

January 11, 1989

LB 341-372

LR 3, 5

able to assist other agencies, other investigating committees, other individuals who are involved. I have pledged my cooperation to some of them with whom I have visited. I know that Senator Chambers feels the same way. I know that other members of the committee feel the same way. I hope that we are all pursuing the same goals, same objectives and that we can work together. I want to say again that this committee will act with propriety, honesty and integrity. We intend to obtain the best counsel we possibly can and we intend to protect the rights of the innocent and to pursue those who might have been less than innocent. Mr. President and members, I ask for a positive vote on the resolution.

PRESIDENT: That was the closing. The question is the adoption of the resolution. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please. Record, Mr. Clerk, please.

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of LR 5.

PRESIDENT: The resolution is adopted. You have some new bills, Mr. Clerk.

CLERK: Mr. President, I do. New bills. Mr. President, Senator Labedz would like to have a meeting of the Reference Committee now in the Senate Lounge. Referencing Committee in the Senate Lounge, Mr. President, right now. Senate Lounge for Referencing Committee. New bills. (Read by title for the first time LBs 341-355 as found on pages 183-87 of the Legislative Journal.)

PRESIDENT: We will be at ease for a few minutes for referencing and receiving a few more bills.

EASE

PRESIDENT: (Microphone not activated) and capable of transacting business. I propose to sign and do sign LR 3. Would you like to continue, Mr. Clerk, please.

CLERK: Yes, Mr. President, thank you. New bills. (Read by title for the first time LBs 356-372 as found on pages 187-91 of the Legislative Journal.)

Mr. President, I have a new resolution offered by Senator Hall.

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LB 56, 90, 127, 167, 184, 185, 195
342, 344

SENATOR R. JOHNSON: Mr. President, members, during the past weekend I was in Aurora and addressing a group and received some information on a former colleague of ours, in fact, my predecessor, Senator Maurice Kremer. He is fighting a rather serious battle with cancer and has been undergoing chemotherapy treatments and is in rather poor health, and I am sure he would appreciate any calls or letters or cards that you might send to him to wish him well because he was a man of great integrity in this body, and I think those that had a chance to serve with him would echo my thoughts that he was an institution in himself and I think he would appreciate anything, any kind gesture we would send along to him.

PRESIDENT: Do you have his address or is he in the hospital or...

SENATOR R. JOHNSON: I can get it for those who would like it. He is home. He has been driving back and forth to receive his treatments at Hastings Memorial...or Mary Lanning Hospital but he is home at this particular time.

PRESIDENT: Okay, we could get that address from your office.

SENATOR R. JOHNSON: You sure can.

PRESIDENT: Fine, thank you for the announcement. We appreciate it. Now back to you, Mr. Clerk.

CLERK: Series of notices, General Affairs offers notice of hearing, signed by Senator Smith as Chair. Committee on Natural Resources, whose Chair is Senator Schmit, reports LB 56 to General File, LB 127 General File, LB 167 General File, LB 185 General File, LB 90 indefinitely postponed, those signed by Senator Schmit. (Legislative Journal shows LB 184 to General File. See page 491.)

Health and Human Services Committee, whose Chair is Senator Wesely, reports LB 342 to General File with amendments, LB 344 to General File with amendments, those are signed by Senator Wesely as Chair. Natural Resources Committee, whose Chair is Senator Schmit, reports LB 195 to General File with amendments. That is signed by Senator Schmit. (See pages 491-92 of the Legislative Journal.)

Mr. President, Senator Bernard-Stevens would like to print

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LB 33, 35, 173, 342, 421, 516

LB 421 to General File with amendments; LB 516, General File with amendments; and LB 173 indefinitely postponed, all signed by Senator Hartnett as Chair. (See pages 562-65 of the Legislative Journal.)

Appropriations offers notice of hearings for February 10 and February 16. Signed by Senator Warner. Natural Resources offers notice of hearings for Friday, February 10. Signed by Senator Schmit.

Your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning, Mr. President. (Journal page 565 shows LB 33 and LB 35 were presented to the Governor.) That's all that I have.

SPEAKER BARRETT: Thank you, sir. Proceeding then to LB 342.

CLERK: Mr. President, LB 342 was a bill introduced by the Health and Human Services Committee and signed by its members. (Read title.) The bill was introduced on January 11, referred to the Health Committee for hearing, advanced to General file. I do have committee amendments pending, Mr. President.

