

January 25, 1982

LB 378, 255A

I have hearing notices from the Constitutional Revision and Recreation Committee for February 4, 5, 11 and 19. That is signed by Senator Labedz. Public Health and Welfare gives notice of hearing for February 2. Banking gives notice of hearing for February 1 and 2.

Mr. President, new A bill, LB 255A offered by Senator Wagner, Hefner and VonMinden. (Read title). (See page 404 of the Legislative Journal).

Mr. President, Senator Stoney asks unanimous consent to be excused February 16 and March 22, 23 and 24.

SENATOR CLARK: No objection, so ordered.

CLERK: Mr. President, the next amendment I have to the bill is offered by Senator Wesely.

SENATOR CLARK: Senator Wesely.

SENATOR WESELY: Thank you. This is the 3rd amendment. This amendment would deal with the question that we were talking about previously about this review committee. What I am trying to do here is to put back in the Health Department the decision making authority on certificate of need and take it away from the review committee that is now presently in LB 378. And again this discussion will parallel what we just talked about with this appeal board. The review committee has got the same problems that we have seen with the appeal board, that is to say there will be a majority of consumers or providers but as we have seen in case after case that doesn't mean that they are going to go the way the consumer wants them to go, rather it seems almost always that the providers are able to draw one or two of the consumers away and get what they want. So this is essentially the strategy on behalf of the hospitals and the nursing homes to try and again take out the authority of the Health Department and put it in this review committee decision making process. So what I am saying is, stay with what we have got. We have got the Health Department making decisions. They make those decisions based on the facts. They are the ones that know the issues. The providers come in and provide their story and that is fine, but the Health Department makes the final determination on behalf of the State of Nebraska, what is best in the interest of the State of Nebraska and the consumers in particular. This is not dissimilar from any other departments that make similar sorts of administrative decisions, the Banking Department, or Ag Department, or other departments that license and otherwise make decisions, that they determine what is best

February 2, 1982

LB 284, 353, 417, 421,
465, 255A, 702, 801

SENATOR CLARK PRESIDING

SENATOR CLARK: The Legislature will come to order. The prayer by the Chaplain, Reverend Gilbert Visser, Hope Reformed Church.

REV. VISSER: Prayer offered.

SENATOR CLARK: Roll call. Will everyone check in please. Senator Vickers, will you let us know you are here please. The Clerk will record the attendance.

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

SENATOR CLARK: We are ready for item #3, messages, reports or announcements.

CLERK: Mr. President, your committee on Business and Labor whose chairman is Senator Barrett to whom was referred LB 801 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File. That is signed by Senator Barrett.

Your committee on Banking, Commerce and Insurance whose chairman is Senator DeCamp reports LB 702 advanced to General File with committee amendments attached. Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 353 and find the same correctly engrossed; 417 correctly engrossed; 421 correctly engrossed; 465 correctly engrossed, all signed by Senator Kilgarin as Chair.

Mr. President, I have a report to the Legislature from the Lewis and Clark Natural Resource District regarding payment of attorney fees and I have an Attorney General's opinion addressed to Senator DeCamp regarding LB 284 passed last session. That will be inserted in the Journal. (See pages 502-504 of the Legislative Journal.)

SENATOR CLARK: We are ready for item #4, LB 255 by Senator Wagner. The Clerk will read.

SENATOR WAGNER: Mr. Speaker, members, this is the A bill that went with 255. It hadn't got on the floor when we moved 255 so it is just the A bill to it so I just move the advancement of it so it can catch up with the other bill on Select File.

SENATOR CLARK: Is there any discussion on 255A? If not, all those in favor vote aye, opposed vote nay. Senator VonMinden, did you want to say something?

