

January 8, 1981

LB 20-30

many in today as you can prior to the time of our recess until this afternoon. Proceed, Mr. Clerk.

CLERK: Read LB 20-30 for the first time as found on pages 80-82 of the Legislative Journal. Read LR 1 as found on pages 82-83 of the Journal. Mr. President, pursuant to our rules LR 1 will be laid over.

PRESIDENT: The Chair recognizes Speaker Marvel.

SPEAKER MARVEL: The first motion I would like to make is that committee chairmen please get with the members of your committee before ten o'clock tomorrow morning at which time you can turn in a report to the Clerk as to who the other officers of your committee may be, by ten o'clock tomorrow morning. You can do it now if you want to. Is that enough of that?

PRESIDENT: All right, are there any questions by any of the committee chairpersons on that? As I understand it, Mr. Speaker, you are asking the committee chairpersons to call the committee together between now and tomorrow morning to get that done?

SPEAKER MARVEL: Yes.

PRESIDENT: Okay, any questions? Anything further, Mr. Speaker?

SPEAKER MARVEL: Now do you want me to read the escorts for this afternoon?

PRESIDENT: That will be fine if you would like to do that. If the members of the Legislature would listen. The Speaker is going to advise you as to who will be selected to escort the various people on the ceremonies this afternoon.

SPEAKER MARVEL: The green sheets indicate the inaugural ceremonies and if you will turn to that particular sheet we will give you the recommendations that we have for escorts. So we start with the Board of Education and Senator Landis will escort his father. Senator Koch will escort Mr. Monahan. Senator Goll will escort Mr. Thompson and Senator Warner will escort Mrs. Greene. The second category, escorting Mr. Payne led by Senator Cope, also including Senator Chronister and Senator Pirsch. So there will be three escorting Mr. Payne and of the three escorts, since Senator Cope comes from Kearney he will lead the parade. The third category has to do with Public Service Commission and Eric Rasmussen will be escorted by Senator Maresh and Jack Romans will be

Mr. President, I have a lobby registration report for the interim period covered by April 19, 1980, through January 6, 1981. That will be inserted in the Legislative Journal. (See page 94 of the Journal.)

Mr. President, I have a reference report from the Executive Board referring legislative bills 1-36. That is signed by Senator Lamb as Chairman. (See pages 94-95 of the Legislative Journal.)

Mr. President, I have in my possession proposed lease renewals as supplied us by the State Building Division. Those will be on file in my office. I also have a report from the Nemaha Natural Resources Districts regarding payment of attorney fees. (See page 95 of the Journal.)

Mr. President, Senator Hefner would like to announce that Senator Barrett has been elected as vice chairman of the Miscellaneous Subjects Committee.

Mr. President, Senator Labedz would like to announce that Senator Pirsch has been elected vice chairman of the Constitutional Revision and Recreation Committee.

Mr. President, Senator Marvel would once again like to announce a meeting or a chairperson's caucus for Monday, January 12 at 9:00 a.m. in Room 1520. It is a chairperson's caucus for Monday, January 12 at 9:00 a.m. in Room 1520.

PRESIDENT: The Chair will recognize Speaker Marvel once more for additional announcement concerning procedure.

SPEAKER MARVEL: I think, Mr. President, the first thing we need to note is the fact that we are using valuable time that we may wish we had at the end of this session. I guess I am going to repeat this every day for a while and so would you please put on the Clerk's desk whatever legislation you have so that we can once again begin processing this legislation which means that the Exec Board needs to meet and refer the bills as soon as they have been processed by the Clerk and, therefore, I remind you first of all, get the bills in and, secondly, that the Exec Board then will have to meet to refer the bills. Now this process has to go on even if we may only meet until noon. Now, Mr. President, is that the... Pat, is there anything else to say about the reference of bills?

CLERK: No, sir, not that I am aware of. I think Senator Lamb might want to make a...

