

January 14, 1982

LB 138, 231, 233, 622,
664, 722, 825-833

SPEAKER MARVEL PRESIDING

DR. PALMER: Prayer offered.

SPEAKER MARVEL: Roll call. Please record your presence. Record.

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

SPEAKER MARVEL: Do you have anything under item #3?

CLERK: Yes, sir, Mr. President, your committee on Administrative Rules and Regulations gives notice of hearing for Wednesday, January 20.

Mr. President, your committee on Business and Labor gives notice of hearing for January 20, 27 and February 3 and that is signed by Senator Barrett and Senator Johnson.

Mr. President, I have two Attorney General's opinions, one addressed to Senator Labeledz regarding LB 138 and one addressed to Senator Fowler regarding LB 231. (See pages 280-282 of the Legislative Journal.)

Mr. President, Senator DeCamp would like to print amendments to LB 622 or 233. (See pages 282-283 of the Journal.)

Mr. President, I have received two reports from the Middle Republic NRD and the Lower Platte South NRD regarding payment of attorney fees. (See pages 283-284 of the Legislative Journal.)

I will have on file in my office a report I received from the Director of State Engineer Department of Roads pursuant to LB 722.

Mr. President, new bills: (Read by title for the first time LB 825-833 as found on pages 284-286 of the Legislative Journal.)

SPEAKER MARVEL: We are ready for item #5, Final Reading, and the Chair recognizes Senator Vard Johnson.

CLERK: Mr. President, Senator Johnson would move to suspend Rule 6, Section 7(b) to permit the Final Reading of LB 664 today.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I want to thank you for your indulgence with this particular measure. As you know this is the bill that would name the gymnasium for the Nebraska School for the Deaf after Mr. Nick Peterson who is an alumnus of the Nebraska School for

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LB 274, 606, 829, 198

whose Chairman is Senator Cullan, reports LB 606 to General File and LB 829 to General File, both signed by Senator Cullan as Chair.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker.....

SPEAKER MARVEL: 198.

SENATOR KAHLE: Senator Warner had indicated the other day that he had an amendment for 198, and his office called this morning, he is not here, of course, today, and he wants to rewrite that amendment, so I ask that we pass over 198 for the present time.

SPEAKER MARVEL: Any objections? This goes to the passover file. Okay, next, LB 274.

CLERK: Mr. President, there are E & R amendments on 274.

SPEAKER MARVEL: We are adopting E & R amendments to 274. The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I move that the E & R amendments to LB 274 be adopted.

SPEAKER MARVEL: All those in favor of that motion say aye. Opposed no. The motion is carried. The E & R amendments are adopted.

CLERK: Mr. President, I now have an amendment offered by Senator Sieck that is found on page 392 of the Legislative Journal.

SPEAKER MARVEL: The Chair recognizes Senator Sieck.

SENATOR SIECK: Mr. President and members of the body, I do have an amendment here but Senator Remmers also has an amendment on the same subject and I feel his amendment covers the issue better than the one that I submitted, so I will ask that mine be withdrawn and that we consider Senator Remmers' amendment.

SPEAKER MARVEL: Okay, hearing no objections, so ordered. The amendment is withdrawn.

CLERK: Mr. President, Senator Remmers would now move

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LB 654, 829

for a period of three years. Is that your interpretation?

SENATOR KOCH: No.

SENATOR V. JOHNSON: The reason I say that is because it says...the bill says, it shall then consider the appointment and contracting for a Commissioner of Education whose appointment may be for a period of three years. Now the "may" would indicate that it is permissive.

SENATOR KOCH: That's right.

SENATOR V. JOHNSON: But if they do a contract, then you are saying it can be for any period of time up to three years.

SENATOR KOCH: Up to three years.

SENATOR V. JOHNSON: All right.

SENATOR KOCH: It could be annual, biennial or three.

SENATOR V. JOHNSON: Okay, thank you very much.

SENATOR CLARK: Any further discussion? Is there any closing, Senator Koch? The question before the House is the advancement of 654 to E & R. All those in favor vote aye, opposed vote nay. Record the vote.

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

SENATOR CLARK: The bill is advanced? Is Senator Kremer here?

CLERK: No, he is excused.

SENATOR CLARK: We had better skip over the next bill then. We will take up 829.

