

January 19, 1989

LB 94, 247, 570, 576, 683-808

as yet, please contact Joanne immediately. If you don't have the bill that you are expecting, please contact the Bill Drafters Office immediately. Mr. Clerk.

CLERK: Mr. President, for the record, I have received a reference report referring LBs 496-599 including resolutions 8-12, all of which are constitutional amendments.

Mr. President, your Committee on Banking, Commerce and Insurance to whom we referred LB 94 instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File with amendments attached. (See pages 320-21 of the Legislative Journal.)

Mr. President, I have hearing notices from the Judiciary Committee signed by Senator Chizek as Chair, and a second hearing notice from Judiciary as well as a third hearing notice from Judiciary, all signed by Senator Chizek.

Mr. President, new bills. (Read LBs 683-726 by title for the first time. See pages 321-30 of the Legislative Journal.)

Mr. President, a request to add names, Senator Korshoj to LB 570, Senator Smith to LB 576, Senator Baack to 570 and Senator Barrett to LB 247.

SPEAKER BARRETT: Stand at ease.

EASE

SPEAKER BARRETT: More bills, Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. (Read LBs 727-776 by title for the first time. See pages 331-42 of the Legislative Journal.)

EASE

SPEAKER BARRETT: More bill introductions.

ASSISTANT CLERK: Thank you, Mr. President. (Read LBs 777-808 by title for the first time. See pages 343-50 of the Legislative Journal.)

CLERK: Mr. President, I have reports. Your Committee on

SPEAKER BARRETT: Any other discussion? Senator Lamb, would you care to make a summarizing statement?

SENATOR LAMB: Very briefly, Mr. President, this bill is scheduled to go into effect, while the implementation date would start August of 1989, in order to give the Department of Motor Vehicles time to write the necessary rules and regulations and in the next year or two we very well may have amendments to the bill if and when we find that there are problems with the current version. And we certainly will be amenable to suggestions from anyone in that regard. This is the best effort that we have at this point. We think it's a very good effort. As I mentioned before, staff in my office has spent much time on the bill, trying to make as good a bill as possible. We are trying to meet the federal standards, but keep the regulations to a minimum in this state because we do not want to cripple the industry to any extent at all. So with that, Mr. President, I would ask that the bill be advanced.

SPEAKER BARRETT: Thank you. The question is the advancement of this Transportation Committee priority bill to E & R. Those in favor vote aye, opposed nay. Voting on the advancement of the bill. Record, please.

ASSISTANT CLERK: 26 ayes, 0 nays on the advancement of the bill, Mr. President.

SPEAKER BARRETT: LB 285 is advanced. To General File, Mr. Clerk, LB 733.

ASSISTANT CLERK: LB 733 was introduced by the Health and Human Services Committee. (Title read.) The bill was read for the first time on January 19. It was referred to the Health and Human Services Committee. They report the bill to General File with committee amendments, Mr. President.

SPEAKER BARRETT: Senator Wesely, on the amendments.

SENATOR WESELY: Thank you, Mr. Speaker, members, this bill was introduced by the Health and Human Services Committee. It deals with an area we dealt with last year, that is nursing home administrator licensure. There is a licensure requirement with minimum standards and last year we did change that to allow for ICFMR administrators to have a separate category licensure.

This would add another separate category dealing with nursing home administrators for a head injured facility. There is such a facility being built in Omaha, I believe, by Quality Living, Inc., and their administrator that they are hoping to hire, I guess would like to have a separate category and our feeling is that it makes sense. the committee amendments just change in the requirements for licensure, instead of having to be treating people, working with these type of people, that would be covered under this facility, so I would ask for the adoption of that committee amendment. It's a clarifying one.

SPEAKER BARRETT: Any discussion on the committee amendments as explained by Senator Wesely? If not, the motion is to adopt the committee amendments. All in favor vote aye, opposed nay. Please vote if you'd care to vote on the adoption of the committee amendments to LB 733. Record, please.

