

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

February 28, 1989

LB 99, 183A, 227A, 260A, 278, 323, 329A
355, 357, 357A, 386, 437A, 441, 447
491, 511, 569, 678, 720, 724, 726
755, 781

SPEAKER BARRETT: The A bill is advanced. Messages on the President's desk.

CLERK: Mr. President, your Committee on Education, whose Chair is Senator Withem, to whom was referred LB 447, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 386 indefinitely postponed, those signed by Senator Withem. Natural Resources Committee reports LB 755 to General File with amendments. That is signed by Senator Schmit as Chair. Banking Committee reports LB 99 to General File, LB 278 as indefinitely postponed, those signed by Senator Landis as Chair. Mr. President, Health and Human Services Committee reports LB 678 General File with amendments, LB 323 General File, LB 569 General File with amendments, LB 720 General File with amendments, LB 355 General File with amendments, LB 511 indefinitely postponed. Mr. President, Health and Human Services reports LB 491 to General File with amendments, LB 724 General File with amendments, LB 726 General File with amendments, those signed by Senator Wesely as Chair. Mr. President, Enrollment and Review reports LB 781 to Select File with E & R, LB 357 Select File with E & R, LB 357A Select File, LB 441 Select File with E & R amendments. (See pages 907-13 of the Legislative Journal.)

Mr. President, new A bills. (Read LB 329A, LB 260A, LB 437A and LB 227A by title for the first time. See pages 913-14 of the Legislative Journal.)

Mr. President, I have an appointment by the Governor to the Boiler Safety Code Advisory Board. That will be referred to Reference Committee.

Notice of hearing by the Revenue Committee; notice of room change by Health and Human Services Committee for hearings; and a cancellation of hearing by the Banking Committee, those three signed by the respective Chairs. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. If the gentleman from Minden is so inclined, would he care to adjourn us?

SENATOR KRISTENSEN: Thank you, Mr. President, I'd move that we adjourn the body until tomorrow morning at nine o'clock.

March 22, 1989

LB 224, 371, 449A, 569

SENATOR LINDSAY: Mr. President, I would move the adoption of the E & R amendments to LB 449A.

SPEAKER BARRETT: Shall the E & R amendments to 449A be adopted? All in favor say aye. Opposed no. Carried, they are adopted. Senator Lindsay, on the advancement.

SENATOR LINDSAY: Mr. President, I move that LB 449A be advanced, as amended.

SPEAKER BARRETT: Shall the bill, as amended, be advanced? Those in favor say aye. Opposed no. Carried, the bill is advanced. Any messages on the President's desk?

CLERK: Mr. President, I do. I have amendments to be printed, from Senator McFarland, to LB 224; Senator Withem to LB 371; and Senator Withem to LB 569. That's all that I have, Mr. President. (See pages 1302-03 of the Legislative Journal.)

SPEAKER BARRETT: Thank you, sir. Senator Korshoj, would you care to adjourn us until tomorrow morning.

SENATOR KORSHOJ: Mr. Speaker, I move we adjourn until nine o'clock, a.m., March 23rd.

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

Proofed by:

Marilyn Zank
Marilyn Zank

Senator Smith to LB 433. I have a request by Senator Lamb to print a message in the Journal, Mr. President, and a motion by Senators Withem and Schmit. Both of those will be laid over. That's all that I have, Madam President. (See pages 1383-87 of the Legislative Journal.)

Madam President, on LB 569, it's a bill introduced by Senators Rogers and Morrissey. (Read.) The bill was introduced on January 18, referred to the Health Committee. The bill was advanced to General File. I have committee amendments pending by the Health and Human Services Committee, Madam President.

SENATOR LABEDZ: Senator Wesely, on the committee amendments.

