

January 15, 1981

LB 193-222

rules which the motion is before the desk.

SPEAKER MARVEL: Any further discussion? All those in favor of that motion vote aye, opposed vote no. Have you all voted? The motion is the Wesely motion. Have you all voted? Record the vote.

CLERK: 25 ayes, 10 nays on adoption of the permanent rules, Mr. President.

SPEAKER MARVEL: The motion is carried and the amendment is adopted. Senator Cullan wants to meet with the Public Health and Welfare Committee underneath the south balcony. Is that right, Senator Cullan? What is the next item?

CLERK: Mr. President, I have a series of matters to read in, if I may. First of all, Senator DeCamp offers a proposed rule change which will be submitted to the Rules Committee for their consideration. (See pages 180 and 181 of the Legislative Journal.)

Mr. President, new bills: LB 193 (Title read). LB 194 (Title read). LB 195 (Title read). LB 196 (Title read). LB 197 (Title read). LB 198 (Title read). LB 199 (Title read). LB 200 (Title read). LB 201 (Title read). LB 202 (Title read). LB 203 (Title read). LB 204 (Title read). LB 205 (Title read). LB 206 (Title read). LB 207 (Title read). LB 208 (Title read). LB 209 (Title read). LB 210 (Title read). LB 211 (Title read). LB 212 (Title read). LB 213 (Title read). LB 214 (Title read). LB 215 (Title read). LB 216 (Title read). LB 217 (Title read). LB 218 (Title read). LB 219 (Title read). LB 220 (Title read). LB 221 (Title read). LB 222 (Title read). (See pages 181 through 188 of the Legislative Journal.)

Mr. President, in addition your Committee on Business and Labor gives notice of public hearing for Wednesday, January 28. (See page 189 of the Legislative Journal.)

Mr. President, communication from the Chairman of the Executive Board which will be inserted in the Legislative Journal. (See page 189 of the Journal.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Beutler regarding deferred compensation funds which will be inserted in the Legislative Journal. (See pages 189 through 192 of the Journal.)

SPEAKER MARVEL: May I have the attention of the members of the Legislature for just a second. I think the last few days have been tough on all of us. I think we are all

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of mine, who chide me constantly wondering what kind of a record are we trying to set. The only record we are trying to set is fairness and I would suggest to you that we have with 245, we have had substantial amount of debate and I would also try to get your cooperation to debate this bill until noon and then we will come back and start on General File priority bills. If we can not do this, ladies and gentlemen, what it amounts to is that this Legislature is simply going to go downhill and there will be many of you whose priorities will not be touched. Okay what is the next item on LB 245, Mr. Clerk?

CLERK: Mr. President, if I may read some matters in before that. Very quickly, Senator Schmit, Johnson would like to print amendments to LB 167; Senator Wesely to LB 44. (See pages 1211-1211 of the Journal.)

Your committee on Public Health and Welfare reports LB 378 to General File; 499 General File with amendments; 270 General File with amendments; 212 with amendments; 404 General File with amendments; 522 General File with amendments, all signed, Senator Cullan. (See pages 1212-1218 of the Journal.)

Mr. President, the next amendment I have is from Senator DeCamp and that amendment is found on page 1145 of the Journal.

SENATOR DeCAMP: Mr. President, members of the Legislature, it appeared to me and several others that the real stumbling block on resolving the issue of the vets school and which way we go had to do with the issue of federal funds and whether we were just going to have an indefinite forever date on this and so the purpose of this amendment was to, so to speak, "fish or cut bait," make a decision one way or another on whether we were going to have the vets school and of course that decision was contingent as has been stated many times on what happens at the federal level. So the purpose of this amendment was and is to force that issue. The second purpose of the amendment was to say, if we do not get the federal funds, then we want to use this money for another purpose, some other agricultural purpose. And so I had the money funneled off into the Beef Science Building as of a certain date so that we would not have to fight that issue again. However, it is my understanding that Senator Schmit, Kahle, Lamb, those interested in the vets school have now resolved, so to speak, the issue of the "fish or cut bait" issue which is the principal stumbling block in this thing and they have a separate amendment with a separate date. It is a little more delayed. I am perfectly willing to go along with that since, as I say, that is the big

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LB 212

SENATOR CLARK: LB 212.

CLERK: Mr. President, LB 212 introduced by Senator Vard Johnson. (Read title). The bill was read on January 15 last year. It was referred to the Public Health and Welfare Committee for hearing. The bill was advanced to General File, Mr. President, and there are committee amendments pending by the Public Health and Welfare Committee.

SENATOR CLARK: Senator Cullan on the committee amendments for LB 212.

SENATOR CULLAN: Mr. President and members of the Legislature, the committee amended the bill to ensure that the confidential identity of persons with cancer would be maintained. It changes the enforcement and related duties of the program from the Board of Health to the Department of Health. The bill requires hospitals to participate. The requirement that health care providers must participate is changed from mandatory to permissive. A definition of cancer registry is also provided. The definition of cancer is modified. An annual report to the Legislature is required and no patient or member of a patient's family can be contacted about the cancer unless permission is received from the patient's private physician. So we have done everything we can basically in the amendments to protect the privacy of the individual patients whose problems are registered with the cancer registry so that they are not later contacted by researchers when they don't want to be contacted by researchers, and that way we have attempted to ensure the patient confidentiality and the right of privacy of a patient and a patient's family is maintained.

SENATOR CLARK: The question is the committee amendments, the adoption of the committee amendments. Any discussion? If not, all those in favor of the committee amendments vote aye, opposed vote nay. Voting on the committee amendments to LB 212. Have you all voted on the committee amendments? Record the vote.

CLERK: 27 ayes, 0 nays on adoption of the committee amendments, Mr. President.

SENATOR CLARK: The committee amendments are adopted. Now on the bill, Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, LB 212 would establish in the State of Nebraska a centralized cancer reporting and registry system. Such systems are fairly commonplace. I passed out...in the first place,

you have received a plethora of material dealing with.... that's a lot, Howard....dealing with cancer registry systems. Some 30 states have centralized registry systems. One of the early states was that of New York. In 1940 New York established a centralized cancer registry and reporting system, and in New York State all cancers have got to be reported by physicians and hospitals to the registrar. That's a central registrar. In addition, there is an annual follow-up on the cancers. Now from the New York system there has been invaluable information gained in our constant war on cancer. The New York system, for example, noted the higher incidence of cancer in those areas where asbestos was produced, and researchers began to take a hard look at who had the cancers in those areas and had to conclude that it was some of the workers in the asbestos producing plants. As a result, cancer researchers focused in on asbestos as a possible cancer producing agent and finally has had to conclude that asbestos truly is a carcinogen. The New York registry discovered that in women cervical cancer was relatively common. They discovered further that if cervical cancer was detected at the earliest stage, it could be corrected in toto. However, if cervical cancer was not detected in the earliest stage, it was not always correctable and, in fact, oftentimes was fatal. So the question then arose, how can we detect cervical cancer early on? As a result of that question being asked, Dr. George Pap-
anicolaou developed the Pap smear to be used on women which would show whether or not a woman had incipient cancer disease in her cervix. As all women know and a lot of men now know, women need to go to obstetricians and gynecologists annually for a Pap smear, the sole purpose of which is to determine whether or not they have an incipient form of cervical cancer. Now under the New York registry system the registrar may look at community after community and determine...(gavel)

SENATOR CLARK: Could we have it just a little quiet so we can hear Senator Johnson.

