Commission for Postsecondary Education, again, filed pursuant to statute; a report from the Nebraska Games and Parks Commission filed pursuant to statute; the annual report of the Division of Telecommunications; a communication from a series of Natural Resources Districts, Mr. President, with respect to payment of attorneys fees incurred during this past year. (See pages 88-89 of the Legislative Journal.)

Mr. President, I have a series of appointment letters from the Governor, appointments to the Board of Health, to the Rural Health Manpower Commission, the Foster Care Review Board, the Job Training Council, the Oil and Gas Conservation Commission. Those will all be referred to Reference for referral to the appropriate Standing Committee, Mr. President. (See pages 89-97 of the Legislative Journal.)

Finally, I have received a communication with respect to the siting for the low-level radio active waste disposal facility. That communication was received from US Ecology, Mr. President. (See page 88 of the Legislative Journal.) All of those reports will be on file in my office subject to review by members upon their request. That is all that I have, Mr. President.

PRESIDENT: Thank you. (Gavel.) Ladies and gentlemen, we're ready to begin the introduction of bills and some of you I understand would like to hear what the bills are about, so while I don't wish to spoil your fun and visitation with each other, kindly hold it down so that those that wish to listen to the introduction of the bills may do so. We anticipate that this will probably go on until about noon and, of course, free to do whatever you would like to do. Thank you. Mr. Clerk, the introduction of bills.

CLERK: Mr. President, new bills: (Read by title for the first time, LBs 818-878. See pages 97-109 of the Legislative Journal.)

I have amendments to be printed from Senator Rod Johnson to LB 163, LB 39, LB 37. (See pages 110-14 of the Legislative Journal.)

Mr. President, new bills. (Read by title for the first time, LBs 879-922. See pages 114-23 of the Legislative Journal.)

Mr. President, I have new resolutions: (Read brief description

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen, welcome to the George W. Norris Legislative Chambers. We have with us this morning as our Chaplain of the day, Pastor Robert Nowak of the Faith Evangelical Lutheran Church in Lincoln, Nebraska. Would you please rise for the invocation.

PASTOR NOWAK: (Prayer offered.)

PRESIDENT: Thank you, Pastor Nowak, we appreciate your being here this morning and announcing the invocation. Please come back and visit us again. Roll call, please.

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

PRESIDENT: Thank you. Do you have any messages, reports or announcements? Mr. Clerk, do you have any messages, reports or announcements?

CLERK: Mr. President, I do. I have a reference report referring LBs 818-880, signed by Senator Labedz as Chair of the Reference Committee. I have also a reference report regarding certain gubernatorial appointments made since the last special session. That's all that I have, Mr. President. (See pages 135-37 of the Legislative Journal.)

PRESIDENT: We'll move on to number four, the temporary rules.

CLERK: Mr. President, I have a motion. Senator Lynch as Chair of the Rules Committee would move that the rules be adopted for today only, January 4.

PRESIDENT: Thank you. Senator Lynch.

SENATOR LYNCH: Mr. President, members, I couldn't have said it any better. I move the adoption of the (inaudible)...

PRESIDENT: Thank you. Is there any discussion? You've heard the motion. All in favor say aye. Opposed nay. They are adopted. We'll move on to the legislative resolutions, LR 230. Mr. Clerk.

CLERK: Mr. President, LR 230 was introduced by Senator Withem. It is found on page 124 of the Legislative Journal. (Read brief

problem. Thank you.

SENATOR LABEDZ: Thank you, Senator Wehrbein. Senator Schmit. Senator Schmit, on the Hefner amendment. Mr. Clerk, do we have anything for the record before we adjourn?

CLERK: Madam President, your Committee on Banking, Commerce and Insurance whose Chair is Senator Landis, to whom was referred LB 1072 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; LB 1073, General File, with amendments; LB 1153, General File with amendments. (See pages 851-52 of the Legislative Journal.)

Madam President, a couple of announcements. The Revenue Committee will meet in Executive Session; Revenue Committee, Executive Session in Room 1520 upon adjournment; Revenue upon adjournment in Room 1520.

Mr. President, a series of priority bill designations. Senator Wesely has selected LB 989; Senator Lamb, LB 1020 as one of the Transportation Committee priorities; Senator Lynch, LB 1146; Senator Nelson, LB 656; Senator Abboud, LB 1018; Senator Lowell Johnson, LB 594; Senator Hannibal, LB 1221; Senator Schmit, LB 854 as his personal priority, and LB 1099 and LB 1179 as committee priorities.

Mr. President, Senator Beyer would like to add his name to LB 159, an amendment; and Senator Beck to LB 1222. That's all that I have, Madam President.

SENATOR LABEDZ: Thank you, Mr. Clerk. Senator Langford, you have a motion up at the desk to adjourn. Would you like to make that motion, please.

SENATOR LANGFORD: Madam President, I move we adjourn until Tuesday, February the 20th at 9:00 a.m.

SENATOR LABEDZ: Thank you, Senator. We are...all those in favor say aye. Opposed. We are adjourned.

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LaVera Benischek

SPEAKER BARRETT: Thank you. Shall the house go under call? All in favor vote aye, opposed nay. Record.

CLERK: 18 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, record your presence, please. Those outside the Chamber, please return. Senator Lynch, please. Senator Nelson, please. Senator Haberman. All members return to your seats for a roll call vote. The question again is the indefinite postponement of the resolution. Mr. Clerk, please call the roll.

CLERK: (Roll call vote taken. See pages 998-99 of the Legislative Journal.) 17 ayes, 19 nays, Mr. President.

SPEAKER BARRETT: The motion fails. The call is raised. Anything for the record, Mr. Clerk?

CLERK: Mr. President, I do. Your Committee on Urban Affairs reports LB 945 indefinitely postponed, and LB 1057 indefinitely postponed, those signed by Senator Hartnett. Judiciary Committee reports LB 445 to General File; LB 854 to General File; LB 976 to General File; LB 1023, General File; LB 1042, General File; LB 1147, General File; LB 1212, General File; LB 1062, indefinitely postponed; LB 1151, indefinitely postponed, those all signed by Senator Chizek as Chair of the Committee. (See pages 999-1003 of the Legislative Journal.)

Mr. President, I have a series of amendments to be printed. Senators Lynch and Wesely have amendments to LB 923, Senator Conway to LB 1146, and Senator Scofield to LB 662. (See pages 1003-07 of the Legislative Journal.)

Mr. President, Senator Hall would like to announce that the Revenue Committee will meet at one o'clock this afternoon for their hearings as opposed to one-thirty. Revenue Committee, one o'clock, as opposed to one-thirty. That's all that I have, Mr. President.

SPEAKER BARRETT: We are back to the motion to advance the bill or the resolution. I have only one light. Senator Landis, would you care to....

SENATOR LANDIS: If we wish to run over it, I will be happy to

correctly engrossed, all signed by Senator Lindsay as Chair of E & R. (See pages 1597-1602 of the Legislative Journal.)

Mr. President, I have a new resolution by Senator Wesely asking April be proclaimed as child abuse prevention month. That resolution will be laid over. (See pages 1602-03 of the Legislative Journal.)

Mr. President, I have received a series of Attorney General's Opinions over the weekend. One to Senator Wesely (Re: LB 870); one to Senator Lamb (Re: LB 897); a request to Senator Haberman (Re: LB 1241); Senator Smith (Re: LB 688); and Senator Chambers (Re: LB 571) and Senator Nelson (Re: LB 854) All of those will be inserted in the Journal. (See pages 1603-22 of the Legislative Journal.)

And, Mr. President, I have received one appointment letter from the Governor. That will be referred to Reference for referral to the appropriate Standing Committee. That's all that I have, Mr. President.

PRESIDENT: Thank you. We'll move on to LR 395, please.

CLERK: Mr. President, LR 395 was introduced by Senator Langford. It is found on page 1578 of the Journal. (Read brief description of resolution.)

PRESIDENT: Senator Langford, please.

SENATOR LANGFORD: Mrs. Merle Resmisell was born in Broken Bow, Nebraska, 100 years ago today. She has lived all of her life in Nebraska until the last few years she has moved to California to live with a daughter. Other of her family still lives in Nebraska including her son who is from my district. So I would appreciate it if you would help me congratulate Mrs. Rusmisell on her 100th birthday. Thank you.

PRESIDENT: Any further discussion? If not, the question is the adoption of the resolution. All those in favor...how are we going to do this, call the roll or...we'll do this by a show of hands. Indicate by raising your right hand, please.

CLERK: Bear with me and leave them up for a moment, too, if you would, please.

Attorney General should be impeached. And I have the article where the experts said that will never happen, and it did, not because of people in here, I offered that resolution and not one senator would sign on it with me as a co-sponsor. I know the things I've been through down here trying to help you all's people when some of you all wouldn't help them. Bear the heat of the day. Then like the little red hen, when the bread is cooked, they'll all run and eat it.

SPEAKER BARRETT: Time. Senator Hall.

SENATOR HALL: Thank you, Mr. President and members. I rise to oppose the bracket motion. I have supported I think virtually all of Senator Chambers amendments to the bill. I haven't offered any myself, except for the next one which is up, which is to the Johnson amendment and have tried to deal with it on an up front manner. I don't think I will support LB 976 in any form that has been suggested today. But I'm more than willing to sit here until twelve o'clock. I really don't have anything to do tonight, and I can get back for class at eight, it really doesn't bother me. The thing here is that we're talking about a number of different things which is interesting, because I do think that Senator Chambers, although I don't like the method that he uses to address some of these issues, has legitimate concern in what he is saying about some of the ways that we have been treating the issue of drug abuse and stiffer penalties on either drug dealers or drug users or whatever. But I would just as soon deal with it on an up front way, in an up front manner, vote the bill up or down, vote the amendments up or down one way or another as they come, because what you do with the bracket motion, I guess, is you possibly move the bill out of the way. Look what comes up if we move the bill out of the way. Maybe I should support the bracket motion, because I think if you look on your agenda there is a little bill there called LB 854, and I would argue that that is one of the other agendas that we've been dealing with here today, and it's one of the reasons that Senator Pirsch's bill, like it or not, and I don't, but...has suffered the afternoon along is because there are other agendas out there that would prefer we not get to LB 854. There probably were two amendments to LB 976 that probably should have...one was the one that I have up next, it was a straightforward amendment that took away any reference to things other than school grounds. If you're going to call it a school bill, let's just deal with schools, not arcades and some of the other things that you really couldn't define. And then there

bills and these issues? We have some important legislation before us, ladies and gentlemen, and we're not going to get to them in time to see that some of those bills pass. This bill that we're discussing right here is an important bill in which Senator Lindsay and Senator Wesely and others have worked to try to resolve these problems. This bill is going to be stalled here probably all day and maybe longer. When are we going to get to some of these things? When are we going to get to some of these other issues? Are we going to go through this whole session with abortion hanging over everything only to discover next year that what we did here this year was in vain because the Supreme Court has handed down a ruling that says this or that law is unconstitutional? It seems to me ridiculous. Can't we come to an agreement to stop this debate and agree that we're not accomplishing anything constructive by this debate and say we'll put it off until next year when we know how the courts have ruled, and then if we want to come back and have these debates, fine. As it is, we're going to continue this and we're still going to come back next year and continue this debate. Please, ladies and gentlemen, let's get off this issue this year and do something that will be of benefit to the citizens of this state. Thank you.

