

January 18, 1989

LB 35, 36, 38, 79, 158, 496-536

while you bring in your bills. If you have some, please bring them up. Do you have an announcement for us?

CLERK: Mr. President, Reference Committee will meet in five minutes in Room 2102; Reference Committee in Room 2102 in five minutes.

PRESIDENT: Reference Committee, please heed the announcement just made.

EASE

PRESIDENT: If you don't have anything to do, there is some dry edible beans up in front here, if you would like to help yourself you may. John Weihsing knows all about them, so you can ask him if you want to know how to cook them or anything. (Gavel.) Senator Weihsing.

SENATOR WEIHSING: Mr. President and members of the Legislature, this year Nebraska is number one in the production of dry edible beans. I thought that you should realize that we have a very high standing with the production in the nation.

PRESIDENT: Mr. Clerk, you have something to do.

CLERK: Mr. President, your Committee on Agriculture, whose Chair is Senator Rod Johnson, to whom was referred LB 35, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 36 and LB 38 to General File, all signed by Senator Johnson as Chair.

Mr. President, new bills. (LBs 496-536. Read for the first time by title. See pages 258-66 of the Legislative Journal.)

Mr. President, in addition to those items, I have the hearing notice from the Health and Human Service Committee. Mr. President, a Reference Report referring LBs 463 through 495.

Mr. President, Transportation Committee, whose Chair is Senator Lamb, to whom was referred LB 79, instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File with committee amendments attached, and LB 158 to General File, both of those signed by Senator Lamb (See pages 268 of the Legislative Journal.)

February 3, 1989

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

February 16, 1989      LB 56, 127, 140, 167, 183-185, 195, 366  
520, 582A

pages 786-88 of the Legislative Journal.)

I have a new A bill. (Read LB 582A by title for the first time.  
See pages 788-89 of the Legislative Journal.)

Madam President, bills read on Final Reading this morning are now presented to the Governor for her review. (Re: LB 56, LB 127, LB 167, LB 184, LB 185, LB 366 and LB 195.) Senator Schellpeper would like to print amendments to LB 520; Senator Chizek has amendments to LB 140. And, Madam President, Senator Elmer would like to add his name to LB 183 as co-introducer. (See pages 789-91 of the Legislative Journal.)

SENATOR LABEDZ: If there are no objections.

CLERK: I have nothing further, Madam President.

SENATOR LABEDZ: Thank you, Mr. Clerk. Senator Lowell Johnson, would you like to adjourn us until Tuesday, February 21st.

SENATOR L. JOHNSON: I would. Madam President and members of the Legislature, I move that the Legislature adjourn until 9:00 a.m., Tuesday, February 21.

SENATOR LABEDZ: Thank you, Senator Johnson. We are adjourned until Tuesday, February 21st, 9:00 a.m.

Proofed by: Arleen McCrory  
Arleen McCrory

January 3, 1990

LB 346, 520, 707, 923-935  
LR 8, 229-233

of LRs 229-233, some of which will be referred to the Reference Committee for referral to the appropriate Standing Committee, others laid over. See pages 123-28 of the Legislative Journal.)

Mr. President, I have amendments to be printed from Senator Hall to LB 346 and to LB 707. (See pages 128-29 of the Legislative Journal.)

Mr. President, I have a proposed rules change offered by Senator Wesely. That will be referred to the Rules Committee. (See page 129 of the Legislative Journal.)

Mr. President, Senator Lynch would like to remind the body that there will be a Rules Committee meeting at one-thirty in Room 1517. And, Mr. President, there will be an Executive Board meeting at two o'clock in Room 1520.

Finally, Mr. President, I have requests to add name to LR 8 by Senator Kristensen and to LB 520 by Senator Smith. (See pages 129-30 of the Legislative Journal.)

PRESIDENT: Ladies and gentlemen, if I could have your attention just a moment, please. We're about out of bills to enter, and if you have some, please bring them up quickly and soon so that we can do this before we adjourn. We're about ready to adjourn, but we don't want to shut anybody off that has one cooking. Incidentally, if you're about ready to introduce one, but not quite, please let the Clerk know that one is coming presently so that we may wind this up. Thank you. We'll not meet this afternoon, of course.

CLERK: (Read by title for the first time, LBs 923-929. See pages 130-31 of the Legislative Journal.)

Mr. President, a reminder, the Rules Committee will be meeting at one-thirty this afternoon in Room 1517 and Exec Board will be meeting at two o'clock in Room 1520, signed by Senators Lynch and Labeledz, respectively.

PRESIDENT: Ladies and gentlemen, please get your bills in if you would like. We're about ready to wind this up. Thank you.

CLERK: (Read by title for the first time, LBs 930-935. See pages 131-33 of the Legislative Journal.)

January 12, 1990

LB 422, 520, 1012, 1050, 1124, 1125

five minutes and we've cleaned it up a little bit and we moved it on. We didn't have to go to Select File and wait, and we can do these things. It's possible to be done and I appreciate the members. Thank you.