ASSISTANT CLERK: 26 ayes, 0 nays on adoption of the committee amendments, Mr. President.

SPEAKER BARRETT: The amendments are adopted. Senator Wesely, on the bill.

SENATOR WESELY: I think there should be one more amendment.

SPEAKER BARRETT: I'm sorry. An amendment on the desk, Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator Wesely would move to amend. That amendment is found on page 676 of the Journal.

SPEAKER BARRETT: Senator Wesely, on your amendment.

SENATOR WESELY: Thank you, Mr. Speaker. All this does is add the E clause to the bill. Again, this is a facility being built in Omaha and they need this bill and they need it as soon as possible to deal with the administrator for that facility, so we'd like to add the E clause to that and I'd be happy to answer questions.

SPEAKER BARRETT: Any questions? If not, on the Wesely amendment to the bill, those in favor vote aye, opposed nay. On the amendment adding the E clause. Please vote if you'd care to vote. Please vote if you'd care to vote. Please record.

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

SPEAKER BARRETT: The amendment is adopted. Anything further?

ASSISTANT CLERK: Nothing further on the bill.

SPEAKER BARRETT: Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. Speaker. I'll try and explain the bill just real briefly again. You have currently licensure of administrators in nursing homes and they meet certain standards and then it was recognized last year that nursing homes that deal with the mentally retarded, ICFMRs they are called, had a special category and they shouldn't have to be nursing home administrator licensed. They should have a separate category. So we changed that last year. Now a new facility is being built to deal with a new type of a problem and that is the head injured individuals and this long-term care facility being built will deal specifically with those people. So rather than have to be a nursing home administrator licensed individual when you're dealing with a specific group of people that are head injured, we're taking them out of the general requirement and moving them into their own category as we did for the ICFMR. As for the specific requirements, they are listed on your committee statement and at this point they are simply what was brought to us and the committee did introduce the bill in conjunction with the Health Department and the nursing home involved. So I guess I'd leave it at that and ask for advancement of the bill.

SPEAKER BARRETT: Senator Rod Johnson, please, followed by Senator Schimek.

SENATOR R. JOHNSON: Mr. Speaker, members, I, not being a member of the Health Committee, I don't know much about health care provisions. But before the session began, Senator Moore and Senator Coordsen and I met with some of our local nursing home administrators and nurses and they outlined to us some of the rather significant concerns they have with nursing home regulations and continued nursing home requirements for education and I realize that a lot of these changes are being forced upon our nursing homes in Nebraska on the national level, but I guess I would ask to Senator Wesely, if he is paying attention, what is the impetus behind making these changes here

in state law because it seems to me a number of our nursing homes, especially nursing homes located in smaller communities across the state are having a difficult enough time surviving and operating without continued additional regulations being imposed on them. And, Don, if you would, and I'll give you the remainder of my time. I'd just like an explanation as to what this bill does and whether it's another requirement that is going to make it more difficult for a small town's nursing home to be able to operate.

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Oh, yeah, Mr. Speaker, Senator Johnson, this will have no impact on any nursing home operation except one that deals specifically with head injured persons. It doesn't change anything in existing standards or anything whatsoever. It actually, what it does is make it easier for this new type of facility which is now being built in Omaha and could, they're talking about it elsewhere, maybe even Broken Bow, and so all we're doing is making it easier in terms of administrators for those facilities to meet the requirements to get licensed so they could operate the facility and it will have no impact on any other nursing homes.

SENATOR R. JOHNSON: Senator Wesely, all I wanted to say was, I'm getting very gun-shy with a lot of these issues especially for our small community health providers, if it happens to be nursing homes or hospitals, and I think you recognize that and I appreciate the explanation you gave. One of the problems that we have in this floor and in this Legislature is that we're basically preempted in serving on only a few committees and a lot of times we don't get a chance to hear the explanation on a lot of these bills, so that was the only purpose for my questions. I just, as I said, I'm getting very nervous that we might be putting more administrative duties or requirements on our small towns that...small nursing homes, that they just simply can't either afford to meet or are not able to meet because of a lack of personnel.