PRESIDENT: Thank you. Senator Nelson, please, followed by Senator Bernard-Stevens.

SENATOR NELSON: Mr. Speaker, I, too, feel like Senator Abboud, Senator Wesely, Senator Schimek. Senator Lindsay knew, had to know what he was doing when he did this. He's...I give him a lot more credit for this. When LB 854 was debated in Judiciary, truly a bill that is very constitutional suspect, the testimony went on and on, onto that degree. He's smart enough to know that that's what he was bringing to the people. I could probably flag 19,000 signatures very easy, passing them around in 31 churches. Why, one minister gave in his testimony that he supported, incidentally, some Lutheran and many, many Protestant churches. I'm not sure if there were any Catholic in there or not. A poll recently taken by the University of Iowa Social Science Institute showed only 7 percent, 7 percent of Midwesterners are pro-life on the abortion issue while 39 are pro-choice. In addition, now this is what is important, 65 percent would preferredly state laws regulating abortion as they currently are, or make it even easier for women to obtain an abortion. I'm not saying we should make it either easier or we should not. I would like to ask Senator Lindsay a question

and I don't see him anywhere, and I don't see Senator Kristensen. I know that he could answer me very honestly also. The first page, section 4, that the Supreme Court would have to put the abortion matter ahead of all others. How many cases are behind in the Supreme Court? About two years. I suppose a baby could be walking or maybe riding a tricycle by that time. That's the things that's in this bill that makes it impossible for us that are trying to speak for the rights of some of the minority. I look at this as such a class issue, but beside the point, to me, and I've said it before, we're doing nothing but making a mockery of the Legislature. I'm proud to serve in the Legislature, but if this continues much longer, I think I was here to represent all interests from judiciary to education to underground water, the low-level radioactive waste, a very, very important issue, hundreds of issues. That's what my constituents look at. They don't look at this abortion issue. We are criticized, we are made absolute fools of by instances such as this. I asked Senator Lindsay in Judiciary, when we passed LB 854 out I said, how long are we going to spend on that issue, two hours, two days or two weeks? Doesn't make a bit of difference. It's just as important as the funding of the University of Nebraska. We all have our own priorities I guess, and that's our privilege and that's the democratic system. but when all of the legislation that we need to act upon probably will go by the wayside by this one particular issue, I'm ashamed to serve in the body if that's what is going to happen. I point to you an article a few days ago in the World-Herald, state abortion fights dwindle as senators avoid it in droves. Why does Nebraska need to be different? Just, as it goes on, one state after another, 150 bills introduced and a mere, I don't know, 10 or so maybe have been adopted or maybe not even that much. In Oklahoma legislators rejected 10 abortion bills in a single day leaving one bill that isn't expected to pass. Missouri, 11 bills introduced. None is expected to pass. Nine introduced in New York, all are expected to die. In Iowa, three bills, on and on and on and why are we talking about something that may be overturned or it may or may not be by the courts this summer. People, we are making absolutely...the public looks upon this as one of the most ridiculous things that we could possibly do and in a short session with so many, many needed and people wanting and hurting out there, needed legislation and we're not going to gain anything,...

PRESIDENT: One minute.

authorized.

CLERK: Senator Langford voting yes. Senator Moore voting yes. Senator Rod Johnson voting yes. Senator Peterson voting yes.

SPEAKER BARRETT: Record, please.

CLERK: 26 ayes, 5 nays to cease debate, Mr. President.

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

SENATOR CHAMBERS: Uh-huh. Mr. Chairman, and members of the Legislature, while we are talking about this issue, I don't see how the bill, LB 854, is not going to at some point come in because that talks about various types of information that must be given and a waiting period, all of which completes the ball of wax that is before us with reference to abortion bills that we will probably consider this session. It kind of shows the attitude of those who are pushing for these antiabortion bills because everything they offer puts a burden on the woman, and they want to start from the time that a sperm fertilizes an egg which produces a zygote, according to what the scientists say, but those who are against abortion would say that is a child. So here is the question that we have to look at, too. When you have in vitro, or in dish, or in laboratory vessel fertilization that occurs where an egg is fertilized by a sperm in a dish, is that a child in that dish, and if you have six sperm or six eggs fertilized by sperm and kept in the dish or the compartment, and they call that, what, "zyrogenics" or whatever that is, cryogenics, I knew it had something to do with tears but I need help on occasion, and by asking for that help, I expect eventually to incorporate into our practices those of parliament that Senator Tim and I, Hall and I so greatly yearn for where when I am up here talking, people can talk back to me, and we can write cheer or cheer or boo and hiss, and I would thrive on that. I would be in my element. You would see flowers bloom in the desert of the Nebraska Legislature, but at any rate, that is not the way it is, so I have to do the best that I can. The legal questions that are raised by that type of in vitro fertilization is who controls the zygote and what rights, if any, does the zygote possess? Now, there was a couple that had agreed to this fertilization in a clinic or an institute somewhere down south and there had been unsuccessful attempts to impregnate the lady. After the zygote is produced, then they

8th Circuit Court of Appeals, en banc, meaning the entire bank, reversed the holding that the two-parent notification requirement was unconstitutional. It did not quarrel with the factual findings that support the case. The case has been appealed to the Supreme Court and so far there's been no finding on this action. It is quite possible, however, that action will be forthcoming within the year which would give us a clear signal as to when and where Nebraska may embark on balancing the interests of pregnant woman and fetus. The review of the action on Ohio's parental notification came to much the same conclusion. The 6th Circuit Court of Appeals declared unconstitutional an Ohio statute requiring anyone performing an abortion to a minor to give 24 hours prior notice to her parent or guardian. The court held that such a statute must include a judicial bypass procedure, one, by the way, which LB 854 does not have. While the Ohio statute did provide for a bypass, the appellate court found several aspects of that procedure unconstitutional. First, that it was not expeditious and fail, and second, that it failed to preserve confidentiality, one of the claims of LB 769, but hardly one of the guarantees which you can read in the bill and see how it will be carried out. Examining that Minnesota case, Judge Ulsop had before him a wide variety of expert testimony including most of the judges who heard these kinds of cases...

PRESIDENT: One minute.

SENATOR LANDIS: ...in St. Paul, Minneapolis and Duluth. The findings of fact by the court included these conclusions; first, the experience of going to court produced fear and tension in the young women; secondly, that minors resent having to reveal intimate details of their personal and family lives to strangers; third, the anxiety resulting from the bypass procedure may linger until the time of the medical procedure rendering the latter more difficult than necessary; fourth, minors who are victims of sexual and physical abuse often are reluctant to reveal the existence of the abuse to those outside the home. More importantly, notification to government authorities creates a substantial risk that the confidentiality of the minor's decision...

PRESIDENT: Time.

SENATOR LANDIS: ...to terminate her pregnancy will be lost. I'll renew my light. Thank you, Mr. Speaker.

amendments that have been filed, and I guess I'm just asking straightforward, is LB 769, do you believe, important enough to do whatever is necessary to keep it from coming to a vote?

SENATOR LANDIS: I intend to continue speaking when given an opportunity. I put in three amendments and I intend to see those through. If you ask me, can I conceive of nothing, the answer is no. It's not that I can't conceive of anything that will keep me from that.

SENATOR LINDSAY: I think that's close enough. Senator Bernard-Stevens, are you willing to put in whatever amendments or motions or whatever else to keep what is basically going to be LB 769 from coming to a vote?

SENATOR BERNARD-STEVENS: If, Senator Lindsay, you and Senator Labedz and others continue to say that we're having, we don't care about amendments, we don't care about having any debate or any serious negotiation on amendments, and you have motions such as LB 854 straight across the board, I would have problems, yes, sir.

SENATOR LINDSAY: I think that's about as direct of an answer as I could expect, probably about as short, too. But, Senator Nelson, same question.

SENATOR HEFNER: Senator Nelson.

SENATOR NELSON: I believe, Senator Lindsay, when I asked the question of you in Judiciary in regards to this bill and particularly LB 854, when obviously, you're smarter than I am when it comes to a point of law, knew that we were being asked to advance a bill that is certainly constitutional suspect or has been proven unconstitutional in other states and cases, your answer was very sharp to me. I don't care how long we debate this bill, two hours, two weeks, I think I asked you, two hours, two days, two weeks, doesn't make any difference to me. You also are familiar that...

SENATOR LINDSAY: I'm sorry to interrupt, Senator Nelson...

SENATOR NELSON: Wait a minute, wait a minute...

SENATOR LINDSAY: Is it a yes...

opportunity to have an amendment offered in one way or another that may bring this thing to fruition, I hope, and so I am going to give my time to someone who would like to continue talking on the issue, and so I will give Senator Schimek two minutes, I will give Senator Ashford two minutes, and I will even give Senator Chambers one. So have at it, gang.

PRESIDENT: There isn't that much left, but we will go as far as we can. Senator Schimek, please.

SENATOR SCHIMEK: (Mike off) ...give me some time so I will go ahead and give to Senator Ashford and Senator Chambers. Thank you.

PRESIDENT: Senator Chambers, now we have enough time.

SENATOR CHAMBERS: Yes, and, Mr. Chairman, I do want to discuss the issue that is before us which is the requirement of notification, but I think that is tied into the other bill that has been sub rosa for sometime and that is LB 854 where the 24-hour waiting period is to be imposed.

PRESIDENT: Excuse me, Senator Chambers.

SENATOR LABEDZ: Did Schimek have any time to give? Hasn't she spoken more than three times?

PRESIDENT: Well, somebody else gave her the time and she...

SENATOR LABEDZ: Oh, I am sorry.

