

January 20, 1981

LB 3, 278, 468-489

CLERK: Mr. President, new bills. (Read LB 468-489 as found on pages 291-297 of the Legislative Journal.)

Mr. President, your committee on Urban Affairs gives notice of public hearing for February 4, 11 and 18, 1981.

Mr. President, the Business and Labor Committee would like to meet underneath the North balcony at 2:00 p.m.

Mr. President, Senator Chronister would like to have his name added to LB 3 as co-introducer.

SPEAKER MARVEL: No objection? So ordered.

CLERK: Mr. President, Senator Warner offers proposed rules change which will be submitted to the Rules Committee for their consideration. (See pages 298-300 of the Journal.)

Mr. President, Senator Wesely gives notice of Rules hearing scheduled for January 27.

Mr. President, Senator Hefner and Howard Peterson want to add their name to LB 278.

SPEAKER MARVEL: No objection? So ordered.

CLERK: Mr. President, I believe that is all that I have.

SPEAKER MARVEL: Senator Rumery, do you want to recess us until three-thirty?

SENATOR RUMERY: One-thirty?

SPEAKER MARVEL: Three-thirty. The motion is to recess until three-thirty. All those in favor say aye, opposed no. The motion carried. We are recessed until three-thirty.

Edited by:

  
Mary A. Turner

LB 19, 76, 102, 103, 107, 146,  
147, 200, 284, 290, 305, 306,  
316, 318, 326, 338, 371, 374,  
389, 398, 441, 487

March 19, 1981

to LB 290. Have you all voted? One more time, have you all voted? Four. Have you all voted? Okay, record the vote.

CLERK: 16 ayes, 23 nays on the adoption of the DeCamp amendment.

SPEAKER MARVEL: The motion fails.

CLERK: Mr. President, a series of materials to read in: Senator Schmit would like to print amendments to LB 284. (Amendments printed separate and on file in the Clerk's office. Request No. 2118.)

I have an Attorney General's opinion addressed to Senator DeCamp regarding LB 76. (See pages 1026-1028 of the Journal.)

Senator Koch asks to be excused Monday and Tuesday of next week; Senator Fitzgerald excused next Monday.

Your committee on Public Works whose chairman is Senator Kremer reports LB 200 to General File; 326 to General File; 146 to General File with amendments; 147 as indefinitely postponed; 398 as indefinitely postponed, (Signed) Senator Kremer as Chair. (See pages 1028-1029 of the Journal.)

Your committee on Public Health reports LB 389 to General File with amendments and 107 as indefinitely postponed, (Signed) Senator Cullan. (See pages 1030-1032 of the Legislative Journal.)

Senator Chambers would like to print amendments to LB 76. (See pages 1032-1036 of the Legislative Journal.)

Senator Cullan reports LB 487 to General File with amendments, (Signed) Senator Cullan. (See pages 1036-1040.)

Education reports LB 305 to General File; 316 to General File with amendments; 318 to General File with amendments; 338 to General File with amendments; 371 to General File; 441 to General File with amendments, (Signed) Senator Koch. (See pages 1040-1042.)

Mr. President, your committee on Revenue reports LB 19, 102, 103, 306, 374 all indefinitely postponed, (Signed) Senator Carsten, Chair.

SPEAKER MARVEL: Is that it?

CLERK: Yes.

May 1, 1981

LB 487

SPEAKER MARVEL: Are you ready for the next bill, 487?

CLERK: Mr. President, LB 487 introduced by Senators Wesely and Vard Johnson. (Read title.) The bill was read on January 20 of this year. It was referred to the Public Health and Welfare Committee for hearing. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SPEAKER MARVEL: Senator Cullan, do you wish to speak to the committee amendments?

