

January 4, 1990

LB 259, 259A, 505, 678A, 720A, 969-996
LR 231

SENATOR CHAMBERS: I don't mind.

PRESIDENT: Thank you for being so cooperative. We'll take it up after lunch. Mr. Speaker.

SPEAKER BARRETT: Mr. President, I move that we recess until one-thirty.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty. Senator Chambers, we'll take yours up...Senator Chambers, we'll take yours up right after...at one-thirty. Okay.

RECESS

PRESIDENT NICHOL PRESIDING

PRESIDENT: Members of the Legislature who are hiding out in their offices, appreciate it if you would come to the sanctuary so we can start the service. We already have three members here but we need a few more.

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

PRESIDENT: Senator Chambers will be here in a moment, and then we can begin on the...Mr. Clerk, do you want to read in new bills while we are waiting, please?

CLERK: Mr. President, yes, I do. Thank you, new bills. (Read for the first time by title: LB 969-996. See pages 150-57 of the Legislative Journal.)

Mr. President, I have a series of amendments to be printed, Senator Hefner to LR 231, Senator Wesely to LB 720A, LB 678A, Senator Withem to LB 259, LB 259A, and Senator Weihing to LB 505.

Mr. President, I will announce now that there will be a Reference Committee meeting at three o'clock in Room 2101, Reference Committee at three o'clock. 2102. That is all that I have, Mr. President.

PRESIDENT: Ladies and gentlemen, as you will recall, we are on

January 8, 1990

LB 409, 958-1013, 1031, 1032
LR 235

SPEAKER BARRETT: Let's stand at ease until eleven-fifteen, Mr. President.

PRESIDENT: Okay, thank you.

FASE

CLERK: Three quick announcements. Reference will meet underneath the south balcony now. Referencing Committee, underneath the south balcony right now.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: (Microphone not activated immediately.) ...return to the Legislative Chamber. The Legislature will reconvene and continue our discussion on the adoption of our permanent rules. Please return to the Legislative Chamber. Mr. Clerk, would you read in new bills, please.

CLERK: (Read LB 1031 and LB 1032 by title for the first time. See pages 198-99 of the Legislative Journal.)

Mr. President, in addition to those items, I have a new resolution. (Read brief summary of LR 235. See page 199 of the Journal.) That will be laid over.

I have amendments from Speaker Barrett to be printed to LE 409. Mr. President, I also have a Reference Report referring LBs 958-1013, as well as certain gubernatorial appointments received. That's all that I have, Mr. President. (See pages 199-201 of the Legislative Journal.)

SPEAKER BARRETT: Thank you, Mr. Clerk. Have you a motion, Mr. Clerk, to reconsider action taken last week?

CLERK: Mr. President, Senator Chambers would move to reconsider the vote on the Wesely amendment to the rules, which I believe the Legislature discussed on Thursday afternoon.

SPEAKER BARRETT: Thank you. The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this motion is designed to reconsider the vote that was taken on

January 16. That is offered by Senator Landis as Chair. (Re: LBs 981-984 and LB 1008. See page 235 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. At this point in time, we will return to General File and pick up on LB 747, the bill which was being discussed at the time of our recess for lunch. The issue at that point in time was Senator Moore's bracketing motion. Going directly to the speaking order that we left when we recessed beginning with Senator Haberman, followed by Senators Warner, Nelson, Bernard-Stevens, and Moore. (Gavel.) Senator Haberman, discussion on the bracketing motion.