PRESIDENT: ...transferred on to somebody else.

SENATOR LABEDZ: Somebody told me that it was Senator Schimek's, Senator Conway is okay.

PRESIDENT: It is called around the horn. Go ahead, Senator Chambers.

SENATOR CHAMBERS: Senator Labedz, I want you to look over here for a minute. You see, okay. Members of the Legislature, look at the two bills we would have if we enacted both of them. Look at what we would say, that first of all, the young woman must talk to the parent or guardian, whoever. There has to be this so-called informed consent paper signed, and before that

SENATOR LANDIS: Thank you, Mr. Speaker.

PRESIDENT: Thank you. Senator Carson Rogers, please, followed by Senator Ashford.

SENATOR ROGERS: Give my time to Senator Chambers.

PRESIDENT: Senator Chambers, you have time.

SENATOR CHAMBERS: Senator Rogers, thank you, I'm flabbergasted, but not speechless, not quite. There was a thought I had before this happened that I wanted to be sure and complete. But anyway, there are things being...there are attempts to work things out now, and to be frank I don't even understand what people are talking to me about. But whatever it is I don't agree to it, and I just want that to be clear. I....The position that I'm taking, I take because of a principle. I'm not taking it so that I have trading stock to negotiate with somebody to get something over here in exchange for what I'm doing here. And if I did that, then I think you all would be able to call me the biggest hypocrite that has ever approached any issue in this Legislature. Others who may have been dealing on this issue did not do it from a position of principle, and maybe that is why they can back away from whatever it is that they were doing, and I don't know what that is now. But I stated in the beginning of this legislative session what my beliefs are about a woman's right to make a choice. And maybe I do have a streak of naivete' which causes me not to be able to understand certain activities. So whatever agreements are being entered into, I'm not a part of them. I'm not trying to facilitate them, and I will not facilitate them. That having been said, my objection is as firm now as it was when we started this morning. And it was as firm this morning as it was the last time we talked about LB 769. And at that time it was as firm as it was when the session began. So there might be some way for those who are trying to work this arrangement out to do what it is they want to do anyway, but they won't do it with my help, and they'll do it over my opposition. I have stated in the beginning what it is I feel compelled to do. I have not tried in any way to prevent anybody from using the rules as the rules allow themselves to be used. And if the rules permit something, I couldn't stop it anyway. But the point that I'm making is I haven't even been critical of people for trying to do that. When the motions were put up on LB 854, to move it

Chambers.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Thank you, Senator Morrissey. Mr. Chairman and members of the Legislature, the issue has been now changed. Senator Schimek asked what are we doing here and where are we going? I feel that we're doing the best that we can and we're going till midnight. What else can you say? There is a determination by everybody to see this thing through to the bitter end, and I certainly intend to deliver on the promise that I made. Even with that having been said, the seriousness of the issue has not lessened. If LB 769 were put in place, how much different would it be than the law currently on the books that has been enjoined by the federal court from being enforced? There already is legislation requiring parental notification but it cannot be enforced because the federal District Court in Nebraska said no. Senator Lindsay has another bill, LB 854, which contains a 24-hour waiting period and it amends, I think, 28-327, which had a 48-hour waiting period and that was struck down as unconstitutional. It was unconstitutional because no court to date has seen the value or the state's compelling interest in requiring an arbitrarily established period of time during which nothing of value is going to occur. There is nothing about this waiting period, whether 24 hours or 48 hours, which is going to make the procedure more safe, which is going to bring to the woman more information that she needs. The types of information demanded, as a second part of that LB 854, is of a type that would be ruled unconstitutional because it's aim is to burden the woman's decision and not to bring any enlightenment or the type of knowledge or information necessary to an informed consent to an abortion. So why will bills be brought that practically mirror provisions of law currently on the books in Nebraska that have been enjoined because they're unconstitutional? Why will that be done? Because those who support the legislation, the ones they represent, want to show others the power that they have to compel the Legislature to enact certain provisions even though they have been ruled unconstitutional already. So what we're here for, Senator Schimek, what a majority is here for is to reenact unconstitutional legislation. That's what we're here for and that's why I say I'm seriously interested in seeing the ridiculous nonsensical amendment that Senator Landis and I co-signed, added to this bill. We're in that Barnum and Bailey world which is just as phony as it can be. We go from there

that are the 1990 senators' priority bills. All nine of them, as I look at them and read them, are very important bills, and today is the last day for General File. So I have a motion up there to suspend the rules and to advance the nine senators' priority bills to Select File without any further amendments or debate. This has been done in the past. I believe Senator Chambers and Senator DeCamp, in the years that I've been here, have done it two or three times. I can remember at one time we moved 30 bills off of General File, that were consent bills, without any debate. Now, if we do this, then I'm sure Senator Barrett's motion to suspend the rules on Final Reading will also move. And then we will read the bills on Final Reading. And then by chance we may be able to go today to General File for the 1990 committee priority bills. As I look through that list, there are many bills on that list that are very important. And we would have time because, as I say, today is the last day for General File. So my motion would be to suspend the rules and to...but I understand that I may have to overrule the Speaker's agenda first. So that will require 30 votes, and then the 30 votes to suspend the rules without any further debate or amendments and just to advance the nine bills that are the senators' priority bills. And I urge the members of the Legislature to give the nine bills a chance. The...Senator Morrissey's bill for the Radioactive Waste Disposal Liability Act, that's an important bill, we have Senator Lamb's bill, we have Senator Wesely's bill for a health care cost data center, and, of course, LB 976 which is Senator Pirsch's bill that has been debated at length, it's a violating drug laws, a bill that is important, and then last but not least there is LB 854, which is Senator Lindsay's bill to change the informed consent provisions for abortion. So I urge the members of the Legislature to give the senators a chance on Select File to advance those bills, or they automatically will die as of today, because today is the last day for General File. I remind you, we have to have 30 votes twice, once to suspend...or to...for the Speaker's agenda, and then to advance the bills to Select File. Thank you.

PRESIDENT: Thank you. Senator Chambers first, followed by Senator McFarland and Senator Schmit.

SENATOR CHAMBERS: Mr. Chairman, I have a question on procedure here. After the vote is taken, should it be adopted to suspend the rules and change the Speaker's order, will that motion that is being made be amendable?

PRESIDENT: No, as I understand it, no.

SENATOR CHAMBERS: The one that would try to move all nine bills,...

PRESIDENT: Right.

SENATOR CHAMBERS: ...that would not be amendable.

PRESIDENT: That's right. It's one motion that suspends several rules, is my understanding as the reason for that.

SENATOR CHAMBERS: But then there is a second motion. See, if you have one motion to suspend the rules, and in the past you'd say you suspend the rules so that all these...so the bill can be advanced without discussion and debate. All right, that cannot be amended. That rule suspension motion cannot be amended. But we don't have that situation here where we have two separate motions. One is to suspend the rule in order that a motion can be made to move those...all those bills. So maybe I should rephrase the question again. Will the second motion be amendable, say to add all of the committee bills, too?

PRESIDENT: Or perhaps delete one or two from the list, is that what your question is?

SENATOR CHAMBERS: Or add my priority bill, which is not on this list.

PRESIDENT: Well, I believe the motion is...I believe the motion is just considering the ones that are on number five, the General File list, it's my understanding.

SENATOR CHAMBERS: And that, according to your ruling, would be...cannot be amended?

PRESIDENT: I would say, yes, that's true.

SENATOR CHAMBERS: Mr. Chairman, I'm going to object to the moving of the bills, not to the motion. The motion can be made. I'm in opposition to the motion. And I can certainly understand why Senator Labedz is doing this. The bill that is the underlying reason for this is LB 854, and we all know that. This is allowable, and I don't blame them for trying to do it.

time. I support the motion and wish you well.

PRESIDENT: Thank you. Senator Nelson, please, followed by Senator Moore and Senator Lamb.

SENATOR NELSON: Mr. Speaker, members of the body, I just want the body to be aware, and I think that you are. I passed out a number of days ago, on LB 854 I received an Attorney General's Opinion. And I get from the testimony in Judiciary Committee, of which all of you know I am a member, it was brought out time and time again, and particularly from people of the bar, that LB 854 was probably unconstitutional. With that basis I did ask for an opinion. And I simply am somewhat giving this for the record this morning when we are being asked to do this on, of course, a number of very important bills. The two provisions in LB 854 have consistently been found unconstitutional by the courts. And I'm afraid this is what happens, lawmakers who vote for passage of LB 854 will show a blatant disregard and disrespect for the Constitution. And simply what will happen is that Nebraska taxpayers then will have to spend a substantial amount of money when the bill will be challenged. And the bill will be challenged. And so I'm just somewhat putting that in the record for you. I am, like Senator Schmit, I don't think that it's any advantage in moving them off of General to Select, because again I don't think the time is there. I would just give you a couple of points, in case you don't have it in front of you on LB 854, Thornburg v. The American College of Obstetricians & Gynecologists, in 1986, states are not free, under the guise of protecting a maternal health of potential life to imitate (sic) a woman into continuing pregnancy. The provisions of the Pennsylvania act that the court of appeals invalidated wholly subordinate constitutional privacy interests and concerns with maternal health to the effort to deter a woman from making a decision that she and her physicians are in error to make. Another decision, City v. Akron, the state does not have unrevealable authority to decide what information a woman must be given before she chooses to have an abortion. It remains primarily the responsibility of the physician to ensure that appropriate information is conveyed to his patient, depending on her circumstances. In...my question is 24...to the Attorney General, the 24-hour waiting period from the time the woman signs an informed consent statement before an abortion can be performed, I think Senator McFarland made the assumption that it may or may not delay some abortions, I think that's right. However, that can be signed at a doctor's office before the lady

goes for the abortion. The second, the requirement of furnishing a woman information on anatomical and psychological characteristics of the fetus at the gestational point of development at the time the abortion is to be performed. You cannot tell a doctor what to inform, and these are not unreasonable requests. The answers in question one is the provision of LB 854 requiring a 24-hour waiting period following the signing of an informed consent, statement of the abortion, a constitutional suspect? Yes. This provision is constitutionally suspect based on previous U.S. Supreme Court holdings The second question, is the provision of LB 854, which contains an informational requirement as to the characteristics of the fetus at the time of an abortion constitutionally suspect? Yes. This provision is suspect based on previous U.S. Supreme Court holdings. I want to just give that information to the body. I think that in our doing this move, and I know that it is...

PRESIDENT: One minute.

