

January 16, 1981

LB 95, 247-283

Mr. President, Senator Schmit would like to have a meeting of the Ag Committee underneath the North balcony now if he could, and it is Ag Committee underneath the North balcony with Senator Schmit, immediately if possible.

PRESIDENT: The Legislature will be at ease until Speaker Marvel determines that we will go back.

EASE

PRESIDENT: The Legislature will come to order just for the purpose of the Clerk reading some matters into the record. Mr. Clerk, you may proceed.

CLERK: Mr. President, Senator Clark would like to announce that Senator Goodrich has been selected as vice chairman of the Telecommunications Committee.

Mr. President, new bills. Read LB 247-265 by title as found on pages 205-209 of the Legislative Journal.

Mr. President, your committee on Appropriations gives notice of agency hearings for Monday, January 26, signed by Senator Warner as chairman.

PRESIDENT: The Legislature will continue to stand at ease until approximately 11:15 a.m.

CLERK: Meet in Room 1517 at eleven o'clock? The Executive Board in Room 1517 at eleven o'clock.

PRESIDENT: The Legislature will come back to order. The Clerk has some matters to read in.

CLERK: Mr. President, I have a reference report referring LB 172-205 and rereferring LB 95. (See page 213 of the Legislative Journal.)

Mr. President, I have new bills. (Read by title, LB 266-283 as found on pages 214-218 of the Legislative Journal.) Mr. President, that is all the matters that I have this morning.

PRESIDENT: Any other messages on the desk, Mr. Clerk?

CLERK: No, sir, I have nothing further.

PRESIDENT: In that case the Chair will recognize Speaker Marvel.

SPEAKER MARVEL: I move we adjourn until Monday, January 19, 1981, at 10:00 a.m.

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LB 245 , 139A, 249, 292A

I think that building the vet college in Nebraska, here in Lincoln, is one of the greatest things that we could do. I have often wondered how come we haven't accomplished this 50-60 years ago. Therefore I would urge you to oppose the Beutler amendment.

SPEAKER MARVEL: Some have asked me how long we are going to continue and I have no pride of authorship, so I will continue until somebody decides they want to adjourn.

SENATOR CHAMBERS: Mr. Chairman.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. President, I move that we, do you have anything to be read in?

CLERK: Yes.

SPEAKER MARVEL: Senator Fitzgerald, do you want to make your announcement?

SENATOR FITZGERALD: Mr. President and members, as you know tomorrow is the day of the Irish, March 17th. I want to make yous all today honory Irishmen so that you can wear green. The Governor and the Mayor will cut a cake at 10:00 a.m. for us, and 8:00 to 9:00 a.m. we are going to have Irish songs and Irish humor and wit. We will have Irish punch. 12:00 we are going to have Irish sausages, baked beans at the hospitality room. I wish everybody is over there. Just a minute ago I got a "pink" notice here, I don't know what it says here, Members of the Legislature, a Polish lady, is that. . . and I just looked up this word P-O-L-I-S-H in the dictionary, and it says "polish, to make smooth and shining surface. A substance used to shine a surface." So I'm really confused a "Polish Lady". I hope to see yous all tomorrow. Everybody wear green.

SPEAKER MARVEL: Okay, Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, the Clerk has something to read in and right after that I will make a motion to adjourn.

CLERK: Mr. President, a new A bill, 292A (Read title). 139A by Senator Marsh, (Read title).

Public Health and Welfare reports that LB 249 to General File with amendments.

The committee of Public Works gives notice of hearing for March 26th at 12:30.

April 7, 1981

LB 243, 249, 346

Mr. President, I have amendments to LB 243 from Senator Schmit, an amendment from Senator Vard Johnson, LB 346, an amendment from Senator Hoagland to 249. (See pages 1344-1345 of the Journal.)

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Now can I move we adjourn until nine o'clock tomorrow morning?

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed no. We are adjourned until nine o'clock tomorrow morning.