SENATOR CULLAN: Yes, Mr. Cullan...Mr. President, you know Wesely has been doing my job for so long, I kind of forgot what to say when I get up here. The committee amendments do three things. They eliminate the inspection and licensure of hotels, motels, tourists camps and apartment houses by the Department of Agriculture. The Department of Agriculture brought this to the committee and said that these functions were no longer necessary so they saw no reason for them to continue to inspect these facilities and so they asked that that unnecessary function of government be eliminated. Secondly, they continue the inspection of restaurants by the Department of Agriculture. Third, it creates a new category for licensure as a group home on a residential care facility. This bill, Senator Wesely was the individual who drafted the committee amendments to this bill. He has done all the work on it, so if you have any questions, I would ask you to defer them to Senator Wesely.

SPEAKER MARVEL: Senator Wesely, do you wish....okay, the motion, first of all, is the adoption of the committee amendments as explained by Senator Cullan. All in favor of that motion vote aye, opposed vote no. Record.

CLERK: 27 ayes, 0 nays, Mr. President.

SPEAKER MARVEL: The motion is carried. The amendments are adopted. Now do you wish to advance the bill? Senator Wesely, do you wish to explain the bill?

SENATOR WESELY: Yes, Mr. Speaker, I will be very brief. This bill is the result of an interim study in effect of the Department of Welfare and Public Institutions which formed a task force to look at a number of questions of the chronically mentally ill and they found one of the big problems was the fact that we had a licensure law for small group homes that had many gaps in it. Particularly the problem was brought to light last summer when we had a number of cases of concern in Lincoln with the Gant homes. A handout has been distributed which shows just a couple of the articles dealing

with the Gant homes. Essentially the problem was this. The Gant homes had maybe three residents or so they claimed and as a result were exempted from almost any licensure that is found now for homes for assisting anybody with a disability. The Health Department, the Welfare Department, the local people, none of them really could do anything but they knew that there was some problems out there with conditions and they were stymied. They just didn't know what to do so the issue came up and they felt they couldn't respond to it and they came to me and asked me to work on this bill. Now Senator Johnson, who has reintroduced the bill with me, has found a similar problem in Omaha, and after we got into the bill, we found that this wasn't just a Lincoln and Omaha situation but was across the state. We had a representative from Hickman who talked to us and told us about some conditions down at Beatrice which I felt were very unacceptable. So what we found was a need to reorganize responsibility in this area, that we needed to identify one agency to handle these licensure requirements and then to make some of the other changes we needed and also the definitions of what homes we would license. Now there is some concern about what definitions we use for homes. We call it a residential care facility and we eliminate these present boarding homes which are now being regulated. The reason we do that is that a boarding home in the present situation as we define it is essentially something where somebody lives and without any assistance and really I don't think there needs to be very much regulation at all in that area so we just eliminated it but we did say that somebody who is in a home that could be considered a boarding home but gets assistance and has to have help from the proprietor, we call that a residential care facility and we need to provide a little more minimum standards for that. So that is the distinction we make. Now there is some concerns that perhaps we ought to reinsert boarding homes or somehow redefine some of the things that we have done and I think that is pretty acceptable in terms of trying to come to some conclusion on that point but that is still to be worked out. So the rest of the bill essentially is one that is very much supported by the Health Department, the Welfare Department. The Ag Department would definitely like to see the changes. They have been assigned responsibilities that they don't do or don't want to do and this does, in fact, clarify the situation and reorganizes in a positive way the situation and I think will deal with the problem that has been called to our attention across the state. Your support for the bill is strongly urged.

SPEAKER MARVEL: The Chair recognizes Senator Dworak.

SENATOR DWORAK: Well, after hearing Senator Wesely's detailed

May 1, 1981

LB 487, 324, 361,  
396A

explanation, do you think we should work that concern out that you have on this bill on General File, Senator Wesely, rather than, you know, we were lamenting the fact that we are going onto Final Reading with so many of those bills and so much work has to be done and you indicated there are problems with this bill. There was concern with areas of this bill. Maybe we should address those right now.

