

January 13, 1981

LR 3

simply list up for you that we are listing up for Nebraskans women's contributions to the development of the United States and it is important for us to recognize their contribution. I am pleased to have a part in LR 3 and I urge your adoption of it.

SPEAKER MARVEL: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. Chairman, just a simple question for Senator Beutler. I think I know the answer. You are not advocating any holiday or paid holiday with vacation or anything of that nature, are you?

SENATOR BEUTLER: None whatsoever. I am against energy holidays even.

SENATOR NICHOL: Okay, thank you.

SPEAKER MARVEL: Senator Beutler, do you wish to close on the resolution?

SENATOR BEUTLER: No closing, Mr. Speaker.

SPEAKER MARVEL: The motion before the House is the adoption of LR 3. All those in favor vote aye, opposed vote no. The Clerk will record the vote.

CLERK: 38 ayes, 0 nays on adoption of LR 3, Mr. President.

SPEAKER MARVEL: The motion is carried and the resolution is adopted. We now are ready for item #6, introduction of new bills.

CLERK: Yes, sir.

SPEAKER MARVEL: Do you have any new bills?

CLERK: (Read LB 114-121 by title for the first time as found on pages 128-129 of the Legislative Journal.)

SPEAKER MARVEL: While we are waiting for additional bills to come in, I think we will start on item #7 and begin to take a discussion on the rules. Meanwhile, we still encourage all of you to get the bills in so they can be referred.

CLERK: Mr. President, when we last considered adoption of permanent rules Senator Wesely.... We were considering the adoption of Rule 5, Section 5, dealing with limitation of bill introduction. Senator Wesely had a proposed amendment to that section which read, "strike the 10 bill limitation

March 13, 1981

LB 115, 134, 235, 240, 296,
324, 369, 436, 494

Mr. President, your committee on Business and Labor reports LB 436 to General File; 115 to General File with amendments; 494 to General File with amendments and 235 as indefinitely postponed. (See pages 920-921 of the Legislative Journal.)

Your committee on Retirement whose chairman is Senator Fowler reports LB 369 to General File with amendments. (See page 921 of the Journal.)

Mr. President, Senator Landis would like to print amendments to LB 240 and 324 in the Legislative Journal. (See pages 921-924.)

Business and Labor has scheduled an executive session for Monday, March 16 at 9:00 a.m. in Room 1019.

Mr. President, Senator Haberman would like to add his name to LB 249 as cointroducer.

SENATOR CLARK: No objections, so ordered.

CLERK: Mr. President, Senator Hoagland to 134 as cointroducer.

SENATOR CLARK: No objections, so ordered.

CLERK: Mr. President, your committee on Public Health reports LB 296 to General File with amendments, (Signed) Senator Cullan as Chair.

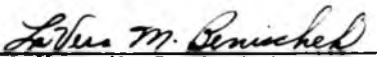
And finally, Mr. President, I have from the Speaker a notice regarding priority bill designation. That will be inserted in the Legislative Journal. (See pages 924-926 of the Journal.)

SENATOR CLARK: I think the Legislature would like to extend its sympathy to Senator Nichol. He just found out his mother passed away. Senator Beutler, would you like to adjourn us until 9:30 a.m. on Monday.

SENATOR BEUTLER: Mr. Speaker, I would move the Legislature be adjourned until 9:30 a.m. Monday, March 16.

SENATOR CLARK: All those in favor say aye, opposed. We are adjourned until 9:30 a.m. Monday.

Edited by


LaVera M. Benischek

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LB 212A, 115

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Johnson's amendment.

SPEAKER MARVEL: The motion is carried and the amendment is adopted. Okay, the motion is to advance the bill. Senator Johnson.

SENATOR V. JOHNSON: I don't know if there is anyone that wants to speak to 212A.

SPEAKER MARVEL: No.

SENATOR V. JOHNSON: In which case I will advance this... I will move the bill be advanced to Select File. This is the funding bill for LB 212 which has already been advanced to Select File. Again, our fiscal analyst in conjunction with the Department of Health has concluded that implementation of the cancer registry and reporting system for the state will cost \$62,700 the first year and \$72,000 the second year, and that is what the Appropriations bill provides.

SPEAKER MARVEL: You have heard the motion. All those in favor vote aye, opposed vote no. Record the vote. Do you want....okay, record vote has been requested.

CLERK: (Read the record vote as found on pages 494 and 495 of the Legislative Journal). 26 ayes, 11 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Now we can revert back to LB 115.

