

January 18, 1989

LB 53, 57, 123, 537-597
LR 8-12

Mr. President, new bill. (LBs 537-538. Read for the first time by title. See page 268 of the Legislative Journal.)

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: The Chair is pleased to announce that Senator Jacklyn Smith of Hastings has visiting the Legislature today Dr. Robert Schlock and 20 students from Hastings College, specifically, psychology and law class, in the east balcony, the rear balcony. Dr. Schlock, would you and your students please stand and be recognized by your Legislature. Thank you. We are pleased to have you visiting with us today. Also under the north balcony from David City High School, Senator Schmit announces the following guests, 8 students from David City High School with their teacher. Would you folks please stand and be recognized. Thank you for visiting. We are glad to have you. Mr. Clerk, more bill introductions, please.

CLERK: Mr. President, first of all, your Committee on Urban Affairs, whose Chair is Senator Hartnett, to whom was referred LB 53, instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File; LB 57 General File; LB 123 General File, all signed by Senator Hartnett as Chair of the committee.

Mr. President, new bills. (LBs 539-557 read for the first time by title. See pages 269-72 the Legislative Journal.)

SENATOR HEFNER PRESIDING

SENATOR HEFNER: Mr. Clerk, do you have some more bills to introduce?

ASSISTANT CLERK: Yes, I do, Mr. President. (LBs 558-593 read for the first time by title. See pages 273-81 of the Legislative Journal.)

SENATOR HEFNER: Do you want to read the bills into the record?

CLERK: Yes, Mr. President, thank you. (LBs 594-597 read for the first time by title. See page 281 of the Legislative Journal.)

Mr. President, in addition to those items, I have new resolutions. (Read a brief explanation of LRs 8-12. See

January 24, 1990

LB 551, 769, 974, 975, 1192
LR 247

house and a roll call vote, please.

PRESIDENT: Okay. The question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 16 ayes, 0 nays, Mr. President, to go under call.

PRESIDENT: The house is under call. Please record your presence. Those not in the Chamber, please return to the Chamber and record your presence. Senator Haberman, would you record your presence, please. Thank you. Senator Ashford, would you record your presence, please. Thank you. Senator Nelson, would you record your presence, please. Thank you. We're looking for Senator Chizek, Senator Wesely and Senator Withem, and Senator Lamb. We're looking for Senator Withem and Senator Chizek. We're all here that are not excused. And the question, shall the Chair be overruled? Roll call vote has been requested. Please hold your conversation down so the Clerk may hear your answer.

CLERK: (Roll call vote taken. See pages 485-86 of the Legislative Journal.) 15 ayes, 25 nays, Mr. President, on the motion to overrule the Chair.

PRESIDENT: The motion fails. The call is raised. We have a priority motion, Mr. Clerk?

CLERK: May I read some items for the record, Mr. President?

PRESIDENT: Yes, please.

CLERK: Mr. President, I have a motion to withdraw LB 1192. It's offered by Senator Schmit as primary introducer. Judiciary Committee offers notice of hearing for January 31, February 1, February 2, those signed by Senator Chizek as Chair. Revenue Committee, chaired by Senator Hall offers notice of hearing. Business and Labor Committee reports LB 974 to General File, and LB 975 to General File with committee amendments attached. (See pages 487-88 of the Legislative Journal.)

Mr. President, Senator Byars has amendments to LB 551 to be printed. A new resolution, Mr. President, offered by Senator Haberman, (LR 247), asking the Legislature to express its condolences to the family of former Senator Clarence Jacobson.

January 31, 1990

LB 163, 187, 187A, 549, 551, 769, 962A
1059, 1066, 1094, 1101, 1212

SENATOR LABEDZ: A machine vote has been requested. All those in favor vote aye, all those opposed vote nay. Have you all voted? A record vote has been requested. Have you all voted? Record, Mr. Clerk.

CLERK: (Read record vote. See pages 598-99 of the Legislative Journal.) 32 ayes, 10 nays, Madam President, on the adoption of Senator Morrissey's amendment.

SENATOR LABEDZ: Senator Morrissey's amendment has been adopted. Do you have anything to read in, Mr. Clerk?

CLERK: Madam President, I do. Amendments to be printed to LB 163 by Senator Hefner. A new A bill, LB 962A by Senator McFarland. (Read for the first time by title.) Amendments to be printed to LB 163 by Senator Schimek; Senator Lynch to LB 769, LB 187, and LB 187A; Senator Labeledz to LB 1059. (See pages 599-606 of the Legislative Journal.)

