

He is an upstream muscle mammal and I will pray that he will always be a muscle man. Son, you know, we all mammals have feet and because we have feet we play mammalball which is the most important sport in Mammalary Land and I want you to be sure to develop your feet so you will be an excellent mammalball player." "But why am I different as a mammal," Babble asked? "Son, because you nurse." "Gee, Dad, does that mean I get to go to the nursery?" "Yes, something like that. Son, one other thing you should know. Mammalar or Shirley Marsh is going to put in a bill that will put us mammals on the map." "What do you mean, Pappy?" "Well, she is going to name a mammal of Mammalary Land and when this is accomplished we will truly have arrived at the Shangri-Mammal and we will be living happily ever after in Mammalary Land." Thank you, Mr. President, I just wanted to improve the....

SENATOR CLARK: Cut that man's microphone off.

SPEAKER MARVEL: Okay, the Clerk will read.

CLERK: Mr. President, new bills: (Read title to LB 434-451. See pages 281-286 of the Legislative Journal.)

SPEAKER MARVEL: I wish to make an announcement. From Tehran, Iran, a plane carrying the fifty-two American hostages took off today from Tehran's Mehrabad Airport a policeman at the airport told reporters. (applause.)

In the North balcony from Senator Landis' district it is my pleasure to introduce 11 sixth grade students from Sacred Heart School in Lincoln, Miss Glushenko, teacher. Will you raise your hands so we can see where you are located? Welcome.

400 thousand of his own money involved because the natural desire to protect that which you have accumulated is going to drive you to a length that you will not know if you do not have any investment of your own. So think about it from the standpoint of security. If this...under this act we were to make a hundred loans for 500 thousand or 50 thousand, whatever they are, with very little responsibility on the part of the individual, isn't it reasonable to assume the first time it doesn't rain, the first time the cattle price drops, the first time the hogs go to pot, we'd just say, okay, Mr. Banker, it's all yours, come on out and feed the cattle, feed the hogs, cultivate the corn, because I don't have any money invested. The reason I roll out of the sack at four every morning is not because I like to get up every morning, because if I don't get up and go to work and go to the farm and check the cattle, I know what happens. The cattle die. They don't get fed right. Things happen which results in a net loss to me. If Bob Clark had all the money invested, Bob would be the guy that would be out there checking those cattle because he knows Schmit would lay in the sack to the last minute, then I would come walking on the floor at 9:00 o'clock and talk about being a farmer. It's that investment of your own, ladies and gentlemen, that will make this work, not the investment of the state. You have got to have...and it's not the state's investment, it's the revenue bond investment, but you have got to recognize that without some kind of investment on their own, the initiative to succeed will not be nearly as great as if there is an investment. So, ladies and gentlemen, I would ask you to support this amendment. As I said, I think it might work. I think anything less than that probably will not work. I think we should have left it off of there and left it up to the discretion of the board, but if the body chooses to go that route, then I think you better understand why we did it the way we did. Remember one thing in closing, without any investment, without any net worth to lose, the fund will be less likely to succeed than if the individual who secures the loan has got to lose his money first. That's the reason for having a net worth and I think it will work that way. I don't think it will work any other way. Ladies and gentlemen, I ask you to support the amendment.

SPEAKER MARVEL: Before we proceed with the debate, underneath the south balcony Sherry Marsh Tupper from Andover, Massachusetts, is visiting and they are with Senator Shirley Marsh. Will you indicate your presence so we can say hello to you. Thank you. Also underneath

May 12, 1981

LB 318, 118, 448, 411

CLERK: 25 ayes, 1 nay on adoption of the Koch amendment, Mr. President.

SENATOR CLARK: The amendment is adopted. The next motion.

CLERK: Mr. President, I don't believe I have anything further on the bill.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, I move that LB 318 as amended be advanced to E & R Initial.

SENATOR CLARK: You heard the motion, is there any discussion? All those in favor of moving the bill to E & R vote aye, opposed nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on advancing the bill? This is the last bill we are taking. Record the vote.

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

SENATOR CLARK: The motion carried. The bill is advanced. Senator Sieck, we have got to read a few things in and then would you adjourn us until nine o'clock tomorrow morning.

CLERK: Mr. President, Senator Koch had amendments to 318 that he would like to withdraw.

Senator Maresh offers notice of hearing on the State Labor Contracts for next Wednesday at one o'clock. LB 118.

Mr. President, Senator Sieck has amendments to 411 he would like to print in the Journal; and Senator Lamb amendments to 448 he would like printed in the Journal, and that is all that I have.

SENATOR CLARK: Senator Sieck.

SENATOR SIECK: Mr. President and members of the body, I move that we adjourn until nine o'clock tomorrow morning.

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

Edited by:


Mary A. Turner

May 26, 1981

LB 316, 352, 360, 448,
477, 477A, 512

PRESIDENT: LB 360 passes and that will conclude Final Reading for today. Do you have any matters to read in, Mr. Clerk, at this point?

CLERK: Very quickly, Mr. President, I have two Attorney General's Opinions, the first addressed to Senator Beutler regarding LB 352, and one to Senator Howard Peterson on LB 512. Both will be inserted in the Journal. (See pages 2250 through 2253 of the Legislative Journal.)

Mr. President, I have a letter from the Governor addressed to the Clerk. (Read letter regarding LBs 477, 477A and 316 as found on page 2254 of the Legislative Journal.)

PRESIDENT: We are ready then, Mr. Clerk, for General File. Thirty minute limit. Mr. Speaker, do you want to say anything at this time about the limits on General File and General File position. I recognize Speaker Marvel.

SPEAKER MARVEL: I think that this is to encourage people to understand that we are practically down to the end of the line and that they should treat things accordingly. That's....in other words, we can't force that issue but we can encourage it.

PRESIDENT: All right, we are ready then, Mr. Clerk, for LB 448.

CLERK: LB 448 was introduced by the Performance Review and Audit Committee and signed by its members. (Read title.) The bill was originally read on January 20 of this year. At that time it was referred to the Public Health and Welfare Committee for hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending.