CLERK: Mr. President, LB 115 introduced by Senator Fowler. (Read title). The bill was read on January 13 of last year. At that time it was referred to the Business and Labor Committee for hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending. In addition to that, Senator Barrett has an amendment to the committee amendments. Did you want to take that up now, Senator? Okay.

SPEAKER MARVEL: Before we proceed, it is my privilege to introduce from Belmont School in the north balcony 42 Fifth Grade students and two teachers. Will you hold up your hands so we can see where you are sitting and welcome you to the Unicameral. The Chair recognizes Senator Barrett.

SENATOR BARRETT: Thank you, Mr. Speaker, and members,

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LB 115

a very simple technical amendment to the committee amendments. You will notice that the word "two hundred" was inadvertently left in the committee amendments. The bill drafter should have changed it to "ninety". It will simply make the one hundred and ninety dollars consistent with the other four spots that that particular number is found in the committee amendment. I urge the adoption of the amendment to the committee amendment.

SPEAKER MARVEL: The motion is the adoption of the amendment to the committee amendment as explained by Senator Barrett. All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 18 ayes, 0 nays on adoption of Senator Barrett's amendment, Mr. President.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Senator Barrett, you are recognized for the adoption of the committee amendments.

SENATOR BARRETT: Mr. Speaker and members of the body, the committee amendments submitted by the Business and Labor Committee last year reduced the proposed weekly maximum benefits under Workmens' Compensation from the originally proposed \$200 to \$190 per week. The committee also amended the bill to retain the current minimum weekly benefits for Workmens' Compensation related accidents to \$49 per week. Once again, the amendments, maximum \$190 per week, minimum \$49 per week. I would move the adoption of the committee amendments.

SPEAKER MARVEL: The motion is the adoption of the committee amendments. The Chair recognizes Senator Fowler.

SENATOR FOWLER: Mr. President, I would oppose the committee amendments and urge their rejection and that we go to the original bill at this time. This is a bill that was carried over from last session. It deals with the question of the maximum for Workmens' Compensation. Obviously, it is an issue that every couple years we have to debate due to the impact of inflation. It would seem to me that in light of the fact the bill has been held over a year, that inflation has continued at about a 9 to 10 percent rate that we ought to go with the higher number, the number in the original bill, and for that reason I would oppose Senator Barrett's committee amendment.

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LB 115

SPEAKER MARVEL: Senator Barrett, do you wish to close?

SENATOR BARRETT: Yes, Mr. Speaker and members.

SPEAKER MARVEL: There are no more lights on.

SENATOR BARRETT: The Business and Labor Committee did feel in this particular case that this was a very fair compromise. This Legislature increased the maximum benefits \$25 in 1979 from \$155 to \$180, about a 16 percent increase. As a result of that increase, Workmens' Compensation rates increased effective September 1st of 1980, 17.2 percent across the state. And you are, of course, all aware that the employer is paying the entire bill insofar as those increases are concerned. The cost of Workmens' Compensation accidents as well has increased over the past several years. In about a two year period they have increased from \$21.7 million to \$35.9 million, a very substantial increase, about 65 percent. In these inflationary times, these times of economic stress, it is my feeling that this is a very fair compromise. I would urge that the....I would urge the body to adopt the amendment. Thank you.

SPEAKER MARVEL: The motion is the adoption of the committee amendment as explained by Senator Barrett. Senator Newell. Senator Newell, Senator Barrett was closing. All those in favor of the Barrett motion vote aye, opposed vote no. Have you all voted? Senator Barrett, what is your pleasure?

SENATOR BARRETT: How many are excused, Mr. Chairman? Mr. Speaker, how many are excused?

SPEAKER MARVEL: Two.

SENATOR BARRETT: I hesitate to ask for a Call, but it may be necessary.

SPEAKER MARVEL: Have you all voted? Do you want a Call of the House?

SENATOR BARRETT: I do, and a roll call vote.

SPEAKER MARVEL: Shall the House go under Call? All those in favor vote aye, opposed vote no. Record.

CLERK: 18 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators

please return to your seats, record your presence. Unauthorized personnel please leave the floor. Senator Cullan, will you please record your presence? Senator Labedz and Senator Higgins, will you please record your presence? Senator Duda, will you please record your presence? Senator Newell, will you please record your presence? We are looking for Senator Goodrich, Senator Vard Johnson and Senator Von Minden. Mr. Sergeant at Arms, Senator Goodrich, Senator Vard Johnson, Senator Von Minden. We are down to two now, Von Minden and Goodrich. Okay, the motion is the adoption of the committee amendments. Roll call has been requested. Are you ready to proceed with the roll call? Okay.