Mr. President, Health and Human Services reports LB 551 to General File with amendments; LB 1101 General File with amendments...Health and Human Services General File with amendments, signed by Senator Wesely. General Affairs reports LB 1101 to General File with amendments, signed by Senator Smith. Banking reports LB 1066 to General File, LB 549 General File with amendments, LB 1094 General File with amendments, those signed by Senator Wesely (sic) as Chair. Finally, Madam President, Senator Pirsch would like to add her name to LB 1212 as co-introducer. (See pages 607-11 of the Legislative Journal.) That is all that I have, Madam President.

SENATOR LABEDZ: Thank you, Mr. Clerk. Senator Pirsch, would you like to adjourn us until tomorrow morning.

SENATOR PIRSCH: I would love to. I move that we adjourn until February 1st at nine o'clock in the morning.

SENATOR LABEDZ: Thank you, Senator Pirsch. We are adjourned.

Proofed by:

LaVera Benischek
LaVera Benischek

February 6, 1990

LB 551, 922, 950, 953A, 1004A, 1059, 1149
1199

SPEAKER BARRETT: The A bill is advanced. Anything for the record?

CLERK: Mr. President, your Committee on Natural Resources whose Chair is Senator Schmit reports LB 922 to General File with amendments and LB 950 as indefinitely postponed, those signed by Senator Schmit. (See pages 678-79 of the Legislative Journal.)

Banking Committee reports LB 1149 as indefinitely postponed, signed by Senator Landis as Chair. (See page 679 of the Legislative Journal.)

Hearing notices from the Health and Human Services Committee for gubernatorial appointments and a hearing notice from the Appropriation Committee.

Mr. President, designation of priority bills. Senator Moore selected LB 1059, Senator Elmer LB 922 and Senator Robak LB 1199.

Mr. President, new A bill, LB 1004A by Senator Rogers. (Read by title for the first time. See page 682 of the Legislative Journal.) That's all that I have at this time, Mr. President.

SPEAKER BARRETT: Thank you, moving on to the next bill on General File, LB 551. Mr. Clerk.

CLERK: Mr. President, 551 was a bill introduced by Senator Lynch. (Title read.) The bill was introduced on January 18 of last year, Mr. President, referred to Health and Human Services Committee for public hearing. The bill was advanced to General File. I have committee amendments pending.

SPEAKER BARRETT: The Chair recognizes Senator Wesely for the purpose of introducing the committee amendments.

SENATOR WESELY: Thank you, Mr. Speaker, members, the committee amendments do become the bill and so it's important to follow along a little bit on the committee amendments and let me begin by especially thanking Senator Dennis Byars, Senator Dan Lynch for working on a compromise that is now before you in the form of the committee amendments. Just to give you a quick background on the medical lab issue, it has been before the Legislature here in Nebraska for about four years or so and we have struggled with the issue to a great degree. The federal

government, the Congress has passed legislation dealing with this topic but have not yet adopted the rules and regs to implement it and so the state has moved forward and last session two different bills were introduced, one by Senator Lynch, that's LB 551 which is before you today, and the other one by Senator Kristensen, which was killed by the committee after we reached the compromise in this form of a committee amendment. And, essentially, the two forces that work on this issue have been those that want to license and regulate the technicians who work in labs so that they are trained and able to handle their functions versus those that want to license and regulate the labs themselves and the output of labs. Both agreed that we have had problems with medical labs and the quality of their work, that we have had some difficulties in reaching the level of accuracy in testing that we would like to see in our medical labs not only in Nebraska, but across the country. This is a national issue and of great concern to many people. And so we did sit down after the introduction of those two bills and the task force was formed by the committee and went to work. Senator Dennis Byars chaired that task force and through his good work and those, the participants in the task force, reached a compromise. The participants included the Medical Association, the Hospital Association and the Medical Technology Society and that is what is before us currently in these amendments. The amendments essentially do the following. They set up a Laboratory Advisory Board and this will set standards for the clinical lab, technicians and clinical lab technologists so that there would be some indication of skill level in these individuals. It would not require that labs hire technicians or technologists. The labs could not select those individuals to work in the labs, but if they chose to do so, they'd have to have a consulting pathologist work with the lab and all labs would have to have quality assurance and proficiency testing program and the bill does set out the standards for that program so that we would know that even if the lab did not utilize these trained individuals, that the lab was providing quality work and so it does reach a compromise to that degree. We do exempt from the lab certificate, all labs would have to be certified except for those for teaching or research purposes, dental labs and allergy labs and so this would allow for in physician offices for the first time, some quality assurance for labs in those settings. There is fees and enforcement provided for in the amendment for the Department of Health to carry out the provisions of the bill and it would take effect July 1 of 1991. With that, I know there is an amendment to the committee

amendments, I guess I'd want to go to those at this point.

