

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.

January 30, 1989

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 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

bill is a clean-up bill from the Health Department and it deals with a number of topics. I will go through those when we get to the main part of the bill. The two that I need to discuss in the committee amendments deal with the Nursing Home Advisory Council. Currently, the Nursing Home Advisory Council advised the Department of Health on nursing homes and this bill would add a representative from the Department of Aging, a representative from the Department of Social Services and then an additional lay person to the council. It was felt that that was a good change. The only problem is it also provided that those individuals from the departments could serve beyond two, three-year terms, that is a six-year total that they could serve. And it was felt that everybody else would not be able to serve beyond that, why should these state agency representatives. And so the committee would delete that exception to the term limitation. In addition, there is a Public Water Supply Advisory Council and this council needs to be changed in how it's made up because of the clarification on who is and who isn't a member of this. One of the things that came to us was that the smaller towns in particular want to make sure that there are at least two certified operators of these public water supplies and they would like to have it so that a system with less than 5,000 population, as well as one with more than 5,000 population, be on this advisory council so both the small and the larger town public water systems would be represented. And the committee did adopt that amendment brought to us at the hearing. So I would ask for the adoption of these two committee amendments.

SPEAKER BARRETT: Any discussion on the committee amendments as explained by Senator Wesely? Anything further, Senator Wesely? Shall the committee amendments be adopted to 344? Those in favor vote aye, opposed nay. Record, please.

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of the committee amendments.

SPEAKER BARRETT: The committee amendments are adopted.

CLERK: Mr. President, I have an amendment to the bill from Senator Wesely. Senator, I have AM0157 in front of me.

SPEAKER BARRETT: Senator Wesely, please.

SENATOR WESELY: Yeah, there's...okay, another provision of this

bill deals with the licensure of different health professionals. And what we found is if your...if the typical license period for a different profession is like December 1, a two-year period to the next December 1, that somebody who comes in in October has to pay a full two-year fee and then come in in just a couple of months and get another one for another two-year fee and it doesn't...there is no allowance for prorating these license and so we provide for that in the bill. But, unfortunately, it referenced the Uniform Licensure Act and there are certain different professions not included in that and so they were missed in the drafting of the bill that we caught after the public hearing. So this would include all the different professions under that provision to allow a prorating of fees to cover whatever period of time is actually covered by the license issued. So I would ask for the adoption of this amendment.

SPEAKER BARRETT: Any discussion? Seeing none, then the question is the adoption of the Wesely amendment to LB 344. All in favor vote aye, opposed nay. Please record.

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

SPEAKER BARRETT: The amendment is adopted. Anything further? Senator Wesely, on the bill as amended.

SENATOR WESELY: Thank you, Mr. Speaker. Just quickly, I have kind of already covered a number of items here and, just for the record again, the bill covers a number of topical areas in the Health Department that needed clarification; one other area I haven't mentioned yet, Vital Statistics. Currently, there is federal mandates about what kind of vital statistics are required and the current statutes are too restrictive for the Health Department to make adjustments so that they can meet the standards of the Federal Public Health Services. And so this would allow them that flexibility. Surcharges, it's now the case, a bill we passed a few years ago added a surcharge that went into the Child Abuse Prevention Fund, I believe it is, but right now the provision is that if you get a certificate of birth, you pay the dollar, but if they look and they don't find it, you don't have to pay the dollar and they sometimes look around and have to send back a dollar. Twelve hundred checks had to be written last year for one dollar each and it's kind of a waste of time and so they don't want to do that anymore. So that would not be the case in the future that the surcharge

would be returned to these people if they searched for a birth certificate and didn't find it. Nonprofit nursing homes would be represented by two instead of one people on the Board of Examiners Nursing Home Administration. Changes to make sure the department is the licensure agency for Medicare/Medicaid are included in the bill and then the WIC program is also clarified in terms of federal implementation by the department. And, again, I mentioned before the changes in the Nursing Home Advisory Council and the Public Water Supply Advisory Council and would ask for the advancement of the bill, Mr. Speaker.

SPEAKER BARRETT: Thank you. Any discussion on the motion to advance the bill? Seeing none, those in favor of the advancement of 344 please vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of 344.

SPEAKER BARRETT: LB 344 is advanced. LB 195.

CLERK: LB 195, Mr. President, offered by Senators Conway and Hefner. (Read title.) The bill was introduced on January 9, referred to Natural Resources, advanced to General File. I do have committee amendments pending by the Natural Resources Committee, Mr. President.