CLERK: (Read the roll call vote as found on pages 495 and 496 of the Legislative Journal).

SPEAKER MARVEL: I would remind you that the House is still under Call.

CLERK: 31 ayes, 14 nays, Mr. President.

SPEAKER MARVEL: Motion carries. Senator Fowler, do you wish to explain the bill?

SENATOR FOWLER: Mr. President, I think the debate on the amendment pretty well explained what the issue is, so although it is a lower figure than I had hoped for, I would move to advance LB 115.

SPEAKER MARVEL: Senator Newell. Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I rise to oppose this bill as it is amended. I feel that now is not the time to raise the benefits on Workmens' Comp. The way I understand it now we would be raising it on the upper end from \$180 to \$190 per week. Let me just explain Workmens' Comp to you a little bit. This is just a small part of Workmens' Compensation. There is other things that need to be picked up. All of the medical expenses to the employee that has been injured on the job, the hospital bills, the doctor bills, and, of course, the employer needs to hire another person to take the employee that has been injured place. The reason I say that now is not the time is because this economy is down in Nebraska. There is a lot of employers that are not going to survive. I think that you will see by spring if this economy is not turned around, that some of these businesses will take bankruptcy. Volume is down in business. People in Nebraska just aren't buying at

the present time. And because of that, businesses lower their margin so that they can try to get their volume up. I agree that employees probably should have a little more, but I would say, let's take a look at it in another year and then see what happens. And so with these remarks, I would like to urge you to vote against the bill.

SPEAKER MARVEL: Senator Dworak and then Senator Cullan.

SENATOR DWORAK: Mr. President and colleagues, I strongly feel that this is not an excessive amount and it is timely. You know, we keep talking about the fact that employers pay all this premium and that is true, they do pay the total cost of this benefit, but it is not as if it was a total philanthropic type gesture. You know, in return for this they receive immunities that...against suit when you have work related injuries and sickness. Now I think there is a matter of fair play here. In return for that immunity they offer to provide a reasonable benefit. Now I am inclined to agree that maybe the \$200 level may have been more reasonable in light of inflation and where we are today. I am willing, however, to at least accept the \$190 benefit, but I certainly think that that is to say the least the bare minimum. I think we have to remember that if we become too strict on this, if we close the door too tightly, if we don't put ourselves in the position where we are reasonably negotiating this benefit, what is going to happen is that we are going to lose the whole concept, and I don't think employers are going to be willing to open themselves up to the type of legal action that is possible if it were not for this particular program. So I think even though we may have basic prejudices either for or against business, or for or against labor, I don't think we ought to let that get into the way of being reasonable on something that is a two-way street.

SPEAKER MARVEL: Senator Cullan. The motion is to advance the bill.

SENATOR CULLAN: Mr. President and members of the Legislature, very quickly I would urge you to advance the bill as it has been amended. One of the things that the Legislature needs to be reminded of, and I think Senator Hefner and others I think need to go back and recognize, is that one of the major purposes of the Workmens' Compensation law is to actually provide protection for employers, and employees sacrifice significant rights as far as their ability to recover for damages that they incurred as a

result of the Workmens' Compensation system, and if we didn't have this kind of a system, undoubtedly there would be a lot of litigation and undoubtedly the individuals who were injured because of the connection with their employment would receive considerably greater coverage than they do under the Workmens' Compensation statutes, and I think we just have to recognize and remember those employees have given up very significant rights. We have taken them away with the unemployment.... or with the Workmens' Compensation system, and we should not be cheap, I don't think, or oppressive in preventing individuals from recovering some portion of their ability to live and recover some of those lost wages. So I would urge you to advance this bill.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, I wonder if I could speak to the Chairman of the committee for a second. I assume that you raised from \$49 to \$69 the minimum. Is that correct?

SPEAKER MARVEL: Who are you posing your question to? Senator Barrett.

SENATOR NICHOL: Senator Barrett, in the Workmens' Compensation actually what we are doing, we pay 66 2/3 of their salary with a minimum and a maximum. That is correct, isn't it?

SENATOR BARRETT: That is correct, Senator Nichol.

SENATOR NICHOL: Okay, we have that at what now for the maximum? \$190?

SENATOR BARRETT: LB 115 as amended has a maximum of \$190 per week and the minimum remains as the present law suggests, \$49.

SENATOR NICHOL: Well, didn't you suggest though to raise that minimum from \$49 to \$69?

SENATOR BARRETT: That was discussed by the committee, Senator Nichol, and it was the feeling of the committee that that should not be increased.