SENATOR WESELY: Thank you, Madam President, members. LB 569 deals with an issue that we've looked at over the last couple of years, EMT's being able to use automatic defibrillation equipment. They are now authorized, under their scope of practice, to provide for defibrillation, but they've come up with a new machine, so essentially we've got to put in the statute this new machine and clarify the ability to utilize this new machine. We passed the bill last year to authorize this and take care of it, but unfortunately, as we frequently have happen with health licensure issues, the bill passed and then the rules and regs to implement the legislation went to the Attorney General last fall and the Attorney General said there wasn't enough detail and clarity. So, essentially, the bill before you will put into statute the rules and regs that were recommended by the Department of Health to implement the bill we passed last year. Because of this concern about constitutionality and the ability to implement licensure issues in general, and this one in particular, this committee amendment adds a severability clause to the bill which allows, if there are any constitutional problems with any particular part of the bill, it will be that part of the bill that is declared unconstitutional, not the whole bill. So that we can at least go forward in some degree with this legislation and get it resolved. So I would ask for adoption of the committee amendments.

SENATOR LABEDZ: Senator Morrissey on the committee amendments.

SENATOR MORRISSEY: Yes, Madam Chair and members, I would just rise to urge your support of the committee amendments. This is a bill that was worked on last year. We need to get it passed this year. I would just urge your support of the committee

amendments.

SENATOR LABEDZ: Mr. Clerk, you have an amendment to the committee amendments?

CLERK: Madam President, Senator Withem would move to amend the committee amendments. (Withem amendment is printed on page 1303 of the Journal.)

SENATOR LABEDZ: Senator Withem.

SENATOR WITHEM: Madam President, members of the body, I would like to thank Senators Rogers, Senator Morrissey, Senator Wesely for the courtesy of allowing this amendment to be considered to this bill. The amendment that we are...that I am offering to LB 569 is, in essence, LB 726. A lot of people have seen it published and panicked somewhat, because it's a very lengthy amendment. All it is is basically clean up type of legislation being recommended by the Board of Advanced Emergency Medical Care. They are in the process of drafting rules and regulations and there are some obsolete things within their...within the current statutes dealing with emergency care that need to be cleaned up and terms need to be put in that bring it into the state of the art. Let me go through some of these so that you'll get kind of a sense of the flavor of what this does. Part of it deletes the term, a certified advance from each title given to various EMT certification levels and replaces it with emergency medical technician D, emergency medical technician intermediate, and emergency medical technician paramedic. Gets rid of the generic term "certified advanced" and talks about the three specific sorts of terms. Asystole, which is a medical term, and I think it may have been pronounced close to correctly there, includes...is concluded in the definition of defibrillation, it's a word I can't pronounce very well, as used in the national standards. EMT, one terminology is changed emergency medical technician, intermediate, consistent with other states in national designations. It eliminates the classification of emergency medical technician II, because there are none being trained or practiced in our state. Physician may be either advanced life support provider or instructor and certified by a national organization. Redefines a number of physicians on the board from MS areas as those...as these were reduced from six to three. Allows a physician surrogate to be designated by a physician to act in the physician's absence; brings state to state reciprocity in line with other states and

accredited educational institution may have a certified paramedic unit; changes location of clinical experience from an ambulance to "the field". These are all very technical changes. There is nothing at all controversial in this. I think those of you that have been around long enough know that if you start messing with things that are of real basic substance in this emergency medical statute, you get the fire departments, you get the EMTs, you get the medical people, communities, everybody coming out of the woodwork in opposition. Nobody appeared in opposition to LB 726 at the hearing. It was supported by those on the Board of Advanced Emergency Medical Care and by the Nebraska Volunteer Fire Fighters Association. With that, if you have any questions, I'll attempt to respond to those. Otherwise, this is a...it's also needed I guess I should say to...because they're in the process of changing their rules and regulations and they really need this statute brought up to date. It's not something that we can wait the normal course of events and this bill is here and it's a convenient vehicle to accept this amendment.

SENATOR LABEDZ: Senator Morrissey, would you like to speak to the amendment to the committee amendments?

SENATOR MORRISSEY: Thank you, Madam Chairman, members, again, I consider this a friendly amendment and would urge the adoption of this amendment also.