CLERK: Mr. President, LB 29. (Read title) The bill was first read on January 8 of this year. It was referred to the Judiciary Committee. The bill was advanced to General File. There are committee amendments pending by the Judiciary Committee, Mr. President.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. President, members of the Legislature, the purpose of LB 29 is to extend the statute of limitations on causes of actions based on asbestos injuries so that the statute of limitations begins to run from the date of discovery, the date of the discovery of the injury rather than from the date of the injury occurred. In committee we received testimony that several of the asbestos related diseases may have a latency period in excess of twenty years. In its original form the bill provides that if jurisdiction cannot be obtained over a particular manufacturer of the asbestos products, then the manufacturer's principal distributor or seller over whom jurisdiction could be obtained would be deemed for purpose of adjudication the manufacturer of the product. At the public hearing it was agreed that local distributors or sellers should not be made civilly liable in regard to such actions unless such distributor or seller is also the manufacturer. After discussion the committee adopted an amendment which would strike the language creating jurisdiction over such distributors and sellers if jurisdiction cannot be obtained over the manufacturer. I move for the adoption of the committee amendment.

SPEAKER MARVEL: The motion is the adoption of the committee amendments. All those in favor of that motion vote aye, opposed no. We are voting on the committee amendments to LB 29. Have you all voted? Record.

CLERK: 28 ayes, 0 nays on adoption of committee amendments.

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. The Chair recognizes Senator Beutler. Excuse me, before...well, go ahead. Go ahead, Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, with this bill the issue is simple. The issue is whether a person who contracts cancer through exposure to asbestos is going to have a right to his day in court or whether he isn't going to have a right to his day in court. Let me explain to you basically what the bill does. Essentially we are eliminating what is called the "statute of repose" with regard to one narrow area of injuries, that is, injuries that occur

through exposure to asbestos. In the products liability law right now, there are really two protections set out that cut off lawsuits after a period of time. One of those is called the "statute of limitations", and basically it provides that you have to bring a lawsuit within four years after an injury is discovered. Basically the period is four years. Under this bill that basic four year requirement is not changed. The language is changed slightly but basically the statute of limitations stays in place. Once you discover that you have been injured by exposure to asbestos, then you are still required to within four years of that discovery bring your lawsuit. That is one mechanism that is staying in place. The other mechanism is called the "statute of repose" and if you want to look at the wording of it, on page 2 of the bill, it is found beginning on line 9 through line 16 and basically what that says is that ten years after a product is sold or leased for use there is an absolute cut off date. In other words, if the injury occurs more than ten years ago, it is just tough luck, no suits can be brought. There are lots of questions and lots of legal articles written about the fairness of statutes of repose generally but I am not here today arguing against the statute of repose broadly. I am arguing against its application in this particular area and there is one important reason why and that reason is that with regard to cancers caused by asbestos there is a latency period that extends in many cases far, far beyond ten years. By latency period I mean that the time period between the occurrence of the injury, the time of exposure to the asbestos, and the time that the symptoms begin to appear, that is, the time that it is discoverable, is far in excess of ten years. So the situation that is created is basically this, that by the time a man discovers that he has been injured by exposure to asbestos he has no chance to bring a lawsuit whatsoever because he cannot by the nature of the injury discover it within the ten year period. This bill is limited specifically to asbestos type items and I want to make that very clear. There is a second point that I want to make very clear. With the amendment that we put on last year and with the amendment that has been put on in committee this year lawsuits cannot be brought against any local businessman. They cannot be brought against the local retailer or any local distributor. The lawsuit can be brought only against the manufacturer of the product. So those are two what I think are very reasonable limitations on the bill. By the way, I have distributed to you for your review a letter from the Peoria School of Medicine from a doctor who has worked in this area which describes in a little bit more detail the problem of latency periods. So if you have questions about that, please take a look at the letter. For your information and as a final point, I would just tell you a little bit

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about the history of the bill. Actually it was before the Legislature last year and referenced to the Banking Committee. It was approved by the Banking Committee after accommodating a couple of amendments that were requested by the Association of Commerce and Industry and put out on the floor and then it was one of a hundred and some bills that ended up dying on the floor last year because we introduced too many bills. This year it went to the Judiciary Committee and it has been approved by the members of the Judiciary Committee and now it is out here once again, hopefully for your approval. Thank you.

SPEAKER MARVEL: The Chair recognizes Senator Fitzgerald. Do you want to close, Senator Fitzgerald?

SENATOR FITZGERALD: Yes, sir.

SPEAKER MARVEL: Maybe I should recognize two others first and then let you close.

SENATOR FITZGERALD: Thank you.

SPEAKER MARVEL: Senator Lamb and then Senator Vickers.

