

February 14, 1990

LB 313, 313A, 602, 618, 662, 858, 875
891, 906, 907, 1013, 1051, 1059A
LR 254, 255

I can go to the hospital, even...and have them stick a knife in my body and work on it. I don't think people are going to do that. And, if they're injured, I don't think they're just going to be lapping up all this cream that we're so concerned about. There are times when you're drawing workmen's comp when you can be taxed by the federal government. In certain situations, if you are on a light duty status, where you can't make it on the existing workmen's comp, and the employer says, well, come back, we'll give you light duty and we'll give you a little bit of a wage, not your total wage, and then your workmen's comp makes up what your total wage would have been, then that is all balled into a wage, and that is taxed. You can check it out if you'd like. So there are times it is taxed on the federal level, when you can't make it and are forced to go back to work, often times after further aggravating your injuries, but you just can't make it. So that's what...that's how light duty came into existence, because of poor workmen's comp. We know you're injured but...and we know you can't make it, so come on back and we'll give you a little bit to do a little bit. It might further aggravate your injury, might make things worse in the long-run, but we know you can't make it, so come on back, you'll help us out at a cheap rate. And, oh, by the way, you will be taxed on your workmen's comp, too. They probably leave that part out. But I don't think we're going to have people, part-time employees, rushing out to injure themselves so they can draw this extra 20 bucks a week, or whatever it is. I don't think we have a big concern about that and I would support Senator Hall's amendment.

PRESIDENT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 254, and LR 255. Mr. Clerk, do you have something to read in?

CLERK: Mr. President, Education Committee reports LB 618 to General File; and LB 1051 to General File, those signed by Senator Withem. New A bills. (Read LB 1059A and LB 313A by title for the first time.) Senator Smith has amendments to LB 662. I have a motion for introduction of a new bill that will be laid over, that's offered by Senator Coordsen. And, Mr. President, LB 602, LB 858, LB 875, LB 891, LB 906, LB 907, and LB 1013 are reported correctly engrossed. That's all that I have, Mr. President. (See pages 788-91 of the Legislative Journal.)

sitting there with a building, we've got to heat it, I've got to have some money to heat it, I think that's a reasonable request but certainly...and in line with what we have been saying, but we are not asking the state to restore this building, Senator Schellpeper.

SENATOR SCHELLPEPER: Okay, thank you. I think it's a building that needs to be restored too and I think it's very important to Nebraska. And I guess I would support the \$50,000 at this time, with the understanding that they will not be back for any more. Thank you.

PRESIDENT: Senator Ashford, would you like to close, please.

SENATOR ASHFORD: I think we have said it all, Mr. President. I would just urge that the body pass LB 164A. Thank you.

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

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 164A.

PRESIDENT: LB 164A is advanced. LB 313A.

CLERK: Mr. President, 313A was a bill introduced by Senator McFarland. (Read title.)

PRESIDENT: Senator McFarland, please.

SENATOR MCFARLAND: Thank you, Mr. President. LB 313 is the bill that we debated I think earlier this week dealing with the increase in Workers' Comp benefits to employees that are injured on the job. The bill, itself, in its present form will increase the maximum weekly Workers' Comp benefits from \$255 to \$265 this year and then...or, excuse me, from \$245 to \$255 this year and then from \$255 this year to \$265 next year. There is an A bill that is attached to it. It calls for appropriating \$52,000 to the Workers' Compensation Claim Fund. That, as I understand it, has to do with making money available to the state because there are state employees who receive Workers' Comp benefits. And so, with that, I would just ask that you advance the A bill along, too, so it will accompany LB 313.

PRESIDENT: Thank you Mr. Clerk, I understand you have an amendment.

CLERK: Mr. President, Senator Coordsen would move to amend the bill. (The Coordsen amendment appears on page 967 of the Legislative Journal.)

PRESIDENT: Senator Coordsen, please.

SENATOR COORDSEN: Thank you, Mr. President, and members of the body. Senator McFarland explained 313A, I think, adequately. The amendment to the bill is to change the amounts to compensate for the adoption of the committee amendments and to compensate for the inclusion of LB 986, which would cause some additional expenses for the Workers' Compensation Court, as I understand it. The A bill then, this amendment provides that \$10,400 be increased for Workers' Compensation expenses for the state in '90-91 and \$20,800 for '91-92, and it also includes in Section 2 an appropriation to the Workers' Compensation Court in the amount of \$59,093, and for '91-92, \$54,902. So that is the amendment which brings the amounts into line with 313 as currently amended. So I would move the adoption of this amendment.

