

will meet for a brief Executive Session, in Room 1003, upon recess to select a Vice-Chair. Appropriations Committee upon recess in Room 1003 by the Appropriations Committee.

Mr. President, I also have the Committee on Committees report as offered by Senator Lowell Johnson and the Committee on Committees. Also an acknowledgment, Mr. President, that Senator Beyer has been selected...Senator Emil Beyer has been selected as Vice-Chair of the Committee on Committees.

PRESIDENT: The Chair recognizes Senator Lowell Johnson. Could we have your attention for just a moment, please. (Gavel.) Could we have your attention just a moment, ladies and gentlemen. If we could have your attention just a moment, we won't request your attention too long today, but Senator Lowell Johnson has an announcement.

SENATOR L. JOHNSON: Mr. President and members of the Legislature, your Committee on Committees met yesterday, and after careful deliberations completed the committee roster, which you find on your desks, which has been placed there by the Clerk. The report was unanimously adopted by the Committee on Committees, and I, therefore, move at this time that it be accepted and approved by the Legislature.

PRESIDENT: Is there any discussion? If not, the question is the adoption of the report. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the Committee on Committees report.

PRESIDENT: The report is adopted. Back to you, Mr. Clerk. We're ready for the introduction of new bills. Mr. Clerk.

CLERK: Mr. President, new bills. (Read LB 1-80 by title for the first time. See pages 44-61 of the Legislative Journal.)

PRESIDENT: If I could have your attention just a moment, please, we'll introduce a couple of guests. Over under the north balcony, our first doctor of the day for this year is Dr. Dale Michaels of Lincoln, Nebraska. He's from Senator Warner's district. He's here to take care of us on behalf of the Nebraska Academy of Family Physicians. So would you welcome Dr. Michaels. Would you please stand, Doctor. Thank you for

January 25, 1989

LB 13, 18, 19-32, 58, 62, 70, 115
128, 134, 142, 156, 255, 279, 283
284, 296, 298, 312, 321, 322

SPEAKER BARRETT: Thank you. You have heard the closing on the advancement of 134. Those in favor of the motion to advance the bill please vote aye, opposed nay. Have you all voted on the advancement of LB 134? Record, please.

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of 134.

SPEAKER BARRETT: LB 134 is advanced to E & R. Anything for the record, Mr. Clerk?

CLERK: Mr. President, I do. Thank you. Your Committee on Transportation, whose Chair is Senator Lamb, to whom was referred LB 115, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 283, General File; LB 284, General File; LB 58, General File with amendments; LB 142, General File with amendments; LB 156, General File with amendments; and LB 128 indefinitely postponed. Those are signed by Senator Lamb. (See pages 439-41 of the Legislative Journal.)

General Affairs Committee, whose Chair is Senator Smith, reports LB 298 to General File, LB 70 to General File with amendments, and LB 62 indefinitely postponed. Those signed by Senator Smith as Chair. (See page 441 of the Legislative Journal.)

Your Committee on Education, whose Chair is Senator Withem, reports LB 312 to General File with amendments. That is signed by Senator Withem. Banking, Commerce and Insurance reports LB 279 to General File; LB 296, General File; LB 321, General File; LB 322, General File; those signed by Senator Landis as Chair. (See page 442 of the Legislative Journal.)

Mr. President, I have hearing notices from the Natural Resources Committee, signed by Senator Schmit; Health and Human Services, signed by Senator Wesely. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 13, LB 18, LB 19, LB 20, LB 21, LB 22, LB 23, LB 24, LB 25, LB 26, LB 27, and LB 28, and LB 29, LB 30, LB 31, and LB 32. The next bill, Mr. Clerk, LB 255.

January 27, 1989

LB 70, 166, 177A, 261A, 277, 277A, 284A
312A

have it, motion carried, the bill is advanced. Anything for the record, Mr. Clerk?

CLERK: Mr. President, I do, thank you. Your Committee on Banking, Commerce and Insurance gives notice of hearing. That is signed by Senator Landis. Natural Resources Committee gives notice of hearing, signed by Senator Schmit. Urban Affairs Committee gives notice of hearing. That is signed by Senator Hartnett. Revenue Committee gives notice of hearing. That is signed by Senator Hall. Transportation Committee offers notice of hearing. That is signed by Senator Lamb.

New A bills, Mr. President. (Read LB 177A, LB 261A, LB 277A, LB 284A, and LB 312A by title for the first time. See pages 470-71 of the Legislative Journal.)

Mr. President, I have a Report of Registered Lobbyists for this past week. Mr. President, Natural Resources Committee would report LB 166 to General File with committee amendments attached. That is signed by Senator Schmit as Chair. That is all that I have, Mr. President. (See page 472 of the Journal.)

SPEAKER BARRETT: Thank you. Proceeding then to General File discussion on LB 70, Mr. Clerk.

CLERK: Mr. President, LB 70 was a bill that was introduced by Senator Smith. (Read title.) The bill was introduced on January 5 of this year, referred to the General Affairs Committee. The bill was advanced to General File. I do have committee amendments pending by the General Affairs Committee, Mr. President.

SPEAKER BARRETT: The Chair recognizes the Chairperson of the General Affairs Committee, Senator Smith. (Gavel.)

SENATOR SMITH: Thank you, Mr. Chairman. Members of the body, we have committee amendments on the bill, on LB 70. What it will simply do is to strike language allowing the commission to charge a fee for the warning signs. The commission would then pick up the cost of producing and distributing the signs. The cost on...the original cost on it was approximately \$500.

SPEAKER BARRETT: Are you....

SENATOR SMITH: Did you want me to give a short version of what

the bill is about, so that people have an understanding?

SPEAKER BARRETT: No, we're on the committee amendments.

SENATOR SMITH: Yes, right. I've finished. What it does is strike the language that would allow the commission to charge for the signs.

SPEAKER BARRETT: Thank you. And I believe we have an amendment on the desk. Mr. Clerk.

CLERK: Mr. President, Senator Korshoj would move to amend the committee amendments. (See Korshoj amendment as found on page 473 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Korshoj.

SENATOR KORSHOJ: Mr. Speaker and members, I have a very simple little amendment to go on this bill. I'm sure Senator Smith will be happy to have it on there. In my amendment, which I passed out, I'm trying to point out what is the role of these bars, these taverns. Is it their role to get involved more or less in the medical field? I don't think they have any objection to women, pregnant women knowing the effects of alcohol on their unborn child. I think probably they would even support having the manufacturer put it on the cans and the bottles and whatever they are going to be drinking. But what is their role in this issue? I talked at length with one of my bar owners, and he said he has so many signs on the wall now nobody reads them and he thinks it would be very ineffective. What is going to happen next year, if they have to put the sign on and somebody in the Legislature don't believe they are being read? Does he have to have a hostess at the door and question these people, are you or are you not pregnant, and if so, don't come into my establishment. What I think we are doing is putting more and more government in these small businesses. And I don't think they are against it, because they do not have the energy to put the sign up. Their question is, where does this government stop in small business? They reminded me that we removed their video machines which give them a little source of income to pay their taxes and their help. And they know there is a clean air act bill sitting out here that will probably require them to make an area in the bar smoke-free. Also they thanked us for raising the cigarette tax when we weren't raising any taxes at all. So, I think what they are really asking us is

why not let them run their business as they see fit. They have a lot of liquor laws in which they are abiding by the laws of the state, and they would certainly hate to have this disciplinary action, if they failed to post this sign, a reprimand, cancellation, suspension or a revocation of their retail license. They have enough problem with the state when they put a little extra water in the whiskey, so we'll watch them that way. With that, I would ask you to adopt this little amendment that has very little bearing on her bill. Thank you.

SPEAKER BARRETT: Thank you, sir. Discussion on the amendment to the committee amendment? Senator Pirsch, followed by Senator Wesely.

SENATOR PIRSCH: Thank you, Mr. Speaker. I was originally going to speak to the amendment. But I would like to ask Senator Korshoj a question, if he would yield.

SPEAKER BARRETT: Senator Korshoj.

SENATOR KORSHOJ: Yes.

SENATOR PIRSCH: Senator Korshoj, if we add your amendment, what assurance would we have that any bar would take the time or trouble to put up a sign or to keep a sign in a conspicuous place?

SENATOR KORSHOJ: We probably wouldn't have any assurance that they would do it. But, if we have a law out here, believe it or not most of these bar owners are law abiding citizens.

SENATOR PIRSCH: Um-huh. Well, I do know that fetal alcohol syndrome is a very serious problem, and a great percentage of mental retardation is attributed to that. Whether a sign, you know, would prevent a great deal of alcohol drinking by pregnant women, I really can't say. But I do know that, if we could reach one or two that it would be worth it to put up these signs. I wish that your amendment would say maybe that failure to post this sign shall not be a cause for cancellation, suspension or revocation, but perhaps there should be some, some kind of follow-up, if they did not post that notice that the state provides without charge. So, I think I shall have to vote, regretfully, against your amendment. Thank you.

SPEAKER BARRETT: Senator Korshoj, are you responding? Was that

a question? Thank you. Thank you. The Chair then recognizes Senator Wesely.

SENATOR WESELY: Thank you. Mr. Speaker, members, I would rise in opposition to the Korshoj amendment. I do rise in support of the bill. I rise in support of the committee amendments, and I do think that we ought to oppose the amendment that Senator Korshoj is offering. I think there is a reasonable middle ground here, and perhaps Senator Korshoj and Senator Smith could discuss that middle ground. But certainly, if there is no penalty, if there is no recourse to have these signs up, then you essentially have a worthless bill, one that doesn't have any impact, because those restaurants out across the state, or whatever establishments, bars, will just say, who cares. I mean, obviously, this Legislature isn't serious about us putting up the signs. They have no penalty involved here and they will just ignore it. So there is no sense to even proceed on the legislation. If you don't like the legislation, vote against it, but don't cut out any penalty sections so it doesn't have any impact. I would suggest, however, there may be...obviously, not putting up this sign is not a reason for revoking a license. I just don't think that is what people have in mind. Perhaps I'd like to give Senator Smith the rest of my time, and maybe there is some sort of level of penalty that makes some sense and a line we could draw, but not go as far as perhaps the bill provides and I think take care of this problem. But I would reject the Korshoj amendment as drafted and ask Senator Smith what her thoughts are about it.

