

Commission for Postsecondary Education, again, filed pursuant to statute; a report from the Nebraska Games and Parks Commission filed pursuant to statute; the annual report of the Division of Telecommunications; a communication from a series of Natural Resources Districts, Mr. President, with respect to payment of attorneys fees incurred during this past year. (See pages 88-89 of the Legislative Journal.)

Mr. President, I have a series of appointment letters from the Governor, appointments to the Board of Health, to the Rural Health Manpower Commission, the Foster Care Review Board, the Job Training Council, the Oil and Gas Conservation Commission. Those will all be referred to Reference for referral to the appropriate Standing Committee, Mr. President. (See pages 89-97 of the Legislative Journal.)

Finally, I have received a communication with respect to the siting for the low-level radio active waste disposal facility. That communication was received from US Ecology, Mr. President. (See page 88 of the Legislative Journal.) All of those reports will be on file in my office subject to review by members upon their request. That is all that I have, Mr. President.

PRESIDENT: Thank you. (Gavel.) Ladies and gentlemen, we're ready to begin the introduction of bills and some of you I understand would like to hear what the bills are about, so while I don't wish to spoil your fun and visitation with each other, kindly hold it down so that those that wish to listen to the introduction of the bills may do so. We anticipate that this will probably go on until about noon and, of course, free to do whatever you would like to do. Thank you. Mr. Clerk, the introduction of bills.

CLERK: Mr. President, new bills: (Read by title for the first time, LBs 818-878. See pages 97-109 of the Legislative Journal.)

I have amendments to be printed from Senator Rod Johnson to LB 163, LB 39, LB 37. (See pages 110-14 of the Legislative Journal.)

Mr. President, new bills. (Read by title for the first time, LBs 879-922. See pages 114-23 of the Legislative Journal.)

Mr. President, I have new resolutions: (Read brief description

January 4, 1990

LB 881-957, 997-1010
LR 229

If I may, Mr. President, I have a Reference Report referring LBs 881-957, and LR 229. (See pages 175-77 of the Legislative Journal.) And, Mr. President, new bills. (Read LBs 997-1010 by title for the first time. See pages 177-80 of the Legislative Journal.) Mr. President, that's all that I have at this time.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you. Proceeding to the next item on...from the Rules Committee. Chairman Lynch.

SENATOR LYNCH: Mr. President, members, the next one is number nine identified on your list. It specifies that a motion to suspend the rules is not divisible. The reason for this, without reading it all but putting it hopefully in laymen's terms so we can understand it, is that when a motion to suspend the rules is attempted it's intended to accomplish only one thing. You don't suspend the rules to accomplish three, four, five or six different things. But, if the amendment that would accomplish one thing would, for example, suspend Rule 1, Section 2, Rule 2, Section 3, Rule 3, Section 4, because it's necessary to do that to identify those sections of the rules that serve that single purpose, you cannot divide the question and take any one of those three rule changes independently. I think, Mr. President and members, that explains the purpose and intent of this rule change and would suggest that we support it.

SPEAKER BARRETT: Thank you, Senator Lynch. Discussion on the proposal...proposed change number nine? Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, let me tell you what the real purpose of this rule change is. There have been attempts at various times to suspend the rules so that there can be no debate or discussion or amendment on bills, and I have indicated that I would divide that question. So the purpose of the rule is to prevent that from happening. So however many things are put into a rule suspension will have to be taken as a package. In some instances you may have a situation where people will think and believe that you should be able to suspend the rules for the purpose of taking a vote without any additional debate, amendment and so forth. And maybe that is all right. Naturally, I'm opposed to it because

January 18, 1990

LB 394, 847, 858, 875, 891, 906, 907
910, 1013

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We are honored to have with us this morning, Father Don Hanway of St. Mark's Episcopal Church in Lincoln. Would you please rise for the invocation.

FATHER HANWAY: (Prayer offered.)

PRESIDENT: Father Hanway, we thank you for being with us this morning. Please come back. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. Any messages, reports or announcements?

CLERK: Mr. President, I do. Your Committee on Transportation whose Chair is Senator Lamb to whom was referred LB 858 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File, LB 875 to General File, LB 891 General File, LB 910 General File with amendments, LB 394 indefinitely postponed, and LB 847 indefinitely postponed, all those signed by Senator Lamb as Chair of the committee. (See pages 371-72 of the Legislative Journal.)