SENATOR NICHOL: To leave it at \$49?

SENATOR BARRETT: That is correct.

SENATOR NICHOL: Would you consider leaving the maximum

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LB 115, 115A

at \$180 and raising the minimum some? I am not so concerned about the maximum as I am the minimums.

SENATOR BARRETT: Okay, inasmuch as the committee amendment was just adopted, that is perhaps a moot question.

SENATOR NICHOL: Okay, thank you.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I call the question.

SPEAKER MARVEL: Senator Dworak, is your light....okay, we have no more lights, so the motion before the House is the advancement of LB 115. All those in favor vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 26 ayes, 14 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Do you have some items to read in? Okay, LB 115A.

CLERK: Mr. President, 115A is a bill for an act to appropriate funds to aid in carrying out the provisions of LB 115. Mr. President, Senator Fowler has an amendment to the bill. The Fowler amendment is found on page 226 of the Legislative Journal.

SPEAKER MARVEL: The Chair recognizes Senator Fowler.

SENATOR FOWLER: Mr. President, these amendments were given to me by the fiscal staff to reflect the cost because of one year's delay in implementation of the bill and also to implement the new rule that provides two years appropriation in every A bill. This A bill may have to be amended due to the adoption of the committee amendments and if so, I will be back with that amendment on Select File. So I would move for adoption of these amendments from the fiscal office.

SPEAKER MARVEL: The motion is the adoption of the amendments as explained by Senator Fowler. All those in favor vote aye, opposed vote no. 115A. Have you all voted? Have you all voted? Record the vote.

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

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LB 115, 115A, 139, 139A, 212A,
LB 450, 576, 583, 588, 589,
LB 413, 631, 634, 670, 672,
LB 706, 735, 851

CLERK: (Read LB 413 on Final Reading.)

SENATOR CLARK: All provisions of law according to procedure having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: (Record vote read. See pages 529 and 530, Legislative Journal.) 20 ayes, 27 nays, 2 present and not voting, Mr. President.

SENATOR CLARK: The bill having not received the required number of votes has failed to pass on Final Reading. We will now to to item #5, General File. Does the Clerk have anything to read in?

CLERK: Mr. President, your committee on Public Works whose Chairman is Senator Kremer to whom we referred LB 670 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; and LB 851 advanced to General File, both signed by Senator Kremer.

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 139 and find the same correctly engrossed; 139A correctly engrossed; and 450 correct engrossed. (Signed) Senator Kilgarin.

Your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 631 and recommend the same be placed on Select File with amendments; 589 Select File; 212A Select File with amendments; 115 Select File with amendments; 115A Select File with amendments, all signed by Senator Kilgarin.

Your committee on Constitutional Revision and Recreation whose Chairman is Senator Labeledz to whom we referred LB 576 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 583 General File with amendments; 588 General File with amendments; 634 General File with amendments; 672 General File with amendments; 706 General File with amendments; and 735 indefinitely postponed, all signed by Senator Labeledz as Chair.

Mr. President, your committee on Ag and Environment will have an exec session at eight forty-five on Thursday, February 4 in Room 1105, Senator Schmit's office. That is an exec session of the Ag and Environment Committee tomorrow morning at eight forty-five in Senator Schmit's office.

February 5, 1982

LB 115, 115A, 440, 589

we go down to 589, Pat? Okay, Senator Kilgarin.

SENATOR KILGARIN: I move the advance of LB 589.

SPEAKER MARVEL: You've heard the motion. All those in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. The next item, 115, Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendment to LB 115.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. The E & R amendment is adopted. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 115.

SPEAKER MARVEL: The motion is the advancement of the bill. A machine vote is requested. All those in favor of advancing the bill vote aye, opposed vote no. Have you all voted? The motion before the House is the advancement of the bill, 115. Record the vote.

CLERK: 25 ayes, 13 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill, 115A.

SENATOR KILGARIN: I move the E & R amendment to LB 115A.

SPEAKER MARVEL: The motion is the adoption of the E & R amendments to LB 115A. All those in favor of that motion say aye, opposed no. The motion is carried.

SENATOR KILGARIN: I move we advance LB 115A.

SPEAKER MARVEL: You've heard the motion. All those in favor of advancing the bill say aye, opposed no. The motion is carried. The bill is advanced. The next bill, LB 440. Okay, E & R amendments, Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 440.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The E & R amendment is adopted. Now on the advancement of the bill there is a machine vote requested. All those in favor of advancing 440 vote aye, opposed vote no. Have you all voted? Once more, have you all voted? Senator Kilgarin, what is your pleasure? Okay, record the vote.