SENATOR LABEDZ: Thank you. Senator Wesely, do you wish to speak to the amendment to the committee amendments?

SENATOR WESELY: Yes, Madam President, as Senator Withem indicated, this is merging LB 726 as amended by the committee into this piece of legislation. Both the original 569 and this bill deal with the EMTs in trying to update statutory language dealing with problems that we've had and I agree with Senator Withem that this is a clarifying amendment. It shouldn't be any problem I don't believe and it will help take care of some problems that they're having over in the Board of Advanced Emergency Medical Care. I do think that there should be no problem and any opposition to this and I would support its amendment.

SENATOR LABEDZ: Senator Withem, there are no further lights. Would you like to close on your amendment?

SENATOR WITHEM: Would appreciate the adoption of this amendment.

SENATOR LABEDZ: We're voting on the amendment to the committee amendment. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 29 ayes, 0 nays on adoption of the amendment to the committee amendments, Madam President.

SENATOR LABEDZ: The amendment to the committee amendment has been adopted. We're back on the committee amendments. Senator Wesely, there are no lights, on the committee amendments. Would you like to close?

SENATOR WESELY: Thank you. Just again in summarization, the committee amendments now include the severability clause for the original bill and the provisions of LB 726. I would move for the adoption of the committee amendments.

SENATOR LABEDZ: We're voting on the adoption of the committee amendments. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 34 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

SENATOR LABEDZ: The committee amendments are adopted. We are now on the bill as amended. Senator Moore.

SENATOR MOORE: Just briefly, just wanted to mention that last year, along with several other senators that co-sponsored LB 865 which is the beginning of this whole process of allowing EMTs to use the automatic defibrillators. As Senator Wesely and Senator Morrissey have already explained, there have been some problems that have arisen. I think this bill will correct it and I just ask the body to pass this bill.

SENATOR LABEDZ: Thank you, Senator Moore. Senator Rogers.

SENATOR ROGERS: Madam President, members, I think you all realize how important this is, especially out in rural Nebraska where we depend a great deal on EMTs. This gives another tool to...if they come out to pick me up, why, I want them to have everything available that they do have available so that they

get me there in time. I just ask for advancement of the bill.

SENATOR LABEDZ: Senator Rogers.

SENATOR ROGERS: That's people down here.

SENATOR LABEDZ: Senator Morrissey, I'm sorry.

SENATOR MORRISSEY: Yes, thank you, Madam Chair and members, I thank Senator Moore and Senator Rogers for opening on my priority bill. I'll give you a brief history. Senator Wesely has gone over it quickly. Last year you passed 865. My predecessor, Senator Remmers and some people from my district, Alan Fankhauser, Peter Beekman, worked pretty hard on that bill and LB 865 of last year brought Nebraska up to speed on the new technology available for emergency medical technicians with the automatic or semiautomatic defibrillators. We then had the problems with the rules and regulations in LB 569 as simply implementation legislation to address this problem. The bill would add technical details to the defibrillator legislation, I said that about 15 times last night and I had it down, but... and the bill also sets out requirements for emergency medical technician-A/D, a new category, provides for competency testing, provides for the issuance and reissuance of certificates, provides for the training curriculum and sets standards for instructors. Paramedics and EMT-Ds are now licensed for operating manual defibrillators. They must take a monthly exam that requires them to recognize heart rhythms read from a strip. The new technology allowed by the automatic defibrillators, the EMT people simply put a patch on the patient and a computer reads the heart rhythms and will or will not allow a shock when appropriate. A heart attack victim has approximately a 40 percent chance of survival with this shock administered. If this shock is not applied within eight minutes, the chances of survival go way down. In my district there is only one town, Humboldt, which is licensed to run the manual defibrillator. That greatly reduces the chance of survival of heart attack victims. I think if you check in your districts you'll find the same type of ratio. Very few people are licensed to use the manual devices. Unless this bill is passed this year, I feel people will continue to needlessly die from heart attacks because the basic life support system for the emergency medical technicians in a state will not allow them to deliver heart shocks using the automatic and semiautomatic defibrillators. Of all the bills that are presented this year, this bill actually

March 29, 1989

LB 569, 569A, 606

allows an opportunity to save lives and to let it go on another year without passage of this legislation would be a shame. I would urge the body's support of this legislation.

