

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 16, 1981

LR 38
LB 101, 134, 193, 241, 267,
296, 368, 430, 490, 497

SPEAKER MARVEL: The motion is carried. The report is approved. Now we go to the last one, Banking, Senator DeCamp.

SENATOR DeCAMP: The committee voted unanimously to support the approval of Gwen Hershberger. I move she be approved by the Legislature. She is from Milford.

SPEAKER MARVEL: All in favor of the DeCamp motion on behalf of the Banking Committee to approve the young lady from Milford vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of the report.

SPEAKER MARVEL: The motion is carried. The report is adopted. It is my privilege to introduce to the Legislature David Noonan who is a student from Bethany School and is visiting Senator Fitzgerald today. Will you please stand and hold up your hand so we can see where you are? Okay. From Senator Goll's District, 19 junior and senior students from Tekamah-Herman High School, Tekamah, Nebraska, Mr. Gordon Gentzler, Instructor, Mr. Gene Chamberlain, member of the American Legion, who was instrumental in bringing the group to Lincoln. Where are you folks located? Will you hold up your hand so we can see? Welcome. And from Senator Goodrich's District, 31 eighth grade students from St. Thomas More School, Omaha, Nebraska, Miss Kathy Wilcox, teacher. Where are you folks located? The Clerk has some items to read in and then we will move to item #5.

CLERK: Your committee on Urban Affairs whose Chairman is Senator Landis reports 241 to General File with amendments. (Signed) Senator Landis.

Public Health and Welfare whose Chairman is Senator Cullan reports 267 and 296 to General File with amendments. (Signed) Senator Cullan, Chair.

Mr. President, your committee on Miscellaneous Subjects whose Chairman is Senator Hefner reports a series of items to the Legislature; reports LB 134 to General File, LB 490 to General File; LB 497 to General File with amendments; LB 101 Indefinitely postponed; LB 193 Indefinitely postponed; LB 368 Indefinitely postponed; and LB 430 Indefinitely postponed. All signed by Senator Hefner as Chair.

Mr. President, a new resolution, LR 38. (Read. See pages 937 and 938, Legislative Journal.) That will be laid over, Mr. President.

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SENATOR SCHMIT: Because we know if you include the incorporated area the rural people will be outvoted ten to one most times and we don't like that and so as a result we exclude them. Ladies and gentlemen, it won't work and as Senator DeCamp has said, we will be coming back here next year and try to bail ourselves out quietly, peacefully and piecemeal. Rather than to get ourselves out of a trap, let's stay out of the trap.

SPEAKER MARVEL: I think we need to recess now. Let me indicate the order after the recess. Senator Koch, Senator Lamb, Senator Beutler and Senator Haberman. Do you have something to read in?

CLERK: Mr. President, new bills. (Read by title for the first time, LBs 814-819 as found on pages 266-267 of the Legislative Journal.)

Mr. President, a new resolution, LR 206 by Senator Chambers. (Read as found on pages 267-268 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, Senator Richard Peterson would like to print amendments to LB 267. (See page 268 of the Journal.)

And, finally, LR 203, 200 and 197 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 LR 203, 200 and 197. Senator Vickers, do you want to recess us until one-thirty, please?

SENATOR VICKERS: Mr. President, I move that we recess until one-thirty this afternoon.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. We are recessed until one-thirty.

Edited by L. M. Benischek
L. M. Benischek

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.

SENATOR CLARK: The question before the House is the adoption of the committee amendments. Is there any discussion? If not, all those in favor vote aye, opposed vote nay. Adoption of the committee amendments.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

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

SENATOR CLARK: The committee amendments are adopted. Senator Peterson, on the bill.

SENATOR R. PETERSON: Mr. Speaker, colleagues, there is some...I have some amendments up there.

CLERK: Mr. President, Senator Peterson did have an amendment on 268 and I understand he wishes to withdraw that and offer instead the following amendment: (Read Peterson amendment as found on pages 391-392 of the Legislative Journal.)

SENATOR CLARK: Is that printed in the Journal?

CLERK: That one is not, Senator.

SENATOR CLARK: Has it been distributed? It is a substantial amendment and it should be distributed on the desk before it can be heard.

