

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.

March 30, 1981

LB 263, 317, 447, 450,  
451, 459, 448

provide the service.

SENATOR COPE: Thank you.

SPEAKER MARVEL: Senator Koch, do you want to close?

SENATOR KOCH: Mr. Speaker, I will be very brief. I know that in visiting with Senator Warner and other members of the committee, Appropriations, that we do have some problems in relationship to dollars to be expended for certain kinds of services, but I am requesting that this body place the bill eventually on Final Reading and it will have to rest there for a while until we determine how monies are going to be appropriated, and if we find that there is some way we can squeeze a little bit, I would think it would be most appropriate that this bill be advanced and that we try this. The reason I say this is that I don't know how the Appropriations Committee handles all the agencies working with the handicapped in the different kinds of programs, but I am certain with what we did last year in the Coordinating Commission, now we take the mental retardation districts into consideration that we are going to get a more coordinated effort and that we are going to have a sharing of responsibilities, a rightful sharing of responsibilities in regard to education, residential care and a host of other problems that are naturally associated with that issue. I am asking that the body advanced LB 317 to E & R Initial as amended.

SPEAKER MARVEL: The motion is to advance the bill to E & R Initial. All those in favor vote aye, opposed vote no. Record the vote.

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

SPEAKER MARVEL: The motion carried. The bill is advanced.

CLERK: Mr. President, while we are waiting, your committee on Public Health and Welfare whose Chairman is Senator Cullan, reports 448 to General File with amendments, 459 to General File with amendment, 450 to General File with amendments, 451 to General File, 263 to General File with amendments, 447 indefinitely postponed. (See pages 1190 through 1193 of the Legislative Journal.)

January 14, 1982

LB 450, 263

yes. Senator Wagner voting yes. Senator Beyer voting  
yes. Senator Vickers voting yes. Senator Wiltala voting  
yes. Senator Duda voting yes.

SPEAKER MARVEL: Record the vote.

CLERK: 26 ayes, 7 nays, Mr. President, on the adoption of  
the committee amendments.

SPEAKER MARVEL: The motion is carried. The committee amend-  
ment is adopted. Senator Cullan, do you wish to explain  
the bill? Senator Warner, sorry.

SENATOR WARNER: Mr. President, I move LB 450 be advanced.  
This is the one on the Board of Examiners of Podiatry and  
again it has the same comparable provisions of the other  
two bills in that the attendance of the board is only pre-  
sent for examinations involving practical work, that the  
fees are adjusted to reflect the range, and the specific  
fee set by the board to reflect the administrative cost.  
A statement of purposes is included now minus the protection  
of the public in making sure that the facility has ample  
health inspections. Then the bill also has the provisions  
relative to adopting requiring them to have rules and regula-  
tions defining conflict of interest and it, of course,  
strikes the termination date as in the law for sunset,  
and the emergency clause, the same proceedings as the other  
two bills. I move it be advanced.

SPEAKER MARVEL: The motion before the House is the  
adoption of the amendments to LB 450. The motion is to  
advance. All those in favor vote aye, opposed vote no.  
Record the vote.

CLERK: 32 ayes, 0 nays on the motion to advance the bill,  
Mr. President.

SPEAKER MARVEL: Motion carried. The bill is advanced. Next  
bill is 263.

CLERK: Mr. President, LB 263 offered by the Public Health  
Committee. (Title read.) The bill was read on January 16  
of last year, referred to the Public Health Committee for  
hearing. The bill was advanced to General File. Mr. Pre-  
sident, there are committee amendments pending.

SPEAKER MARVEL: The Chair recognizes Senator Cullan to  
speak to the committee amendments in regard to LB 263.

