

January 4, 1990

LB 939-968  
LR 234

And that is not a valid, logical position. I don't think it is a reasonable legislative position and in order not to drag out the discussion on this resolution, that will be all I have to say except to reemphasize that I intend to vote against this resolution and I'll vote against others of similar stripe.

PRESIDENT: Senator Hannibal, would you like to close...Senator Lynch, your light came on. Senator Hannibal, would you like to close, please.

SENATOR HANNIBAL: Thank you, Mr. President. Senator Chambers, I also have many thoughts running through my head, but I will exercise some constraint as well. I appreciate you pointing up some facts about the issue of what days are Nebraska citizens days and which days are days for all the people that we are elected to serve, and I agree with you wholeheartedly. Senator Smith, I'm not sure I really needed that much support saying that this resolution wasn't near as bad as some of them that we have, but I guess I'll take a vote whenever I can get it. Yes, it is true that each day that we meet in session, as a matter of fact, each day that we serve in the Legislature, is for all the citizens in Nebraska. That is my philosophy as well. However, I would suggest that we have many days that are proclaimed to be special for certain kinds of occasions and, in fact, certain individuals and that to say that because this all day should be for Nebraska citizens and not have a day that we proclaim as a special recognition would be tantamount in my estimation to saying that we shouldn't have a veterans' day because that implies that every other day is not a day that should be recognized for veterans and their service to us or any number of things that we do have. I believe that this is a gesture of recognition that we are here because of the citizens and we are here to serve the citizens and it's not near as bad a resolution as some of them we've passed and I would urge its adoption.

PRESIDENT: The question is the adoption of the resolution. All in favor vote aye, opposed nay. Record, please.

CLERK: 15 ayes, 4 nays, Mr. President, on adoption of LR 234.

PRESIDENT: The resolution is adopted. We'll go on to number six, introduction of new bills.

CLERK: Mr. President, new bills. (Read by title for the first time, LBs 939-968. See pages 138-45 of the Legislative

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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 17, 1990

LB 257, 871, 888, 890, 894, 909, 917  
924, 932, 946, 954, 978, 990, 992  
1018, 1028, 1046, 1047, 1079, 1080, 1085  
1104, 1107, 1115, 1118, 1162-1169  
LR 240

Services Committee, all signed by their respective chairs. (Re: LB 1104, LB 992, LB 894, LB 1028, LB 932, LB 909, LB 1079, LR236, LB 1115, LB 1107, LB 890, LB 924, LB 990, LB 1118, LB 978, LB 1018, LB 871, LB 1046, LB 1047, LB 917, LB 1085, LB 954, LB 946, LB 888, LB 1080. See pages 358-59 of the Legislative Journal.)

Mr. President, new bills. (Read LBs 1162-1169 by title for the first time. See pages 359-60 of the Legislative Journal.)

Mr. President, a new resolution by Senators Moore and Hall. (LR 240.) It would propose an amendment to Article VII, Section 10 of the State Constitution. That will be referred to Reference Committee, Mr. President. That's all that I have, Mr. President. (See pages 361-62 of the Legislative Journal.)

PRESIDENT: Thank you. We'll move on to Select File, number 2, LB 257. Mr. Clerk.

CLERK: Mr. President, 257 is on Select File. The first order of business are Enrollment and Review amendments, Mr. President.

PRESIDENT: Senator Baack, would you handle that, please.

SENATOR BAACK: Sure, I would move that the E & R amendments be adopted.

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

CLERK: Mr. President, the first amendment I have to the bill is by Senator Pirsch. I have a note that she wants to withdraw, Mr. President.

PRESIDENT: Senator Pirsch, are you present?

CLERK: She's excused, I believe, Mr. President, until she arrives.

PRESIDENT: Okay, she is present somewhere. We'll withdraw them and check to make sure that's correct.

CLERK: The next amendment, Mr. President, is by Senator Withem. Senator, your amendment is on page...well, it was printed last year.

January 30, 1990

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

SPEAKER BARRETT PRESIDING

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

PASTOR ANDERSON: (Prayer offered.)

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

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

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

CLERK: I have no corrections, Mr. President.

SPEAKER BARRETT: Any messages, announcements, or reports?

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

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

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

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

LB 888 be advanced to E & R Initial. All in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 888.

SPEAKER BARRETT: LB 888 is advanced. To LB 917.