PRESIDENT: The Chair recognizes Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, first of all I guess I would not believe that this is a piece of legislation that has to be enacted in this session of the Legislature and I was quite surprised to see that the bill was place on the agenda. I personally would hope that we would simply pass over the bill until next year, and I guess at this point in time I would simply offer....well, I guess we will process it and see. But I really see absolutely no reason to process LB 448 in this session of the Legislature. But I should address at this point in time what the committee amendments do. The committee amendments to the bill delete the 16 hours of

continuing education requirement that the Performance and Review and Audit Committee recommended for physicians in the State of Nebraska. In addition it deletes the promulgation of sanitary rules and regulations and an inspection process that was suggested in this bill. And, finally, it deletes the requirement that all complaints as far as professional licensure complaints, as far as physicians and so forth are concerned, be referred to the Attorney General. The committee took a consistent point of view as far as all the licensure bills were concerned. I think it was generally the feeling of the Public Health and Welfare Committee that continuing education should not be expanded. This is an area where continuing education requirements do not exist now and the committee did not believe and was not persuaded that continuing education requirements should be put in place as far as physicians are concerned. Secondly, the provisions dealing with sanitation would have provided for inspections of physicians' offices throughout the State of Nebraska as far as sanitation is concerned, and again the Public Health and Welfare Committee saw no need and really looked at this as an unnecessary regulation of physicians' offices throughout the State of Nebraska, and, therefore, deleted that section of LB 448 as well. Again, the committee took the same position on all other health care professionals licensed and all those various other boards that would be....are up for in the sunset process this year and there are five or six, I believe. And, finally, the committee again deleted the requirement that all the complaints had to be filed with the Attorney General. Again, we saw this as unnecessary. There have been very few problems with the way that the Bureau of Examining Boards has operated in the past. We simply saw this as an unnecessary burdensome requirement. With that I would ask the Legislature to adopt the committee amendments.

PRESIDENT: The Chair recognizes....Senator Newell, did you wish to speak to this? Okay, we will go on to Senator Marsh.

SENATOR MARSH: Mr. President and members of the Legislature, I have a question that I would like to have Senator Cullan address, please.

PRESIDENT: Senator Cullan, will you respond to Senator Marsh's question?

SENATOR CULLAN: Yes, sir.

SENATOR MARSH: Senator Cullan, is it the physicians' position that they want to have continuing education but not to have it in statute?

May 26, 1981

LB 448

SENATOR CULLAN: I don't know what the...exactly their position is. I know that they opposed continuing education...mandatory continuing education requirement in statute. I do believe that there is a lot of continuing education that occurs but the Nebraska State Medical Association did testify in opposition to a mandatory continuing education requirement.

SENATOR MARSH: Thank you very much.

PRESIDENT: Motion on the desk, Mr. Clerk. No motion. The motion has been...no motion. All right, we are still discussing then the committee amendments to LB 448. The Chair recognizes Senator Warner.

SENATOR WARNER: I....two questions for Senator Cullan, one, you struck the filing of the complaints with the Attorney General's office. The reason those were in, and these I think we need to indicate are all Performance Review Audit sunset reviews, the reason the filing with the Attorney General's office, it came to our attention of instance during the review which did not pertain to the group of health professionals that are under discussion here, but it was in another group, in which there had been a violation of statute by one health profession where they, in fact, had used drugs which they were prohibited from law from using, and that was a clear violation of the law and it was not forwarded to the Attorney General's office. The reason that that suggestion is in the bill for all health professionals is that we did not believe it was appropriate for a peer group to determine the seriousness, particularly an illegal use, as just a correction to be made by that group that is charged with licensing. Could you explain more fully what is wrong with sending those violations to the Attorney General's office when there was at least one clear example I could cite, if I need to, where a professional health regulated group individual had, in fact, illegally used drugs prohibited by statute and yet nothing was done about it nor was it sent to the Attorney General for review? I don't quite understand the problem with having these sent to the Attorney General to determine any illegal misuse. Can you explain what your rationale... with the history of one example, at least?

SENATOR CULLAN: Well, Senator Warner, I do appreciate the concern that you raised. I think that this is perhaps one of the committee amendments that you would like to be voted upon separately and certainly would not object to a division of the question in this regard. The reason that

the committee did not require that the Attorney General receive a copy of all the complaints submitted to the Bureau of Examining Boards is that, first of all, we felt it was unnecessary, there wasn't anything wrong with it, the Attorney General receiving copies of these complaints. But there are sometimes numerous complaints, many of the complaints are ironed out on a rather informal basis between the...by the staff of the Bureau of Examining Board or the chairmen perhaps of the various committees, and we felt it was simply unnecessary to inform the Attorney General of all these various complaints. Secondly, if an individual is not pleased with the result or with the outcome that he or she may have in dealing with the Bureau of Examining Boards or the particular Examining Board you are discussing, that individual always has the freedom to approach the County Attorney or the Attorney General and request appropriate action. So the committee just felt that the number of complaints that needed the attention of the Attorney General or County Attorney was sufficiently low as compared to the total number of complaints, that it was an unnecessary procedure.

SENATOR WARNER: Mr. President, I think I would ask to have the striking of Section 8 voted separately. This is not all complaint, Senator Cullan, it's only those where there is an alleged violation of statute, and those are far fewer than violations of rules and regulations, which I think probably can be handled administratively by and large. But because there was at least one example, and that is of...as I indicated, where there was a clear violation of the statute and nothing was followed through. I think that that provision is not unreasonable at all and I would ask that that be voted separately. The other question, Senator Cullan, it's out of curiosity, I have noticed there is other legislation going across that inspects the sanitation of physician offices in one particular instance. Is there a reason that...or what is the reason....

PRESIDENT: Thirty seconds, Senator Warner.

SENATOR WARNER:that we eliminated the provision in this bill for...to inspect an office if on the random basis, it's not a regular thing?

PRESIDENT: Senator Warner, you were asking the Chair to rule on division on that? Did you....

SENATOR WARNER: I will in a second, yes, sir.

PRESIDENT: All right.

May 26, 1981

LB 448

SENATOR WARNER: But I wanted Senator Cullan to comment on the other question if he could.

PRESIDENT: Okay, time is up on your time. I would rule that we can divide the question and when it comes such time for voting we shall divide the question. All right, there is a motion on the desk.

CLERK: Well, Mr. President, Senator Wesely would move to bracket LB 448 until the 1982 legislative session.

PRESIDENT: Senator Wesely.