SPEAKER BARRETT: Thank you. Senator Schimek. Thank you. Senator Crosby.

SENATOR CROSBY: Thank you, Mr. Speaker and members, I would just like to reinforce what Chairman Wesely has said about this bill and tell you, I think Dan Lynch and I both can affirm to

the need. This talks about a head injury center. I have a young relative and Dan does too, as you know, who suffered a head injury and my niece suffered it four years ago. The therapy and rehabilitation for a head injury is so much different and so much more specialized than the average nursing home care and, as Chairman Wesely says, it does not impact the nursing homes. It simply gives the authorization needed for this new facility in north Omaha, at Immanuel, to become a reality and what a wonderful asset it is going to be for our state and for those people who need the care. I just want to attest to that and to affirm that I think it's tremendous that it is going to happen. So I think that Senator Johnson should not be concerned about his smaller towns because it has nothing to do with impacting those areas.

SPEAKER BARRETT: Thank you. Senator Dan Lynch, please, further discussion.

SENATOR LYNCH: Mr. Chairman, I was reluctant so, because it might appear to be self-serving, but nevertheless, it is important to mention so you'll understand. It does little good at all to mix and match, we call it I guess, in the business. Programs for rehabilitation are very demanding and I think very different. The need for rehabilitation for a head injury is awfully different from an MR as compared to a spinal bifida or cerebral palsy or mental illness and I think we have to recognize that. And what this bill does is provide us the tools to permit where it is possible, not mandated where it isn't possible in some of the greater Nebraska areas, but where it is possible provide for us the language that we need to help those who can, in fact, provide this care and service, give them the tools to know the difference and be allowed to do that. We sometimes fool people who have loved ones who are affected into thinking they are being helped by simply building a building and throwing everybody into it, all of the vegetables into it, assuming they all can be taken care of and treated in the same way and by the same people. That is not true. And, in fact, in some cases it's almost a cruel hoax that we permit that to happen. This is, in fact, long overdue legislation. It can, in fact, provide us the understanding to know the difference and how to apply it and I hope that you will be sympathetic to this legislation. Thank you, Senator Crosby.

SPEAKER BARRETT: Thank you, sir. Any other discussion? Seeing none, Senator Wesely, would you like to close?

SENATOR WESELY: Yes, Mr. Speaker, just briefly. Following up with Senator Johnson's concerns and following up on Senator Lynch's and Crosby's comments, Senator Johnson, there are tremendous pressures being applied to our nursing homes across the state through federal legislation recently and you may be thinking about those additional restrictions that are now being looked at. The committee is very concerned about that and we don't have much choice on that, but we are going to try and be on top that issue and we do have some other legislation addressing that, but it is not any...there is no bills that I know of this year to add additional restrictions but, in fact, there were a number of pieces of legislation trying to cope with those and it's the federal mandates that we're really having to struggle with right now. As for both Senator Lynch and Senator Crosby's comments, they are much appreciated. This is a facility that we've long needed and this bill is necessary to see that it's able to be functional once it is completed, so I, again, would urge adoption of this bill and advancement as quickly as possible.

SPEAKER BARRETT: Thank you, sir. You've heard the closing and the question before the body is the advancement of LB 733 to E & R Initial. Those in favor of that motion vote aye, opposed nay. On the advancement of the bill. Please vote if you'd care to vote. Record, please.

ASSISTANT CLERK: 26 ayes, 0 nays on the advancement of the bill, Mr. President.

SPEAKER BARRETT: LB 733 is advanced. Senator Owen Elmer is pleased to announce that in the east balcony are guests from his district, Mr. Carlton Clark from Elwood and friends. Mr. Clark and your associates, would you please stand and be recognized. Thank you. We're glad to have you with us. Messages on the President's desk, Mr. Clerk.

ASSISTANT CLERK: Yes, Mr. President, first of all, a couple of announcements. Natural Resources will hold an Executive Session at one-thirty this afternoon in Room 1517. Appropriations Committee hearing today will be in Room 2414 rather than Room 1003 as previously announced.