SENATOR LABEDZ: Senator Abboud, there are no further lights on, would you like to close on the advancement of LB 422?

SENATOR ABOUDD: I think we've had a good discussion and I would just move the bill.

SENATOR LABEDZ: Thank you. We're voting on the advancement of LB 422 as amended. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Madam President, on the advancement of 422.

SENATOR LABEDZ: LB 422 is advanced to E & R Initial. Do you have anything to read in, Mr. Clerk?

CLERK: Madam President, I do. New bills. (Read LB 1124 and LB 1125 by title for the first time. (See pages 305-06 of the Legislative Journal.)

Madam President, I have amendments to be printed to LB 520. That is offered by Senators Dierks and Schellpeper. (See pages 306-09 of the Legislative Journal.)

Madam President, a motion from Senator Wesely to withdraw LB 1012. That will be laid over pursuant to Legislature's rules. (See page 309 of the Legislative Journal.)

I have a report of registered lobbyists for the week of January 9 through January 11.

And, Mr. President, hearing notice from the Government, Military and Veterans Affairs Committee. It is signed by Senator Baack as Chair of the committee.

And finally, Senator Bernard-Stevens would like to add his name to LB 1050 as co-introducer.

SENATOR LANDIS PRESIDING

January 26, 1990

LB 520, 852, 872, 1121

Government Committee reports LB 852 to General File, LB 872 to General File, and LB 1121 to General File, those signed by Senator Baack as Chair. I have a confirmation hearing report offered by the Natural Resources Committee, and notice of hearing from Natural Resources. That's all that I have, Mr. President. (See page 532 of the Legislative Journal.)

PRESIDENT: Thank you. In that case we'll move on to General File, LB 520.

CLERK: Mr. President, LB 520 was a bill originally introduced by Senator Schellpeper and Dierks and Senator Smith. (Read title.) The bill was introduced on January 18 of last year, Mr. President. At that time it was referred to the Health Committee for public hearing. The bill was advanced to General File. Senator, I have...you want to offer your amendment first, or would you like to talk about the bill for a moment?

SENATOR SCHELLPEPER: I'll probably just talk about the bill first, and explain what it does.

PRESIDENT: All right. Senator Schellpeper, please.

SENATOR SCHELLPEPER: Thank you, Mr. President and members. I think, first of all, I want you to know I'm not going to put 769 into 520. I wanted you to know that before I get started. LB 520, as amended now, is an incentive bill to get nurses to go back to rural Nebraska. It's also designed to get them into nursing. At the present time there is a tremendous shortage in the entire state in nursing. In fact I just received a note that there is 938 vacancies in nursing homes alone in Nebraska at the present time. So you can see, we have a tremendous shortage, not only in rural Nebraska but in the entire state. LB 520 is designed to get the nontraditional student to go into nursing. We're trying to get the housewife, the mother, maybe some man, the low income, the minority student that will...from rural Nebraska to go into nursing and then go back to that area, because it seems like once they get into Omaha and Lincoln they do not come back to rural Nebraska. So we're hoping that we can get this student from rural Nebraska to go into nursing, we don't care where they go, any school they want to in Nebraska, that then they will come back to where they live. And I think that that will help the nursing shortage. I realize that 60 nurses is not very many, but it is a start. And if we can do 60

nurses for two years, which is what the amendment says, we plan to have a scholarship the first year of \$1,000, and they will be selected on a...the first priority will be residents of rural areas; the second will be financial need; and the third will be to nontraditional and ethnic minority students. So we're trying to help everyone that would not necessarily go into nursing. We currently have a scholarship program out there. But a lot of the people that we think that this bill would help do not use that. And we think by having this \$1,000 scholarship and...we'll get them there. We also have a \$1,000 incentive to get them back to rural Nebraska for another two years. So the first year will be 60 nurses for \$1,000, and then the second year we will have 120 nurses at \$1,000. Then if that 120 nurses would go back to rural Nebraska that would be an additional \$1,000 then for another two years. I realize we probably won't get them all back. But hopefully if we can get that nurse that has a family, this wife, this mother, to go into nursing in some school in Nebraska that she will stay in rural Nebraska. But this is the amendment that...the amendment now is the bill. I'd be glad to answer any questions. Thank you.

PRESIDENT: Senator Dierks, please.

SENATOR DIERKS: Mr. President, members of the body, I'm, of course, standing in support of this legislation. I've signed on the bill with Senator Schellpeper. I think it's of vital importance to rural Nebraska that these types of legislation are enacted. We need...a very strong need for medical service in rural Nebraska. People are not coming back there, and we need to do something about that. This type legislation, I believe, will provide the incentive for these people to be educated in rural Nebraska, then the likelihood that they'll stay there to practice their profession is much greater. There's....Every week I get letters from some place across my district or across Nebraska where people are complaining or concerned about the fact that they don't have enough registered nurses to keep their hospitals open and their nursing homes open. And anybody that's heard that we don't have a shortage of nurses hasn't heard the true facts because it just isn't so, we do have a shortage and it's vitally important that this type legislation be available to help us revitalize rural health care in rural Nebraska. I just urge your supporting this amendment and the bill. Thank you.

