

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.

March 30, 1981

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

provide the service.

SENATOR COPE: Thank you.

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

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

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

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

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

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

January 14, 1982

LB 450, 798

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Record your presence please. We need four more votes to start the process and I would remind you that this is the last full day before half days so we have got a lot of work to do. Record.

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

SPEAKER MARVEL: Do you have some items to read in, Pat?

CLERK: Mr. President, I have two reports from a couple of different Natural Resource Districts regarding payment of attorney fees during the past interim.

Mr. President, Senator Howard Peterson would like to add his name to LB 798 as coinroducer. That is all I have.

SPEAKER MARVEL: Okay, the next order of business is what? The first item of business is LB 450.

CLERK: Mr President, LB 450 offered by the Performance Review and Audit Committee. (Title read.) The bill was first read on January 20 of last year, referred to the Public Health and Welfare Committee for hearing. It was advanced to General File with committee amendments attached, Mr. President.

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, this is again the same discussion that was initiated before we recessed this morning. So far the committee amendments address the same three issues that we addressed earlier in the bills related to the Bureau of Examining Boards and the bill related for medicine and surgery and the regulatory agency for optometry. This bill only relates to podiatry but the issues again are whether to eliminate the testing requirement for continuing education courses, to delete the promulgation of sanitary rules and regulation and inspection of podiatrists offices, and, thirdly, to delete the requirement to file all alleged statutory violations with the Attorney General. I will again assume that Senator Warner has the same amendment on the desk to make the committee amendments consistent with the other regulatory programs that we enacted or advanced earlier this morning. I will again support Senator Warner's amendment.

January 14, 1982

LB 450

SPEAKER MARVEL: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, I move adoption of the amendment. Again this is reinstating the section that requires statutory violations to be reported to the Attorney General to make a determination as to whether or not what appropriate action should be made. I move its adoption.

SPEAKER MARVEL: The first order of business is to vote on the Warner amendment as explained by Senator Warner and we are talking about LB 450. All in favor of the adoption of the Warner amendments vote aye, opposed vote no. This is in your General File folder, six down. Have you all voted? Record.

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

SPEAKER MARVEL: Motion is carried. Senator Warner's amendment is adopted. Now we are ready to adopt the committee amendments as amended. Senator Warner, do you want to do that.

SENATOR WARNER: I don't want to. Senator Cullan wants to.

SPEAKER MARVEL: Okay, Senator Cullan.

SENATOR CULLAN: I move to adopt the committee amendments.

SPEAKER MARVEL: The motion is the adoption of the committee amendments as amended. Is there any further discussion? All those in favor vote aye, opposed vote no. Have you all voted? Have you all voted? Senator Cullan, what is your pleasure?

SENATOR CULLAN: Mr. President, I would ask for a Call of the House or six more votes.

SPEAKER MARVEL: Shall the House go under Call? All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 1 nay, Mr. President, to go under Call.

SPEAKER MARVEL: The Legislature is under Call. All legislators please take your seats. Unauthorized personnel please leave the floor and record your presence. The Chair will authorize call in votes. Senator Rumery.

CLERK: Senator Higgins voting yes. Senator Rumery voting

January 14, 1982

LB 450, 263

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

SPEAKER MARVEL: Record the vote.

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

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

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

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

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

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

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

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

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

January 20, 1982

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

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

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

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

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

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

January 29, 1982

LB 449, 450, 335

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 2 nays, Mr. President, on the adoption of the amendment. I have nothing further on the bill, Mr. President.

SENATOR CLARK: Senator Warner. The motion before the House is to advance 449. All those in favor say aye, opposed. The bill is advanced. LB 450.

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 450.

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

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

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Same motion, Mr. President, to reconcile the bill with the passage of LB 249 last year. I move its adoption.

SENATOR CLARK: All those in favor of the Warner amendment to 450 will vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 26 ayes, 0 nays on the motion to adopt Senator Warner's amendment.

SENATOR CLARK: The amendment is adopted.

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

SENATOR CLARK: Senator Kilgarin, do you wish to move the bill? 450.

SENATOR KILGARIN: I move we advance LB 450.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The bill is advanced. LB 335.

February 3, 1982

LB 115, 115A, 139, 139A, 212A,
LB 450, 576, 583, 588, 589,
LB 413, 631, 634, 670, 672,
LB 706, 735, 851

CLERK: (Read LB 413 on Final Reading.)

SENATOR CLARK: All provisions of law according to procedure having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: (Record vote read. See pages 529 and 530, Legislative Journal.) 20 ayes, 27 nays, 2 present and not voting, Mr. President.

SENATOR CLARK: The bill having not received the required number of votes has failed to pass on Final Reading. We will now to to item #5, General File. Does the Clerk have anything to read in?

CLERK: Mr. President, your committee on Public Works whose Chairman is Senator Kremer to whom we referred LB 670 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; and LB 851 advanced to General File, both signed by Senator Kremer.

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 139 and find the same correctly engrossed; 139A correctly engrossed; and 450 correct engrossed. (Signed) Senator Kilgarin.

Your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 631 and recommend the same be placed on Select File with amendments; 589 Select File; 212A Select File with amendments; 115 Select File with amendments; 115A Select File with amendments, all signed by Senator Kilgarin.

Your committee on Constitutional Revision and Recreation whose Chairman is Senator Labeledz to whom we referred LB 576 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 583 General File with amendments; 588 General File with amendments; 634 General File with amendments; 672 General File with amendments; 706 General File with amendments; and 735 indefinitely postponed, all signed by Senator Labeledz as Chair.

Mr. President, your committee on Ag and Environment will have an exec session at eight forty-five on Thursday, February 4 in Room 1105, Senator Schmit's office. That is an exec session of the Ag and Environment Committee tomorrow morning at eight forty-five in Senator Schmit's office.

February 11, 1982

LB 139, 69, 450

SPEAKER MARVEL: The Chair recognizes Senator Marsh.

SENATOR MARSH: Good morning, Mr. Speaker and members of the Legislature. This is a technical amendment. When the original amendment was drafted, no error of the bill drafter's office, I might add, it was added to an amendment which struck a section that was not intended to be struck. Therefore, this is a corrective amendment which everyone has agreed to and I ask your assistance in bringing it back to adopt this specific amendment.

SPEAKER MARVEL: The motion is to return the bill for a specific amendment. All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 33 ayes, 0 nays on the motion to return the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is returned. The next motion is....

SENATOR MARSH: For its adoption.

SPEAKER MARVEL: Okay, the motion is to adopt the amendment. All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 32 ayes, 0 nays on adoption of the amendment, Mr. President.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. The motion now is to readvance the bill. All those in favor say aye. Opposed no. The motion is carried. The bill is readvanced. The next item of business, LB 450 on Final Reading.

ASSISTANT CLERK: (Read LB 450 on Final Reading).

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

ASSISTANT CLERK: (Read the record vote as found on pages 650 and 651 of the Legislative Journal). The vote is 46 ayes, 0 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next one is 192. Okay, LB 69 on Final Reading.

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