

January 10, 1989

LB 313-323  
LR 5

Executive Board, Room 2102 for purposes of referencing, right now.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: More bill introductions.

CLERK: Mr. President, new bills. (Read LB 313-322 by title for the first time. See pages 167-69 of the Legislative Journal.)

Mr. President, in addition to those items, I have a Reference Report referring LB 238 through 279.

Mr. President, new resolution. (Read LR 5 for the first time. See pages 171-73 of the Legislative Journal.) Mr. President, that resolution will be laid over.

Mr. President, I have one last bill. (Read LB 323 by title for the first time. See page 173 of the Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you, Mr. Clerk. The Chair recognizes Senator Crosby.

SENATOR CROSBY: Mr. Chairman, there being no further business to come before this body at this time, I respectfully move that we adjourn until Wednesday morning, January 11th at nine o'clock. Thank you.

SPEAKER BARRETT: Thank you, Senator Crosby. You've heard the motion to adjourn. Those in favor say aye. Opposed no. Ayes have it, motion carried, we are adjourned.

Proofed by: Arleen McCrory  
Arleen McCrory

February 2, 1989

LB 121, 183, 214, 320, 326, 334, 354  
362, 473, 489

want to just...? I would move that we adjourn until tomorrow morning at nine o'clock.

SPEAKER BARRETT: You have heard the motion to adjourn. Mr. Clerk, do you have anything for the record?

CLERK: Mr. President, yes, I do, thank you. Your Committee on Banking, Commerce and Insurance, whose Chair is Senator Landis, to whom was referred LB 214, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 320, General File with amendments; LB 326, General File with amendments; LB 334, General File with amendments. Those are signed by Senator Landis as Chair. (See pages 566-71 of the Legislative Journal.)

Your Committee on Health and Human Services whose Chair is Senator Wesely, to whom was referred LB 354, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 362, General File; LB 489 to General File, all signed by Senator Wesely. (See page 571 of the Legislative Journal.)

I have a series of notices of hearings from the Appropriations Committee, Mr. President, all signed by Senator Warner as Chair of the committee. Mr. President, a series of unanimous consent requests. Senator Withem to add his name to LB 183; Senator Korshoj to LB 473, Senator Smith to LB 121. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The question is the adjournment of the body until tomorrow morning at nine o'clock. Those in favor say aye. Opposed nay. Carried. We are adjourned. (Gavel.)

Proofed by:

  
Sandy Ryan

February 15, 1989      LB 214, 214A, 320

opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 214.

PRESIDENT: LB 214 is advanced. LB 214A.

CLERK: Mr. President, 214A by Senator Landis. (Read title.)

PRESIDENT: Senator Landis, please.

SENATOR LANDIS: Mr. President, 214A is the A bill. It says \$95,000 from the department's cash fund for 1990 to 1991. This bill takes effect, by the way, in 1990. That is money to be recovered from fees collected by the department. I would urge the advancement of 214A.

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

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 214A.

PRESIDENT: LB 214A is advanced. LB 320, please.

CLERK: Mr. President, 320 was a bill that was introduced by the Banking, Commerce and Insurance Committee and signed by its members. (Read title.) It was introduced on January 10, referred to the Banking, Commerce and Insurance Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the Banking Committee, Mr. President.

PRESIDENT: Okay, Senator Landis, please.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, there was a very short technical amendment offered to the bill in which we inserted a comma and inserted a reference to that the director may accept a statement in one of the recording and informational provisions. I will be happy to explain the bill but let's just simply adopt the technical amendment of getting our grammar straight and allowing the director to receive statements from one of these many HMOs.

PRESIDENT: Thank you. The question is the adoption of the committee amendments. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: The committee amendments are adopted. Now back to the bill. Senator Landis, please.

SENATOR LANDIS: Thank you, Mr. Chairman. I guess it's Mr. President when you're in the Chair, isn't it, Bill? Mr. President and members of the Legislature, this bill came to us from Bill McCartney in the Department of Insurance. Perhaps you're all familiar with an HMO, health maintenance organization, in which you pay a premium, if you will, for coverage and then as you need services you go in and the HMO provides those services. It's a prepaid form of insurance and the HMO, basically, is the insurer of your health by providing these services. You pay the money and they promise to be there and serve your needs when you're sick. HMOs are organized, by the way, under the insurance laws of the State of Nebraska. And HMOs, as you and I know them, are general health organizations. Well, that's the way they were forced to organize. Now what has sprung up around the country are HMOs on a limited basis. Rather than to meet the general health needs of the family, they will provide a very limited set of services. Same thing applies. You buy a premium, when you need the services you go in and they take care of you. Well, in this case you have the limited HMO, if you will, the Limited Prepaid Health Service Organization, it's called, and the name that's circulating in the industry is boutique HMOs. In this case, for example, the limited premium could be for dental care, let's say, rather than all health services; or services for vision, eyeglasses; ophthalmology, might be as much as eye surgery, but eye care, all lumped in one place, could make an individual premium for just those services from a provider of just those services in that insurance mechanism. Well, what the director tells us is our HMO law is premised on the idea that it's going to be a general provider and these new boutique Limited Prepaid Service Organizations require a more narrow specified and specialized organization so that we can oversee them, so that the statutes can make sense as far as what they're concerned, so that their net equity requirements make sense and that's why the director has brought us LB 320. I do not know of an organization like