SENATOR WESELY: Senator Dworak, let me explain. There has been one person who, in fact, testified in favor of the bill, Mary Hepburn O'Shea, who has expressed concern about the definition that we have in here. I think the definition is probably pretty good as it is, but to try and meet her concern, we are willing to sit down and spend some time with her. My feeling, quite frankly, is the bill if it is passed in its present form would be a perfectly good piece of legislation but, again, I am concerned. I don't want to unduly concern Mrs. O'Shea so I think Senator Johnson and I both are willing to talk to her but the bill has not got a problem I think. I think it is a good bill. We are just trying to recognize the fact that she has expressed an interest and we are willing to work with her.

SENATOR DWORAK: Thank you, Senator Wesely.

SPEAKER MARVEL: The motion is to advance 487 to E & R for Review. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record.

CLERK: 25 ayes, 2 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. LB 316.

CLERK: Mr. President, if I may right before that, I have a new A bill, 396A, by Senator Carsten. (Read title.)

Senator Landis had amendments to LB 324 that he wishes to withdraw, Mr. President.

SPEAKER MARVEL: A motion.

CLERK: Yes, sir.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: And finally, Mr. President, Senator Wesely asks unanimous consent to have his name added to LB 361 as co-introducer.

May 7, 1981

LR 75  
LB 181, 224, 316, 396, 441,  
485, 487, 543, 544

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Reverend Bob Chitwood of Capitol City Christian Church here in Lincoln.

REVEREND BOB CHITWOOD: Prayer offered.

PRESIDENT: Roll call. Has everyone registered your presence? We are going to have to suspend in order to take up some of these bills, so I hope everyone has registered their presence so we can see if we have 30 people here. Mr. Clerk, why don't we record the presence and at least get started on the early things we have got.

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

PRESIDENT: All right, quorum being present, Mr. Clerk, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT: All right, the Journal stands correct as published. Are there any messages, reports, announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 181 and recommend that same be placed on Select File with amendments; 396, Select File with amendments; 543, Select File with amendments; 487, Select File with amendments; 316, Select File with amendments; 441, Select File with amendments; 224, Select File; 485, Select File with amendments; 544, Select File with amendments. All signed by Senator Kilgarin, Chair. (See pages 1809 through 1811 of the Legislative Journal.)

Mr. President, your committee on Education gives notice of hearing on gubernatorial appointments for May 21. (See page 1812 of the Legislative Journal.). And, Mr. President, LR 75 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LR 75. The Chair recognizes Senator Marsh.

SENATOR MARSH: Thank you, Mr. President. The Lincoln Journal on Monday, May 4th, printed an inaccurate article regarding an interview about the Treasurer's office vacancy which will occur June 15th. I should have moved to correct the misstatement immediately, which stated: "State Senator Shirley Marsh of Lincoln said Monday she will ask Governor Charles Thone to appoint her to the soon to be vacated post

May 13, 1981

LB 248A, 318, 334, 334A,  
LB 184, 118, 129, 190, 248,  
LB 463, 487

at Arms will secure the Chamber. All members who are not at their desks will return to their desks. All members will record your presence. The House is under Call. The House is under Call. Senator Goodrich, Senator Wagner. Senator Haberman is right here. Senator Labedz, Senator Pirsch. We can take call in votes, Mr. Clerk, yes.

CLERK: Senator Fowler voting yes. Senator Kremer voting yes. Senator Marsh voting no. Senator Wagner voting no. Senator Labedz voting yes.

PRESIDENT: All right, record the vote.

CLERK: 25 ayes, 14 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: All right. The motion carries and LB 184 is advanced to E & R Initial. You want to read some material in, go ahead, Mr. Clerk.

CLERK: Mr. President, Senator Schmit would like to print amendments to LB 487 in the Journal.

Mr. President, LBS 190, 334, 334A, 463, 248 and 248A are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 190, LB 334, LB 334A, LB 463, LB 248 and LB 248A.

CLERK: Mr. President, an announcement from the Public Works Committee regarding an executive session to discuss interim study resolutions.