SENATOR LAMB: Mr. President and members, I would like to make just two points, the first one is that Senator Beutler said this is a very narrow bill which deals with only one certain particular problem. Yesterday his argument was that we should not pass bills which deal with a very narrow segment, that we should have them broad-based. So my other point is more substantial and that is that it seems to me we are talking about one particular product. Is there not other products that should be covered? For instance, I have heard that cigarette smoking after a period of time becomes injurious to your health. Maybe for a short time you don't notice it but this would be another product that maybe should be covered under it. My other point is that what does it do to the businessmen that are involved. I see that the seller is, on line 18, page 3, the seller is mentioned in the bill as one who would be liable. It seems to me that while we certainly do not want to do anything to injure the health of the people that we at the same time must have some sort of compassion or some sort of mechanism whereby the innocent seller of the product could have some recourse or could not be just absolutely put out of business because of something that happened many, many years later that he has no control over. Thank you.

SPEAKER MARVEL: Senator Vickers.

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SENATOR VICKERS: Mr. Speaker, I would like to ask Senator Beutler a question, if he would respond please.

SPEAKER MARVEL: Senator Beutler, do you yield?

SENATOR BEUTLER: Yes, sir.

SENATOR VICKERS: Senator Beutler, you mentioned that this is strictly asbestos that we are dealing with here. You made that point very clear. I would like to ask you if the many chemical compounds set out in the bill and in the language it says "or any combination thereof", are you positive that there is nothing else that would have any of those chemical compounds in any other combination that would not fall under this statute other than asbestos?

SENATOR BEUTLER: Yes, I am.

SENATOR VICKERS: Let me ask you another question. Instead of putting in the chemical compounds, why didn't you just simply insert the word "asbestos" or "asbestos related compounds"?

SENATOR BEUTLER: Because the words that were actually used were more specific than the term "asbestos". Asbestos is a type of mineral fiber which is included within these other mineral fibers.

SENATOR VICKERS: Why would it be more specific than the term "asbestos"? Could you, can the term "asbestos" be used in any other form that wouldn't actually be "asbestos"?

SENATOR BEUTLER: Once more please.

SENATOR VICKERS: You said that these chemical compounds are more specific than using the term "asbestos". I am asking you if you would put "asbestos" in here instead of the chemical compounds, what else could fall under it then?

SENATOR BEUTLER: I guess I am not quite sure whether "asbestos" is a technical word, Senator Vickers. "Asbestos" may have a reference that is not specific. It is a general word. The specific words that are used in the bill are those minerals, I am not sure I am using the proper words, but are those compounds that contain...that are recognized as what we call "asbestos".

SENATOR VICKERS: Okay, thank you, Senator Beutler.

SENATOR BEUTLER: That language, by the way, that was one of

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the compromises with labor and industry or commerce and industry. They wanted the specific language set out and so we did it that way.

SENATOR VICKERS: Thank you. I am not that familiar with these compounds but I guess it just bothers me a little bit that we insert all these compounds, there is six different compounds here, and then we say "or any combination thereof", and we are going to put this in the statutes and I am just a little concerned that some combination including these compounds might be developed that is not developed right now that would not be a cancer causing agent and we might be putting in the statute something that would cause some individual selling this product to have the possibility of a lawsuit down the road and I would personally be much more comfortable if we meant asbestos if we would say asbestos.

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I wonder if Senator Beutler would yield to a couple of questions, please.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Yes, sir.

SENATOR CULLAN: Senator Beutler, I guess I have a misunderstanding about the bill. The way I read the committee amendments, sellers would not...you would not be changing the liability under current Nebraska law as far as sellers are concerned and maybe I misunderstand it or maybe Senator Lamb and I read that language differently but I wonder if you could clarify for us and I'd ask Senator Lamb if he could follow this, if you could clarify for us the liability of sellers under...those who sell these products under your proposal.

SENATOR BEUTLER: Yes, again, sellers are not liable and the reason is that the committee amendment took out the language which Senator Lamb referenced earlier. The committee amendment took out the language starting on line 15, "If jurisdiction cannot be obtained", et cetera, down through line 21, the end of that sentence, "product." Therefore, if we can't get jurisdiction over the manufacturer, then the worker who has been injured is just out of luck because with that sentence out he cannot sue a distributor or a seller.