SENATOR NELSON: ...possible, I'm not going to...there are some other very important bills here. I am, like Senator Schmit, when are you going to get the time to finish the rest? If you were going to do it, it would have been a better risk to have tried to go to Final Reading. And, as we know, there are some very, very important bills here, some of them that are controversial. One or two of those I may not be able to support. I am just giving you this for the record so that every one of you would know what you're doing when you're being asked to do this. And, with that, I will cooperate with the body's wishes. But I did want it in on the record, and I did want you to know that LB 854, through the testimony given to us in Judiciary Committee, would not pass the constitutional muster. And, with that, I'll abide by the body's wishes.

PRESIDENT: Thank you. Senator Moore, please.

SENATOR MOORE: Question.

PRESIDENT: The question has been called. Do I see five hands? I see three. I see five now. The question is, shall debate cease? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 14 ayes, 7 nays to cease debate, Mr. President.

PRESIDENT: We'll continue with the debate. Senator Lamb, followed by Senator Dierks and Senator Labedz. Senator Lamb, did you wish to speak? Senator Lamb, did you wish to speak?

SENATOR LAMB: Mr. President and members, I rise to support the motion. I think the best argument for the motion is Item 6 on your agenda, if you'll look at your agenda. There is a motion down there to suspend the rules to permit Final Reading of bills without further amendment, motion or debate. It occurs to me that if that is a proper procedural tactic, then certainly it's proper to do a similar thing on General File. As Senator Schmit mentioned, I'm not sure that anything is going to be accomplished, but there is a possibility that there will be. Some people said, well, with this motion this is going to use up the day, but this very well could expedite the day as Senator Labedz has pointed out. If those bills go over to General File, we get onto Final Reading, and then, as she mentioned, we may be able to get down to the committee priority bills which are later on the agenda. I see nothing wrong with the motion, I would urge you to support it.

PRESIDENT: Thank you. Senator Dierks, please.

SENATOR DIERKS: Mr. President and members of the body, I'm supporting this motion, too. And I do it for a number of reasons. I think that you probably know the foremost reason, as I mentioned, anxious to get to this LB 854. I think that it's vital for the people of this state to know how we actually will vote on this, and we haven't had the opportunity to do that. There are some other bills on General File that are of vital interest to me, too, and I think you should all know that. LB 1151, of course, is dealing most directly with me, more directly with me than anybody else in this Legislature. And I think that if you can read you understand we've got some problems concerning nuclear waste siting in this state. I have a clipping right here that came from the...I believe one of the Lincoln papers that describes how Doctor Markam's house was shot into by persons unknown. Dr. Markam is a veterinarian from Spencer who's chairman of the monitoring committee for Boyd County. And you know it gets to be more than serious, I think, when there were, I believe, six or seven bullets shot into his house 4:00 a.m., Sunday morning. I wonder if we shouldn't be talking about some of those things. We really haven't had the opportunity this year. I think that's of vital concern to all

committee priority bills. This one, LB 1020, changed provisions relating to driving under the influence of alcohol and drugs. We certainly don't want to end the session without at least being able to pass LB 1020, which I totally and strongly support, and then we have LB 1229, which is Senator Scofield's local option municipal economic development act, that also is very important to Senator Scofield, Senator Peterson and Senator Schellpeper. I think most of the bills on the committee priority bills are bills that are vitally important. And, if we don't get to them today, which I'm sure we will not, I strongly urge the members of the Legislature to allow 30 votes to be shown on the board so that we can not only discuss these nine bills on Select File, we're not making the motion to send them to Final Reading, we are saying they should go, they are senator priority bills. They haven't been heard. And I understand, Senator Chambers, you mentioned LB 908 as your priority bill, well I want to also mention the fact that LB 769 is my priority bill and it is not listed in those nine. In both cases, those two bills failed to advanced and LB 9...of course LB 769, I got to mention this, never came to a vote for advancement. LB 908, Senator Chambers' bill, did have a vote and it failed to advance, and that's the reason it's not on the General File, 1990 senator priority bills. I often have told the Speaker, and as I show you here, there are 20,000 signatures in this list...

PRESIDENT: Excuse me, Senator. (Gavel.) Let's hold it down, please, so we can hear the speakers. Thank you.

SENATOR LABEDZ: ...of people in the State of Nebraska that are anxiously waiting for at least one abortion bill to be discussed, and that is LB 854. It's never had a chance or a vote to advance, and I think it's a very important bill and you do, too, and so do these 20,000 people. I am willing to vote to suspend the rules on Final Reading so we can read the bills without further debate or amendment. As you know,

PRESIDENT: One minute.

SENATOR LABEDZ: I have several amendments on LB 1059 and a few others, and I will be most happy to withdraw...not withdraw my amendments, but to vote with Senator Barrett and suspend the rules to permit Final Reading of bills without further amendments, motion or debate. We are just asking these nine bills to be advanced to Select File, because they are senator priority bills and they haven't had a chance. Thank you.

about it. Well, we can't, that's the rules, and people are smart enough to understand the rules, they can use the system like they are, whoever we are. But, in any case, and in this case the rules are being used, unfortunately, to offset that sort of thing. So, if anybody is guilty of doing anything wrong or right, usually we react, and in this case this effort, which is unfortunate and, in my opinion, terrible is a reaction of what's happened previous to this. And so I intend to support it. I might as well join in the stupidity along with everybody else around here.

PRESIDENT: Thank you. Senator Schimek, please, followed by Senator Schmit and Senator Smith.

SENATOR SCHIMEK: Thank you, Mr. President and members of the body. I don't really know how I'm going to vote on this particular proposal. I know what the arguments are. I just have some things that I guess I'd like to express on the floor and maybe ask on the floor, so that somebody who comes after me, maybe like Senator Schmit, would be able to respond to it. It's just...I'm just asking the questions in general. Have we...is this setting a precedent? Have we done...have we done rules changes like this before at the last of the session? Surely we've had these same kinds of problems before in other sessions. I don't know if that makes any difference or not, but I'm just curious as to whether we've had this kind of a precedent before. The other thing is, I guess, I have some problem moving a bill which I think is definitely outright unconstitutional, and of course I'm referring to LB 854. It's hard to bring myself to vote to move a bill off of General File which I feel won't pass muster in the court system. And then, thirdly, I'm wondering if we will face this same problem tomorrow. What happens when we get to Select File tomorrow and we have Final Reading after that, or maybe we'll reverse the order tomorrow, I don't know, but what happens? Aren't we just putting off the inevitable? And would not a better solution to this be, and this just occurred to me, because I heard Senator Korshoj say as long as we don't extend the session, well, maybe that's what we need to do is extend the session so that we can take care of these bills that we really need to see through. And, Senator Dierks, I would agree with you, we need to get to LB 1151, we need to get to some of these other bills. We have known for weeks that we were going to be in a jam at this particular time, and so it should come as no surprise to all of us. I wish we could find another way out of this solution. If anybody's got another

in the last few days, quite honestly. And I think the people of the State of Nebraska deserve better than the way we've been acting on this floor, so that's the reason I can't support this. You know looking at my agenda here, I think to myself, we have a lot of important issues, that's true, to follow. We all knew this before we started doing the kinds of things that have been going on on this floor. You know, I was raised to believe that you follow the rules. And it's been really hard for me to be able to deal with this kind of stuff that has been going on in here, because I have that thing about me that says I was taught, we have rules, we have this book here that tells us this is what we're supposed to do. And then to see the kinds of tactics that have been going on in here have really contributed to the way I feel. And I'll tell you that the public feels about this body right now. I had eggs and issues last Saturday, and the people in my district were absolutely disgusted with the way we're acting. I just think it's time for us to sit back and look at what we're supposed to be doing down here. This isn't fun and games, folks, this is actually dealing with people's lives. The laws that we make in here need debate, but they need to be debated by the rules. And I understand both sides felt they had...they were legitimate because they were retaliating against each other. I hope that I wasn't really a part of either of those sides, although I may have a concern about any of the issues that we talk about. You know, I'd like to remind you, Senator Schmit, I think that you have a bill on here, LB 854, and that's your priority bill. You said your priority bill is not up, but I believe this is your priority. And that's an issue that I'm concerned about and one that I would support. LB 1151 definitely is a bill that should be debated and actually should be on Final right now, or even have been passed by now, because we need to deal with the issue of low-level radioactive waste, the siting in our state, and all of the controversy that surrounds that. LB 866, Senator Lamb's bill, is something that I would have liked to have seen up there to have had the opportunity to deal with. I'd remind you that the history, people have been talking with me, well we've done this before. Yeah, we did it before, we did it last year I believe it was, but we did it with consent calendar bills, bills that in the first place wouldn't have come out of committee and been voted across in 15 minutes on the floor if they had had amendments or had been something that was controversial in the first place. And even by doing that, we were criticized severely by the people of the State of Nebraska, and I think rightfully so. In addition to the fact that, you know, this is something that I

suspend the rules and overrule the agenda. That is fine. I can live with that. But what Senator Chambers has done is he has taken the first rule of debate and he has used it to his advantage because what he has done is he has defined the terms, he has used his position to say these are the definitions, folks, and we are going to play by this. He has said this is an abortion vote. If that be the case, then I guess I am in what we might call deep trouble and, in my opinion, that is not what that vote was. It was a procedural vote. As you all know, we all have the ability to vote any way we want to on a procedural motion for whatever purposes we might have. Maybe it is LB 854, as Senator Labedz has so forthrightly stated on her behalf, maybe it is another bill down the agenda on Select file, maybe it is another bill on General File, or one that is on Final Reading. Whatever the purpose, we each have our own reason for voting the way we did on those proposals, but don't let Senator Chambers define the terms for you in terms of what that vote was. It clearly, Senator Schmit, was not my masochistic tendencies that got me to vote with Senator Chambers. If you look what you are going to be doing in terms of this next vote, what will happen is we will move these bills off General File, all nine of them, and you will move them behind all the bills that are currently on Select File. So they will go off the list being second from the very top of General File, very likely we could have been to LB 854 by now, with some of the amendments I understood were on LB 976, and be debating that bill presently, which I have no problem that I would like to be able to do. But with this motion, we are going to move them to the bottom of Select File. They are going to fall behind the approximately 15, 17 other bills. Instead of being second from the top on General File, which we would go back to after the one-thirty proposal, which I am not going to support either, excuse me, Mr. Speaker, but I am not, that motion, they are now going to be ranked about 18th and 19th and that is the way they will come in order. That is exactly what we are doing. That is exactly where we will be. That is what the vote on this proposal will do. You will take, if you think it is an abortion issue, or if you think it is a LB 1062 issue, or if you think it is a radioactive waste disposal issue, or in Senator Lamb's case, if you think it is a pride of authorship issue, that is where it is going to be when it comes to Select File, and all you do is you delay the inevitable. You, basically, put off the debate until Select File. That is fine. I don't have any problem with that. You are not going to change the outcome.

adopt Senator Labedz's motion, the issue will not be completely laid to rest but it will come closer to having...Senator Schmit is messing with me, it will come closer to having been laid to rest than if we don't. If we don't...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...defeat Senator Labedz's motion, then other things will be set in motion which will lead us to who knows where. The Far Side cartoon that was handed around might carry a hint of it, but I hope, indeed, that you will vote for this reconsideration motion.

