office of such an elected official and it is not mandatory but it is the process. That's the first part the committee amendment clarifies. The second, the committee amendment basically is for the purpose of the section that calls for a citizen in their ability to create or to have a lawsuit against a county commissioner or some other entity in this particular bill and it clarifies this section as to what the lawsuit could pertain to and the clarification by the committee is that it will pertain to the areas that show compelling

February 9, 1989

LB 58, 70, 255, 295

ASSISTANT CLERK: (Read LB 255 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 255 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on pages 665-66 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 255 passes. LB 295, please.

ASSISTANT CLERK: (Read LB 295 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 295 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on page 666 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

PRESIDENT: LB 295 passes. LB 58, please.

ASSISTANT CLERK: (Read LB 58 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 58 pass? All those in favor vote aye, opposed nay. Record, please.

CLERK: (Read record vote as found on page 667 of the Legislative Journal.) 41 ayes, 3 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 58 passes. LB 70.

CLERK: Mr. President, I have a motion on the desk. Senator Hall, the amendment you had printed, Senator, on page 609, I understand you wish to withdraw that. Mr. President, Senator Hall would move to return LB 70 to Select File for a specific amendment. The amendment reads as follows: (Read Hall amendment as found on page 668 of the Journal.)

February 9, 1989

LB 57, 58, 70, 94, 97, 115, 116
126, 133, 142, 156, 191, 229, 230
233, 251, 255, 256, 295, 327

CLERK: (Read record vote as found on pages 671-72 of the Legislative Journal.) 33 ayes, 11 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 156 passes. LB 256.

CLERK: (Read LB 256 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 256 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 672-73 of the Legislative Journal.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

PRESIDENT: LB 256 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 57, LB 94, LB 97, LB 126 with the emergency clause attached, LB 133, LB 229, LB 230, LB 233, LB 251, LB 255, LB 295, LB 58, LB 70, LB 115, LB 142, LB 156, and LB 256. Mr. Clerk, do you have anything for the record?

CLERK: Mr. President, two items. Government Committee reports LB 191 to General File with committee amendments attached. I have amendments to be printed, by Senator Chambers, to LB 116. That's all that I have, Mr. President. (See page 673 of the Legislative Journal.)

PRESIDENT: Thank you. For those that are interested in the General File list that is coming up, we'll be skipping the third one, LB 744, and over on the back page LB 336. So, with that, we'll go to General File and LB 327.

CLERK: Mr. President, LB 327 was a bill introduced by Senator Wehrbein. (Read title.) The bill was introduced on January 11 of this year, referred to the Government Committee, advanced to General File. I have committee amendments pending by the Government Military and Veterans Affairs Committee, Mr. President.

PRESIDENT: Senator Baack, are you going to handle the committee amendments?

February 9, 1989

LB 37, 48, 57, 58, 70, 77, 94
97, 115, 120, 126, 133, 142, 156
209, 229, 230, 233, 251, 255, 256
295, 311, 350, 521, 597, 598, 692
703, 777, 780

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 209 as amended be advanced.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. May I introduce a guest, please, of Senator Hefner. We have Mr. Art Anderson of Bloomfield, Nebraska. Would you please stand, Mr. Anderson. Thank you. Mr. Clerk, anything for the record?

CLERK: Yes, Mr. President, thank you. Your Committee on Appropriations gives notice of hearing for March 7...I'm sorry, for February 24. That's signed by Senator Warner. A location change for Appropriations hearings on March 1, also offered by Senator Warner.

Mr. President, General Affairs Committee offers LB 703 to General File; LB 777 to General File; LB 780 to General File. Those are signed by Senator Smith as Chair of the Committee.

Agriculture Committee reports LB 37 to General File with amendments; LB 120 to General File with amendments. Those are signed by Senator Johnson as Chair. (See pages 678-79 of the Legislative Journal.)

Mr. President, your Committee on Banking, Commerce and Insurance whose Chair is Senator Landis reports LB 77 to General File with amendments; LB 311, General File with amendments; LB 350, General File with amendments; LB 598, General File with amendments; LB 692, General File with amendments, and LB 597, General File with amendments. Those are signed by Senator Landis as Chair. (See pages 679-82 of the Legislative Journal.)

Your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning as of 11:30 a.m. (Re: LB 57, LB 94, LB 97, LB 126, LB 133, LB 229, LB 230, LB 233, LB 251, LB 255, LB 295, LB 58, LB 70, LB 115, LB 142, LB 156, and LB 256.)

Mr. President, Senator Moore would like to print amendments to LB 48. (See page 682 of the Legislative Journal.)

And, Mr. President, Senator Weihing would like to add his name to LB 521 as co-introducer. That's all that I have, Mr. President.

February 15, 1989 LB 57, 58, 70, 74, 94, 97, 115
116, 126, 133, 142, 156, 175A, 177A
208, 229, 230, 233, 251, 255, 256
261A, 263, 267, 273, 281, 284A, 295
338, 378, 391, 398, 416, 443, 458
459, 499, 502

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber. Please rise for the opening prayer. Our Chaplain for the day is Father Daniel Sieker, of Blessed Sacrament in Lincoln. Father Sieker.

FATHER SIEKER: (Prayer offered.)

SPEAKER BARRETT: Thank you, Father Sieker. Please come back again. Roll call.

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

SPEAKER BARRETT: Thank you. Corrections to the Journal.

CLERK: I have no corrections, Mr. President.

SPEAKER BARRETT: Any reports, messages, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 502 and recommend that same be placed on Select File, LB 281 Select File, LB 416 Select File, LB 443 Select File, those signed by Senator Lindsay as Chair. Mr. President, your Committee on Enrollment and Review reports LB 74 as correctly engrossed; LB 116, LB 175A, LB 177A, LB 208, LB 261A, LB 263, LB 267, LB 273, LB 284A, LB 338, LB 378, LB 391, LB 398, LB 458, LB 459, and LB 499, all reported correctly engrossed, all signed by Senator Lindsay. (See pages 746-47 of the Legislative Journal.)

Mr. President, a communication from the Governor to the Clerk. (Read. Re: LB 57, LB 94, LB 97, LB 126, LB 133, LB 229, LB 230, LB 233, LB 251, LB 255, LB 295, LB 58, LB 70, LB 115, LB 142, LB 156, LB 256. See page 748 of the Legislative Journal.)