PRESIDENT: Is there any further discussion on the Coordsen amendment? If not, the question is the adoption of the Coordsen amendment. All those in favor vote aye, opposed nay. Senator Coordsen.

SENATOR COORDSEN: We're four short, aren't we?

PRESIDENT: It looks like it.

SENATOR COORDSEN: Let's see, no, we're only three short. This is...it's my understanding an A bill takes 25 though rather than a majority of those present and voting, doesn't it, Mr. President?

PRESIDENT: Yeah, that's correct.

SENATOR COORDSEN: It would appear...except on Friday. (Laughter.) It's amazing how many good suggestions one would come about, but unless two people show up very quickly, I am afraid that I'm going to have to ask the Chair for...aha. Oh, isn't this close? Isn't this close?

February 23, 1990 LB 285, 313A, 980A

PRESIDENT: How many more buttons do you want to punch?

SENATOR COORDSEN: Only by instruction. Aha, I think we may be saved from otherwise unpalatable fate. Thank you.

PRESIDENT: Record, Mr. Clerk, please.

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

PRESIDENT: The Coordsen amendment is adopted. Now we're on the advancement of the bill. Is there any discussion on the advancement of the bill? Senator McFarland, did you want to speak on the advancement of the bill?

SENATOR MCFARLAND: I would just move that the bill be advanced, Mr. President.

PRESIDENT: You have heard the discussion. All those in favor of advancing the bill vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 313A.

PRESIDENT: The bill is advanced. LB 980A.

CLERK: Mr. President, 980A, offered by Senator Lamb, is a bill for an act relating to appropriations to amend laws of 1989, LB 813, Section 27. (Read title.)

PRESIDENT: Senator Emil Beyer, please.

SENATOR BEYER: Mr. Speaker and colleagues, this bill saves money, but it has to follow along with LB 980 that is a clarification of our commercial drivers' license bill of last year, LB 285. LB 980, in part, provides the applicants for a passenger car operator's license no longer have to obtain a driver's license abstract before taking advantage of the procedure that allows qualified individuals to avoid taking the written test on license renewal. Because of this change, the Department of Motor Vehicles will realize approximately 30,000 in savings in their administrative costs. LB 980A would reduce the appropriation to the department's enforcement of standards,

February 26, 1990 LB 164A, 260, 313A, 708, 736, 980A, 1032
1090, 1100, 1159, 1236
LR 241, 257

and nonsmokers have a right to resent it." I do hope that this resolution will receive all of the votes present on the floor, Senator Goodrich said he will not vote for it, so I'll say, with the exception of the one who has expressed opposition to what the resolution attempts to do.

SPEAKER BARRETT: Thank you. You've heard the closing. And the question is the adoption of LR 257. All in favor of that motion please vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of LR 257.

SPEAKER BARRETT: LR 257 is adopted. The Chair is pleased to note that Senator Wehrbein has 15 guests in our south balcony from Elmwood High School. Fifteen seniors are visiting with us this morning along with their teacher. Would you people please stand and be welcomed by your Legislature. Thank you. We're pleased to have you with us. Proceeding to the record, Mr. Clerk. Have you anything to read in?

CLERK: Mr. President, I do. Thank you. Some amendments to be printed to LB 708 by Senator Chambers. Enrollment and Review reports LB 1090, LB 1032, LB 1236, LB 164A, LB 313A, and LB 980A to Select File some of which have E & R amendments attached. General Affairs Committee, whose Chair is Senator Smith, reports LR 241CA to General File; LB 736, indefinitely postponed; LB 1100, indefinitely postponed; LB 1159, indefinitely postponed, those signed by Senator Smith. That's all that I have, Mr. President. (See pages 979-80 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Item 6, Mr. Clerk, LB 260 on General File.

CLERK: Mr. President, LB 260 was a bill introduced by Senators Conway, Baack and Schmit. (Read title.) The bill was introduced on January 9, last year, Mr. President, at that time referred to the Revenue Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the Revenue Committee, Mr. President. (Standing Committee amendments are on page 724 of the Legislative Journal for the First Session, 1989.)