SPEAKER BARRETT: Mr. Clerk.

CLERK: Mr. President, Senator Wesely would move to amend the committee amendments. Senator, I have AM2433 in front of me. (Wesely amendment appears on page 681 of the Legislative Journal.)

SPEAKER BARRETT: Senator Wesely, please.

SENATOR WESELY: Thank you. These are amendments that simply deal with a reference on Medicare that was inaccurate and another terminology change. It is technical in nature. I'd move for this adoption of this amendment to the committee amendment.

SPEAKER BARRETT: Is there discussion on the amendment to the amendment? Senator Crosby or Senator Pirsch, either? Thank you. Anything further, Senator Wesely. The question is the adoption of the amendment to the committee amendment. All in favor vote aye, opposed nay. Record.

CLERK: 20 ayes, 0 nays, Mr. President, on adoption of the amendment to the committee amendments.

SPEAKER BARRETT: The amendment to the amendment is adopted. For discussion purposes now, Senator Crosby, followed by Senator Pirsch.

SENATOR CROSBY: Thank you, Mr. Speaker. The reason I'm speaking is that Dennis Byars cannot be here this morning and Senator Wesely has already mentioned the fact that he and Senator Lynch worked very hard in the interim to bring the two groups together, several groups together to agree on what should be done in this particular field of the certification of the laboratories, so what I am doing is representing Senator Byars and I'm just going to point out what this...Senator Byars chaired the task force to work out these differences. There were two bills. The task force included representatives from the Nebraska Medical Association, the Nebraska Nurses Association, Nebraska Hospital Association, Nebraska Respiratory Therapy Society and the Nebraska Society for Medical Technology. They began meeting last September and just finished two weeks ago. The result will serve Nebraska citizens well. This bill

requires any facility doing laboratory testing to have a certificate. It requires laboratories to participate in blind studies and to keep laboratory records and allows for inspection. The bill defines who can do laboratory testing and provides consultants to help those laboratories who do not employ formally trained personnel. This group worked hard to get to this particular point. It's not easy, as you know, from the two bills we had ahead this morning, one in particular. When these turf arguments come along it's not easy to get doctors, nurses, hospital administrators and medical technologists, all the medical field, all the health related fields, it's difficult to get them to agree. So we do feel that this particular bill is necessary for the citizens in Nebraska and all these people have gotten together and agree to the wording of this bill and the content and the goal of this bill. Nebraskans spend more than \$150 million in laboratory tests with no assurance that these tests are done correctly, so LB 551 helps to ensure the quality of laboratory testing in Nebraska. Thank you.

SPEAKER BARRETT: Thank you. Senator Pirsch.

SENATOR PIRSCH: Thank you. I have a question of Senator Wesely, if he would yield.

SPEAKER BARRETT: Senator Wesely, would you please respond to a question?

SENATOR WESELY: Yes.

SENATOR PIRSCH: Senator Wesely, on this board that we are creating, the laboratory advisory board, the director appoints all of these people, is that correct?

SENATOR WESELY: Yes, in most cases the director will end up appointing.

SENATOR PIRSCH: They don't actually do the certifying though, is that correct?

SPEAKER BARRETT: Excuse me, Senator Pirsch, would you please speak into the mike.

SENATOR PIRSCH: I'm sorry.

SPEAKER BARRETT: Thank you.

SENATOR PIRSCH: Do they actually do the certification? Is this like a certification board, or what...tell me what this advisory board will do.

SENATOR WESELY: Well it's only advisory, and so it would differ from some other more empowered boards that are over in the Health Department currently. I guess they would advise in terms of the standards for these individuals and the actual certification process, i'm sure, would be handled by the department. That would be their function. The advisory board would be there to work with the Health Department in handling that.