I have a notice of committee hearing from the Appropriations Committee. Your Committee on Government reports LB 206 to

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LB 182, 340, 432, 483, 586, 628, 683  
714, 733, 779, 783, 785, 786

Judiciary Committee reports LB 182 to General File with amendments, LB 483 General File with amendments. Those are signed by Senator Chizek. Revenue Committee reports LB 779 indefinitely postponed, LB 783 indefinitely postponed, LB 785, LB 786, all indefinitely postponed. Those are signed by Senator Hall as Chair. (See pages 1144-45 of the Legislative Journal.)

I have a Rules Committee report, Mr. President, regarding proposed rules change offered earlier this session.

Judiciary gives notice of confirmation hearing.

Senator Wesely has amendments to LB 733, Senator Conway to LB 340 to be printed and Senator Robak to LB 628. (See pages 1146-47 of the Legislative Journal.)

Mr. President, Senators Landis, Schellpeper, Goodrich and Barrett would move to raise LB 683 and Senator Wesely would move to raise LB 432, both those will be laid over.

Senator Kristensen would like to add his name to LB 586 as co-introducer and Senator Conway to LB 714. (See page 1148 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Wehrbein, would you care to adjourn us?

SENATOR WEHRBEIN: Sure, I can handle this. Mr. Chairman, I move we adjourn until tomorrow morning at nine o'clock on March 15.

SPEAKER BARRETT: Thank you. You've heard the motion. Those in favor say aye. Opposed nay. Ayes have it, motion carried, we are adjourned.

Proofed by:

Sandy Ryan  
Sandy Ryan

March 16, 1989

LB 89, 285, 733  
LR 27, 28

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day, Stephen Bilynskyj, who is the Lead Pastor of the First Evangelical Covenant Church in Lincoln. Would you please rise for the invocation.

DR. STEPHEN BILYNSKYJ: (Prayer offered.)

PRESIDENT: Thank you, Dr. Bilynskyj, we appreciate your service this morning. Roll call, please.

ASSISTANT CLERK: There is a quorum present, Mr. President.

PRESIDENT: Thank you. Any corrections to the Journal today?

ASSISTANT CLERK: One correction, Mr. President. (Read. See page 1175 of the Legislative Journal.)

PRESIDENT: Is that it? Okay, thank you. Any messages or reports or announcements to make?

ASSISTANT CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have examined and reviewed LB 285 and reports the same to Select File with amendments, LB 733 to Select File with amendments. LF 27 and LR 28 are ready for your signature.

PRESIDENT: Fine, we will move on to...while the Legislature is in session and capable of transacting business, I propose to sign and do sign LRs 27 and 28. Move on to General File, LB 89.

ASSISTANT CLERK: Mr. President, LB 89 was introduced by Senators Lynch, Crosby, McFarland, Ashford, and Chizek. (Read title.) The bill was read for the first time on January 5. It was referred to the Education Committee. That committee reports the bill back to General File with committee amendments attached, Mr. President. (See page 921 of the Legislative Journal.)

PRESIDENT: Senator Withem, are you going to take the committee amendments first?

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LB 587, 733

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

SPEAKER BARRETT: Thank you. Senator Schmit, on the bill as amended.

SENATOR SCHMIT: Mr. President and members, the bill as amended, I believe, represents a pretty definite point of view of a majority of the body. I don't think it needs any further explanation and I would be glad to answer any questions if there are any. If there are not, then I will be glad to move that it be advanced.

SPEAKER BARRETT: Thank you. Senator Rod Johnson, please. Thank you. Any discussion on the advancement of the bill? If not, those in favor of advancing the bill please say aye. Opposed no. Ayes have it. Carried. The bill is advanced. LB 733, Mr. Clerk.

CLERK: Mr. President, 733, I have Enrollment and Review amendments first of all, Senator.

SPEAKER BARRETT: Chairman Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move that the E & R amendments to LB 733 be adopted.