SENATOR SMITH: Thank you, Senator Wesely.

SPEAKER BARRETT: Senator Smith.

SENATOR SMITH: Mr. Chairman, members of the body, I guess my feelings on this are that I feel we have to have some consistency in enforcement. I do think that I could go along, though, with the part of the amendment, using Senator Firsch's recommendation, that we maybe reorder the amendment to say, "Failure to post a sign shall not be cause for cancellation, suspension or revocation of any retail license", and eliminate disciplinary action or reprimand, because I do think we have to have some way of assuring that these signs are posted. I would just like to add a few more comments. Frosty Chapman, the Liquor Commissioner, or the head of the Liquor Commission, told us in committee, in response to this exact question, whether or

not there ever had been any revocation of licenses even for failing to post, for instance, the warning to minors signs. And he said, to his knowledge, there had never been a time, since he's been here, that they have ever taken away a license for not even posting that sign. So I see the likelihood of them having their licenses jerked because they did not post this sign as being so minimal that you would never even need to worry about it. But I would be willing to compromise and go along with the wording that would just include cancellation, suspension or revocation of any retail licenses. Otherwise, if there is no willingness on that to adjust the amendment on that part, I will fight it. Pardon? Okay, my amendment will be then offered, which would eliminate just those words, "disciplinary action and reprimand" from the Korshoj amendment.

SPEAKER BARRETT: Thank you. Senator Scofield, on the amendment to the amendment, followed by...

SENATOR SCOFIELD: Mr. Speaker, thank you. It sounds as if we maybe are working out a little something here. I was simply going to stand and express some concern about an amendment to a bill that I think is important and has some real potential for having some meaningful impact on people's behavior in this state. I have to confess that I was unaware, until we had that Special Education Committee a few years ago, that the potential for damage to a child is as great as it is under the circumstances. It seems to me it is a relatively minor kind of thing to ask a liquor store to do. If we're going to work out this compromise, that's a good idea. But I think it's a really important concept. If you look at the kinds of costs that are incurred, and the grief that families suffer with from taking an action that the mother or the father both may be completely unaware of the potential long-range damage, this is a very small effort to make for the kind of good it might do. Fetal alcohol syndrome is a very serious problem in our society, and I think it is a good bill. I commend Senator Smith for bringing it in. I hope we're going to get something worked out down here with this little chat that is going on. Thank you.

SPEAKER BARRETT: Thank you. Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. Speaker, members of the Legislature. In the absence of any time, I guess I'm going to stand here and fill in while the amendment to the amendment to the amendment is being drafted. Citizens of Nebraska, a long

time ago, decided that social drinking was acceptable, and with that, those people who choose to engage in that position were placed under a number of different restrictions. I don't object to LB 70 as a philosophy. I do think that we sometimes go a little bit overboard in penalizing those people who we have authorized to provide this substance to the citizens of Nebraska and perhaps extended their responsibility for social behavior a little bit further than what we can. So I would hope that I would be able to support the Korshoj amendment to LB 70, and whatever this amendment to the amendment to the amendment that is coming up. All right. (Laughter.) Thank you.

SPEAKER BARRETT: Thank you. Senator Hartnett.

SENATOR HARTNETT: Mr. Speaker and members of the body, I also voted for this bill in committee and I guess some of the testimony from some of the proponents of the bill had me somewhat concerned when we asked some of the doctors about it and so forth. I guess I do not frequent the taverns that much. But one of the favorite watering places of the Legislature, I was in the other night, just happened to be passing through, and I noticed no signs up and I was told, well, this is a private club. I think if...and pregnant women come into private clubs also, so I think...and I don't know, maybe Senator Smith can check with the Liquor Commission, it also should include all places, private clubs and so forth that liquor is consumed, because I agree with the concept. I agree with what Senator Pirsch said and so forth, and I did support the bill and so forth. But I also have some of the concerns of Senator Korshoj. Senator Korshoj wants some of my time, so if I...I will yield to Senator Korshoj because...

SPEAKER BARRETT: Senator Korshoj, you have about three minutes.

SENATOR KORSHOJ: I don't need that. Mr. Speaker and members, it is apparent that I have introduced a very messy amendment. I'm willing to withdraw that amendment as Senator Smith and a few are working on another amendment for that bill. I like Senator Hartnett's idea, why do we want to exclude these clubs? Are they above and beyond the law then, is that what we're saying, that that little old snake house across from my lumber yard has to put it up, but the Nebraska Club doesn't? That's not right. So, I would withdraw my amendment, if there is no objections, and we're working on one. Thank you, Mr. Speaker.

SPEAKER BARRETT: Thank you, thank you. It is withdrawn. Thank you. We are back to the committee amendments. Senator Smith, yours is the next light.

SENATOR SMITH: I guess all I will be doing is just asking the floor's vote in support of the committee amendment.

SPEAKER BARRETT: Thank you. Senator Hall, would you care to discuss the committee amendments?

SENATOR HALL: No, on the bill.

SPEAKER BARRETT: Senator Wehrbein, on the committee amendments?

SENATOR WEHRBEIN: Mr. President and members, I guess if I understand right, Senator Smith, you are proposing to...this amendment primarily proposes to allow a charge to bar owners to pay for the...

SPEAKER BARRETT: Senator Smith.

SENATOR WEHRBEIN: ...oh, it removes it.

SENATOR SMITH: ...requirement for the retailers to pay the cost of publishing the sign, instead it places the cost in the Liquor Commission. It is only about \$500, and they agreed that they could bear the cost.

SENATOR WEHRBEIN: Right, I concur with that. I had it turned around. Okay.

SPEAKER BARRETT: Thank you. Senator Korshoj, on the committee amendments.

SENATOR KORSHOJ: Mr. Speaker, members, I have a question for Senator Smith.

SPEAKER BARRETT: Senator Smith.

SENATOR KORSHOJ: You are drawing up the amendment now, right?

SENATOR SMITH: No, we're not.

SENATOR KORSHOJ: Oh, when we going to do that?

SENATOR SMITH: Well, right now we're dealing with the committee amendments.

SENATOR KORSHOJ: Well, as I walked back there one of our fellow senators said that we're leaving out some people, these organizations and ..

SENATOR SMITH: That's not a part of the committee amendments, Frank, that's...

SENATOR KORSHOJ: But we better get it in and get everybody.

SENATOR SMITH: We can add another amendment to this bill, if you want to include some other groups. But in the committee amendments what we're doing is just simply removing the requirement from the retailers to pay the cost of publishing the signs and letting that cost lie in the Liquor Commission. That is all the committee amendment does.

SENATOR KORSHOJ: And you want me to draw up an amendment to the amendment then?

SENATOR SMITH: Not to this amendment necessarily, to the bill.

SENATOR KORSHOJ: Okay, okay, okay.

SPEAKER BARRETT: Thank you. Senator Hall, would you care to discuss the committee amendments.

SENATOR HALL: Thank you, Mr. President and members. I rise in support of the committee amendments because I think I made the motion in committee that we put this language as a committee amendment, if we were going to support the bill. Now, I do that and you need to know full well I don't support the bill. In my opinion, the bill does not address the problem that I think the proponents very clearly spelled out, very honestly, very openly and very much had a good case for. But the problem is not addressed by LB 70. LB 70 comes in after the fact. LB 70 addresses someone who is in a liquor establishment. Now, think about that, ladies and gentlemen. I mean, that is like...that's like posting a sign that I guess when you're...you know, I almost, it's real similar to saying...putting the Surgeon General's warning on the cigarette packages. I mean, what the heck help does that do when somebody...I mean the only reason you have a cigarette package is because you're smoking. I mean,

you know, okay, I know full well that I'm killing myself, thank you very much. It just does not make sense. I think....I mean, I'm probably going to offer a kill motion on this bill, should we get that far. I'll let the committee amendments be adopted because I don't think the burden of the sign should fall on the retailer. It just isn't even cost-effective, the commission testified to that fact. This bill is...has very good intention of trying to warn people, warn women, warn the general public about the serious issue of fetal alcohol syndrome, and I would agree with that. We need to do that. But this bill does not do it, it does not do it. The vast majority of people that go into a retail or a wholesale establishment, on-sale establishment are not going to pay any attention to that sign. There was testimony brought up that you can't even find some of the signs that we currently require them to post. They are posted in hallways to the rest room, they are posted behind four or five quarts of whiskey. You can't see that they are even there, but yet we require that they be posted. The real issue here is that they don't address the right population. If we're going to put them someplace, let's put the signs in the doctors offices. There were a number of doctors who testified and they testified to the fact that their counterparts, their colleagues did a very, very poor job of telling pregnant people, pregnant women about this problem. And I think that if there is going to be a group of individuals that should be pressed into educating population with regard to the concerns and the issue of fetal alcohol syndrome, then clearly, first and foremost, it should be the medical profession. I don't think I would amend this bill and I don't even think it is amendable to allow for that, that they be put in doctors' offices. But if the medical profession themselves don't take it on their shoulders to educate their individuals, their doctors, their health professionals, then I think to say that this is an issue that should fall on the burden of the retailers and the liquor industry is ludicrous at best, although the issue itself, educating the population about the horrors of this...

SPEAKER BARRETT: One minute.