SPEAKER BARRETT: Committee amendments on 342, Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, and members, this bill was brought to us by the Health and Human Services Committee. It comes from a working group that was formed after the end of the last session, the Medical Association, the Health Department, the osteopaths of the state, to update osteopathic law in Nebraska. Osteopaths are a medical profession that has evolved over the years to be very similar in terms of training and preparation for practice as physicians are. It is a different philosophy but they frequently go to the same medical schools and have the same background. The committee amendments which are technical in nature simply clarify the references in the bill. The bill itself deals with updating the references to osteopaths. They will now be referred to as osteopathic physicians and osteopath physicians and surgeons, depending on the circumstance. That's the sum and substance of the bill and the committee amendments are needed to clarify some drafting errors. I would ask for the adoption of the amendments.

SPEAKER BARRETT: Thank you, sir. Any discussion on the adoption of the committee amendments? If not, those in favor of

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LB 342, 344

the adoption of the committee amendments to LB 342 please vote aye, opposed nay. Voting on the committee amendments. Record, please.

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

SPEAKER BARRETT: The amendments are adopted. Anything further?

CLERK: Nothing further, Mr. President.

SPEAKER BARRETT: Senator Wesely, on the bill as amended.

SENATOR WESELY: Thank you. Again, as I mentioned in the committee amendments, this legislation updates osteopathic law, changes the references. They will now be called osteopathic physicians or osteopathic physicians and surgeons. The legislation is supported by the Hospital Association and Medical Association. We did work with all of these individuals. I would ask for the advancement of the bill.

SPEAKER BARRETT: Any discussion? Any closing statement, Senator Wesely?

SENATOR WESELY: No.

SPEAKER BARRETT: Thank you. Shall LB 342 be advanced to E & R Initial? Those in favor vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of 342.

SPEAKER BARRETT: LB 342 is advanced. LB 344.

CLERK: LB 344 offered by the Health and Human Services Committee. (Read title.) The bill was introduced on January 11, referred to the Health Committee, advanced to General File. I have committee amendments pending by the Health Committee, Mr. President.

SPEAKER BARRETT: Chairman Wesely on the committee amendments.

SENATOR WESELY: Thank you, Mr. Speaker. The committee amendments deal with two parts of the legislation that, again, was introduced by the Health and Human Services Committee. The

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LB 48, 92A, 116, 157, 250, 289, 325
340, 342, 344, 360, 520, 603, 732

Legislative Journal.) 26 ayes, 14 nays, Mr. President, on the advancement of LB 116.

PRESIDENT: The bill advances. The call is raised. Mr. Clerk, for the record.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 342 and recommend that same be placed on Select File with E & R amendments and LB 344 Select File with E & R amendments. Those are signed by Senator Lindsay as Chair. (See pages 593-95 of the Legislative Journal.)

Education Committee reports LB 250 to General File with amendments. That is signed by Senator Withem. (See page 595 of the Legislative Journal.)

Health and Human Services reports LB 157 to General File, LB 360 General File, LB 520 General File. Those are signed by Senator Wesely as Chair. (See page 595 of the Legislative Journal.)

Government Committee reports LB 340 to General File with amendments attached. That is signed by Senator Baack as Chair. (See pages 595-97 of the Legislative Journal.)

New A bill, LB 92A by Senator Landis. (Read by title for the first time. See page 597 of the Legislative Journal.)

And, Mr. President, Senator Coordsen would like to add his name to LB 603 and to LB 289; Mr. President, Senator Smith to LB 325 and Senator Byars to LB 732. (See page 597 of the Legislative Journal.)

In addition to those items, Mr. President, I have a series of amendments to be printed to LB 48 from Senator Moore. (See pages 597-600 of the Legislative Journal.) And that is all that I have, Mr. President.

PRESIDENT: Senator Beck, would you like to say something to us?

SENATOR BECK: Yes, Mr. President, I would. I move that we adjourn until next Monday morning at nine o'clock and that is February 6.

PRESIDENT: Thank you. You've heard the motion. All in favor

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LB 184, 185, 195, 342

PRESIDENT: You have heard the motion. All in favor say aye.
Opposed nay. It is advanced. LB 185.

CLERK: No amendments to 185, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the bill be
advanced.

PRESIDENT: You have heard the motion. All in favor say aye.
Opposed nay. It is advanced. LB 342.