SENATOR HABERMAN: Well, Mr. President, and members of the body, I am sure that you have all heard of the proverb of the fox in the henhouse. Well, I would like to assure you folks that we are putting two foxes in that henhouse, not just one, but two. Now I would not want to allude to Senator Hall and Senator Chizek as being foxes, but if you would like to allude to that, you may do so but I would not say that. I am just saying we are putting two foxes in the henhouse. Now this is a 1989 bill, so we can also call this a sleeper bill. Well, what is a sleeper bill? Well, a sleeper bill is a bill that you put out of committee, just put it out on the floor to see what would happen, see what kind of input you get, and really we are not going to do too much with that bill this year, but let's just put it out in case. Well, I would not say that the committee did that, although there was one person who voted against it and all the rest of them voted for it. So here we are now in 1990, and we are faced with a bill that basically is a year old. Now, quite possibly, some people have forgotten what was in the bill or what the issue is or the cost of the bill. So, therefore, it is necessary, it is necessary, absolutely necessary to bring to the attention of the members of this body just exactly what that bill does. Now, Senator Chizek, you are sitting there smiling and I have nothing but admiration for you for the way that you brought this bill before the body and how you are handling this bill, that's...and Senator Hall, too. You gentlemen are very smooth. I appreciate that. In fact, I would like to have you work on some of my legislation sometime, but I would like to say to you that we are spending a considerable amount of money. We don't know where we are really financially yet this year. I would like to spend a little money, and I am kind of afraid that if we pass this bill, there won't be any money left for ole' Rex and, you know, that is not too good either. So I would rise and

January 18, 1990

LB 259, 981, 982, 983, 984, 1195-1219
LR 242-243

CLERK: Mr. President, I do, thank you. (Read LBs 1195-1219 by title for the first time. See pages 378-83 of the Legislative Journal.)

Mr. President, two new constitutional amendments. (Read LRs 242-243 by title for the first time. See pages 383-88 of the Legislative Journal.)

Mr. President, Government Committee gives notice of hearing for January 25, signed by Senator Baack. Banking Committee, whose Chair is Senator Landis reports LB 983 to General File, LB 984 to General File, LB 981 General File with amendments, LB 982 General File with amendments. (See pages 388-90 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you, Mr. Clerk, proceeding to Select File, LB 259.

CLERK: Mr. President, the first order of business on 259 are Enrollment and Review amendments.

SPEAKER BARRETT: E & R amendments. Senator Withem, would you handle the E & R amendments on 259.

SENATOR WITHEM: Yes, beings our E & R Chairman is too busy at the moment, I'll be happy to move that the E & R amendments to 259 be approved.

SPEAKER BARRETT: Thank you, sir. Any objection? Any conversation? Seeing none, those in favor of the adoption of the E & R amendments to 259 please say aye. Opposed no. Ayes have it, carried, they are adopted.

CLERK: Mr. President, the first amendment I have to the bill is by Senator Haberman. (Haberman amendment appears on page 365 of the Legislative Journal.)

SPEAKER BARRETT: Senator Haberman. The Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the body, my amendment addresses the dates that are on page 3. It says that the act would commence February 1, 1991, pertaining to the filing of a petition. The bill will possibly go into effect in July and that would be about six months to give people an

allow them, and I think some of them even now are in practice using a person other than one of the board members as treasurer. This would basically put in statute the ability for them to do that and do it with statutory authority.

SENATOR CHAMBERS: Okay, so the serious point that I want to get to, and I think you've touched on it, is that this is not an honorary position we're talking about. It has actual duties and responsibilities that requires a certain amount of expertise and a person who might be voted to the board may not necessarily have what it takes to discharge this job properly. Is that correct?

SENATOR HALL: That is correct.

SENATOR CHAMBERS: Thank you.

PRESIDENT: Any closing, Senator Hall? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 1013.

PRESIDENT: The bill advances. LB 983, please.

CLERK: Mr. President, LB 983 was a bill introduced by the Banking, Commerce and Insurance Committee and signed by its members. (Read title.) The bill was introduced on January 4 of this year, referred to Banking Committee, advanced to General File. I have no amendments to the bill.

PRESIDENT: Senator Landis, please.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, present at the hearing on 983 were Bill McCartney, the Director of Department of Insurance who brought us this measure as a department bill and John Humpal, Blue Cross-Blue Shield representative, both of which were proponents. We passed some changes to our Medicare Supplement Insurance Act last year as part of LB 92, but they were premised on the existence of a federal line of authority with respect to the Catastrophic Health Insurance Act that was at the time destined for federal law status. Since that time the Catastrophic Health Act has been repealed and since there were some internal references we

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

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,

February 13, 1990 LB 875, 891, 983, 1013

Opposed nay. It is advanced. LB 891.