SENATOR HALL: ...problem makes very good sense and I would support that. I think, if you're going to do it, you should do it probably with the medical profession. It would probably even be better to deal with it at the high school level where young people are currently probably dealing with both aspects of this issue in their early age. So I would urge you to adopt the

committee amendments because I do think it makes the bill a little better. But I'm going to oppose the bill when we get to that issue. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Further discussion on the committee amendments? Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. Speaker. I have to respectfully disagree with Senator Hall. You don't necessarily have to drink alcohol when you go into a bar, Senator Hall. In fact, I know those mothers who wish to become pregnant and are pregnant who can still go with the group into the bar, they don't have to order alcohol, they certainly have a lot of other options. What we are trying to do, with the notice provision, is kind of like the cigarette warning. As you pointed out, the smoker who buys the pack is warned, but that has had a great impact on the number of smokers in the United States and has gone down every year. Less smokers every year. It is because it was a point of discussion, because it is before you every time you see that cigarette package that many people have quit and that many pregnant women consciously stop smoking, stop drinking while they are pregnant. It is a certain amount of awareness. I certainly didn't know this when I was carrying my children. And even an intelligent, with it senator, like Senator Scofield, admitted that it is only when it is shown to you and demonstrated to you that you become aware of the preventable cause of mental retardation. So, with that, I support the amendment and certainly agree with Senator Hartnett that it should be in all of those places and hope that you will consider, true, maybe a small impact, but any impact will be helpful to the cause of mental retardation and the other problems that accompany the fetal alcohol syndrome. With that, I urge your support for this amendment.

SPEAKER BARRETT: Thank you. Senator Scofield.

SENATOR SCOFIELD: Mr. Speaker, I wanted to just expand a little bit on what Senator Pirsch, I think, has already started on and again reiterate what a good bill I think this is and how cost-effective it is, in fact, even though we've heard it is not. A few years ago we had a special education study and one of the most interesting things that was shown to us, at a retreat that we had, was a video tape with a doctor up at the Med Center, I hope I'm correct about his name, I think it was Dr. Buehler. My apologies to the doctor, if I'm incorrect.

Senator Hall is probably right, we should do more in high schools. In fact, one of the things that we talked about at the time was this video tape should be shown in all high schools. And one of the things that particularly struck me at the time was that there was a fetus that you could see at eight weeks that had already...was going to have a birth defect as a result of alcohol. I think that's what really hit home with me. A relatively easy thing to prevent, and it is simply too late when you go to the doctors' office, assuming you even get prenatal care, which a good many women do not, but assuming you do, perhaps given that kind of information you may not even know you are pregnant. On the other hand, if you are hoping to become pregnant, and you are being a little careless, it is devastating and there is hard and fast graphic evidence there the kind of damage that can occur. So I think again that this is a good bill and it deserves to be passed. I'll give the rest of my time to Senator Smith.

SENATOR SMITH: Thank you, Senator Scofield.

SPEAKER BARRETT: Senator Smith.

SENATOR SMITH: You know we've been doing all this talking, and I think we sort of got the horse before the cart here because I didn't even get an opportunity to talk about the simple bill that I'm proposing. That bill is so simple as simply to say to retail outlets for liquor establishments, please post this sign, and I'm showing it to all of you now, if anyone is interested in looking at it. It just simply says, warning, drinking alcoholic beverages during pregnancy can cause birth defects. You know I don't think that is much to ask of anyone. They are not going to have a cost, there is going to be no charge to them. It's as simple as having this come to them in the mail from the Liquor Commission, taking a thumb tack and sticking it up on the wall. Now if that is too much time, effort and whatever else you want to call it that the retailers are concerned about, I guess I don't have too much sympathy for them, because I can tell you that if any of those people have seen some of the birth defects that have resulted because of the alcohol syndrome, then I think that they would be very, very much supportive of doing anything that they could, even as small as this, to try to prevent one more child from being born at a tremendous loss to that family, heartache, heartbreak, and the cost to society over the life of that child. You know, I've got so many points I could talk about here, we haven't even been able to bring up the...bring it

to the point where we talk about the bill yet, and here we are on amendments to kill the bill and everything else I hear is coming up. By the way, this is part of an education effort. It is only a part of it. ARC has taken the time and expense from their organization to put together a packet which includes something that will go into high schools for young people, so that is being done as a part of this whole education concern that they do have; three pieces of publication for them to put out in a high school for young people. It's a part, only a part, and I know this is a small part. But, people, how can you sit here and be concerned and vote against something that may save a child from becoming mentally retarded? As simple as sticking up a sign that doesn't cost a retailer a cent. If they have a lot of signs on their wall, what is one more sign going to do, and in the hope that some friend or family member of a pregnant woman or a woman who may become pregnant some day will receive enlightenment and will know that, hey, she shouldn't drink when she's pregnant.

SPEAKER BARRETT: Thank you. You were using Senator Scofield's balance of time, Senator Smith, and in the natural order yours is the next light. Senator Smith, would you care to continue on your own time?

SENATOR SMITH: Well, we're talking about the amendment and I would have saved all of my discussion for the bill itself. But it seems as though, as I said, we've gotten the horse ahead of the cart and we're discussing the bill before we ever get to it here with the amendments. The amendment simply was to remove the requirement for retailers to have to pay the cost of printing the sign that would be hung in their establishment, and, by the way, mailed to them at not their expense. That is what the amendment simply does. But I would go on then and just tell you that it is simply posting a sign. It's a part of an education program. There is all kinds of evidence we know. We can talk about the number of incidences that have occurred in Nebraska. In 1986, alone, they know that there were 84 cases of fetal alcohol syndrome, and the devastation to the lives of those people. It costs approximately \$40,000 a year for a child to be cared for in Beatrice. Over the life span of that child they estimate that it would cost about \$2 million to society to care for that child. Even if you forget the heartache and the heartbreak and the loss to the life of the child and to the family, you still have the cost of caring for these children. And such a small thing as this, to save even one life, should be

well worth it. I guess I implore the members of this body to think very seriously about this vote. What appears to some people to be a funny issue, it's not something that is funny. This is life and death, actually, for some people.

SPEAKER BARRETT: Thank you. Continued discussion on the committee amendments, Senator Elmer, followed by Senators Nelson, Crosby and Wesely. Senator Elmer.

SENATOR ELMER: Thank you, Mr. President and members. As a member of this committee, I listened to all the testimony and share the concerns of people involved that have had the problem of the alcoholic syndrome child. At the same time, I wonder a little if doing this might be a little redundant, especially in light of the fact that very soon every alcoholic beverage container must carry upon it, as part of its label, warnings to this effect. I have mixed emotions, but I felt the body should be in full debate on the issue and supported its advance to the floor. Thank you.

SPEAKER BARRETT: Thank you. Senator Nelson.

SENATOR NELSON: Mr. Speaker, members of the body, it's a hard act to follow, following Senator Smith's proposal. I have a real problem sometimes with this body when you can sit back and so nonchalantly maybe cave into special interests or so on. When you are talking about children's lives, or you are talking about something like this, only visit some of the places where there are children that have suffered from this. It's only a small thing to ask. As Senator Smith has said, there are many, many signs up there. I know what Senator Elmer is talking about. Is it redundant, do we need it? That sign is soon going to be on the bottle of alcohol. Let's go back to the little bill that you're going to be hearing soon giving away smokeless tobacco. Again, we will suffer from the same problem on that bill, as Senator Smith is suffering on this bill right now. That is on the smokeless tobacco, it doesn't stop still giving it to the kids and the harm that is done. I won't go on that today, but it is still back down to the same thing, where is our priorities, what do we consider? And the thousands of dollars and the heartache that it tells to keep, if you can just save one child. And I know that we all saw pictures down here in Room 1517 a couple of years ago, how the effect on that child, from the time it's conceived and when their brain is formed. I wholeheartedly support Senator Smith and I know she means it

from the heart and you'll say, well, there is Senator Nelson down there helping her. But we both are sincere.

SPEAKER BARRETT: Thank you. Senator Crosby.

SENATOR CROSBY: Mr. Chairman and members, this body deals with a lot of bills having to do with money, revising the educational system, a variety of issues. I like to help people live better lives. And I'm so pleased to see Senator Nelson and Senator Smith, who come from Grand Island and Hastings and argue a lot over that Platte River and they are agreeing today. My Dad was a liquor dealer and he worked very hard to run a good business and always said that the regulations helped him run a good business. But my real point is this, if some young pregnant woman, or older pregnant woman, who doesn't read the magazines and the newspapers, nor doesn't listen to her doctor, or her mother, whomever is warning her about alcohol, caffeine and some other things that have an effect, I think that if she walks into a bar or a liquor store and opts to buy a soft drink instead of hard liquor or wine or whatever, or her husband or her date says, lay off, honey, you know, we have to be careful of that baby you're carrying, I say God bless her. Let's help her do that and have a good baby, and so I'm going to vote for the amendments and to advance this bill. Thank you.

SPEAKER BARRETT: Thank you. Senator Wesely. Pursuant to Rule 7, Section 4, Senator Wesely moves the previous question. Five hands? Yes, I see them. The question is, shall debate now close? Those in favor vote aye, opposed nay. Shall the debate now close? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, to cease debate.

SPEAKER BARRETT: Debate ceases. Senator Smith, would you care to close on the adoption of the committee amendments?

SENATOR SMITH: Yes. The committee amendments would simply remove the requirement for retailers to pay the costs of printing of the signs. This will be picked up by the Liquor Commission, who would also mail the signs out to the retailers who would just simply then have the responsibility of posting the signs as far as the committee amendment is concerned. I have a lot of other things I can say, but I will save those for the bill itself. Thank you. I just ask for the advance...or the acceptance of the committee amendments.

SPEAKER BARRETT: Thank you. The question is the adoption of the committee amendments to LB 70. Those in favor vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

SPEAKER BARRETT: The committee amendments are adopted. Senator Smith, we're back to the bill as amended.