Edited by:


Mary G. Turner

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LB 249

SENATOR CLARK: The bill is advanced. LB 11. All right, we are going to revert back to 249 because Senator Cullan wasn't here originally.

CLERK: Mr. President, LB 249 was introduced by Senator Samuel Cullan. (Read title.) The bill was first read on January 16. It was referred to Public Health and Welfare for hearing. The bill was advanced to General File. I do have committee amendments by the Public Health and Welfare Committee pending, Mr. President.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, I guess initially I would move for adoption of the committee amendments to LB 249. The committee amendments do three things. First of all, they reinstate the name of the Board of Health as the Board of Health rather than an advisory board. Secondly, the original LB 249 moved the Health Planning function from the Department of Health to the Department of Public Institutions. The committee amendment amends LB 249 so that the planning function of the Department of Health is retained by that Department. And, thirdly, this leaves the Board of Health with the current statutory authority and decision making responsibilities so far as licensure matters are concerned as far as Bureau of Examining Boards within the Department of Health is concerned. The Bureau of Examining Boards is that bureau of the Department of Health responsible for licensing health care practitioners. That would include nurses, physicians, doctors, I guess the whole range, physical therapists, the whole range of health care professionals and practitioners and this leaves the Board of Health making the ultimate decision upon those licensure matters and does not change the statutory authority...or reinstates the statutory authority of the Board of Health in that regard. So I would urge your adoption of the committee amendments.

SENATOR CLARK: Is there any discussion on the committee amendments to LB 249? If not, all those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 26 ayes, 0 nays on adoption of the Public Health and Welfare committee amendments, Mr. President.

SENATOR CLARK: The committee amendments are adopted. Senator Cullan on the bill. Explain the bill.

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LB 249

SENATOR CULLAN: Mr. President and members of the Legislature, I would like to urge you to vote for the...and I move for the advancement of LB 249 and I would like to urge you to support the advancement of this bill. What LB 249 does is to make the Department of Health a code agency so that the Governor of the State of Nebraska is responsible and assumes the responsibility for hiring and firing the Director of the Department of Health. It changes the function of the Board of Health to be advisory in many capacities although they would retain their current statutory authority now with the committee amendments over the Bureau of Examining Boards. This bill was initiated by myself. The Public Health and Welfare Committee did conduct an interim study and did take a careful look at the structure and the various functions of the Department of Health two years ago. It is interesting that after that study and after the analysis which I have undergone and the study I personally conducted of the Board of Health that I reached the same suggestion that the Governor's Task Force did as far as this particular agency is concerned. The Governor's Task Force has recommended that the Department of Health be a code agency. I would point out that I did not introduce this bill on behalf of the Governor, but I introduced this bill on my own initiative, although it does directly implement that position of the Governor's Task Force. So it is important, I think, and interesting that both of us came to the same opinion and conclusions as far as organization of this particular department in state government is concerned after separate and independent analysis. I believe the philosophy in LB 249 is a very simple one. We are simply talking about political science and the way that the State of Nebraska should structure its executive branch. The concept is as simple as the three branches of government, legislative, executive and judiciary. It is my opinion that the executive branch in the State of Nebraska today is threatened by government by independent commission. The people of the State of Nebraska hold the Governor of the State of Nebraska responsible and accountable for the operation of the executive branch of state government, yet we deny through the way we have organized many branches of state....many aspects of the executive branch, we deny the Governor the authority to carry out those responsibilities commensurate with the duties or with the expectations that the people have that the Governor will indeed be responsible to the executive branch. We deny the Governor policy making authority and personnel decisions by operating under so many different commissions and boards. The issue is one of who is accountable, and we have often heard that...