Mr. President, in addition to those Natural Resources Committee whose Chair is Senator Schmit to whom was referred LB 906 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File, LB 907 and LB 1013 to General File, those signed by Senator Schmit as Chair of the Committee. (See page 372 of the Legislative Journal.)

Mr. President, I also have a confirmation report from Natural Resources regarding confirmation hearings held. That will be considered at another time by the body.

I have hearing notices from Natural Resources Committee and Business and Labor Committee, those signed by Senator Schmit and Senator Coordsen respectively. I have received, Mr. President, a report from the Department of Roads pertinent to the Highway Cash Fund and Roads Operation Cash Fund. That will be on file in my office. And a report from the Nebraska Department of Social Services pursuant to statute. That, too, will be on file in my office.

needed to go back and change our Medicare Supplement Insurance Act to reflect appropriate language. Changes in this bill include clarifying internal references, prohibiting Medicare and supplemental insurance policies from containing benefits which duplicate benefits provided by Medicare, to require the Director of Insurance to issue rules and regs to establish minimum standards for claim payments, marketing practices, compensation arrangements and reporting practices for these kinds of insurance and to repeal language regarding compensation of agents because such regulation will be covered in rules and regs required by the new language of Section 44-3605. This is a Department of Insurance bill. It's meant to put appropriate law in Nebraska statutes to regulate the sale of Medicare supplement insurance and to reflect changes made necessary because of the repeal of the Catastrophic Health Insurance Act at the federal level. I move for its advancement. Thank you.

PRESIDENT: Thank you. Any further discussion? If not, the question is the advancement of LB 983. All those in favor vote aye, opposed nay. Have you all voted? Senator Landis, what do you think?

SENATOR LANDIS: Ummmm, I think I'm a happy man.

PRESIDENT: Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB 983.

PRESIDENT: LB 983 advances. Skip back up to LB 906, please, Mr. Clerk.

CLERK: Mr. President, 906 was a bill introduced by the Natural Resources Committee. (Read title.) The bill was referred to Natural Resources, Mr. President, advanced to General File. I have no amendments to the bill.

PRESIDENT: Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members, LB 906 is a bill which resulted from passage of, I believe, 474 a number of years ago which allowed mandating of certain conservation treatments on land by certain landowners if a complaint was filed by an adjoining landowner relative to erosion problems. At the time we mandated at least 5 percent of the funds in the Soil and

Water Conservation Fund had to be set aside for that purpose. The NRDs have found that there is very good compliance and that they have had minimal need for mandated control efforts, therefore, they want to reduce from 5 percent to 2 percent the amount of money which they must set aside. Otherwise, they will have far too much money in this fund. And there were no opponents to the bill and I recommend that it be advanced. .

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

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 906.

PRESIDENT: LB 906 is advanced. LB 907, please.

CLERK: Mr. President, 907 was a bill introduced by the Natural Resources Committee and signed by its members. (Read title.) The bill was introduced on January 3, referred to Natural Resources, advanced to General File. I have no amendments to the bill.

PRESIDENT: Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members, LB 907 brings about a needed change in the public power statutes. At the present time, of course, you recognize there are a multitude of public power entities and districts in the State of Nebraska. Because of the changing low demands and changing needs and changing situation in rural Nebraska, it has been determined that a consolidation of one or two or more districts may be desirable from the standpoint of service to the customers and efficiency and overall recognition of changes in load demand and service. At the present time we need to change the law so that this consolidation can take place with a majority vote of the members of the board of directors of all of the participating districts. There are two districts now that are in the process of merger. I would hope that this would encourage additional districts to merge and bring about additional efficiency in the area of public power. I move for the advancement of the bill.

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

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,

PRESIDENT: Okay, we'll move on, LB 906, Senator Lindsay...Senator Chambers.

SENATOR CHAMBERS: Has a ruling been made on this?

PRESIDENT: I understand we follow the Speaker's instructions now, the Speaker's agenda now. I didn't hear any motion to change the agenda.

SENATOR CHAMBERS: Well,...

PRESIDENT: I can't change it.

SENATOR CHAMBERS: Well, to deal with this bill is not changing the agenda.

PRESIDENT: It is my understanding, Senator Chambers, that the Speaker has said that any bills that have amendments on we will pass over in this particular group this morning. I can't change it. Okay, we will move on to LB 906. Senator Lindsay, we'll use you since you are here now.

CLERK: Mr. President, Senator, 906, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 906 be advanced to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. All in favor say aye. Opposed nay. It is advanced. LB 907.

CLERK: LB 907, Senator, I have Enrollment and Review amendments.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 907.