SENATOR CULLAN: Okay, thank you. Senator Lamb, I hope you followed that but that was one amendment that I know a large number of the members of the Legislature were concerned about.

The other question I would have for you, Senator Beutler, is that I understand that the Association of Commerce and Industry raised some objections to this proposal at the public hearing on this issue and that you made some effort to compromise or to meet their concerns, is that accurate?

SENATOR BEUTLER: That is accurate. The committee amendment is an effort to accommodate the Association of Commerce and Industry and last year there were two amendments that were put on to accommodate them also.

SENATOR CULLAN: Okay, thank you very much, Senator Beutler, I very much appreciate the responses that you have to our questions. Mr. President, members of the Legislature, I rise to support this particular proposal as it has been amended. Many members of the Legislature were here when we handled the products liability issue in the past and you can recall some of the concern that we had at that time about latent injuries and the cases like this when problems develop that are not discovered for some time. I think that this proposal is a good one and I hope that you consider it. In the absence of this proposal, there are some things that will happen in the State of Nebraska. If there is an individual that would have a cause of action under LB 29 and if this bill did not pass and he still had been injured, his alternative would be to perhaps sue the manufacturer in another state. That, of course, is a great burden to the residents of the State of Nebraska who have been injured and so I hope that for the sake of the citizens of the State of Nebraska who in this particular case have suffered perhaps grievously in the past, that we can allow them to bring their suits in the State of Nebraska. They can perhaps be litigated less expensively in this state, more convenience to most of the parties, and certainly to the residents of the State of Nebraska. So I hope that you would support Senator Beutler's proposal.

SPEAKER MARVEL: Senator Goll.

SENATOR GOLL: Mr. Speaker, my question has been answered.

SPEAKER MARVEL: Senator Wesely.

SENATOR WESELY: I pass.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President, I have a question of Senator Beutler or Senator Fitzgerald would be okay, too.

SPEAKER MARVEL: Senator Fitzgerald, do you yield? Okay.

SENATOR HEFNER: Okay, we have a committee amendment that strikes the language from line 15 to 21. Okay, how about the following sentence: "Nothing in this subsection shall be construed to limit any other action from being brought against any seller of this product...?, could you tell me what that sentence means? Shouse we strike that, too?

SENATOR FITZGERALD: I thought the committee amendment struck that. Senator Nichol, does your committee amendment strike that section? That was the intent that we had...about seller.

SENATOR NICHOL: Mr. Chairman and Senator Fitzgerald, yes, that was the purpose of the amendment was to take out the seller so that the only one liable would be the manufacturer. Now the only time a seller would be liable if he is also the manufacturer but that was the purpose of the amendment was to take out the seller.

SENATOR HEFNER: Okay, I have one more question. Senator Nichol, would you care to answer?

SPEAKER MARVEL: Senator Nichol, do you yield?

SENATOR HEFNER: My concern is from the last sentence in that section.

SENATOR NICHOL: What does it say, sir?

SENATOR HEFNER: Okay, it says, "Nothing in this subsection shall be construed to limit any other action from being brought against any seller of a product in accordance with this section."

SENATOR NICHOL: Well, as I take that to mean, Senator Hefner, is that if something else is wrong other than this problem that would create cancer. I don't know, for example, if the seller handled it wrong and then hurt somebody or any other claim that the seller might have outside of this addressing the cancer producing qualities of asbestos.

SENATOR HEFNER: Then we could go back onto the seller?

SENATOR NICHOL: Yes, you can go back on the seller any day for anything you want but we are talking, addressing now specifically asbestos and the cancer producing qualities of asbestos only. Yes, this law doesn't exclude seller from anything that might come down the pike, no. That is right. It never has.

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SENATOR HEFNER: You feel then we should leave this last sentence in?

SENATOR NICHOL: Yes, yes, I do unless you want another bill or go back for another hearing because we are speaking and this bill is narrowed down to the cancer producing qualities that asbestos has and nothing else.

SENATOR HEFNER: Okay, thank you, Senator Nichol.

SPEAKER MARVEL: The motion is the advancement of LB 29 as amended. All those in favor vote aye, excuse me. Senator Fitzgerald, do you wish to close.