SENATOR WESELY: Mr. President and members of the Legislature, I think in the interest of time there probably as Senator Cullan mentioned in his opening comments, there really isn't a pressing need to debate this bill and take the time of the Legislature with this bill today or in the next three days...that's all the time we have left, it only makes sense to me to go ahead and hold the bill over. It is not necessary to bring it up this session, and to deal with it next year. That is the motion, to hold the bill until next year and save us some time, and I ask your support for the motion. I think I will yield the rest of my time to Senator Cullan.

PRESIDENT: Senator Cullan, do you wish to then use the rest of the time on the motion to bracket?

SENATOR CULLAN: Mr. President and members of the Legislature, there are four days left in this session of the Legislature. This bill can be easily processed next year. Senator Lamb has an amendment that should it be adopted will take a great deal of time, one that I certainly will oppose very vigorously. I guess that is the reason that this bill was given some special status anyway. All I can tell you is that Senator Lamb's amendment is one that in the interest of health and safety of patients in the State of Nebraska I would have to oppose most vigorously. So I think the wise and prudent thing to do is to let Senator Lamb and I fight about that next year. So I would urge you to lay this bill over.

PRESIDENT: The Chair recognizes Senator Lamb.

SENATOR LAMB: Mr. President and members, Senator Cullan, let's fight right now instead of next year. In the meantime, the medical situation up in Mullen, Nebraska will not be improved. I have an amendment which I plan to offer on Select File, and it's true. But it's a good

amendment. It is one that should be adopted. There is no reason to lay the bill over until next year. We have time enough to do a lot of things that are a lot less pertinent than the amendment which I have on this bill. This amendment, and I didn't want to get into discussing it today but I guess I will have to, it is an amendment which would modify the requirements for practicing medicine in Nebraska, but it will not dilute the thing down to less than other surrounding states. There is a physician that would like to practice in Mullen, Nebraska. He is eligible to practice in Colorado, but under the technical provisions of the Nebraska statutes, he cannot practice in this state. I have a very simple amendment which would remedy that. I ask that the bill not be laid over, that we discuss it this session and advance it today.

PRESIDENT: All right, any further discussion? Senator Cullan or Wesely, do you want to close? Who is closing on the....Senator Wesely, are you closing? Senator Cullan, are you closing then on the motion to bracket?

SENATOR CULLAN: Mr. President and members of the Legislature, Senator Lamb had his amendment pending earlier and because of the time limitation he withdrew that, and I understand that tactic, but I don't want this bill...I think it very unwise of us to amend this bill on Select File. I do not want to see this bill become a vehicle for making some very serious dilutions of the licensure procedures in the State of Nebraska, and all I can say about the individual that he wants to lure to Mullen, Nebraska is that there are two methods that this individual could become qualified in the State of Nebraska now, and this individual did not seek either one of those alternatives. He still can seek those alternatives. If he is serious about helping individuals in the State of Nebraska, the mechanism is there. In my opinion, Senator Lamb's amendment will do very serious damage to the licensing structure of the State of Nebraska. It could cause very....allow for physicians who are not qualified at all to practice in this country. And I simply believe that that will take a great deal of time if we have to get into it. There are many more issues of significant importance to the State of Nebraska that we can address. I urge you to support Senator Wesely's motion to bracket this bill.

PRESIDENT: All right, the question before the House then is the bracketing of LB 448. All those in favor vote aye, opposed nay. Have you all voted? The question is to bracket LB 448. Well, Senator Wesely, it looks like we are....

May 26, 1981

LB 448, 387

SENATOR WESELY: Well, we are close.

PRESIDENT: People don't want to vote, so if you want to bring them back in to vote why....

SENATOR WESELY: How many are absent today?

PRESIDENT: We have got three...is it still three excused? Three are excused, period, that's it. What do you want to do, Senator Wesely? Clerk, do you want to....

SENATOR WESELY: Go ahead, record. Record the vote.

PRESIDENT: Record the vote. All right.

CLERK: 26 ayes, 13 nays, Mr. President, to bracket the bill.

PRESIDENT: The motion carries. LB 448 is bracketed. Go on then to LB 387, Mr. Clerk.

CLERK: Mr. President, LB 387 was introduced by Senator Rumery. (Read title.) The bill was first read on January 19. It was referred to the Retirement Systems, Mr. President. The bill was advanced to General File. There are committee amendments pending.

PRESIDENT: Senator Fowler.

SENATOR FOWLER: Is there an amendment to the committee amendments pending too?

CLERK: Yes, sir.

SENATOR FOWLER: Okay.

PRESIDENT: Do you want to explain the committee amendments first, Senator Fowler, or do you want to take up the.....

SENATOR FOWLER: Well, actually it might be best if I could maybe explain the thrust of the bill....

PRESIDENT: All right, why don't you do that first.

SENATOR FOWLER:which then would facilitate the adoption of the amendment.

PRESIDENT: Fine. All right, why don't you do that and then we will take up the amendment to the committee amendment.

now take up LB 448.

CLERK: Mr. President, LB 448, introduced by the Performance Review and Audit Committee and signed by its members. (Read.) The bill was originally read on January 20 of last year. At that time it was referred to the Public Health and Welfare Committee, Mr. President. The bill was considered by the Legislature on May 26 of last year. We now have pending, Mr. President, committee amendments offered by Senator Cullan's Public Health and Welfare Committee.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, the Public Health and Welfare Committee adopted three amendments to LB 448 which was presented to us by the, I guess the Performance and Review Audit Committee through the sunset process. The committee deleted the sixteen hours from continuing education that was required under the bill. The physicians in the State of Nebraska currently do not have a continuing education requirement in statute and the profession did not express a need for a formal continuing education process. The committee also deleted a requirement that rules and regulations be promulgated by the Department of Health for the inspection of...for sanitation in physicians' offices. In addition the committee deleted a requirement that physicians' offices be inspected by the Department of Health for sanitation. I think it was the belief of the Public Health and Welfare Committee that there was no evidence presented to the committee that there was a need for employing additional personnel to inspect doctors' offices. Usually if patients go to doctors' offices and they are filthy, they don't go back and so we didn't see a need to employ additional personnel in the State of Nebraska to take care of that and so we deleted that requirement. The final requirement that the committee deleted was one that all complaints or allegations for statutory violations presented to the Board of Examiners in Medicine and Surgery be filed with the Attorney General. Senator Warner has requested a division of the question on this issue when this bill was considered last year and the committee deleted that requirement because they didn't see a need for these complaints to be filed with the Attorney General. Since that time I have learned that the Nebraska Medical Association and others no longer object to, visited with Senator Warner I guess, and no longer object to this requirement but I did want to present the committee amendments to you. So I guess there will be a division of question on the first two amendments will be considered in one package and the third amendment with respect to filing all allegations for statutory violations with the Attorney General will be considered separately.