SPEAKER BARRETT: Thank you. The question is the adoption of the reconsideration motion of the vote taken on the previous motion. Those in favor please vote aye, opposed nay. Record.

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

SPEAKER BARRETT: Motion fails. Have you items for the record?

CLERK: No, I do not, Mr. President.

SPEAKER BARRETT: Next motion, please.

CLERK: Mr. President, Senators Labedz and Schmit would move to suspend Rule 6, Section 3, Rule 7, Sections 3 and 7, and place LB 976, LB 854, LB 1062, LB 1062A, LB 1151, LB 989, LB 989A, LB 866, and LB 866A on Select File without amendment or debate.

SPEAKER BARRETT: Senator Labedz, please.

SENATOR LABEDZ: Thank you, Mr. Speaker. I certainly will not go into a long, lengthy discussion on the motion to adopt the motion that I have up there, which is to suspend the rules with no further amendments or debate. And it will require another 30 votes, and then we can go on to Final Reading. Or, I should correct myself, Mr. Speaker, we will go on to your motion to suspend the rules with no further amendments or debate and read all the bills on Final Reading. And, as I said before, I have at least 40 or 50 amendments on some of the bills on Final Reading, but I will vote in the Speaker's favor to read the bills without further amendments or debate. And I will relinquish the rest of my time to Senator Schmit, and hopefully

this will not require a lengthy debate. It is now eight minutes after eleven, and I would like to be able to go to Final Reading before the noon hour. Thank you.

SPEAKER BARRETT: Senator Schmit. Thank you. Discussion on the Labedz-Schmit motion? Senator Chambers, followed by Senators McFarland and Pirsch.

SENATOR CHAMBERS: Mr. Chairman, now we've cut through the fat and we're down to the muscle and the bone. Nothing else can be cut away that is superfluous. We are casting a vote of substance now. Procedure is over, this is a substantive vote. There are two camps into which people can be divided; those who say that this is not a good method of legislating, and I'm in that camp, I believe that. This is not a wise move. The bills are very controversial, all of them are substantive. They, if enacted, would affect, in a very dramatic way, the lives of a considerable number of the citizens in this state. To advance them all with no debate, no amendments is very irresponsible. It's not illegal, but it's irresponsible. And it is other things, too. But when it comes to those other things, each person has to decide, based on what his or her conscience tells him or her, how that vote can be cast. But there is no way anybody can vote for these bills and say they're not voting for the bills. You all know the position I have stated repeatedly about my belief in a woman's right to make a choice as to whether or not she's going to carry a pregnancy to term. How can I vote for LB 854 and say that's my position? I'm against waiting periods. I'm against the bizarre descriptions of fetal development that are supposed to be given to a woman when she's facing this very critical decision. I'm against all that, so how can I vote to move LB 854 without any discussion, without any amendment? So that would be enough to stop me, if it was the only controversial bill in the pack, but it's not. There are other bills. If these were not controversial bills, they would have been on the consent calendar. Which bill on there could make it to the consent calendar? Not one. So we're not dealing with that. We are at that point in the session where a lot of things have been linked and woven together. If you do this, then I'll do that, if you don't do this, then I won't do that. Despite what Senator Schmit said earlier, I have not cast a vote against anybody's bill because of the way I feel about that person, Senator Schmit. I never have. There are votes that I have supported when I wished that I could vote against it, and then tell the person I voted against the bill because of

will give the balance of my time to Senator Labedz.

SPEAKER BARRETT: Thank you. Senator...

SENATOR LABEDZ: I certainly don't need the balance of his time, but I'm so glad that Senator McFarland mentioned the fact, and I didn't notice that this morning, that if you turn on the back of your agenda, item number 8, General File, we go back, after Final Reading, to the senators' priority bills. So that means this afternoon, after four and a half hours of Final Reading, we definitely will go back to LB 976, which is Senator Pirsch's bill on changing the penalties for violating the drug laws. And then LB 854 would be next. So, I am sure what is going to happen, as Senator McFarland stated, we'll probably be here again until midnight. So I urge the members to take that into consideration, because after Final Reading we can go onto the committee priority bills rather than turning back again to number 5 which is the senators' priority bills. Thank you.

SPEAKER BARRETT: Thank you. Senator Crosby.

SENATOR CROSBY: Thank you, Mr. Speaker and members. I am concerned about when I listen to all this discussion about the fact that this happens to be about one bill. I know that. Everything we do in here, the last two or three weeks, maybe the whole session, seems to center around abortion. But yesterday afternoon the word "abortion" was never mentioned, but we had a filibuster on LR 239, which was keeping us from getting to LB 854. And I'm sure that's all planned. And I have to admire the people who orchestrate all that, because they are really adept and adroit at what they do, because it took me about ten minutes to figure out what was going on. And then I relaxed and listened to everything that was said, and learned some more. I was concerned this morning when Senator Moore said he didn't know who John L. Lewis is...was. Senator Schmit, you know, what Scott Moore needs to do is go down to the university and take John Braeman's course on the Roosevelt years, he would learn about legislative maneuverings and political maneuverings like he has never seen or heard of before. And that's...John L. Lewis was a member of all that, part of all that. A man whose name I cannot bring up this morning, I think maybe it was Robert Murphy, a senator from New York State who was a part of all that agenda and those years, he was the master who built and planned all the labor legislation that we have in place today and has been refined since then, when the unions started being strong

and understood what they needed and employers realized they had to listen to the unions. And I kind of think it was Bob Murphy. I may be wrong on that name. But my point about mentioning history again is that we are the beneficiaries of our history, and we are the beneficiaries of the law that we base our discussions on today, goes clear back to the Magna Carta. We live in a free society. We may talk about what we want to on this floor, and we are not to scream at our colleagues and get angry with them. I'm still not angry with anyone. I still think we need to listen to each other, and we are not doing that. And if this discussion is about the abortion issue, most of the discussion this morning has been by men who do not conceive, do not have babies, can't have an abortion or...you know, they're talking about something they actually do not know about. So, if we took it from that point, then I don't know why they're discussing it at all. But I still feel strongly. I'm voting for this because of what's coming up. And I know...I understand what Senator Chambers is talking about. There isn't really any comparison between General and Final. But I think it's wrong to have all those amendments hung on LB 1059. A lot of people have worked very hard on that school finance bill. I'm not going to vote for it, because my constituency is against it and a lot of other feelings I have about it, and I'm not going to vote for it. But I still think it has the right to be read. And the people who are for it have the right to have that bill read. Where....And, along with that, on General File we need and we have the privilege, we should have the privilege of having each one of those bills debated, including LB 854, and then having it voted up or down. But you are not giving us that privilege. You are taking that privilege away when you talk days on end about...

SPEAKER BARRETT: One minute.

SENATOR CROSBY: ...LR 239, which I...most of the conversation yesterday was by people who don't care anything about that legislative resolution. So, I just feel a little sad this morning that we are sitting and standing here not able to communicate with each other. What hope do we have that we're ever going to be able to communicate on this issue, if we can't do it here in this Legislative Chamber? This is where we're supposed to be doing that, we're supposed to be compromising and bringing to a vote things that we all want and need to see decided, one way or the other. So I just can't see why you can't allow us to talk about that bill straight out; the drug

Chambers motion to return all bills on Select File to General File? Senator Chambers, any further statement? Thank you. The question is the return of bills on Select File to General File. Those in favor vote aye, opposed nay. Have you all voted? Senator Chambers. Thank you. Have you all voted? Please record.

CLERK: 1 ayes, 15 nays, Mr. President, on the motion to return the bills to General File.

SPEAKER BARRETT: The motion fails. Next item.

CLERK: Mr. President, I now have a motion to overrule the Speaker's order and consider a motion by Senator Chambers to return specified bills to General File. That motion is to return LB 976, LB 854, LB 1062, LB 1062A, LB 1151, LB 989, LB 989A, LB 866, and LB 866A.

SPEAKER BARRETT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, before I begin, there might be a question as to whether this is a reconsideration, so the person that wants to raise the issue, I will let them raise it, but these are the bills that were included in the package yesterday that were all advanced to Select File on one vote without amendment or discussion.

SPEAKER BARRETT: Thank you.

SENATOR CHAMBERS: And, Mr. Chairman, before I go into my opening, I will go ahead and we can dispose of the question that Senator Bernard-Stevens wants to raise.

SPEAKER BARRETT: Thank you. Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker. I am going to raise the question and ask for a ruling. I would assume that this would be a reconsideration motion then of what we did yesterday. Is that the Chair's understanding as well?

SPEAKER BARRETT: Senator Chambers, have you any comment?

SENATOR CHAMBERS: Well, it really wouldn't be that because it is not saying vote again on what was done yesterday. That action was done. This is taking it back. I had misunderstood

Senator Bernard-Stevens. I had thought he felt that what I am doing now is a reconsideration of the first motion that I had offered. But since...I will ask the Chair so that if that does come on somebody's mind, then that will be out of the way. The first motion that I offered would have taken all of the bills that are on Select and returned them to General. This motion breaks out some of those bills and attempts to return them. That is not a reconsideration, Mr. Chairman, is it, of the first motion that I...I meant trying to do again what was already voted down on the first motion?

SPEAKER BARRETT: In the opinion of the Chair, it is not a reconsideration of the first motion that you made where you moved to return all bills on Select File. This is a more selective motion. It is not a reconsideration, in my opinion.

SENATOR CHAMBERS: Okay, good, so then I will proceed.

SPEAKER BARRETT: Thank you.