CLERK: Mr. President, LB 829 is a bill introduced by the Public Health Committee. (Read title). The bill was read on January 14, referred to Public Health for hearing. The bill was advanced to General File, Mr. President.

SENATOR CLARK: Senator Cullan.

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

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LB 829, 623

what this bill does is eliminate the Advisory Council on Hospital and Medical Care Facilities. Now this is simply a bill to eliminate this council which has not been functioning for several years. In fact, the testimony from Dr. Smith of the Department of Health indicates that the membership of this particular council is not even...it would be impossible to even locate some of them now. Some of them are deceased. They have not kept the membership of this Advisory Council current, and most of their functions are now gone. But the functions of the Advisory Council on Hospital and Medical Facilities were related to the Hill-Burton Program which, of course, has long since been eliminated. And so the Department of Health saw no reason to continue the operation of this particular advisory body. With that, I would urge you to advance LB 829.

SENATOR CLARK: Is there any discussion? If not, that is your closing. Do you want to advance the bill? To E & R, 829. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 30 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced. We will take up the next one which is a noncontroversial bill, LB 623.

CLERK: Mr. President, LB 623 was a bill introduced by Senator John DeCamp. (Read title). The bill was read on January 6 of this year. It was referred to the Banking, Commerce and Insurance Committee for public hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending.

SENATOR CLARK: Committee amendments. Senator Cullan, for what purpose do you rise?

SENATOR CULLAN: I was inquiring as to why you passed over LB 606. Senator Kremer asked me to handle that bill for him since he was absent and I would be happy to handle LB 606.

SENATOR CLARK: All right, we will come back to 606. Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature,

February 8, 1982

LB 635, 654, 824, 829

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Prayer by the Reverend J. Dallas Gibson of the United Presbyterian Church. Reverend Gibson.

REVEREND GIBSON: (Prayer offered.)

SPEAKER MARVEL: Record your presence please. Okay, record.

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

SPEAKER MARVEL: The Clerk has some items to be read in.

CLERK: Mr. President, your committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp gives notice of confirmation hearing for Tuesday, February 9. Your committee on Judiciary gives notice of hearing for gubernatorial appointments for February 10. Committee on Banking gives notice of public hearing for Tuesday, February 16. That is offered by Senator DeCamp.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 654 and recommend that same be placed on Select File; 829 Select File with amendments, both signed by Senator Kilgarin.

Mr. President, Senator DeCamp asks unanimous consent to add his name to LB 824 as coinroducer.

SPEAKER MARVEL: No objection, so ordered. It is my privilege to introduce in the North balcony students from Omaha South High School with their teacher, Sally Fellows. Will you please hold up your hand so we can see where you are? The Senator is Karen Kilgarin. We are ready for item #4, motions.

CLERK: Mr. President, Senator Kahle pursuant to our rules moves to place LB 635 on General File notwithstanding the action of the Public Health and Welfare Committee. Senator Kahle's motion is found on page 486 of the Journal.

SPEAKER MARVEL: Senator Kahle, the Chair recognizes you.

SENATOR KAHLE: Mr. Speaker, members of this august body, we never know what is going to happen on Monday mornings and Friday afternoons so I am not sure that this is a good time to try this or not but I am attempting to bring LB 635 to the floor notwithstanding the action of the Public Health and Welfare Committee. This is the same bill that I introduced last year, last session, as LB 107 and the

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LB 630, 654, 728, 829

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 630.

SENATOR CLARK: The motion is to adopt the E & R amendments on 630. All those in favor say aye. Opposed. The amendments are adopted.

ASSISTANT CLERK: I have nothing further on the bill.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 630.

SENATOR CLARK: The move is to advance LB 630. All those in favor say aye. Opposed. The bill is advanced. LB 728.

ASSISTANT CLERK: Mr. President, I do have E & R amendments.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 728.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed. The amendments are adopted. Anything further?

ASSISTANT CLERK: I have nothing further on the bill.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 728.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed. The bill is advanced. LB 654.

ASSISTANT CLERK: Mr. President, I have no E & R amendments. I have nothing else on the bill.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 654.

SENATOR CLARK: The motion is to advance LB 654. All those in favor say aye. Opposed. The bill is advanced. LB 829.

ASSISTANT CLERK: There are E & R amendments, Mr. President.