SENATOR LABEDZ: There are no further lights on the advancement of LB 569. Senator Morrissey, or Senator Rogers, would you like to close?

SENATOR MORRISSEY: Yes, Madam Chair, members, as I said, a lot of people have worked pretty hard on this, including Senator Remmers, Senator Rogers, Department of Health and Mr. Fankhauser and Mr. Beekman from my district and it's very important. We have a good chance here to do something really vital to the state and I would urge your adoption of this bill.

SENATOR LABEDZ: Senator Morrissey was closing on LB 569. We're voting on the advancement of LB 569. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays, Madam President, on the advancement of LB 569.

SENATOR LABEDZ: LB 569 is advanced. Mr. Clerk, LB 569A.

CLERK: 569A, Madam President, introduced by Senator Rogers. (Title read.)

SENATOR LABEDZ: Senator Morrissey or Senator Rogers, would you like to speak on the advancement of LB 569A?

SENATOR MORRISSEY: Yes, Madam Chair and members, I would just urge the support of 569A along with LB 569.

SENATOR LABEDZ: Any discussion on the advancement of LB 569A? Evidently not. We're voting on the advancement of LB 569A. 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 LB 569A.

SENATOR LABEDZ: LB 569A is advanced. Mr. Clerk, LB 606.

CLERK: 607, Madam President, was a bill introduced by Senator Landis. (Title read.) The bill was introduced on January 19,

April 3, 1989

LB 44, 44A, 47, 66, 75, 78, 87
220, 240, 262, 348, 372, 399, 401
431, 438, 438A, 546, 548, 569, 569A
582, 582A, 592, 606, 608, 628, 637
681, 706, 777, 790

the time Senator Abboud can have to finish his closing.

SPEAKER BARRETT: Thank you. The question is the advancement of the bill to E & R Engrossing. All in favor vote aye...thank you. Roll call vote has been requested in reverse order. So be it. Mr. Clerk.

CLERK: (Roll call vote read. See pages 1431-32 of the Legislative Journal.) 27 ayes, 10 nays, Mr. President, on the advancement 592.

SPEAKER BARRETT: LB 592 advances. Anything for the record, Mr. Clerk?

CLERK: I do, Mr. President, thank you. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 262 and recommend that same be placed on Select File; LB 569, LB 569A, LB 606, LB 628, LB 681, LB 78, LB 438, LB 438A, LB 706, LB 47, LB 75, LB 548, LB 582, LB 582A, LB 240, LB 790, LB 777, LB 44, LB 44A, LB 637, LB 66, LB 546, LB 87, LB 220, LB 372, LB 399, LB 401 and LB 608, some of which have E & R amendments attached, Mr. President. (See pages 1432-44 of the Legislative Journal.)

Mr. President, your Committee on Health whose Chair is Senator Wesely reports LB 348 to General file with committee amendments attached. That's signed by Senator Wesely as Chair. (See page 1444 of the Legislative Journal.)

That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. As announced before recess, we will move back to LB 431 and LB 431A. LB 431, Mr. Clerk.

CLERK: Mr. President, the first item I have on 431 are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 431 be adopted.

SPEAKER BARRETT: The question is the adoption of the E & R amendments to LB 431. Those in favor say aye. Opposed no. Carried. They are adopted.

April 6, 1989

LB 259, 569, 695, 710, 812

the advancement of LB 812? Seeing none, those in favor of that motion please vote aye, opposed nay. Have you all voted? Record.

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB 812.

SPEAKER BARRETT: LB 812 is advanced. For the record, Mr. Clerk.