SPEAKER BARRETT: Chairman Schmit, on the committee amendments.

SENATOR SCHMIT: Mr. President and members, the committee, acting on the time honored bureaucratic principle, if a little regulation is good, twice as much is twice as good, decided to strike a blow for temperance and include sailboats in this bill, along with motorboats. Now, my good friend, Senator Conway, insisted there is no definition in the bill of a sailboat but I was raised a long ways from the water and I never thought of that. But I would suggest that if a boat has a sail on it, it's a sailboat. If it doesn't have a sail on it, it's not a sailboat. Now, I don't know whether we were doing the right thing or not but we were just trying to improve Senator Conway and Hefner's bill a little and I guess Senator Smith and I discussed it a little bit and we felt that if it's improper for a drunk to be operating a motorboat that it probably ought to be improper for a drunk to be operating a sailboat. I had a friend who had a sailboat one time and he told me it took a lot more

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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

SENATOR ROGERS: Right...no.

PRESIDENT: Okay, the question is the adoption of the Rogers amendment. All in favor vote aye, opposed nay. We are voting on the adoption of the Rogers amendment. Record, Mr. Clerk, please.

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

PRESIDENT: The Rogers amendment is adopted. Now the advancement of the bill. Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 273 as amended be advanced to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 344.

CLERK: Mr. President, on LB 344, I have E & R amendments first of all.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the E & R amendments to LB 344 be adopted.

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

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

PRESIDENT: Senator Kristensen, please.

SENATOR KRISTENSEN: Thank you, Mr. President. Members, this bill went through rather quickly through General File, and after having a chance to read through it, there are some things that concern me I think we should bring to the attention of the body and also to the Department of Health. If you will take out 344 and look at Section 1, this, basically, has to do with rules and regulations concerning things that we put on birth certificates, abortion certificates, marriage certificates, dissolution of marriage certificates, et cetera, and they ask for us to secure information about economic, educational, occupational, and

sociological backgrounds of individuals. In the work that I did prior to coming to the Legislature, I filled out a number of these forms, particularly death certificates, and I am very concerned about the breadth and how broad this language really is. Theoretically, under this bill, if we ask economic questions for a death certificate, you may be asking a relative or someone how much money the individual made, and I fail to see how that has anything to do with morbidity, which is disease, or mortality, what caused their death, how much money they made. I think there is also some concerns here about sociological backgrounds. Sociological backgrounds is probably the broadest language possible, that they can ask anything in the world. I don't think under current law there is any statutory authority to ask questions and put them on a death certificate or a birth certificate, and I assume that is what this statute is doing is giving us the authority to do so. But I would, basically, move to strike Section 1 and would ask Senator Wesely if he would respond to some questions about how broad this section really is.

PRESIDENT: Senator Wesely, would you respond, please?

SENATOR WESELY: Yes, Mr. President.

SENATOR KRISTENSEN: Senator Wesely, under this section, it says here that you may have to put down reasons for termination of marriages onto a certificate, and I guess I probably caught you off guard here a little bit and I will give you time to find that section of the bill. My basic concern is, could you respond to us why we need to have such broad language. It is down in the second full paragraph there.

SENATOR WESELY: Umhuh. This bill comes from the Department of Health and is broad and is not intended to be as broadly implemented as might be interpreted by some individuals. Now at the hearing we had, there were some questions raised by a number of testifiers, well, this is awful broad, what is it going to mean. I think we have satisfied most of those concerns, and the reason is, the responses that there are, if you will note on page 3, line 15, reference to the United States Public Health Service, and there you find different uniform forms are required by them to be filled out. This talks about trying to be uniform with those forms and then also allows for deviation from uniformity that will be...increase efficiency, reduce cost in gathering information and still protect the health and safety of

people without jeopardizing such uniformity. So the real thrust of this is to recognize some federal requirements for information gathering the Health Department has had trouble responding to. And what we are trying to do is let them have the flexibility to meet those federal mandates and really not to do more with that. Really, it is not intended to go beyond what is necessary.

SENATOR KRISTENSEN: I guess I just think this really shows it is another federal rule or regulation that asks some very, very broad questions of things that really don't have anything to do with what we want to do, and I have some real grave concerns about asking questions on death certificates about how much money people make, or when you go in to get your marriage license, if you would like to stand up and tell them how much money you have made in the past or how much your spouse has made in the past or some other sociological things like the number of bankruptcies, perhaps, that you have filed, or any other questions. I think this is just way too broad a language and I would move to strike Section 1.