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I guess we would have to wonder...let me rephrase that, I guess we have to wonder who the Board of Health is accountable to. We have heard that the Board of Health is accountable to the Governor. Some of you may say that the Board of Health is accountable to the people, but I wonder how many of you could name more than one or two members of the Board of Health yourselves. Or how many of you in this body could tell me how many members there are on the Board of Health. I would venture to guess that not many of us could name any of those individuals or could name...could tell us how many individuals are even on that board. And yet, we, as Legislators, are relatively informed in this regard. So it is my contention that the average citizen cannot identify even one member of the Board of Health and, therefore, it is difficult for them to know who to hold accountable for the operation of the significant Department of state government. The Department of Health is a major state agency with major policy and service functions. It has a budget in excess of \$18 million. It has 362 full time equivalent employees. It has five bureaus and twenty-two divisions. The Governor should have authority to effect the operation of such a major state agency. We have also in the course of the debate on 249 on whether or not to make this particular agency a code agency, we have heard the argument that, well, if it's working let's not fix it. And I am not going to stand here today and criticize the operation of the Board of Health or the Department of Health. We are fortunate to have many good state employees working in that department. And we are fortunate to have some very knowledgeable and hard working individuals on the Board of Health. But if you accept the philosophy that if it's working don't fix it, I guess that can also mean that it's adequate and let's not improve upon it. And I believe that we can improve upon the operation of the Department and the Board of Health. I also believe that to a very large extent the middle level bureaucrats within the Department of Health are actually running the Department. I have always had the feeling that the Board of Health itself has not exercised sufficient discretion and control over the operation of the Department. And to research that gut feeling on my part, I went back through the amendments, the minutes of the Board of Health for the last three years and one month. We threw out certain procedural motions, and what we found was that of 216 substantive issues that were raised and motions that were considered by the Board of Health, they approved 214. That indicates to me that the Board of Health is not exercising a great deal of discretion so far as the

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recommendations that are made to the Board by those who are working for the Board in the Department. It was also interesting to me at the confirmation hearings on two members of the Board of Health recently, when I questioned the individuals as to why they took a particular position on one bill versus another that happened to be before the Public Health and Welfare Committee earlier, these were major issues that the Board of Health took the very aggressive position upon, happened to deal with certificate of need. I am not particularly concerned with what position the Board of Health took, but what does concern me is that neither the legislative chairman, the Chairman of the Board of Health's legislative committee nor a member of that committee could articulate clearly even one distinction between these two bills, and yet they vigorously supported one and opposed the other. That indicates to me that they did not adequately research those and it also indicates to me that they were more than likely just accepted, the recommendations which their staff gave to them. The other major arguments that we have heard with respect to this particular issue, and I consider this to be the guts of LB 249, we have heard the argument...we have heard the argument that we don't want to politicize the Department of Health. I just called for a page and I will distribute to the members of the Legislature now...I apologize that I didn't distribute this a second ago, but I will distribute to you now a flyer that came from the Nebraska Association of Public Employees urging employees of the Board of Health...or the Department of Health, excuse me, the Department of Health to attend the hearing on LB 249. When you get this flyer, you will read, and I will read a section of it to you now. This flyer said, "Health Department employees will have to be more concerned with politics in the Governor's office than with protecting the health of Nebraskans". This came from the Nebraska Association of Public Employees, and I think it expresses a fear and a concern that all of us should be concerned about. It expresses a concept which bothers me a great deal. Those who use the phrase that we will make a political football out of the Board of Health are really telling us that they do not trust government, particularly elected officials. It is alarming and scary that this has become the focal point of those who oppose LB 249. To accept the political football argument is to say that we do not trust those who regularly go before the people and ask the approval of the voters, and that we would rather place our trust in the bureaucracy who is accountable to no one. If we continue with government by independent commission....

SENATOR CLARK: You have one minute left, Senator Cullan.

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SENATOR CULLAN: If we continue to isolate bureaucrats from politics, we will strangle state government, for to isolate the Department of Health from politics is to isolate it from the people. I ask you to join me in voting for good government, and I ask you to join me in voting for LB 249.

SENATOR CLARK: Senator Higgins, on the bill.