Your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 129 and recommend that same be placed on Select File with amendments; LB 118 Select File; and LB 318 Select File with amendments; all signed by Senator Kilgarin as Chair.

May 26, 1981

LB 285, 324, 487, 544

CLERK: Senator Clark voting yes.

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

CLERK: 27 ayes, 3 nays, Mr. President, to cease debate.

SENATOR CLARK: Debate has ceased. Senator Cullan.

SENATOR CULLAN: Adopt the amendment.

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

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on the Cullan amendment? Report the vote.

CLERK: 26 ayes, 9 nays, Mr. President, on adoption of Senator Cullan's amendment.

SENATOR CLARK: The amendment is adopted. Do you have anything further on the bill?

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

SENATOR CLARK: All right, the question before the House is the advancement of LB 285. Is there any discussion? All those in favor say aye, opposed nay. The bill is advanced. LB 324. Senator Landis, I think it is a motion.

SENATOR LANDIS: Mr. Speaker, I want everybody to recognize the fact that I am withdrawing LB 324. Take it off your schedules and let's all save a little time.

SENATOR CLARK: That will lay it over one day.

SENATOR LANDIS: Oh, ...you may want to object. The introducer moves to withdraw LB 324.

SENATOR CLARK: That will lay over one day. LB 487. Do you want to withdraw this one, Senator Wesely?

SENATOR WESELY: Mr. President, I think we can just pass over that until tomorrow. That is fine.

SENATOR CLARK: Fine, we will pass over 487 and 487A. 544. You have been a wonderful audience. We are down to the last four bills. 544.



May 27, 1981

LB 324, 487

aye, opposed nay. Record the vote.

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

PRESIDENT: Motion carries. LB 324 is withdrawn. The next bill is LB 487.

CLERK: Mr. President, I have E & R amendments on LB 487.

PRESIDENT: The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 487.

PRESIDENT: Motion to adopt the E & R amendments to LB 487. Any discussion? All those in favor signify by saying aye, opposed nay. The E & R amendments are adopted.

CLERK: Mr. President, I now have an amendment from Senator Schmit. That is referred to on page 1997 of the Journal. You will find it in your bill books. It is Request #2401.

PRESIDENT: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, the amendments we have to offer on 487 are basically the bill that we introduced, that was introduced at the request of the Department of Agriculture, and it does these things. It repeals the laws that regulate the following aspects of the food industry: The Nebraska Hotels and Inns Law; the Nebraska Sanitary Food Law; the Nebraska Food Act; the Nebraska Frozen Food Locker Plant Law; the Nebraska Cold Storage Warehouse Law; the Nebraska Soft Drink Bottling Law; and the Nebraska Flour Law. The Department has for a number of years not exercised that kind of supervisory authority. It is an obsolete function of their department, they are now being supervised by the Department of Health in some instances, and in other instances, by local cities, and the Department felt it was unnecessary to have it in the act and, therefore, have asked to have them repealed. I move the adoption of the amendment.

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. President, I rise in support of the amendment. This is an important amendment and deals with, again, Senator Schmit mentioned 547's provisions. Essentially what we have in 487 with the Schmit amendments is a reorganization bill of the Ag Department for a number of regulatory activities that they undertake. They overlap 487 and 547 in

May 27, 1981

LB 487

a number of areas and, thus, it is a wise step to take to merge them together at this point. Essentially what would end up happening is a number of functions now licensed by the Ag Department would be eliminated and locally licensed. Also we would see that boarding homes under the original provisions of LB 487 will be licensed by the Health Department and that would be coordinated over there instead of fragmented as it was before and we would restructure licensing of restaurants and cafes and I think that that essentially works together very well, and with the bill as amended, we would end up with a very fine, I think, reorganization bill that would eliminate unnecessary inspection and duplication of regulatory activities and would leave a very efficient Ag Department and a better functioning regulatory status for restaurants and cafes and boarding homes. So I think it is a very fine amendment and one that should be supported. I talked to Senator Wagner last night and I am sure he is going to comment on this, about the background on this bill and it is a very important one that needs to be passed this year. So I support the amendment and its inclusion in LB 487.