SPEAKER BARRETT: Senator Hefner, would you please handle the

March 5, 1990

LB 313A, 313

SPEAKER BARRETT: Senator McFarland, may we proceed?

SENATOR MCFARLAND: I will agree with Senator Hall, we can proceed, Mr. Speaker.

SPEAKER BARRETT: Thank you, both of you. Members, return to your seats for a roll call vote. The question is the adoption of the McFarland amendment to LB 313. Mr. Clerk, proceed.

CLERK: (Roll call vote taken. See pages 1157-58 of the Legislative Journal.) 17 ayes, 24 nays, Mr. President.

SPEAKER BARRETT: The motion fails. The call is raised. Anything further, Mr. Clerk?

CLERK: Mr. President, Senator Wesely would move to amend the bill.

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: In the interest of time and accommodation, I would withdraw that amendment.

SPEAKER BARRETT: Thank you. It is withdrawn.

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

SPEAKER BARRETT: Thank you. The Chair recognizes Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 313 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Is there discussion? Seeing none, those in favor of the advancement of the bill say aye. Opposed no. The ayes have it. Motion carried. The bill is advanced. To the A bill, Mr. Clerk.

CLERK: Mr. President, LB 313A, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 313A be advanced to E & R for engrossment.

March 5, 1990

LB 313A, 923

SPEAKER BARRETT: Is there discussion? Those in favor of the motion to advance 313A, please say aye. Opposed no. The ayes have it. Motion carried. The A bill is advanced. LB 923, Mr. Clerk.

CLERK: LB 923, Mr. President, the first item are E & R amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move the adoption of the E & R amendments to LB 923.

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of the adoption of the E & R amendments, please say aye. Opposed no. Carried. They are adopted.

CLERK: Mr. President, Senator Crosby would move to amend the bill.

SPEAKER BARRETT: The Chair recognizes Senator Crosby.

SENATOR CROSBY: Mr. Speaker, thank you, I am withdrawing that amendment. Thank you.

SPEAKER BARRETT: Thank you. It is withdrawn.

CLERK: Mr. President, the next amendment I have to the bill is by Senator Hannibal.

SPEAKER BARRETT: The Chair recognizes Senator Hannibal.

SENATOR HANNIBAL: Withdraw it.

SPEAKER BARRETT: It is withdrawn.

CLERK: Mr. President, the next amendment I have, Senator Wesely, I have your AM2532, Senator. I think this is the one you were going to withdraw and substitute, if I am not mistaken.

SENATOR WESELY: Right, that is what I need to do.

SPEAKER BARRETT: Senator Wesely. Senator Wesely, do you desire to withdraw and then substitute?

March 8, 1990

LB 164, 164A, 259A, 260, 260A, 313, 313A
348, 542, 594, 642, 678, 843A, 855
855A, 953, 953A, 965, 980, 980A, 1032
1136, 1236
LR 239

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 843A.

SPEAKER BARRETT: LB 843A is advanced. Have you matters for the record, Mr. Clerk?

CLERK: I do, Mr. President. Amendments to be printed to LB 1136 by Senator Landis. (See page 1289 of the Legislative Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 164 and find the same correctly engrossed; LB 164A, LB 259A, LB 260, LB 260A, LB 313, LB 313A, LB 348, LB 542, LB 594, LB 678, LB 855, LB 855A, LB 953, LB 953A, LB 965, LB 980, LB 980A, LB 1032 and LB 1236, all of those reported correctly engrossed. (See pages 1289-92 of the Legislative Journal.)

I have an explanation of vote from Senator Barrett, Mr. President. (See page 1292 of the Legislative Journal regarding LB 642.)

That's all that I have.

SPEAKER BARRETT: Thank you. The Chair is pleased to note that Senator Ashford had some fourth graders from Christ the King School in Omaha, District 6, with their teacher. Are you folks still with us in the south balcony? Apparently they have just left. Mr. Clerk, LR 239CA.

CLERK: Mr. President, LR 239CA was a resolution introduced by Senators Withem, Warner, Lindsay, Barrett and Weihing. It proposes an amendment to Article VII, Sections 10 and 13 of the Nebraska Constitution as well as Article XIII, Section 1. The resolution was introduced on January 16 of this year. At that time, Mr. President, it was referred to the Education Committee for public hearing. The resolution was advanced to General File. I do have Education Committee amendments pending.