CLERK: LB 891, Senator, I have no amendments to the bill.

PRESIDENT: Senator Chizek, please.

SENATOR CHIZEK: I move that LB 891 be advanced.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 1013.

CLERK: LB 1013, Senator, I have no amendments to the bill.

PRESIDENT: Senator Chizek, please.

SENATOR CHIZEK: I move LB 1013 to be advanced.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 983. Senator Barrett. Speaker Barrett, may I have your attention a moment. It is my understanding we do not take bills that have amendments on in this list. Is that correct?

SPEAKER BARRETT: That's correct, Mr. President, yes.

PRESIDENT: Okay.

SPEAKER BARRETT: Any bills on Select File this morning with pending amendments will be held until such time as we might be talking about nonpriority Select File bills.

PRESIDENT: Okay, thank you very much. Okay, 983 does have amendments on it so we'll pass over that, Senator Chizek, and we'll go to 906.

SENATOR LANDIS: Mr. Speaker.

PRESIDENT: Oh, Senator Landis, please.

SENATOR LANDIS: I would, just as a point of order, ask the Speaker to explain the purpose of the rule. And, in so doing, let me just say that LB 983 is a measure to provide relief for the elderly who have multiple demands or requests for solicitations for Medicare supplement insurance. This is a problem of old people who have five, six or seven policies that

do exactly the same thing. And I know that I was warned by one of the lobbyists that they would be knocking this bill off the list because even though it was uniformly accepted out of the committee, uniformly accepted by the Department of Insurance and all of the insurance company representatives in the committee hearing, that he had been contacted by a client and would be knocking the bill off the list. I would like a point of order from the Speaker to understand the rule under which the Speaker is operating with respect to dropping this off what is otherwise Select File.

PRESIDENT: Thank you. Senator Barrett, would you like to respond to that.

SPEAKER BARRETT: Thank you, Mr. President. In response, Senator Landis, I guess I would advise that this is no different than the procedure which we operated under in the First Session of the Ninety-first Legislature, no difference whatsoever.

SENATOR LANDIS: My request from the Speaker is for a citation of the rule or authority to permit this kind of handling on Select File, as opposed to simply stating that it was once previously done. Is there an authority? That's the request for the point of order.

SPEAKER BARRETT: It is the authority, as I understand it, of the Speaker to handle them in this manner. Senator Landis, it is my hope that we can voice vote these consent calendar bills across today with no amendments. I do reserve the right to take a look at any pending amendments and make a decision at some later point in time. I would hope that we don't have Christmas trees. If there is a dotted "i" that needs to be handled, perhaps a date that needs to be changed, that's one matter. It's another to come up with a so-called Christmas tree.

SENATOR LANDIS: If I could have...understanding, as I do, the Speaker's position, I do think that the rule operates in such a manner to, in this case, take a measure which is by any standard definition of consent calendar unanimous action by the committee, unanimous action of the industry, with the exception of one bandit who wants to go out and sell multiple policies to old people who can get a lobbyist to do this, that, I think, is beyond the pale. I wish the result was not what it is this morning. That's unfortunate.

February 13, 1990 LB 906, 907, 983

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 28, 1990 LB 919, 983, 1183

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 919 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of the advancement of the bill say aye. Opposed no. Motion carried. LB 919 is advanced. Before proceeding to the last bill on the agenda, I would like to advise the body that LB 983 has been added to this list of Select File consent calendar bills. We will take up LB 1183 next to be followed by 983. Mr. Clerk, LB 1183.

CLERK: LB 1183, Senator, I have E & R amendments pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I'd move the adoption of the E & R amendments to LB 1183.