If you have any questions I would be more than happy to attempt to answer them.

SENATOR CLARK: You're not asking to divide them, are you?

SENATOR CULLAN: Yes, I am asking that the committee amendments be divided.

SENATOR CLARK: Well they are divisible so we will take the first and second one and then we'll also take the third one. I call on Senator Warner first.

SENATOR WARNER: Procedurally it doesn't make any difference. The way I have my amendment it is drafted to the committee amendment as a whole and it takes out the...reinstates the one section. You can do it one at a time if you like. That is not the way the amendment is drafted.

SENATOR CLARK: The Clerk thinks it will be easier if we take them all at one time, then have Warner's amendment to the committee amendments. We'll do it that way.

CLERK: Mr. President, Senator Warner would move to amend the committee amendment to LB 444 (sic) by striking the reference to section 8 in line 3 and renumber the sections correctly.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: You're looking at the bill. All it does is reinstates into the bill Section 8 which is on page 11, and all it does is require that where there is a violation of a statute involved that those issues are forwarded automatically to the Attorney General's office for them to make a determination as to whether or not any further legal action should occur. As you will find this provision in each of these bills as they are considered and it came about because of one specific instance which did not involve this board but it was a case where there was a violation of a statute in which a drug was used that was specifically prohibited by statute by an individual license and as I recall, I don't recall if it got to the Attorney General, but our feeling was that none of these boards should be put into the position as lay people of determining whether a statute violation as opposed to a violation of rules and regs but a statutory violation should not be determined whether it should be... if further legal action should not be determined by the members of these boards but it ought to be determined by the proper legal people of the state, legal offices and as Senator Cullan has indicated, I understand at least, of those professions I have had a contact with or have contacted

me, they do not object to having this section reinstated. So I would move adoption of the amendment to the committee amendment that will reinstate Section 8 in this bill as a part of the bill.

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

CLERK: 28 ayes, 0 nays on adoption of Senator Warner's amendment.

SENATOR CLARK: The amendment to the committee amendment is adopted. I would like to announce that we have thirty sheriffs from all over Nebraska that are down here trying to find out what happens to all these laws or how they are made. They are in the South balcony. I think they are going to entertain us tonight. Will you stand up and be recognized please. Welcome to the Nebraska Legislature. We are back on the committee amendments. Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, the remainder of the committee amendments that were not deleted by the Warner amendment do two things. They eliminate the requirement for sixteen hours of continuing education for physicians and they delete the requirement that physicians' offices be inspected for sanitation and that is it.

SENATOR CLARK: The question before the House is the adoption of the committee amendments. All those in favor... Senator Warner, do you want to talk on that? Go right ahead.

SENATOR WARNER: Mr. President and members of the Legislature, I am speaking on the amendments so that you clearly understand the position that the Sunset Review and Audit Committee took, Performance Review and Audit Committee took in offering this originally and that is that if you accept the principle that licensing is for the purpose of the protection of the public and that there is some responsibility on the part of the state then to ensure that the individual so licensed has a continuing education of familiarity of the expertise that the certificate says they have, that some continuing education requirement is desirable or necessary. But in this particular case the medical profession, they will maintain and I would not disagree that they have numerous types of training as part of their society, their organizations in any event. But the reason that the committee offered the statutory requirement which, in fact, is less than probably most of them now do anyway, is that

there ought to be a standard on any license that in itself is to be evidence of qualified service. There ought to be a requirement by law that kept that current. Secondly, the one on requiring premises to be inspected for health reasons, under current law the individual licenses could lose their license because they were not performing medical services in a clean establishment. Then the next day another individual so licensed could come into the same premises and continue its operation. What the bill originally called for was that either on request or periodic inspection where there may be a question where the facility itself could be closed down as well as or rather than taking away the license of the individual practicing within that establishment. So I wanted you to understand the rationale for the introduction of the bill or these provisions of the bill and that they were not done for any other reason than the feeling of the majority of the committee when the bill was drafted that this would have been good public policy and was not particularly inconsistent with even the stated goal of the medical profession itself in this instance.

SENATOR CLARK: We're on the committee amendments. Senator Cope.

SENATOR COPE: Mr. President and members, the committee, prior to the Health Committee worked hard and Senator Warner just gave you the rationale of the sanitary measure that we passed. I would like to talk about that for just a minute now. I firmly believe that probably more than 99% of the doctors' offices are sanitary clean but I remember, I think it was two years ago, that there was an alleged abortion clinic in Omaha that was not, conditions were not sanitary and we spent a long time talking about it and there was very little that could be done because the law did not cover doctors' offices. Now that can happen and as you know most laws are to protect the public and I think here is an instance that we can do that. We have sanitary laws for restaurants, for cosmetologists, for barbers, you can go on and on and on protecting the public and here is another instance and that was my reason for voting for it in Performance and Audit or Performance and Review and why I think it should be included.

SENATOR CLARK: The question is the adoption of the committee amendments. Senator Cullan, do you have anything further?

SENATOR CULLAN: Mr. President, members of the Legislature, I just simply see no reason for the continuing education requirement to be included or for the sanitation regulations to be adopted. The experience that I have noted and I think the committee was convinced that we have probably gone overboard on continuing education in a lot of areas in the state.

I recall a trip I went to to a water conference in San Francisco one of the three or four times I left the state. I went to a water conference there and there were a large number of attorneys from the State of Wyoming that were registered for this conference and Wyoming requires continuing education for the attorneys and so all these people registered for the conference, they paid their fee and they enjoyed themselves in San Francisco for three days and about half of the number of the people that were supposed to be at this important water conference were out at Fisherman's Wharf and wherever having lunch and whatever else you do in San Francisco and at the end of the conference they all got their certificate that they mailed back to the State of Wyoming telling that they had been there and they had taken this water course and they had learned water law and they had met their continuing education requirement. Well I'm sure any of you who have been to similar conferences have seen the same thing. It is a joke. If somebody wants to keep their professional skills up, they are going to keep them up. If somebody doesn't want to keep their professional skills up, they are not going to. So why should we go through the administrative process of this silly continuing education process? The physicians just don't see a need for that and they recognize that most of the people are going to keep their skills up anyway and they shouldn't have to go to these approved courses around the country. So that is my philosophy and I think that the committee heard similar testimony from other people and that is why we were opposed to imposing continuing education on another profession. I hope that the attorneys never get into this silliness because we don't need tax deductible junk that's required on us every year.