PRESIDENT: Senator Nelson, on the Schellpeper amendment.

SENATOR NELSON: Yes, Mr. Speaker. I, too, certainly realize what the need of nursing and the nursing shortage yet in rural Nebraska. And I'm having a little problem finding the amendment to 2130. I don't know, maybe it's not in my file. But I have a couple questions of Senator Schellpeper. But I also do want to say that the nursing shortage is certainly not over by a long ways. I think by our efforts and our publicity last year and so on there are a lot more students in nursing schools yet. And one of the problems that we do need to work on next is trying some how or another to get nurses with a masters degree to teach in these schools. That is another real severe shortage. But I do have a question. It says that this amendment now becomes the bill. Refer to AM2130, and I can't seem to put my finger on that. How is the....Could I ask a questions of Senator Schellpeper.

PRESIDENT: Senator Schellpeper, please.

SENATOR SCHELLPEPER: Yes.

SENATOR NELSON: How is financial need determined?

SENATOR SCHELLPEPER: The financial need is determined, first of all, the first priority is to rural areas. And then it goes to financial need. And it will be...I think there is a criteria that they have set up for other financial low income, nontraditional students. And that's what they will be using.

SENATOR NELSON: You mean SSIG loans, or from Pell Grants down, or what's your....I mean I kind of want it for the record, but I really don't know.

SENATOR SCHELLPEPER: Well there's a formula now that they have, the state has. It isn't the SIG loan, no. That's a different formula. This is a....They said they now have a formula that they use. The Health Department has this formula that they now use for...that they use for other low income.

SENATOR NELSON: Well, the low...you know the SSIG loans are subsidized by the...

SENATOR SCHELLPEPER: Right.

SENATOR NELSON: ...by the colleges and that's part of the



problem there. And that was part of the reason for the veto of the bill last year. That's simply not true, they can't teach it at cost and give away. But...

SENATOR SCHELLPEPER: These are not subsidized.

SENATOR NELSON: I can visit with you off the floor. I don't...I'm not familiar with what you have here. Okay, the next one. What is nontraditional students?

SENATOR SCHELLPEPER: The nontraditional student, Senator, would be, like I said, would be your housewife, your mother that would not necessarily go into nursing. It's somebody out there now that thinks, well, I've always wanted to be a nurse, but you have not been into any school in the last three years. I think, if you will read the amendment, it will probably say it. It's on page 306. We did not have it distributed, we probably should have, the Journal page 306.

SENATOR NELSON: Okay, I'm not going to in any way hold up the bill now. I do have some questions, or Jackie has just now given me AM2130, and maybe some of the details could be worked out later or something.

SENATOR SCHELLPEPER: I think it's all...I think it pretty well spells it out in there, Senator.

SENATOR NELSON: Sure, I just support anything that we can do to help nursing, I guess.

SENATOR SCHELLPEPER: Thank you.

PRESIDENT: Thank you. Senator Schmit, please, followed by Senator Smith. I don't see Senator Schmit. Senator Smith, would you like to continue, until we find him, please.

SENATOR SMITH: Thank you, Mr. President. Members of the body, as you know the purposes of the Nursing Incentive Act was to establish incentives for persons to obtain their education in nursing, to provide for the repayment of loans for nursing students who are practicing in Nebraska, and then to insure an adequate supply of nurses. And, as has already been stated, we all know that in rural Nebraska particularly this problem has not gone away, and we need to deal with this concern. I've been asked to remind Senator Schellpeper that nursing students are

not necessarily always women, it can be men also. I guess I am...my name is on the bill and I know Senator Nelson's was last year. This is sort of a complicated issue here because what we have now is a new bill which has taken the place of the other bill, which we originally had last year. And I feel responsible, since my name is now on this bill, to be sure that we all know what the provisions of the bill are, and that before we vote on the issue, and I'm trying to give Senator Nelson a little time to go through those amendments....I just was...in passing out what you had on the floor here, Senator Schellpeper, where you outline what the provisions of the amendment would do now, which essentially would become the bill, how is it...how was the determination made to divide the financ...the funding or the amount of money that's being allocated or would be allocated so that half of the scholarships would be given to nontraditional and ethnic...or ethnic minority students. Was there a...

SENATOR SCHELLPEPER: Thirty would go each place, you'd have...

SENATOR SMITH: But what was the reason behind that? Do you have a purpo...a reason why it was divided that way?

SENATOR SCHELLPEPER: We just thought that because in rural areas we're getting so many ethnic, low income people out there that we thought maybe it would be better if we would have half the nurses scholarships go there, and then the other half would go to the others.

SENATOR SMITH: Was it because you felt that new students coming out of high school, going into a college type setting, might have more access...

SENATOR SCHELLPEPER: Right.

SENATOR SMITH: ...to grants.

SENATOR SCHELLPEPER: Definitely.