SENATOR SMITH: Mr. Speaker, members of the body, this bill would simply require that all retail establishments post a sign, in a conspicuous place, which simply reads, warning, drinking alcoholic beverages during pregnancy can cause birth defects. And, as I've said, the sign will be distributed, printed, published and distributed by the Liquor Commission. All they have to do is just post the sign. There are really two parts to this bill, though. The other part that hasn't had any coverage at all is a part that would allow the Liquor Commission to provide sets of the commission's rules and regulations and copies of the Nebraska Liquor Commission's Control Act to persons regulated by the act to them. Then they are also allowed to charge a reasonable fee for the material to cover printing and postage and a cash fund is established in order for them to be able to do this. This was originally a part of LB 911. As you know, 911 was struck down, and we have another bill that is coming in the committee which will deal with that issue. But this was added to this bill in order for them to allow...be allowed to do this much. The bill itself is needed. This is not a funny issue, this is a serious issue. And I appreciate the support that I've had from folks on the floor this morning. For anyone to stand and talk about the fact that this is not going to do anything, how do we know what it will do? If it saves one life from being doomed to mental retardation, it should be well worth it. If we care about life in here at all, I can't understand how anyone on this floor could not vote for this piece of legislation on the premise that it's not going to do anything. We don't know what it can do. We don't know how many lives will be changed because of the fact that some friend, or some family member, if not the pregnant woman herself, in a bar, maybe before a child is even...comes into the mind of a potential parent, reads the sign and remembers that statement who was not educated to the concern that there is for the effects of alcohol on the fetus before

this time. I wasn't aware of this. I had never even thought much about this. Maybe I've been told this somewhere along the line, but I really didn't ever think too much about this. Now it's not going to affect me anymore, but there are sure a lot of...it may effect my grandchildren. And I am concerned about the lives that my...the kind of life that my grandchild may live. This causes...alcohol, the effect on the fetus can cause physical, mental or behavioral defects. And there are different kinds of degrees of this. It depends upon the time in the life of the child as it's in the mother's body, what kinds of defects there will be. The intent of the bill is to help in the whole education process to raise awareness. Cities like Washington, D.C. and New York City do require this posting and, in fact, after one year of the posting of this sign in New York City there was a 14 percent increase in awareness on the part of the public. So that shows you that the sign isn't as insignificant as some of us like to make it out to be, and it may be of great assistance to some people. As I've mentioned to you, this is a part of an educational program, it's a part of an awareness program. There is a packet that is being put out by ARC which can be used by schools, it can be used by clubs and organizations to help educate people about the concerns that we do have for fetal alcohol syndrome. The other day I passed out a sheet to you that had a number of comments about the problem. Now I can't find it. I suppose by now, because I assumed that we were going to...oh, some people do still have it. Very good, thank you. The facts that are listed on your sheet, I won't enumerate those to you right now. You had a chance to see them yesterday, you have them in your bill books. You can look at them to see some of the things that they are talking about here. We now know that fetal alcohol syndrome leads the other two leading kinds of mental retardation, Down's syndrome and spina bifida. This one leads them. In Nebraska alone, we know that there can range anywhere between 20 to 75 cases a year. We know that in 1986 alone there were 84 new cases of fetal alcohol syndrome children that were born. And this, if you don't care about life, I know that some of you care about dollars, then think of the cost to society to care for those children throughout their lives, and think of the loss to that child and to that family about something that could have been prevented. I ask your support for this bill.

SPEAKER BARRETT: Motion on the desk, Mr. Clerk.

CLERK: Mr. President, Senator Robak would move to indefinitely

postpone LB 70. Senator Smith, as introducer, would have the option to lay the bill over, Mr. President.

SPEAKER BARRETT: Senator Smith, your wishes, please.

SENATOR SMITH: Deal with the bill.

SPEAKER BARRETT: Senator Smith says deal with the bill. Senator Robak.

SENATOR ROBAK: I move we indefinitely postpone LB 70 because I feel it is posted in the wrong places. It should be posted in the offices of medical doctors, chiropractors and osteopathic physicians.

SPEAKER BARRETT: Thank you. Discussion on the motion to indefinitely postpone LB 70? Senator Rod Johnson.

SENATOR R. JOHNSON: Mr. Speaker, members, I was going to speak to the bill, but since we are talking about the indefinite postponement motion this may be my one and only opportunity to talk about it. But I voted for this bill out of committee with some reluctance. But, in the meantime, I have contemplated that vote a lot and have come to the conclusion that I made the right decision, and that I believe that in this particular case, as Senator Smith and other speakers have pointed out, one, we're not asking a great deal out of the establishment owners in posting this particular sign; and, two, it may help those individuals who, one, either do not know of this particular problem; or, two, who do not receive prenatal care and cannot afford to be informed about something in this line with their doctor. So, as I said to the lobbyist from the beverage association, I felt that his arguments were rather weak in opposing the bill. And, as I've said, the more I thought about this particular proposal the weaker that argument gets. It is not something that is that difficult, as Senator Smith has pointed out, to post this rather small sign which may or may not be read by the inhabitants of that establishment, but it at least gives an opportunity for public awareness of a very significant problem that could happen during the course of a pregnancy. So I strongly support the bill and I definitely will vote against the motion to indefinitely postpone the bill.

SPEAKER BARRETT: Thank you, Senator Johnson. Senator Smith, pursuant to our recent rule change, I'm sorry I did not

recognize you first as having the option to speak to the kill motion. Proceed, if you wish.

SENATOR SMITH: Thank you, Mr. Chairman. I would just like to let the body know that testimony from the lobbyist representing the Retailers Association in testimony stated to us this is too much to ask of the retailers, too much time, energy and expense to ask. He actually said those words. And now we have someone who has brought an IPP motion on the bill, evidently assuming that it's too much to ask of retailers also. You know, we ask all types of people in society to do things under government regulations. We are making motorcyclists wear helmets now for safety purposes. We're doing all kinds of things. We have to stop at stop signs for our own safety sake. The stop sign tells us to stop. This little sign will tell pregnant women stop, don't drink alcohol when you are pregnant. That is absolutely all it does, and there is no cost to the retailers. I can't understand the big fight that is coming from that segment of the lobbyists. I'm really distressed by this. You know that we live in a time when alcohol and tobacco are being promoted as something that is very glamorous for young people. I can give you some information that tells you that we are seeing an increasing number of teenage pregnancies and teens who use alcohol. In fact, I have some statistics here that tell us that, according to McDonald's Corporation, the average age of beginning alcohol use is 12.5. The National Council on Alcoholism has said that nearly 100,000 10 and 11-year-olds get drunk at least once a week. The Department of Commerce shows that there were 239,000 pregnancies of girls between the ages of 14 and 18 in 1985. Given these estimates, how can we not do everything that we possibly can do to help to give someone some information, it may be incidental, it may be something that makes a mark in their mind and will keep that woman from having a child that some day will have some kind of a deficiency because they weren't informed. I would hate to have it on my conscience that I would be willing to stand here and not only talk against something like this but to vote against something that may save a young life.

SPEAKER BARRETT: Thank you. Senator Robak, yours is the next light in the speaking order. Would you care to take the floor?

SENATOR ROBAK: I just wanted to say that I did have no lobbyist, there was no lobbyist approach me one way or the other on this bill. It was simply my own opinion that when a pregnant

woman enters an establishment that carries liquor they have their minds made up when they enter that establishment, and reading a notice on the wall is not going to change their mind one way or another. And 10 and 11-year-olds that are getting pregnant or drinking alcohol, whatever, are not going into a bar and read notices, they simply aren't going to be allowed into the establishments and read notices on walls. And also pregnant women that go into these establishments are not necessarily going in there to drink, they could be going...there to drink alcohol, they could be going in there just to drink a Coke or to engage in a social encounter, play pool or whatever. Thank you.

SPEAKER BARRETT: Thank you. Senator Hall, on the kill motion.

SENATOR HALL: Thank you, Mr. President, members. Jackson, you got to me. I'm not going to support the kill motion, but it is not because I don't care about life. I mean, I don't buy that argument. There are many things that come before us on this floor that, for one reason or another, we are not able to deal with, whether it be because we don't believe in them, we don't think they are right, or we don't have the financial resources to do everything that we think we should do. Whether it be to protect life or educate people in the right way, we can't do everything or be everything, be all things to all people here on the floor of the Legislature. We try to do the best job that we can, and I think we do a very good job. The body should be very proud of itself for the things that we do, especially in the area of education. But I do have an amendment that is going to go up, it's up with the Clerk right now, that will follow this motion. It doesn't...I haven't really changed my mind. I'm not exactly convinced that this still makes all that much sense, but I'll buy it. What my amendment does, when we get to it, is that it puts, first of all, the E clause on the bill, because it is important. I mean I never once denied the fact in my earlier statement that this was not a serious issue. I think virtually all of you know that my younger brother was a Down's syndrome person, and I very much not only support life but I back it with my votes in terms of financing the education and the care for those types of individuals. But the other part of the amendment that I offer that will be up here is one that sunsets the provision. November of this year, November of 1989, the federal government will require that all alcohol containers have this warning posted on them. All right. So, roughly ten months away this warning will be on every bottle, every container that has alcohol. What the sunset provision does is it says January 1 of

1991, not January 1 of 1990, but January 1 of 1991, the requirement for the sign is no longer needed. Okay, if between now and January 1, 1991, you can prove that the sign is that effective over and above the warning that will be on every bottle, every liquor container that is there, then I will help wipe out that sunset and we'll continue to require those establishments to have that sign in place. But, at this point, I think that the fact that once a warning is on a bottle it takes a while for some people to realize that it's there. And I've not talked to the industry about this, this is just me. Senator Smith, you know that, much like you, I don't need somebody to tell me how I think, and that it is strictly an issue for me whether it makes sense or it doesn't. I've not talked to the industry. They may not like this amendment; I, frankly, don't care. But I think that it's a very fair approach to the issue. It does deal with it in a very honest and open way and a serious way, because I'm serious about it and I would...if I portrayed otherwise, I apologize for that because that is never my intent, not in this...not when you are dealing with this type of an issue. So, with that, I would oppose Senator Robak's indefinite postponement motion, although I clearly understand why she offers it and am empathetic. I will tell you that I do have that other amendment up there and I would hope...

SPEAKER BARRETT: One minute.

SENATOR R. JOHNSON: ...that we could address that in a few minutes. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Discussion on the kill motion, Senator Wehrbein, followed by Senator Pirsch.