SENATOR VonMINDEN: Yes, Mr. Chairman and members of the body, when we passed this through on a Friday a week ago I don't think anybody really understood what we were doing. I just want to read a little bit of this here from the veteran's counsel. It says, "Due to the current economic conditions we know full well the Nebraska Legislature attempt to not only hold the line on spending but to also hold the line on increasing taxes. In an effort to cooperate with Legislature in their attempts we respectfully request that LB 255 be amended to provide for \$250,000." I just want to alert you people to the attention that the veteran's counsel will go along with reduction of the monies that we get too and I want to commend them for it and let you people know that we're trying to have a reduction of veterans' programs as well as the rest of Nebraska.

SENATOR CLARK: Any further discussion? The question before the House is the advancement of 255A. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 25 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced. We're ready for item #5, special order, a thirty minute time limit, LB 440.

CLERK: Mr. President, LB 440 offered by Senator Kilgarin. (Read title.) The bill was first read on January 20 of last year. It was referred to the Education Committee for a public hearing. The bill was advanced to General File, Mr. President. On January 11 of this year the committee amendments were adopted. At that time there was a motion to advance the bill to E & R initial. That motion failed.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: Thank you, Mr. Speaker. First of all there is an amendment on the bill and you can find the amendment on page 1471 of your Journal although I am having Pages hand out a copy of it also. It is on the front and back. Senator Wiitala offered this amendment at my request and it deals with the students who might sit on the school board, whether or not they can sit in executive session and this would prohibit them from sitting in executive session for personnel reasons and this was one of the major objections early on General File that was raised on the bill that people were concerned about these young people sitting in on these personnel matters and I would

February 4, 1982

All Senators that are in their seats, please check in. Will you all check in or shall I call out the names? Senator Sieck, Senator Kremer. All right, they are all here. Do you want a roll call vote? The Clerk will call the roll. They are all here.

CLERK: (Roll call vote taken. See page 545, Legislative Journal.) 27 ayes, 20 nays, Mr. President.

SENATOR CLARK: The motion lost. The next motion is to place #758 on General File notwithstanding the action of the committee. Senator Fowler. The Clerk would like to read in and the Call is raised.

CLERK: Mr. President, your committee on Revenue whose Chairman is Senator Carsten instructs me to report LB 819 advanced to General File with the committee amendments attached. That is signed by Senator Carsten as Chair. (See page 546 of the Journal).

Mr. President, Banking, Commerce and Insurance gives notice of cancellation of hearing. Signed by Senator DeCamp.

Mr. President, Senator Wesely would like to withdraw LB 237. That will be laid over.

Senator Vickers would like to print amendments to LB 230 in the Legislative Journal. (See pages 546 and 547 of the Journal). Senator Kahle to print amendments to LB 703 in the Legislative Journal. (See pages 547 and 548 of the Journal). Senator Schmit to print amendments to LB 421 in the Journal. (See page 549 of the Journal).

Mr. President, new A bill, 590A by Senator Kilgarin. (Read title).

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 255A and recommend that same be placed on Select File; 440 Select File with amendments; 314 Select File with amendments; 131 Select File with amendments; 287 Select File with amendments; 649 Select File; 571 Select File; 598 Select File and 646 Select File. Those are all signed by Senator Kilgarin as Chair. (See pages 549 through 552 of the Legislative Journal).

Mr. President, Senator Fowler moves that LB 758 be placed on General File notwithstanding the actions of the Appropriations Committee.

days to come and I would make one other statement. And because I happen to be a perfectionist why I get in trouble periodically but we have attempted to handle a very difficult package of bills and I, for one, find it very reluctant to sit and settle on half of the bills or twenty-five percent of the bills but as far as...let me repeat what I said before. I appreciate your comments. When we come back next week we will try to at least get together with the chairmen and I consider the fact that what you had to say and what you had to suggest was done in all sincerity and, therefore, I appreciate it. Criticism doesn't bother me except for the first twenty-five minutes it happens. Mr. Clerk...The first order of business is LB 402. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 402.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. LB 525, Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendment to LB 525.