SENATOR CHAMBERS: These bills were moved from General File to Select File with no debate, no amendments, regardless of whether they had committee amendments or any other type, and to do that, as I said yesterday, was irresponsible. It was a corruption of the system. It was different from motions being filed pursuant to the rules that are allowable at a given stage of debate on each bill as it comes up. These bills, because of one particular bill, were all move on one vote. I am offering this motion to give us a chance to undo that damage. Those who wanted this package of bills acknowledge that LB 854, the abortion bill, was the one they were interested in, and that was the bill that led to that move being taken. They also stated, if what the papers reported is correct, that they wanted a vote on that bill of some kind, and they feel that the vote yesterday gave them that vote. This that I am offering can now restore the system to where it should be. I hope that you will consider this motion because it is offered in all seriousness and I intend to fight for it. Not only that abortion bill is anathema, there is a so-called antidrug bill which is filled with items that don't make sense, that are contradictory, that ought not to have seen the light of day from the committee, but because this not only is the year of politics on other issues, it is definitely the season of politics when it comes to supposedly fighting drugs. Any kind of item is put before Legislatures, and in most instances, they will be moved forward.

because a lot of times there is not quite that much forthrightness. I fought against it yesterday so my position is not inconsistent today. I argued against it. I voted against it, and now I am trying to use what is available to me to rectify it. Yesterday, when the move was being made, I correctly pointed out why it was being made and that was confirmed by Senator Labedz and others. I will say this; had LB 854 not been on General File, that move would not have been made, and we know it. The papers wrote it up correctly as a breakthrough for the side that wants to restrict abortions.

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: They quoted Senator Labedz and others as saying it was a victory. So there can be no question what the issue was. Had people who voted on what is called the procedural matter not given those votes, these bills would not be on Select File today. I think the heat got to be too great for some people and they folded, and now we are facing in this state a problem, not as severe, but similar to that faced by women in Idaho who were confronted by an extremely restrictive antiabortion bill, which the Governor of Idaho wisely and justifiably vetoed. I believe that LB 854 is unconstitutional. Courts have held, even the present District Court in the State of Nebraska, the federal court, that a waiting period...may I continue on my other time for my close?

SPEAKER BARRETT: On your closing, now we have other lights on, Senator Chambers.

SENATOR CHAMBERS: Oh, all right, then I will sit down.

SPEAKER BARRETT: Thank you. Senator Wesely. The question has been called. Do I see five hands? I do. Shall debate now cease? All in favor vote aye, opposed nay. The question is, shall debate cease? Have you all voted? Please record.

CLERK: 26 ayes, 2 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. Senator Chambers, for closing.

SENATOR CHAMBERS: Yes, Mr. Chairman, the point that I was going to make is that the Federal District Court has already ruled and enjoined, as a result of that ruling, a statute currently on the Nebraska books that requires a waiting period. It burdens a

just cannot go along with that kind of activity and I wish this Legislature and other Legislatures...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...could follow the lead of the Florida Legislature which summarily wiped out every antiabortion bill which that politicking Governor presented to them in a special session called to take political advantage of the Supreme Court's most recent decision. The Legislature there was not bullied, was not buffaloed. They sent the Governor and his so-called pro-life minions packing. Much of this stuff that we have before us is fashioned at their national headquarters in Washington, D.C. They try to make it as onerous as possible, to make it as difficult as possible for young women. Pregnancy is converted into a punishment. Childbirth is converted into a sanction, and all of the talk of being concerned about the unborn becomes very hollow when you look at the total lack of concern for the woman who, in fact,...

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: ...is alive confronting a very serious problem.

SPEAKER BARRETT: Thank you. You have heard the closing and the question is the motion to overrule the Speaker's order. All in favor of that motion please vote aye, opposed nay. Have you all voted? Record.

CLERK: 4 ayes, 16 nays, Mr. President, on the motion to overrule the agenda.

SPEAKER BARRETT: The motion fails.

CLERK: Mr. President, the next motion I have is a motion by Senator Chambers to overrule the agenda and consider changing to consider the return of LB 854 to General File.

SPEAKER BARRETT: Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman, I was going to try to leave LB 854 in the package with the others, but this is the bill that we all know was the crux of the discussion yesterday. It is the one that has caused so much grief these latter days of the

session. There is a justification for breaking it out from all the others in addition to its being the dead cat on the line. It is the only bill among those which has a motion to prevent any discussion or any amendment, so that means it would be given, in fact, a free ride from General File to Final Reading without any chance to amend or to discuss. So the one bill that Senator Schmit really had an interest in is going to be handled in the way he had said that all of them should have been handled, that is to move it from General File to Final Reading without any discussion, without any amendment. That is what 854 is designed to achieve. We have talked about the issues involved in abortion and antiabortion and no positions have changed but some people's votes have changed, for whatever reason, and that is why we are where we are today, and it is why I have to try to find a way to rectify what was done yesterday. I don't know why people change their votes, but without that help that they got from people changing their votes, I would not be offering these motions that I have offered so far and the one that I am discussing now. I can deal with Senator Labedz, I can deal with Senator Hall, I can deal with Senator Schmit because I know where they are on this issue. The people on the other side I am just not sure and it is too bad that it has to be discussed in terms of sides but we all know that is what it has boiled down to. For some, it is a matter of principle and I am one of those for whom it is a matter of principle, and I cannot give those affirmative votes for anything that is going to facilitate burdening a woman's decision as to whether or not she will have an abortion. There are people who voted against moving that package yesterday without regard to the fact that the abortion bill was in it because they didn't think that was the way we should legislate. So there were negative votes that may have had nothing to do with the abortion bill because there are some people who support restrictions who voted against that motion because they didn't feel the Legislature should behave in that fashion. But there are people who say they are against restricting a woman's right to an abortion who voted aye and facilitated the restriction of the woman's right should this bill be enacted. That is something that I cannot comprehend if we are acting on the basis of principle, and the discussion last year and this year purportedly was based on principle because it is one of those kind of issues. It is not one like a tax bill where you say we will give a little here and take a little there and meet someplace in the middle, which is what they are trying to do with LB 1059 and have tried to do with other pieces of legislation that deals with subjects of that sort. This is not

one of those amendable concepts when we get right down to the issue itself. There can be amendments offered to a bill that is going to restrict a woman's abortion to see how you are going to effectuate that, but amendments can be offered in that setting which represent no compromise of the principle. The principle is compromised when a vote is cast that supports a bill that will restrict a woman's right to an abortion, that will burden her decision, that will make it difficult for her to carry out that decision once she makes it. It is like saying, after you have gone through whatever agony is necessary to reach that point, the Legislature wants to put in place a law that compels you to reconsider in a manner of speaking, and I think that is very, very cruel, and I think it is unjust. I believe this bill is going to generate additional discussion today. I believe that other bills are going to be discussed because of LB 854, and that is as it should be. The bill should not be here on Select File. The bill should not pass. If those who say they have principle had stood firm, we wouldn't be faced by what we are faced with this morning. Strength of character, strength of resolve are commodities in short supply in this society. On the floor of the Legislature, in the arena where people are campaigning for office, you will see principles shaved off in order to gain some political advantage. Yet, on other occasions when we are confronted by the syndrome that I call the "Schmit syndrome," that what is being discussed doesn't help anybody, doesn't hurt anything, doesn't cost anything, doesn't do anything, then you see us running forth and, Senator Schmit, at that point we have got backbones like iron. We won't back up an inch because it doesn't do anything, it doesn't cost anything, doesn't help anybody, doesn't hurt anybody. There we are. But on these serious matters, I know the difficulty that a person can face. That is why it takes strength to stand. In those situations where there is no controversy, doesn't matter one way or the other what you do, but we are at the line. My side is standing is on this side of the line, and, Senator Schmit, at this time, I will speak only for me as being on my side. Then I don't have to be concerned with saying I am relying on somebody to my right hand to do one thing, somebody to my left hand to do something else, and I wind up when the battle is raging seeing that I am not only alone but my right hand and my left hand are on the other side firing fusillades at me. This goes really beyond the issue of abortion. It goes to a consideration of how we will address the problems of women. I say, again, that women are put down in this society. Women's interests and concerns, for those who don't know what happened, Senator Labedz showed me

one of the ugliest pictures I have ever seen in my life, it caused me to lose my train of thought. But, anyway, it goes to the way we treat women. I saw something very good news and bad news. The bishop said that they ought to get rid of sexism in the church and a priest who cannot properly deal with women and cope with them is not fit to be a priest. Bad news, women cannot be ordained. Good new, bad news; get rid of sexism but not all of it, and that is kind of the dichotomy that exists in this society. Many things are said now because it is popular to say them about the rights of women, the rights of children, and so forth. But when time comes to legislate to make sure those rights are insured and not infringed, then we see that the talk was merely talk. I look at Franklin, and I hate to draw that in, but we have had young people come forth and throughout society there is discussion about the amount of child abuse and how something has to be done about it. And yet these young people who were victimized initially...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...are facing a second type of victimization because of the way that they are being undermined, held up to public ridicule and scorn. That has never happened in a set of circumstances where evidence does indicate that some type of abuse has occurred. So this seems to be a period in the history of this state when a lot of supposed values are being put to the test and they are not faring very well. The agencies that are supposed to protect the rights of these young people have not done their job. The law enforcement agencies which are designed to investigate and collect evidence have not done their job. The prosecutors, who should be interested in punishing violators, are not doing their job. Instead, we spend an inordinate amount of time trying to burden a woman's choice about having an abortion.

SPEAKER BARRETT: Time. Discussion on the Chambers motion. Senator Wesely.

SENATOR WESELY: Question.