PRESIDENT: Senator Wesely, on the Kristensen amendment.

SENATOR WESELY: Okay, thank you. Mr. President and members, I would, obviously, oppose the amendment and ask Senator Kristensen to eventually withdraw this. We do need to have this language. This is supposedly a clean-up bill, and we have one every year from the Health Department, and every time we have one of these clean-up bills, there is always something in there that people are concerned about, I think rightfully so in this case. Senator Kristensen has raised a legitimate issue and I think for the record we need to talk about it. It did come out of the hearing. What we are attempting to do here is not broaden the amount of information that we are already gathering beyond recognizable information that really is already currently being gathered. We get most, if not all, of this information but the federal government has come down from time to time and said on their forms we must have this, and the Health Department is the one that develops the forms and goes out there on behalf of the federal government, and without the flexibility they have in here, the Attorney General isn't allowing them to make the changes they need to to the forms to provide the uniformity they need. So really the Health Department is in a straitjacket at this point with the Attorney General interpretation of the federal mandates, and what they can and can't do under current

statute. This is written far more broadly than they would like, but without the authorization it provides, they don't feel they can move forward in this area. And so, really, I don't think we have much choice. We need to pass the bill, and others have looked at it and felt the same thing. I think what will happen is this, we will see the bill will pass and this will pass, and then we will see the forms adjusted to meet the federal mandates, and if it goes beyond that, if it raises the concerns that Senator Kristensen says, and people are, obviously, upset, they will let us know and we can come back. Now maybe we can do something about it, maybe we can't. What I am saying is if the federal government has mandated it, it is going to be tough and we can make that impact back there, but certainly this Legislature has that oversight if at any point the Health Department goes beyond what is reasonable and what is required by the federal government. We have that authority to step in and change this language back to be more specific. I, at this time, don't know quite how we would do that and I am not quite sure that we will have a problem, in any event, but, nevertheless, it is good to put the department on notice that we are interested and concerned. As to the marriage question that Senator Kristensen asked, these sort of things are already required on marriage forms, the reason for termination and some of that is already there, I think, for the most part. This is not intended to drastically change the situation but only to clarify in statute the authorization the department has to develop these forms. And so I feel that although they are legitimate questions and they were raised at the hearing and raised again now on Select File, that we are in a position where we have to move forward with this, and if there are any problems resulting from it, I stand ready to work with everybody to follow up and make the corrections we need. So I would ask opposition to this amendment and proceeding on with the bill.

PRESIDENT: Thank you. Senator Abboud, please.

SENATOR ABBOUD: Mr. President, colleagues, I rise to support Senator Kristensen's concerns involving this particular portion of LB 344. The reason I will be supporting it is that a lot of this information is already required. If you will look on page 3, lines 21, 22, and 23, when it requests information on racial, I am not sure about ethnic background, I don't believe I have ever seen that on a divorce decree, but when you file for a divorce, you have to file a form with the Bureau of Vital Statistics, and prior to a divorce being granted, you have to

specify the number of times you have been married, your educational background, and reasons for termination of marriage which I don't believe is required on there but it would be most probably irreconcilable differences. So this information, excluding maybe the ethnic background, is already required to be submitted to the Bureau of Vital Statistics, and I think when we spell out the specifics, if you spell out the specifics of what you are requesting, I don't have any problems with that because there is some rational reason for that. They want to keep track of how many people...how many times a person gets married, I guess, for some reason or that individual's educational background for whatever reason that might accomplish. My concern arises in Section 1 with the first paragraph, lines 1 through 20, where the language is very vague and, essentially, it states that the Department of Health can establish any rules and any regulations requesting any information from the individuals that are involved in a marriage, a divorce, a dissolution of that marriage or annulment, a birth, and abortion. Now I don't know what information would be significant for an abortion but I don't feel comfortable about allowing the Department of Health to establish any rules and regulations dealing with this abortion issue. And I think if they want to spell out specifics as they did in the second paragraph, spelling out specifics dealing with racial background or ethnic background, I don't know what information or why that would be indeed relevant, maybe the information would be specified how many people that are black that have abortions or possibly their ethnic background, if they were Italian and they want to know how many abortions they have had. This might be significant for some particular reason. I am not sure what the significance would be. It really wasn't spelled out to this body and sometimes I have a problem when an agency brings in this information. There is a difference between federal regulations that specify and they tell the State of Nebraska that you have to supply this information or we will, in fact, reduce your funding, in comparison to the present situation where we, I feel we have more than complied at least with the Bureau of Vital Statistics on issues involving racial, ethnic background, number of marriages, education. As I said, this is all specified. It must be specified to the court prior to an annulment of marriage. I am not up to speed as far as what is required on the birth certificates, and if they want to be specific, that is fine, but I think we have allowed them too much latitude on this particular issue to peer into an individual's background on a subject that is very, very

delicate, and I think we can all agree, whether we support or disapprove of abortions, it is a very delicate matter. It is a matter that a lot of people would not want to spell out, and I think that the Legislature at least should have their finger on this particular point,...