SPEAKER BARRETT: The Chair recognizes the Chairman of the Education Committee, Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body, this is the time of year when you would rather not have your personal

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LB 187, 187A, 259, 259A, 260, 260A, 272A
313A, 313

Journal.) 29 ayes, 19 nays, 1 excused and not voting,
Mr. President.

SPEAKER BARRETT: LB 272A passes. Senator Landis, for what
purpose do you rise?

SENATOR LANDIS: Could I rise for a point of personal privilege
for just a moment, Mr. Speaker?

SPEAKER BARRETT: Proceed.

SENATOR LANDIS: On behalf of a great many people, I would like
to thank this body for its statesmanship and its compassion. I
recognize it's done with political cost but with a sense of
responsibility. And on behalf of many people, I want to say
thank you.

SPEAKER BARRETT: Thank you. While the Legislature is in
session and capable of transacting business, I propose to sign
and I do sign, LB 187, LB 187A, LB 259, LB 259A, LB 260, and
LB 260A. Have you anything for the record, Mr. Clerk?

CLERK: Not at this time, Mr. President.

SPEAKER BARRETT: Thank you. Proceed to LB 313.

CLERK: (Read LB 313 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure
having been complied with, the question is, shall LB 313 become
law? All in favor vote aye, opposed nay. Have you all voted?
Record, Mr. Clerk.

CLERK: (Read record vote. See pages 1704-05 of the Legislative
Journal.) 46 ayes, 1 nay, 1 present and not voting, 1 excused
and not voting, Mr. President.

SPEAKER BARRETT: LB 313 passes. The A bill.

CLERK: (Read LB 313A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure
having been complied with, the question is, shall LB 313A become
law? Those in favor vote aye, opposed nay. Have you all voted?
Please record.

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LB 313A, 488, 488A, 503

CLERK: (Read record vote. See page 1705 of the Legislative Journal.) 44 ayes, 0 nays, 4 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 313A passes. Senator Johnson is announcing the presence of some elementary students from Hampton, Nebraska, 63 of them in our south balcony with their teacher. Would you folks stand and be recognized by your Legislature. Thank you. We are glad to have you with us. Mr. Clerk, LB 488.

CLERK: (Read LB 488 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 488 pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1706 of the Legislative Journal.) 44 ayes, 0 nays, 3 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 488 passes. LB 488A.

CLERK: (Read LB 488A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 488A pass? Those in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: (Read record vote. See page 1707 of the Legislative Journal.) 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 488A passes. LB 503.

CLERK: (Read LB 503 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 503 pass? All in favor vote aye, opposed nay. Have you all voted? Please record. Please record.

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LB 272A, 313, 313A, 488, 488A, 503, 503A
567, 567A, 662

sign and I do sign, LB 272A, LB 313, LB 313A, LB 488, LB 488A, LB 503, and LB 503A. LB 567, Mr. Clerk.

ASSISTANT CLERK: (Read LB 567 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 567 become law? Those in favor vote aye, opposed nay. Have you all voted? Senator Withem.

SENATOR WITHEM: I would ask for everybody to check in and a roll call vote.

SPEAKER BARRETT: Thank you. Will members please record your presence. A roll call vote has been requested. Senator Hefner, Senator Lowell Johnson, Senator Byars. Senator Morrissey, would you check in, please. Senator Goodrich. A roll call vote has been requested and the question is, shall LB 567 pass?

CLERK: (Roll call vote taken. See page 1711-12 of the Legislative Journal.) 27 ayes, 20 nays, 2 excused and not voting, Mr. President, on adoption of or final passage of LB 567.

SPEAKER BARRETT: LB 567 passes. The A bill.

CLERK: (Read LB 567A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 567A pass? All in favor vote aye, opposed nay. Record, please.

CLERK: (Read record vote. See pages 1712-13 of the Legislative Journal.) 27 ayes, 20 nays, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 567A passes. LB 662.

CLERK: Mr. President, I have a motion on the desk. Senator Nelson would move to return the bill for a specific amendment.

SPEAKER BARRETT: The Chair recognizes Senator Nelson.

SENATOR NELSON: Mr. Speaker, and members of the body, I am not sure that all of you are aware or not, I had asked for an

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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