SENATOR CLARK: The question is the adoption of the amended committee amendments. All those in favor vote aye. All opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? The adoption of the committee amendments to 449 (sic.). 448, pardon me. Have you all voted? It takes 25 votes. Record the vote.

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

SENATOR CLARK: The committee amendments are adopted. Now we are on the bill. Senator Cullan. Senator Warner, did you want to take the bill?

SENATOR WARNER: Mr. President, I move that LB 448 be re-advanced as amended. This is one of the sunset bills. Hopefully we are getting about to the last year of these.

This reinstates the medical boards as they shall continue with the revisions as proposed by the committee and the Health Committee. To briefly tell you what the bill does in summary is this, Section 1 requires the majority of the boards to be present at any practical examination. There are two kinds of examinations, one, some are written tests on some of these boards, written tests there is no particular need for these individuals to be present for but the feeling was that if it is a practical exam where the applicants for a license, abilities is to be observed by those who have professional ability that in those cases the members of the board should be present and a part of the examination. It changes the fee concept for the members of this board, rather for those licensed by this board to a range which will be consistent in a number of things, in this case from ten to fifty dollars to be based upon the administrative costs for renewals. It includes a statement of purpose for the Board of Examiners of medicine and surgery which is again almost is required in every one of these sunset laws that we have considered in recent years if there was not a stated purpose. That particular section was amended by one of the committee amendments taking out the requirements of assured safe and sanitary conditions for the practitioners facilities. Again, Section 4 dealt with the examination aspect that when they had to be present and when they did not and it also limited the oral questions that they would ask to those dealing with the subject matter for which the applicant was applying for a license and that they were not to be questioned on things that had no relationship to that. The next section was deleted as it dealt with the continuing education. The next section is again deleted by the examination for the cleanliness of the facilities. It does, the bill as it now stands, does specify that the Board of Health shall adopt rules and regulations establishing definitions of conflicts of interest for the board and also to establish procedures in case conflict of interest arises and that is pretty much where they are played in all of them. The bill will then contain as by your amendments reinstates the provision where violations of statutes go to the Attorney General for consideration and finally, it also specifies that the State Board of Health has the power and duty to adopt rules and regulations regarding conflict of interest. Again, it ties to the one above and in the final part of the bill does reinstate the board itself by repealing its termination date that was a part of the original sunset bill. With that explanation, I will move the bill be advanced.

SENATOR CLARK: Is there any further discussion on the bill? If not, all those in favor of advancing...

SENATOR LAMB: I have an amendment up there.

SENATOR CLARK: Amendment on the desk.

CLERK: Mr. President, Senator Lamb would move to amend the bill and I believe copies of the amendment have been distributed.

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Mr. President, and members of the Legislature, you have on your desks a copy of the proposed amendment. It was printed last year in the Journal on page 1981 and this amendment is proposed in order to allow a licensure in Nebraska physicians who attend a foreign medical school and have achieved all their prerequisites of graduation except for serving a year of social service. This amendment would set three requirements to be met before a foreign medical student could take the examination given by the Board of Examiners to become a licensed physician in Nebraska and those three are listed in the amendment. They are completion of all the formal requirements except internship or social service of a foreign medical school recognized by the World Health Organization. Number two, successful passage of the ECFMG, which is Educational Commission on Foreign Medical Graduates exam, and number three, completion of an academic year of supervised clinical training in a hospital affiliated with a medical school approved by the American Medical Association. Now this amendment would certainly maintain the high standards set for licensure in Nebraska. The same scholastic achievement is required and the only difference is that an internship in a hospital accredited in the United States is substituted for the social service requirement presently required in a foreign country. This would assure that the doctor is competent by American standards through completion of the internship. There would be a better measure of the applicants' qualifications and provide greater educational benefits than a year of the social service in, for instance, Mexico. And with this amendment, Nebraska will still have higher licensing standards than some other states including Colorado. Colorado, for instance, would accept someone who meets just two of the three requirements listed in this amendment. There is another consideration, that these students or these doctors are needed in this state. I had a situation in my district last year in which one of these doctors wanted to practice in one of the small towns in the district but was prevented from it only because he had not completed the year of social service in a foreign country but he had completed the year of residency which this amendment calls for. Some opponents may charge that the licensing requirements of Fifth Pathway Program resolved the problem of students from foreign medical schools but this Pathway is not available. It is a special provision

provided in the schools, medical schools, and it is not offered in this state. In conclusion, I would say that the amendment does not damage the high standards set for licensure in Nebraska. It would merely substitute internship in the United States for the social service in Mexico. The quality of the doctor's medical education in a foreign school would not be affected by this amendment and I urge the amendment be adopted.

SENATOR CLARK: Senator Cullan. We are on the Lamb amendment.

SENATOR CULLAN: Mr. President, members of the Legislature, I rise to oppose the Lamb amendment for several reasons. First of all, the Lamb amendment recognizes the education completed at any foreign medical school recognized by The World Health Organization. Some of you may be familiar with The World Health Organization and the standards that they have. Basically, The World Health Organization recognizes any medical school in the world. They have very low standards as far as the educational requirements in those medical schools are concerned and they readily recognize medical schools that are not at all comparable to the medical schools that we are familiar with in the United States and Canada and in Europe. So they certainly are not comparable to the existing schools in the United States, Canada and Europe and I think that we want to be careful about accepting schools recognized so readily by The World Health Organization. Secondly, I am very familiar with the case that Senator Lamb mentioned where the physician wanted to come to Mullen, Nebraska and I guess I don't have a lot of sympathy for that particular circumstance. This young man went to Mexico, obtained his education from a Mexican medical school with full knowledge that the Mexican government requires all physicians who complete their programs in Mexico to do one year of work with their social services agency and that is required before they actually obtain a certificate from the Mexican government and from the Mexican medical school that they have completed their requirements and obtained their education. They do that because they need those people in their social medical program. Well, this individual knew that before he left the United States to go to Mexico. He knew that was a requirement before he could come back to practice law in the State of Nebraska and he ignored it and I am not sure that we need to pass a special provision of law amending the licensure of the State of Nebraska for an individual who had full knowledge that was the requirement before he left and chose to work for more money in an American system here for that one year. The individual could have met these requirements if he simply would have carried out what I think are the