SENATOR FITZGERALD: I was just looking at the audience, Mr. Speaker. I will have just a short closing. First of all, I would like to say that we have no manufacturers whatsoever that manufactures asbestos in the State of Nebraska. So nobody locally here would ever be sued. Quite a few of the fellows that are asbestos coverers live in my district. This is why I took the bill last year and this year and this here is basically an amendment to the present products liability law so that a worker who has been harmed by a dangerous product, such as asbestos, will be able to have his day in court if he files a lawsuit within four years after he discovers he has been injured by the product. The problem with the current law is that many workers who have dealt with asbestos will not know for twenty years or more whether they have been harmed and under the current law they would not be able to do anything about it because of the ten year limitation. The point I would like to emphasize to you is that this mandates nothing, this law, that all it does is gives the worker a day in court and he has to prove that asbestos was the cause of him having cancer. I thank you and I hope you advance this over to E & R Initial.

SPEAKER MARVEL: The motion is the advancement of the bill. All those in favor vote aye, opposed vote no. Have you all voted? Record.

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

SPEAKER MARVEL: The motion is carried and the bill is advanced. Senator Fitzgerald, do you and Senator Haberman have a guest you wish to introduce? You don't have one.

SENATOR FITZGERALD: I see him back here, Senator, but I wouldn't put him in the category of a guest because I think he is one of us, and a guest to me is a person that comes

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SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: ...this morning by Rabbi Mark J. Bisman, Tifereth Israel Synagogue, 3219 Sheridan Boulevard, Lincoln, Nebraska.

RABBI BISMAN: Prayer offered.

SPEAKER MARVEL: Roll call, please record your presence.

CLERK: Mr. President, Senators Wagner, Carsten, Warner, Carsten and Wagner would like to be excused all day, Senator Fenger and Higgins until they arrive. Mr. President, Senator Vard Johnson would like to be excused until he arrives.

SPEAKER MARVEL: Will you please record your presence if you haven't already. Okay, record.

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

SPEAKER MARVEL: Item #3. Do you have anything to read in?

CLERK: Yes, sir. Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 156 and recommend that same be placed on Select File with amendments; LB 28 Select File; LB 29 Select File; LB 42 Select File with amendments, (Signed) Senator Kilgarin, Chairman. (See page 440 of the Legislative Journal.)

Mr. President, I have LRs 4, 9, 10, 13, 14 are ready for your signature as well as engrossed LBs 1, 2, 60, 71, 57 and 141.

SPEAKER MARVEL: While the Legislature is in session I am about to sign and do sign LR 4, LR 9, LR 10, LR 13, LR 14, LB 1, LB 2, LB 60, LB 71, LB 57 and LB 141.

CLERK: Mr. President, I have a reference report referring LB 543 and LR 12; rereferring LB 526 as well as a number of gubernatorial appointments. (See pages 441-442 of the Journal.)

Finally, Mr. President, I have a report from the Thurston County Sheriff's Department pursuant to statutory section 23-362.

SPEAKER MARVEL: Senator Warner is excused today so we are going to pass over #4, item #4 and move to item #5 which is General File and the first order of business is LB 165A.

CLERK: Read LB 165A.

SPEAKER MARVEL: Senator Lamb.

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LB 28, 29, 42

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. LB 28.

CLERK: There are no E & R amendments, Senator.

SENATOR KILGARIN: I move LB 28 be advanced to E & R for engrossment.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. LB 29.

CLERK: No E & R amendments, Senator.

SENATOR KILGARIN: I move LB 29 be advanced to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. LB 42.

CLERK: There are E & R amendments, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 42.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried.

CLERK: Mr. President, I now have an amendment from Senator Nichol. (Read Nichol amendment as found on page 470 of the Legislative Journal.) That is offered by Senator Nichol.

SPEAKER MARVEL: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Well as I get it from the attorneys the statutes should all be changed to thirty days but the old statutes remain at one month and in a different section it should be thirty days to be commensurate with the rest of the statute and that is why I understand we need this. I didn't think there was all that much difference between thirty days and one month but this is the way they say it should be done. Perhaps Senator Hoagland might want to speak to this, perhaps not, but I think that is the rationale on it. Ask for the adoption of the amendment.

SPEAKER MARVEL: The motion is the adoption of the amendment as explained by Senator Nichol. All those in favor say aye... okay machine vote. All those in favor vote aye, opposed vote no. We are voting on the adoption of the Nichol amendment to LB 42. Record the vote.