SPEAKER BARRETT: I appreciate that but we have just had the closing...or the opening. Thank you. I will go on to the next light, Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker. I am not

going to talk about the motion directly. I did want to respond to a give and take Senator Chambers and I had earlier, and the question was called and Senator Chambers closed and I didn't get a chance to expound a little bit. There is no doubt, Senator Chambers, that you and I...I guess I'd want to be careful on that. I suspect we may agree that there are certain higher truths out there, whether we understand what they are, whether we are going back to Plato and say, here they are out there, hopefully we will be able to understand the true, what is true on any particular topic. We have a long ways to go, obviously, before we get to that point but the difference between that theory and the political realities are two different things, I think which you know. All of us have a very intriguing time of trying to place what we view to be truth in a principle based on political realities, and there is where things grey. Some of us decide to ignore this particular idea for a greater good on the other side. Sometimes we will say, no, I am not going to, I am going to draw the line here, I don't care about the other part, and I am going to draw the line here and debate it as long and as hard as I can, such as the abortion issue. Others will draw the line elsewhere. Others will never draw the line. The point I am trying to make on the vote that we did yesterday is there are many people out there who had other things, other agendas that needed to be done, and the line was drawn for another day. And if you ask me in the pure truth of the matter whether it was good policy? No. If you ask me whether it was political reality given certain agendas that I and other people have, to that answer it was yes. Are they in conflict? Absolutely. Is the political system in conflict with principles and moral truths? Most of the time. And that is the dilemma many of us have. In fact, that is the dilemma most people have when they enter the political process, is that they are so frustrated by the process itself. I think that is why when we get to abortion issues, whether it be a pro-choice issue, Senator Chambers, or a pro-life issue, I suspect that if the majority of people that were in the body, whether or not they represented the majority of the people in Nebraska or not is immaterial, but if, by chance, a majority of the people of the body were considered to be what others would call pro-choice and they had LB 1054 in LB 854's spot, LB 1054 being the pro-choice bill that was introduced, I suspect those on the pro-life side, and I would argue that all of us are pro-life, but those that have taken up the cause, at least the name of pro-life, would be arguing as bitterly, using whatever methods they could, in order to stop the majority from getting LB 1054 through. I suspect that would

happen, and what I think we have found in this session and most of the State Legislatures have found in their sessions is that when the Supreme Court said we are going to back it off to the states, two different groups have decided to meet with no holds barred, with no compromise in sight. And at some point after this session and after maybe other sessions and other states go through the same wrangling we have, I think at some point logic and wisdom will filter into the body where we realize that we can't go to the extreme on one side or another. But there is something that we can agree on, instead of fighting on where we disagree and fighting to stampede on rights, or in order to abuse the system, to stop certain things from happening, to protect minority rights, whatever the justification we have, at some point, we are going to turn around and say where do we agree? Where is our common ground? And we are going to build on that point. I go back to President Nixon, which may or may not be a good analogy to make to some people in the body, though I am interested to see where in history his...

SPEAKER BARRETT: One minute.

SENATOR BERNARD-STEVENS: ...status is improving from what it was in the Watergate era, but when President Nixon, one of the things that he did which I think will go down in history for being a good foreign policy president in this regard at least, and that is he went to China, and two groups that were indoctrinating their people to be totally against each other, be hateful, and to oppose everything, all of a sudden they went to China, and the way they were able to do that, Senator Chambers, is they were able to say let us not concentrate on what we differ on and how we hate each other on these points, but where are our common grounds. Let us agree to disagree, but let us broaden where we are common. At some point, the Legislature will get to that point on emotional issues such as the abortion issue. But I wanted to kind of clarify the position and I take in this body is very difficult to try...

SPEAKER BARRETT: Time.

SENATOR BERNARD-STEVENS: ...to bring in the world of principle into the world of politics. Thank you.

SPEAKER BARRETT: Thank you. Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman, and members of the Legislature,

I guess I am different from Senator Bernard-Stevens. I don't leave my principles at the door of the Capitol and then I walk in here and I become something different. And what he is saying about how many politicians behave is correct, but it is not correct for me. I could avoid a lot of grief on the floor of this Legislature if I would engage in these vacillations, these compromises as they are called, but, in reality, they are retreats from principles that we articulate and say guide our life and our conduct. Senator Bernard-Stevens mentioned other agendas and he is right. There are a lot of people who say because it's a bill in which I have an interest has been burdened down with amendments I will sit my principles on this other issue aside, so that that bill can be dealt with the way I want it to. Then I pick my principles up again. They are not tarnished. They are not sullied, and they are none the worse for wear. Well, those are not principles. Those are false faces. The term "hypocrite" came from a Greek word and it just meant those who wear masks because the actors were called hypocrites. They wore masks that concealed what they really were. So if these principles that can be put on and taken off as expediency dictates are simply the masks that the Greek actors and actresses wore, and a word was developed that applies today to people who wear masks and conceal what they really are. On the ship...on the sea they flew false flags, the pirate ships, and then when an unsuspecting galleon or other vehicle or craft or vessel came along, they run down that false flag and run up the Jolly Roger. So I guess what Senator Bernard-Stevens is saying is that when we are out talking to youngsters in schools and reading to them and serving with telethons where people of integrity are supposed to be involved, we run up whatever flag those people will respect. But then, when we get away from that environment where they don't see us, then we strike those colors and run up the Jolly Roger, the skull and the crossbones, which really represent what we are. That is why, Senator Bernard-Stevens, I think these issues are not going to be handled in a way that is just for those who are most harmed because the ones often who say they are speaking for those people and representing their interests don't really have the stomach to do what is really necessary to advocate the cause of those people. There will never come a time, though, when any cause that is just and proper will lack for some voice or voices. This is one of those types of situations. There are women right now as we speak who are facing unspeakable problems. I got a letter from a lady the other day mentioning how little they get in the way of assistance through ADC, how her children

go to school, but they go to school with holes in their clothes, with holes in their shoes, and she is asking me for help. If I had the wherewithal, there would be no child with raggedy clothes going to school. So the thing we have to do is try to find a way through legislation to spread the obligation throughout a society because that is how we arrive at what is called social justice. All of us contribute to assist those who are less fortunate, but this Legislature when it comes to this issue has no genuine concern about the women who are involved.

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: I know that there are issues that others are anxious to get to, and I know because of those issues they are anxious to get to, this one is not going to be properly addressed, but I don't see anything confronting us that is as important as this matter. The time that has been given to it indicates that others feel the same way, but the reason I am discussing it is because those who want to restrict a woman's right to an abortion have put us in a position where it is essential that I do what I can to undo some of that damage and that is what I am trying to do with this motion. It would return LB 854 to General File which, in effect,...well, I won't say what the effect of it is, but that is what I would like to do.

SPEAKER BARRETT: Thank you. Senator Langford. Thank you, that won't be necessary. We have no other lights on. Senator Chambers, please, for closing.

SENATOR CHAMBERS: Yes, Mr. Chairman, and members of the Legislature, how many roads must a man walk down before they call him a man? They don't answer the question. We don't expect an answer, but they don't even ask the question with reference to a woman. She is not even in it for the purpose of framing the question. How many seas must a white dove sail before she sleeps in the sand? When we are talking about a bird that is going to sleep in the sand, we give the gender. We make the gender feminine. There are so many things in this society that give away the true attitude that we have toward women. I read in the paper where the people who call themselves pro-life brought a Negro lady here from New York. Now she is on the payroll of this Cardinal out there who is a birdbrain, in my opinion, and she has got a nice little hut behind his mansion, just like in the old days where they had the slave quarters, and

whenever they want to make a point, they trot this woman out and have her say about black people, if you are for a woman's right to have a choice, you are not African-American. Crazy! And when she is not out trying to undermine black people, she wears a polka dot bandanna, she has a large mixing bowl, and the Cardinal says, Aunt Jemima, make me some pancakes. So Aunt Jemima makes the Cardinal his pancakes. And then when she works as fast as she possibly can making the Cardinal's pancakes, he loves pancakes, and brings him his syrup, do you know what the Cardinal's first question is to her. Aunt Jemima, what took you so long? They even made a commercial about it and that is the way black people are demeaned and degraded. To have this job with the Cardinal, and they created a long title that they hung on her, she is a Deputy Dean or Associate Assistant to the this or that, and what our experience tells us is that when somebody has a long title, they have no authority and nothing of substance that they do. The head of Russia is called the President. The head of the United States is called the President. The head of England is called the Prime Minister. England is not as strong so it takes two terms to designate that leader, but when you get to where real power is, it doesn't take a lot of words to designate it because the power inheres in the office and there is no need to create the impression of power through a lot of titles that are hung on individuals. And this woman was dragged all the way from New York to Nebraska. I don't know if they made her walk, if they let her ride, if they made her hitchhike, but her greatest contribution to the discussion on a woman's right to have an abortion is to say that any black person who favors a woman's right to have an abortion is not an African-American. What am I than? Am I Irish? No. Am I British? No. Am I Polish, Senator Labedz? No. To prove that I am not Polish, Senator Labedz gave me a sticker that said if you are not Polish, fake it. If I am Polish, I don't have to fake it. Am I Hebrew? No. So what am I. I am nothing because I am a black man who believes in a woman's right to have an abortion. Look at my color, where did I come from? Africa. But here comes the underling to the Cardinal who speaks ex cathedra...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...on matters pertaining to African-Americans. In the same way that the Pope can excommunicate wayward Catholics from the church, she excommunicates black people from the African-American group. I

am chastened but I am not apologizing, and despite what Aunt Jemima has said, despite what she has said and what the Cardinal wants her to say, and instead of telling her don't humiliate us in that fashion, he continues to send her out, I am going to push for the right of a woman to make the decision as to whether or not she is going to carry a pregnancy to term, and if she decides not to, there should be a safe place where there are medically competent people for her to go and obtain an abortion, and I hope you will vote...

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: ...aye on this motion to change the Speaker's agenda.

SPEAKER BARRETT: Thank you. You have heard the closing and the motion before the body is to overrule the agenda to consider returning LB 854 from Select File to General File. Those in favor of that motion please vote aye, opposed nay. Have you all voted? A record vote has been requested. Have you all voted? Record, please.

CLERK: (Record vote read. See pages 1869-70 of the Legislative Journal.) 7 ayes, 17 nays, Mr. President, on the motion to overrule the agenda.

SPEAKER BARRETT: The motion fails.

CLERK: Mr. President, Senator Bernard-Stevens would move to overrule the agenda so as to permit item six and seven to be scheduled ahead of item five, and within item five as, we now know it, to place LB 854 following LB 866A.