SENATOR SMITH: And so...and then, of course, because of the concern that we do have in our rural communities where we have to...we're trying to tap the resources that are there, plus hopefully maintain those resources and keep those people in the communities. So I guess, as I look at this, I'm understanding that we're talking, when we talk about nontraditional, we're

talking about, for instance, women that are working part-time...

SENATOR SCHELLPEPER: Definitely.

SENATOR SMITH: ...who are not going to school full-time, but this could be a way of getting them to get the education and then to stay in the community with their families.

SENATOR SCHELLPEPER: That's what we're trying to do. We're trying to get that mother, that housewife, that necessarily...that would not necessarily go into nursing to, maybe this \$1,000 scholarship might be enough to say, well, I wouldn't mind...I've always wanted to be a nurse, this would help maybe push them into nursing just a little bit.

SENATOR SMITH: Okay, and then can you expand upon the second provision which is financial need, how that's determined.

SENATOR SCHELLPEPER: Financial need, at the present time, there's a formula that they use for the SIG. There's also another formula that the state has, and we're going to take a look at that. And we'll probably come up with an amendment to clarify that before we get to the final...before next reading. But I think that it's there, we just need to clarify it, Senator.

SENATOR SMITH: All right, thank you. I think what I'd like to do is relinquish the rest of my time to Senator Nelson, if she's had a chance to look at the amendment, because I'd like to hear from her on this. Senator Nelson, would you like the rest of my time?

PRESIDENT: You have a minute and a half.

SENATOR NELSON: Yes.

SENATOR SMITH: Thank you.

SENATOR NELSON: I've gone through this and this need and college loans and so on and so forth. And it's certainly not as simple as it may seem. The problem, and I have to say I think the Governor or her advice was misled last year when the veto of the original bill that we had, in the statement that I think we allocated 1.2 million for SSIG loans, up from 750,000 the previous year.

PRESIDENT: One minute.

SENATOR NELSON: The problem with SSIG loans, which I think this is the same thing when you talk of financial need, that is about the last loan that they get. There are Pell Grants, there are other loans and so on. The nursing in the...sometimes 70, 76 percent are given loans either through institutions or scholarships or so on and so forth. The problem with the SSIG loans, that small amount of money, and also an institution has to subsidize half of it. A quick figure, \$8,000 maybe to go to one nursing school, half of that need is \$4,000, when need is established. Then you get into the fact that the one that goes to the higher priced school gets the need. Okay, let's go back down to maybe the community college at \$3,600 for the nursing course, half of that need becomes \$1,800, who gets the...

PRESIDENT: Time.

SENATOR NELSON: ...who gets the scholarship, the 4,000, the SSIG? The community college cannot subsidize the SSIG loans because they have to subsidize, for example, an \$1,800 loan, they have to subsidize \$900. Well, if it's \$900 and they've getting it at a cost plus basis...

PRESIDENT: Time.

SENATOR NELSON: ...they can't do it hardly, see. So that's the problem that we get into on SSIG loans or need basis.

PRESIDENT: Senator Wesely, please, followed by Senator Schellpeper.

SENATOR WESELY: Yes, Mr. President, members. I rise in support of the amendment and of the bill. I know Senator Schellpeper spent a lot of time on this, Senator Nelson and Senator Smith and Senator Dierks. The issue of nursing shortage and nursing initiatives, to meet that problem of nursing shortage, have preoccupied the Health and Human Services Committee and the Education Committee, to a degree, over the last couple of years. Clearly, the problem is there. What to do about it has been the difficult task. Senator Nelson's bill, last year, did pass. This Legislature did recognize the problem, did pass the legislation and, unfortunately, it was vetoed by the Governor. But the time since then I know there has been additional

discussion and consideration and contemplation, and this amendment is offered after that further review. The only thing I would caution you is that it is less, or let us say more modest an approach than what we envisioned last year. I consider it a first step. I consider it an initial effort to deal with this problem. And it's quite likely that it will require further follow-up in years ahead. But, considering that last year we passed the legislation and had it vetoed, I would hope that this more modest approach would be able to be passed and signed by the Governor and would become law. We cannot afford to wait any longer for action on this problem. So, with that understanding, I would encourage your support for Senator Schellpeper's amendment and for the bill.

PRESIDENT: Thank you. Senator Schellpeper, please, followed by Senator Crosby.

SENATOR SCHELLPEPER: I'll pass at the present time. Thank you.

PRESIDENT: All right, thank you. Senator Crosby.