CLERK: 30 ayes, 0 nays on adoption of Senator Nichol's amendment.

grows. So I sincerely ask that this bill be indefinitely postponed.

SPEAKER MARVEL: The motion is the indefinite postponement of LB 85. All those in favor of killing the bill vote aye, opposed vote no. Have you all voted? Okay, record the vote.

CLERK: Mr. President, Senator Haberman has requested a record vote. (Read record vote as found on pages 487 and 488, Legislative Journal.) 13 ayes, 23 nays on the motion to indefinitely postpone.

SPEAKER MARVEL: Motion lost.

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

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: Mr. President, I would move that the bill be advanced. I think as indicated this is one cost efficient way to provide senior citizen transportation. It is not the total solution. Senator Haberman has promised to bring in a million dollar bill to provide a little more coverage, but for those communities that are not able to afford that price tag, I would suggest that we advance LB 85 as an alternative.

SPEAKER MARVEL: All those 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: 26 ayes, 12 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: Motion is carried. The bill is advanced. Do you have some items that pertain to LB 29 that we could bring up at this time?

CLERK: Yes, sir. Mr. President, Senator Beutler and Fitzgerald move that LB 29 be returned to Select File for a specific amendment. The specific amendment is found on Page 482 of the Journal. It reads as follows: (Read.)

SPEAKER MARVEL: The motion first is to bring back LB 29 and it needs 25 votes. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, we would like to attach three amendments to accommodate two floor comments from the last debate we had on the bill, to accommodate commerce and industry on one final amendment

they wanted on the bill, and then to my knowledge, there is absolutely no further controversy on the bill. So if we could bring it back, I would explain it at that time the amendments to you and we can proceed.

SPEAKER MARVEL: All those in favor of bringing the bill back vote aye, opposed vote no. Record the vote.

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

SPEAKER MARVEL: Motion is carried. The bill is returned. Senator Beutler, do you wish to explain the amendment?

SENATOR BEUTLER: Yes, if I could just explain quickly, Mr. Speaker. The bill, just to refresh your memory, has to do with asbestos and lawsuits brought pursuant to injuries caused by asbestos and it basically gives additional rights to people to pursue their lawsuits. The last time we discussed this, Senator Vickers brought up the question of whether we shouldn't have the word "asbestos" in there and relate that word to the specific compounds that are delineated in the bill. We have taken his amendment and put the word "asbestos" in so that it says "asbestos composed of chrysotile, and amosite, and crocidolite," and all these other compounds. So we put that technical amendment in pursuant to Senator Vickers request. Then I think somebody else on the floor, Senator Pirsch maybe, brought up the question of when is the injury discovered and we tried to be a little more specific in that regard and put in the language "injured person has been informed of discovery of the injury by competent medical authority". If a doctor tells you you are injured, that is evidence that you have discovered the fact and, of course, we relate that to the discovery of the cause of exposure or the cause by exposure to asbestos. That is the second technical amendment. The third one put in at the request of commerce and industry limits actions. It would cut off those that are discovered more than two years prior to the effective date of this act. And that was just to cut off some of the cases in a compromise with commerce and industry. So I hope you will accept those as amendments to the bill. Thank you.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. President, members, I rise to support Senator Beutler in this amendment. As he indicated, I did have some concerns about the chemical language in the bill and I would simply point out to the body for their information that I did have some information provided to me by a geologist here at the University of Nebraska and the information was that with the language as specified in the bill it was more

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LB 29, 28, 42, 156

tight than if the word "asbestos" was inserted as I had indicated, that perhaps it should be when this bill was on General File. By including the language that Senator Beutler has pointed out to you "asbestos composed of" ahead of these chemical or minerals outlined in the bill, it does satisfy my concerns and the rest of the amendments, I think, also are very good amendments and certainly do address to the concerns that I had with LB 29. I urge the body's adoption of this amendment.

SPEAKER MARVEL: Okay, the motion is to adopt the Beutler-Fitzgerald amendment to LB 29. All those in favor of the motion vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 0 nays on the motion to adopt the amendment, Mr. President.

SPEAKER MARVEL: All those in favor of readvancing LB 29 say aye, opposed no. Motion is carried. The bill is readvanced. Do you have some items to read in?