CLERK: On 342, Senator, I have E & R amendments pending.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R
amendments to LB 342 be adopted.

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

CLERK: Nothing further, Senator.

SENATOR LINDSAY: Mr. President, I move that LB 342 as amended
be advanced.

PRESIDENT: You have heard the motion. All in favor say aye.
Opposed nay. It is advanced. LB 195.

CLERK: On 195, Senator, I have E & R amendments pending.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R
amendments to LB 195 be adopted.

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

CLERK: Nothing further, Senator.

PRESIDENT: Senator Lindsay, on advancement.

February 13, 1989

LB 43, 195, 198, 209, 342
LR 25, 29

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day, Reverend Duane Voorman of the Trinity Lutheran Church of Lincoln. Would you please rise for the invocation.

REVEREND VOORMAN: (Prayer offered.)

PRESIDENT: Thank you, Reverend Voorman. We appreciate it. Roll call, please. Record, Mr. Clerk, please.

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

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

CLERK: No corrections, Mr. President.

PRESIDENT: Do you have any messages reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 195 and find the same correctly engrossed, LB 198 correctly engrossed, LB 209, LB 342, all correctly engrossed, that is signed by Senator Lindsay as Chair. (See pages 705-06 of the Legislative Journal.)

I have a report, Mr. President, from the...revenue distribution from the Highway User Fund from the Department of Roads. That will be filed by statute. That will be on file in my office, Mr. President. And last, Mr. President, LR 25 and LR 29 are ready for your signature. That is all that I have, Mr. President.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign, LR 25 and LR 29. We are about ready to begin on Final Reading, so if you will take your seats please, we will begin here in a moment. Final Reading on LB 43, Mr. Clerk.

CLERK: (Read LB 43 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 43 pass? All those in favor vote aye, opposed nay. Have you all voted?

February 23, 1989 LB 114, 221, 342
LR 32

SPEAKER BARRETT: Thank you. The resolution is adopted.
Members, please return to your seats for Final Reading.
Mr. Clerk, will you please proceed with the reading of LB 342E.

CLERK: (Began reading of LB 342E on Final Reading.)

ASSISTANT CLERK: (Continued reading of LB 342E on Final
Reading.)

SPEAKER BARRETT: All provisions relative to law having been
complied with, the question is, shall LB 342 with the emergency
clause attached become law? Those in favor vote aye, opposed
nay. Record, please.

ASSISTANT CLERK: (Record vote read. See page 845 of the
Legislative Journal.) The vote is 42 ayes, 0 nays, 7 excused
and not voting, Mr. President.

SPEAKER BARRETT: LB 342E passes. LB 114E.

ASSISTANT CLERK: (Read LB 114E on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure
having been complied with, the question is, shall LB 114 with
the emergency clause attached become law? Those in favor vote
aye, opposed nay. Have you all voted? Record, please.

ASSISTANT CLERK: (Record vote read. See page 846 of the
Legislative Journal.) The vote is 42 ayes, 0 nays, 7 excused
and not voting, Mr. President.

SPEAKER BARRETT: LB 114E passes. LB 221.

ASSISTANT CLERK: (Read LB 221 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure
having been complied with, the question is, shall LB 221 pass?
Those in favor vote aye, opposed nay. Record, please.

CLERK: (Record vote read. See page 847 of the Legislative
Journal.) 43 ayes, 0 nays, 6 excused and not voting,
Mr. President.

SPEAKER BARRETT: LB 221 passes. And while the Legislature is

February 23, 1989 LB 114, 221, 342, 361

in session and capable of transacting business, I propose to sign and I do sign LB 221, LB 114, and LB 342. The call is raised. (See page 847 of the Legislative Journal.) For the record, Mr. Clerk?

CLERK: I have nothing at this time, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to item 7. Senator Pirsch, for what purpose do you rise?

SENATOR PIRSCH: Point of personal privilege.

SPEAKER BARRETT: State your point.

SENATOR PIRSCH: Senators, since my birthday is two days after Christmas, we've never had a special session or regular session that I can celebrate with. I was prompted to do so today, so today I am celebrating my unbirthday and there are rolls, assorted rolls and doughnuts, for all of you to share today. Thank you.