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

CLERK: Mr. President, Senator Wesely would move to amend. Senator, your amendment is found on page 1146 of the Journal. Senator Wesely, Mr. President.

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, and members, the amendment before you, if you recall LB 733 deals with the Health Department's licensure of head-injured facilities, and in that area of licensure there is another area that we have had some problems with dealing with the licensure of x-ray machines. And we had a problem with a bill that we passed last year or, excuse me, in 1987, that was supposed to be implemented by January 1 of this year is not implemented. Rules and regs have not been able to be adopted. We are working diligently to try and deal with

this problem. We think it can be resolved administratively but we have on the statutes a requirement that rules and regs be adopted now about three months ago. So we need to adopt this amendment to delay for one year that mandate of adopting those rules and regs dealing with the licensure of x-ray facilities. So I would move for this amendment, Mr. Speaker.

SPEAKER BARRETT: Any discussion? Any discussion on the amendment proposed by Senator Wesely? Senator Crosby.

SENATOR CROSBY: Thank you, Mr. Speaker. Senator Wesely, I'm really sorry, this is LB 733? And you're putting...I didn't quite understand why you're amending into this particular bill. I have had some correspondence and calls on this bill on another subject and that's why I wondered why you were putting this into this bill.

SENATOR WESELY: Well, LB...Senator Crosby, LB 733 is a bill dealing with the Health Department's licensure of the head-injuries facility...

SENATOR CROSBY: Head-injury, right.

SENATOR WESELY: ...and we need to deal with the Health Department's licensure in the x-ray field. This doesn't affect the original bill whatsoever.

SENATOR CROSBY: Oh, okay.

SENATOR WESELY: It's a related...it's the only bill we could find that was related and we had to deal with that problem and so that's why we're moving to amend this bill.

SENATOR CROSBY: So you're trying...so you're just putting it into this bill?

SENATOR WESELY: Yeah, it doesn't affect the original bill.

SENATOR CROSBY: It doesn't affect the rest of it?

SENATOR WESELY: No.

SENATOR CROSBY: Okay. No, I won't do that. (Laughter.) Thank you.

SPEAKER BARRETT: Senator Conway.

SENATOR CONWAY: I have a question for Senator Wesely, please.

SPEAKER BARRETT: Senator Wesely.

SENATOR CONWAY: Senator Wesely, as this is identified, it says that Section 23 and 24 of this act shall become operative on January, and you scratched '89 and moved it to 1990.

SENATOR WESELY: Uh-huh.

SENATOR CONWAY: I assume that there was some difficulty in coming down with the rules and regulations. What was some of that difficulty and where are we now and why do we need another year, as I think all of us have...well, go ahead and answer that if you will.

SENATOR WESELY: Yeah, Senator Conway, you and Senator Baack were involved with that issue back in 1987 and it did deal with x-ray licensure. The rules and regs have been held up for a variety of reasons. But, evidently, the Health Department had developed rules and regulations that went beyond the scope called for under the bill we passed in 1987. The Attorney General then had the rules and regs submitted to them. They rejected the rules and regulations, said they were too broad and went back to the Health Department. The Health Department insisted that that was the rules and regs that they wanted to have adopted and, frankly, they were at impasse and months passed and, finally, we did introduce legislation this year to deal with the topic and I did bring the different parties together and finally a realization has been made between the Attorney General and the Health Department that the message...the Attorney General was correct that the Health Department had too broad of rules and regulations and now they're back at the drawing board to bring the rules and regs back into compliance with what this Legislature had intended, which the Attorney General can sign off on and and which we can proceed with, finally, the rules and regulations. In the meantime, the next months it will take to accomplish that, we have got on the books a mandate that they, obviously, haven't met and can't meet and it just is an awkward situation so we would like to get that taken care of.