SENATOR CROSBY: Thank you, Mr. President and members. I'm really pleased to stand and support this amendment and the legislation. Just two things before I say what I want to say about the nursing profession in general. I'm not going to talk about the technical side of it, because I know, because I've talked to Senator Schellpeper, he has addressed some of those problems and is working out a lot of them. In the first place, somebody asked about the term "nontraditional". That's a nice euphemism for older people. I was a nontraditional student when I finished my degree. So we clear that up. The other thing someone mentioned that we need to address the masters programs for nurses. We have already done part of that. Last year I was very pleased to be a part of the effort to get the Coordinating Commission on Postsecondary Education to approve a masters program at Union College, here in Lincoln, and they already have 46 students, 46 nurses who are taking advantage of that program. So I was very pleased that that happened, and that was done without legislation, because all they needed was the approval. I think what I'd like to say to you this morning, and I've said this before, the nursing profession is the profession that many of us, when you have a health problem, the nurse is the one that you depend on for a lot of your care, most of your care. If you go to the doctor's office or if you call the doctor with a problem, whom do you speak to? The nurse. If you're in the

hospital, who takes care of you most of the time? A nurse. If you're in the emergency room, who comes out and takes care of you and gets you on whatever emergency treatment you need before the doctor gets there? The nurse. If you have a baby, who takes care of you first? The nurse. The nurse is right there all the time. If you're in surgery, the nurses are the ones who really take care of you. The doctors do the work and that kind of...and diagnosis and so on, but the nurse is so important to every one of us in every day of our lives to us and our children that I can't ever say enough. And one of the big problems with the nursing profession is that it has been downgraded over the years because of the rush to specialties and the technological advances that we have enjoyed in the health professions. So we need to...these incentives to get men and women, both, interested and back to the nursing profession, and to upgrade that profession in pay and other benefits, to be sure that they will stay in the profession, and especially in Nebraska in our rural areas, but in our urban areas, too. Here in Lincoln and Omaha and this area we need them, too. So I can't urge you enough to vote for this bill and hope that it will become law this year and that we'll be able to take this baby step in beginning a real beginning to do this kind of legislation and the incentives and the encouragement to those who are already nurses. We need to encourage them to stay in their profession and to feel good about their profession. Most of them do, and they are wonderful people. So I just urge you to vote for the amendments and for the bill. Thank you.

PRESIDENT: Thank you. Senator Nelson, please.

SENATOR NELSON: I...Well, I don't know, I hate to call the question. Maybe other people want to speak, or if I can....I'll just say I still speak in support. I have some concerns of how it's being worked out, but anything that we could do and possibility of helping the nursing I will support it and I'll work hard for it.

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

SENATOR SCHELLPEPER: Thank you, Mr. President and members. Senator Nelson, in just talking to some people in the back, they said there is a standard federal analysis that is used now for all need. Yeah. And that's what...you have a question about that?

SENATOR NELSON: There's about 50 things on it that they push in, and then whoever...however it comes out, that's...you know, that's need and (interrupted)...

SENATOR SCHELLPEPER: But they said that that is...there is this formula now that's currently being used. But we will check into it, and before Select we will have it explained so everyone will know exactly what that financial need is. But, once again, this amendment is the bill and it's designed to help the nontraditional student to go into nursing, with \$1,000 a year, for two years, and then if they go back to a rural Nebraska they can get an additional \$1,000 a year for another two years. It's only going to take care of 120 nurses, but it's a step in the right direction. And it is not....Last year we had a much more expensive bill, I think it was a better bill because we could take care of a lot more nurses. That was vetoed. So we thought we're going to come back this year, we're going to come with a low budget bill. We spend money for a lot of things in this body, and I think there is nothing more important than nursing. So I just move for the adoption of the amendment.

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

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

PRESIDENT: The Schellpeper amendment is adopted. Now we're on the advancement of the bill. Senator Schellpeper.

SENATOR SCHELLPEPER: I would just move the bill, Mr. President. Thank you.

PRESIDENT: Thank you. Any further discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 520.

PRESIDENT: LB 520 is advanced. May I introduce some guests of Senator Haberman, please. We have, under the south balcony, Mr. Jim Capdevielle and Senator Haberman has with him, at his

January 30, 1990

LB 269, 520, 520A, 567, 567A, 888, 917  
946, 954, 1046, 1050, 1085  
LR 248

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Good morning, ladies and gentlemen. Welcome to this, the 18th day in the Second Session of the Ninety-first Legislature. The Chaplain of the day, Pastor Chris Anderson, from Glad Tidings Assembly of God, here in Lincoln. Pastor Anderson.

PASTOR ANDERSON: (Prayer offered.)

SPEAKER BARRETT: Thank you, Pastor Anderson. Roll call.

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

SPEAKER BARRETT: Thank you. With a quorum present, are there corrections to the Journal?

CLERK: I have no corrections, Mr. President.

SPEAKER BARRETT: Any messages, announcements, or reports?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 520 and recommend that same be placed on Select File, LB 520A Select File, LB 567, and LB 567A all on Select File, some having E & R amendments attached. (See pages 560-62 of the Legislative Journal.)

Health and Human Services Committee, whose Chair is Senator Wesely, reports LB 888 to General File, LB 917 to General File, LB 946 General File, LB 954 General File, LB 269 General File with amendments, LB 1046 General File with amendments, LB 1085 General File with amendments, those all signed by Senator Wesely as Chair. Mr. President, Education Committee reports LB 1050 to General File. That is offered by Senator Withem as Chair of the Education Committee. (See pages 562-63 of the Legislative Journal.)