February 9, 1982

LR 217
LB 115, 115A, 131, 255A, 274A,
287, 314, 440, 454, 520, 591, 954

Your committee on Revenue whose Chairman is Senator Carsten reports LB 591 advanced to General File.

Your committee on Education reports LB 520 advanced to General File with committee amendments attached. Those are all signed by the respective Chairmen.

Mr. President, Senator Sieck asks unanimous consent to withdraw his name as co-introducer from LB 954.

SENATOR NICHOL: No objection, so ordered.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 115 and find the same correctly engrossed; 115A correctly engrossed; 131 correctly engrossed; 255A correctly engrossed; 274A correctly engrossed; 287 correctly engrossed; 314 correctly engrossed; 440 correctly engrossed, and LB 454 correctly engrossed, all signed by Senator Kilgarin as Chair.

SENATOR NICHOL: We will go on to LR 217, Mr. Clerk.

CLERK: Mr. President, LR 217 offered by Senator Koch, found on page 576 of the Journal. (Read LR 217).

SENATOR NICHOL: Senator Koch.

SENATOR KOCH: Mr. Chairman and members of the body, this is noncontroversial I hope. This is merely an endorsement of vocational education week and this is the week that we highlight and I don't think it needs a great deal of explanation, and I ask for the adoption of resolution 217.

SENATOR NICHOL: The question is LR 217. All those in favor signify by voting aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Have you all voted? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of LR 217.

SENATOR NICHOL: Senator Koch.

SENATOR KOCH: Mr. Chairman, I would like to have a record vote on this and I want to see whether we are really loyal or we are just making fun.

February 10, 1982

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 629A, 115

CLERK: (Record vote read. See pages 1920 and 1921, Legislative Journal.) 39 ayes, 7 nays, 3 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will now read LB 115.

CLERK: Mr. President, I have a motion on the desk.

SENATOR CLARK: Read the motion.

CLERK: Senator Hefner would move to return LB 115 to Select File for specific amendment, that amendment being to strike the enacting clause.

SENATOR CLARK: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the Unicameral, I hate to do this this late in the game with only one more day left but I feel that I should point out a few things to you at this late date. Now is not the time to increase expenses for Nebraska employers. Most of us realize that we are having a downturn in our economy and it doesn't look like it is going to pick up at a very early date. In my area there has been some businesses go out of business. There have been some bankruptcies and I am sure we are going to see more and this is just another way to break the camel's back. I think that we ought to take a long hard look at this bill. This bill increases the workmen's comp payments by \$10 a week on the high end and, of course, this is going to cost the employers a little more premium in their workmen's comp insurance. The maximum weekly benefit payment at the present time is \$180 a week. This would raise it to \$190 a week. We must remember that the employee that receives this compensation does not pay any state income tax nor does he pay any federal income tax nor social security on this amount that he receives. The \$180 a week would be like receiving \$220 or maybe \$225 or even up to \$250 a week and I think that is adequate compensation. Also I want to call your attention to the A bill. It costs nearly \$10,000 to the State of Nebraska for this next fiscal year, '82-83. Then it increases to \$14,000 in the year '83-84 and so I would say to you here today let's delay this bill for one year. Then if the economy picks up, I am willing to go along with an increase, and with these remarks, Mr. Chairman, I would like to withdraw my motion.

SENATOR CLARK: Senator Fowler. The Clerk will read the bill. He has withdrawn it. There is nothing before the House.

April 14, 1982

LB 115, 278

I can't deny a point of personal privilege. Go ahead.

SENATOR HIGGINS: Mr. President, I just want to point out on this LB 115, I have here in my file a memo from the Professional Insurance Agents of Nebraska saying they support this bill. Now I can understand why they would, because it gives them an excuse to raise insurance rates and then they can say the Legislature did it to you but we are going to reap it. I just want you to know the Professional Insurance Agents, I am not one of them, they are for the bill.

SENATOR CLARK: The Clerk will read the bill.

ASSISTANT CLERK: (Read LB 115 on Final Reading.)

SENATOR CLARK: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote nay.

ASSISTANT CLERK: Senator Clark voting no.

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

SENATOR FOWLER: I would like a roll call.

SENATOR CLARK: All right, a roll call has been requested. The Clerk will call the roll.

CLERK: (Roll call vote taken. See pages 1921 and 1922, Legislative Journal.)

SENATOR CLARK: Senator Wiitala, for what reason do you arise?

SENATOR WIITALA: (Mike off) I wish to change my vote from yes to no for purposes of reconsideration.