SENATOR V. JOHNSON:and determine if there is a higher incidence in a given community of advanced cervical cancer. And if the registrars discover a higher incidence in a community of advanced cervical cancer, they conclude that some of the women in that community are not going to their obstetricians and gynecologists regularly for the Pap smear. So public health officials may then go to that community with a widespread information program to the residents of that community advising women of the necessity of going in for the Pap smears. And as a result of that, fatalities with

respect to cervical cancer have been dramatically reduced. Within the last few years the National Cancer Institute has implemented an experimental cancer registry of reporting system in a variety of places in our country. One of the states selected for the system was the State of Iowa. The system which is known as the SEER system is now in place in Iowa. It has been operating for five years. Today information is coming out of the SEER system in Iowa which would indicate that some pesticides used by farmers are causing higher incidence of certain kinds of cancers among those farmers. Now the results are still inconclusive. The SEER system hasn't yet been able to determine whether those pesticides are truly cancer producing agents, but there is now reasonable belief that such may well be the case. Nebraska has no such reporting and registry system, and as a result all of the information that we have concerning unusual incidents of cancer in our state is totally and absolutely anecdotal. By that I mean physicians in a given area begin to note that there are certain kinds of cancers that they are seeing and they seem to be seeing them with greater frequency than they had theretofore seen them. In Butler County we have unusual incidents of colon rectal cancers and that was reported by physicians in that area. But we do not yet have a good statistical array of information coming from Butler County. In Kearney we have an unusual incidence of larynx cancer and doctors are noting that. What the cancer registry and reporting system does very simply is it starts the state in the process of keeping statistics on who has what cancers, where and at what stages. And that information is of vital use to researchers as well as to physicians. Now I brought this bill....I prepared this bill in October, 1980 and at that time I shared the bill with the Nebraska Medical Association so that they would know what it was that I was doing. The Medical Association has never done anything with respect to tumor registries on a statewide basis. Well they groused about the bill because they thought this represented undue government interference with the practice of hospitals and medicines, and they also claimed that a lot of hospitals now have individual tumor registries, none of which are coordinated with the other, incidentally, and that maybe this would be duplicative. When the bill was advanced from the committee the Medical Association began to get some people together to talk about a cancer registry and as a result of some of their conversations the Medical Association now totally and absolutely recognizes the value to the practice of medicine of a statewide registry. The Medical Association wants to develop a registry on its own hook, but it is yet to be done. That has not come to pass. Furthermore, the Medical Association has never sat

down and talked to me about this piece of legislation and what it now wants to do. So what we really have here is a solid registry system that would be operated by the state, that would be accessible by researchers and physicians, that would put us in the beginning of the process of compiling information on the cancers that occur in Nebraska. Whether or not the Medical Association will ever develop a registry system remains to be seen, but I am more than prepared during the course of this legislation through the Legislature to watch and to work with the Medical Association as to what it currently is doing. This particular bill costs us some money. There is an A bill attached. The fiscal analyst and the Health Department have concluded that the cost of implementing this legislation would be \$62,700 this year plus about an additional \$10,000 in the succeeding year, and that would tend to be about the money that is involved with a statewide reporting and registry system. It would run from around I would suppose between \$60,000 to \$80,000. Wisconsin implemented a statewide registry system....

SENATOR CLARK: You have one minute left.

SENATOR V. JOHNSON:a few years ago and its current cost is \$70,000. Colorado has a statewide system. Its current cost is \$140,000. So I think the dollar amount is essentially correct. That is what it will cost us to put into place an information system that will be of benefit to us in future years and to our children and to our children's children. That is all this bill is involved with. I would ask your support.

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: Mr. President, I will be very brief. Senators, I think you need a laugh today so I want to repeat something that I heard on the radio. We are all familiar with Senator William Proxmire and his Golden Fleece Award of the Year, and I know that some of you are concerned with what is the fiscal impact of this bill, what is it going to cost. Well, I want you to know what some of our senators and congressmen voted to do a study for in Washington. They allocated \$40,000 for the United States Department of Agriculture, and I think some of you farm senators are familiar with that department, to do a study titled Food Preferences and Social Identity. What was the result of the study? For those of you who like oysters on the half shell, the study said gourmet food eaters are likely to get married later in life, have fewer children and they like to drive in the fast lane of traffic. The others that our \$40,000....this

is what \$40,000 buys you in studies in Washington. Those of us who eat at fast food chains are conservative, patriotic, and were more likely to be attuned to those things known as the good family life. Now that is what they appropriated \$40,000 to do a study for. So I am asking you who are wondering if this cancer research is worth it, I don't know what the fiscal report on it is. I know it is under a \$100,000, but I hope that you will consider a study on cancer equally as important as this ridiculous thing that we have done from Washington. Thank you.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I was looking at the resolution that....not a resolution, it is a proclamation by President Reagan that was handed out by Senator Johnson and one of the significant points is the following quote: "In addition to improving treatment for cancer patients, we must also reduce the incidence of this disease. In view of increasing evidence that a majority of cancers are related to environment and lifestyle the major effort of federal research today is in these areas." Then he concludes that he wants various medical and other groups to unite during this appointed time and public reaffirmation of our nation's abiding commitment to control cancer. For the record, Senator Johnson, I want to indicate that Dr. Cavalerie who is at the Eppler Cancer Institute and another doctor at the UN Medical Center have found a link between exhaust fumes and cancer. There were studies which indicated that people who lived along a Swiss highway died of cancer at a much greater rate than people throughout the rest of the country. The same is true in Germany and these types of studies have not been done to the same extent in this country, but because the vehicles operate on the same principle, the combustion engine and they use the same gasoline and emit the same pollutants, conclusions can be drawn from it. However, I have a report here which was done for the Natural Resources Defense Council prepared by M. A. Schneiderman and N. J. Karch, both of them are PhDs, which shows a link between cancer and air pollution. What they have done is distinguish between those cancers that are caused by your occupation, meaning the influences there that could lead to cancer, cigarette smoking, other aspects of your lifestyle, and then eliminated those things out to determine what impact air pollution might have. The number of cancer deaths was considered conservatively to be about 11 percent attributable to air pollution but more actually about 21 percent. But they have accepted the conservative figure. And the reason I am saying this is because a super highway is to be built through

the middle of the community where I live. It is to split a housing project where older people and young children live. So if there is enough concern to put together cancer registry to find out where people are who have cancer, it seems to me there ought to be enough concern to determine whether or not these scientific studies warrant consideration of whether a cancer causing instrumentality should be run through a community. Now I know again that there is not the concern for my community in the body as a whole that I have for it, but I want the record to indicate that these matters were brought to the attention of various officials so that as with the case of Love Canal in New York liability cannot be disavowed. As they tried to do in the case of Agent Orange in Vietnam liability cannot be disavowed, the information and the notices there. And when it was brought to the attention of Mike Boyle, the Mayor, he wrote a letter and this is the significant portion of it. "As all of us know, even bacon and sacchrine have been placed on these lists of cancer researchers. There has been some proof after a number of years of study that there is a causal connection between some of the substances tested in cancer. However, I frankly don't believe that kind of evidence exists yet for automobile pollution." He hasn't researched anything. The information is there. He is not interested, and what he doesn't know because he hasn't researched is that the connection between cancer and sacchrine was based on massive doses being given to laboratory mice. The cancers that are attributable to the exhaust fumes were minute particles that exist in the real world. So when you have politicians of this stripe who are so totally unconcerned about people but is concerned about parks and trees and bushes, then I say....