SPEAKER BARRETT: Thank you. Is there discussion? Seeing none, those in favor of the adoption of the E & R amendments please say aye. Opposed no. The ayes have it. Motion carried. They are adopted.

CLERK: I have nothing further on 1183, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 1183 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Thank you. Is there discussion? Seeing none, those in favor of that motion please say aye. Opposed no. The ayes have it. Motion carried. LB 1183 is advanced. Mr. Clerk, proceeding to LB 983.

CLERK: LB 983, Senator, I have no amendments to LB 983.

SPEAKER BARRETT: Chairman Lindsay.

SENATOR LINDSAY: Mr. President, the member from the 9th, the Sunshine District, moves that LB 983 be advanced to E & R for engrossment.

SPEAKER BARRETT: It occurs to the Chair that perhaps this bill should suddenly be removed from the agenda. Any discussion? Seeing none, those in favor of the advancement of LB 983 please say aye. Opposed no. The ayes have it. The motion does carry. LB 983 is advanced, and that concludes Select File consent calendar bills. Thank you. Anything for the record, Mr. Clerk?

CLERK: I have nothing at this time, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding to General File, Mr. Clerk, committee priority bills, LB 315.

CLERK: Mr. President, 315 was as bill introduced by Senators Lindsay, Hall, Schimek and Labeledz. (Read title.) The bill was discussed by the Legislature yesterday afternoon, Mr. President. The committee amendments were presented. There was an amendment to the committee amendments offered by Senator Coordsen that was adopted. I then had...committee amendments were then adopted, Mr. President. Senator Hefner and Coordsen then moved to amend. That amendment is pending. I did have an amendment to that amendment that was adopted offered by Senator Coordsen, so what is pending, Mr. President, is AM2508, offered by Senator Hefner and Senator Coordsen. You will find it in your bill books.

SPEAKER BARRETT: The Chair recognizes Senator Hefner for the purpose of a continued discussion of AM2508. Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, what this does, this amendment would disqualify individuals from unemployment insurance benefits for any week that the employee was dismissed for illegal drug use. I think we discussed this very thoroughly yesterday and also adopted to this amendment was an amendment offered by Senator Coordsen which provided a way that this would be paid. Instead of receiving unemployment compensation benefits, they would receive money from another fund, a Contingency Fund that he proposed, and I think that's a good idea and that's about all I have to say. If there is any questions, I'd be real...I'll try to answer them.

SPEAKER BARRETT: Thank you, Senator Hefner. We do have a pending amendment from Senator Hall. Is anyone prepared to handle that amendment? Apparently not. Before proceeding then, the Chair is pleased to note that we have some very special guests under our north balcony. We have Tom and Joan Sieck and

March 2, 1990

LB 844, 853, 903, 919, 983, 1086, 1105
1109, 1119, 1165, 1167, 1183, 1213, 1217
1228

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. Would you please rise for the invocation by Senator Lowell Johnson.

SENATOR L. JOHNSON: (Prayer offered.)

PRESIDENT: Thank you, Senator Lowell Johnson, we appreciate it. Roll call, please.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 844 and find the same correctly engrossed, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1109, LB 1119, LB 1165, LB 1167, LB 1183, LB 1216, LB 1217, LB 1228, all of those reported correctly engrossed. That is all that I have, Mr. President. (See page 1121 of the Legislative Journal.)

PRESIDENT: Thank you. We'll move on to the confirmation report of Senator Schmit.

CLERK: Mr. President, Senator Schmit as Chair of the Natural Resources Committee would report on the appointment of Duane Liebsack and Barbara Jo Bierman Batie to the Environmental Control Council. Do you want to take them separately, Senator, or together?

SENATOR SCHMIT: Let's take these two together, Mr. Chairman.

PRESIDENT: Okay, Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members of the body...