SENATOR HIGGINS: Mr. President, members of the body, I am also a member of the Public Health Department, or Public Health and Welfare Committee, and I feel that somebody has to be the devil's advocate for the other side. Senator Cullan is a very persuasive orator so I do feel compelled to speak for the other side. Number one, Senator Cullan mentioned two people on the Board of Health that could not adequately explain to him the difference between his bill and another bill on certificate of need. One of the gentlemen he questioned told him that he had only been on the board since December and that he honestly couldn't remember all of the aspects of those two bills. The other member, a woman, was Chairman of the legislative committee and, Senator Cullan, I believe you said that nobody could tell you even one thing about that certificate of need bill, and I believe the woman spoke out and said, the one thing I do recall, and she said we studied both bills extensively but it was some time ago, is there is great concern about nursing homes being sold whether or not for profit. So she did remember one thing and as she repeatedly said in the twenty minutes she was cross-examined, had she her own notes in front of her about the two bills she could have explained why they took the position they did. So I think in all fairness to the members of the Board of Health that were interviewed that day, I should point that out. Also, in a communication I received from one of the members, they have stated this, "The Governor presently has many avenues of influence on activities of the Department. He appoints the Board of Health. He is an ex officio member of the Board." He can formally participate or can communicate with members of the Board as well as any of us Senators or any citizen of the State of Nebraska, but sadly few do. The Governor does have access to the Director and his staff. The Governor has a large measure of budgetary control which has significant impact on program direction. I think anybody here that thinks politics isn't played every day is being naive, and to say that because they disagree with this bill and that they don't trust politicians, they are different from the rest of the population is...I just

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don't understand that reasoning. Let's face it, everybody that is an elected official today, we all have to defend ourselves because people don't trust politicians. I can remember one politician they compared to as saying, would you buy a used car from this man. I'd just ask you to consider the fact that there is more than meets the eye, and I just think in fairness I should tell you about that hearing that I was present at and that the people that were cross-examined did honestly tell that they studied those bills and if they had their notes in front of them then they would know exactly why they took the action they did. I, myself, couldn't sit down and tell you right now about those certificate of need bills and the difference between them and why I picked one over the other, and I see those bills every day. Thank you, Senators.

SENATOR CLARK: Senator Wesely.

SENATOR WESELY: Mr. President and members of the Legislature, I rise in opposition to LB 249 for a number of reasons. Having served for three years now on the Public Health Committee, I have had an opportunity to work very closely with the Health Department in the State of Nebraska. We have worked primarily working on the certificate of need bill which was referred to previously by Senator Higgins and others. That effort led me to believe that the Health Department is, in fact, a very hard working department, one concerned about consumers in the State of Nebraska and one which we can be proud of and not, in fact, one which we need to change to the status of to place it under the Governor for whatever reasons may be cited today. I think that is quite clear from my experience that their independence was very much a factor that was good because of the fact that they had that independence, they were able to speak out on behalf of the consumers of the state who have to pay high health care costs, and I doubt that if in the status of a code agency they would have felt the ability to speak out as they did on that issue on that legislation. And so I saw that example of where their independent status was, in fact, a positive influence on the state and on this Legislature, I think, because of the information they provided. I think that we saw it with the efforts that they undertook. Senator Marvel participated on a review of the CCU unit at the Regional Center here in Lincoln, with their efforts to try and look into that matter and their persistence in trying to see that something resulted from that that would serve the clients that were being neglected and held in restraints there without much