this in the state. It's not a common experience in the state now. It does seem to be something that's growing in other parts of the country and in anticipation of that trend I think Director McCartney has brought us this measure. The provisions are summarized in your committee bill book. If I had to identify them, I would say basically they are rather like the HMO provisions and it makes the Department of Insurance the ultimate regulator. Got to make your case to them, prove your net equity, maintain your net equity, a requirement of \$50,000. In the event you don't meet these standards, then it's possible to have a cease and desist order by the department. You've got to establish a complaint system inside your organization. You have to make sure that you are subject to the unfair competition in trade practices statute if in some cases there is deception. You can take a look at that summary then of the bill's provisions that appear in the bill book. If I have to characterize them generally, they are the HMO statutes tailored to the Limited Prepaid Health Organization situation. They provide the same basic oversight for complaints, for consumer problems, for oversight by the state to see that these organizations are sufficiently capitalized and well run. One additional point, there is no guarantee fund for one of these organizations should they go bankrupt. This is not a member of one of our health, life, property or casualty generally...guarantee funds, they're on their own. It's a coming phenomenon. Probably going to hit Nebraska with this. We'll be ready for the rise of Prepaid Limited Health Service Organizations. I would be happy to answer any questions and I move for the advancement of the bill.

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

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 320.

PRESIDENT: LB 320 is advanced. LB 326.

CLERK: LB 326, Mr. President, introduced by Senators Landis and Weining. (Read title.) The bill was introduced on January 11, referred to the Banking Committee, advanced to General File. I do have committee amendments pending by the Banking Committee, Mr. President.

February 21, 1989      LB 320, 326, 334, 354, 354A, 362, 362A  
365, 489

County senators supported it and some of them opposed it. So it was very difficult for me, being 150 miles from Douglas County, to know exactly what to do and this is why I held out for the amendment that it be brought up to a vote, both whether they would allow Douglas County to purchase Ak-Sar-Ben, and also if Douglas County had to issue bonds to do this, it would have to be brought up to a vote of Douglas County voters. So I just...and I'm going to support Senator Labedz in withdrawing this now.

PRESIDENT: Thank you. Senator Labedz, would this be your closing, Senator Labedz?

SENATOR LABEDZ: Yes.

PRESIDENT: All right.

SENATOR LABEDZ: Thank you, Mr. President. I failed to also thank the senators of the Ag Committee that supported the bill in the committee hearing and every time they had an exec session and I do appreciate that fact. And Senator Hefner is right, it did allow a vote of the people as the committee amended the bill and perhaps it may come back again. In fact, I know it will and I appreciate the fact that Senator Johnson has offered the county board an interim study on the issue, and as I say again, I appreciate the fact, the support that I got and the co-sponsors also of LB 365. I urge the affirmative vote on the withdrawal of LB 365.

PRESIDENT: Thank you. The question is, shall LB 365 be withdrawn? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 33 ayes, 0 nays, Mr. President, on the motion to withdraw LB 365.

PRESIDENT: LB 365 is withdrawn. Would you like to read in some things, Mr. Clerk, please?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 320 and recommend that same be placed on Select File with E & R amendments attached, LB 326 Select File E & R amendments, LB 334 Select File with E & R, LB 354 Select File, LB 354A Select File, LB 362 Select File, LB 362A Select File, LB 489

March 2, 1989

LB 214, 214A, 320

CLERK: Mr. President, I have...the only thing I have on 214 are E & R amendments, Senator.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 214 be adopted.

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

CLERK: Nothing further on the bill, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 214 as amended be advanced to E & R for Engrossing.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 214A.

CLERK: 214A, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 214A be advanced.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 320.

CLERK: 320, Senator, I have E & R amendments.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 320 be adopted.

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

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

PRESIDENT: Senator Lindsay.