SENATOR WEHRBEIN: Mr. President, members, I would strongly oppose the killing of this bill, and I won't even take my five minutes. But it seems so logical to me in this day and age when it is so difficult to reach people in all segments of our society that a simple little sign posted in a place where this type of activity is going on is an obvious way to reach those that should be reached. We talk about the fact that we could put it on containers, but it's been my observation that most glasses and so forth don't have this type of thing. Many are sitting in a location, such as this, using alcohol, a simple little positive reinforcement, a simple little reminder that what they are doing may be a detriment...detrimental to

something that they will eventually be very close to them has got to be a very positive effect. I think as I look around, I was trying to think of some good analysis, I guess I can't. But I think a lot of us look around, we already know what our names are and we've got our names right in front of us. Sometimes we use that. I guess we have stop signs, we have signs everywhere as a gentle reminder of what we should do. It isn't that we don't know that we shouldn't do what we should do, but we need a reminder. It seems to me this would be an awfully effective way, especially since the state will furnish the signs in this case, to provide a gentle, positive reminder that what we are doing may be detrimental. It might not even happen on the first drink, but it might happen on the second. It might reduce the effect that the alcohol could have on that fetus. So, to make a bigger issue out of this than I think it should be, to me, is a sham, because this is just a simple sign. You're just going to be sitting there contemplating it may just save one life, as Jacky has said many times. And that is what this really should be all about. And for \$500 cost to the state, it seems to me that we can't really seriously consider this as a problem to a bar owner. They simply have to find a spot on the wall, post the sign and feel that they are at least helping humanity in some way. So I would strongly oppose the kill motion.

SPEAKER BARRETT: Thank you. Senator Pirsch.

SENATOR PIRSCH: Question.

SPEAKER BARRETT: The question has been called. Do I see five hands? I do. Shall debate now close? Those in favor vote aye, opposed nay. Please record.

CLERK. 25 ayes, 0 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate now ceases. Senator Robak, would you care to close?

SENATOR ROBAK: Yes, I move that we indefinitely postpone LB 70 because it's an unnecessary government regulation and serves no useful purpose.

SPEAKER BARRETT: Thank you.

SENATOR ROBAK: I want to give my time to Senator Korshoj, please.

SPEAKER BARRETT: Senator Korshoj.

SENATOR KORSHOJ: Mr. Speaker and members, I totally agree that we need to save as many lives as we can. Tim has already alluded to the fact that it's too late after they get in the bar. I think you're going the wrong place. And, Jacky, I'll tell you how you can save lives and lots of them, and I'm serious about this, have Department of Revenue send out to every retail merchant in the State of Nebraska that sign when they send...they've got the sales tax list, mandate them to put it up, let them read about it before they get in the bar. You would do some good and I would support that. When they are in the bar you might save one life, and bless you, I'm all for that. But let's go, let's let the...let's let them read about it when they go to the grocery store. Mandate them to put that sign up. It's that important to me I would also support the appropriation for it. If every store you go in this sign is posted, like we have to post our sales tax certificate, people are going to see it and think about it. You're going to get damn little thinking going in a bar, some, but not much. If you are really serious and not trying to say it's your duty as a bartender to get this message across, after they are already in the bar, it's after the fact. And I would, if mandated, be glad to put one up in my place of business, but you'd cover the whole state and you would have awareness like you could never get any other place. I'm through, thank you.

SPEAKER BARRETT: Thank you. The question before the body is the indefinite postponement of LB 70. Those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 4 ayes, 26 nays, Mr. President, on the motion to indefinitely postpone.

SPEAKER BARRETT: The motion fails. Anything to read in, Mr. Clerk?

CLERK: Mr. President, I do. Your Committee on Health and Human Services, whose Chair is Senator Wesely, reports LB 353 to General File; LB 48, General File with amendments; LB 231, General File with amendments; LB 273, General File with amendments; LB 366, General File with amendments. Those are all signed by Senator Wesely. (See pages 474-77 of the Legislative Journal.)

I have hearing notices from the Education Committee, signed by Senator Withem; from Agriculture, signed by Senator Johnson. Mr. President, Senators Moore and Schimek would move to reconsider the adoption of the Haberman amendment to LB 298 adopted yesterday; and a request from Senator Pirsch to withdraw her name as co-introducer to LB 415.

Mr. President, Senator Johnson would like to have a meeting of the Agriculture Committee in Room 1517 upon adjournment. Agriculture Committee, Room 1517 upon adjournment.

Mr. President, Senator Wesely would like to offer notice of hearing by the Health and Human Services Committee.

SPEAKER BARRETT: Motion on the desk.

CLERK: Mr. President, Senator Hall would move to amend LB 70.

SPEAKER BARRETT: Senator Hall.

SENATOR HALL: Thank you, Mr. President and members. Would the Clerk, please, read the amendment.

CLERK: (Read Hall amendment as found on page 480 of the Legislative Journal.)

SPEAKER BARRETT: Senator Hall.

SENATOR HALL: Thank you, Mr. President. Thank you, Mr. Clerk. Ladies and gentlemen, I spelled out earlier what the intent of this amendment does. It just, as I stated, sunsets the provision more than a year after the federal law requiring that the warning be placed on all containers. It also places the E clause on the bill, because I think that it is an important issue. I never denied that. I just think that we were going about it in the wrong way, the body clearly feels otherwise. With that, I think that we should address the issue now and then allow that the requirement for the sign go away, basically 14 months after the federal government law takes effect. I would urge the adoption of the amendment. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Discussion on the Hall amendment? We'll go back to the regular speaking order. Senator Schimek,

your light is on, would you care to speak to the amendment?

SENATOR SCHIMEK: No.

SPEAKER BARRETT: Thank you. Senator Nelson, on the amendment.

SENATOR NELSON: Mr. Speaker, I was going to call the question, but I think it's too soon. Again, I'll go back to my smokeless tobacco. I don't think it does much good, it all helps to put it on that bottle. The only thing I think they read in the...on that bottle is what the alcohol content is, whether it's 11 or 101 percent. I am going to vote against the Hall amendment. I know he offered it in good faith, but, again, I think that is something that everything helps, but it isn't going to answer the concern here. It will not be observed. Thank you.

SPEAKER BARRETT: Senator Smith, would you care to speak to the amendment?

SENATOR SMITH: Yes, I would. Mr. Speaker, members of the body, I stand to oppose the sunset amendment offered by Senator Hall. My reason for opposing that sunset amendment is to, first of all, tell you that I am as aware as he and anyone else in this room already is aware of the fact that the requirement to post it on the alcoholic containers is to become fact by November 18th. I guess, as far as I'm concerned, that when you read a sign on a bottle by that time, in fact, yes, you do have the bottle in your hand and you're probably already drinking. This, as I've said before, is simply a deterrent, it's part of an educational process. And, you know, I know we can't do everything, we can't be all, do all for everyone, but this is a very simple little thing that we can do to try to help people who are not informed, uninformed at this point in time. The point that I'm trying to make is that the pregnant woman is not the person that I'm necessarily aiming this bill at. I'm aiming it at not only the woman, but her husband, or her boyfriend, or her friends. They also go into bars, not the woman who already is pregnant, or a woman, a young woman who some day will become pregnant, having read this sign may be informed. I don't mean to infer that anyone here, and, Senator Robak, I hope you didn't take it that way when I made the statement about the lobbyists' concerns out there in the Rotunda, but there is a lobbyist pressure here. The retailers do not want to do this. I guess that I don't think too very much about retailers at this point in time if this is such a big thing to them to have to do. They

are going to find a hard time making me be sympathetic to their other concerns the rest of this session, and you can call that a threat, if you want to. But on this little issue, this tiny little thing that we're asking them to do in the name of humanity, if this is more than they can do, and according to the IPP motion, something about the fact this won't do anything to help anyone, well, this may save, if nothing more than one life, it's well, well worth it. I'm not supporting the idea of the sunset, because we need to continue to inform young people, not just for the next so many months. And this is something that is information for not just the pregnant woman, but for any other member of the family, any other friend or her husband who may pick up the idea, the information and convey it to her. It's as important that she know that before the fact than before someone has a bottle in their hand. So I will oppose this amendment also.

SPEAKER BARRETT: Thank you. Senator Peterson, followed by Senator Beck.

SENATOR PETERSON: On the bill itself.

SPEAKER BARRETT: Thank you. Senator Beck, on the amendment.

SENATOR BECK: Yes, Mr. Chairman. I rise to oppose the amendment. I think that once the signs are up, let them stay up. We keep our children in school, now we're talking about early education and preschool education and education from the day of birth. This process is the one that Senator Smith is alluding to and I think that once the signs go up they should stay up. So, therefore, respectfully I oppose Senator Hall's amendment, even though I realize it was offered, as Senator Nelson said, in good faith.

SPEAKER BARRETT: Thank you, Senator Beck. Senator Warner, followed by Senator Scofield.

SENATOR WARNER: Mr. President, first, when I finish I would ask for a division of the question that you can be considering. But, secondly, I would oppose the amendment in its entirety. The E clause for the practical problem, that takes effect upon the signature of the Governor. And you, I would think, would want a date that would at least allow the time for the signs to be made. That might be a month, or I don't know what the appropriate period of time is, but, obviously, there ought to be

an appropriate period of time for that to occur. But then, secondly, I also would oppose the amendment, but I think the two issues can be separated for the sunset, for the simple reason of repeating what several have already said, that I would subscribe that knowledge is gained through repetition. And the knowledge ought to be more than just to the woman involved, or the women involved, but, obviously, those they are associated with, the easiest thing to do in a group is to edge somebody on. Go ahead, one drink won't hurt. And I think the benefit of the sign is one that should cover all of us, and I think it ought to be one of knowledge and that requires repetition.

SPEAKER BARRETT: Thank you. Senator Warner, you did ask for a division of the question. In the opinion of the Chair it is divisible. I would presume then that we would move to the first part of the Hall amendment, which was the sunset. We will now discuss then the sunset question on the Hall amendment. I have three lights on. Senator Scofield, would you care to talk to the division?

SENATOR SCOFIELD: Mr. Speaker, first for a point of information, will you tell me...would you have the Clerk tell us exactly which one we're debating here, so I'm clear.