PRESIDENT: Senator Schmit, excuse me. (Gavel.) May we have it quiet so we can hear Senator Schmit. These are important, so we need to hear it. Thank you.

working model from which we've drafted this HMO language is, in fact, an NAIC model. But then we brought it to Nebraska, Bill McCartney and Bob Lang chaired a task force, brought in HMO members from all of the HMOs in Nebraska, they reviewed the bill to harmonize it to the way we do business in Nebraska and those provisions are here. It includes, for example, such things as requiring quality assurance programs, to keep the quality high; a grievance procedures for people who are members of HMOs who want to aggrieve how they have had their costs or services performed inside the HMO; a limitation of investments by HMOs and their funds to ensure that they'll be solvent and secure; examination of HMOs to make sure that they are as sound and secure as institutions; to provide for mechanism of rehabilitation should they fall on hard times, or liquidation, if they become insolvent; requiring the harmonization of the way we tax HMOs to the normal premium tax for insurance companies. Those kinds of provisions are working models, first in the NAIC, and then by this task force with local HMOs. A second provision in the bill is model language with respect to Medicare supplement insurance. This is, as you know, is insurance bought in the private marketplace to supplement the benefits that one might get from Medicare. However, some of the policies that have been sold nationwide mirror exactly the benefits that one would receive from Medicare. And because they then are able to advertise that they're covering these things, it makes you look like you're getting a good deal, but the policies serve to simply duplicate what you get in Medicare benefits. And then, if you can get them through Medicare, then the policies don't cover them, so, in fact, it's illusory coverage. Additionally, it changes the way in which insurance companies can compensate these kinds of insurance sales personnel to keep them from selling additional and multiple policies, or to get people to change from one company to another, thereby increasing their risk of being without coverage since they might run afoul of the new conditions in the new company. These provisions are identical to the provisions that were in LB 983, which is as I said on Final Reading, and on Select File, if this bill gets there, I'll move to delete these provisions, since we don't need to duplicate them. A third thing this bill does and this committee amendment does is to make slight changes in our Comprehensive Health Insurance Pool, the CHIP Act, which we formed a number of years ago, at the suggestion of Senator Wesely, who serves on the Banking, Commerce and Insurance Committee, and who approves of these changes. One of the changes is to provide that the 12 month waiting period, to

March 8, 1990

LB 919, 983, 1086, 1105

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 919 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 1256 of the Legislative Journal.) 38 ayes, 0 nays, 2 present and not voting, 9 excused and not voting, Mr. President.

PRESIDENT: LB 919 passes. LB 983.

ASSISTANT CLERK: (Read LB 983 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 983 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 1257 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 983 passes. LB 1086, please.

ASSISTANT CLERK: (Read LB 1086 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1086 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See pages 1257-58 of the Legislative Journal.) The vote is 39 ayes, 0 nays, 1 present and not voting, 9 excused, Mr. President.

PRESIDENT: LB 1086 passes. LB 1105.

ASSISTANT CLERK: (Read LB 1105 of the Legislative Journal.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1105 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See pages 1258-59 of the

March 8, 1990

LB 844, 853, 903, 919, 983, 1044, 1086
1105, 1119, 1165, 1167, 1183, 1216, 1217
1228

PRESIDENT: LB 1217 passes. And the last one on General File today, LB 1228.

CLERK: (Read LB 1228 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1228 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See pages 1264-65 of the Legislative Journal.) 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President.

PRESIDENT: LB 1228 passes. Senator Barrett, the Chair recognizes you.

SPEAKER BARRETT: Thank you, Mr. President.

PRESIDENT: (Gavel.) May we have your attention for Speaker Barrett, please.

SPEAKER BARRETT: Thank you, Mr. President and members, a very brief announcement. The Nebraska Press Association is presenting to the Legislature this morning, eight original paintings which have appeared in the Nebraska newspaper magazine from 1975 till about 1985 or thereabouts. Some of you have seen them in the Rotunda. The Press Association representatives are here now to make the presentation. The originals will be hung in the Capitol for an undetermined length of time. I would ask the body's indulgence, I would suggest we stand at ease for a maximum of five minutes for the presentation of these original paintings. Thank you, Mr. President.