CLERK: Mr. President, for the record, Senator Withem has amendments to LB 259 to be printed; Senator Lamb amendments to LB 695; Senator Peterson to LB 569. And, Mr. President, I have a rules report offered by the Rules Committee, signed by Senator Lynch as Chair. That's all that I have, Mr. President. (See pages 1556-61 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. I'd like to take this opportunity to announce that we will move over LB 247 at this point, and also 588, I believe. Senator Chambers, are you within listening distance? I don't believe Senator Chambers is here, his office doesn't answer, and I did have a discussion with him recently about perhaps moving over this one for a day or so. If there is no objection, I'd like to address LB 710 at this point. Mr. Clerk.

CLERK: Mr. President, LB 710 was introduced by Senators Scofield, Lamb and Dierks. (Read.) The bill was introduced on January 19 of this year, referred to the Natural Resources Committee for public hearing. The bill was advanced to General File. Senator, would you like to offer your amendment now, or would you defer until you open on the bill?

SPEAKER BARRETT: Senator Scofield.

SENATOR SCOFIELD: Why don't I...I think if I can offer the amendment, I'll open at the same time, Mr. Clerk.

CLERK: Mr. President, Senator Scofield would move to amend her bill. (Scofield amendment appears on pages 1561-62 of the Legislative Journal.)

SPEAKER BARRETT: Senator Scofield.

SENATOR SCOFIELD: Thank you, Mr. Speaker and members. LB 710

CLERK: Mr. President, while we are waiting, an announcement. General Affairs will hold an Executive Session, Senate Lounge, now; General Affairs in Senate Lounge now. I have an Attorney General's Opinion addressed to Senator Lamb, Mr. President, to be inserted. (Re: LB 183. See pages 1786-92 of the Legislative Journal.) That is all that I have.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Discussion on LB 262, any? We have had a request for a machine vote. The question then is the advancement of 262 to E & R Engrossing. Those in favor vote aye, opposed nay.

SENATOR HALL: While we're waiting we might as well call the house and have a roll call vote.

SPEAKER BARRETT: Thank you. Clear the board, Mr. Clerk, and the question is, shall the house go under call? Those in favor vote aye, opposed nay. Record.

CLERK: 15 ayes, 1 nay, Mr. President, to go under call.

SPEAKER BARRETT: The house is under call. Members, please check in. Those outside the Chamber, please return. The house is under call. Members, please return to your seats. Unauthorized personnel, please leave the floor. Senators Dierks, Pirsch, Haberman, Hartnett, Warner, please report to the Chamber. Senator Dierks, Senator Pirsch, Senator Haberman, Senator Hartnett, the house is under call. Senator Haberman, check in, please. Senator Dierks, the house is under call. Did you request a roll call, Senator Hall? All present and accounted for. Members take your seats, please, for a roll call vote on the advancement of LB 262. Proceed, Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1792-93 of the Legislative Journal.) 25 ayes, 19 nays, Mr. President.

SPEAKER BARRETT: LB 262 advances. LB 569. The call is raised. Senator Hall.

SENATOR HALL: (Mike off) a point of personal privilege.

SPEAKER BARRETT: State your point.

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?

SENATOR PETERSON: Well, I would think it would be germane. It deals with first responders, which are also involved with the EMTs, and falls in between the good Samaritan and EMTs part of the bill. So I would think that it would be germane.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: This bill, and his amendment caught me by surprise, deals with licensure and certification and things of that nature, and it does not go to immunity. Immunity is a separate issue. It is one that can be considered on its own merits, and this amendment will change substantially the direction that the bill is going. So despite the fact that something that may be contained in an amendment may be mentioned in the existing language of the law that is being amended by the bill, itself, that has not been enough by itself to render an amendment germane. It cannot alter substantially the direction of the bill. It deals with the technical aspects of the bill, and it does not change the direction. If that would be the case, it would be germane. I think this goes well beyond what the statement on the face of this bill would indicate to the public that the bill deals with.