SENATOR CONWAY: Thank you, Senator Wesely. I think the point

that I would like to raise, in many cases when we do deal with the difficulty in the promulgation of rules and regulations and in particular with those coming down out of the Health Department is that it seems to take an inordinate amount of time and I understand with the Attorney General's ruling in many cases we do suffer some set-backs in some cases getting rules and regs that then clear the Attorney General's office. But I do question from time to time the additional amount of time that it takes once there has been a clarification of language and particulars. Senator Lowell Johnson and I think Senator Schmit and myself spent about three years getting some things down out of there out of the physician's assistant area. I think, in many cases, if we don't tighten up the amount of time giving them the advance time necessary that it may come down by virtue of an Attorney General's Opinion, but the expansion of another full year I think is just maybe possibly opening the door to allow them to have that much time. And I guess I would somewhat resist Senator Wesely's amendment in this case relative to an entire year if for the fact there was a need, that there was a delay of three months, four months, five months, six months, something in that range would be one thing, but I have a feeling you're not going to get these parties to sit down and really crank out the rules and regulations when you advance another full year on them. I really suspect that that is going to create difficulty when, in fact, the statute as we intended was to be implemented and initiated in '87 and gave them till '89. I have some difficulty with giving them another full year. So I would resist this particular situation and even though they are out of compliance, it would force them to come out with those rules and regulations as soon as possible to be in compliance.

SPEAKER BARRETT: Thank you. Senator Goodrich, on the Wesely amendment.

SENATOR GOODRICH: Hello. Mr. President and members of the body, would Senator Wesely yield to a question, please.

SPEAKER BARRETT: Senator Wesely.

SENATOR GOODRICH: Don, briefly, I was trying to...I hadn't read what it is you are trying to do so I don't know...I was just trying to establish what you're trying to do. Now from what you said to Senator Conway, apparently you're trying to delay the implementation of legislation for one year. Is that what you're trying to do, so that they can catch up with the rules and regs

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LB 54, 84A, 733

and get them correct?

SENATOR WESELY: Yes. Yes.

SENATOR GOODRICH: Can't see what's wrong with it. What's the matter with it?

SENATOR WESELY: Nothing.

SENATOR GOODRICH: Oh, okay, thanks.

SPEAKER BARRETT: Any other discussion? If not, those in favor of the adoption of the Wesely amendment please vote aye, opposed nay. Voting on the Wesely amendment to 733. Have you all voted? Record, please.

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

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: On the bill, Senator Wesely, any comment?

SENATOR WESELY: No, I would just move its advancement, Mr. Speaker.

SPEAKER BARRETT: Any discussion? Shall LB 733 be advanced to E & R Engrossing? Those in favor say aye. Opposed no. Carried. The bill is advanced. For the record, Mr. Clerk.

CLERK: New A bill, LB 84A, by Senator Lamb. (Read by title for the first time as found on pages 1361-62 of the Legislative Journal.)

Your Committee on Enrollment and Review reports LB 54 as correctly engrossed, Mr. President. (See page 1362 of the Legislative Journal.) That's all that I have.

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

SENATOR HALL: Mr. President, I would move that we adjourn until 9:00 a.m. tomorrow morning.

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LB 147, 279, 281, 319, 340, 340A, 410  
414, 587, 588, 733

SENATOR PIRSCH: And under the present law that...you could do nothing really.

SENATOR LANDIS: That is not embezzlement, that's right. Embezzlement is where you steal money from the firm.

SENATOR PIRSCH: Right. Thank you, I appreciate the explanation...

SENATOR LANDIS: Sure, you bet.

SENATOR PIRSCH: ...and I support this bill.

SPEAKER BARRETT: Thank you. Any other discussion? Seeing none, Senator Landis, anything further?

SENATOR LANDIS: Waive closing.

SPEAKER BARRETT: Thank you. Closing is waived and the question is the advancement of LB 319 to E & R. All in favor vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays on the advancement of 319, Mr. President.

SPEAKER BARRETT: LB 319 is advanced. Any messages on the President's desk?

CLERK: Yes, Mr. President, I do. Senator Hartnett has amendments to be printed to LB 588, Senator Chizek to LB 279, Senator Chambers to LB 281, Senator Landis to LB 279. (See pages 1462-64 of the Legislative Journal.)