SENATOR R. PETERSON: Mr. Speaker, it was just corrected and brought to my attention by Senator Hoagland and we have not had time to get that...it was just changed the last few minutes.

SENATOR CLARK: You go ahead and take it up and we'll get copies.

SENATOR R. PETERSON: Okay.

SENATOR CLARK: Because it is substantial. These amendments are tough to follow if you don't have an amendment on the desk. Go ahead.

SENATOR R. PETERSON: Yes, Mr. Speaker, I appreciate you taking to get those printed. I apologize that this was changed just at the last minute. Yes, the first amendment on line 2, following "committee amendment" it says,

insert, "of a state or local association or society composed of health practitioners licensed pursuant to the provisions of Chapter 71, article 1." Amendment 1 ensures that these provisions apply only to peer review committees established pursuant to the general licensure laws governing the medical professions. By so limiting the scope of this law we do not repeal any implication of the provisions governing the medical review panels established in the Medical Malpractice Act, Nebraska Hospital Medical Liability Act of the medical staff committees or utilization committees used in hospitals. And the second amendment is, it just permits a court of record to remit access to peer review committee proceedings only upon showing them extraordinary circumstances.

SENATOR CLARK: Are you talking about the second half of the amendment?

SENATOR R. PETERSON: Yes, I talked twice. Did you want just one at a time?

SENATOR CLARK: No, as long as there is not two amendments, but that is just the second half of the one amendment?

SENATOR R. PETERSON: That is all the amendment.

SENATOR CLARK: Go ahead.

SENATOR R. PETERSON: Both of these amendments were the result of meetings between the proponents of the bill and the Nebraska Association of Trial Attorneys. They provide the protection needed for these committees without immunizing the proceedings when extraordinary circumstances exist. I move for the adoption of these committee amendments.

SENATOR CLARK: Is there any discussion on the amendments? Senator Fowler.

SENATOR FOWLER: Mr. President, I guess I would ask of Senator Peterson a little clarification as to what would constitute extraordinary circumstances in this type of situation?

SENATOR CLARK: Senator Peterson.

SENATOR PETERSON: It is drawn down now from extraordinary circumstances to good cause, Senator Fowler.

SENATOR FOWLER: So it replaces the term "good cause" for "extraordinary circumstances"?

SENATOR R. PETERSON: That is right.

SENATOR FOWLER: Okay, then I would ask what is a good cause for putting these records or opening these proceedings to the court? Just kind of to establish what we are trying to...establishes the criteria, what would be a good cause to enable a court to go into these transcripts and proceedings?

SENATOR R. PETERSON: Well with the peer review committee, I guess sometimes they have had several cases where they wanted to get into the files of the peer review committee and there was no objection from the dentists themselves to get from their records but they felt that they didn't need to get into the peer review committee's more or less reports and so, good cause, I guess you'd have to be, you know, or a certain circumstance would have to rise.

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: Okay, thank you.

SENATOR CLARK: Is there any further discussion? If not, the question before the House is the adoption of the amendment. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 25 ayes, 0 nays on adoption of Senator Peterson's amendment.

SENATOR CLARK: The amendment is adopted. Do you have any further amendments?

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

SENATOR CLARK: Do you want to explain the bill then, Senator Peterson?

SENATOR R. PETERSON: Yes, Mr. Speaker. This bill was suggested to me by a constituent who is chairman of the Peer Review Committee of the Nebraska Dental Association. That association as with similar medical groups has local committees and a statewide supervisory committee to view inquiries and complaints concerning dentists. The committees are made up of dentists which is the reason for the name, Peer Review, and each local committee investigates complaints in the committee's area. Once an investigation is complete the peer review committee informs the dentist involved of the results and where possible, act as