obligations he entered into when he was accepted in that Mexican medical school. I don't have a lot of sympathy for him. Secondly or thirdly, I think we need to review the process by which individuals who graduate from foreign medical schools can come in to practice in the State of Nebraska. There are three separate methods that you can utilize to...foreign medical graduate can use to become certified licensed in the State of Nebraska. Senator Landis mentioned the Fifth Pathway Program which would have been available to this same individual despite the fact that he hadn't obtained a certificate from his Mexican medical school. Although we don't offer that program in Nebraska, he could have gone to another school in the United States and participated in the Fifth Pathway Program. Secondly, he could have taken a Visa Qualifying Examination or, thirdly, after he had obtained his permanent certificate, he could have gone the normal route through the ECFMG examination. All of those individuals would then have to take the FLEX exam in addition to one of those three options so there are a host of options available to this individual.

SENATOR CLARK: You have one minute left.

SENATOR CULLAN: He chose not to use the option that the State of Nebraska recognized and he knew he could have done that. My last point is that Nebraska is one of the states in the nation with the lowest medical malpractice rates in the country. That is good for all of us and I am glad that we have low medical malpractice rates in the State of Nebraska compared to other states but one major reason is that we just don't allow any Tom, Dick or Harry to practice medicine in the State of Nebraska. We have some strong requirements to make sure that physicians in this state are qualified. I think Senator Lamb's amendment seriously jeopardizes that. I think he is trying to allow this individual to come in to practice medicine in the State of Nebraska. If he would have met his own obligations and I think met the moral obligations that he should have met, we wouldn't have this bill before us today. I strenuously object to Senator Lamb's amendment. I urge you to defeat it.

SENATOR CLARK: Senator Rumery.

SENATOR RUMERY: Mr. President, members of the Legislature, I would like to ask Senator Lamb a question or two.

SENATOR CLARK: Senator Lamb, will you yield?

SENATOR RUMERY: Senator Lamb, who approves the training

of these foreign doctors now? How are they allowed to practice in Nebraska?

SENATOR LAMB: Well, they have to...I believe, Senator Rumery, they have to take the examination here in the state and what we are talking about is whether or not they are qualified to take this examination is what we are getting at at this point.

SENATOR RUMERY: Would we be in anyway circumventing the University of Nebraska Medical School in providing an amendment like this?

SENATOR LAMB: Absolutely not. Absolutely not. In fact this same doctor and this situation that Senator Cullan was talking about, this one particular doctor, that is no longer a bona fide issue because the time is past and he is no longer involved in this thing but I am pursuing this amendment because I feel in my mind that we need this amendment because these doctors that go to Mexico, for instance, he could have gone to Colorado and he wouldn't have any problems. Then he could have practiced in Colorado for a year. Then he could come over to Nebraska with no problems at all. So I say that this is a method that should be adopted for this state so that we can alleviate some of the problems that we have in medical services.

SENATOR RUMERY: Are you submitting this with the full knowledge and cooperation of the Medical College, Medical Institute?

SENATOR LAMB: I assume they know about the amendment but actually the opposition is coming from the medical profession and not because they can make a case that this is reducing the requirements for the doctors but, frankly, in my visiting with Dr. Vanselow, for instance, he said he would check it out but he didn't have any objection to it but I am getting it from the medical profession because, well, I think they just are afraid there will be too many doctors come in here. I don't know what other thing it could be because this is a good amendment and it is not downgrading the requirements of the state.

SENATOR RUMERY: Thank you.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, as much as I sympathize with Senator Lamb's purpose, I just want to oppose the amendment

January 14, 1982

LB 448

very quickly. As I understand this has not had a public hearing. I think there are some broad policy implications. Is that incorrect, Senator Lamb? I take that back. If it has had a public hearing, then I withdraw my objections. Senator Cullan, may I ask you a question? Has this had a public hearing?

SENATOR CULLAN: I don't recall the hearing on this issue but...

SENATOR BEUTLER: Senator Lamb, let me ask you, has this had a public hearing?

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Yes, I presented this to the committee at the public hearing.

SENATOR CULLAN: That is right. Senator Lamb brought the amendment to the committee at the hearing.

SENATOR BEUTLER: But it was not advertised as part of the subject matter of the bill?

SENATOR CULLAN: Well, it does deal with licensure and so people interested in it were there, that is correct.

SENATOR BEUTLER: Okay, well, without quibbling as to what is a proper public hearing on this particular case, I think this is the type of thing that should be addressed in a separate bill and should be advertised for a public hearing which specifically addresses the broad policy questions of this subject. When you have a sunset bill, I think one of the problems with sunset bills is that it covers the whole profession and you can bring in absolutely anything and I don't know how a person who is interested in legislation in that particular area would have notice of all the broad spectrum of things that could come in. I just think it makes more sense in terms of good legislative process to go ahead and introduce a bill on this subject. Senator Lamb can introduce a bill today on this very subject. We can have a public hearing. It can proceed this year. I don't think it would be wise to pass an amendment of this import to solve one specific situation when it is going to have broad implications for the State of Nebraska in the future, year after year. Thank you.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. President, members, I sympathize with

what Senator Lamb is trying to bring to this body's attention but I would just like to point out one thing, that as I read this it would seem to me that we might be talking with a forked tongue perhaps because it says, "has completed all of the formal requirements except internship or social service". As most of you know, we a few years ago established a scholarship program in Nebraska for people that would go to the medical school in Nebraska and part of the requirements we put on that was that they would serve a specified period of time in doctor short areas within the state. Now it seems to me that what Senator Lamb is saying that if that requirement is there in perhaps some other country that we can choose to ignore that. I would very much hate to get into a situation where Kansas could say that doctors that graduate from the University of Nebraska Med School in Omaha subsidized with tax dollars from Nebraska could ignore the requirement that Nebraska put on them and then come on down to Kansas and practice. And it seems to me that that is what we are trying to say here. I just caution the body that we should be a little bit consistent. I recognize as a representative of rural Nebraska that there is a definite need for more doctors but I also recognize that we need to be consistent in this area, and at this point in time at least I am not going to support Senator Lamb because I definitely need to examine this issue much closer than I have been able to so far.