SENATOR CLARK: You have one minute left.

SENATOR CHAMBERS: (interrupted) Ronald Reagan, Mike Boyle is telling some of us what we do not count for in this society. So my question to Senator Johnson and he can answer it in his close because my time will be out, are you as concerned about cancers that befall the helpless who are victimized by society, or just those who are wealthy and better off?

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I wanted to speak just for a minute supporting the bill. I wanted to simply note that the last couple of years we have had extensive discussions on the floor of this Legislature on a veterinary college and there are various arguments for and against a veterinary college, but really the only one that makes much sense is the idea of doing

research on the diseases of animals and this Legislature is clearly on record for spending millions and millions of dollars to research the diseases of animals. I would think that it might be appropriate to spend a few thousand dollars researching the diseases of man. And I would also point out that with regard to the diseases of animals, there are no particular epidemics going on in the State of Nebraska the last few years that is not being researched at this time, whereas with the case with cancer if this editorial is correct, one of every four Nebraskans will contract some form of it during his lifetime and it will affect two of every three families. I just think it is appropriate to point out that I think we need to get our values straight and to address first a problem that is affecting almost every family in Nebraska one way or another sooner or later as well as addressing the problems that affect the cows and the pigs and the sheep of Nebraska.

SENATOR CLARK: Senator Vard Johnson, do you wish to close? On the advancement of the bill.

SENATOR V. JOHNSON: I almost forgot, Senator Chambers asked me a question. The question was, am I personally more concerned about cancers for the wealthy than about cancers for the poor? I am concerned about cancers to anyone. I guess that is almost like, do I beat my wife? But I am not going to answer that question. But I am concerned, obviously concerned about....in society I think everyone of us is concerned about cancers to everybody whether they are wealthy or whether they are poor. What Senator Chambers has really said though is that a study of Switzerland, at least, has indicated that automobile emissions and truck emissions may be cancer producing in a certain area and that he has specifically asked the Mayor of the city about that point with respect to the North Freeway and the Mayor has tended to waffle on that issue. I personally think that all of us have got to be acutely conscious of environmental effects on the life and the health of people in every area whether they be rich or poor or black or white, but it is just something that we have to be very conscious of. This bill is a solid piece of legislation. I have spoken my piece. I have given you a lot of material much of which you probably don't have time to read, but at your leisure I would hope you would take the time to go through it. You can see that this bill is basically supported by many members of the medical community and certainly is supported wholeheartedly by cancer researchers. Nebraska would continue to....would join a majority of states if it was to ultimately develop a cancer reporting and registry system. I move its advancement.

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LB 212

SENATOR CLARK: The question before the House is the advancement of 212 to E & R. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 35 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. Do you have something to read in?

CLERK: Yes, sir, I do.

SENATOR CLARK: All right.

CLERK: Mr. President, Senator Wiitala would like add his name to the motion offered by Senator Warner on the reconsideration of the Committee on Committees' report.

SENATOR CLARK: No objection, so ordered.

CLERK: Mr. President, Senator Wesely on behalf of the Constitutional Revision and Recreation Committee asks unanimous consent to use the East Chamber for purposes of conducting a public hearing tomorrow.

SENATOR CLARK: Is there any objection? So ordered.

CLERK: Mr. President, I have nothing further.

SENATOR CLARK: Senator DeCamp, would you like the distinct honor of adjourning us until tomorrow morning at nine o'clock?

SENATOR DeCAMP: Would you believe next year? No. I move we adjourn until tomorrow morning at nine o'clock.

SENATOR CLARK: You all heard the motion, all those in favor say aye. Opposed nay. We are adjourned until nine o'clock tomorrow morning.

Edited by:


Mary A. Turner

6763

January 20, 1982

LB 36, 208, 212, 263, 267, 335,
353, 370, 402, 448, 449,
450, 525

LB 448 and recommend that same be placed on Select File with amendments; LB 449 Select File with amendments; LB 450 Select File with amendments; LB 263 Select File with amendments; LB 212 Select File with amendments; LB 370 Select File with amendments; LB 335 Select File with amendments; LB 353 Select File; LB 208 Select File with amendments; LB 36 Select File; LB 402 Select File; LB 525 Select File with amendments, all signed by Senator Kilgarin. (See pages 388-391 of the Legislative Journal.)

SENATOR CLARK: We are now ready for item #5, LB 267.

CLERK: Mr. President, LB 267 introduced by Senator Richard Peterson. (Read title.) The bill was read on January 16 of last year, referred to the Public Health and Welfare Committee for public hearing. The bill was advanced to General File with committee amendments attached, Mr. President.

SENATOR CLARK: Senator Wesely, do you want the committee amendments?

SENATOR WESELY: Yes, Mr. President, members of the Legislature, this bill was referred to the Public Health Committee, was heard last year and there was a concern at that time about the fact that it applied only to Dental Review Committee and the feeling was that by just limiting it to the Dental Review Committee there might be some special legislation constitutionality problems and so we thought that the concept was worthy of application across the board to all peer review committees and so the committee amendment would strike the fact that this is specifically dealing with the Dental Review Committee and make it applicable to all Nebraska peer review committees and again the concept is this in LB 267 that proceedings before a peer review committee would still take place and function as they have before. The question comes when court action is taken and some action is taken before a dentist or anybody associated with a peer review committee. They cannot then go to the committee records and use the committee action against the person or for the person for that matter who is being brought to court and being contested in court. So that you could still use materials and all that that would be brought before this peer review committee but the actual work of the committee would be kept out of the court process and decided that would be separated from the court action. That is what we are trying to do and we thought if it was applicable to dentists it ought to be applicable to others. So that is what the committee amendment does, Mr. President.

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LR 210
LB 239, 212, 585, 657, 662,
669, 729, 758, 448

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

SENATOR CLARK: Senator Kilgarin, do you wish to move the bill?

SENATOR KILGARIN: I move we advance LB 239.

SENATOR CLARK: The motion is to advance 239. All those in favor say aye, opposed. The bill is advanced. LB 410. We want to pass over that bill.

CLERK: Mr. President, if I may, right before we get to that, Senator Johnson would like to print amendments to LB 212 in the Legislative Journal.