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

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

February 14, 1990

LB 313, 313A, 602, 618, 662, 858, 875
891, 906, 907, 1013, 1051, 1059A
LR 254, 255

I can go to the hospital, even...and have them stick a knife in my body and work on it. I don't think people are going to do that. And, if they're injured, I don't think they're just going to be lapping up all this cream that we're so concerned about. There are times when you're drawing workmen's comp when you can be taxed by the federal government. In certain situations, if you are on a light duty status, where you can't make it on the existing workmen's comp, and the employer says, well, come back, we'll give you light duty and we'll give you a little bit of a wage, not your total wage, and then your workmen's comp makes up what your total wage would have been, then that is all balled into a wage, and that is taxed. You can check it out if you'd like. So there are times it is taxed on the federal level, when you can't make it and are forced to go back to work, often times after further aggravating your injuries, but you just can't make it. So that's what...that's how light duty came into existence, because of poor workmen's comp. We know you're injured but...and we know you can't make it, so come on back and we'll give you a little bit to do a little bit. It might further aggravate your injury, might make things worse in the long-run, but we know you can't make it, so come on back, you'll help us out at a cheap rate. And, oh, by the way, you will be taxed on your workmen's comp, too. They probably leave that part out. But I don't think we're going to have people, part-time employees, rushing out to injure themselves so they can draw this extra 20 bucks a week, or whatever it is. I don't think we have a big concern about that and I would support Senator Hall's amendment.

PRESIDENT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 254, and LR 255. Mr. Clerk, do you have something to read in?

CLERK: Mr. President, Education Committee reports LB 618 to General File; and LB 1051 to General File, those signed by Senator Withem. New A bills. (Read LB 1059A and LB 313A by title for the first time.) Senator Smith has amendments to LB 662. I have a motion for introduction of a new bill that will be laid over, that's offered by Senator Coordsen. And, Mr. President, LB 602, LB 858, LB 875, LB 891, LB 906, LB 907, and LB 1013 are reported correctly engrossed. That's all that I have, Mr. President. (See pages 788-91 of the Legislative Journal.)

February 22, 1990 LB 875, 891, 893, 906, 907

PRESIDENT: LB 875 passes. LB 891, please.

ASSISTANT CLERK: (Read LB 891 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 891 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See pages 917-18 of the Legislative Journal.) The vote is 41 ayes, 0 nays, 2 present and not voting, 6 excused and not voting, Mr. President.

PRESIDENT: LB 891 passes. LB 893, please.

ASSISTANT CLERK: (Read LB 893 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 893 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, please.

ASSISTANT CLERK: (Read record vote. See pages 918-19 of the Legislative Journal.) The vote is 38 ayes, 5 nays, 6 excused and not voting, Mr. President.

PRESIDENT: LB 893 passes. LB 906, please.

ASSISTANT CLERK: (Read LB 906 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 906 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 919 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 6 excused and not voting.

PRESIDENT: LB 906 passes. LB 907.

ASSISTANT CLERK: (Read LB 907 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having

February 22, 1990

LB 602, 855, 856-858, 874, 875, 891, 893
906, 907, 957, 964, 966, 984, 997
1013
LR 260

Holdrege, Nebraska. He is under the north balcony. Doctor, would you please stand up so we may see what you look like and welcome you to the body today. I guess he is in his office at the moment, so...while the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 602 with the emergency clause attached, LB 856, LB 857, LB 858, LB 874 with the emergency clause attached, LB 875, LB 891, LB 893, LB 906, LB 907, LB 957, LB 964, LB 966, LB 984, LB 997 with the emergency clause attached and LB 1013. (See page 925 of the Legislative Journal.) Mr. Clerk, anything for the record?

CLERK: One item, Mr. President, a new resolution, LR 260 offered by Senator Nelson and a number of members. (Read brief description of LR 260. See pages 925-26 of the Legislative Journal.) That will be referred to the Reference Committee, Mr. President. And that is all that I have, Mr. President.

PRESIDENT: We'll move on to LB 855, please.

CLERK: Mr. President, 855 was introduced by Senator Rod Johnson. (Read title.) The bill was introduced on January 3 of this year, referred to the Agriculture Committee for public hearing. The bill was advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Thank you. Senator Owen Elmer, please.