SPEAKER MARVEL: The motion is the adoption of the amendments to LB 525. All those in favor...okay, we're on E & R amendments now, okay. The motion is the adoption of E & R amendments to LB 525. All those in favor of that motion say aye, opposed no. The motion is carried. The amendments are adopted. The motion now is to advance the bill.

SENATOR KILGARIN: I move we advance LB 525.

SPEAKER MARVEL: All those in favor say aye, opposed no. The motion is carried. LB 255, Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 255.

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

SENATOR KILGARIN: I move we advance LB 255.

SPEAKER MARVEL: The motion is to advance 255. All those in favor of that motion say aye, opposed no. The motion is carried. Go ahead.

SENATOR KILGARIN: I move we advance LB 255A.

SPEAKER MARVEL: The motion is the advancement of the bill. All those in favor of the motion say aye, opposed no. The motion is carried. The bill is advanced. Okay, there is an additional item put on 435 so it will be crossed off and

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.

April 13, 1982

LB 255, 255A

more thing. All we want is \$12 million which we still have but we haven't spent it. Just imagine if we would give a bonus like some other states had given, if we would give a bonus to World War I guys, let's say \$300 like Iowa did and just give it to fifty thousand veterans would have been \$15 million so all we are asking is \$12 million. I just want to remind you next year of what we are doing this year by delaying it another eight months. Thank you.

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

SENATOR WARNER: Mr. President, I guess I didn't speak too clearly the first time. The purpose of the amendment is to have the funds placed into the trust fund April 1 rather than July 1. It still would have the full \$250 thousand at that time but it would ease some of the cash flow problems this summer if it would be done at that time and Senator Wagner has indicated that he would be willing to support this and that is the only reason for doing it. So I would move the bill be returned to place that later date of April 1.

SENATOR CLARK: The question before the House is the return of LB 255. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 29 ayes, 1 nay, Mr. President, on the motion to return the bill.

SENATOR CLARK: Now the amendment.

SENATOR WARNER: Mr. President, I move the amendment be adopted as explained.

SENATOR CLARK: Is there any discussion on the amendment? If not, all those in favor vote aye, opposed vote nay. Record the vote, Dick.

CLERK: 35 ayes, 1 nay, Mr. President, on adoption of Senator Warner's amendment.

SENATOR CLARK: The amendment is adopted. Now the return of the bill. All those in favor of readvancing the bill say aye, opposed. The bill is readvanced. Anything further on the bill?

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

SENATOR CLARK: We will take up LB 255A.

CLERK: Mr. President, Senator Warner would move to return LB 255A to Select File for a specific amendment.

April 13, 1982

LB 255A, 412

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, this is the A bill, the same thing we did to the other, the April 1st date. I move the bill be returned to adopt the same date.

SENATOR CLARK: Is there any discussion? The question is the return of LB 255A. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 28 ayes, 1 nay, Mr. President, on the motion to return the bill.

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

SENATOR WARNER: Mr. President, I move that the amendment be adopted.

SENATOR CLARK: Is there any discussion on the amendment? If not, all those in favor of the amendment vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 29 ayes, 1 nay on the motion to adopt the amendment, Mr. President.

SENATOR CLARK: The amendment is adopted. Now on the readvancement of the bill. All those in favor of readvancing LB 255A say aye, opposed. The bill is readvanced. We will take up LB 242. I'm sorry, we will go to LB 412.

CLERK: Mr. President, Senator DeCamp would move to return LB 412 to Select File for a specific amendment.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, this is eminently simple. It is simply setting up the court test to continue and you put \$10 thousand into it. I've gone over it with Senator Warner and some others and I think they agree how important it is to find out what the limitations on the Legislature are. Senator Newell explained to me that he isn't opposed to it, he said, he and his group, that the only thing they were opposed to was my putting it on LB 816. So I am putting it on LB 412. It is germane perfectly to that bill. Senator Warner was the one that brought that to my attention. I guess I simply urge you to adopt the amendment. I think it is a good amendment.