I have appointment letters from the Governor that will be referred to Reference Committee for referral to Standing Committee for public hearing. An Attorney General's Opinion addressed to Senator Hartnett. (See pages 563-65 of the Legislative Journal.)

And, finally, Mr. President, LR 248 is ready for your signature,



February 13, 1990      LB 42, 159, 163, 520, 913, 1107, 1172  
1184, 1201  
LR 240, 254, 255

little slower than what the original bill proposed.

PRESIDENT:      Thank you. Mr. Clerk, do you have something you'd like to read in at this time?

CLERK: I do, Mr. President. Very quickly, two new resolutions. (Read brief descriptions of LR 254 and LR 255. See pages 770-71 of the Legislative Journal.)

Mr. President, Government Committee reports LB 1107 to General File with amendments, LB 1172 General File with amendments, those signed by Senator Baack. Education reports LB 913 indefinitely postponed, LB 1201 indefinitely postponed, LR 240CA indefinitely postponed, those signed by Senator Withem. And Government reports LB 1184 to General File with amendments. Amendments to be printed to LB 520 by Senator Schellpeper, Senator Kristensen to LB 159 and Senator Beck to LB 163. That's all that I have, Mr. President. (See pages 773-77 of the Legislative Journal.)

PRESIDENT:      Thank you. Senator Haberman, you are next followed by Senator Schmit.

SENATOR HABERMAN: Mr. President, members of the body, in my 12 years in the Legislature I have had very, very, very few occasions to agree and be on the same side as Senator Chambers, so this is a new for me. I do agree with Senator Chambers' amendment, cutting the 7 percent to 5 percent as this would still end up a 53 percent increase in 11 years. Although I do not subscribe to some of the other thoughts that Senator Chambers had about judges, I would like to put in the record that I do subscribe to his amendment in cutting the 7 percent to 5 percent as a 53 percent increase in 11 years is a considerable amount of increase and I do support that part of his amendment. Thank you, Mr. President.

PRESIDENT:      Thank you. Senator Schmit, please, followed by Senator Chambers.

SENATOR SCHMIT: Mr. President and members, you know I always wish some time that I could be on an issue that is riding the wave of popularity. It seems to me like I'm either ahead or behind of the power curve all the time. One of my concerns many years ago, and Senator Chambers addressed that concern with me, was the drug problem. You go back and check the record, it was

that in future years if we do not enact something of this nature, we are going to be suffering the consequences of a lot of embarrassment when athletes at UN-O or at Creighton or at Nebraska or anywhere else suddenly lose their eligibility because we have not addressed the problem and tried to regulate and restrict sports agents within the State of Nebraska. And it may not happen next year, but in two, three, four, five years, if legislation like this is not enacted, we may be looking back on this day and saying, why didn't we vote this legislation in? We could have prevented a problem, prevented a great embarrassment and the loss of eligibility of an athlete or athlete eligibility to compete in sports. I appreciate the situation here. It was rather quick. I appreciate the fact that it came on rather quickly and I wasn't able to explain it as best I could. Had I known about this bill, LB 159, status ahead of eleven-thirty this morning, I would have made those kind of arrangements and notified you of what exactly I was going to do. I apologize if there was any misunderstanding and I appreciate the fact that at least I was given the opportunity to have it considered. And with that, I would just withdraw the motion to suspend, and I guess we can go on with whatever was intended with this bill anyway. Thank you.

PRESIDENT: The amendment is withdrawn.

CLERK: Mr. President, the next motion I have with respect to LB 159 is a motion to indefinitely postpone. That is being offered by Senator Moore. Senator Conway, as the introducer, has the option to lay the bill over, Mr. President.

PRESIDENT: Take it up?

SENATOR CONWAY: I think we will lay the bill over, Mr. President.

PRESIDENT: Senator Conway, did you say you wish to hold the bill over?

SENATOR CONWAY: Yes, sir.

PRESIDENT: Then it will be held over. Mr. Clerk, anything for the good of the cause? We will move on to LB 520.

CLERK: Mr. President, 520 is on Select File. I do have E & R amendments pending. First order of business are E & R

amendments.

PRESIDENT: Senator Lindsay, please, E & R amendments.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 520.

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

CLERK: Mr. President, I now have an amendment to the bill by Senator Schellpeper. Senator, this amendment is on page 774 of the Journal.

PRESIDENT: Senator Schellpeper, please.

SENATOR SCHELLPEPER: Thank you, Mr. President and members, if you will recall on the General File, we passed this bill on and it's a bill that will put 60 nurses a year into the rural areas, it will put them into nursing, it will put them out into the rural area. It passed without any dissension. The Health Department came in and said we have some technical amendments. We're not attempting to do anything else with the bill. All we're doing is some technical amendments, but it is a completely new bill because they said in order to have it in the right form we had to have these amendments. So what the bill is, it has taken the nontraditional nurses and taken 60 a year and putting them into nursing, giving them \$1,000 a year for two years and then if they go back to a rural area in Nebraska they can get an additional \$1,000 for another two years. So the A bill will actually be \$60,000 a year for 60 nurses to help the nursing situation in Nebraska. But this amendment is just a technical amendment that the Health Department brought. Thank you.