Enrollment and Review reports LB 147, LB 340, LB 340A, LB 410, LB 414, LB 587 and LB 733 as correctly engrossed. (See page 1457 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Peterson, would you care to adjourn us until tomorrow?

SENATOR PETERSON: Mr. President and members, I'd be delighted to adjourn us till tomorrow morning at ten o'clock, is that, Senator Barrett, beings we lost an hour?

April 6, 1989

LB 414, 587, 733

Mr. President.

PRESIDENT: Please read the bill, 414.

ASSISTANT CLERK: (Read LB 414 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 414 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on pages 1543-44 of the Legislative Journal.) The vote is 39 ayes, 0 nays, 1 present and not voting, 9 excused and not voting, Mr. President.

PRESIDENT: LB 414 passes. May I introduce a guest, please, under the south balcony of Senator Chizek. She is Ruth Chermok of Omaha, she's also a niece of Senator Robak. Would you please stand and be recognized, Ruth. Thank you, Ruth, for visiting us today. LB 587 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 587 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 587 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on pages 1544-45 of the Legislative Journal.) The vote is 39 ayes, 0 nays, 1 present and not voting, 9 excused and not voting, Mr. President.

PRESIDENT: LB 587 passes with the emergency clause attached. For you gentlemen watching from the balcony, you might be interested that we only have one more Final Reading to do, so hang with us and perhaps things will liven up a little bit after that. This is a necessary procedure that we go through to have all bills completely read so that the Legislature will know what is in them. I'm only kidding on the last sentence, but most of them do know what is in it, so don't worry about that. Mr. Clerk, LB 733 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 733 on Final Reading.)

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LB 733, 810

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 733 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on pages 1545-46 of the Legislative Journal.) The vote is 39 ayes, 0 nays, 2 present and not voting, 8 excused and not voting, Mr. President.

PRESIDENT: LB 733 passes with the emergency clause attached. Anything for the record, Mr. Clerk?

ASSISTANT CLERK: Not at this time, Mr. President.

PRESIDENT: All right, we'll move on to General File then, LB 810.

CLERK: Mr. President, LB 810 was a bill that was introduced by the Business and Labor Committee and signed by its members. (Read.) The bill was introduced on March 2 of this year, at that time was referred to Business and Labor for public hearing. The bill was advanced to General File. I have committee amendments pending by the Business and Labor Committee, Mr. President.

PRESIDENT: Senator Coordsen, on the amendments.

SENATOR COORDSEN: Mr. President, members of the body, is this the IPP motion, Mr. Clerk?

CLERK: No, sir, this is the committee amendments.

SENATOR COORDSEN: Okay. The committee amendments...thank you, Mr. Clerk. The committee amendments are taking out claim number 118 and it will be added to the following bill, 811, allowed claims as a miscellaneous claim. Claim number 118 was a claim for \$30 by a gentleman who was caught up in a licensing procedure by an error of a clerk and was forced to take a drivers training course and pay for that out of his own pocket, and then ultimately the error was found and his license was issued as it would have been had the error not been made. So the Business and Labor Committee felt that this claim should be allowed rather than be disallowed and quite probably, had it

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LB 410, 414, 587, 733, 810

error on this simple majority, because it involves money, so go ahead and vote, if you like. But I'll check to see if I made a mistake or not. Have you all voted? Record, Mr. Clerk, please.

CLERK: 8 ayes, 12 nays, Mr. President, on adoption of Senator Lindsay's and Senator Morrissey's amendment.

PRESIDENT: The Morrissey amendment to the committee amendment fails. Now we're back on the committee amendment. Senator Coordsen, did you wish to discuss further?

SENATOR COORDSEN: No, only to move the committee amendment.

PRESIDENT: Okay. The question is the adoption of the committee amendments. All those in favor vote aye, opposed nay. We're voting on the adoption of the committee amendments. Record, Mr. Clerk, please.