supervision seems to me to be a very positive thing that they did and again it was one agency looking at another agency and I doubt as a code agency they would have felt the ability to do what they did. So what I am saying to you is that....and I could go on probably from there and talk about other examples. Their independent status, I know that there are some problems that can be cited that people will talk about that maybe will cause you some concern. But there are also benefits to that independent status and I guess we have to take the good with the bad, and with the bad there are things that we can do to deal with those problems short of making it a code agency that I think take care of those particular problems. At the hearing on this bill, time and again I would ask, what are the problems that you identified with the Department? Infrequently did I hear any problems cited, and when a particular problem was cited, I felt that in each case that I heard we could have dealt with it with a particular bill dealing with that particular problem, or through the Governor's oversight or the Legislature's oversight we could have stepped in in a more informal fashion and saw to it that that problem was corrected. It seemed to me time and again that this step which is to change totally the Health Department and make it a code agency was far too large a step to take and one that was not necessary in light of the other alternatives that we have. The Task Force on Reorganization was what recommended this change, and I supported the effort to look at state government, but the Task Force, I thought, was primarily to look at how can they save tax dollars, what can they do about efficiency in government? And quite frankly, I don't see the tax savings with this change. I see this as an increase in the Governor's powers. I see it as the Governor gaining more authority and I think that seems to be what more of the focus of a lot of those Task Force recommendations were instead of what I thought they were going to do which was to save tax dollars. That's what we are really interested in. This isn't going to save any tax dollars I don't think, and, in fact, by taking away the independent status of the Health Department you take away a real vocal advocate on behalf of consumers, a department which has spoken out time and again on behalf of consumers and save them tax dollars...not tax dollars particularly so much as their own dollars by making sure that they get health care treatment that is quality and at a price that they can afford, and I think that is a positive thing that they have done again. I think that it also ought to be noted that there are some concerns that the Governor's interest in this is so acute that there was some vote

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trading, quite frankly, with the Norfolk Regional Center closing with the Governor, and I think that some of you are aware of that. I think it ought to come out in the open. I think that those of you who are going to support this bill ought to realize that there are some individuals in this body who are supporting the bill, not so much on its merits but on the fact that the Governor's backed off on the Norfolk....

SENATOR CLARK: You have one minute.

SENATOR WESELY: Well that's laying it out on the table and maybe that's something that some of us don't like to do, but by God, people ought to know in this state how this bill is going to go through this Legislature, and one of the reasons it's going to go through is that some people are willing to sacrifice a department that I think has done a pretty darn good job in exchange for seeing the Norfolk Regional Center stay open. Regulatory functions are what the primary duty of the Health Department is. Many times you will see regulatory functions are with independent agencies and commissions. I think that is what the status of the Health Department is now and should remain that way. I do think that the concerns that Senator Cullan has expressed are legitimate. I know he is very familiar with the Health Department and I think that what he is trying to do is a sincere effort to try and prove state government, but I know other people have less sincere motives, and on that basis and on my personal experience that the Health Department has functioned well I would urge your opposition to this bill.

SENATOR CLARK: Senator Landis.

SENATOR LANDIS: Mr. Speaker, I call the question.

SENATOR CLARK: The question has been called for. All those wishing to cease debate vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on ceasing debate? The question is ceasing debate. Have you all voted? Ceasing debate. Well, record the vote.

CLERK: 25 ayes, 6 nays to cease debate, Mr. President.

SENATOR CLARK: Debate is ceased. Senator Cullan.

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SENATOR CULLAN: Mr. President and members of the Legislature, and particularly Senator Wesely, now I think you have been hanging around M.G. a little bit too much and I think you know who I am talking about, but I will let that go. Mr. President and members of the Legislature, I think this Legislature has got to stop this ridiculous desire that we have to find some big connection and some big thought behind everything. The reason the Norfolk bill didn't reach the floor is because there were three votes in committee, and I don't think that the people who were not going to support closing the Norfolk Center and the Public Health and Welfare Committee made any trade. Now Senator Wesely, let's just make it very simple. If you had stuck to your original position on saving two and a half million dollars for the State of Nebraska and closing the Norfolk Center, it probably would have been closed. It would have been out here on the floor if you had stuck to the position that you assumed early. But you reversed yourself and maybe you had some legitimate reasons to do that. I personally don't think so, because I think it should have been closed. But I didn't make any deal with anybody. I don't think anybody in the Public Health and Welfare Committee made any deals, and that's where the two issues stopped and any other agreements that you may see are I think just purely ridiculous. But back to the issue. The issue is a good government issue. The issue is whether the Governor of the State of Nebraska is going to have the responsibility and the authority to run the executive branch, or whether we are going to isolate the elected representative of the people from state government by setting up this commission and these boards so that the Governor has no significant authority or responsibility and cannot effectuate his policies. It's that simple. Do you want to continue along the path of isolating the Governor, of isolating bureaucrats from the political process? Then do that. But the logical conclusion in extending that political philosophy across state government means that the Governor sets over there with nothing but veto power over the Legislature and budgetary responsibility. It means that he can't hire and fire anybody. It means that he can't operate state government. And if it is good philosophy for the Department of Health, why isn't it good for institutions? Why isn't it good for Welfare? Why isn't it good for agriculture? Why isn't it good for banking? If that's the philosophy we have, then we might as well set up all these commissions and boards and isolate everything from politics so that the people can't have any control and the bureaucrats can run everything. That's the issue. I urge you to advance LB 249.

