

hospital or whether he has returned home. So, do what you think you want to on that. Thank you. Mr. Clerk, some new bills.

CLERK: Mr. President, new bills. (Read LB 463-472 by title for the first time. See pages 242-44 of the Legislative Journal.)

Mr. President, new A bills. (Read LB 303A, and LB 309A by title for the first time. See pages 244-45 of the Legislative Journal.)

Mr. President, in conjunction with that, I have a motion from the Speaker. Mr. President, the motion offered by the Speaker relates to LB 309A and 303A. It moves to suspend Rule 5, Section 6(f) to refer those two A bills to the Appropriations Committee.

FRESIDENT: (Gavel.) If I could have your attention a moment, please, we're going to our Speaker for a special motion. Mr. Speaker.

SPEAKER BARRETT: Thank you, Mr. President, members. The motion which I have offered is essentially to suspend Rule 5, Section C, subsection (f) which indicates that each appropriations bill is to be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure. The purpose of the motion is to suggest that these two appropriations bills, which are aligned with 303A...or 303 and 309, the salary bill and the health insurance bill, go to the Appropriations Committee as opposed to being referenced directly to General File. The A bills have come over from the Governor's office for the first time, at least in my memory, as A bills, and it seems only practical that the A bills go along with the policy statement in 303 and 309, let the Appropriations Committee handle them, amend or change, if necessary, and come back with the main line bill. That is essentially it, Mr. President. I would move for the adoption of the motion to suspend the rules.

PRESIDENT: Thank you, Senator Barrett. The question is the suspension of the rules, and at the same time you are voting on sending these two bills to the Appropriations Committee. So it will be one vote, requires 30 votes. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

January 18, 1989

LB 162, 163, 235, 275, 374, 472, 479
598, 599

pages 282-93 of the Legislative Journal.)

Mr. President, in addition to those items, a final bill. (LB 598 read for the first time by title. See page 293 of the Legislative Journal.)

Mr. President, I have a motion to be filed by Senators Withem, Nelson, Korshoj, Lamb, Bernard-Stevens, Chizek, and Hartnett. It would move certain rules and place LB 275 directly on General File. That will be laid over. (See page 294 of the Legislative Journal.)

Mr. President, I have a series of names to add on. Senator Kobak would like to add her name to LB 472; Senator Ashford to LB 479; Senator Morrissey to LB 162; Senator Peterson to LB 374, Senator Withem to LB 163.

Mr. President, Senator Wehrbein would move to withdraw LB 235. That will be laid over. Mr. President, the last item I have is a new bill. (LB 599 read for the first time by title. See page 294 of the Legislative Journal.)

SENATOR HEFNER: Senator Nelson, would you like to give us a message.

SENATOR NELSON: Mr. Speaker, members of the body, I move that we adjourn until January 19 at 9:00 a.m.

SENATOR HEFNER: We are adjourned then until 9:00 a.m. tomorrow morning.

Proofed by:

Sandy Ryan
Sandy Ryan

April 19, 1989

LB 472, 569

SENATOR HALL: Just wanted to let the body know that my priority bill has the same effect as Senator Lynch, only it doesn't take two days to do that, and I would like to thank the body for that last vote as well.

SPEAKER BARRETT: Thank you, sir.

CLERK: Mr. President, LB 567, LB 569, excuse me, Senator, I have Enrollment and Review amendments pending.

SPEAKER BARRETT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move the advancement of LB 569.

CLERK: E & R amendments, Senator.

SENATOR LINDSAY: I move the adoption of the E & R amendments to LB 569.

SPEAKER BARRETT: Thank you. Shall the E & R amendments be adopted? Those in favor say aye. Opposed no. Carried. They are adopted.

CLERK: Mr. President, Senator Peterson and Schellpeper would move to amend the bill. (See Peterson and Schellpeper amendment on page 1560 of the Legislative Journal.)

SPEAKER BARRETT: Senator Peterson, please.

SENATOR PETERSON: Thank you, Mr. President and members. This is an amendment that comes from the bill I introduced before the Public Health Committee, and it mainly just has to do with liability. First responders serve a vital role in the emergency care system in the state by responding to emergency calls and giving basic first aid care at the scene of an emergency. These persons are usually volunteers who have other full-time jobs who respond when an emergency arises, although some communities have combined this service with their jobs as firefighters. In some communities, the first responder units are the only emergency care available. I introduced LB 472 as a bill to certify first responders and it was a recommendation of the Health and Human Service Committee that LB 472 go through the 407 review process. In the meantime, however, these communities that rely on the