an informal arbitration board between the dentist and the patient. The peer review committees do not have any legal authority over either the dentist or the patient, however, the results of the work of these committees have been good and have often resulted in a better communication and understanding between dentists and their patients. There is a concern that a peer review committee's activities could be dragged into legal dispute between a dentist and a patient. This has happened or rather was attempted on at least one occasion. Since committee proceedings are informal, the use of committee discussions or reports in a lawsuit would not be fair to either party. More importantly from the point of view of the Dental Association if peer review committee proceedings are not confidential the candor and effectiveness of those proceedings will be reduced. The bill provides that peer review committee testimony and conclusions may not be introduced at a trial unless a court finds that extraordinary circumstances exist. The bill does not prevent the introduction at trial of any evidence obtained outside the peer review committee proceedings. In short, the bill does not change the conduct of lawsuits involving medical providers. Peer review committees have not traditionally been involved in lawsuits and this bill would preserve that desirable situation. The Public Health and Welfare Committee amended the bill to include the peer review committees of all medical providers and I have offered amendments to exclude those committees formed under the Medical Malpractice and Hospital Utilization Committees. I urge you to advance LB 267.

SENATOR CLARK: Is there any further discussion on the bill? If not, the question is the advancement of 267 to E & R. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 31 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced. Senator Warner. We're going to pass over 270. We will go to 255E.

CLERK: Mr. President, LB 255 offered by Senators Hefner, Von Minden and Fitzgerald, Wagner, DeCamp, Fowler, Wesely, and Chronister. (Read title.) The bill was read on January 16 of last year, referred to the Appropriations Committee for public hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Appropriations Committee.

SPEAKER MARVEL PRESIDING

DR. PALMER: Prayer offered.

SPEAKER MARVEL: Roll call. Please record your presence.

CLERK: Mr. President, Senators Beutler and Goll would like to be excused until they arrive. Senators Warner, Kilgarin and DeCamp would like to be excused for the day, Mr. President.

SPEAKER MARVEL: Have you all recorded your presence?

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

SPEAKER MARVEL: Before we proceed it is my privilege to introduce to the Legislature 30 new fellows from a program known as L.E.A.D. and L.E.A.D. is a two year program of intensive training of the young agricultural leaders for tomorrow. It is designed to build a storehouse of leadership, an informed group of young men and women who can deal with the issues and the issues that affect Nebraska agriculture in its relationship to the whole state and the nation. Each year 30 young Nebraskans, primarily between the ages of twenty-five and forty, are selected as agricultural leadership fellows for the two year course of study. Three-fourths of them are from production agriculture. Other candidates are selected from the ranks of agribusiness. They must have demonstrated a strong leadership potential. It was my privilege along with Senator Wesely to spend two hours last evening at Nebraska Wesleyan visiting with this fine group and so will you please give a hand to members of the L.E.A.D. program and when you get an opportunity maybe you can visit with them so let's give them a hand before we start. Welcome to the Unicameral.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: A quorum being present, Mr. Clerk, any corrections to the Journal?

CLERK: The Journal is without error this morning, Mr. President.

PRESIDENT: Okay, any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that we have carefully examined and reviewed LB 375 and recommend that same be placed on Select File with amendments; LB 267 Select File with amendments and LB 255 Select File with amendments, all signed

February 1, 1982

LR 211
LB 115A, 267, 758

SPEAKER MARVEL: The motion is carried. The amendment is adopted. The motion is to advance the bill. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Have you all voted? Record.

CLERK: 25 ayes, 12 nays on the motion to advance the A bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The A bill is advanced. The Clerk has some items to read in before we recess.

CLERK: Mr. President, Senator Fowler would move that LB 758 be placed on General File notwithstanding the action of the committee. That will be laid over.

Mr. President, Senator Richard Peterson would like to print amendments to LB 267 in the Legislative Journal. (See page 497 of the Journal).

Mr. President, new resolution, LR 211 by Senator Beutler and Senator Marsh. (Read LR 211 as found on page 497 of the Legislative Journal). That will be laid over, Mr. President.

SPEAKER MARVEL: Senator Von Minden, do you want to adjourn us until 9:00 tomorrow morning?

SENATOR VON MINDEN: Mr. Chairman, I move we adjourn until tomorrow morning at nine o'clock.

SPEAKER MARVEL: All those in favor of that motion say aye. Opposed no. The motion is carried. We are adjourned until nine o'clock tomorrow morning.

Edited by *L. M. Benischek*
L. M. Benischek

March 1, 1982

LB 335, 267

CLERK: 25 ayes, 10 nays on the motion to indefinitely postpone the bill, Mr. President.