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LB 249, 326, 483

SENATOR CLARK: The question before the Legislature is the advancement of 249 to E & R. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: We are voting on the advancement of 249 to E & R. Record the vote.

CLERK: 27 ayes, 6 nays on the motion to advance LB 249, Mr. President.

SENATOR CLARK: The bill is advanced. Senator Landis, you had a motion?

SENATOR LANDIS: I would, unless the Clerk has things to read into the record I would move to adjourn.

SENATOR CLARK: Do you have something to read in, Pat?

CLERK: Quickly, Mr. President, Senator Kremer would like to print amendments to 326; Senator Labeledz to 483. (See pages 1362 and 1363 of the Legislative Journal.)

SENATOR LANDIS: I will move to adjourn until tomorrow morning at 9:00 o'clock, Mr. Speaker.

SENATOR CLARK: You heard the motion. All those in favor say aye. All those opposed. We are adjourned until 9:00 o'clock tomorrow morning.

Edited by

Arleen McCrory
Arleen McCrory

April 10, 1981

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Senator Peterson.

SENATOR H. PETERSON: Prayer offered.

PRESIDENT: Thank you, Senator. Roll call.

CLERK: Mr. President, Senator Higgins would like to be excused until she arrives, Senator Fitzgerald all day, Senator Pirsch for the day, Senators Haberman, Hoagland, Newell, VonMinden and Warner until they arrive.

PRESIDENT: Would everybody register your presence so we can get started on Final Reading. Has everyone registered your presence so we can get started with Final Reading and the Speaker would like to have a productive day so we had better get going. Senator Nichol is ready to go so why don't we all join him? Senator Labeledz, will you press your button so we can get going here. Thank you. Record the presence, Mr. Clerk.

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

PRESIDENT: A quorum being present, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand correct as published. Any other messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 257 and recommend that same be placed on Select File with amendments; 249 Select File with amendments, (Signed) Senator Kilgarin.

Mr. President, LB 17, 59 and 167 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and I do sign LB 17, LB 59 and LB 167.

CLERK: Mr. President, Senator Barrett offers explanation of vote. I have a report of registered lobbyists for the week of April 2 through April 9. (See page 1392 of the Journal.)

Senator Sieck would like to print amendments to LB 241 in the Journal and, Mr. President, new resolution, LR 55 offered by Senator DeCamp. (Read. See pages 1392-1394 of the Journal.) That will be laid over, Mr. President.

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LB 3, 40, 249, 366
LB 35, 379, 381, 392, 479

SPEAKER MARVEL: Record the vote.

CLERK: 14 ayes, 18 nays, Mr. President.

SPEAKER MARVEL: Motion lost. There is still a lot of discussion. Senator Beutler, for what purpose do you arise?

SENATOR BEUTLER: Mr. Speaker, I move to recess until 1:30 p.m. today.

SPEAKER MARVEL: Can we hold that just briefly while we advance LB 249 which is below? Senator Kilgarin, are you there? The E & R amendments to LB 249.

SENATOR KILGARIN: I move the E & R amendments to LB 249.