SENATOR CLARK: All right.

CLERK: Senator Wiitala changing from yes to no for purposes of reconsideration. 19 ayes, 27 nays, Mr. President.

SENATOR CLARK: Motion lost. The bill did not pass. The Clerk will read LB 278.

ASSISTANT CLERK: (Read LB 278 on Final Reading.)

SENATOR CLARK: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote nay.

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LB 115, 413, 590
LR 295, 386

been restored, it truly is a marvelous idea. Whether you hike or bike, you will enjoy it, believe me. Also, look at the remainder of Ft. Kearney, that is what has been restored and Ft. Kearney Park. It will be a big day.

SENATOR CLARK: There is nothing before the House thank you. I would like to report a guest of Senator Remmers, Bob Williamson, under the south balcony. He is a member of the Grain Sorghum Board from Dawson, Nebraska. Will you stand and be recognized please, Bob. Welcome to the Legislature. We will now go to item number seven, under 952, yes. The Clerk would like to read some things in.

CLERK: Mr. President, I have a gubernatorial confirmation, or a gubernatorial appointment, I should say, that will be referred to the reference committee.

Senator Wagner asks unanimous consent to have his name added to 295 as co-introducer. (LR 295).

Senator Chambers would move to suspend the appropriate rule to reconsider 413 on Final Reading. (LB 413). That will be laid over.

New Resolution, LR 386, by Senator Hoagland. Read LR 386. That will be laid over, Mr. President.

Mr. President, Senator Wiitala would move to reconsider the Legislature's action on LB 115, Senator Beutler to reconsider the Legislature's action on LB 590.

SENATOR CLARK: Is Senator Newell in the room? The last motion we have is Senator Newell's, is he here? Senator Lamb, this is the last motion we have and Senator Newell is not about, I do not know where he is. He is not in the ante room. I'll recognize Senator Lamb for adjournment.

SENATOR LAMB: Mr. President, I move we adjourn until 9:00 Friday morning.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. We are adjourned until 9:00 a.m., Friday morning.

Edited by:

Marilyn Zank
Marilyn Zank

April 16, 1982

LB 672, 115

SENATOR CLARK: A Call of the House has been requested. We are on Final Reading, I don't know why we would need that, but everyone can check in. Has everyone checked in please? We have two excused. Did you want a roll call vote? The Clerk will call the roll if we can keep it quiet enough to hear the response please.

CLERK: Roll call vote. 29 ayes, 19 nays, 2 excused and not voting. Vote appears on page 2010 of the Legislative Journal.

SENATOR CLARK: Motion lost. The next motion is on LB 115. The Call is not raised. We are on Final Reading.

CLERK: Mr. President, Senator Wiitala moves to reconsider 115 on Final Reading.

SENATOR CLARK: What I am trying to do, Senator Vickers, is hold them in their seats. Senator Wiitala.

SENATOR WIITALA: Thank you, Mr. Chairman. Mr. Chairman, colleagues, I am asking you to reconsider LB 115. It was considered a few short days ago and failed on Final Reading, largely I feel because people, at least it was communicated to me by several colleagues that workmen's compensation was misunderstood, that it was confused with unemployment compensation. So I would like to have it get a clear hearing today if I could. As you understand probably, if you know anything about labor history, workmen's compensation came out of the difficulties of the job experience where employees sometimes encountered injury on the jobs a lot of times due to their negligence, a lot of times the negligence of their employer. These injuries a lot of times resulted in endless litigation between employer and employee. The workmen's compensation program really is a truce, it is a truce between employer and employee. In some respects it is a two-edged sword. Basically it establishes a limited liability policy for the employer so that in cases of accidental injury that "humongous" law suits are not launched against the employer and thereby putting him and the employees out of work. But it also recognizes the needs of laborers, employees, that when they are injured irrespective of how they were injured that compensation would be given. This bill is close to my heart, at least the \$10 increase that it proposes, an increase in the maximum level. It does not mean that each employee who is receiving benefits gets a \$10 increase. It simply means that at the maximum level possible that it be increased \$10. The reason I said it is so close to my heart is because I had a close relative, my brother, who was in a management position but an employee nevertheless