SENATOR KILGARIN: I move the E & R amendments to LB 829.

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LB 579, 606, 703, 829

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed. The E & R amendments are adopted. Anything further on the bill?

ASSISTANT CLERK: Nothing further, Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 829.

SENATOR CLARK: The motion is to advance LB 829. All those in favor say aye. Opposed. The bill is advanced. LB 606.

ASSISTANT CLERK: Mr. President, I have no E & R amendments and I have nothing on the bill.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 606.

SENATOR CLARK: You heard the motion. All those in favor say aye. Opposed. The bill is advanced. LB 579.

ASSISTANT CLERK: Mr. President, I have no E & R amendments. I do have an amendment from Senator Koch. That amendment is to add the emergency clause.

SENATOR CLARK: Senator Koch. The motion before the House is to add the emergency clause. All those in favor vote aye, opposed vote nay.

ASSISTANT CLERK: Senator Clark voting yes.

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

ASSISTANT CLERK: 29 ayes, 0 nays on the adoption of the Koch amendment, Mr. President.

SENATOR CLARK: The amendment is adopted. Senator Kilgarin on the advancement of the bill.

SENATOR KILGARIN: I move we advance LB 579.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed. The bill is advanced. LB 703.

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

SENATOR CLARK: Senator Kilgarin.

March 10, 1982

LB 127, 127A, 421, 606, 630,
654, 692, 703, 801, 824, 829

PRESIDENT LUEDTKE PRESIDING

REV. JOHN MINERT: Prayer offered.

PRESIDENT: Roll call. Has everyone registered your presence now? Record the presence, Mr. Clerk.

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

PRESIDENT: A quorum being present, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

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

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 127 and find the same correctly engrossed; 127A, 606, 630, 654, 692, 703, 801 and 829 all correctly engrossed. Those are signed by Senator Kilgarin as Chair.

Mr. President, your committee on Public Works whose chairman is Senator Kremer reports LB 824 as indefinitely postponed. That is signed by Senator Kremer.

PRESIDENT: We'll start with the agenda then on agenda item... we're going to reverse the items #4 and #6 according to Speaker Marvel and we'll start with agenda #6, motions, LB 421, Mr. Clerk.

CLERK: Mr. President, Senator DeCamp would move to reconsider the vote on Final Reading of LB 421. Senator DeCamp offered his motion on March 3. It can be found on page 941 of the Legislative Journal.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President, people in this body are very concerned about health costs. Any time there is fraud or payment of a claim that is improper that costs everybody, whether it is for a drug abuse situation, whether it's for error through payment that shouldn't have been made, it costs everybody, not the insurance company, we all pay for it. This bill is designed to try to correct that particular problem in Nebraska. There were some reservations by some members, Senator Landis and some of the attorneys that there was some language that wasn't clear enough. Maybe that's the reason the bill failed, maybe the fact that several members were absent that day, whatever. I would

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LB 801, 829, 421

SENATOR CLARK: All provisions of law relative 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: 36 ayes, 8 nays, 5 excused and not voting. Vote appears on page 1222 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will now read LB 829.

CLERK: Read LB 829.

SENATOR CLARK: All provisions of law relative 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: 43 ayes, 0 nays, 5 excused and not voting, 1 present and not voting. Vote appears on page 1223 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will read LB 421.

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

SENATOR CLARK: Read the motion.

CLERK: Senators Landis and Schmit move to return LB 421 to Select File for a specific amendment. That amendment is found on page 1093 of the Legislative Journal.

SENATOR CLARK: Senator Schmit. Senator Landis, do you want to take it?

SENATOR LANDIS: Thank you. I will yield some of my time to Senator Schmit but I thought I would go over the terms of the amendment for the body. I had voted on Final Reading against LB 421, because in discussions with the authors of the bill they were unwilling to make any change in their immunity section, which if you read it in the original or in the blue copy of the bill, it is simply a total grant of immunity for any civil or criminal action unless there

March 18, 1982

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

PRESIDENT LUEDTKE PRESIDING

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

LeROY HOFKER: (Prayer offered).

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

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

PRESIDENT: A quorum being present, are there any corrections to the Journal?

CLERK: I have no corrections this morning, Mr. President.

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

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

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

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

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

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

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

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

March 22, 1982

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

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

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

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

Edited by:

Marilyn Zank
Marilyn Zank