April 13, 1982

LB 255, 255A, 412

SENATOR CLARK: We've got two bills on the way up here. If we can just hold off until we get the two bills on the way up. Senator Haberman.

SENATOR HABERMAN: I believe you ruled a few minutes ago at twelve o'clock we were through and the session....

SENATOR CLARK: Just a minute, we have two bills to read in here.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 255 and find the same correctly engrossed; LB 255A correctly engrossed and LB 412 correctly engrossed.

SENATOR LANDIS: Move to adjourn.

SENATOR CLARK: All right, that is not debatable. Yes, what is your point?

SENATOR CHAMBERS: I think the record should show that those bills were read at twelve o'clock, not before twelve midnight.

SENATOR CLARK: The motion is to adjourn. All those in favor of adjourning say aye, opposed. We are adjourned until tomorrow morning at nine o'clock.

Edited by Arleen McCrory.
Arleen McCrory

April 16, 1982

LB 212A, 255, 255A

CLERK: (Read LB 212A on Final Reading.)

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

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Record.

CLERK: (Read record vote as found on pages 1967-1968 of the Legislative Journal.) 37 ayes, 11 nays, 1 excused and not voting, Mr. President.

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

ASSISTANT CLERK: (Read LB 255 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. Those in support vote yes, those opposed vote no. It requires 33 votes.

ASSISTANT CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Record.

ASSISTANT CLERK: (Read roll call vote as found on page 1968 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

SENATOR LAMB: LB 255E passes on Final Reading. Before we continue we have from Senator DeCamp's district, 6 eighth grade students and 4 adults from St. John's Catholic School Petersburg, Nebraska, Don Adams, Principal, in the North balcony, and by the way, Senator DeCamp attended this school. Would you please stand and be recognized if you are still in the area. Thank you for visiting your Legislature. Also from Senator Warner's district, 40 fourth grade students, Mrs. Jill Lambert, teacher, in the North balcony. Please rise and be recognized. Welcome to your Legislature. The next bill is LB 255 A (E).

ASSISTANT CLERK: (Read LB 255A 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. Those that are in support vote yes, those opposed vote no. It takes 33 votes.

April 16, 1982

LB 255A, 404

ASSISTANT CLERK: Senator Lamb voting aye.

SENATOR LAMB: Have you all voted? Record.

ASSISTANT CLERK: (Read record vote as found on page 1969 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President.

SENATOR LAMB: LB 255A (E) passes on Final Reading. The next bill is LB 404.

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

SENATOR LAMB: Read the motion.

CLERK: Senator Beutler would move to return LB 404 to Select File for a specific amendment, the amendment being to strike Section 13 of the bill.

SENATOR LAMB: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I want to make a few points about this bill because I think it is one that perhaps...well it is one on which I want to be sure that everyone is aware of what the bill does and the implications of the bill because I believe that it represents the creation of a major new bureaucracy. The motion itself is directed at striking Section 13 which creates the Department of Aging and what the bill does basically is create a new Department of Aging to pick up many of the functions that are being performed now and to set up a system of area agencies and a system that parallels to some extent, it appears to me, the mental retardation regions. The first point that is troublesome to me and I want to make clear at the beginning that I am not against specific programs for the aging. There are a number of problems that Senator Fowler and others have addressed that I think need to be addressed and we need to continue to address. My point in getting up today is not to oppose programs for the aging as such but to ask you to think about whether the kind of structure, the kind of formalized structure that we are setting up in government with this bill is, in fact, a good idea. Let me say first of all that I think in my opinion, that it is philosophically incorrect for government to set up agencies based on age groups, whether it is for the aging or for the young or for the middle-aged. There are truly problems associated with all the different stages of life and I don't think it is right for the government to single out a particular stage of life and say we are

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

April 16, 1982

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

April 16, 1982

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.