CLERK: 917 offered by Senators Wesely and Lynch. (Read title.) The bill was introduced on January 3, referred to Health, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. Speaker, members, this legislation arises from a task force report chaired by Senator Lynch, caregivers task force, looking at a number of issues involving care giving. The particular program under discussion, the Disabled Persons Family Support Act, has been around a number of years. This program has provided respite care and other assistance to disabled, handicapped individuals, mentally retarded, so that they could stay home with their families or otherwise live independent lives. The program has had an expenditure limitation since its inception and from the study that was done by Senator Lynch, this limitation is causing some problems and so this bill would eliminate that expenditure limitation and allow us to move forward with the program. With that, I would move for the advancement of the bill.

SPEAKER BARRETT: Thank you. Discussion? Seeing none, shall LB 917 be advanced? Those in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 917.

SPEAKER BARRETT: LB 917 is advanced. LB 946.

CLERK: 946 offered by Senator Lynch, Mr. President. (Read title.) The bill was introduced on January 4, referred to Health, advanced to General File. I have no amendments to the bill.

SPEAKER BARRETT: The Chair recognizes Senator Lynch.

SENATOR LYNCH: Mr. President and members, this is a scald device bill. To quickly explain it one more time, there are people who are handicapped, who use public facilities, multi-unit facilities and sometimes have been seriously injured because of the scalding water. Unable to move, they were hurt seriously. This simply provides for the...that from happening by installing devices which would prevent, called anti scald devices. However, in the City of Lincoln as compared to Omaha and other areas in the state, there was some confusion about how it applied and when it applied. This amendment simply provides that for example, in multi-unit apartments where they have their own separate facilities, both for heating and air conditioning and also hot water heaters. It would be unnecessary for them to have a scald device because they could simply set the temperature on the heater for that particular unit. It was, in fact, unfair and expensive for people developing those units and for the people that buy them or rent them to have to contend with that additional cost. This amendment clarifies that and provides that in those circumstances, where there are individual units, irregardless of the number of units, the scald device would not be necessary and provided under the bill.

SPEAKER BARRETT: Thank you. For discussion purposes, Senator Withem.

SENATOR WITHEM: Thank you, Senator Bernard-Stevens, for opening for me, I appreciate that very much. Just, Senator Lynch, I apologize to you. I know you and I visited about this bill last summer and your need to introduce it. Just kind of put people on record here at this point, I've been getting some contact with some people that have some interest in this bill and, you know, aren't that excited about some of the things that it does, so I'd like to visit with you some time before it gets through Select File, but at this point let's...I just want to enter that into the record that there are some concerns about it, but it probably needs to go forward at this point, but let's have some visits about it.

SPEAKER BARRETT: Thank you. Any other discussion? If not, the question is the advancement of LB 946. Senator Lynch, did you have a closing comment?

SENATOR LYNCH: No, I'd waive closing, Mr. Chairman.

SPEAKER BARRETT: Thank you. Shall the bill be advanced? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 946.

SPEAKER BARRETT: LB 946 advances. LB 954.

CLERK: 954 offered by Senator Abboud. (Read title.) The bill was introduced on January 4 of this year, referred to Health Committee, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Abboud, please.

SENATOR ABOUD: Mr. President, colleagues, LB 954 requires notification to a representative of the Nebraska Sudden Infant Death Syndrome Foundation in the event of a death resulting from the sudden infant death syndrome. The Nebraska Sudden Infant Death Syndrome Foundation is a nonprofit organization which does not charge for its services. It is made up of health care professionals as well as parents that have had...that have gone through the tragedy of having their child die by SIDS. Now the sudden infant death syndrome is the leading cause of death in infants between the ages of one week and one year. Deaths caused by sudden infant death syndrome require a police investigation and an autopsy. After the shock of the infant death, these procedures of the autopsy and the police investigation add a great deal of pain onto the death of the child. The organization talks to the parent, tells the parent that they are not responsible for the death of the child. What this bill provides for is that the local county coroner or county attorney, whoever is acting as the county coroner, notify the Sudden Infant Death Syndrome Foundation in addition to contacting the local community mental health association. Most county attorneys currently give the information to this foundation and then they contact the parents, but because it is not in the statute, there is a concern among some of the county coroners that they are not sure whether they should be doing it or not. It has been a system that has worked very well and I move the advancement of the bill.

SPEAKER BARRETT: Thank you. Discussion? Seeing none, all in favor of the advancement of 954 please vote aye, opposed nay.