SENATOR PIRSCH: As I understand, they are going to do the original rules and regs, is that...?

SENATOR WESELY: I think they only make recommendations. They don't actually do the rules and regs, the department would handle that.

SENATOR PIRSCH: I see, so they're just advisory and after this is done will they be meeting regularly to...?

SENATOR WESELY: I assume that they would have an ongoing function. I'm not sure how regularly they would end up having to meet, I mean, whether it would be like monthly or quarterly or...

SENATOR PIRSCH: And they do not receive a salary?

SENATOR WESELY: I don't think so. Oh, expenses, yes. Most of the boards in the Health Department get their expenses and so they would fall under that.

SENATOR PIRSCH: Okay. One other question, why do we exempt the boards, the dental and allergy skin testing laboratories?

SENATOR WESELY: We have another piece of legislation on dental labs being licensed and so that is a separate issue.

SENATOR PIRSCH: And the allergy skin testing?

SENATOR WESELY: I'm not sure why that's out. I didn't even

know that we even had specific labs for allergies, so I'm not sure why that was deleted.

SENATOR PIRSCH: Okay. Well, hopefully, I can have some of these questions answered. I just didn't want to set up another bureaucracy and I'm curious as to why allergy skin testing is not as important to be certified. Thank you.

SPEAKER BARRETT: Any other discussion? Senator Wesely, anything further?

SENATOR WESELY: Just in closing, on the committee amendments, again, they do become the bill. I, again, very much appreciate the work that Senator Byars and Senator Lynch and the task force which Senator Crosby listed out the membership of. Clearly, a lot of work went into this and it was well worth it I think. If we can improve the quality of our medical labs, it will improve the health of all citizens of the state. In response to Senator Pirsch's question about the new bureaucracy, there really isn't a new bureaucracy. It is an additional regulation, but it will be self-funded through the fees and the advisory board is not. I think it would be excessive and I think, really, we have a very reasonable compromise here, so I'd very much support the committee amendments and ask your support as well.

SPEAKER BARRETT: Thank you. The question is the adoption of the committee amendments. All in favor vote aye, opposed nay. Have you all voted? Please record.

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

SPEAKER BARRETT: The committee amendments are adopted. Senator Wesely, anything further? Excuse me, Senator Lynch, I'm sorry, on the advancement.

SENATOR LYNCH: Mr. President, members, unless there are some specific questions, I'd ask for your support and move to E & R.

SPEAKER BARRETT: Thank you. Any discussion? Questions on the advancement of the bill? Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Mr. Speaker and members. Last year I introduced LB 336 which was a bill that would...probably added the alternative to what Senator Lynch had originally

introduced and there was a considerable amount of discussion. Although my bill was killed, many of the things that was in my bill has been incorporated here and I think that it's a fine compromise, one that I'm comfortable with even though my bill is not reflected here and has been disposed of. Otherwise, I think that Senator Lynch has a bill that has been well thought out and certainly is one that I'm comfortable with, particularly coming from somebody who had a, what I would say, a companion or a comparison bill in effect at the time. So I would also urge the adoption and moving this bill along. Thank you.

SPEAKER BARRETT: Thank you. Any other discussion? Anything further, Senator Lynch? Thank you. The question is the advancement of 551 to E & R. All in favor vote aye, opposed nay. Voting on the advancement of the bill. Have you all voted? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the motion to advance LB 551.

SPEAKER BARRETT: Motion prevails. The bill is advanced. To Select File, Mr. Clerk.

CLERK: Mr. President...

SPEAKER BARRETT: Excuse me, proceed.

CLERK: The first order, LB 742. I have Enrollment and Review amendments pending, Mr. President.

SPEAKER BARRETT: Senator Hall, would you handle the E & R amendments, please.

SENATOR HALL: Mr. President, I'd move the E & R amendments to 742 be adopted.

SPEAKER BARRETT: Any discussion? If not, those in favor of the adoption of the E & R amendments please say aye. Opposed no. Carried, they are adopted.

CLERK: Mr. President, the first amendment I have to the bill is by Senator Wesely. The amendment is on page 543 of the Journal.

SPEAKER BARRETT: The Chair recognizes Senator Wesely.