PRESIDENT: One minute.

SENATOR ABOUD: ...and specify what information and not let the Department of Health run "ramshod" over the Legislature's authority. So for that particular reason, I will be supporting Senator Kristensen's amendment. Thank you.

PRESIDENT: Thank you. Senator Kristensen, would you like to close on your amendment, please?

SENATOR KRISTENSEN: Yes, I would, Mr. President. In light of what Senator Wesely has said, I have had some discussions with him, I do think if you put on the form for dissolution of marriage, I don't believe reasons for termination is on that form right now, you would need another whole form just to put in the narrative that most people would like to have onto that form. I guess what I would really like to see happen here is that the Department of Health be put on strict notice that we don't want these things to be very broad, and we don't want to ask a ton of questions just so we can find things out. We want some purposes for these matters, and I think if they do change the forms and certificates in any appreciable manner, that they should contact the appropriate professionals and those people that deal in this area to make sure we make these forms as narrow as possible. And with that, I think it is rather evident that the body is attuned we don't want the Department of Health with a broad brush out there asking for a variety of information that may border on intrusion of someone's privacy or their family's, and with that, I'd withdraw my amendment.

PRESIDENT: Did you say you withdrew your amendment?

SENATOR KRISTENSEN: Yes.

PRESIDENT: Okay, it is withdrawn. Do you have anything else on it, Mr. Clerk.

CLERK: I have nothing further on it, Mr. President.

February 13, 1989 LB 92, 92A, 344, 459

PRESIDENT: Senator Lindsay, would you like to move to advance the bill?

SENATOR LINDSAY: Mr. President, I move that LB 344 be advanced to E & R for Engrossment.

PRESIDENT: Thank you. You have heard the motion. All in favor say aye, opposed nay. It is advanced. LB 92, please.

CLERK: Mr. President, on LB 92, I do have E & R amendments pending.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 92 be adopted.

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

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

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 92 as amended be advanced.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 92A.

CLERK: Mr. President, on LB 92A, I have no amendments pending, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 92A be advanced to E & R Final.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 459.

CLERK: Mr. President, on LB 459, I have E & R amendments, first of all, Senator.

PRESIDENT: Senator Lindsay.

February 15, 1989 LB 39, 48, 187A. 238, 344, 556, 763
LR 31

PRESIDENT: Thank you. 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 LB 187A.

PRESIDENT: LB 187A advances. May I please introduce the doctor of the day. We have Dr. Richard Hanisch of St. Paul, Nebraska. I believe this is in Senator Rogers district. Dr. Hanisch, would you stand up so we may see you, please. He must be out taking care of somebody. Thank you. Mr. Clerk, something for the record, please.

CLERK: Mr. President, your Committee on Agriculture, whose Chair is Senator Rod Johnson, reports LB 39 to General File with committee amendments attached. (See page 750 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 238 correctly engrossed, and LB 344 correctly engrossed.

A new resolution, LR 31 by Senator Schimek and other members. (Read brief explanation. See pages 751-52 of the Legislative Journal.) That will be laid over.

An Attorney General Opinion to Senator Wesely regarding LB 48, and an Opinion to Senator Morrissey with respect to the Low-level Radioactive Waste Compact Commission, LB 763. That is all that I have, Mr. President.

PRESIDENT: Thank you. We will move on to LB 556.

CLERK: Mr. President, LB 556 was a bill that was introduced by Senator Abboud. (Read title.) It was introduced on January 18, referred to the Judiciary Committee, advanced to General File. I do have Judiciary Committee amendments pending, Mr. President. (See page 562 of the Legislative Journal.)

PRESIDENT: Senator Chizek, please.