February 22, 1990      LB 313, 579, 688, 830, 831, 834, 888  
917, 923, 932, 938, 946, 954, 978  
987, 987A, 994, 994A, 1037, 1067, 1077  
1080, 1080A, 1094, 1102, 1109, 1165, 1178  
1217  
LR 259

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning for our invocation, Reverend Dr. Norman E. Leach who is the Executive Director of the Lincoln Interfaith Forum. Would you please rise for the invocation?

REVEREND LEACH: (Prayer offered.)

PRESIDENT: Thank you, Dr. Leach, we appreciate your being here this morning. Please come back. Roll call, please. Record, Mr. Clerk, please.

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

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

CLERK: No corrections, Mr. President.

PRESIDENT: Any messages, reports or announcements?

CLERK: Mr. President, Enrollment and Review respectfully reports they have carefully examined and reviewed LB 1080 and recommend that same be placed on Select File, LB 1080A, LB 1094, LB 688, LB 579, LB 994, LB 994A, LB 830, LB 938, LB 834, LB 987, LB 987A, LB 978, LB 888, LB 917, LB 946, LB 954, LB 1077, LB 1037, LB 1067, LB 831, LB 932, LB 1178, LB 1102, LB 1109, LB 1165 and LB 1217, all reported to Select File, some have E & R amendments attached. (See pages 904-08 of the Legislative Journal.)

Mr. President, amendments to be printed, Senator Crosby to LB 923, Senator Coordsen to LB 313. (See page 908 of the Legislative Journal.)

New resolution by Speaker Barrett. (Read brief description of LR 259. See pages 908-09 of the Legislative Journal.) That will be laid over.

A series of appointment letters from the Governor. Those will be referred to the Reference Committee for confirmation hearing.

Finally, Mr. President, a report from the Board of Public Roads Classifications and Standards. That will be on file in my



February 28, 1990      LB 917, 946, 954, 1077

CLERK: LB 917, Senator, I have Enrollment and Review amendments pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 917.

SPEAKER BARRETT: Discussion? Shall the E & R amendments 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 917 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? If not, shall LB 917 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 946.

CLERK: LB 946, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 946 be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? Hearing none, those in favor of the advancement of 946 please say aye. Opposed no. Carried. The bill is advanced. LB 954.

CLERK: LB 954, Senator, I have no amendments to the bill.

SPEAKER BARRETT: The gentleman from the 9th District.

SENATOR LINDSAY: Mr. President, I move that LB 954 be advanced to E & R for engrossment.

SPEAKER BARRETT: Discussion? Seeing none, those in favor of the adoption please say aye. Opposed no. Carried. LB 954 is advanced. LB 1077.

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LB 163A, 579, 642, 830, 831, 834, 888  
917, 932, 938, 946, 954, 978, 987  
987A, 989, 994, 994A, 1037, 1067, 1077  
1102, 1178, 1222

PRESIDENT: Okay, Senator Rod Johnson.

SENATOR R. JOHNSON: Mr. President and members, there was some confusion about whether the A bill or at least Senator Schimek's amendment was necessary. But I think, with the adoption of my earlier amendment this morning, it clarifies a lot of those problems. And, in talking with my legal staff who has talked with the Fiscal Office, they seem to feel there is no need for any amendments to the A bill and the A bill should stay as it's currently written. So I would just move for the bill's advancement.

PRESIDENT: Thank you. Senator Morrissey, please. No. Did you wish a closing, Senator Rod Johnson? The question is the advancement of the A bill. All in favor vote aye...say aye. Opposed nay. It is advanced. Things for the record, Mr. Clerk?

CLERK: Mr. President, Enrollment and Review respectfully reports they have carefully examined and reviewed LB 579 and find the same correctly engrossed; LB 830; LB 831; LB 834; LB 888; LB 917; LB 932 and LB 938, LB 946; LB 954; LB 978, LB 987, LB 987A, LB 994, LB 994A, LB 1037, LB 1067, LB 1077, LB 1102 and LB 1178, those all reported correctly engrossed, Mr. President.

Senator Ashford has amendments to LB 642 to be printed; and Senator Smith to LB 1222. (See pages 1074-78 of the Legislative Journal.)

Government Committee reports LB 989 to General File, Mr. President. That's all that I have.

PRESIDENT: Senator Byars, please.

SENATOR BYARS: I would move we would recess until one thirty this afternoon.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty.

RECESS