PRESIDENT: We have an amendment on the desk, Mr. Clerk. Read the amendment.

CLERK: Mr. President, Senator Wesely would move to amend Request #2041.

PRESIDENT: Senator Wesely.

SENATOR WESELY: Yes, Mr. President, this was evidently omitted in the original amendment proposed by Senator Schmit and this is the egg handler amendment which they need to be exempted from the amendment. Evidently there was a problem in drafting that was identified by the Ag Department and this would just merely exempt egg handlers from the provisions of this Pure Food Act. So it is essentially a technical change providing exemption for egg handlers.

PRESIDENT: Okay, any discussion to the Wesely amendment to the Schmit amendment. Senator Wagner, did you wish to speak to the Wesely amendment to the Schmit amendment?

SENATOR WAGNER: No, I would sooner request to speak to Request # (interruption).

PRESIDENT: Okay, and Senator Beutler, how about you, did you want to speak to...all right. Any further discussion on the Wesely amendment to the Schmit amendment? Senator Schmit, do you wish to discuss the amendment, the Wesely amendment to

May 27, 1981

LB 487

your amendment?

SENATOR SCHMIT: The amendment just exempts the egg handlers from the regulation because they are also supervised by the Department of Health. Mr. President, I support the amendment and ask that it be adopted.

PRESIDENT: All right, anything further? The question then before the House is the adoption of the Wesely amendment to the Schmit amendment on LB 487. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 28 ayes, 0 nays, Mr. President.

PRESIDENT: Motion carries and the Wesely amendment to the Schmit amendment is adopted. Anything further?

CLERK: Nothing further on the Schmit amendment, Mr. President.

PRESIDENT: All right, the Chair recognizes Senator Wagner to speak to the Schmit amendment.

SENATOR WAGNER: Mr. Speaker and members, I support the Schmit amendment and it is a bill we very much need, it is amendments we very much need. I might go back a ways. There was a bill in 1968, it was #630. Time ran out at that time. We did not get a bill passed and again we are back here with essentially the same thing and time is running out and we need to adopt this. I might say that this amendment goes back and takes care of some language in laws that were essentially the last time they were revised was in 1909 to 1913. So I do support the amendment. Thank you.

PRESIDENT: The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, just a couple of questions of Senator Schmit. I am trying to get a feel for what is going on. It appears to be a very major amendment. Are we, Senator Schmit, we are eliminating the licensing requirements for hotels and motels and tourists camps and apartment houses except for fire safety?

SENATOR SCHMIT: Yes, from the Department of Agriculture, we are. All of those are being handled by other agencies and they were handled years ago by the Department of Agriculture, but as the public health became more involved, some of them went under Public Health and we have had to recognize the fact that agriculture does not have that

May 27, 1981

LB 487

obligation and responsibility any longer. The responsibility for protection of the public has shifted and, therefore, the department is no longer in the position to handle that responsibility.

SENATOR BEUTLER: On this handout, Senator Schmit, for example, it says hotels and motels. Then it says LB 487 with the amendments no longer license at the state level except for fire safety. They are then licensed at some other level?

SENATOR SCHMIT: They are licensed at the local level, Senator, by the cities. The local ordinances cover that.

SENATOR BEUTLER: So we have been having a double licensing requirement for all these different types of entities here?

SENATOR SCHMIT: Yes, but for many years the local level has taken care of that inspection process.

SENATOR BEUTLER: Is there any facility for which we are doing away with licensing completely?

SENATOR SCHMIT: None.

SENATOR BEUTLER: Okay, and this net savings that is down here, \$100,000, does that mean we can reduce...that their budget can be reduced by \$100,000?

SENATOR SCHMIT: Well, we are going to slip in \$50,000 for pseudorabies, Senator Beutler, if we can, so we won't save quite the \$100,000.