SPEAKER MARVEL: All in favor of that motion say aye. opposed no. Excuse me?

SENATOR KOCH: Record vote.

SPEAKER MARVEL: On 249? Okay, a record vote has been requested. On the motion to advance, Senator Koch? Okay. All those in favor of the... Okay, the motion now is to advance the bill. We have already advanced the E & R amendments and this or a machine vote has been requested. So, we are voting on the advancement of LB 249. All in favor of that motion vote aye, opposed vote no. The motion is the advancement of the bill. Have you all voted? Have you all voted? Record the vote.

CLERK: Mr. President, Senator Landis requests a record vote. (Read record vote as found on pages 1486-1487 of the Legislative Journal.) 25 ayes, 10 nays, Mr. President.

SPEAKER MARVEL: I have a couple of announcements. First of all, we will return to the bill that is pending. If we don't adopt this procedure you simply lose all the momentum that has been created. So somebody asked the question, do we come back to LB 35 and the answer is yes. In case the chairmen have not received a notice, we will meet at 8:15 a.m. tomorrow in Room 2102 and by this afternoon we will discuss a little bit about appropriation bills so lest you think you are going to have a lot of rest, just come on back this afternoon. Okay.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 381 and recommend that same be placed on Select File; LB 3 Select File; 366 Select File, all (Signed) Senator Kilgarin.

Your Enrolling Clerk has presented LB 40, 379, 392 and 479 to the Governor.

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LB 13, 184, 241, 242,
244A, 298, 477, 478, 486

Reading? Those in favor vote aye, opposed vote no.
Have you all voted? Have you all voted? Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 1607 of the Legislative Journal.) The vote is 41 ayes, 11 nays, 2 excused and not voting and 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 249.

ASSISTANT CLERK: (Read LB 249 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 249 on Final Reading. Have you all voted? Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 1608 of the Legislative Journal.) The vote is 33 ayes, 11 nays, 2 excused and not voting, 3 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. There has been a request to lay over LB 477. Senator Pirsch, do you have any comments you want to make?

SENATOR PIRSCH: Thank you, Mr. Speaker, I do ask that we lay over 477. I have been informed that it does require an A bill, although it is not over the \$50,000 that I thought was necessary to require an A bill. So I will get that in the works immediately and ask you to indulge the lay-over of this bill at the present time.

SPEAKER MARVEL: Hearing no objection, we will pass over the bill. Okay, the Clerk has some items to read in and then we will go to Select File.

CLERK: Mr. President, Senator Carsten would like to print amendments to LB 284A. (See page 1609 of the Legislative Journal.)

Mr. President, your Enrolling Clerk has presented to the Governor for his approval LB 486, 478, 298 and 241.

Mr. President, Miscellaneous Subjects will have a meeting at twelve noon in Room 2102.

Mr. President, Senator Burrows would like to print amendments to LB 184. (See page 1609 of the Legislative Journal.)

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LR 62, 66
LB 132, 249, 296, 327,
331, 499, 512

SPEAKER MARVEL PRESIDING

REVEREND JAMES C. COUSER: (Prayer offered.)

CLERK: Mr. President, Senator Vard Johnson would like to be excused until he arrives; Senator Hoagland would like to be excused for the day; and Senator Beyer, Pirsch and Labedz until they arrive.

SPEAKER MARVEL: Will you record your presence please? Record.

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

Mr. President, first of all, I do have a correction to the Journal. (Read. See page 1620, Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 512 and recommend that same be placed on Select File with amendments; LB 499 Select File with amendments. Both signed by Senator Kilgarin, Chair.

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 296 and find the same correctly engrossed; 327 correctly engrossed; and 331 correctly engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, a new resolution, LR 66 (read). Mr. President, that will be laid over pursuant to our rules.

Mr. President, LBs 132 and 249 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign, LB 132 and LB 249. Item #4, resolutions, the first resolution #62.