I have a new resolution, Mr. President, LR 210. (Read. See page 482, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, your committee on Government, Military and Veterans Affairs whose Chairman is Senator Kahle reports LB 585 indefinitely postpone; LB 662 advanced to General File; LB 729 advanced to General File, all signed by Senator Kahle, as Chairman.

Mr. Chairman, your committee on Appropriations whose Chairman is Senator Warner to whom we referred LB 657 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; 669 indefinitely postponed; and 758 indefinitely postponed, all signed by Senator Warner as Chairman.

SENATOR CLARK: LB 278. We will pass over 278. It has a Goodrich-Beutler amendment on it and they are both excused. We will go to 126. That has Beutler amendments on it. Go to 448.

CLERK: Mr. President, LB 448, there are E & R amendments pending.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 448.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The E & R amendments are adopted. Next amendment please.

CLERK: Mr. President, the next amendment is offered by Senator Warner. It is found on page 462 of the Journal.

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LB 126, 115, 212, 575, 954

personnel will leave the floor. All senators will be in their seats. We need Schmit, Kremer, Warner, Wesely. Senator Chambers, did you want a roll call vote? Marvel, Hoagland, Warner and Wesely. Now we've got Warner. Are you ready for the roll call vote, Senator Chambers? Senator Chambers, are you ready for the roll call vote? The Clerk will call the roll.

CLERK: (Read roll call vote ad found on pages 624-625 of the Legislative Journal.)

SENATOR CLARK: The Call is raised.

CLERK: 12 ayes, 32 nays, Mr. President.

SENATOR CLARK: The motion lost. Is there anything further on the bill?

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

SENATOR CLARK: Senator Kilgarin, do you wish to move the bill?

SENATOR KILGARIN: I move we advance LB 126.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The bill is advanced. LB 212.

CLERK: Mr. President, if I may right before we start on 212, Senator Rumery would make a motion to withdraw LB 575. That will be laid over. I have priority bill designations from Senators Goll, Higgins and Barrett. I have two Attorney General's opinions, one to Senator Lamb on LB 954 and one to Senator Landis on LB 115. (See pages 625-630 of the Legislative Journal.)

Mr. President, LB 212 does have E & R amendments pending.

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LB 212

SENATOR CLARK: Senator Kilgarin, the E & R amendments.

SENATOR KILGARIN: I move the E & R amendments to LB 212.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The E & R amendments are adopted.

CLERK: Mr. President, Senator Vard Johnson moves to amend the amendments on page 481 of the Journal.

SENATOR CLARK: Senator Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, you can turn to the Journal on page 481 and read the amendments and you can't understand them. I have been reading them myself and I still can't understand them but I know what they do. They are very simple amendments. When the committee advanced 212 to the floor, it concluded that information given to the State Health Department should not include the name and the address of the particular victim of cancer, that all the information should show any identifying characteristic of the victim or the sufferer should be a Social Security number. So the amendment...one thing the amendment does is it does reinsert the name and address of the cancer sufferer. Now the reasons for that...one of the principal reasons is that the Department of Health has indicated that you need to have a name and address just so you can have a thorough tracking system. Secondly, and I know that you will all understand this one, there are a number of cancer sufferers who are children. They have leukemia and they don't have Social Security numbers, and so it is just important to have the name and the address of the cancer sufferer. There are many protections built into the bill that deal with confidentiality and the like. Name and addresses incidentally are used in a variety of reporting mechanisms that we presently have in place, such as venereal disease reporting mechanisms and right on down the line. It is a relatively innocuous change but it is necessary to make the cancer registry work. The second thing that the amendment does is this. When the committee reported the bill out, it said every hospital in this state shall provide the cancer information but there is no penalty if the hospital doesn't provide the cancer information, and there shouldn't be any penalty if a hospital doesn't provide the cancer information. I wouldn't want to criminalize that conduct. I wouldn't want to fine that conduct. But one thing I would want to be able to do is to make certain that we could go into the hospital and pick up the cancer information. That is all. So what the amendment does is it reinstates an old provision which just says that

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LB 212

the Department of Health can go if necessary into the hospital and look at medical records to compile the information so it makes for a complete reporting system. These are two necessary amendments to make certain that you and I have the kind of cancer registry system in this state that I think we really want to have. At this time I would move the amendment.

SENATOR CLARK: Senator Haberman. All right. Is there any further discussion on the Johnson amendment? If not, all those in favor vote aye, opposed vote nay. Have you all voted on the Johnson amendment to 212?

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the Johnson amendment.

SENATOR CLARK: The Johnson amendment is adopted. Now is there anything further on the bill?

CLERK: Nothing further on the bill, Mr. President.

SENATOR CLARK: Now the advancement of the bill. Did you want to talk to the advancement of the bill? Senator Haberman on the advancement of 212.

SENATOR HABERMAN: Mr. President, members of the Legislature, this is another one of those apple pie, American flag and motherhood bills. To stand up and oppose something like this, which I am going to do but I am going to oppose it. Last year we gave the cancer people \$500,000 an extra \$500,000. This bill could cost \$240,000. Right now to start it up it is going to cost \$62,000 the first year. I know that I am going to be criticized by my good friend Senator Johnson for putting a dollar sign on cancer research but I'm going to have to do it because there is so much cancer research going on all over the nation and it isn't dove tailed that people aren't saying I'll cancer research this part you cancer research that part of it, everybody is like a flock of quail. So I don't think that this is really necessary and where are we going to get \$240,000? When I looked to see who opposed the bill, the Nebraska Medical Association opposed it, the Nebraska Medical Records Association opposed it, the National Association of Pathologists and the Nebraska Hospital Association. So evidently they are trying to tell us something even maybe we have enough information now.

Maybe they are giving enough now. I know that the City of Lincoln is presently spending \$60,000 on a registry. I imagine that would probably be unloaded onto the state. So at this time, if nothing else, I would say with the economy of the State of Nebraska we really shouldn't pass a bill that could cost us \$240,000. Now where I get that is from the fiscal note and it says \$240,000 of general funds may be required to maintain the state registry each year. So I would say let's pass this year, then Senator Johnson can come back next year and we will give it another try. Thank you, Mr. President.

SENATOR CLARK: Senator Cope.

SENATOR COPE: Mr. President and members, I support this bill wholeheartedly. Now from a personal standpoint Good Samaritan Hospital in Kearney has been doing this. Dr. Rosenlof, this has been his baby for considerable time and he has gotten it started and we keep that cancer record. But the advantage as I see it is that if other hospitals, and this is not mandated, it is not "shall" understand, but I believe that they will cooperate. Then from across the state we will have records on where the cancer incidents are the greatest, the type of cancer, the whole bit that can be put into records for the research to be done. Yes, we have money spent on research in many ways but I think for the State of Nebraska that for the amount of money that is going to be spent, this is something we can't afford not to do.

SENATOR CLARK: Senator Dworak. Senator Koch.

SENATOR KOCH: Mr. Chairman, I move the previous question.