February 7, 1990

LB 551, 843, 901, 958, 1007, 1039, 1071
1087, 1105, 1119, 1133, 1243
LR 253

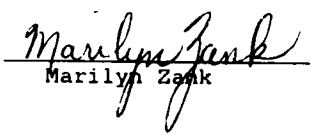
registered lobbyists for the present week. New bill. (Read LB 1243 by title for the first time.) New resolution. (Read brief summary of LR 253.) Your Committee on Retirement, whose Chairperson is Senator Haberman, reports LB 1105 to General File; LB 1039 to General File with amendments. Committee on Transportation reports LB 1119 to General File; LB 958, General File with amendments; LB 1007, indefinitely postponed; LB 1071, indefinitely postponed; LB 1087, indefinitely postponed; LB 1133, indefinitely postponed. Senator Baack would ask to name LB 843 as a priority bill. Senator Abboud offers explanation of vote on the bills that were read on Final Reading this morning. And unanimous consent request to add names, Senator Byars to LB 551, Senator Kristensen to LB 551 and Senator Chambers to LB 901. That's all that I have, Mr. President. (See pages 717-24 of the Legislative Journal.)

SENATOR HANNIBAL: Thank you. Senator Byars, for what purpose do you rise?

SENATOR BYARS: Mr. President, I would move that we adjourn until Monday, February 12, 1990, at 9:00 a.m.

SENATOR HANNIBAL: You've heard the motion. Those in favor say aye. Opposed same sign. We are adjourned.

Proofed by:


Marilyn Zank

February 12, 1990 LB 350, 350A, 542, 551, 567, 567A, 602
663, 692, 742, 851, 856, 857, 858
874, 875, 891, 893, 896, 902, 906
907, 918, 924, 930, 940, 957, 964-966
969, 970, 974, 983, 984, 997, 1013
1016, 1017, 1043, 1044, 1118

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber and a new day in the Second Session of the Ninety-first Legislature. Our Chaplain of the day is Father Mitch Lindeman of St. Matthews Episcopal here in Lincoln. Father Lindeman.

FATHER LINDEMAN: (Prayer offered.)

SPEAKER BARRETT: Thank you, Father Lindeman, pleased to have you with us. 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: Mr. President, I have no corrections to the Journal.

SPEAKER BARRETT: Are there any reports, messages, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 350 and find the same correctly engrossed, LB 350A, LB 567, LB 567A, LB 663, LB 692, and LB 742, all reported correctly engrossed, those signed by Senator Lindsay as Chairperson of the Enrollment and Review Committee. (See pages 726-27 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 551 to Select File with E & R attached, LB 542, LB 602, LB 858, LB 875, LB 891, LB 1013, LB 983, LB 906, LB 907, LB 984, LB 856, LB 851, LB 957, LB 964, LB 966, LB 997, LB 857, LB 874, LB 893, LB 918, LB 930, LB 970, LB 940, LB 902, LB 974, LB 1016, LB 1017, LB 969, LB 896, LB 965, LB 924, LB 1118, LB 1043, LB 1044,

March 8, 1990

LB 369, 551, 571, 642, 844, 853, 903
919, 983, 1019, 1031, 1044, 1086, 1090
1105, 1119, 1165, 1167, 1183, 1216, 1217
1228
LR 275, 276

CLERK: I have nothing further, Mr. President.

PRESIDENT: Okay, Senator Hefner, what do you think?

SENATOR HEFNER: Mr. President, I move for the advancement of LB 571.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB...we are going to skip 1019, I understand. That takes us up to General File. Items for the record, please, Mr. Clerk.

CLERK: Mr. President, I do have a number of items for the record. The first is I have an explanation of vote from Senator Haberman. For bills read on Final Reading this morning, bills read on Final Reading this morning, Mr. President, have been presented to the Governor as of 11:12 a.m. (Re: LB 1044, LB 844, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1119, LB 1165, LB 1167, LB 1183, LB 1216, LB 1217, LB 1228. See page 1273 of the Legislative Journal.)

New resolutions, LR 275 by Senator Wehrbein. (Read brief explanation.) LR 276 by Speaker Barrett, Senators Withem, Coordsen, Labedz, Warner, Hall. (Read brief explanation.) That will be laid over as well. (See pages 1273-75 of the Legislative Journal.)

I have a report of registered lobbyists for this week, Mr. President, required by statute. Amendments to be printed to LB 1090 by Senator McFarland, LB 1019; LB 551 by Senator Lynch; LB 1031 by Senator Baack and others, and, Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 369 and find the same correctly engrossed. That is signed by Senator Lindsay as Chair of the E & R Committee. That is all that I have, Mr. President. (See pages 1275-83 of the Legislative Journal.)