SENATOR BEUTLER: Is that in the bill, also?

SENATOR SCHMIT: That is coming next, 487A. We like to give it to you little pieces at a time so we can kind of confuse you.

SENATOR BEUTLER: Was there any opposition to this bill at the public hearing, Senator Schmit?

SENATOR SCHMIT: No, there was no opposition. There was strong support, principally from the people who were in the industry both from Lincoln and Omaha.

SENATOR BEUTLER: Okay, thank you.

PRESIDENT: Any further discussion? Senator Schmit, you may close.

May 27, 1981

LB 487

SENATOR SCHMIT: I have no closing, Mr. President.

PRESIDENT: No closing, so the question is the adoption of the Schmit amendment to LB 487. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of the Schmit amendment.

PRESIDENT: Motion carries. The Schmit amendment is adopted. Is there anything further on the bill?

CLERK: Yes, sir, Mr. President, Senators Wesely and Vard Johnson now move to amend the bill, Request #2430.

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. President, members of the Legislature, this amendment has been the result of a longstanding negotiation that we have undertaken, Senator Johnson and myself and the Department of Health and Welfare. And as you recall, LB 487 intended initially to deal with the primary question of who inspects and regulates boarding homes in the State of Nebraska. There was a serious problem with Ag Department, the Welfare Department and the Health Department all not certain who was supposed to be doing what, and as a result, not much was being done. So we sat down with the three departments, we took out a number of functions the Ag Department didn't want to do anyway. We sat down between Health and Welfare and finally worked out this amendment which defines more carefully what exactly the facilities we are going to be regulating are going to be. We insert what is called the "domiciliary care facility", which would be between boarding homes and what would be called "residential care facilities" and what it does is recognize a little clearer the continuum of care concept we have for individuals that are in need of such assistance. What we are looking at is supervised care for disabled individuals and what have you. So this amendment is the result of a long negotiation between Welfare and Health Departments. They have agreed to it and it would help clarify the bill.

PRESIDENT: Any further discussion on the Wesely-Johnson amendment to LB 487? Senator Wesely, I guess that is the opening and closing. All those in favor of the Wesely-Johnson amendment vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of the Wesely-Johnson amendment.

PRESIDENT: Motion carries. The Wesely-Johnson amendment

**5886**

May 27, 1981

LB 487

is adopted. Anything further on the bill?

CLERK: Mr. President, Senator Wesely would move to amend the bill, Request #2455.

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. President, this is the final of the amendments of clarifying that continuum care I was talking about. I think I might want to describe that a little more clearly. We have different stages of supervised homes and facilities in this state for disabled individuals, people that have some sort of mental illness or other disability. And what we have, we start first at the bottom would be what we call "boarding homes". I think that they would probably be the least supervised. Mostly they are just boarding homes, someplace for people to stay. Then the next step with that last amendment we have "domiciliary care" where on occasion you have to help somebody take some medicine or just kind of look out for them every once in awhile. Then you have the next stage would be what would be called "residential care facilities" and that would be a little more supervision and then it continues on upward. So we are dealing with the bottom rung of the ladder, essentially, in terms of supervised care facility, and originally we thought we really didn't need to regulate the boarding homes. We felt that perhaps they didn't do that much and so we didn't need to get involved. However, the boarding homes themselves wanted to be regulated. They thought that was important. The Welfare Department wanted to have them regulated. They thought that was important. The Health Department didn't particularly think it was necessary but they told us they could live with it, I suppose, and, essentially, what we are doing is reinserting in the bill what was already being done in terms of boarding home regulation and that would be what the amendment does. These boarding homes would only be regulated in terms of facility standards. They wouldn't be in terms of care standards and that would be the difference and that is the amendment.

PRESIDENT: Seeing no further discussion on the matter, Senator Wesely, that again is your opening and closing. The question is the adoption of the Wesely amendment to LB 487. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of Senator Wesely's amendment.

May 27, 1981

LB 487, 487A

PRESIDENT: The Wesely amendment is adopted to LB 487. Any further amendments?