CLERK: Yes, sir. Mr. President, Senator Wagner offers an explanation of vote.

Senator Johnson would like to announce that the Administrative Rules and Regulations Committee hearing regarding child care regulations which was scheduled for tonight is cancelled. The same hearing is reset for Wednesday, February 25 at 7:30 p.m.

Mr. President, I have an Attorney General's opinion addressed to Senator Vard Johnson.

Finally, Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined engrossed LB 28 and find the same correctly engrossed; 42 and 156 correctly engrossed.

SPEAKER MARVEL: Senator Chronister, do you want to adjourn us until nine o'clock tomorrow morning?

SENATOR CHRONISTER: I move we adjourn until tomorrow morning at nine o'clock.

SPEAKER MARVEL: The motion is to adjourn until 9:00 a.m. tomorrow morning. All those in favor of that motion say aye, opposed no. The motion is carried. We are adjourned until tomorrow at 9:00 a.m.

Edited by:

Marilyn Zank
Marilyn Zank

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LB 20, 27, 29, 30, 37, 45,
82, 125, 130, 140, 150, 165A,
167.

RECESS

SPEAKER MARVEL: Come back to order, please. The Clerk has a couple of items to read in and then we will proceed back with the business as we had it prior to this recess.

CLERK: Mr. President your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 165 and find the same correctly engrossed....165A, excuse me; 20 correctly engrossed; 27 correctly engrossed; 29 correctly engrossed; 30 correctly engrossed; 37 correctly engrossed; 45 correctly engrossed; 82 correctly engrossed; 130 correctly; 140 correctly engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, your committee on Judiciary whose Chairman is Senator Nichol to whom was referred LB 345 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments. (Signed) Senator Nichol. (See page 498 of the Legislative Journal.)

Your committee on Banking instructs me to report 125 back to the Legislature with the recommendation it be advanced to General File with amendments; LB 150 to General File with amendments. (Signed) Senator DeCamp, Chair. (See page 499 of the Legislative Journal.)

Mr. President, your committee on Revenue gives notice of exec session. (See page 499 of the Journal.)

SPEAKER MARVEL: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President, I ask unanimous consent to withdraw my motion to bracket.

SPEAKER MARVEL: Any objections? If not, so ordered. Senator Warner.

SENATOR WARNER: Mr. President, I ask unanimous consent to withdraw the kill motion at this point.

SPEAKER MARVEL: Any objections? So ordered. Now is there.....Senator Wesely. The Chair will move that the bill be passed over which will be either tomorrow or the first of the week. Does anybody object? Okay, if not, the bill is passed over. Underneath the south balcony a guest of Senator Marsh from Thailand. His first name is Sam. Do you want to raise your hand so we can wish you Good Morning? Underneath the south balcony.

February 19, 1981

LB 20, 27, 29, 30

CLERK: Mr. President, LB 20 (Read on Final Reading).

SPEAKER MARVEL: All provisions of law subject to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Final Reading of LB 20. Record the vote.

CLERK: (Record vote read. See pages 581 and 582, Legislative Journal.) 45 ayes, 0 nays, 3 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read LB 27 on Final Reading.

CLERK: Mr. President, LB 27. (Read on Final Reading).

SPEAKER MARVEL: All provisions of law subject to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Record the vote.

CLERK: (Record vote read. See page 582, Legislative Journal.) 42 ayes, 1 nay, 3 excused and not voting, 3 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 29.

CLERK: LB 29 (Read on Final Reading).

SPEAKER MARVEL: All provisions of law subject to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Record the vote.

CLERK: (Record vote read. See page 583, Legislative Journal.) 45 ayes, 0 nays, 3 excused and not voting, 1 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 30.

CLERK: LB 30 (Read on Final Reading).

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

February 20, 1981

LR 17, 18
LB 9, 20, 21, 27-30, 37, 156,
38, 42, 43, 67, 77, 124,
186, 206, 206A, 244, 345, 354

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Father Dale Harges, Sacred Heart Catholic Church here in Lincoln.

FATHER DALE HARGES: (Prayer offered).

PRESIDENT: Roll call. 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: Mr. President, the Journal is without error this morning.