PRESIDENT: Thank you. We will go on to General File and LB 642, please.

CLERK: Mr. President, 642 was a bill originally introduced by Senator Ashford, along with Senators Weihing, Crosby, and Chambers. (Read title.) The bill was introduced, Mr. President, last year. It was referred to Judiciary,

March 19, 1990

LB 220, 551, 1055

CLERK: Mr. President, I do. I have a hearing notice from the General Affairs Committee for certain confirmation hearings. That is signed by Senator Smith as Chair.

Mr. President, Senator Lynch has amendments to be printed to LB 551. Senator Hannibal has amendments to LB 220. (See pages 1445-49 of the Legislative Journal.)

And, Mr. President, finally, I have a request for a motion to be printed by Senator Chambers. (Re: LB 1055. See page 1450 of the Legislative Journal.) That's all that I have.

SPEAKER BARRETT: Thank you. Senator Hefner.

SENATOR HEFNER: Mr. President, I move we adjourn until 9:00 a.m. tomorrow morning, March 20.

SPEAKER BARRETT: You've heard the motion to adjourn until tomorrow morning at nine o'clock. All in favor say aye. Opposed no. Carried, we are adjourned.

Proofed by:


LaVera Benischek

March 22, 1990

LB 551, 1246
LR 395

develop be delivered to the grand jury,...

SENATOR LABEDZ: One minute, Senator.

SENATOR SCHMIT: ...if we do not ask for and demand full investigation by everyone who's involved, then we are guilty just as are those individuals who committed the crime, because we will allow, by our inaction, those crimes to continue to be perpetrated. Victims have told us that if they did not testify then these acts would be allowed to continue, and therefore even at risk to themselves they are testifying to the committee and they're willing to cooperate with law enforcement officers. It would be a tragedy, ladies and gentlemen, and it may well be beyond our ability to control, but it would be a tragedy if, after all the evidence that has been developed,...

SENATOR LABEDZ: Time is up, Senator.

SENATOR SCHMIT: ...nothing would happen. I hope the passage of the bill will indicate that this Legislature is serious that we shall not stop. Thank you very much.

SENATOR LABEDZ: Thank you, Senator Schmit. We're voting on the advancement to E & R initial LB 1246. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 39 ayes, 1 nay, Mr. President, on the motion to advance LB 1246.

SENATOR LABEDZ: LB 1246 is advanced. Mr. Clerk, do you have something to read in?

CLERK: I do, Madam President. Thank you. Amendments to be printed by Senator Wesely (LB 1246). New resolution by Senator Langford, LR 395, congratulating Mrs. Merle Rusmisell for her 100th birthday; and report of registered lobbyist, Mr. President, required by statute. That's all that I have, Madam President. (See pages 1578-79 of the Legislative Journal.)

SENATOR LABEDZ: Thank you, Mr. Clerk. We'll now go to Select File, LB 551.

CLERK: Madam President, the first item are Enrollment and Review amendments.

SENATOR LABEDZ: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the...or Madam President, I move the adoption of the E & R amendments to LB 551.

SENATOR LABEDZ: All in favor say aye. Opposed nay. The amendments are adopted.

CLERK: Madam President, the next amendment I have is by Senator Lynch. Senator, this is the one, AM2832, I understand you wish to withdraw this amendment.

SENATOR LYNCH: Yes.

CLERK: Madam President, Senator Lynch would move to amend. Senator, I have your amendment that is on Journal page 1445 in front of me.

SENATOR LABEDZ: Senator Lynch.

SENATOR LYNCH: Madam President and members, this amendment changes the dollar amounts and the fee schedules, it also develops an operative date. Just to refresh your memory for just a minute, in Nebraska we have medical laboratories in nursing homes, hospitals, doctors clinics and other areas. At the present time they are not certified. Within the next two years the possibility exists that there will be some federal certification required. And the fees for those certifications could range as high...could range in the thousands of dollars. In Nebraska we estimate that close to \$300 million, \$300 million is spent, through medical laboratories, for tests. Tests are important, because they determine what kind of sickness you have. And unless the tests are correct and accurate and true, of course, the wrong prognosis can be developed. Because of that the feds will get into the act. But it's important for us in Nebraska to have a chance to pre-empt some of what might happen with our own good sense, I think, and that was the purpose for this legislation. This amendment changes from the original legislation a fee schedule which was seven to eight hundred dollars to four hundred to eight hundred dollars. Obviously, there are some laboratories that do very little testing, as some that are very comprehensive and, in fact, do almost every test. It also provides an operative date of