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

PRESIDENT: The committee amendments are adopted. May I direct your attention, please, to the northeast corner of the Chamber where we have a previous member of this Legislature, Senator Dick Fellman of Omaha. Please welcome Senator Fellman back to the body. Senator, you left this body, what, about 14 years ago, something like that. Long time ago. Thank you for being with us. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 410, LB 414, LB 587, and LB 733. We're back on the...Mr. Clerk.

CLERK: Mr. President, Senator Coordsen would move to indefinitely postpone the bill.

PRESIDENT: Senator Coordsen, please.

SENATOR COORDSEN: Thank you, Mr. President, members of the body. This is one of the IPP motions that is rare in this body, and that is a good motion. Since we've had the discussion on the bill, these claims that are contained within the bill now have been disallowed. There is no need for the bill beyond the need we've already accomplished of bringing the...several of the issues to the floor and giving the body the opportunity to look at the denied claims. So at this time it is appropriate to indefinitely postpone LB 810 and move on to the allowed claims.

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LB 410, 414, 587, 588, 642, 733, 812

future Governors would choose to do. And it seems to me that it makes a world of sense to have a fully funded state program allocated in a fashion that the state wants to do, rather than use the route that has now developed into the overmatch which the federal government decides the allocation of funds rather than the State of Nebraska deciding how its own funds and only its own funds are to be distributed. So I would urge that the amendment not be adopted. The two programs ought to be set up, even though the distribution would not be different in the funds, but the state had ought to not be burdened with that maintenance of effort if you wish to make a change in the future. We ought to control our own destiny and not have the federal government doing it.

SPEAKER BARRETT: Thank you, sir. Senator Hannibal. (Cavel.)

SENATOR HANNIBAL: Well, Mr. Speaker, I realize the time is getting very close to a recess. May I inquire of the Chair if we were going to continue after recess with the same issue?

SPEAKER BARRETT: That would be my wish.

SENATOR HANNIBAL: Would it be permissible to move we recess until one-thirty.

SPEAKER BARRETT: If the votes are there, it would certainly be in order.

SENATOR HANNIBAL: I would so move.

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

CLERK: Mr. President, Senator Korshoj has amendments to be printed to LB 588. I have a series of appointment letters from the Governor to be printed. Those will be referred to Reference Committee. (See pages 1550-54 of the Legislative Journal.)

Mr. President, your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning. (Re: LB 410, LB 414, LB 587, LB 733.)

And the last item, Mr. President, is a motion by Senator Ashford with respect to LB 642. That will be laid over. That is all that I have, Mr. President.

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LB 46, 84, 145, 157, 231, 231A, 237  
356, 379, 410, 414, 418, 587, 588  
653, 733

CLERK: Mr. President, I have a reference report referring certain gubernatorial appointees to the appropriate committee for a confirmation hearing.

Senator Conway has amendments to LB 356 to be printed. Senator Conway would like to add his name to LB 84 as co-introducer. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. On Senator Withem's motion to adjourn, those in favor...recess, those in favor say aye. Opposed no. Carried, we are recessed until one-thirty.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. Back to LB 588. Mr. Clerk, could you bring us up to date as to our position just before recess.

CLERK: Mr. President, I will, if I may read some items for the record initially?

SPEAKER BARRETT: Certainly.

CLERK: Your committee...strike that. A communication to the Clerk from the Governor. (Read communications re: LB 410, LB 414, LB 587, LB 733, LB 157, LB 46, LB 145, LB 231, LB 231A, LB 237, LB 379 and LB 418. See page 1600 of the Legislative Journal.)

Senator Hall has amendments to LB 653 to be printed, Mr. President. (See page 1601 of the Legislative Journal.)

Mr. President, the Legislature left LB 588 this morning and at that time Senator Smith via Senator Chambers had moved to reconsider adoption of Senator Labedz's amendment to the committee amendments. That motion is pending.

SPEAKER BARRETT: Thank you. Back then to the motion to reconsider. Senator Withem, would you care to continue the discussion on the motion to reconsider, Senator Chambers next.