March 2, 1989

LB 320, 326, 334

SENATOR LINDSAY: Mr. President, I move that LB 320 as amended be advanced to E & R for Engrossing.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 326.

CLERK: On 326, Senator, I have E & R amendments only.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I 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: I have nothing further on that bill, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 326 as amended be advanced.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. Moving to LB 334.

CLERK: I have E & R on 334, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: You do have E & R?

CLERK: Yes, sir.

PRESIDENT: Yes.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 334 be adopted.

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

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

SENATOR LINDSAY: Mr. President, I move that LB 334 as



March 6, 1989

LB 187, 187A, 214, 214A, 224, 320, 326  
334, 354, 354A, 421, 516, 556, 638

PRESIDENT: The motion fails. Mr. Clerk, do you want to read in some things before we proceed?

ASSISTANT CLERK: Yes, Mr. President. I have priority bill designations from Transportation Committee and Senator Carson Rogers. Government Committee reports LB 638 to General File with committee amendments. Committee on Enrollment and Review reports the following bills correctly engrossed--LB 187, LB 187A, LB 214,...

PRESIDENT: The call is raised.

ASSISTANT CLERK: ...LB 214A, LB 320, LB 326, LB 334, LB 354, LB 354A, LB 421, LB 516, and LB 556. That is all that I have, Mr. President. (See pages 988-91 of the Legislative Journal.)

PRESIDENT: We're back on the advancement of the bill. Senator McFarland, on the advancement of the bill, followed by Senator Chambers and Senator Hefner.

SENATOR MCFARLAND: Yes, I'd like to address some of the concerns that Senator Chambers has raised because he's really overstated, he's misled and he had not apparently read the bill in detail, as he tries to convey to us. Let's just look at one thing. He's alleging that this is going to be a state enforcement procedure, an...

PRESIDENT: The call is raised.

SENATOR MCFARLAND: ...agent for the NCAA. And all it is to do is to protect eligibility of college athletes for the institutions. Well the fact of the matter is that in the part dealing with the noneligible student athlete we say that they cannot be contacted either, unless the sports agent registers with the Secretary of State. Earlier Senator Chambers said, well why should they have to be concerned, if they don't have eligibility, why should they have to be concerned about whether the sports agent registers with the Secretary of State. The reason is we're concerned about all athletes, eligible, noneligible, high school athletes, athletes who may be in professional school or graduate school or whatever. The goal of the bill is to protect athletes from being exploited by sports agents. If you read that particular provision that talks about noneligible student athletes they can be contacted, it's on page 4, they can be contacted if the sports agent is registered.

Public Law, Jagiellonian University, Krakow, Poland; Mr. Steven Bergmann, Deputy Chief of Foreign Policy Department, Bavarian Television, from the Federal Republic of Germany; Mr. Henrik Fisker, Journalist at Radio Greenland, Nuuk, Greenland, the Nation of Denmark; Alessandro Parone, NATO and the European Community Correspondent in Brussels, Italian News Agency from Ansa, Italy; and, finally, from Ireland, Mary O'Shea, National Youth and Education Officer, Fianna Fail Party, from Ireland. We welcome each and everyone of you as our guests this morning. We're glad you're here. I would hope that the members of the Legislature, following Final Reading, will have an opportunity to extend greetings. Thank you for being here. The next bill, Mr. Clerk.

ASSISTANT CLERK: (Read LB 318 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 318 pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Record vote read. See page 1042 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 318 passes. The final bill of the morning on Final Reading, LB 320.

ASSISTANT CLERK: (Read LB 320 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 320 become law? Those in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Record vote read. See page 1043 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 320 passes. The call is raised. Anything for the record, Mr. Clerk?

CLERK: Mr. President, I have a report of registered lobbyists for this week to be inserted in the Journal. (See pages 1043-44 of the Legislative Journal.)

March 9, 1989

LB 54, 214, 214A, 284, 284A, 318, 320  
443, 499

Nebraska that probably are not too hep on complying with this law, along with some others. So I guess I just see it as an unnecessary regulation on the small businesses that really don't see a need to post at this time.

SPEAKER BARRETT: Thank you. Senator Wehrbein is announcing that he has guests in the north balcony. We have 15 members from District 2 school of Nebraska City, with their teacher. Would you folks please stand. Thank you. We're glad to have you with us. Also, Senator Ashford is announcing that his brother, County Judge Mark Ashford, is with us under the south balcony. Judge Ashford, would you please stand. Thank you. We're glad to have you with us. And while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 284, LB 284A, LB 214 and LB 214A, LB 443, LB 499, LB 318 and LB 320. Additional discussion on the advancement of the bill, Senator Ashford, followed by Senators Wehrbein and Coordsen.