SENATOR CULLAN: Mr. President, members of the Legislature,

LB263 was brought to the Public Health and Welfare Committee by the Department of Health and, specifically, the Bureau of Examining Boards within the Department of Health. They frequently bring legislation of this type before the Legislature to adjust fees for the various professional review boards and examining boards within the Department. This particular bill as introduced made a number of changes in fees for funeral directors from \$30 to \$50 and also changed the fees for dental hygienist, osteopaths, physical therapists, funeral directors, embalmers, chiropractors, podiatry, pharmacy, dentistry, medicine and surgery as well. The committee decided that we would change the whole approach so far as fees are concerned for all of these various agencies. We decided to adopt a proposal and I believe this proposal actually was embodied in legislation that came to us in the sunset process from Senator Warner's committee, and that is that the fees be between \$10 and \$50 and then the particular examining board set those fees somewhere within the \$10 to \$50 range to cover the cost of their own operation and that way we would not have this type of legislation coming before the Legislature every year to make a \$3 or \$4, \$5 adjustment on this fee and a \$10 adjustment on that fee, that they would have to set it somewhere between the \$10 range and the \$50 range and again they would have to set those fees so as to cover their cost of operation. We also included fees for veterinarians as well within this \$10 to \$50 range. Those are the committee amendments, and I urge you to adopt them.

SPEAKER MARVEL: Senator Goodrich, do you wish to be recognized?

SENATOR GOODRICH: Yes, would Senator Cullan yield to a question please.

SENATOR CULLAN: Yes, Senator Goodrich.

SENATOR GOODRICH: Senator Cullan, in doing this same kind of review of fees in the Appropriations Committee, we have noticed, for example, that there are a lot of fees that cannot possibly cover the cost of administering, in not necessarily this list but all the lists. We covered every fee we could find in the statutes, and what I am wondering, have you given any consideration to those fees that cannot be covered by the cost, in other words, cannot cover the... the fee, in other words, cannot be set at such a level as to cover the cost so that we could then recover some of the cost from some of the other fees to help offset the losses that we are going to be taking that we have to make up in general funds and that sort of thing in those that



cannot cover the cost?

SENATOR CULLAN: Senator Goodrich, the committee has not taken a look at that approach although I think that that is an approach that would be justified, and if the Appropriations Committee or any member of the Legislature would offer that type of an amendment, I personally would support it. But the Public Health and Welfare Committee did not look at funds spilling over from one examining board to another which is the concept I believe you are suggesting but I would personally...I don't think that a \$50 fee is excessive for someone who is practicing, who is in the professional practice, and it wouldn't bother me to see a reasonable fee set for everyone and have the funds spill over. I think that is a good concept and perhaps you can draft something before the bill reaches Select File and put it on.

SENATOR GOODRICH: Okay, I am not objecting to a \$50 fee either but I am just saying that we ought to take a complete look at this particular picture so that we then can generate as much revenue as we can from all of the fees, not just this section of fees, so that we then are in a position to pull money over into the general fund to offset the general fund appropriations we have to make to carry on some of these other accounting fees and some of the other costs of operating some of these departments. The Appropriations Committee, I believe, is going to come out with a legislative bill to do just that, and when we get to that point, we may want to even include some of these fees in that bill which would amend this particular bill. So this particular bill maybe go ahead and go through but get amended by the second, subsequent bill.

SENATOR CULLAN: The only problem I see with that, Senator Goodrich, is that if the fee is so high that it is a tax and not a fee, if it is not in some way related to a license, of course, as this related to some...to the regulatory process or to some service that the state has to provide for that profession to be practiced, and if the fee becomes excessive and is spilled over to the general fund, then I, personally, would question whether that is a fee, a license fee, or whether it is a tax and, of course, if it is a tax, we have all kinds of constitutional and legal problems that you do not have if it is a license fee. So I think you have to be awfully careful about making those fees too high for that purpose.

SPEAKER MARVEL: Do you want to close on the committee amendments, Senator Cullan? Senator Warner, will you respond to the Clerk please?

January 14, 1982

LB 263

SENATOR WARNER: We can take it up now. The amendment I sent up, Mr. President, was addressed or written I think to the bill but it could...rephrase it and be written to the committee amendment.

CLERK: Mr President, Senator Warner's amendment would strike Section 2, original Section 2 from the bill.