SENATOR CLARK: LB 335 is indefinitely postponed. We will now go to LB 267.

CLERK: Mr. President, with respect to LB 267, there are E & R amendments pending, Mr. President.

SENATOR CLARK: Senator Kilgarin, E & R amendments on 267.

SENATOR KILGARIN: I move the E & R amendments on LB 267.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. They are adopted.

CLERK: Mr. President, Senator Richard Peterson will now move to amend the bill. The amendment is found on page 496 of the Journal.

SENATOR CLARK: Senator Peterson.

SENATOR R. PETERSON: Yes, Mr. Speaker and fellow colleagues, this amendment would put back in extraordinary circumstances. The reason for adding the wording "extraordinary circumstances" is to provide the maximum amount of confidentiality to such proceedings thus encouraging participation while still not hampering the legal process. Many existing confidentiality laws contain similar wording. One example is the Section 71-2048 on hospital utilization review committees. An example of an extraordinary circumstance would be if a witness were to die and the only way to get the information to serve the ends of justice would be to subpoena peer review records. All information presented at peer review hearings in all but the rarest case would still be available to attorneys through normal discovery procedures. The purpose of making these words confidential is to encourage professionals to participate in these voluntary peer review programs. Many of these programs are conducted very informally and they are not meant to be courts of law but they do effectively settle disputes that might otherwise help clog the court dockets. We should do what we can to encourage the smooth operation of such voluntary systems. The trial attorneys and the dentists are in agreement on this and even helped...the attorneys helped draft this so I ask for its adoption.

SENATOR CLARK: Senator Vard Johnson.

SENATOR V. JOHNSON: Senator Peterson, I do have a couple of questions of you if you would just give me a little bit

of your time. Looking at your amendment, it seems as though if we adopt your amendment, then the language would read as follows: "Nothing in this act shall prohibit a court of record after a hearing and for good cause arising from extraordinary circumstances being shown from ordering the disclosure of such proceedings, minutes, records, reports, and communications." What kind of extraordinary circumstances were the dentists thinking of or the attorneys thinking of, Senator Peterson, do you know?

SENATOR R. PETERSON: Well, Senator Johnson, the one that I just related to was one extraordinary circumstance if a witness happened to die and the only way to get the information to serve the ends of justice would be to subpoena the peer review board would be one instance.

SENATOR V. JOHNSON: And that is the only one that you know of offhand?

SENATOR R. PETERSON: Yes.

SENATOR V. JOHNSON: Well, my only problem with the amendment is, and I am kind of meditating on it, whether to vote for it or against it, is that it is a very heavy standard. The words that Senator Peterson wants to insert really would seem to me to make almost unavailable to any litigants in a court proceeding records from the peer review proceedings because it would seem to me that extraordinary circumstances are not very ordinary circumstances and are not the kind of things that you are going to find happening too very frequently, so by and large it would appear that if we adopt that particular amendment that the underlying data from peer review proceedings effectively would not be available to litigants who were brought actions from malpractice or other kinds of improper conduct by a dentist, and I am inclined to think that would be a bad policy. I think that we ought to at least allow persons the ability to get after those records for good cause being shown which is what Senator Peterson did in his initial amendment. I don't think that we ought to literally lock up the records though and throw away the key which is I believe what his proposed amendment would do. For that reason I am going to oppose the proposed amendment and would suggest that the body do the same.

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

SENATOR R. PETERSON: Mr. Speaker and fellow colleagues, this bill would not restrict the introduction into evidence of documents available for ordinary sources which were presented to the peer review committee like dental records from

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LB 267

the dentist office or a testimony at a trial of a peer review committee member or a witness before a committee as to matters within his knowledge, what would mean a dentist giving his professional opinion because of his advanced training, the so-called expert witness. So it would not do that but what it would do is would put in like the introduction at trial of a peer review report or documentation of other official proceedings. It would have testimony at trial by anyone in attendance at a peer review committee meeting as to any evidence introduced or any findings of the peer review committee and it would permit the following and a testimony at trial by any witness at a peer review committee meeting directly related to his testimony before the committee on opinions by him as a result of committee hearings and I ask for your adoption of this amendment.