CLERK: Mr. President, LR 62 (read). It is found on page 1551.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker and members, if you paid attention to the reading of the resolution, you know that Kenneth Bowen passed away on April the 18th. He was a resident of the 37th District until his death, the District that I represent. You also know that he was a State Senator from '59 to '67 and he was Speaker in '65 of this body. Later he was appointed to the Farmers Home Administration and was Executive Secretary of the League of Nebraska Municipalities.

SPEAKER MARVEL: Debate has ceased. Senator Haberman, do you want to close on your amendment?

SENATOR HABERMAN: Mr. President, members of the Legislature, I will repeat so everybody understands, that state appointed and elected salaried officials will be the only ones covered by the law and it rather amuses me, Senator Koch's remarks, standing up and saying we are taking all of this time on things that really aren't important but it didn't bother him this morning to have us reconsider a bill that we had killed. We also had a senator stand up and didn't know whether to be for my bill or against my bill and he said we ought to have a public hearing and in an answer to that, if we did that to all of the bills that we don't get a copy of we would be having a lot of public hearings so I won't belabor on that. However, I was pleased to hear that there was some support because it is a serious matter to have these people serve on these boards. Now if the body wishes I have an amendment up there to cover county officials if you would like to have that included. If you pass this one you can amend it to include county officials if you wish, however, I feel that if we go with just the state elected and appointed county officials, that will do the job. As to answering Senator Labeledz as to whether it is constitutional or not, I will ask for an opinion if the amendment passes. Thank you very much and I ask for your support for my amendment.

SPEAKER MARVEL: The motion is the adoption of the Haberman amendment to LB 134. All those in favor of that amendment vote aye, opposed vote no. Have you all voted? Have you all voted? Senator Haberman. Four. Do you want a roll call vote? Okay, shall the House be placed under Call? All those in favor of that motion vote aye, opposed vote no. Okay, record.

CLERK: 16 ayes, 12 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please return to your seats and record your presence. Unauthorized personnel please leave the floor. Senator Cope, Senator Schmit, Senator Maresh, Senator Kahle, Senator DeCamp. Senator Nichol, will you please record your presence. Senator Cullan, will you please record your presence. Senator Richard Peterson. Senator Chambers and Senator Clark.

CLERK: Mr. President, if I may while we are waiting, your Enrolling Clerk respectfully reports she has presented to the Governor, 249 and 132.

May 4, 1981

LB 11, 249, 290, 298,
478, 531, 536

PRESIDENT LUEDTKE PRESIDING

DR. ROBERT PALMER: (Prayer offered.)

PRESIDENT: Roll call. Have you all registered your presence? Record the presence, Mr. Clerk.

CLERK: A quorum present, Mr. President.

PRESIDENT: A quorum being present, are there any corrections to the Journal.

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand correct as published. Any messages, reports or announcements.

CLERK: Mr. President, I have an all-party pamphlet of the address to the Governor regarding LB 11. That will be inserted in the Journal. (See page 1700, Legislative Journal.)

Mr. President, your modeling clerk Margaret Kelly reports that she has on this day at 1:00 p.m., May 1, presented to the Governor LB 290 and 536.

A communication from the Governor addressed to the Clerk. (Read. Re: LB 249, 298, 536, 290, 478. See page 1700, Legislative Journal.)

Mr. President, I have a gubernatorial appointment, appoint Mr. Ray Young to the Advisory Committee to the Department of Public Welfare, Institution and Corrections.

Mr. President, I have a series of audit reports from the State Auditor: (Read. See page 1701, Legislative Journal.) Those audit reports will be on file in my office, Mr. President.

PRESIDENT: We are ready then for agenda item #4, Final Reading. The Sergeant at Arms will clear the aisles, see that all unauthorized personnel are off the floor. All members will return to your desks and when everybody is there we will commence with the day's Final Reading.

CLERK: Mr. President, while we are waiting, Senator DeCamp would like to print amendments to LB 531 in the Legislative Journal.

PRESIDENT: All right. Anything further?

CLERK: No, sir.