SENATOR CLARK: The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate will vote aye, opposed vote nay. For what purpose do you arise?

SENATOR HABERMAN: I rise to say that you had, what, one opposed and two against. I don't think this has been thoroughly discussed and I think we should talk about it more because that is no discussion at all.

SENATOR CLARK: Well the Chair is going to allow the Legislature to decide whether they want to cut off debate or not. I'm going to hold the board open for about two minutes then I'll close it. Have you all voted? We only had one more light on anyway, Senator Haberman. Have you all voted? Record the vote.

CLERK: 18 ayes, 7 nays to cease debate, Mr. President.

SENATOR CLARK: Senator Kahle. Debate has not ceased.

SENATOR KAHLE: Mr. President and members, Senator Cope has mentioned the situation in our area. I think it is very necessary that we find out what people are dying from. For instance, in my particular area you've heard before we have a high incidence of cancer deaths both the youths, young people, and middle aged in adults, elderly I should say. At the same time we have one of the highest longevity records in the country so evidently we are dying of cancer but not of other things. So I think it is very important that we find out exactly what is going on in our communities and this is one way to find it out and the cost is a very small matter compared to the issue of cancer in what we are spending for treatment and for all kinds of things that deal with cancer. So I think this is a small price to pay for that information that should be available. In my own area I would very much like to know those statistics and at the state level I think it would certainly help. As has been mentioned many areas are already doing it so I don't think it will be that tough for them to comply and the money that we're spending will probably mostly be used for just the recording of that information here in Lincoln. Thank you.

SENATOR CLARK: Senator Chambers, you had a point?

SENATOR CHAMBERS: Mr. Chairman, a point of personal privilege. I gave a handout this morning and some people misunderstood and thought I put it together. That was mailed to me in Omaha and I am merely sharing it with you. I put the cover letter on it so you would know that I'm the one who handed it around but I did not put it together. It was sent to me from Columbus, Nebraska, or Osceola or some place.

SENATOR CLARK: Senator Johnson, do you wish to close?

SENATOR V. JOHNSON: ...(Mike not on.) ...more speakers?

SENATOR CLARK: No.

SENATOR V. JOHNSON: Okay, then I will close. I appreciate Senator Haberman's comments. Senator Haberman has been very good about standing up against new money bills and this is clearly a new money bill and Senator Haberman says that he has heard that this system ultimately could cost the state \$240,000 a year. I quick like passed out and placed on your desk a letter dated December 4, 1981, from a pathologist in

Colorado, Dr. John Berg, who writes about the registry system in Colorado and he notes that for a number of years that Colorado had a voluntary registry system which was not a very good system. He said they finally went to a mandatory system and it is not much more effective. He said the cost for complete coverage in Colorado presently is about \$140,000 a year. Now Colorado is a state that is about four times the population of Nebraska. Wisconsin has a cancer registry system in place today that is very much like the system we're talking about in Nebraska and the annual cost is \$70,000 a year. Thus, when our fiscal analysts said this system is likely to cost us \$62,500 this year plus, I think it is about \$70,000 next year, I didn't quibble with the figure. I figured that is probably an appropriate figure. It is not a large amount of money. Now people have asked me from time to time, what about cigarette tax money? Can't we use cigarette tax money? And so I went back to Senator Warner and I said to him, "Jerry, how can I get some of that cigarette tax money used to fund the cancer registry system?" And Senator Warner said, "Well, it is very simple." He said, "You know, we have allocated \$300,000 right now for cancer research. I personally doubt that the Department of Health will be able to fully commit the \$300,000 and what will happen is when the Department of Health comes before the Appropriations Committee for authority to appropriate we can reduce specifically the \$300,000 to a lower figure for research and then plug in the additional amount into the registry system." He said, "Vard," he says, "It doesn't make any difference whether you fund this from general fund money or whether you fund this from cigarette tax money. It all comes out the same." Now I have a hard time understanding this. You know how Jerry is but I believe he is correct. It all comes out the same. You never do anything totally free. You never do anything totally on the cheap but I don't think \$62,500 is a large amount of money for us to put into place a system which will have ultimate benefits to all of our society. In fact some of the cancer researchers that I have been talking to about this have indicated to me that you can see benefits from a registry system within two years, within two years after you put it in place because you really can find places in that short a period of time that you've got particular instances of cancer developing and you could go down with preventive maintenance programs and you can begin to stop cancer in some of the earliest stages in individuals and if we can get those kinds of results in that short of period of time, I think it is well worth our small expenditure of dollars to set up a system and put it into place and to set up a good system and to fund it. I would move the bill.

SENATOR CLARK: The Chair understands Senator Haberman had his light on all the time so I will let him respond here for a moment even though you were closing. Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, I have two points that I wish to make and I thank the Chair for letting me speak. The first point is I'm glad that the Kearney hospital is keeping a registry. I'm sure they would share it with anybody. I'm glad that Lincoln has been keeping it. I'm sure they would share it with anybody. It looks like we've got a pretty good system going now and it is awful easy for Senator Kahle to stand up here and say, "Boy, it doesn't make any difference what the cost is, we've got to have this sort of thing." I'm not built that way but my real point is and I can't verify it to you now, but I will verify it to you before this bill is passed is that testimony was given and I say, I can verify it now. In the State of Iowa this cancer registry is costing them 1.2 million dollars. That was testified in the committee hearing. So this isn't any little significant bill, Senator Kahle. This is a bill that can grow and grow and grow and in Iowa it has grown to 1.2 million. So I cannot support it. Let's take some of the \$500,000 that we gave additional to Eppley. Let them help gather this information. So I ask you to stop and think, fellow senators. This can be done on a voluntary basis because it has already been proven they are keeping the records. But let's don't get ourselves in a crack and behind something that is going to cost us 1.2 million dollars. Thank you very much, Mr. President, I appreciate your letting me talk.

SENATOR CLARK: The only reason I called you because your light was on and I missed it. Senator Johnson, you've got about two minutes to close.

SENATOR JOHNSON: I do want to respond to the 1.2 million dollar figure from the State of Iowa. Iowa's cancer registry program was a very special program funded by the National Institute for Cancer which is a federally funded program called the SEERS system. What happened very simply is that the Cancer Institute in Washington, D.C., said we're going to do a very special analytical study of the incidence of cancer in certain types of communities. We are going to pick some urban centers and a rural area and they chose Iowa as the rural area and they are going into every hospital in Iowa. They are going through records very tediously and they are looking at things very closely and they are doing intensive followup but what they are doing in Iowa is not the nature of the system here. This system here very simply is taking information that exists from

hospitals and the Kearney hospital has this information and St. Joe has this information in Omaha and Methodist has this information in Omaha. Veterans Hospital does not, incidentally which serves a lot of cancer victims in Nebraska. They don't have this information. We're putting it all together so you have one complete package of information. In addition we are getting some of the smaller hospitals to begin to make their reports and if they can't do it we will send our people in to collect the information but it is not a 1.2 million dollar program. Iowa is a very specialized program. This would not be. This is like the Wisconsin program, like the Colorado program and in those instances the costs are much less. So I do have a considerable amount of confidence in the cost of this program. Again, I would move the advancement of the bill.