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

PRESIDENT: Senator Wesely, do you wish to move it on?

SENATOR WESELY: I move it be advanced.

PRESIDENT: Motion to advance LB 487 to E & R for engrossment. All those in favor signify by saying aye, opposed nay. LB 487 is advanced to E & R for engrossment. The next bill on Select File is LB 487A. Mr. Clerk, is there anything further on that?

CLERK: Mr. President, I have no E & R amendments. I do have, first of all, an amendment from Senator Wesely, Mr. President.

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Yes, Mr. President, members of the Legislature, this amendment to the A bill reflects the savings that resulted from the amendments we just placed on LB 487. Essentially what we do is we shift over to cash funds a number of expenses in terms of the regulations that the Ag Department is doing for restaurants and cafes and the net savings from those changes is about \$146,000. Now we also have provisions that we have to have about \$46,000 some to do the inspections that the Health Department is going to pick up so there is a shift there, plus, I think that we want about \$50,000 for pseudorabies research or \$40,000 for that and that is included in there and essentially then the bottom line is that with the adoption of this amendment to the A bill, the state will be saved approximately \$50,000 some in general fund money. So I move the adoption of the amendment.

PRESIDENT: Anything further, any further discussion on the Wesely amendment to LB 487A? If not, again that is the opening and closing, all those in favor...Okay, Senator Warner has an amendment to the Wesely amendment. Do you want to read the amendment, Mr. Clerk?

CLERK: Mr. President, Senator Warner...well, Senator Warner would move to amend the Wesely amendment: (Read Warner amendment found on page 2310 of the Legislative Journal.)

SENATOR WARNER: Mr. President, members of the Legislature, I offer the amendment for two or three reasons. Number one,

May 27, 1981

LB 460, 487, 487A,  
218, 385

lot of bankers in the rotunda lately. Maybe you could talk to them. And with that, I would move the bill be advanced and we would commit ourselves to providing more information before Final Reading.

PRESIDENT: The motion is to advance LB 460 to E & R for engrossment. All those in favor signify by saying aye, opposed nay. LB 460 is advanced to E & R for engrossment. Next bill on Select File is LB 218. Yes, Mr. Clerk, you may read in or do any announcements.

CLERK: Very quickly, Mr. President, Senator Schmit would like unanimous consent to add his name to 487 and 487A as cointroducer.

PRESIDENT: 487, any objections? If not, so ordered.

CLERK: Mr. President, then I move to 218. I have E & R amendments pending, Mr. President.

PRESIDENT: All right, E & R amendments. The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 218.

PRESIDENT: Motion to adopt the E & R amendments on LB 218. Any discussion? All those in favor of adopting the E & R amendments to LB 218 signify by saying aye, opposed nay. The E & R amendments are adopted. Anything further on LB 21, Mr. Clerk?

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

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 218.

PRESIDENT: LB 218, motion is to advance to E & R for engrossment. Any discussion? All those in favor of advancing LB 218 to E & R for engrossment signify by saying aye, opposed nay. LB 218 is advanced to E & R for engrossment. The next bill is LB 385.

CLERK: Mr. President, there are E & R amendments to LB 385.

PRESIDENT: The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 385.

PRESIDENT: Motion to adopt the E & R amendments to LB 385.



May 29, 1981

LB 460, 487

Record the vote.

CLERK: 19 ayes, 22 nays on the motion to return the bill, Mr. President.

PRESIDENT: The motion fails. Any other motions on LB 460?

CLERK: No, Mr. President, I have nothing further.

PRESIDENT: Proceed then with the Final Reading of LB 460.

CLERK: (Read LB 460 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 460 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 2413 of the Legislative Journal.) 27 ayes, 18 nays, 3 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 460 passes. The next bill on Final Reading is LB 487, Mr. Clerk.

ASSISTANT CLERK: (Read LB 487 on Final Reading.)

PRESIDENT: ....(microphone not on)....stop.