SENATOR CHIZEK: Well, Mr. President and colleagues, the committee amendment is on page 562 of the Journal. The committee amended it to ensure that the language that governs

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LB 74, 116, 208, 238, 263, 267, 273
344, 781

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 273 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 868 of the Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 273 passes. LB 344 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 344 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 44 (sic) pass with the emergency clause attached...excuse me, 344 with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 869-70 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 344 passes with the emergency clause attached. This ends the Final Reading. Do you have anything for the record at this time? If not, we'll move on to special order, LB 781.

CLERK: Mr. President, LB 781...

PRESIDENT: Mr. Clerk, before you start, may I just say that while the Legislature is in order...in session and capable of transacting business, I propose to sign and do sign LB 74, LB 116, LB 208, LB 238, LB 263, LB 267, LB 273 and LB 344 with the emergency clause attached. Now on to LB 781.

CLERK: Mr. President, 781 was a bill that was introduced by the General Affairs Committee and signed by its members. (Read title.) The bill was introduced on January 19 of this year, Mr. President. At that time, it was referred to the General Affairs Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the General Affairs Committee.

February 24, 1989

LB 74, 116, 208, 238, 263, 265, 267
273, 344, 360A, 765

SPEAKER BARRETT: LB 360A is advanced. For the record, Mr. Clerk.

CLERK: Mr. President, Senator Smith would move to withdraw LB 765. That will be laid over. I have a notice of hearing from the Rules Committee, signed by Senator Lynch as Chair. Your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning, Mr. President. That's all that I have. (See page 875 of the Legislative Journal, re: LB 74, LB 116, LB 208, LB 238, LB 263, LB 267, LB 273, and LB 344.)

SPEAKER BARRETT: As a matter of general information, we will not be discussing 520 or 520A this morning. We will not be discussing LB 340, LB 147, or 147A. We are then at this point to LB 265. Mr. Clerk.

CLERK: Mr. President, 265, offered by Senator Chizek. (Read title.) The bill was introduced on January 9, referred to the Judiciary Committee. The bill was advanced to General File. I do have an amendment to the bill by Senator Chizek, Mr. President. That amendment is on page 739 of the Journal.

SPEAKER BARRETT: Senator Chizek, on your amendment.

SENATOR CHIZEK: Mr. President, colleagues, the amendment is on page 739. The amendment removes paternity matters from the expedited process required by federal law. The changes in the federal requirements permit the state to remove paternity matters from this expedited process. The judges and the Department of Social Services have excluded paternity because these actions don't lend themselves to the expedited process. Appointment of counsel, jury trial, discovery, blood tests, et cetera make paternity matters a poor candidate for the expedited process. LB 265 would, however, allow referees to handle paternity matters under direction of the district court. I would urge the adoption of the amendment.

SPEAKER BARRETT: Any discussion on the amendment to 265? If not, those in favor of the adoption of that amendment please vote aye, opposed nay. Voting on the amendment to LB 265. Please vote, if you'd care to vote. On the amendment to 265, please vote, if you'd care to vote. Record, please.

CLERK: 25 ayes, 0 nays on adoption of Senator Chizek's amendment to the bill, Mr. President.

March 3, 1989

LB 74, 91, 116, 208, 238, 263, 267
273, 344, 471, 628
LR 38-41

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: (Recorder not activated) ...hearty souls who are with us this morning as we convene this last day of the working week. Our opening prayer this morning by Chaplain Clarence Zwetzig of Bryan Memorial Hospital, here in Lincoln. Chaplain Zwetzig.

CHAPLAIN ZWETZIG: (Prayer offered.)

SPEAKER BARRETT: Thank you, Chaplain Zwetzig. We hope you can come back again. Roll call.

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

SPEAKER BARRETT: Thank you. Any corrections to the Journal?

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any messages, reports, or announcements?

CLERK: Mr. President, a communication from the Governor to the Clerk. (Read. Re: LB 74, LB 116, LB 208, LB 238, LB 263, LB 267, LB 273, LB 344. See page 960 of the Legislative Journal.)

Mr. President, resolutions LR 38 and LR 39 adopted yesterday are ready for your signature.

Mr. President, your Committee on Government, Military and Veterans Affairs, whose Chair is Senator Baack, to whom was referred LB 471 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File, LB 628 General File with amendments, LB 91 indefinitely postponed, those signed by Senator Baack as Chair. (See pages 960-61 of the Legislative Journal.)

Mr. President, I have two study resolutions, both introduced by Senator Rod Johnson. (Read brief explanation of LR 40.) That will be referred to Reference. (Read brief explanation of LR 41.) That, too, will be referred to the Exec Board. (See pages 961-62 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. While the Legislature is in