PRESIDENT: All right, if no objection, we'll stand at ease for five minutes, but while the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 1044, LB 844, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1119, LB 1165, LB 1167, LB 1183 with the emergency clause attached, LB 1216, LB 1217 and LB 1228. (See page 1265 of the Legislative Journal.) Guests of Senator William Barrett, Dr. Jim Horner and UN-L leadership class, I believe there are about 18 of you in the south balcony. Would you folks please stand and be recognized. Thank you for visiting us this morning. We're going to be at ease for about five minutes and

March 8, 1990

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

CLERK: I have nothing further, Mr. President.

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

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

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

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

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

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

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

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

March 13, 1990

LB 688A, 844, 853, 903, 919, 983, 1031
1044, 1086, 1090, 1105, 1119, 1165, 1167
1183, 1216, 1217, 1228

Withem to LB 1090. (See pages 1345-49 of the Legislative Journal.)

New A bill, LB 688A by Senator Lindsay. (Read by title for the first time. See page 1344 of the Legislative Journal.)

Motion to reconsider with respect to Senator Coordsen's amendment to LB 1031, Mr. President. That is offered by Senator Beyer. (See page 1344 of the Legislative Journal.)

And a communication from the Governor to the Clerk. (Read communication Re: LB 1044, LB 844, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1119, LB 1165, LB 1167, LB 1183, LB 1216, LB 1217 and LB 1228. See page 1344 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Senator Baack will be adjourning us in a moment, but I've been asked to announce to you again, to remind you that the New Horizons begins at nine o'clock tomorrow morning here, however, your adjournment will be of a different nature. Senator Baack, please.

SENATOR BAACK: Yes, Mr. President, I move we adjourn until tomorrow morning, or tomorrow afternoon, March 14 at one-thirty.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are adjourned until one-thirty tomorrow afternoon, but don't forget New Horizons tomorrow morning at nine. Thank you.

Proofed by:


Judy Smith

suggestions in tightening the way that we regulated Medicare supplement. That measure, however, was also contained in a separate bill, LB 983, I believe, and that measure has been reported to Final Reading and is in a position to be passed. As a matter of fact, I think it has been read on Final Reading and, for that reason, one of the provisions of this amendment is to strip those provisions from the bill so that we don't have any duplication on that score. The three remaining provisions, there are two minor ones, one of them relates to PPOs which are like HMOs, HMOs being a health maintenance organization but a PPO is a slightly different arrangement but for much the same kind of purpose. It's a way of arranging for medical services and to prepay for them. In the PPO situation, there is the desire to have the same provisions for confidentiality that apply in an HMO or a health maintenance organization. In those situations, the health maintenance organization may not release information about their clients and their treatment unless it's with the express request of the individual who has been so served or pursuant to a court order or pursuant to a statutory privilege. And those same provisions which are in our law for HMO, that is to say they're in LB 1136, are now being requested to apply to PPOs. No one that I know of has any objection to that and, for that reason, to parallel what are two similar organizations to have similar rights this provision should be adopted. The second division says that an HMO may not have an arrangement which is exclusively mail order medications. Health maintenance organizations are oftentimes meant to give first care, first line diagnostic treatment for individuals and oftentimes you have medical needs which are immediate in nature and this provision says basically that the medical or medication side of the HMO may not be done in an explicitly and restrictedly mail order fashion. You need to have a way in which your HMO people can go to a pharmacy to do business. Why? Because it's oftentimes the case that you don't want to wait a week or two weeks to start medication for a sickness and there is no HMO that does work of that nature in this state and there is no objection by any of the HMOs to that language. The most substantive provisions to the amendment, however, are at the suggestion of the Department of Insurance and are contained in a measure which has had a public hearing and which was responded to positively by the Banking, Commerce and Insurance Committee. It relates to the new nationally recognized model legislation dealing with managing general agents in insurance. This new model act by the National Association of Insurance Commissioners is intended to respond to the phenomenon of managing general