first responder are in danger of responders unwilling to take the risk of rendering care without being assured that they have protection from civil liability in the course of rendering these services. Therefore, I have proposed this amendment of LB 569 to give such protection now in order that these first responders and their communities may continue to have these necessary services while the certification process is undergoing the 407 process. The amendment was drafted to allow it to stand on its own as a part of the emergency services care. It defines a first responder as one who locates and provides basic life support to patients at the scene of an emergency, and who holds a current certificate of successful completion of the United States Department of Transportation Forty Hour Emergency Medical Services-First Responder Course, or has passed a Nebraska Fire Services Fifty-two Hour Firefighters First Aid Course. This amendment is submitted for this limited purpose only, and is not designed to take the place of LB 472 certification requirements which will continue on during the rest of the year in the 407 process. Dr. Wright, Director of the Department of Health, has reviewed the amendment proposed and said, and I quote, "I feel that we could support the amendment included in your letter of March 28, 1989, so long as it is understood that it represents the temporary resolution to the problem and there continues to be a firm commitment to follow through with the more complete program presented in LB 472." This amendment is a temporary resolution to the problem and it is understood that LB 472 will continue through the 407 process to put in place the more complete program outlined in LB 472. I ask for your adoption of this amendment.

SPEAKER BARRETT: Thank you, sir. Discussion on the Peterson amendment? Senator Chizek.

SENATOR CHIZEK: He had a point of order.

SPEAKER BARRETT: A point of order, I am sorry, I mis....what is your point?

SENATOR CHAMBERS: Mr. Chairman, I don't believe this amendment based on the reading of the germaneness rule this session is germane to this bill.

SPEAKER BARRETT: Thank you. Senator Peterson, would you care to make a comment?

that people who render a certain type of help are not liable if they commit a negligent act. That is not what was heard when this bill was presented. It was not what the public was told to expect when this bill has moved across the floor. So now, at this late stage, we come up with a proposition that is worthy of a hearing on its own and not in conjunction with this bill that did not contemplate removing liability from people who commit negligent acts. This bill, the amendment that is being offered by Senator Peterson says that if a person fails to exercise due care when they come upon a person needing aid, they are not liable. That is a strong and far-reaching position, and it ought not be added to a bill such as this. As it stands without the amendment, the bill is innocuous and I am not aware of its having raised any problems in anybody's mind, but this amendment would justify a serious fight and, if it were added to the bill, I would feel an obligation to try to kill the bill because that provision is totally unwarranted. It has not been evaluated and I don't think it ought to be added to this bill. So what I am saying is that the Chair ought not be overridden in this instance.

SPEAKER BARRETT: Thank you. Senator Morrissey, do you care to speak to the challenge? Thank you. Senator Pirsch, did you wish to speak to the challenge?

SENATOR PIRSCH: Yes, thank you, Mr. Speaker. Senator Peterson, I would like to ask you a question. Has this not been a bill in the past and had a hearing?

SENATOR PETERSON: Yes, it had. This is part of...this is the liability part of LB 472 that had a hearing before Public Health and Human Services, and to certify and that first responders, and what we want to do is go through the 407 with certification and everything, but get in the liability because those first responders, a lot of them out there in the small towns, fall between the Good Samaritan Act and the EMTs.

SENATOR PIRSCH: Right, and I am aware of that problem, and I do think that this problem should be addressed. I am not sure that members want to overturn the Speaker, but perhaps we could just suspend the rules and do it that way, if, indeed, this is not overturned this way. I know there is a problem out there and this is one of concern, for several years, I think, this has been before the body and never quite had the time to go through and, regretfully, Mr. Speaker, I am going to have to vote to

January 31, 1990

LB 50, 376, 472, 519, 753, 973, 1064
1080
LR 8

Those in favor....Excuse me. Mr. Clerk, would you proceed with a roll call on the advancement.

CLERK: (Roll call vote taken. See pages 591-92 of the Legislative Journal.) 30 ayes, 9 nays, Mr. President, on the advancement of LR 8.

SPEAKER BARRETT: Motion is adopted, the bill (sic) is advanced, and the call is raised. Anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. I have reference report referring certain gubernatorial appointments to the appropriate Standing Committee for confirmation hearing, signed by Senator Labedz as Chair of the Reference Committee. Health and Human Services Committee reports LB 1064 to General File; LB 472, General File with amendments; LB 1080, General File with amendments; LB 376, indefinitely postponed; LB 519, indefinitely postponed; LB 753, indefinitely postponed, those all signed by Senator Wesely. Natural Resources reports LB 973 to General File with amendments, those signed by Senator Schmit. (See pages 592-94 of the Legislative Journal.)

Mr. President, I have a hearing notice from the Judiciary Committee signed by Senator Chizek as Chair of the committee. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Turning to LB 50, Mr. Clerk, on Select File.

CLERK: Mr. President, LB 50, the first order of business are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay, would you care to handle the E & R amendments, please.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 50.

SPEAKER BARRETT: Thank you. Any discussion? If not, shall the E & R amendments be adopted to LB 50? All in favor say aye. Opposed no. Carried, they are adopted.

CLERK: Mr. President, Senator Dierks would move to amend his bill. The amendment is on page 558 of the Journal.