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who was working for a rental company that leased out their equipment, like stereos and so forth. Some of you I have talked to about this incident and I don't mean to dwell on your sympathies on the issue but I think the case illustrates the point. His company asked him and the manager to go out and collect those rental units personally rather than hiring a sheriff to serve a warrant. The warrants were expensive and they wanted to keep the cost down. On this particular unit they went to collect on only \$11 was owed and the guy that had leased the equipment, a stereo set, had called the company headquarters in Texas and told them that if they tried to come out and collect that unit that he would treat the employees as if they were thieves and burglars. The headquarters never informed their agency in Omaha and so my brother and that manager of that company went out to collect that unit. And sure enough the lessee treated my brother like a thief. When he entered the door he faced a sawed-off .22 and was shot in the side of the head. Now the thing that bothers me about this but yet it really doesn't is that he received \$2000 burial rights under workmen's comp and that was it. But I understand why he received the \$2000 and I have no quarrel because even though he had a clear case of liability against the company, or his estate did, in order to reconcile these differences of negligence on the part of the employer and the employee, that is what he got. Now let's get down to Nebraska today. It has been three years since we have had an increase in unemployment compensation and if we are raising it only \$10, that amounts to about a \$3 raise per year....workmen's comp, excuse me. Now this body should recognize that we almost passed a major Business and Labor bill this year, LB 765, the only trouble was it was on consent file and several members talked it to death. But Business was basically supportive of that bill even though it included a \$10 increase in unemployment compensation. Believe me there are more people that are unemployed than those that are on disability. So I am saying that when you take a look at today's economy, not necessarily those that are unemployed but those that are injured on the job and that is almost double jeopardy in this type of a situation, I would hope that you would support the reconsideration of my motion. You know, sometimes we can flip the table, so I would just like to have you think of this for a moment. What would it be like if we didn't have workmen's comp and we went back to the way it was a century ago where employee and employer duped it out through litigation, etcetera? I think we are duty bound realizing the limited liability provisions in our workmen's comp laws to also recognize that we have got to keep abreast of inflation. Now a year ago it was explained, wait another year.

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Well, we have waited another year and if we do not support it now, it is another year. In other words, if we increase it \$10 a year from now we are talking about a little over \$2 a year increase. I don't care what the state of the economy is, that is a terrible proposition if you are disabled. Thank you, colleagues.

SENATOR CLARK: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the Unicameral, I rise to oppose the reconsideration motion because like I said the other day, now is not the time to raise this. Why? Because when you raise the workmen's comp \$10 a week, this increases the insurance premiums. Like Senator Higgins said the other day, certainly the insurance agents are for it. If I was an insurance agent, I would be for it too because I would be earning more premiums. The reason that I oppose this reconsideration motion also is because our economy is down. Had this come up in January I probably would have supported it, but things have changed, things have changed a great deal. We just saw the March sales tax receipts. They were down 21 percent in March. Retail sales are down all the way now from 10 percent to 25 percent. How are the employers going to pay this additional premium? Many industries and businesses will have to take bankruptcy if this trend doesn't change. And, of course, if you noticed in today's World Herald, there was a long list of bankruptcies. The maximum weekly payment at the present time is \$180 per week and this isn't too shabby especially when you see that they do not have to pay federal and state income tax. They do not have to pay Social Security on this. That means that the pay actually is around two and a quarter a week or 235, \$235 a week. So I say to you today, let's wait until next January. If the economy turns around, we will come back with a bill and try to give the employees a little more increase in workmen's comp. I am hoping that Senator Wiitala will withdraw his motion and if he doesn't, well then I would urge you to reject the motion before us today. Thank you.

SENATOR CLARK: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, I want to take just a few minutes to speak about the \$10 a week increase to workmen's compensation. When a person sustains an on the job injury, because of that injury that person is not able to work for a period of time, and our workmen's compensation program allows that individual to receive benefits up to a maximal amount. Those benefits, frankly, have little relationship to the earnings of that

individual at the time of the injury if they are above a certain figure or to the earning capacity of that individual. Now we have not increased...we have not increased the maximum weekly benefit allowance for several years. We are operating in an inflationary era notwithstanding the federal efforts to reduce the level of inflation. It seems to me that one class of people that you and I truly do want to protect are persons who sustain on the job injuries and really are just not capable of doing a piece of work for a period of time. Now it could well be that the injury becomes sufficiently disabling that the individual ultimately can plug into the Social Security system, but if the individual does, he has to wait at least six months before he can plug into the Social Security system and in any event his Social Security benefits are reduced dollar for dollar for every dime of workmen's compensation he does receive. Because the individual has an injury and is not employed or probably employable during the recuperative period, he is not eligible for unemployment compensation and therefore there is no income from that level. Because the individual has an injury and is receiving some workmen's compensation benefits which provide that individual some income, given the very low income ceilings in our state welfare programs, that family is probably not eligible for any welfare payments. So really all that individual and his family members have to rely on are the workmen's compensation benefits. Now it seems to me as Senator Wiitala has so ably pointed out that inasmuch as we by law have deprived that individual of any ability...of any ability to go after a coworker for harm caused to him by a coworker, to go after the employer for the employer's failure to provide a safe work place, we have taken away that legal right, that the least we can do is to ensure that individual that the level of workmen's compensation payments will be somewhat adequate to help that individual during the recuperative period. I don't think LB 115 was an unreasonable bill when it was introduced a year ago, but it becomes increasingly unreasonable in an inflationary time. It strikes me that one of the very small things this Legislature can do in its final day of the second session is to vote yes to allow the reconsideration and to then advance this bill to the Governor.