PRESIDENT: Ah, that is good news. The Journal stands correct as published. We go on to any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports it carefully examined and reviewed LB 21 and recommend that same be placed on Select File with amendments; 186 Select File with amendments; 124 Select File; 206 Select File; 206A Select File; 67 Select File; 77 Select File with amendments; 9 Select File with amendments; 38 Select File with amendments; and 345 Select File. Those are signed by Senator Kilgarrin as Chair.

Mr. President, I have an Attorney General's opinion addressed to Senator Haberman regarding delegation of legislative authority; and one addressed to Senator Beyer regarding LB 354.

Mr. President, I have a report from the Department of Administrative Services, State Building Division regarding the Request for Program Statement/Preliminary Plan Approval. It will be on file in my office.

Mr. President, a communication from the Governor. (Read: Re 244. See page 593, Legislative Journal.)

Mr. President, LBs 28, 42, 156, 20, 27, 29, 30, 37, 43, LR 17 and 18 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 28, LB 42, LB 156, LB 20, LB 29, LB 30, LB 37, LB 43, LR 18 and LR 17. We are ready then for agenda item #4, Final Reading. The Sergeant at Arms will make sure that all unauthorized personnel

LB 14, 18, 20, 27, 28, 29, 30
37, 41, 42, 43, 45, 46, 81
110, 121, 125, 130, 140,
143, 155, 164, 188, 188A,
207, 207A, 214, 234, 82, 64
234A

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SENATOR DWORAK: I wish to close, Mr. President. I just reiterate that LB 125 be advanced to E & R initial.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. Okay, record.

CLERK: 33 ayes, 9 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The Clerk has some items on the desk before we adjourn.

CLERK: Mr. President, before we leave Senator Kremer would like to remind the Public Works Committee that they have a hearing at noon today in Room 1517 on Gubernatorial appointments for the public roads classification for motor vehicle licensing board. That is in Room 1517.

Mr. President, I have legislative bills ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and I do sign LB 121, LB 64, LB 41, LB 18, LB 14 and engrossed LB 140, engrossed LB 130 and engrossed LB 82, engrossed LB 81, engrossed LB 46 and engrossed LB 45. Okay, Mr. Clerk.

CLERK: Mr. President, I have an Attorney General's opinion addressed to Senator Goodrich. It will be inserted in the Journal. (See pages 608-610.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 110 and find the same correctly engrossed; 188, 188A, 207, 207A, 214, 234 and 234A, all correctly engrossed.

Mr. President, your Enrolling Clerk respectfully reports she has at 10:37 a.m. presented to the Governor for his approval the following bills: 28, 42, 156, 20, 27, 29, 30, 37 and 43.

Mr. President, Senator Chambers moves to reconsider the action in voting to indefinitely postpone LB 143. That will be laid over.

I have explanation of votes from Senator Haberman and Senator Sieck. (See page 611 of the Journal.)

I have a report of registered lobbyists for February 12

February 23, 1981

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Reverend Palmer of the Westminster Presbyterian Church.

DR. PALMER: (Prayer offered).

SPEAKER MARVEL: Roll call.

CLERK: Mr. President, Senators Hoagland and Beutler would like to be excused until they arrive. Senator Beutler has arrived, Mr. President.

SPEAKER MARVEL: Record, Mr. Clerk.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have items under #3?

CLERK: Mr. President, first of all, I have a correction in the Journal.

Senator Sieck offers an explanation of vote.

Communication from the Governor addressed to the clerk. (Read. Re: LBs 20, 28, 29, 37, 42, 43, and 46. See pages 619 and 620, Legislative Journal.)

Mr. President, your Enrolling Clerk respectfully reports that she has on this day at 1:30 p.m. presented to the Governor the following bills: 45, 46, 81, 82, 130, 140, 14, 18, 41, 64, and 121.

Mr. President, your committee on Enrollment and Review respectfully reports it carefully examined and engrossed LB 65 and find the same correctly reengrossed. (Signed) Senator Kilgarin, Chair.

SPEAKER MARVEL: The next item is #4, Final Reading. Will all legislators please take your seats. The first order of business is LB 24.

CLERK: Mr. President, I have a motion on the desk. Senator Haberman moves to return LB 24 to Select File for a specific amendment. That amendment is to add the emergency clause to the bill, Mr. President.

SPEAKER MARVEL: Okay, you have heard the motion. Senator Haberman.