SENATOR CLARK: Senator Wesely.

SENATOR WESELY: Mr. President, members of the Legislature, I also rise in opposition to this amendment. This concept was brought before the Public Health and Welfare Committee in the past and was rejected each time, and as we looked at the issues, it became clear that there was really not a strong case for this proposal. One of the strongest arguments against it is the fact that one of the listings is that this person has to go to a foreign medical school recognized by The World Health Organization. Why at this time Senator Cullan and I could form what we could call a medical school, could set up an address in Lincoln, send that name and address to The World Health Association and they would put that down on their list and we would be recognized by The World Health Organization as a medical school. They don't inspect. They don't come by and check qualifications or standards. They don't do anything that we would do in this state to make sure that that medical school was of high quality and was competent and able to perform the sort of educational functions that we expect for doctors in this state. So in other words,

that really isn't much of a test to ask that these people go to a medical school recognized by The World Health Organization. Similarly we found a number of options, different levels that people can go through in order to be recognized by the State Health Department in order to practice medicine in this state, that there were ways and opportunities in which most anybody from a recognized school with a background that was adequate would be able to find a way in which to be certified and serve and practice medicine in this state. Well, we thought there were plenty of avenues and the only reason this was coming up was that obviously this person must of had some problems that were fairly serious not to be able to go through these other avenues to be certified but we really questioned whether or not we wanted him to practice in this state, that there seemed to be all these other options, why would we need this additional one which was such a large loophole for him to be provided for. So I guess our basic conclusion came down to this wasn't very much protection for the citizens of this state, and number two, that there really were avenues otherwise provided for that should take care of most legitimate concerns and those wishing to practice here. We didn't need this and it probably would be unwise to enact it. So I oppose the amendment.

SENATOR CLARK: I would like to introduce to the Legislature Mr. Bernie Simon, President of the Omaha City Council, under the South balcony. Will you step out and be recognized, Bernie, please. We have Arnold Ruhnke under there also, former Senator from Plymouth, Nebraska. Will you stand out and be recognized, Arnold. Welcome to the Legislature, both of you. Senator Cullan, did you want to speak again? All right, Senator Lamb, did you wish to close? Senator Lamb, did you wish to close on the amendment?

SENATOR LAMB: Yes, Mr. Chairman. First of all I would like to talk about Senator Cullan's testimony that he says we are talking about foreign medical schools that are of low quality and that is absolutely not true. We are talking about the same foreign medical schools that are now authorized to take our people and then send them back as doctors. We are not talking about different schools than before, the very same ones. The argument that we are lowering the standards is not valid. We are merely substituting a year in the United States in one of our very well qualified hospitals in internship for a year in the foreign...in Mexico. That is the only difference and beyond that this one particular doctor which no longer figures in this situation could have gone to Colorado. He could have done it without any argument at all, and so I

January 14, 1982

LB 448

say our requirements are unreasonable. He could have gone to Colorado and then under our reciprocity situation then if he would have stayed there a year he could come over here in Nebraska and practice. So to me it just doesn't make a bit of sense. I certainly can introduce another bill to do the very same thing but I don't see the point of it. This has been kicking around. It has been in the Journal all this time. People have had plenty of notice and I just urge that the amendment be adopted.

SENATOR CLARK: The question is the adoption of the Lamb amendment to LB 448. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? I am not sure you have enough here, Senator Lamb.

SENATOR LAMB: Mr. President, I would like to get the people in here. Let's have a Call of the House, please, and a roll call vote.

SENATOR CLARK: A Call of the House has been requested. All those in favor of the Call of the House vote aye, opposed vote nay. Record the vote.

CLERK: 15 ayes, 1 nay to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All Senators will return to their seats and check in please. All unauthorized personnel will leave the floor. How many are excused? Four excused. We are looking for twenty-four of them. Senator Cope, would you check in please. Senator Newell, would you check in please. Senator Chambers, Senator Pirsch, Senator Beyer. Thank you. Senator Kilgarin. We are still looking for three, Senator Pirsch, Senator Chambers and Senator DeCamp. Senator Lamb, do you want to go with the roll call or do you want to wait for the other three? Four are excused. We have three that are not here that are not excused.

SENATOR LAMB: I think we had better go ahead with the roll call.

SENATOR CLARK: All right, the Clerk will call the roll.

CLERK: (Roll call vote started. See pages 290 and 291, Legislative Journal.) (Gavel.)

January 14, 1982

LB 448, 449

SENATOR CLARK: Can we have a little quiet please so the Clerk can hear the response.

CLERK: (Roll call vote continued. See pages 290 and 291, Legislative Journal.) 17 ayes, 26 nays, Mr. President.

SENATOR CLARK: Motion lost. We are back on the bill. The motion before the House is the advancement of LB 448 to E & R. Is there any discussion? If not, those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 40 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The Chair declares the bill advanced. We will take up LB 449.

CLERK: Mr. President, LB 449 offered by the Performance, Review and Audit Committee and signed by its members. (Read.) The bill was first read on January 20 of last year, referred to the Public Health and Welfare Committee for hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Public Health and Welfare Committee.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, the Public Health and Welfare Committee adopted the same philosophy on all of the sunset bills dealing with the Bureau of Examining Boards. The amendments are the same. They delete the testing requirement for continuing education that was proposed in the sunset bill. It deletes the promulgation of sanitary rules and regulations and inspections and it deletes the requirement to file all alleged statutory violations with the Attorney General. To be consistent with the position that the Legislature took on the last issue we would again have to adopt an amendment reinstating the position as far as the Attorney General's office is concerned.

SENATOR CLARK: There is an amendment on the desk.

CLERK: Mr. President, Senator Warner would move to amend, by striking the reference to paragraph nine in the committee amendment number five and renumber the sections accordingly.

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 28, 1982

LB 410, 428, 448, 657
LB 417, 192, 314,

dangerous and I think that we have a responsibility to ensure that that doesn't continue to happen. I urge you to advance LB 417. I don't think that it is a major problem if you are going to move a combine a great distance to drop the platform, put it on a trailer and not endanger the public. I urge you to advance the bill.