SENATOR CLARK: Senator Beutler. 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.

CLERK: Senator Clark voting yes.

SENATOR CLARK: We are voting on ceasing debate. Record the vote.

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CLERK: 28 ayes, 1 nay to cease debate, Mr. President.

SENATOR CLARK: Debate is ceased. Senator Wiitala, do you wish to close?

SENATOR WIITALA: Mr. Chairman, I would wish to yield my closing time to Senator Kilgarin.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: Thank you, Mr. President and colleagues, and thank you, Senator Wiitala, for yielding your time to close to me. When you think of this \$10 increase, think of it not only for the working man or woman but think of it for the families that are involved. We are talking about children who need to have a place to live. They need clothing. They need food. It is expensive to raise a family nowadays. And \$190, or \$180, if we give them a \$10 increase, \$190 a week doesn't go very far and it certainly isn't anything excessive I don't think. Back in October of 1980 my father was hurt on the job and he was hurt badly. The company contested the case and thus the workmen's compensation payments to my family weekly stopped and we went for over a year without my father's income, which by the way was much greater than \$180 a week. Had my mother not been working, I don't know what my family would have done. Now there is a case where the company contested the workmen's compensation. It was stopped altogether. First of all, this \$180 is the maximum amount and if we raise it \$10, \$190 is the maximum amount that a worker can receive if they are injured on the job. It is not awarded in every case. I know my father's case which was contested after the award was granted, he didn't receive the full award but it was a satisfactory settlement but it did take over a year and during this time my family suffered a great deal. We are talking about people who are working. These are working people. They are not people who are unemployed. They are hurt on the job. I think a \$10 increase is only fair. Not only can these workmen's compensation cases hurt the families and the workers involved for the immediate period of time following the accident, but it can go on to hurt the family. As a lot of you in here know, two weeks ago yesterday my father had a heart attack and the doctor said that part of the reason for that was because of his injury and subsequent operation that was needed after his accident on the job. So we are talking about working men and women who are out there trying to make a living, staying off welfare, paying taxes, and when they are hurt on the job I think it is our duty to at least give them some semblance of a reasonable weekly wage to support their families.

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I would urge you to vote for this reconsideration motion. I would urge you to vote for the \$10 increase. It absolutely is not excessive. You all know...you all know how expensive it is to raise a family and not all mothers can work, not all mothers are working. Like I said, I don't know what my family would have done if my mother hadn't been working at the time, and it was tough even with mom working. But I would urge you to vote for the reconsideration of LB 115 and I would request the Chair to have all senators please check in and roll call vote.

SENATOR CLARK: Call of the House has been requested. All those in favor of a Call of the House will vote aye, opposed vote nay. Record the vote.

CLERK: 14 ayes, 0 nays, Mr. President, to go under Call.

SENATOR CLARK: The House is under Call. All senators will return to their seats. All unauthorized personnel will leave the floor and everyone will check in, please. Senator Higgins, will you check in, please? Senator Chambers, will you check in, please? We have three excused. Senator Marsh. Senator DeCamp is in now. All right, they are all here. We must have it quiet so the Clerk can hear your response, please. The Clerk will call the roll.

CLERK: (Read the roll call vote as found on page 2011 of the Legislative Journal.) 28 ayes, 17 nays, Mr. President.

SENATOR CLARK: The motion lost. The next motion, 590.

CLERK: Mr. President, Senator Beutler would move to reconsider the Final Reading vote on LB 590.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I would withdraw that.

SENATOR CLARK: It is withdrawn. The next motion is on 952.

CLERK: Mr. President, Senator Newell would move to suspend Rule 7, Section 7, to reconsider the Final Reading vote of LB 952.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: I have got mixed emotions today. LB 952 is a hospital bond act. It does not authorize anything new. It has been basically misunderstood. It allows for administrative consolidation of hospital authorities so that they