SPEAKER BARRETT: Senator Chizek, did you want to make a comment on the germaneness?

SENATOR CHIZEK: Well, I would agree with Senator Chambers on the germaneness issue, especially on the earlier rulings that we have had so far this year. I think there is a substantial difference between the amendment and the intent of the legislation, and I just don't believe it is germane.

SPEAKER BARRETT: Senator Wesely, did you have a comment?

SENATOR WESELY: Not on that.

SPEAKER BARRETT: Thank you. Senator Carson Rogers, this is your bill, correct?

SENATOR ROGERS: Yes.

SPEAKER BARRETT: Does your bill address any question of immunity from liability?

SENATOR ROGERS: No.

SPEAKER BARRETT: No. Thank you. I think then in that case I believe the Chair would rule that the Peterson amendment to 569 is putting another bill into it, is a different purpose, different question, and would declare it to be not germane. Senator Peterson.

SENATOR PETERSON: I guess we will...Senator Schellpeper and I agreed to challenge the Chair. I think that this...all part of the emergency medical services deal with a community, whether it is EMTs or first responders or Good Samaritan Act statute. So I would think that just dealing with liability, that is what we are doing. We are not putting in certification or anything. We are just putting in that liability part for first responders. So I would challenge the Chair and take a vote on it.

SPEAKER BARRETT: Thank you. With reference to challenging the Chair, discussion? Senator Chizek, your light is on. Thank you. Senator Wesely. Senator Wesely, would you care to discuss the overriding of the Chair, the challenge. Senator Schellpeper, please.

SENATOR SCHELLPEPER: Mr. Speaker and members, I would speak in favor of overriding the Chair. This is an amendment that has been worked out with the Health Department and with the first responders and I think it is very needed, and I really don't think it does anything that would damage the other bill, and I think that it is something that is very germane to the subject, and it needs to be dealt with, and I would just urge that the body override the Chair at this time. Thank you.

SPEAKER BARRETT: Thank you. Senator Chambers, would you care to speak to the challenge?

SENATOR CHAMBERS: Yes, I will. Mr. Chairman and members of the Legislature, it doesn't matter where this amendment came from, who agreed to it, or whatever. You will notice that the way it is drafted, this amendment, it does not amend any portion of the bill. It adds a brand new section. The way the bill was drafted and the intent of those who offered it is to deal with the subjects related to licensure and certification. That is like saying you must meet one, two, three, through ten requirements in order to qualify as this type of individual, and that is what the bill does. What this amendment does, which is bigger and broader in scope than the bill, itself, is to say

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

overrule the Chair. Thank you.

SPEAKER BARRETT: Thank you. Senator Peterson.

SENATOR PETERSON: Mr. President and members, Senator Schellpeper and I visited with Senator Morrissey and Senator Rogers and they are very concerned about this amendment at this point, being it is challenged, and even though they think...I think, hopefully, they think it has good merit, Senator Schellpeper and I will withdraw the amendment so that we don't load down their bill because...so that it wouldn't pass, so we would go through the 407, but I, hopefully, I would like to remind the body that, hopefully, that the first responders, there is a serious question out there whether the first responders would be protected under the Good Samaritan statute because they are actually responding to a call, responding to emergency care, and, therefore, we feel in many respects out there in the small areas where those people work in a filling station or a grocery store, they get called, they go to that first responders, that they may fall into the cracks and there could be tremendous lawsuits come about and also a lot of people could be...quit the first responders case. So with the concern of Senator Carson Rogers and Senator Morrissey, we will pull the amendment and, hopefully, pray that nothing happens.

SPEAKER BARRETT: Thank you. You are then withdrawing your challenge?

SENATOR PETERSON: Yes, I am.

SPEAKER BARRETT: Thank you, sir. The Chair is pleased to advise that in the north balcony we have some guests perhaps of all members of the Nebraska Legislature. We have 30 sixth graders from St. Peter and St. Paul's in Seneca, Kansas with their teacher. All of them are from Kansas. Would you folks please stand and let the Nebraska Legislature welcome you. Thank you. We are delighted that you could come up and spend some time with us. Mr. Clerk.