SENATOR CLARK: The question before the Legislature is the advancement of 212. All those in favor say aye. A machine vote has been requested. All those in favor vote aye, opposed vote nay. While we're taking the vote I would like to announce 20 ninth through twelfth graders students in the North balcony from Northwest High School, Grand Island. Their senators are Cope and Wagner. They are Future Business leaders of America, whatever that means. Donna Sido (phonetic) is the teacher. Would you stand and be recognized please. Thank you for visiting the Legislature. Record the vote.

CLERK: 29 ayes, 3 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. We will take up 212A.

CLERK: Mr. President, there are E & R amendments to 212A.

SENATOR CLARK: Read the amendments. Oh, E & R, pardon me. Senator Kilgarin.

SENATOR KILGARIN: I move adoption of the E & R amendment.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The E & R amendments are adopted. Do you have anything further on the bill?

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 212.

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LR 222
LB 126, 137, 139, 212,
212A, 215, 278, 304,
353, 410, 417, 421

PRESIDENT: Any discussion on the motion to appoint a committee of five to escort the Chief Justice into the Chamber? Hearing none, all those in favor then of the motion to appoint the committee signify by saying aye, opposed nay. Motion carries and the Chair appoints the following committee to escort the Chief Justice; Senator Nichol, Senator Vard Johnson, Senator DeCamp, Senator Cullan, and Senator Beutler. Those members would please follow Senator Nichol up the aisle and go to escort the Chief Justice. And now the Chair will read some matters in.

CLERK: Mr. President, new resolution, LR 222 by Senator Chambers. (Read.) Pursuant to our rules, that will be laid over, Mr. President.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 215 and find the same correctly engrossed; LB 304 correctly engrossed; LB 410 correctly engrossed; LB 278 correctly engrossed; LB 126 correctly engrossed; LB 212 correctly engrossed; LB 212A correctly engrossed; LB 353 correctly engrossed; LB 417 correctly re-engrossed; LB 139 correctly engrossed; LB 421 correctly engrossed; all signed by Senator Kilgarin.

Mr. President, your committee on Banking whose Chairman is Senator DeCamp instructs me to report LB 137 advanced to General File with committee amendments attached, Mr. President.

PRESIDENT: While we are waiting for the committee to come back, the Chair takes pleasure in introducing Bill Hefner, son of Senator Elroy Hefner. He is under the North balcony. Will Bill stand up and be recognized. Bill, where are you? Welcome to the Unicameral, Bill. The Legislature will be at ease until the committee returns. The Chair recognizes Sergeant at Arms, Ray Wilson.

SERGEANT AT ARMS: Mr. President, your committee now escorting his honor the Chief Justice of the Supreme Court of the State of Nebraska.

PRESIDENT: The committee will escort the Chief Justice to the podium. Chief Justice Norman Krivosha.

CHIEF JUSTICE NORMAN KRIVOSHA: (Gave the State of Judiciary Message as found on pages 689 - 703, Legislative Journal.)

PRESIDENT: The committee will escort the Chief Justice

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LB 531, 212-212A, 520, 754
761, 807, 942, 970-970A

having been complied with, the question is, shall the bill pass? It takes 30 votes. All those in favor vote aye, opposed nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: (Record vote read. See page 1822, Legislative Journal.) 36 ayes, 11 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. We will now go to item #5.

CLERK: Mr. President, a few items to read in. The bills that were read on Final Reading this morning are now ready for your signature, Mr. President.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 531, 970A, 970, 942, 807, 754, and 761.

CLERK: Mr. President, I have an explanation of vote offered by Senator Higgins.

And Senator Cullan would like to print amendments to LB 212 and 212A. (See page 1823, Legislative Journal.)

PRESIDENT: Okay, anything else, Mr. Clerk?

CLERK: Nothing further, Mr. President.

PRESIDENT: We are ready then for as Senator Clark said agenda item #5, Select File, and I believe we start with LB 759, is that correct, Mr. Clerk? 520, is it? Okay, we will take up 520.

CLERK: Mr. President, LB 520 was considered yesterday by the Legislature. At that time the E & R amendments were adopted. Senator Howard Peterson then made a motion to indefinitely postpone the bill. That is presently before us, Mr. President.

PRESIDENT: The Chair recognizes Senator Peterson.

SENATOR HOWARD PETERSON: Mr. Chairman, last evening I handed out to this body a number of letters from a number

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LB 212, 787, 928

SENATOR CLARK: The motion fails and the time is up on the bill. We go to 212.

CLERK: Mr. President, if I may right before that, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 928 and find the same correctly engrossed and LB 787 correctly engrossed, both signed by Senator Kilgarin.

Mr. President, with respect to LB 212 I have a motion ... well, Senator Cullan had amendments printed on page 1823, Mr. President, that I understand he wishes to withdraw.

SENATOR CLARK: They are withdrawn.

CLERK: And, Mr. President, Senator Cullan would now move to return LB 212 to Select File for a specific amendment.

SENATOR CLARK: Senator Cullan, on 212.

SENATOR CULLAN: Mr. President, members of the Legislature, I'm having.....a Page will distribute to you in a second the amendments which were being proposed to LB 212. A version of them was published in the Journal earlier but we have modified them. What the amendments to LB 212 will do would be to appropriate the funds for the Cancer Registry from the cigarette tax monies which we earmarked in the other bill earlier and so these funds for the Cancer Registry which is the subject of LB 212 itself would be appropriated directly from that earmarked fund already and that would eliminate the necessity of an appropriations bill or of a special general fund appropriation for the Cancer Registry program. I think the Cancer Registry and Cancer Research of course obviously tie together very well and I think it is logical that if we are going to have a Cancer Registry funded in the State of Nebraska with state funds, that that Cancer Registry be funded from the one cent on the cigarette tax which is designated for cancer research. The other part of the amendment corrects a problem about confidentiality of medical records which was brought to us by the Hospital Association and with that amendment the Hospital Association dropped their objections to LB 212 because it did satisfy their problem so far as possible confidentiality issues might be concerned. That is really all the amendments do. Excuse me, one further thing, they also delay the effective date of LB 212 until July 1, 1983, which is when the earmarking of the one cent cigarette tax would also occur. A full one cent would be expended at that point in time. I think this also allows the Department of Health to publish rules and regulations and work out any problems that they might have in working with private registries which already exist in the State of Nebraska. I would ask you

to adopt these amendments, to support my motion to return LB 212 for the amendments which I have just described.