SENATOR ASHFORD: Mr. Speaker and members, I appreciate the introduction of my brother, before I have an opportunity to speak so I can just prove to you that there was a relatively successful member of my family that...other than...anyway, Senator WeiHING, could I ask you a couple of questions?

SPEAKER BARRETT: Would you respond, Senator WeiHING.

SENATOR WEIHING: Certainly, most happy to do so.

SENATOR ASHFORD: I've had some concerns raised by individuals in my district, Senator, about the effect of this legislation. One of the concerns that was raised by a couple of older local restaurants, specifically I think Johnny's was one and there are some others, that the information that is being required to be posted would, in effect, be a...could infringe on a trade secret or a secret recipe that the particular restaurant had developed. Have you heard anything about that, or...

SENATOR WEIHING: Not specifically and it should not. It is not to divulge any recipes whatsoever. It is simply to make it known as to the kind of oils that they are utilizing in their cooking process. Much of the cooking is that of the preparation of meats and vegetables and on occasion they do have those with their recipes, so just stating as to the kind of oils that they use within their general food preparation, it would not have

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LB 54, 84, 140, 162A, 214, 214A, 254  
284, 284A, 318, 320, 357, 432, 443  
499, 588, 611, 652, 781  
LR 1, 7

General File; LB 432 is indefinitely postponed; LR 1 indefinitely postponed; LR 7 indefinitely postponed, and LB 588 advanced to General File with committee amendments. (See page 1049 of the Legislative Journal.)

Your Enrolling Clerk has presented the bills read earlier this morning to the Governor. (Re: LB 284, LB 284A, LB 499, LB 443, LB 214, LB 214A, LB 318 and LB 320. See page 1057 of the Legislative Journal.)

Priority bill designations: Government Committee is 640 and 639, Senator Abboud LB 592, Senator Hall LB 653, Senator Lindsay LB 681, Senator Elmer LB 429.

New A bill, Mr. President, LB 162A from Senator Rod Johnson. (Read by title for the first time as found on page 1057 of the Legislative Journal.)

I have amendments to be printed to LB 357 from Senator Schellpeper and Nelson, Senator Lindsay to LB 54, Senator Baack to LB 254, Senator Chizek to LB 140, Senator Hall to LB 781, Senator Withem to LB 652. (See pages 1049-57 of the Legislative Journal.)

Unanimous consent for addition of names as co-sponsors, LB 611 Senator Rod Johnson; and LB 84 from Senator Haberman. (See pages 1057-58 of the Legislative Journal.)

That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The Chair recognizes the member from the 33rd District, Senator Jacklyn Smith.

SENATOR SMITH: Thank you, Mr. Speaker. I would like to make a motion to adjourn until Monday, March 13 at 9:00 a.m.

SPEAKER BARRETT: You've heard the motion to adjourn until nine o'clock Monday morning. Those in favor say aye. Opposed nay. Ayes have it, motion carried, we are adjourned.

Proofed by:

Arleen McCrory  
Arleen McCrory

March 15, 1989

LB 214, 214A, 284, 284A, 318, 320, 443  
499  
LR 2

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated) ...Legislative Chamber. We have with us this morning as our chaplain of the day, Harland Johnson, our Chaplain Coordinator. Would you please rise.

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Harland Johnson, for your thoughtful prayer this morning. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal?

CLERK: No corrections, Mr. President.

PRESIDENT: Good. Any messages, reports or announcements?

CLERK: Mr. President, a communication from the Governor to the Clerk. (Read communication regarding signing of LB 284, LB 284A, LB 499, LB 443, LB 214, LB 214A, LB 318, and LB 320. See page 1150 of the Legislative Journal.)

Mr. President, I have a series of appointment letters that will be referred to Reference Committee. (See pages 1150-52 of the Legislative Journal.)

Mr. President, a series of reports. A report from the Department of Roads, the Highway Cash Fund, Department of Revenue; a report from the University of Nebraska, Lincoln, and a report from the Department of Education. All of those will be on file in my office, Mr. President. And that's all that I have at this time.

PRESIDENT: Thank you. We will move on to the General File and LR 2CA.

CLERK: Mr. President, LR 2 is a proposed constitutional amendment that was introduced by Senators Rod Johnson, Howard Lamb, Moore and Wehrbein. (Read brief description of LR 2.) The resolution was originally introduced on January 5, Mr. President. It was referred to the Revenue Committee for hearing. The resolution was advanced to General File. At this time, I have no amendments pending.