SPEAKER BARRETT: Yes, Senator Scofield, we're debating the sunset section of the Hall amendment first.

SENATOR SCOFIELD: Thank you. Obviously, I'm going to oppose this, given my previous comments on this. I think it's been stated, but maybe since Senator Warner has reminded us of the importance of repetition, all I'm going to do is repeat that it's important that we keep this kind of educational activity going on. I'm going to oppose this amendment and the other part of that amendment, too. Again, this is a very small thing to ask. This is an industry that might have a very difficult time making a case to anybody and the public that they serve great good. It is a vice that we have all decided that we're going to allow in society, but on the other hand education about the potential risks that you are engaging in is absolutely important. And not only will I strongly oppose the sunset, I would certainly engage in supporting anybody who wants to do more in terms of education in this area. So I oppose the amendment.

SPEAKER BARRETT: Thank you. Senator Korshoj, would you care to

discuss the sunset provision?

SENATOR KORSHOJ: Mr. Speaker and members, I would favor both parts of that, but I'm speaking because I have a question for Senator Smith.

SPEAKER BARRETT: Senator Smith.

SENATOR KORSHOJ: To make it clear in my mind, Jacky, who does this bill include? Who all does it include? Are the clubs and the privates out?

SENATOR SMITH: It includes...it includes retail establishments, on and off-sale.

SENATOR KORSHOJ: So, would the Nebraska Club be included?

SENATOR SMITH: Evidently not, I don't know.

SENATOR KORSHOJ: So, they are special, in other words, because they sell a lot of...

SENATOR SMITH: As far as I'm concerned they are not special.

SENATOR KORSHOJ: ...liquor, you know, to some of our fellow female senators.

SENATOR SMITH: I take issue with that, by the way. If you're talking about female senators, I happen to be one of them, and they don't sell much of that to me.

SENATOR KORSHOJ: But they do, I say. I was up there the other night...

SENATOR SMITH: You said to female senators.

SENATOR KORSHOJ: Right. I didn't say you.

SENATOR SMITH: Well, I think maybe the rest of the female senators in here might take issue with you, too.

SENATOR KORSHOJ: Okay, they can, but I was up there the other night.

SENATOR SMITH: Well, I wasn't there.

SENATOR KORSHOJ: And I think it should be posted...I didn't say you were. I think it should be posted there. And that is all. I will relay your message to my taverns, et cetera. I'm always looking for an issue that I can...that affects the whole district. I'm correct in assuming when you said to take note, if they could not post this sign, as committee Chair, you would be keeping your eye on them very carefully. So, that is what you said, Jacky. Right. I'd let them know your elephant gun is trained in their direction. Thank you.

SPEAKER BARRETT: Senator Abboud.

SENATOR ABOUD: (Response inaudible.)

SPEAKER BARRETT: Are there five hands in support of closing debate? There certainly are. Those in favor of ceasing debate please vote aye, opposed nay. Please record.

CLERK: 26 ayes, 0 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate is now closed. Senator Hall, would you care to make a closing statement?

SENATOR HALL: Thank you, Mr. President, yes I would. Mr. President, members, the amendment, and I appreciate the division of the question, fully expected it. I'm going to withdraw the second half so that those of you who raised those five hands that quickly can get to lunch, because Senator Warner clearly points out a problem with that, that the commission will need to have a little time to print those signs and distribute them. But I think there should be a date certain, and it should be sooner than the normal 90 days. But dealing with this portion of the amendment, I think that it clearly, because of some of the arguments, I think they are good arguments, but they are good, I think, for the purposes of this amendment. The federal government has said that repetition is the best thing. They have taken it upon themselves to do the most effective warning, the most effective tact with regard to this issue, and they have said we're going to put it on every container with alcohol. We're going to educate those people, we're going to educate the husbands and the boyfriends, the friends and the young women who may one day be pregnant, and we're going to do that by letting them know, time after time, when they have a beer or have a drink that they are clearly, when they look at

the issue of drinking when they are expecting, that they must take into consideration fetal alcohol syndrome as a serious problem. So, they have done that. What we are saying here at the local level is that is not enough, that we must post a sign, and I clearly agree that, fine, it's okay to post it between now and the expiration date of this, the sunset date of January 1, 1991, but after that point I think that repetition does become a factor, and it is because it will be on every can. We do not need to have that sign on the wall. I guess it's an issue where you walk into a bar and you see a number of beer signs. You don't pay attention to what they are, you just know they are lights. You look at a sign that says, no one under 21 can be served alcohol. Well, I mean you cannot find that sign in the vast majority of establishments, you have to go looking for that in order to do that. So I mean it is clearly not going to be the most effective way to deal with this, but if you feel it is important, then I would agree to the extent that I think it ought to be only to a point in time where that repetition does take over, where the federal government has clearly spelled out the right way to deal with this. This amendment would allow us to do that. I would urge the adoption.

SPEAKER BARRETT: The question is the adoption of the divisible Hall amendment, the first part was the sunset clause. Those in favor of that motion please vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 11 ayes, 21 nays on the first part of the Hall amendment, Mr. President.

SPEAKER BARRETT: The motion fails. To the second part. Senator Hall.

SENATOR HALL: (Response inaudible.)

SPEAKER BARRETT: Back to the bill, Mr. Clerk.

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

SPEAKER BARRETT: Any discussion on the bill? Senator Peterson, your light is still on.

SENATOR PETERSON: Be very brief. I think this is a...could be of great help in a few instances, and if we can save one, two, three or maybe 20 lives, that is what it is all about. And I

guess it irritates me a little bit, we try to save lives in here. We pass bills to wear helmets, seat belts, which did...we people did have a referendum on that, but if we want to save lives and really save lives, let's eliminate two factors that kill more people in this United States than all the other factors we're talking about, and that is alcohol and tobacco. But it will never be done because of the strong lobbying. So I think, with that, I'll sit down and, hopefully, favorably you'll move this bill. I think it's one step of many that we can approach to save lives. Thank you.

SPEAKER BARRETT: Senator Smith, there are no other lights on. Would you care to close on the advancement of the bill?

SENATOR SMITH: Thank you, Mr. Speaker. I would just simply say that I have the answer to the question that was asked about whether the Nebraska Club was covered. And, yes, in fact, they are covered. Any...my understanding from Frostie Chapman is that any liquor license to sell retail is covered, and that would include all private bottle clubs, the Nebraska Club, what have you, anyone that sells retail. So they are covered by this. And I would just ask you to advance the bill. I think we've had all the discussion we need on it this morning. Thank you.

SPEAKER BARRETT: Thank you. The question before the body, the advancement of LB 70 to E & R Initial. All in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 31 ayes, 2 nays, Mr. President, on the motion to advance LB 70.

SPEAKER BARRETT: The bill is advanced. Any messages on the President's desk?

CLERK: Mr. President, two items. Notice of hearing from the Health and Human Services Committee. Those are signed by Senator Wesely. That's all that I have.

SPEAKER BARRETT: Thank you. The Chair recognizes Senator Morrissey.

SENATOR MORRISSEY: Mr. Chairman, members of the body, I move we adjourn until 9:00 a.m., Monday, January 30th.

January 30, 1989

LB 70, 97, 126, 229, 230, 233, 255

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have a special chaplain with us this morning who has a famous relative. Those of you who are interested in the fine arts material will recognize the name DeGrazia, and we have with us this morning Dr. Louie DeGrazia of the Vine Congregational Church in Lincoln. Would you please rise for the invocation.

DR. DeGRAZIA: (Prayer offered.)

PRESIDENT: (Cavel.) Thank you, Dr. DeGrazia. We appreciate your coming this morning. Roll call, please. Record, Mr. Clerk, please.

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Thank you. Do you have any corrections to the Journal this morning?

CLERK: No, no corrections, Mr. President.

PRESIDENT: How about messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 70 and recommend that same be placed on Select File. That is signed by Senator Lindsay as Chair. Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 97 and find the same correctly engrossed; LB 126, LB 229, LB 230, LB 233 and LB 255, all correctly engrossed, all signed by Senator Lindsay. (See pages 483-84 of the Legislative Journal.)

Mr. President, I have a report from the Natural Resources Committee, from the Papio NRD, actually, regarding payment of attorney fees that is required to be filed pursuant to statute. (See page 484 of the Legislative Journal.)

Mr. President, notice of hearings offered from the Judiciary Committee, signed by Senator Chizek as Chair. That's all that I have at this time, Mr. President.

PRESIDENT: Thank you. Just a couple of items, in passing. Senator Lowell Johnson's son's picture is on the front page of

January 30, 1989

LB 70, 187, 208, 267, 338, 378, 421

LB 267 General File, and LB 208 General File with amendments, those signed by Senator Chizek. Health and Human Services Committee reports LB 187 to General File with amendments, LB 338 General File, and LB 378 General File with amendments. (See pages 49S-99 of the Legislative Journal.)

Mr. President, Senator Hall offers notice of hearing as Chair of Revenue. Senator Pirsch asks unanimous consent to add her name to LB 70 as co-introducer.

Mr. President, Senator Smith has amendments to be printed to LB 421. (See pages 500-501 of the Legislative Journal.)

Mr. President, the last order of business are motions from the Credentials Committee as well as an accompanying report to be inserted in the Journal. (See pages 502-13 of the Legislative Journal.)

PRESIDENT: Senator Warner, Senator Jerome Warner, your light is on and I failed to call on you. Senator Warner, please.


SENATOR WARNER: Mr. President and members of the Legislature, I just wanted to indicate that handed out to you this morning was the report of the Credentials Committee relevant to the 17th Legislative District contest and appropriate motions reflecting that conclusions of the Credentials Committee have been filed with the Clerk, and I assume the Speaker will place those on the agenda for tomorrow.

PRESIDENT: Thank you. Senator Emil Beyer, I haven't heard your resonant tones of your voice this morning, would you like to rise and say something about adjourning until January 31st at nine o'clock in the morning.

SENATOR BEYER: Mr. Speaker and colleagues, I move that we adjourn until nine o'clock on January 31st.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. We are adjourned. Thank you.