PRESIDENT: All right, the question is the adoption of the Schellpeper amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: The Schellpeper amendment is adopted. Anything else on it?

CLERK: Mr. President, Senator Schellpeper would move to amend

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LB 520A, 520

his bill. (Schellpeper amendment appears on page 1085 of the Legislative Journal.)

PRESIDENT: Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Mr. President and members, this, again, is a two line amendment that the Health Department brought yesterday that they found that they thought this would explain it better and would move the bill a lot smoother. So it is just changing two lines. It is just some technical words that the Health Department, again, brought yesterday, so I would move for this amendment.

SENATOR LAMB PRESIDING

SENATOR LAMB: The question is the adoption of the amendment by Senator Schellpeper. All those in support vote aye, those opposed vote nay.

SENATOR HANNIBAL PRESIDING

SENATOR HANNIBAL: Have you all voted? Please record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of Senator Schellpeper's amendment.

SENATOR HANNIBAL: The amendment is adopted. Anything further?

CLERK: Nothing further on the bill, Mr. President.

SENATOR HANNIBAL: Senator Schellpeper.

SENATOR SCHELLPEPER: Just move the bill.

SENATOR HANNIBAL: You've heard the motion. All in favor of advancing LB 520 say aye. Opposed nay. It is advanced. Mr. Clerk.

CLERK: LB 520A, Mr. President, has E & R amendments first of all.

SENATOR HANNIBAL: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move the adoption of the

respectfully reports they have carefully examined and engrossed LB 520 and find the same correctly engrossed, LB 520A, LB 662 and LB 662A, all of those reported correctly engrossed. (see page 1180 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. To the next amendment, Mr. Clerk.

CLERK: Mr. President, Senator Hall would move to amend the bill. Senator, I have your AM2794. I believe copies have been distributed to the membership, Senator. (Hall amendment appears on pages 1181-82 of the Legislative Journal.)

SPEAKER BARRETT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President, members, this is an amendment that I would consider a technical amendment. It deals, if you...the amendment...I got in too late to have it printed so we did get it passed out to everyone, you have it sitting on your desk. It's three pages. If you would turn to the second page and if you would just take a look under item E, line 6 through 9, it takes and it just changes the way the income tax will be adjusted. When we passed LB 773 in 1987 the bill was originally introduced and passed with the percentages being rounded to the nearest tenth and what happened is, is that those percentages were rounded up so that if I was in the, say, for example, four one hundredths instead of eight one hundredths, that would be rounded up to the next tenth. No matter...it didn't make any difference if it was four or eight-hundredths, it would get rounded up. Folks at that time said that it didn't make that much of a difference. I tend to think that what it does is it doesn't allow us to accurately determine, through methods that we have available to us, the reflective income tax that is due and owed. So, with this amendment, all we do is require that it be rounded to hundredths of one percent. We have the ability to do it. It would reflect the most accurate assessment of what the tax would be, and you would have taxpayers that would be paying exactly what they owed. I think that under the current system it's very likely, even though we're not talking about any one taxpayer having to pay any great difference, but it isn't the most fair way to determine that we have it available to us. And my amendment simply uses the ability within the Department of Revenue to calculate, to the next hundredth of one percent, taxes that are due and owed. I would urge the adoption of the amendment.

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LB 503, 503A, 520, 520A

CLERK: (Read record vote. See page 1708 of the Legislative Journal.) 34 ayes, 12 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 503 passes. The A bill.

CLERK: (Read LB 503A on Final Reading.)

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

CLERK: (Read record vote. See pages 1708-09 of the Legislative Journal.) 33 ayes, 10 nays, 4 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 503A passes. LB 520E.

ASSISTANT CLERK: (Read LB 520 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 520 with the emergency clause attached pass? All in favor vote aye, opposed nay. Have you all voted? Record.

ASSISTANT CLERK: (Read record vote. See pages 1709-10 of the Legislative Journal.) The vote is 41 ayes, 4 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 520E passes. LB 520AE.

ASSISTANT CLERK: (Read LB 520A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 520A with the emergency clause attached pass? All in favor vote aye, opposed nay. Have you all voted? Record.

ASSISTANT CLERK: (Read record vote. See pages 1710-11 of the Legislative Journal.) The vote is 42 ayes, 1 nay, 4 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 520AE passes. And while the Legislature is in session and capable of transacting business, I propose to

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LB 163, 163A, 164, 164A, 187, 187A, 259  
259A, 260, 260A, 272A, 313, 313A, 338  
488, 488A, 503, 503A, 520, 520A, 536  
567, 567A, 662, 898, 899, 1031, 1125  
1126, 1170, 1220

morning visiting in the south balcony. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 520, LB 520A, LB 567, and LB 567A. Senator Lynch, please check in. Senator Byars. Senator Schimek, please. Senator Labedz. Members will return to your seats for a roll call vote. Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1713-14 of the Legislative Journal.) 14 ayes, 33 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: Motion fails. Mr. Clerk, have you a priority motion?