July 1, 1991, which will allow the changes needed to be done in the 1991 legislative session, after the rules and regulations are in place. It makes good sense for us to do this. We appreciate the cooperation of all of the public and private agencies and institutions that were involved. I think most have signed off at a recent meeting. These amendments that I just described to you were, in fact, those recommendations and were the result of that meeting. I appreciate that support from those folks and ask for your support for this amendment.

SENATOR LABEDZ: Any discussion on Senator Lynch's amendment to LB 551? Senator Lynch, there are no further lights, would you like to close? Senator Lynch waives closing. All those in favor of the amendment to LB 551 vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

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

SENATOR LABEDZ: The amendment is adopted. Anything further on the bill?

CLERK: I have nothing further on the bill, Madam President.

SENATOR LABEDZ: Senator Lynch, would you like to move the bill?

SENATOR LYNCH: Move the bill advance to E & R engrossing.

SENATOR LABEDZ: The motion is to advance LB 551 to E & R engrossing. All those in favor say aye, opposed. It is advanced.

CLERK: Madam President, LB 551A, I have no E & R. I do have an amendment to the bill by Senator Lynch. Senator, this amendment may be found on page 1504 of the Journal.

SENATOR LABEDZ: Senator Lynch.

SENATOR LYNCH: Madam President and members, this, of course, describes the kind of costs that would be involved when this kind of legislation is implemented. I already described the fee schedule. The fee schedule will be determined and then be implemented based on what the need for administering this important responsibility would be in the state. That's why there seems to be a wide and is a wide range for fee schedule.

March 27, 1990

LB 315, 536, 551, 551A, 799, 898, 899
920, 1019, 1019A, 1031, 1125, 1126, 1136
1170, 1220, 1246

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber. Please stand. The opening prayer of the day by Pastor Robert Bye of the First Presbyterian Church of Plattsmouth, Nebraska, Senator Wehrbein's district. Pastor Bye. (Gavel.)

PASTOR BYE: (Prayer offered.)

SPEAKER BARRETT: Thank you so much, Reverend Bye. Please come back again. Roll call.

PRESIDENT NICHOL PRESIDING

PRESIDENT: I understand we're about ready to start. Mr. Speaker, would you explain the progression we're going to follow, please.

SPEAKER BARRETT: Yes, thank you, Mr. President and members. Obviously we do have a problem with the electronic voting board this morning. Apparently everything else is working. The microphones and the panels on either side of the board are okay, so rather than waste some time waiting for repair people to arrive on the scene, I'd recommend we get started and when it comes to casting a vote, we'll have to either use hands, voice vote or, of course, a roll call. So if we can put up with the inconvenience for a short while, we should be back in business as soon as the repair people are on site. Mr. President, I'd suggest we go ahead with the first item on the agenda.

PRESIDENT: Okay, thank you. Have you any corrections, Mr. Clerk?

CLERK: I have no corrections this morning, Mr. President.

PRESIDENT: Do you have any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 1246 and recommend that same be placed on Select File with E & R amendments attached. Mr. President, Enrollment and Review also reports they have carefully engrossed LB 315 and find it correctly engrossed as well as LB 536, LB 551, LB 551A, LB 799, LB 898, LB 899, LB 920, LB 1019, LB 1019A, LB 1031, LB 1125, LB 1126, LB 1136, LB 1170 and LB 1220, all of those reported

April 5, 1990

LB 315, 551, 551A, 920

ASSISTANT CLERK: (Read LB 315 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 315 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 1953 of the Legislative Journal.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

PRESIDENT: LB 315 passes. May I introduce a guest, please, of Senator Smith. Under the north balcony is Arthur I. McMasters who is a...UNL student from Hastings. Arthur, would you please stand so we may recognize you. Thank you. Thank you, Arthur. Senator Hannibal has a guest under the north balcony, Jim, Beverly Lang, please, both of you. Thank you for visiting us. LB 551, please.