SENATOR CLARK: Senator Koch. Senator Haberman, did you want to talk? Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, as you know LB 212 was a bill that I have been sponsoring and carrying. I just want to tell you that I basically support Senator Cullan's amendments. The only amendment with which I would have any personal difficulty is the one which delays the implementation date of LB 212 by one year. Under other circumstances I would probably fight that vigorously but there are some circumstances that have led me to think that is not a bad situation and that is this. When I introduced LB 212 at the beginning of last session it was opposed by the Nebraska Medical Association. The Nebraska Medical Association thought that the State of Nebraska really ought not to have any involvement with any type of a cancer registry and one of the things the Nebraska Medical Association has done over the last sixteen or seventeen months is that it has had many, many, many meetings with members interested in a tumor registry and the Medical Association has finally over the long pull, begun the process of establishing a registry of its own and I have been aware of it, I have watched it and I have talked to the people about it and the like. That registry would never be getting off the ground, I kid you not, but for the fact that 212 has served as a real goad to their getting things done. And it seems to me that it is in the best interest frankly of the state and its people to at least give the Medical Association an opportunity to test its wings and what the one year delay does is it does give the Medical Association a chance to get its own system in good order and if it finds a year from now that it has a fine system that assures basic public interest in having research knowledge available that accumulates data from a lot of different sources, then we can look at 212 at that time. But I think that it is most important, it is most important that 212 be funded from the cigarette tax, that 212 be on the books, that 212 have an effective date at least a year from next July and we'll take a look next year as exactly what has happened in the medical community. But I tell you one thing, fellow senators, the State of Nebraska will have a tumor registry system operating in the next several months.

SENATOR CLARK: Senator Cullan, did you want to close?

SENATOR CULLAN: Mr. President, there was just some confusion, a couple of legislators approached me, so I want to make it very, very clear for the record. This is not new money for

cancer research. This is simply taking the one cent we already earmarked for cancer research and ensuring that part of that would be used to fund the Cancer Registry so that the Cancer Registry would be funded from the one cent which we already earmarked in the cigarette tax bill which has already passed or is on Final Reading or whatever its status might be. So it is not new monies. It is simply funding the Cancer Registry from the one cent the Legislature has already earmarked.

SENATOR CLARK: Senator Koch, he was closing so the question before the House is the return of the bill, LB 212 for a specific amendment. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 25 ayes, 1 nay, Mr. President, on the motion to return the bill.

SENATOR CLARK: The bill is returned. Now on the amendment, Senator Cullan.

SENATOR CULLAN: I move the amendment.

SENATOR CLARK: Senator Koch. Senator Koch, did you want to talk on the amendment?

SENATOR KOCH: Thank you, Mr. Chairman, members of the body, I have been supporting this Registry but this afternoon I had a staff member call my personal physician who is interested in this business of cancer as almost anyone else because this physician has overcome the disease and I asked him for some information and this is what he provided me and I have known him for a good many years and I doubt that he would provide me with bad information. Presently there are thirteen cancer registry programs in Scottsbluff, Kearney, Hastings, Lincoln and Omaha. In addition to this the additional cancer registry programs are going to come on in Norfolk, Grand Island, Hastings, North Platte and Fremont. He goes on to say, that presently this can be funded with \$5,000 put up by the AMA and he feels that 90% of the cases will be reported. Now if someone here who supports this program strongly can refute this, then I'll have to say to my own personal physician that he is probably not accurate. So I don't care where the money comes from. I get a little tired of the cigarette tax always being picked for the culprit about everything we do because it is easy for those that don't smoke to stand up here and say we're going to pick it one more time but since I am still one of those people undisciplined in smoking then I guess that I'm going to have to pay the price. More important to me though is not this. The fact is, the question remains if the AMA is

doing this today and they are reporting even the Cancer Research we report, they concur with them, they are. I guess the question now becomes, do we really need the Cancer Registry program that is being done voluntarily and is in place and being financed by the American Medical Association or the doctors of this state. So until Senator Johnson or Senator Cullan can answer these questions, I might have to pose what they are attempting to do right now.

SENATOR CLARK: Senator Haberman, your light is still on. Did you want to talk? Senator Vard Johnson.

SENATOR V. JOHNSON: Yes, Mr. Speaker, members of the body, I really would like to respond to Senator Koch. He raises an excellent question but the point is this. He has been told that the Nebraska Medical Association is in the process of developing a voluntary tumor registry system and they have put some money up for the system and given that fact, is LB 212 a necessary piece of legislation? Now my answer is very simple. LB 212 is a comprehensive system that covers all health facilities in the state, not just those that volunteer to participate. It would cover the Veteran's Hospital for example in Omaha which reports a number of cancers which no longer participates in any kind of a tumor registry program. It covers a lot of hospitals in this state that don't even have little tumor registries of their own. So we'll pick up a considerable amount of data that really is not currently available but you know I have never been critical of something that is being worked out privately. Now I can guarantee you from the bottom of my heart that the Nebraska Medical Association would have done nothing in terms of putting together a Cancer Registry program but for the fact that LB 212 was introduced, advanced from committee and moved on the floor of this Legislature. In fact you have a letter on your desks to exactly that effect. I think that the writer, Orin Hayes, knows that the only reason that the Medical Association has even begun to put together a private registry system it is because of the existence of this bill. Now my feeling is this. We are going to delay the implementation date for one year, Senator Koch. That is the amendment. We're going to delay it for one year and the money will come out of the cigarette tax money and that will give the Medical Association a chance, a bona fide opportunity to get their system together, fully in place and for us to look to see how effective it is, how complete it is and the like and if they have a full system together, then we can take another look at 212 next year but without this goad, that won't necessarily get done.

SENATOR CLARK: Senator Cullan, did you want to close? All right the question before the House is the return of

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LB 212, 212A

the bill for a specific amendment. All those in favor vote aye, opposed vote nay. Oh, I'm sorry, this is on the amendment. All those in favor of the amendment will vote aye, all those opposed vote nay. Record the vote.

CLERK: 30 ayes, 2 nays, Mr. President, on adoption of the amendment.

SENATOR CLARK: The amendment is adopted. Now the return of the bill. The motion is to readvance 212. All those in favor say aye, opposed. The bill is readvanced. We now go to LB 212A.

CLERK: Mr. President, first of all I have amendments from Senator Cullan printed on page 1825. I understand you wish to withdraw those, Senator.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Yes, Mr. President, those are to be withdrawn.

CLERK: All right, Mr. President, I have an amendment from Senator Vard Johnson. Senator Johnson would move to return LB 212A to Select File for a specific amendment.

SENATOR CLARK: Senator Johnson.

SENATOR JOHNSON: I'm going to have a Page pass this amendment out. It is a very simple amendment. Frankly it is just designed to alter the A bill to reflect the changes we adopted and the change that we just adopted in 212, number 1, make certain that the money for the Registry comes from the cigarette tax which as you may recall, one cent of the cigarette tax effective July 1, '83 is dedicated to cancer research. The money will come from that penny and in addition it eliminates any funding this current fiscal year since the registry system won't be in place this current fiscal year and for the next fiscal year the amount would be \$70,000 which is what the A bill has always been all along. It is a very simple amendment.

SENATOR CLARK: Is there any discussion on the amendment? The question then is the return of 212A for a specific amendment. All those in favor vote aye, opposed vote nay. Record.

CLERK: 27 ayes, 0 nays on the motion to return the bill, Mr. President.