SPEAKER BARRETT: Thank you. (applause.) Rolls, compliments of the senator from the 10th Legislative District, Senator Carol McBride Pirsch. Thank you. To General File, special order, Mr. Clerk.

CLERK: Mr. President, LB 361 was a bill that was introduced by Senator Landis, Warner, Wehrbein, Schellpeper, Hefner, Lowell Johnson, Coordsen, Lamb, Moore, Elmer, Hall and Rod Johnson. (Title read.) The bill was introduced on January 11, referred to Revenue, advanced to General File. I have committee amendments pending by the Revenue Committee, Mr. President.

SPEAKER BARRETT: The Chair recognizes Revenue Chairman, Senator Hall, on the committee amendments.

SENATOR HALL: Good morning, Mr. President.

SPEAKER BARRETT: (Gavel.)

SENATOR HALL: Mr. President and members, LB 361 is the bill that was brought to the committee by Senator Landis as the principal sponsor that deals with the issue of the ag land valuation problem that we have faced for a number of years here. It is actually the issue that brought me to the Legislature, I

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577, 640, 695
LR 37

General File with amendments, LB 577 General File with amendments, those signed by Senator Landis as Chair. (See pages 848-49 of the Legislative Journal.)

Government, Military and Veterans Affairs reports LB 545 to General File with amendments, LB 640 General File with amendments, those signed by Senator Baack as Chair. Transportation Committee reports LB 129 to General File, LB 695 to General File, those signed by Senator Lamb as Chair. (See pages 853-55 of the Legislative Journal.)

Mr. President, I have a report and a motion by the Appropriations Committee regarding the Nebraska Energy Settlement Fund. That report is filed pursuant to statute.

Mr. President, your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning as of 10:00 a.m. (Re: LB 342, LB 114, LB 221.)

A new A bill, LB 183A by Senator Baack. (Read for the first time by title.) A new resolution, LR 37 by Senator Korshoj. (Read brief explanation.) That will be laid over, Mr. President. (See pages 857-58 of the Legislative Journal.) That is all that I have at this time, Mr. President.

SPEAKER BARRETT: Mr. Clerk, proceed to General File, LB 357.

CLERK: LB 357, Mr. President, introduced by Senators Nelson, Smith, Schellpeper, Coordsen. (Read title.) The bill was introduced on January 11, referred to the Education Committee. The bill was advanced to General File, Mr. President. The Legislature on February 8 considered the bill. At that time committee amendments were adopted. There was an amendment to the bill by Senator Nelson. That was adopted. Mr. President, Senator Withem then bracketed the motion until February 22. I do have amendments pending, Mr. President.

SPEAKER BARRETT: Senator Nelson, I wonder if perhaps we could go to you first for a very short refresher on the bill to bring us up to speed. Would you do that, please?

SENATOR NELSON: Thank you. I would be pleased to do so. As it was noted, LB 357 was bracketed when it was brought to us about a week ago, and we finally, I guess, got to it today. There were two main concerns. Actually, first, I will start and tell

February 27, 1989

LB 114, 221, 342
LR 33, 35, 36, 37

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to a new week in, this, the First Session of the Ninety-first Legislature. Our Chaplain this morning, Pastor Sherman McCormick, Piedmont Park Seventh-Day Adventist. Pastor McCormick, please.

PASTOR McCORMICK: (Prayer offered.)

SPEAKER BARRETT: (Gavel.) Thank you, Pastor McCormick. We hope you can come back again. Roll call.

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

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

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Reports, messages, or announcements?

CLERK: Mr. President, a communication from the Governor to the Clerk. (Read. Re: LB 342, LB 114, and LB 221. See page 881 of the Legislative Journal.)

Mr. President, resolutions LR 33, LR 36, and LR 37 are ready for your signature, and that is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 33, LR 36, and LR 37. As a matter of general information as well, the Chair has been advised that yesterday was a rather major day in the life of Senator John Weihing. Senator Weihing had a birthday yesterday. Happy Birthday, Senator Weihing. Legislative resolutions, Mr. Clerk.

CLERK: Mr. President, the resolution offered this morning is by Senators Rogers and Hannibal. It is found on page 835. (Read brief explanation of LR 35.)

SPEAKER BARRETT: The Chair recognizes Senator Carson Rogers, please. (Gavel.) Senator Rogers.

SENATOR ROGERS: Mr. Speaker and members, I brought this resolution to you on behalf of the Village of Dannebrog, which