SENATOR ELMER: Thank you, Mr. President and members. Senator Johnson isn't here to present his bill and I'm proud to be able to present it for him. LB 855 is identical with the animal damage control bill that we passed through Final Reading and sent to the Governor last year and was a casualty in the funding crisis that we had sent to her desk. This particular program is one that is supported by the USDA Department of Agriculture, animal damage control people, that assist with funds to the state in controlling animals that are a nuisance and are predatory animals. Several western counties have been funding local programs in their counties independently of the state and receiving federal aid in their efforts. The livestock, sheep, poultry industry in the state are very interested in this bill. We heard it in Agriculture Committee January 23. We had nine different persons representing themselves and different agencies and units, such as the Nebraska Animal Damage Control Board of the USDA, Nebraska Farm Bureau, the Game and Parks Commission,

February 22, 1990 LB 315, 602, 856-858, 874, 875, 891, 893
906, 907, 957, 964, 966, 984, 997
1013, 1090, 1105, 1119, 1136, 1228, 1246

all voted? Have you all voted? We're voting on the advancement of LB 1090. Please vote. Have you all voted? Senator Withem.

SENATOR WITHEM: Yeah, it appears as though we need another four votes, so I would ask that we...the house be brought under call and I will accept call in votes.

SENATOR LABEDZ: Thank you, Senator. Shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 14 ayes, 0 nays to go under call, Madam President.

SENATOR LABEDZ: The house is under call. All unauthorized personnel, please leave the floor. Senators in their offices, please return to the Chamber and record your presence. The house is under call. Please return to the Chamber and record your presence. Senator Withem has requested call ins.

CLERK: Senator Chizek voting yes. Senator Lindsay voting yes. Senator Smith voting yes. Senator Morrissey voting yes. Senator Byars, you had voted yes, Senator.

SENATOR LABEDZ: Have you all voted? Record, Mr. Clerk.

CLERK: 25 ayes, 2 nays, Madam President, on the advancement of LB 1090.

SENATOR LABEDZ: LB 1090 is advanced. Mr. Clerk, we'll go to the 1990 Speaker priority bills, LB 1032. The call is raised. Mr. Clerk, you have something to read in the record?

CLERK: Yes, Madam President. Your Committee on Enrollment and Review reports LB 1228 to Select File; LB 1105, Select File; LB 1119, Select File, those signed by Senator Lindsay. Banking, Commerce and Insurance Committee, whose Chair is Senator Landis, reports LB 1136 to General File with amendments attached, signed by Senator Landis as Chair. The Enrolling Clerk has presented to the Governor bills read on Final Reading this morning. (Re. LB 602, LB 856, LB 857, LB 858, LB 874, LB 875, LB 891, LB 893, LB 906, LB 907, LB 957, LB 964, LB 966, LB 984, LB 997, and LB 1013.) Reference report referring LB 1246 to Judiciary for public hearing, as well as certain gubernatorial appointments for confirmation hearing. Amendments to be printed to LB 315 by Senator Coordsen and Hefner; and Senator Conway has amendments

February 26, 1990 LB 260A, 602, 856, 857, 858, 874, 875
891, 893, 906, 907, 957, 964, 966
984, 997, 1013, 1039A, 1064A

this?

SENATOR CONWAY: Luckily, the world is round, yes, you will meet somewhere.

SENATOR CHAMBERS: And those...blessed are those who go in circles for they shall be called what?

SENATOR CONWAY: Ah...

SENATOR CHAMBERS: I will let it go.

SPEAKER BARRETT: Any other discussion? Anything further, Senator Conway, on the advancement of the bill?

SENATOR CONWAY: No, sir, I just request the advancement of the bill.

SPEAKER BARRETT: Thank you. Shall LB 260A be advanced? Those in favor vote aye, opposed nay. Voting on the advancement of 260A. Have you all voted? Record, Mr. Clerk.

CLERK: 25 ayes, 4 nays on the advancement, Mr. President.

SPEAKER BARRETT: The A bill is advanced. Have you matters for the record, Mr. Clerk?

CLERK: I do, Mr. President. Senator Peterson has amendments to be printed to LB 1064A. (See page 983 of the Legislative Journal.)

New A bill by Senator Haberman, LB 1039A. (Read by title for the first time. See page 983 of the Legislative Journal.)

I have a motion from Senator Hannibal involving a reconsideration. That will be laid over. (See page 983 of the Legislative Journal.)

Mr. President, a communication from the Governor to the Clerk. (Read communication regarding LB 602, LB 856, LB 857, LB 858, LB 874, LB 875, LB 891, LB 893, LB 906, LB 907, LB 957, LB 964, LB 966, LB 984, LB 997 and LB 1013. See page 984 of the Legislative Journal.)

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