SPEAKER MARVEL: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, the original Section 2 increases the per diem for this particular board and I know there is legislation in Senator...one of the committees, Government Committee... and the Appropriations Committee has bills dealing with per diems, expenses for all boards and it is going to be dealt with and I think it would be well to take this out of this issue so we can attain consistency which is the purpose of the other two bills across the board. So I would move adoption of the amendment to take that particular issue out of this bill since it will be and can be dealt with in other legislation that will be before us. I am not arguing the merits of a change...don't do it here.

SPEAKER MARVEL: The motion is the adoption of the Warner amendment to the committee amendments on LB 263. All those in favor of the motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 26 ayes, 0 nays on adoption of Senator Warner's amendment.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. The committee amendments as amended, Senator Cullan.

SENATOR CULLAN: I move the adoption of the committee amendments as amended.

SPEAKER MARVEL: The motion is to adopt the committee amendments. All those in favor vote aye, opposed vote no. These are committee amendments as amended to LB 263. Have you all voted? Record.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SPEAKER MARVEL: Motion is carried. Amendment is adopted. Okay, the motion first is to advance LB 263. All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 26 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: Motion is carried. Bill is advanced. Next.

January 20, 1982

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

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

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

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

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

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

January 29, 1982

LB 198, 263, 353, 370

have an amendment on 305. Pat, why don't we pass over that one and we will go down to the others and we will come back to that one and the amendment. Let's go to LB 263.

CLERK: There are E & R to 263.

SENATOR KILGARIN: I move the E & R amendments to LB 263.

SENATOR CLARK: What did you say?

SENATOR KILGARIN: I move the E & R amendments to LB 263.

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

SENATOR KILGARIN: I move we advance LB 263.

SENATOR CLARK: The motion is to advance LB 263. All those in favor say aye, opposed. The bill is advanced. LB 370.

SENATOR KILGARIN: I move the E & R amendments to LB 370.

SENATOR CLARK: The E & R amendments to be adopted. All those in favor say aye, opposed. The E & R amendments are adopted.

SENATOR KILGARIN: I move we advance LB 370.

SENATOR CLARK: The motion is to advance 370. All those in favor say aye, opposed. The bill is advanced. LB 353.

SENATOR KILGARIN: I move we advance LB 353.

SENATOR CLARK: The motion is to advance LB 353. All those in favor say aye, opposed. The bill is advanced. We will now go back to LB 198.

CLERK: Mr. President, with respect to LB 198, I have first of all E & R amendments to the bill, Senator.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 198.

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

CLERK: Mr. President, the next amendment I have is offered



February 4, 1982

LB 32, 69, 192, 198, 229, 231, 239,  
263, 264, 270, 309, 347, 370, 403,  
418, 423, 431, 448, 449, 490, 492,  
511, 542, 563-66, 572, 592

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by Pastor Glenn Frazier of the Antelope Park Church of the Brethren.

PASTOR FRAZIER: Prayer offered.

SPEAKER MARVEL: Roll call. Please record your presence. Will you please record your presence? Senator Cope and Senator Warner, would you please record your presence? Record.

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

SPEAKER MARVEL: Do you have anything to read into the record?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 69 and find the same correctly engrossed; 192, 198, 231, 239, 263, 370, 431, 448, 449, 511 and 592 all correctly engrossed. (See pages 540 through 544 of the Legislative Journal).

Mr. President, LBs 32, 229, 264, 309, 347, 403, 418, 423, 490, 492, 542, 563, 564, 565, 566, and 572 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 engrossed LB 32, engrossed LB 229, engrossed LB 264, engrossed LB 309, engrossed LB 347, engrossed LB 403, engrossed LB 418, engrossed LB 423, engrossed LB 490, engrossed LB 492, engrossed LB 542, engrossed LB 563, engrossed LB 564, engrossed LB 565, engrossed LB 566, engrossed LB 572. We are down to item #4, motions, and the first motion concerns LB 270.

CLERK: Mr. President, LB 270 was last considered by the Legislature January 27th. At that time Senator Barrett offered a motion to indefinitely postpone the bill. That motion prevailed. Subsequent to that action, Senator Cullan offered a motion to reconsider the body's action to indefinitely postpone LB 270. That motion is found on page 450.