Proofed by:


LaVera Benischek

February 1, 1989

LB 70, 156, 298

CLERK: (Read record vote as found on page 533 of the Legislative Journal.) 27 ayes, 5 nays, Mr. President, on the advancement of LB 156.

PRESIDENT: LB 156 advances. LB 70.

CLERK: Mr. President, I have E & R amendments to LB 70.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: There are E & R amendments?

CLERK: There are, yes, sir.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 70 be adopted.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. They are adopted. Anything further?

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

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 70 be advanced, as amended.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It advances. We'll move on to General File, LB 298.

CLERK: Mr. President, General File, 298 was a bill introduced by the Speaker and Senator Warner. (Read title.) The bill was introduced on January 10, referred to General Affairs. The Legislature considered the bill on January 26, Mr. President. At that time there was an amendment to the bill by Senator Haberman that was adopted. There was an amendment to the Haberman amendment by Senator Landis that was adopted. Mr. President, I now have pending a motion to reconsider the adoption of the Haberman amendment, that is offered by Senator Moore and Senator Schimek. That motion, Mr. President, was filed on January 27th. It's found on Journal page 479.

PRESIDENT: Senator Moore, are you going to handle that?

February 2, 1989

LB 58, 70, 115, 119, 142, 156, 175
256, 261, 283, 284, 286, 298, 502
LR 23

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We're privileged to have a minister from Senator Bernard-Stevens' area and with us as our chaplain of the day, Reverend Patrick Skinner of the Wesleyan Church in North Platte. Would you please rise for the invocation.

REVEREND SKINNER: (Prayer offered.)

PRESIDENT: Thank you, Reverend Skinner. Please come back and see us again. Roll call, please.

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Thank you. Do we have any corrections to be made in the Journal?

CLERK: No corrections this morning, Mr. President.

PRESIDENT: Do you have any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 298 and recommend that same be placed on Select File. That is signed by Senator Lindsay as Chair. Enrollment and Review reports LB 58, LB 70, LB 115, LB 142, LB 156, LB 175, LB 256, LB 261, LB 283, LB 284 all correctly Engrossed. Those also signed by Senator Lindsay as Chair. (See page 553 of the Legislative Journal.)

Mr. President, your Committee on Natural Resources, whose Chair is Senator Schmit, to whom was referred LB 502, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File, and LB 119 as indefinitely postponed, both those signed by Senator Schmit, and LB 286 as indefinitely postponed, that signed by Senator Schmit as well. (See page 554 of the Legislative Journal.)

Mr. President, new resolution by Senator Beyer and Senator Hefner. (Read brief description of LR 23. See page 555 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, confirmation report from the Education Committee. That is offered by Senator Withem as Chair.

February 6, 1989

LB 70, 155, 177, 195, 198, 209, 238
254, 338, 357A, 773
LR 25

CLERK: 5 ayes, 23 nays, Mr. President, on the motion to indefinitely postpone.

PRESIDENT: The motion fails. Do you have anything for the record, Mr. Clerk?

CLERK: I do, Mr. President. Notice of hearings from the Agriculture Committee. That's signed by Senator Rod Johnson as Chair.

New A bill, LB 357A, by Senator Nelson. (Read by title for the first time. See page 605 of the Legislative Journal.)

Enrollment and Review reports LB 195, LB 198, and LB 209 to Select File with E & R amendments attached on each. Those are signed by Senator Lindsay. (See page 606 of the Legislative Journal.)

Transportation Committee would offer LB 155 to General File with amendments. That's signed by Senator Lamb. (See page 608 of the Legislative Journal.)

LR 25, Mr. President, is offered by the Appropriations Committee. (Read brief description of the resolution. See pages 607-08 of the Legislative Journal.) That will be laid over.

I have amendments to be printed to LB 70 from Senator Hall; Senator Moore to LB 177; Senator Coordsen to LB 238, and Senator Baack to LB 254. That's all that I have, Mr. President. (See pages 609-10 of the Legislative Journal.)

PRESIDENT: Senator Dennis Byars, would you step to your microphone and say something about adjourning tomorrow, February 7th, until nine o'clock, but wait just a minute, the Clerk has something.

CLERK: Excuse me, Senator. Mr. President, I have amendments to be printed to LB 773. That's offered by Senator Korshoj.

PRESIDENT: Are you ready to adjourn now? Now, Senator Byars.

SENATOR BYARS: I would move that we adjourn this body until nine o'clock on February the 7th, 1989.

February 9, 1989

LB 58, 70, 255, 295

ASSISTANT CLERK: (Read LB 255 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 255 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on pages 665-66 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 255 passes. LB 295, please.

ASSISTANT CLERK: (Read LB 295 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 295 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on page 666 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

PRESIDENT: LB 295 passes. LB 58, please.

ASSISTANT CLERK: (Read LB 58 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 58 pass? All those in favor vote aye, opposed nay. Record, please.

CLERK: (Read record vote as found on page 667 of the Legislative Journal.) 41 ayes, 3 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 58 passes. LB 70.

CLERK: Mr. President, I have a motion on the desk. Senator Hall, the amendment you had printed, Senator, on page 609, I understand you wish to withdraw that. Mr. President, Senator Hall would move to return LB 70 to Select File for a specific amendment. The amendment reads as follows: (Read Hall amendment as found on page 668 of the Journal.)

PRESIDENT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President, members. As the Clerk read to you, and as you have passed out on your desk right now, this amendment would add the specific language to LB 70 that would require the posting of the signs that LB 70 allows for in the offices of medical doctors. The issue, as has been laid out for us in LB 70, is one of informing the public, informing folks who are going to be dealing with alcohol and informing them on an ongoing basis. Many individuals, specifically young ladies, attend or go to the doctor regularly in their formative years and they are there, they would see those signs where they would not be in a tavern or a bar. It only makes sense that a doctor be responsible for passing this information along. I mean I don't have a problem putting part of the burden on the retailer. The federal government has said that they are, through the act that they have passed that goes into effect November 18 of this year, that they are going to require the bottlers to provide a warning label on all bottles or cans that are distributed after that date. We in Nebraska decided, through LB 70, that we are going to have the signs in retail and wholesale dis...or retail, off-sale and on-sale establishments. So it only makes sense that if we continue the line of thought that says we should educate the public and we do that by, as the arguments were laid out on General File, continually putting this in front of them, then I think it only makes sense that the issue of placing the sign in a medical doctor's office is one that is justified, because these are the people that need to keep these young folks informed of the situation, the problems that fetal alcohol syndrome may cause them. I think that the first place that they are going to go, once they find that they are soon to be expectant mothers, is not the tavern but to the doctor's office, and to have the sign there that makes them aware of potential problems, should they ingest alcohol, that they be made aware of it once they walk in the door. With that, I offer this amendment. I urge the body to return LB 70 to Select File to adopt this specific amendment. Thank you, Mr. President.

PRESIDENT: Thank you. Senator Nelson, please, then Senator Smith, then Senator Chambers. Senator Nelson, please.

SENATOR NELSON: Mr. Speaker, members of the body, I oppose this amendment. I definitely disagree. By the time the girls get to the doctor's office it is too late. It's the time that they are

sitting in that tavern at night, when they are sitting there and am I going to have one more drink, or am I going to accompany my husband in? Many, many of these girls that we're talking about don't get to that doctor's office until the fifth, the sixth or the seventh month. I think our ADC takes over about the third or fourth month, maybe. But that is not the time that we are concerned about. We're concerned about the time when they go in that tavern at night, they look up and they may or they may not see that sign, but it's brought it home. The doctor tells them that. He knows that, he's smart enough to know that. But it's long before they get to the doctor. I very much oppose this amendment.

PRESIDENT: Thank you. Senator Smith, then Senator Chambers.

SENATOR SMITH: Thank you, Mr. Chairman, members of the body. I guess it's a good thing for you, Tim, that I'm sitting here enjoying my coffee and sweets this morning, because I feel in a sweet mood. I'm not real happy about an amendment that was just passed out at the moment that the person with the amendment on Final stands up to offer it. I would have liked to have had a little warning so that I could have been prepared. I was prepared on Select, if there would have been anything. But I was told that there was going to be nothing any longer, and so I was sitting here just enjoying the morning and doing my mail while I was paying attention to just pressing my button as the bills came up. I would just remind you people that the idea of posting the warning sign in a retail liquor establishment is not only for the purpose of the woman who is pregnant, but for her friends, her family, for prospective young people who may be thinking about having children but still have not at this point in time, who may not have had prior information regarding that. And these are not the people that you're going to see in a doctor's office. I guess that I don't see anything tremendously wrong with saying doctors need to post this, although I would hope that a responsible doctor would be already telling young prospective mothers about this, pregnant women in other words, about this as they are caring for them. I would just say that I would ask you to reject the amendment and let's vote on the final bill.

PRESIDENT: Thank you. Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I would hope that Senator Smith would go back to enjoying her

rolls and coffee because the amendment is somewhat facetious, even though Senator Hall may have offered it in complete seriousness. I think the bill having been chewed as thoroughly as it has, up to this point, there is not a great likelihood the Legislature is going to return it for this type of an amendment. I would like to quote from a song that was very popular during the sixties, it had to do with drug dealers. And I consider those who sell liquor to be drug dealers, they are drug pushers, they are selling the most abused drug in this society. It causes more devastation in terms of damage to the individual, families and the societal fabric as a whole than any of the other drugs that we can deal with. When Nancy Reagan was saying, just say no, she wasn't...she didn't mean alcohol, because they served alcohol at the functions that the President presided over and which they attended. So, depending on who is using the dope, it's good. When senators are invited to these functions they have these drugs given to them, and they participate. Part of that is why the children don't take very seriously what we talk about because they know alcohol is a drug. When we do all of this yammering about just say no to drugs, but then the senators who say that participate in these drugs at practically every social event they are invited to by the lobbyists cannot be taken too seriously. But, on this point, a dope dealer was called a junk man, j-u-n-k, a junk man. And just a little bit of it, it said, junk man's standing on the corner, selling death, no conscience has he. I want that to soak in for a second. Selling death. That is what the drug dealer at the tavern is doing. There was a man named John Cassavettes who died of a liver ailment that was aggravated or maybe even produced by alcohol. A producer, an actor, an artist, one who was considered to have contributed much to the society. And the drug that is being pushed is never going to be prohibited as far as its sale and distribution. So, as Senator Smith pointed out, the doctor...and I know a lot of doctors who do this already, counsel not only pregnant women but people in general against using alcoholic beverages. I hope that Senator Hall's motion will be voted down and this bill, which has had a rather tortured existence, will go ahead and be voted on for final passage.