CLERK: I do, Mr. President. May I read some items?

SPEAKER BARRETT: Proceed.

CLERK: Mr. President, amendments to be printed to LB 338 by the Health and Human Services Committee. (See pages 1714-17 of the Legislative Journal.)

Messages that bills read on Final Reading this morning have been presented to the Governor. (Re: LB 1031, LB 1125, LB 1170, LB 536, LB 1220, LB 1126, LB 898, LB 899, LB 163, LB 163A, LB 164, LB 164A, LB 187, LB 187A, LB 259, LB 259A, LB 260, LB 260A, LB 272A, LB 313, LB 313A, LB 488, LB 488A, LB 503, LB 503A. See page 1714 of the Legislative Journal.)

And LB 272A has been reported correctly enrolled, Mr. President. That is all that I have.

SPEAKER BARRETT: To the motion.

CLERK: Mr. President, the first motion, Senator Hall would move to recess until one-thirty, Mr. President.

SPEAKER BARRETT: You have heard the motion to recess until one-thirty. All in favor say aye. Opposed no. Carried. We are recessed.

RECESS

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LB 520, 520A, 567, 567A, 1246A, 1246

PRESIDENT NICHOL PRESIDING

PRESIDENT NICHOL: Record, Mr. Clerk, please.

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

PRESIDENT NICHOL: Anything for the record?

CLERK: Mr. President, I have received the reference report of interim study resolutions. That will be inserted in the Journal, Mr. President. That's all, and I also have the last notice with respect to the delivery of bills read on Final Reading of the Governor, Mr. President. (See page 1727 of the Legislative Journal regarding LB 520, LB 520A, LB 567, and LB 567A.) That's all that I have.

PRESIDENT NICHOL: Thank you. We'll move on to General File, then. LB 1246A.

CLERK: Mr. President, LB 1246A was a bill introduced by Senator Wesely. (Read title.)

PRESIDENT NICHOL: Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. President and members, this legislation supports the LB 1246 bill, which was a merger of several different pieces of legislation, as you recall, that deal with the Franklin Committee legislation, legislation I had in with Senator Schmit dealing with the Attorney General's Office and prosecution of crimes against children. We did reach a compromise and this is that compromise as part of the package to provide for 405,000 dollars this year, or 1990-91, and 396,000 the next year to do the following things: First, a Crimes Against Children Prosecution Unit in the Attorney General's Office would be established. There'd be three attorneys hired with speciality, expertise in prosecuting crimes against children. There would be a support staff as well and then other operational expenses that would cost around 250 or so thousand dollars. This unit would be available to assist county attorneys where necessary and if, in fact, individuals, including the county attorney, felt that they were not in a position to prosecute a case, the public or the county attorney or others could appeal to this unit and ask them to prosecute the case instead of the county attorney. And so this unit would be very valuable in assisting county attorneys and also, where



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LB 260, 260A, 313, 313A, 488, 488A, 520  
567, 567A, 663, 663A, 854, 899, 1124  
1125, 1141  
LR 239

SENATOR BERNARD-STEVENS: It'd be a fascinating turn of events to have that happen. But the bottom line is all of this debate is about a bill that's unconstitutional. Bottom line is in some cases in western Nebraska, by the way the bill is, it may not be possible to get the kind of counseling that they need in order to get the permit signed on the informed consent. Bottom line is some people in western Nebraska who don't have a counselor or someone that fits the definition that's in LB 84 (sic), which I'll again bet that 90 percent of the people in this body still have no clue of what that definition is, nor care, that a lot of people in the rural part of our state have to go elsewhere to find somebody who fits the qualifications that are in the bill. I took the time to call counselors throughout western Nebraska and ask if they felt they qualified under the bill. They stated, the way the bill is written, probably not.

SPEAKER BARRETT: Time has expired.

SENATOR BERNARD-STEVENS: But if we'd a been allowed to make some (inaudible).. improve that situation. Thank you.

SPEAKER BARRETT: Thank you. Senator... excuse me, Mr. Clerk, you have a motion on the desk?

CLERK: Mr. President, Senator Chambers, I understand you want to offer a motion to adjourn until nine o'clock tomorrow morning, Thursday, April 5.

SPEAKER BARRETT: Have you anything to read in, Mr. Clerk?

CLERK: Mr. President, I do. I have your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LR 239CA and find the same correctly engrossed, LB 1141 and LB 1124. (See pages 1902-04 of the Legislative Journal.)

Mr. President, I also have three communications from the Governor regarding signed bills addressed to the Clerk: Engrossed LB 663, LB 663A, received in my office March 30 and signed by me on April 4. (See pages 1905-06 of the Legislative Journal.) A second communication: Engrossed LB 1125, LB 899, LB 260, LB 260A, LB 313, LB 313A, LB 488, LB 488A, LB 520, LB 567, LB 567A, received in my office on March 29 and signed by me on April 4 and delivered to the Secretary of State, Sincerely, Kay Orr, Governor. (See Page 1905 of the Legislative