SENATOR KOCH: Mr. Chairman, in the interest of equity for the members of this body, how close are we going to adhere to the rules of how far we can stray from our chairs?

PRESIDENT: Well, we have been allowing on longer bills a little bit more flexibility and that....(interruption).

SENATOR KOCH: Well, I think we ought to have it very simply put, stay within one stride of them or you are able to wander a considerable distance.

PRESIDENT: Well, some have been wandering further than I would have them wander and that is why I told.....

SENATOR KOCH: Well, the Redcoats....I wanted to go to the restroom a little bit ago and I had to hold up one finger and you didn't recognize me, so I want to know under what extreme conditions we can move.

May 29, 1981

LB 487, 487A

PRESIDENT: I have asked the Sergeant at Arms to enforce the rules, but, of course, when we have long bills we have always allowed people to take care of those matters.

SENATOR KOCH: Before the Clerk reads from now on, would he give us an estimate of how long it is going to be? Thank you.

PRESIDENT: Thank you, Senator. That helped a lot. Go ahead.

ASSISTANT CLERK: (Continued reading LB 487 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 487 pass? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 2414 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: All right, LB 487 passes. Mr. Clerk, you will now read on Final Reading, LB 487A.

ASSISTANT CLERK: (Read LB 487A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 487 pass with the emergency clause attached? It is 387A, yes. 487A, with the emergency clause attached though, right? It doesn't show that on the sheet but it is. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 2415 of the Legislative Journal.) 42 ayes, 5 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 487A passes with the emergency clause attached. Speaker Marvel, now it comes to the one that I asked you about. Is that...as I understand it that bill was...isn't that right, Mr. Clerk, that bill was to be held over.

CLERK: Senator Goodrich requested it.

PRESIDENT: Senator Goodrich requested that it be held over the same as these other couple bills. Is that

May 29, 1981

LB 321, 385, 396, 396A, 411, 460,  
487, 487A, 494, 544, 552, 561.

health when they reach there. I ask you to support the motion to reconsider the previous motion.

PRESIDENT: All right, motion is suspension of the rules, which will require 30 votes also. Those in favor of the Schmit motion on LB 561 vote aye, opposed nay. Sorry you can't do it. There is three excused. They are all back, okay, I'm sorry, they are all back. So you have all the people here now. Do you want a Call of the House?

SENATOR SCHMIT: Let's have a Call of the House and a roll call vote.

PRESIDENT: All right, erase the board, and all those in favor of a Call of the House vote aye, opposed nay. Record the vote.

CLERK: 19 ayes, 3 nays, Mr. President, to go under Call.

PRESIDENT: The motion carries. The House is under Call. Sergeant at Arms will see that all members are returned to the Chamber. All members will return to your desks. All members will register your presence. While we are waiting, while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 385, LB 552, LB 544, LB 494, LB 321, LB 396, LB 396A and LB 411, LB 460, LB 487 and LB 487A. Looking for Senator Cullan, Senator Kremer, Senator Lamb, Senator Sieck, Senator Nichol, Senator Labedz, Senator Higgins... oh, there she is. Senator Pirsch. Senator Kremer, Senator Lamb, Senator Pirsch, Senator Sieck. Do you want to wait until they arrive, Senator Schmit? All right, we will wait. Then do you wish a roll call vote? All right, sir. It will be done. Senator Kremer is here. Senator Lamb is on his way. All right. Senator Pirsch. Does anybody know where she is? Oh, okay. One more and we can go. Proceed, Senator Schmit. All right, proceed with the roll call, Mr. Clerk. The question is the suspension of the rules on LB 561 for purpose of the override.

CLERK: (Read the roll call vote as found on page 2419 of the Legislative Journal.) 22 ayes, 24 nays, Mr. President, on the motion to suspend the rules.

PRESIDENT: The motion fails, so therefore the second motion is not possible. What is the next motion on the desk, Mr. Clerk? Okay, the next motion.

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