PRESIDENT: Senator Hall, would you like this to be your closing, or not?

SENATOR HALL: If there are no other lights on, that's fine, Mr. Speaker.

PRESIDENT: All right.

SENATOR HALL: But I would rise, Mr. President, members, to say that it is a serious amendment because I don't think that Senator Nelson understood that this does not wipe out the fact that the signs would still be posted in those establishments. All it does is add medical doctors' offices to that. As far as a tortured existence for this bill, Senator Chambers, there was no discussion of it on Select File. Had I been here on that day I would have offered this amendment as opposed to offering it on Final Reading. But, again, as you clearly state and know that the rules are the rules and my options are mine, I guess, according to those rules. The argument with regard to the fact that doctors should educate women who come to them when they are pregnant about the issue of fetal alcohol syndrome is a correct one. But the fact is that at the hearing, when we heard this bill in front of the General Affairs Committee, there was testimony to the fact, by doctors, that their colleagues do not do this. Senator Smith knows that. Senator Smith testified to that effect on General File, when we discussed this bill. The problem is that those who should be doing the educating are not doing it. They are also the ones that don't want to see this amendment adopted as well, to be quite honest with you. The last people that want to do this are the doctors because they don't want to be accused of not doing what they should, as those who have opposed this amendment so far said they should be doing, and that is to educate those people as to the problems that they may face, because Senator Chambers is clearly correct, alcohol is a drug. Society has said that it is a drug that we accept, we will sell, we will tax, Senator Chambers, and we have agreed to say that this drug, in this case, is all right. But when it comes to the issue of how do we warn people about the effects of that drug, we lay the blame at the doorstep of the retailer, and we say that those are the people who must be solely responsible for providing the information to pregnant people. Senator Nelson would have you believe that only pregnant women go into a tavern and only pregnant women who are going to be on ADC, down the road. Well, I don't believe that. I think that there are a number of pregnant women who don't go to the tavern, and the first place they may end up is the doctor's office and they will be notified by seeing the posting of this sign. It's clear that there probably is not much support for this amendment, but I would at least like to leave it for a vote for the return to Select File, because I think

that the issue is an important one because it says where do we want to lay the responsibility for educating our young people with regard to the issue of fetal alcohol syndrome. I don't think it's responsible to lay that at the doorstep of the retailer, solely. I have no problem with asking them or telling them that they should do it as well. But to lay that on them specifically and solely I don't think is good public policy. I think to ask the medical profession to provide some support in that area is good public policy, and that's why I offer the amendment. I would urge the body to return the...LB 70 to Select File for the specific amendment. Thank you, Mr. President.

PRESIDENT: Thank you. The question is, shall LB 70 be returned to Select File? All those in favor vote aye, opposed nay. Senator Hall.

SENATOR HALL: Mr. President, since we're on Final Reading, could I ask that we all check in and...

PRESIDENT: Yes.

SENATOR HALL: ...we have a roll call vote on the issue?

PRESIDENT: All right. Would you please check in. Record your presence. Senator Emil Beyer, would you like to....Senator Lamb, would you like to record your presence. Senator Wesely, please. Senator Labedz, would you record your presence, please. Senator Weihing, would you record your presence, please. That's the extent of it and the question is...did you ask for a roll call vote? Yes, okay. Mr. Clerk, the question is, shall LB 70 be returned to Select File? Mr. Clerk.

CLERK: (Roll call vote taken. See page 668 of the Legislative Journal.) 24 ayes, 22 nays, Mr. President, on the motion to return.

PRESIDENT: The motion fails. Do you have anything else on it, Mr. Clerk?

CLERK: No, sir.

PRESIDENT: Would you like to read LB 70.

CLERK: (Read LB 70 on Final Reading.)

February 9, 1989

LB 70, 115, 142, 156

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 70 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 669 of the Legislative Journal.) 41 ayes, 0 nays, 4 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 70 passes. LB 115.

CLERK: (Read LB 115 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 115 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 670 of the Legislative Journal.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

PRESIDENT: LB 115 passes. LB 142.

CLERK: (Read LB 142 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 142 pass? All those in favor vote aye, opposed nay. Record, please.

CLERK: (Read record vote as found on page 671 of the Legislative Journal.) 37 ayes, 7 nays, 1 present and not voting, 4 excused and not voting, Mr. President, on the passage of 142.

PRESIDENT: LB 142 passes. LB 156.

CLERK: (Read LB 156 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 156 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

February 9, 1989

LB 57, 58, 70, 94, 97, 115, 116
126, 133, 142, 156, 191, 229, 230
233, 251, 255, 256, 295, 327

CLERK: (Read record vote as found on pages 671-72 of the Legislative Journal.) 33 ayes, 11 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 156 passes. LB 256.

CLERK: (Read LB 256 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 256 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 672-73 of the Legislative Journal.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

PRESIDENT: LB 256 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 57, LB 94, LB 97, LB 126 with the emergency clause attached, LB 133, LB 229, LB 230, LB 233, LB 251, LB 255, LB 295, LB 58, LB 70, LB 115, LB 142, LB 156, and LB 256. Mr. Clerk, do you have anything for the record?

CLERK: Mr. President, two items. Government Committee reports LB 191 to General File with committee amendments attached. I have amendments to be printed, by Senator Chambers, to LB 116. That's all that I have, Mr. President. (See page 673 of the Legislative Journal.)

PRESIDENT: Thank you. For those that are interested in the General File list that is coming up, we'll be skipping the third one, LB 744, and over on the back page LB 336. So, with that, we'll go to General File and LB 327.

CLERK: Mr. President, LB 327 was a bill introduced by Senator Wehrbein. (Read title.) The bill was introduced on January 11 of this year, referred to the Government Committee, advanced to General File. I have committee amendments pending by the Government Military and Veterans Affairs Committee, Mr. President.

PRESIDENT: Senator Baack, are you going to handle the committee amendments?

February 9, 1989

LB 37, 48, 57, 58, 70, 77, 94
97, 115, 120, 126, 133, 142, 156
209, 229, 230, 233, 251, 255, 256
295, 311, 350, 521, 597, 598, 692
703, 777, 780

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 209 as amended be advanced.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. May I introduce a guest, please, of Senator Hefner. We have Mr. Art Anderson of Bloomfield, Nebraska. Would you please stand, Mr. Anderson. Thank you. Mr. Clerk, anything for the record?

CLERK: Yes, Mr. President, thank you. Your Committee on Appropriations gives notice of hearing for March 7...I'm sorry, for February 24. That's signed by Senator Warner. A location change for Appropriations hearings on March 1, also offered by Senator Warner.

Mr. President, General Affairs Committee offers LB 703 to General File; LB 777 to General File; LB 780 to General File. Those are signed by Senator Smith as Chair of the Committee.

Agriculture Committee reports LB 37 to General File with amendments; LB 120 to General File with amendments. Those are signed by Senator Johnson as Chair. (See pages 678-79 of the Legislative Journal.)

Mr. President, your Committee on Banking, Commerce and Insurance whose Chair is Senator Landis reports LB 77 to General File with amendments; LB 311, General File with amendments; LB 350, General File with amendments; LB 598, General File with amendments; LB 692, General File with amendments, and LB 597, General File with amendments. Those are signed by Senator Landis as Chair. (See pages 679-82 of the Legislative Journal.)

Your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning as of 11:30 a.m. (Re: LB 57, LB 94, LB 97, LB 126, LB 133, LB 229, LB 230, LB 233, LB 251, LB 255, LB 295, LB 58, LB 70, LB 115, LB 142, LB 156, and LB 256.)

Mr. President, Senator Moore would like to print amendments to LB 48. (See page 682 of the Legislative Journal.)

And, Mr. President, Senator Weihing would like to add his name to LB 521 as co-introducer. That's all that I have, Mr. President.

February 15, 1989 LB 57, 58, 70, 74, 94, 97, 115
116, 126, 133, 142, 156, 175A, 177A
208, 229, 230, 233, 251, 255, 256
261A, 263, 267, 273, 281, 284A, 295
338, 378, 391, 398, 416, 443, 458
459, 499, 502

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber. Please rise for the opening prayer. Our Chaplain for the day is Father Daniel Sieker, of Blessed Sacrament in Lincoln. Father Sieker.

FATHER SIEKER: (Prayer offered.)

SPEAKER BARRETT: Thank you, Father Sieker. Please come back again. Roll call.

CLERK: I have a quorum present, Mr. President.

SPEAKER BARRETT: Thank you. Corrections to the Journal.

CLERK: I have no corrections, Mr. President.

SPEAKER BARRETT: Any reports, messages, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 502 and recommend that same be placed on Select File, LB 281 Select File, LB 416 Select File, LB 443 Select File, those signed by Senator Lindsay as Chair. Mr. President, your Committee on Enrollment and Review reports LB 74 as correctly engrossed; LB 116, LB 175A, LB 177A, LB 208, LB 261A, LB 263, LB 267, LB 273, LB 284A, LB 338, LB 378, LB 391, LB 398, LB 458, LB 459, and LB 499, all reported correctly engrossed, all signed by Senator Lindsay. (See pages 746-47 of the Legislative Journal.)

Mr. President, a communication from the Governor to the Clerk. (Read. Re: LB 57, LB 94, LB 97, LB 126, LB 133, LB 229, LB 230, LB 233, LB 251, LB 255, LB 295, LB 58, LB 70, LB 115, LB 142, LB 156, LB 256. See page 748 of the Legislative Journal.)