SENATOR CLARK: The question before the House is the adoption of the Peterson amendment. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? It looks like the action is slowing down. Have you all voted on the adoption of the Peterson amendment? The House is technically still under Call. All Senators should be in their seats. Have you all voted? Record the vote.

CLERK: 27 ayes, 1 nay, Mr. President, on adoption of Senator Peterson's amendment.

SENATOR CLARK: It is adopted. I realize it is a dental vote but it is harder to pull teeth than it is to get those votes. I will raise the Call. Senator Peterson, do you wish to...is there anything further on the bill?

CLERK: Mr. President, Senator Fowler had an amendment. I understand he wishes to withdraw that.

SENATOR CLARK: All right, it is withdrawn. Anything further?

CLERK: Nothing further, Mr. President.

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

SENATOR KILGARIN: I move we advance LB 267.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The bill is advanced. LB 378.

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LB 378, 267

SENATOR WESELY: Yes. I understand there is a difference of opinion on it but we're both trying to accomplish the same thing and allow for both sides to appeal. I think it is a similar situation to when I raised the question about the clinical equipment which Senator Cullan is now including in this amendment that there was indeed a problem and that is now being corrected in the amendment. I still feel that there is a problem with this language and I don't see where the problem would be in clarifying it. My intent is the same as Senator Cullan but there is some uncertainty and if you could amend this at this point I would appreciate it very much. I think it would clarify the situation.

PRESIDENT: Alright, the motion then is the adoption of the Wesely amendment to the Cullan amendment. All those in favor vote aye, opposed nay. Have you all voted on the Wesely amendment to the Cullan amendment? Record the vote.

CLERK: 10 ayes, 24 nays, Mr. President, on the adoption of the Wesely amendment to the Cullan amendment.

PRESIDENT: The motion failed. We are back to the Cullan amendment. Senator DeCamp.

SENATOR DeCAMP: I'll waive at this time too.

PRESIDENT: There is no one else that wants to speak so, Senator Cullan, I guess you may close.

SENATOR CULLAN: Mr. President, I really have no closing. I think the amendments are, even the opposition Senator Wesely agrees are just pretty much of a technical nature and make one concession to Senator Wesely and one I think is also an improvement in ensuring the review panel can be totally consumers with no providers.

PRESIDENT: Alright, the motion then is the adoption of the Cullan amendment to LB 378. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of the Cullan amendment.

PRESIDENT: The motion carries. The Cullan amendment is adopted. The Clerk will read a matter in at this point.

CLERK: Mr. President, very quickly, your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 267 and find the same

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LB 267

vote no. Have you all voted? Have you all voted? Record.

CLERK: 36 ayes, 0 nays on the adoption of the first report, Mr. President. Mr. President, the second report offered by Public Works Committee is found on page 1152 of the Legislative Journal in regards to Mr. Guy Bush and Reed Gilmore.

SENATOR LAMB: Senator Kremer.

SENATOR KREMER: I thought we just approved the appointments. There are two separate ones, Senator.

SENATOR KREMER: We take them one at a time?

CLERK: Yes, sir.

SENATOR KREMER: Okay, we are on Mr. Gilmore now?

CLERK: We are on Mr. Gilmore and Mr. Bush, right.

SENATOR KREMER: Again, our committee recommends approval by the entire body of the Governor's appointment to the Oil and Gas Conservation Commission. I move that we approve the appointment.

SENATOR LAMB: All those in favor of the motion vote aye, those opposed vote no. Have you all voted? Record.

CLERK: 38 ayes, 0 nays, Mr. President, on the approval of the report.

SENATOR LAMB: We are now ready to begin Final Reading. All Senators return to their seats, all unauthorized persons leave the floor. Will all members please take their seats so we can begin Final Reading. The first bill on Final Reading is LB 267. Will the Clerk please read the bill?

CLERK: (Read LB 267 on Final Reading.)

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

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Record.

CLERK: (Record vote read. See page 1183, Legislative Journal.) 44 ayes, 0 nays, 4 excused and not voting, 1 present and not voting, Mr. President.