SENATOR CLARK: The bill is returned. Now, on the amendment.

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LB 212, 212A, 404, 404A, 488,
547, 626, 816, 816A, 933

SENATOR CLARK: All right. Do you want to read the bills in.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and re-engrossed LB 933 and find the same correctly engrossed; 547 correctly engrossed, 488 correctly re-engrossed; 816 correctly engrossed; 816A correctly engrossed; 404 correctly re-engrossed; 404A correctly re-engrossed and 212 and 212A both correctly re-engrossed, Mr. President, signed by Senator Kilgarin as Chair.

SENATOR CLARK: We are waiting on LB 255 and LB 255A. Are they on their way up? A motion to read in.

CLERK: Mr. President, Senators Hoagland and Wesely move that LB 626 become law notwithstanding the action of the Governor. That LB 626 become law notwithstanding the action of the Governor.

SENATOR CLARK: Any more motions on the desk? Who wants a point of order?

SENATOR DeCAMP: Mr. President, can this be taken up tomorrow? We're in session tomorrow, right?

SENATOR CLARK: That is right.

SENATOR DeCAMP: Is there any problem with taking the motion up tomorrow?

SENATOR CLARK: Which one, the one he just read?

SENATOR DeCAMP: The one he just read.

SENATOR CLARK: That will be taken up tomorrow. Wait a minute, wait a minute. Evidently this has to be considered today because this is the fifth day according to the Clerk.

SENATOR DeCAMP: Mr. President, and may I speak briefly? I'm the sponsor of 626. I personally have no intention of offering a veto override. I'm one of those that believes if you have the votes, you try it or reasonably have them. I don't have the votes. I think in the next six months people will learn the bill is necessary. I don't think that information is available today.

SENATOR CLARK: Well I didn't make the motion. Senator Beutler did and Senator Wesely I think, Hoagland and Wesely, I'm sorry. Senator Wesely, do you want to take it up?

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LB 591, 212

CLERK: Senator Lamb voting no.

SENATOR LAMB: Have you all voted? Senator Marsh.

SENATOR MARSH: ...(Mike not working immediately.) ...for all of us to check in and I would ask for a roll call vote, please.

SENATOR LAMB: Please record your presence. We have four honor students from Senator Vickers district with teachers, John Lefebber and Carol Lefebber, under the South balcony. These honor students are from the Republican Valley School at Indianola, Nebraska. Welcome to your Legislature. We also have some students from Senator Goll's district from Lyons High School, National Honor students with Ron Kortan, Counselor, under the North balcony. Welcome to your Legislature. Please rise and be recognized. Senator Haberman and Senator Goodrich, would you record your presence. Please call the roll.

CLERK: (Read roll call vote as found on page 1966 of the Legislative Journal.) 23 ayes, 22 nays, Mr. President, on the passage of the bill.

SENATOR LAMB: The bill fails on Final Reading. Please read LB 212.

CLERK: (Read LB 212 on Final Reading.)

SENATOR LAMB: Please return to your seats. We are on Final Reading and we need to keep it quiet. It is hard to hear. Continue.

CLERK: (Continued reading LB 212 on Final Reading.)

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass. Those in support vote yes, those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Record.

CLERK: (Read record vote as found on page 1967 of the Legislative Journal.) 37 ayes, 11 nays, 1 excused and not voting, Mr. President.

SENATOR LAMB: LB 212 passes on Final Reading. Please read the next bill.

LR 212, 266, 268, 269, 272, 274, 277,
278, 287, 292, 293, 295, 298, 304,
313, 316, 331, 359, 380, 388, 389
LB 278, 378, 378A, 480, 568, 602A,
604, 629, 629A, 669A, 688, 693, 708, 760,
835, 909, 967, 522, 212, 212A, 255, 255A

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RECESS

PRESIDENT LUEDTKI PRESIDING

PRESIDENT: Has everybody recorded your presence?
Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President. Mr. President, I have a reference report from the Executive Board referring a gubernatorial appointment. (Page 1971 of the Legislative Journal.)

Mr. President, new resolutions. LR 388 offered by Senators Cullan and Newell. (Read LR 388 as found on pages 1973 and 1974 of the Legislative Journal.) Mr. President, 389 offered by Senator Wesely. (Read LR 389 as found on page 1974 of the Legislative Journal.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Koch. That will be inserted in the Journal. (See pages 1974 through 1976 of the Legislative Journal regarding LB 602A.) That is on LB....Bingo, that is right, senator.

Mr. President, I have a message from the Governor addressed to the Legislature. (Read message. Pages 1976-77 of the Journal regarding LB 669A.)

Mr. President, two other communications from the Governor addressed to the Clerk. (Read communications regarding LBs 278, 378, 378A, 480, 568, 604, 629, 629A, 688, 693, 708, 760, 835, 909, 967. Page 1977 of the Journal.) A second letter to the Clerk, Mr. President. (Read letter regarding LBs 609, 609A, 669, 714, 714A, 854, 854A. Page 177 of the Journal.)

Mr. President, I have a gubernatorial appointment of Mr. Robert Borgmann to the Motor Vehicle Industry Licensing Board. (See page 1978 of the Journal.)

Mr. President, the bills that we have read on Final Reading this morning are now ready for your signature as well as the resolutions that were passed Wednesday of this week by the Legislature.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LR 212, LR 266 and LR 268, 269, 272, 274, 277, 278, 287, 292, 293, 295, 298, 304, 313, 316, 331, 359, and 380. And the LBs are engrossed legislative bills 522, 212, 212A, 255, and 255A. Okay, as I understand it we

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LB 212, 212A, 255, 255A, 522,
759, 787E, 799, 816A

SENATOR LAMB: Have you all voted? Record.

CLERK: (Read the record vote as found on page 1991 of the Legislative Journal.) 40 ayes, 7 nays, 2 excused and not voting, Mr. President.

SENATOR LAMB: LB 759 passes on Final Reading. The next bill is LB 787E.

ASSISTANT CLERK: (Read LB 787E on Final Reading.)

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass with the emergency clause attached? All those in support vote yes, all those opposed vote no. It requires 33 votes.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Record.

CLERK: (Read the record vote as found on page 1992 of the Legislative Journal.) 46 ayes, 0 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

SENATOR LAMB: LB 787 passes with the emergency clause attached. LB 799.

CLERK: Mr. President, if I may right before that read some items in. I have a lobby report for the week of April 8 through April 15. (See page 1993 of the Journal.) Your Enrolling Clerk has presented to the Governor the initial bills that were read on Final Reading this morning. (See page 1993 regarding LBs 522, 212, 212A, 255 and 255A in the Journal.)

Mr. President, I have two Attorney General's Opinions, one to Senator Warner and one to Senator DeCamp. (See pages 1993-97 of the Legislative Journal.)

Mr. President, I have a reference report referring a gubernatorial appointment.

SENATOR LAMB: Please read the bill.

CLERK: Mr. President, I have a motion on the bill. Senator Remmers would move to return LB 799 to Select File for a specific amendment, that amendment being to strike the enacting clause.