SPEAKER MARVEL: The Chair recognizes Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature,

February 11, 1982

LB 198, 231, 239, 263

ASSISTANT CLERK: (Read LB 198 on Final Reading).

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass with emergency clause attached? Those in favor vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 655 of the Legislative Journal). The vote is 47 ayes, 0 nays, 1 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading with emergency clause attached. The next bill is LB 231. The Clerk will read.

ASSISTANT CLERK: (Read LB 231 on Final Reading).

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass with emergency clause attached? Those in favor vote aye, opposed vote no. Clerk, record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 656 of the Legislative Journal). The vote is 47 ayes, 0 nays, 1 present and not voting and 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next bill, LB 239 on Final Reading.

ASSISTANT CLERK: (Read LB 239 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. Have you all voted? Have you all voted? Clerk, record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 657 of the Legislative Journal). The vote is 46 ayes, 2 nays, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 263.

CLERK: (Read LB 263 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass?

February 11, 1982

LB 263, 370, 431, 448

Those in favor vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: (Read the record vote as found on pages 657 and 658 of the Legislative Journal.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Next.

CLERK: (Read LB 370 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. Have you all voted? Senator Goll, do rise for a purpose?

SENATOR GOLL: Really not much of a purpose, Mr. Speaker. I just....that's right, I just would like to remind the Legislature that the water is still running down the Platte River and so thank you very much.

SPEAKER MARVEL: Record.

CLERK: (Read the record vote as found on page 659 of the Legislative Journal.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Senator Newell, do you wish to lay over your bill? The next one...431?

SENATOR NEWELL: Yes, I have an amendment that just walked in I have to review. If we could lay it over for a moment, then I will prepare the amendment and deal with it later on Final Reading.

SPEAKER MARVEL: Okay, we will go to then, Mr. Clerk, to 448. LB 448, the Clerk will read.

ASSISTANT CLERK: (Read LB 448 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. Have you all voted? Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 659 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

February 16, 1982

LB 192, 198, 231, 239,  
263, 370, 448, 450,  
465, 511, 592

Mr. President, Senator Barrett would like to have an executive session of the Business and Labor Committee tomorrow at ten-thirty, is that right, Senator, ten-thirty in the West Lounge. That is tomorrow morning, Business and Labor Committee.

Mr. President, Senator Duda asks unanimous consent to be excused all day February 17.

Mr. President, I have Legislative Bills passed on Final Reading 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 592, 511, 448, 370, 263, 239, 231, 198, 192, 450 and LB 465. We have one more guest that we would like to introduce. I believe he is under the North balcony, here as a guest of Senator Kremer, Mr. John Harris from Aurora. He has filed for the Legislature from the 34th District. Would Mr. Harris stand up and be recognized. Welcome to your Unicameral, Mr. Harris. And now the Chair recognizes the Honorable Senator Nichol from Scottsbluff, Nebraska.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I want you to know that western Nebraska is still in great shape. Since it is Valentines Day just past and you need a little sweetening up, I heard a few remarks while out west over the weekend and so I thought I would sweeten you up a little today. There is some sugar from the Great Western Sugar Company up in front of the podium and I would ask that you would please take a bag for yourself. I would like to take the credit for buying this but I didn't buy it. It was given to me to give to you, and in spite of what Senator Dick Peterson says, why it is still a good food to eat and if he wants equal time that is fine but I thought I would return good for evil and bring you a little sugar this morning. Thank you.

PRESIDENT: Thank you, Senator Nichol. Did Senator Richard Peterson have something to add or another point? Senator Peterson.

SENATOR R. PETERSON: Yes, Mr. Speaker, fellow colleagues, I would encourage my fellow colleagues to hands off all the sugar that is up there and you know the dentist and that are saying...I don't know, maybe Senator Nichol is being paid off by the dentist because you know this is bad for your teeth, so for gosh sakes go to honey.