SENATOR CLARK: The question before the House is the advancement of the bill. All those in favor say aye, opposed nay. The bill is advanced. LB 421. The Clerk would like to read in.

CLERK: Mr. President, I have a series of items to read in. Senator Higgins would like to print amendments to LB 314; Senator Vard Johnson to print amendments to LB 428; Senator Vard Johnson to LB 410; Senator Vickers to LB 192; Senator Warner to LB 192 and Senator Warner to LB 448. (See pages 456-462 of the Legislative Journal.)

Mr. President, I have a reference report referring gubernatorial appointments. (See page 463 of the Legislative Journal.)

I have a notice of hearing from the Education Committee and Senator Nichol moves that LB 657 be placed on General File notwithstanding the action of the committee. That will be laid over, Mr. President. (See page 463 of the Journal.)

January 29, 1982

LR 210
LB 239, 212, 585, 657, 662,
669, 729, 758, 448

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

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

SENATOR KILGARIN: I move we advance LB 239.

SENATOR CLARK: The motion is to advance 239. All those in favor say aye, opposed. The bill is advanced. LB 410. We want to pass over that bill.

CLERK: Mr. President, if I may, right before we get to that, Senator Johnson would like to print amendments to LB 212 in the Legislative Journal.

I have a new resolution, Mr. President, LR 210. (Read. See page 482, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, your committee on Government, Military and Veterans Affairs whose Chairman is Senator Kahle reports LB 585 indefinitely postpone; LB 662 advanced to General File; LB 729 advanced to General File, all signed by Senator Kahle, as Chairman.

Mr. Chairman, your committee on Appropriations whose Chairman is Senator Warner to whom we referred LB 657 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; 669 indefinitely postponed; and 758 indefinitely postponed, all signed by Senator Warner as Chairman.

SENATOR CLARK: LB 278. We will pass over 278. It has a Goodrich-Beutler amendment on it and they are both excused. We will go to 126. That has Beutler amendments on it. Go to 448.

CLERK: Mr. President, LB 448, there are E & R amendments pending.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 448.

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

CLERK: Mr. President, the next amendment is offered by Senator Warner. It is found on page 462 of the Journal.

January 29, 1982

LB 448

SENATOR CLARK: Senator Warner.

SENATOR WARNER: This is a technical amendment as there will be one on each, on this and the other two bills. What this amendment does is the sunset law that currently is on the books is automatically sunset a year from now or at the end of this year, rather, and under the original law those agencies scheduled to be discontinued or eligible to be discontinued had one year to be phased out, and what this amendment does, and it only would apply to the agencies that were considered for the sunset process this year, in the event that any of them were not reinstated this session, then they would continue to have that one year to be phased out. So it is just a technicality to keep the same concept in place. If all of those agencies were reinstated this year, by the time we adjourned why it would not be needed. But in the event one of them was not, then it is. So I would move its adoption.

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

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

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

SENATOR CLARK: The Warner amendment is adopted. The next amendment please.

CLERK: Mr. President, the next amendment is offered by Senator Warner.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, this amendment and the one that will be offered on the next two bills merely reflect the change needed because of the passage of last session of the legislation that changed the State Board of Health to an advisory board and made the State Department of Health a code agency and this merely makes those adjustments that are necessary because of the passage of that legislation. No substantive change other than that.

SENATOR CLARK: Any discussion? If not, all those in favor vote aye, opposed vote nay, on the second Warner amendment.

January 29, 1982

LB 448, 449

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? We have to have one more vote or else we get a Call of the House. Record the vote.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the Warner amendment.

SENATOR CLARK: The Warner amendment is adopted. Next amendment.

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

SENATOR CLARK: Senator Warner. The motion before the House from Senator Warner is to advance 448 to E & R. All those in favor say aye, opposed. The bill is advanced. We go to the last bill, LB 335. Senator Warner, and for what purpose?

SENATOR WARNER: (Mike off) mine on 449 and 450.

SENATOR CLARK: Okay, we will, Senator Warner, go to 450 or 449, first.

CLERK: Mr. President, LB 449, there are E & R amendments pending, Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 449.

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

CLERK: Mr. President, Senator Warner would move to amend the bill.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, the same motion to make it consistent with the passage of the legislation making the Department of Health a code agency. I move its adoption.

SENATOR CLARK: All those in favor of the amendment vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

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 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.

LR 211, 224
LB 131, 192, 198, 211, 224, 231,
239, 263, 270, 274, 274A, 287,
314, 402, 440, 448, 450, 454,
465, 511, 547, 589, 592, 634,
646, 649, 669A, 672, 827

February 22, 1982

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The prayer will be delivered by the Reverend Palmer.

REVEREND PALMER: Prayer offered.

SPEAKER MARVEL: Record your presence, please. While we are waiting for a quorum, underneath the South balcony from Scottsbluff, Nebraska, Audrey Towater is the guest of Senator Nichol. She is the one that has that large object there she is working on. I suggest that at your convenience you take a look at it. It is very interesting. Record, Mr. Clerk.

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

SPEAKER MARVEL: The Clerk has got some items to read into the Journal.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 634 and recommend that same be placed on Select File with amendments; 672 Select File with amendments and LB 827 Select File and 669A Select File, all signed by Senator Kilgarin. (See pages 790-791 of the Journal.)

Your Enrolling Clerk respectfully reports that she has presented to the Governor on February 19 at two-fifty, bills passed on Final Reading that day. (Re: LB 131, 274, 274A, 287, 314, 402, 440, 454 and 589.)

Mr. President, I have communications from the Governor. The first is addressed to the Clerk. (Read communication re: LB 239 as found on page 791 of the Legislative Journal.) The second communication is addressed to the Clerk. (Read re: LB 192, 198, 231, 263, 270, 448, 450, 465, 511, 592, 131, 274, 274A, 287, 314, 402, 454 and 589.)

Mr. President, your committee on Urban Affairs whose chairman is Senator Landis reports LB 904 as indefinitely postponed. That is signed by Senator Landis as Chair.

Senator Schmit would like to print amendments to LB 547 in the Legislative Journal. (See page 792 of the Journal.)

Mr. President, LR 211, 224 and LB 646 and 649 are ready for your signatures.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and do sign LR 211, LR 224, engrossed LB 646, LB 649. (See page