CLERK: (Read LB 551 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 551 pass? All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 1954 of the Legislative Journal.) 44 ayes, 1 nay, 2 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 551 passes. LB 551A.

CLERK: (Read LB 551A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 551A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 1955 of the Legislative Journal.) 44 ayes, 0 nays, 3 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 551A passes. LB 920.

CLERK: (Read LB 920 on Final Reading.)

April 5, 1990

LB 315, 369, 369A, 551, 551A, 577, 920
931, 953, 980, 980A, 994, 994A, 1018
1043, 1063, 1063A, 1090, 1090A, 1241

year. Senator Chambers and Senator Bernard-Stevens, no doubt, will fight that change in the rules but, hopefully, there will be enough of us here and, as far as I'm concerned, they can filibuster that till the end of the session starting in January, but that's exactly what should be done.

PRESIDENT: One minute.

SENATOR LABEDZ: Thank you, Mr. President.

PRESIDENT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 980, LB 980A, LB 994, LB 994A, LB 1043, LB 953, LB 369, LB 369A, LB 1018, LB 1090, LB 1090A, LB 315, LB 551, LB 551A, LB 920, LB 931, LB 1063 and LB 1063A. Senator Wesely, please, followed by Senator Langford.

SENATOR WESELY: Thank you, Mr. President and members, I would rise in opposition to the bracket motion and give you a little history on...that hasn't come out yet on this bill and let you know why I do support it. This bill came in after I had introduced a bill on venture capital last year, Venture Capital Company Act. We were looking at this concept of providing incentives for investment in the state across Nebraska at a 25 percent credit level and with a number of other restrictions with the idea that what we're having across the state is a need for capital, a need for venture capital in particular, and a number of studies have indicated that. The Banking Committee worked with me and we did put out LB 577 to accomplish that goal. Senator Chambers then came in with LB 1241 which was a bill that he worked with with the administration and it tied in conceptually with what that other bill was. So, originally, what we did in the Banking Committee was we merged, with Senator Chambers' cooperation, LB 577 and LB 1241 so that the whole State of Nebraska would be benefiting from venture capital initiative. And this compromise that was reached in the Banking Committee was one that I was very excited about and appreciated very much Senator Chambers' cooperation. But what's odd is that after we reached this compromise and the committee advanced the bill as amended, then Deb Thomas from the Governor's office came in after the deadline for picking priority bills and told Senator Chambers that the Governor could not tolerate the additional coverage of the whole state, that she wanted only north Omaha to be the focus of the bill. And, of course, I was not happy with that situation and felt that I had not been dealt

April 9, 1990

LB 220, 220A, 315, 369, 369A, 551, 551A
571, 576, 720, 720A, 799, 851, 896
923, 953, 958, 960, 960A, 980, 980A
994, 994A, 1018, 1063, 1063A, 1064, 1064A
1080, 1090, 1136, 1146, 1184, 1184A, 1244

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber for the last day of the Second Session of the 91st Legislature. We're especially happy to have with us this morning our own Harland Johnson for our prayer of the morning. Would you please rise?

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Harland, and may I say, on behalf of all the members of the Legislature, we have truly appreciated your prayers during the session. They have been very meaningful because you understand us so well, so thank you again. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal?

CLERK: No corrections this morning, Mr. President.

PRESIDENT: Any messages, reports, or announcements today?

CLERK: Mr. President, a series of messages. First, communications from the Governor. Engrossed...well, before that, Mr. President, bills read on Final Reading as of late last Thursday were presented to the Governor on Thursday evening as of 8:15 p.m. Communications from the Governor, Mr. President, and I might indicate to the members that copies of messages I have received have been distributed and you should have a copy on your desk. Communications to the Clerk: Engrossed LB 1080, LB 1184, LB 1184A, LB 656, LB 1146, LB 799, and LB 1136 were received in my office on April 3 and signed by me on April 6 and delivered to the Secretary of State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) A second communication: Engrossed LB 220, LB 220A, LB 315, LB 369, LB 369A, LB 551, LB 551A, LB 571, LB 720, LB 720A, LB 851, LB 896, LB 923, LB 953, LB 958, LB 960, LB 960A, LB 980, LB 980A, LB 994, LB 994A, LB 1018, LB 1063, LB 1063A, LB 1064, LB 1064A, LB 1090, and LB 1244 were received in my office on April 3 and signed by me on April 7, delivered to the Secretary of the State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) In addition to those items,