CLERK: I have nothing further on LB 569, Mr. President.

PRESIDENT: Senator Lindsay. Senator Moore, please, would you care to advance the bill?

SENATOR MOORE: I move we advance LB 569.

April 19, 1989

LB 569, 569A, 606, 628

SPEAKER BARRETT: You have heard the motion to advance LB 569. Those in favor say aye. Opposed no. Carried. The bill is advanced.

CLERK: Senator, on LB 569A, I have no amendments to the bill.

SPEAKER BARRETT: Senator Moore.

SENATOR MOORE: I move we advance LB 569A.

SPEAKER BARRETT: Any discussion on the advancement of the A bill? Senator Wesely, your light is on. Senator Schellpeper. Thank you. Shall the A bill, 569A, be advanced? Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 606.

CLERK: LB 606, Senator, I have Enrollment and Review amendments pending.

SPEAKER BARRETT: Senator Moore, excuse me, Senator Lindsay.

SENATOR LINDSAY: Thank you, Mr. President. I move the adoption of the E & R amendments to LB 606.

SPEAKER BARRETT: Shall the E & R amendments to 606 be adopted? All in favor say aye. Opposed no. Carried. They are adopted.

CLERK: I have nothing further on that bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 606 as amended be advanced to E & R for Engrossment.

SPEAKER BARRETT: You have heard the motion to advance 606. Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 628.

CLERK: LB 628, Senator, I have E & R, first of all.

SPEAKER BARRETT: Senator Lindsay.

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

April 24, 1989

LB 429, 569, 569A, 606, 681, 683, 769
812

but if 18 and 6 makes 24, it probably won't work with a call of the house. So I will just sit down and unfortunately accept defeat.

SPEAKER BARRETT: Record, Mr. Clerk. A record vote has been requested.

CLERK: (Read record vote. See pages 1885-86 of the Legislative Journal.) 18 ayes, 21 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: Motion fails. Messages on the President's desk.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 569 and find the same correctly engrossed, LB 569A, LB 606, and LB 681, all correctly engrossed and all signed by Senator Lindsay as Enrollment and Review Chair. (See pages 1886-88 of the Legislative Journal.)

Mr. President, I have received a communication from the University of Nebraska regarding a proposed bond issue. That will be referred to Reference Committee for referral to the appropriate Standing Committee.

Amendments to be printed by Senator Lindsay to LB 429; Senator Withem to LB 812; Senators Withem and Hall to LB 812, and Senator Warner to LB 683. (See pages 1890-92 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you, sir. Senator Labedz, for what purpose do you rise?

SENATOR LABEDZ: Thank you, Mr. President. I move that we adjourn until April 25th, nine o'clock in the morning.

SPEAKER BARRETT: Thank you. You have heard the motion to adjourn until tomorrow morning at nine o'clock. Those in favor say aye. Opposed no. Carried. We are adjourned. (Gavel.) Thank you.

Proofed by:

LaVera Benischek
LaVera Benischek

May 22, 1989

LB 449, 449A, 541, 569

having been complied with, the question is, shall LB 449 pass? All in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: (Record vote read. See pages 2632-33 of the Legislative Journal.) 31 ayes, 16 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 449 passes. LB 449A.

CLERK: (Read LB 449A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 449A pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See pages 2633-34 of the Legislative Journal.) 27 ayes, 17 nays, 4 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 449A passes. LB 541.

CLERK: (Read LB 541 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 541 pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See pages 2634-35 of the Legislative Journal.) 39 ayes, 3 nays, 6 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 541 passes. LB 569E.

CLERK: (Read LB 569E on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 569, with the emergency clause attached become law? All in favor vote aye, opposed nay. Have you all voted? Record, please.

ASSISTANT CLERK: (Record vote read. See pages 2635-36 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 2 present

May 22, 1989

LB 569, 569A, 574A, 574

and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 569E passes. LB 569AE.