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March 16, 1982

LB 267, 383

SENATOR LAMB: The bill is passed on Final Reading. Before we proceed, we have some guests of Senator Kilgarin and all Omaha Senators, 43 junior high school students from Central High School in Omaha, Mr. Dean Neff, Instructor, in the North balcony. Please rise to be recognized. Welcome. I might explain that under the Constitution we read all bills on Final Reading and sometimes this is not too interesting but stick around, it gets more exciting as the day goes on. The next bill on Final Reading is LB 383. Please read the bill.

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

SENATOR LAMB: Read the motion.

CLERK: Senator Nichol would move to return LB 383 to Select File for specific amendment and Senator Nichol's amendment is on page 1014 of the Legislative Journal.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, this amendment was brought to us by the Department of Roads drafter who wished to clarify the language. It does not change the meaning of the bill any. You will recall that we were talking a few days ago about large wreckers removing large semis from roads or a position of peril, and in the measurement of these combined vehicles, that is the semi, the semi trailer, and the wrecker, the overall length should not be more than 95 feet. So what this does is just to use the word "combined" so that it is more clear that we are talking about a length including the semi trailer, the semi tractor and the wrecker. I move for the adoption...no, let's see, I guess I want to bring it back to Select File first. I move to bring LB 383 back to Select File from Final Reading.

SENATOR LAMB: You have heard the motion. All those in favor vote aye, opposed vote no. Have you all voted? Record.

CLERK: 41 ayes, 0 nays, Mr. President, on the motion to return the bill.

SENATOR LAMB: Senator Nichol on the amendment.

SENATOR NICHOL: Mr. Chairman, since the bill is returned to Select File, I move for the adoption of the amendment I explained a minute ago.

SENATOR LAMB: The Chair recognizes Senator Haberman.

SENATOR HABERMAN: A question of Senator Nichol, please.

SENATOR LAMB: Will you respond, Senator Nichol?

March 18, 1982

LR 243
LB 202, 267, 449, 579, 606, 628, 630,
654, 662, 692, 702-703, 717-719,
728-729, 778, 801, 829, 852

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by LeRoy Hofker, Treasurer of Gideons International, the bible distribution society, from Lincoln, Nebraska.

LeROY HOFKER: (Prayer offered).

PRESIDENT: Roll call. Have you all registered your presence so we can get underway? Senators Wagner and Fowler, if you would go over there to the desk and push that button, we could get underway. Senator Higgins, if you will push that button, I will show you are here. Okay, have you all registered your presence? 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 this morning, Mr. President.

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

CLERK: Mr. President, LBs 267, 702, 717, 449, 579, 662, 718, 719, 728, 729, 778, 606, 630, 801, 703, 692, 654, and 829 are ready for your signature; as is LR 243.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 267, 702, 449, 579, 662, 718, 719, 728, 729, 778, 606, 630, 654, 692, 703, 801, and 829.

CLERK: Mr. President, Senator Wagner would like to print amendments to LB...I am sorry, Senator Wesely, to print amendments to LB 852.

And Senator Chambers would move to reconsider the vote to indefinitely postpone LB 202. That will be laid over.

PRESIDENT: Okay, so ordered. We are ready then for Final Reading. The Sergeant at Arms will secure the Chamber, all members will return to your desks, and all other people will leave the floor of the Legislature. We are ready for Final Reading. All right, Mr. Clerk, I guess we are all in place so let's proceed with the reading of LR 628 on Final Reading.

CLERK: (Reading of LB 628 on Final Reading.)

LB 69, 267, 359, 435, 449, 579, 606, 628,
630, 654, 662, 692, 702, 703, 717, 718,
719, 722, 728, 729, 778, 782, 801, 829

March 22, 1982

PRESIDENT: The amendment is adopted. We are going to stop now and recess until 1:30 and then we will come right back onto this bill. Senator Nichol, would you like to recess us until 1:30. We have one communication to read in.

CLERK: Mr. President, engrossed LBs 267, 359, 435, 449, 579, 606, 628, 630, 654, 662, 692, 702, 703, 717, 718, 719, 722, 728, 729, 778, 782, 801, 829 and 69 were signed by the Governor on March 19 and delivered to the Secretary of State.

SENATOR NICHOL: Mr. Chairman, I move we recess until 1:30 this afternoon.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed. We are recessed until 1:30.

Edited by:

Marilyn Zank
Marilyn Zank