ASSISTANT CLERK: (Read LB 569AE on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 569A, with the emergency clause attached, become law? All in favor vote aye, opposed nay. Have you all voted? Record, please.

ASSISTANT CLERK: (Record vote read. See pages 2636-37 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 3 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT NICHOL PRESIDING

PRESIDENT: LB 569A passes with the emergency clause attached. LB 574 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 574 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 574 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 2637-38 of the Legislative Journal.) The vote is 45 ayes, 1 nay, 2 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 574 passes with the emergency clause attached. LB 574A with the emergency clause attached.

ASSISTANT CLERK: (Read LB 574A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 574A pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See page 2638 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 5 present and not voting, 1 excused and not voting, Mr. President.

May 22, 1989

LB 336, 438, 438A, 444, 449, 449A, 541
569, 569A, 574, 574A, 575, 575A, 603
603A, 611

those in favor vote aye, opposed nay. Have you all voted?
Record, please.

CLERK: (Record vote read. See page 2643 of the Legislative Journal.) 45 ayes, 1 nay, 1 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 603 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 336, LB 438, LB 438A, LB 444, LB 449, LB 449A, LB 541, LB 569, LB 569A, LB 574, LB 574A, LB 575 and LB 575A. LB 603A, please.

CLERK: (Read LB 603A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 603A pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 2644-45 of the Legislative Journal.) 42 ayes, 1 nay, 3 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 603A passes. LB 611, please.

CLERK: Mr. President, Senator Abboud would move to bracket LB 611 until January 3, 1990.

PRESIDENT: Senator Abboud, please.

SENATOR ABOUD: Yes, Mr. President, colleagues, LB 611 is a bill that's been moving along through the process with little fanfare or some fanfare but not a lot of debate. The bill itself has been whittled down to...or at least certain portions have been whittled out and other portions have been left in. But there has been left with some confusion as to what this bill will provide for. It's my understanding that there is no immediate local option for income tax for the local school districts. What it provides for is a state identification to be able to implement a program like that in the future. And, most importantly, it takes away all local state aid options dealing with state aid to education which is a considerable amount of money for local school districts to put our feet to the fire. Now when this session started out I thought that Senator Moore

May 22, 1989

LB 209, 319, 323, 336, 354, 354A, 360
360A, 378, 378A, 388, 408, 408A, 412
412A, 423, 438, 438A, 444, 449, 449A
541, 569, 569A, 574, 575A, 575, 630
640
LR 219

While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 219. Mr. Clerk, where did we leave off?

CLERK: Mr. President, before we commence Final once again, I have an explanation of vote from Senator Conway. (Re. LB 209. See page 2648 of the Legislative Journal.)

Acknowledgement from your Enrolling Clerk, that bills read on Final Reading have been presented to the Governor. (Re. LB 209, LB 319, LB 323, LB 354, LB 354A, LB 360, LB 360A, LB 378, LB 378A, LB 388, LB 408, LB 408A, LB 412, LB 412A, LB 423, LB 336, LB 438, LB 438A, LB 444, LB 449, LB 449A, LB 541, LB 569, LB 569A, LB 574, LB 575A, and LB 575.)

Mr. President, the first bill on Final is LB 630, this afternoon.

PRESIDENT: If you'll take your seats, please, we'll begin Final Reading. (Gavel.) If you'll take your seats, please, we'll start Final Reading on LB 630, please. LB 630, Mr. Clerk.

CLERK: (Read LB 630 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 630 pass? All those in favor vote aye, opposed vote nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as it appears on pages 2648-49 in the Legislative Journal.) 41 ayes, 1 nay, 3 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 630 passes. LB 640 with the emergency clause attached.

CLERK: (Read LB 640 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 640 pass with the emergency clause attached? All those in favor vote aye, opposed nay, and I am reminded again for the second time today that some of you are not remaining in your seats while Final Reading is being read. Have you all voted? Record, Mr. Clerk, please.