SPEAKER BARRETT: The Chair recognizes Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker, and members of the body. This is very much a good faith motion. I am not saying that Senator Chambers' were not. I think that all of those motions it was assumed would not pass, and that is good if we are setting a record. It is not good if we are trying to actually progress. This is a good faith attempt on my part. Whether you agree with it or not is simply going to be up to you and that is fine. Yesterday we were at a roadblock. The Speaker used his power as Speaker and his wisdom, I would grant to say, to try to undo that block, and we, as a body, did a very

unusual thing yesterday. We went ahead and moved nine or so bills without any debate and without any further amendment, controversial bills at that on General File, moved them to Select File, and I think we all knew what was going on that day. But what we did yesterday, in essence, I think as a body was decided that we could do this to the rules because of the situation that we are in in order to get some things done, and I want to try to give the body at least a chance to do the same thing today. I am not trying to do as others, I am not trying to say I don't want an abortion fight today. I am ready for an abortion fight today. I am ready for it now. I am ready for it an hour from now. I am ready for it at four o'clock, and I am ready for it at 11:59 tonight. It doesn't bother me when we are going to have that fight and I want to have that fight. What I am also suggesting, though, is that we have a chance now in the beginning to say as we did yesterday that there are some things we, as a body, can do that will not jeopardize the fight that is to come, but we can do these things today. I am suggesting to you that I am not trying to put off the fight. I am, in fact, trying to give the body an opportunity to at least say when the fight is going to take place. What my amendment would do, what my motion would do, excuse me, would change the agenda in the following way, and it is not a major change so it's easy to follow. If the motion is agreed to, we will simply jump to item six and item seven on the agenda. Those are bills on Final Reading that need to come back for specific amendment. I know Senator Hall has an interest in LB 1090. I know on item seven, if I understand that motion correctly, it is on the low-level nuclear waste, LB 1054, that needs to come back for a specific amendment. After we take care of item six and seven, which will take some time, I am then proposing that we go back to Select File, right at the top of Select File. I am also going to suggest, and actually it is not a suggestion, it is in my motion, I want you to know also what I have done. I have also said that if you look at Select File, we have got LB 431, which, Senator Wesely, regardless of what we do today, that will be the first bill up and there is going to be an attempt and an amendment on that one, I know. LR 239CA, I don't know what is going to happen. Originally I had heard from Senator Withem that there is a motion filed, and I believe it was filed, to have a discussion whether or not the body wants to bracket LR 239CA. If you go down with me on the Select File list, LB 1055, LB 1221, LB 1124 are gone. We passed them yesterday. Which brings us to LB 976 and LB 854. Beneath LB 854 is a bill, LB 1062 which I, myself, in discussion with Senator Lynch, I

will IPP that particular bill. That bill will not take any time. We go down to Senator Wesely's data collection, Senator Morrissey's Liability Act, and Senator Lamb's LB 866. What I am proposing to do is to take LB 854 and put it right after Senator Lamb's LB 866A, and what I am saying is we, as a body, know we are going to get into a fight today. We have a chance, as a body, to decide when that fight is going to take place. And there are people out there who still hold on to the shred of hope that that on the abortion issue that there is somehow some pressure out there, that some guilt out there, that will make people somehow give up, and I think you all know that is not going to happen. It is not going to happen. So I am giving the body an opportunity to say there is some things we can do if you want to do so. We can get to LB 85.. It will be later day, and we can go all afternoon and all into the evening. If Senator Labedz has the motions to do what she wants to do, fine. If Senator Chambers, myself, and others have the power and the stamina to do what we want to do, fine, but we will have all sorts of time to do that. But let's do as we did yesterday, let's...these bills that we moved across because they were important to do, let's give them a chance to be discussed, and I think you will find that it won't take that much time. And I give that option to the body. You can do as you please. It is simply an option for you to consider. Thank you.

SPEAKER BARRETT: For purposes of discussion, Senator Schimek.

SENATOR SCHIMEK: Mr. President, and members of the body, I will be brief. I rise in support of Senator Bernard-Stevens' motion. Actually, of all the motions that have been presented this morning, this one makes the most sense to me in terms of political reality. I think that this might be a possibility that we can agree that we will have our disagreement later in the day after we have accomplished some of the business of the day. If I had my druthers, we would not discuss the bill at all because I do feel that it is in some respects a waste of the body's time because I do believe it is constitutionally very suspect and that is in keeping with the Attorney General's Opinion or advisement that he issued in response to Senator Nelson's question. But I am willing to concede that we will probably have to discuss this but let's not hold up the entire business of the session in order to discuss it early in the day. Let's do some of the other business first, do what Senator Bernard-Stevens has suggested and move the agenda. Thank you very much.

SPEAKER BARRETT: Thank you. Senator Lynch, please.

SENATOR LYNCH: Mr. Speaker, and members, I also rise to support the suggested change. The bills, as identified in this proposed overrule of the agenda, are those items of business I hope that can be carried out without being used, abused or talked about and discussed for a very long time. It will provide us the activity to have something done today that makes some sense, and then the return to the Select File agenda to give us the opportunity to talk in more detail as good or as bad as that might be. So I rise in support of the suggestion. I think it is a good idea.

SPEAKER BARRETT: Thank you. Senator Landis, please.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, let me tell you that two of the motions up there are mine on those Final Reading ones. One has to do with an amendment brought to me by John Goc on behalf of the City of Lincoln, LB 571, clarifying the application of that idea in the municipal setting because the bill is miswritten with respect to how it should apply to cities. LB 953 has an amendment on it. We have a provision in our probate code that deletes a very necessary kind of notice. Without that notice, the probate is unconstitutional. John Gradwohl, the professor of probate law at the University, pointed this out. It was before the Judiciary Committee. This is the only way to get this passed this year but it will clean up some problems in the probate. Those are two of the measures in that Final Reading section. They ought to be done this year. They make good policy and I think both of them could be handled in less than 15 minutes if other amendments are of the same nature. I will be voting for this motion.

SPEAKER BARRETT: Thank you. Any other discussion on the motion to change the agenda? Seeing none, Senator Bernard-Stevens, would you like to close?

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker. Again, briefly, I am not trying to avoid any fight. I am simply saying that yesterday we acted as a body I think responsibly to the point of trying to get things done and we had a good day's work yesterday. I am not trying to avoid a fight here but I am saying we have a procedure that we could follow to get some work

done before we get bogged down, and I am simply giving you a choice, I think, to decide if you want to get that material done, and then we will fight forever or for a minute, however long it might take, on LB 854 when that would come up, and it would come up, and I ask the body to try to get some work done as well today or to use your best judgment. Thank you.

SPEAKER BARRETT: Thank you. The question is the Bernard-Stevens motion to overrule the agenda. All in favor please vote aye, opposed nay. Have you all voted? Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you. I think this really is important. I will need 30 votes, so that we can get that work done before we do get bogged down and I would ask for a call of the house and a roll call vote, please.

SPEAKER BARRETT: Thank you. The question is, shall the house go under call? All in favor vote aye, opposed nay. Record.

CLERK: 19 ayes, 10 nays to go under call, Mr. President.

SPEAKER BARRETT: The motion prevails and the house is under call. Members, please return to your seats and record your presence. Those members outside the Legislative Chamber, please return. The house is under call. Senator Peterson, Senator Scofield, Senator Smith, Senator Hall, Senator Kristensen, the house is under call. Senator Hall, the house is under call. Members, return to your seats, please. Members, return to your seats for a roll call vote and we have had a request for a roll call in reverse order. Proceed, Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1870-71 of the Legislative Journal.) 23 ayes, 20 nays, Mr. President, on the motion.

SPEAKER BARRETT: Motion fails. The call is raised. Have you any items for the record?

CLERK: I do, Mr. President. Your Committee on Enrollment and Review reports LB 1003 to Select File, signed by Senator Lindsay as Chair of E & R.

SPEAKER BARRETT: Next motion.

CLERK: Mr. President, the next motion I have with respect to today's activity is by Senator McFarland. Senator McFarland would move to overrule the Speaker's agenda and consider a motion to suspend the rules relative to LB 854.

SPEAKER BARRETT: The Chair recognizes Senator McFarland.

SENATOR McFARLAND: Thank you, Mr. Speaker. Fellow senators, this is a very important motion. I think it is one that will get us out of the logjam and I notice a mood of the legislative body to get on with business, and the motion, in effect, is to consider a subsequent motion that is up next to suspend the rules. That motion to suspend the rules will allow for debate on LB 854 for a one-hour time period. It would permit people on the legislative floor to speak only once, and at the end of that hour, the primary introducer will be able to close on that bill and the bill will be voted, either advanced to Final Reading or will not advance. One of the things that we all know is going on here right now, as evidenced by the initial motions, is that there is a concerted effort to delay any consideration of any business on this day, and there have already been statements by members on the legislative floor that they will do anything to filibuster so that LB 854 never comes to a vote. This, I think, would allow us, assuming this motion to override the Chair's or to overrule the Chair's agenda and to approve the motion to suspend, and they are passed, it would give us one hour of debate on the bill. I am sure that there will be enough chances for both proponents and opponents to voice their view. Actually, LB 854 is a fairly simple bill. It only makes a couple of changes. One is to require a 24-hour waiting period before an abortion is performed, and the second thing it does is to require that the woman considering the abortion have information about the stage of development of the fetus at the time of the abortion. That is all. There are already some...there is already requirements about certain information given to the woman already so it would just add that one particular thing. The problem we are facing right now in this last day in which any bill from Select File can advance is that other bills, as you well know, have been purposely delayed in an attempt to prevent a vote on LB 854. My suspicion is that LR 239CA has had several amendments to it that were not absolutely necessary and the purpose of all those amendments was to delay consideration on LB 854. I am almost 100 percent assured and believe that all of the amendments to LB 976 were not offered just to try to improve LB 976. They were offered

because LB 976 just happens to precede LB 854. For that reason, what my motion would do, and we overrule the Chair's agenda or the Speaker's agenda, will allow us to get LB 854 up, allow us to debate it for an hour, take the vote, advance or not advance. I think this proposal will have a lot of positive effects. One, it allows LB 854 to be debated. If we get to it now, we have to go right to the motion to suspend. Otherwise, it is going to be filibustered until the end of the session, and we wouldn't have sufficient debate except on the motion to suspend. This will allow debate on the one hour period. The second thing, it would eliminate a lot of delay on other bills that are before us right now because we know if this agenda is not changed, you're going to see lots of amendments filed to 976, to 1141, to 441 I think is coming up and we will just be in a log jam and we won't even get to consider any of the others. For that reason I would urge you to adopt the motion or the motion to overrule the Speaker's agenda and then to vote on a motion to suspend the rules to allow consideration for a one-hour time limit period.

SPEAKER BARRETT: Senator Landis.

SENATOR LANDIS: Mr. Speaker, I'm not sure under what authority the motion is made. My notion is it might be out of order to make a motion since it is not on the agenda of the Speaker and I don't believe this is a priority motion. I just ask for a ruling of the Chair if this motion is in order.

SPEAKER BARRETT: Thank you. For what purpose do you rise, Senator Lynch?

SENATOR LYNCH: Mr. Speaker, members, I rise, as far as I'm concerned, you know, making deals up there and talking, everybody talking to try to work out something, if we're going to talk about it, let's get out here and talk about it and we'll all understand what we're doing. But I see people walking up there. We've got more people up on the podium than we've got out here on the floor. If we're going to cut deals, try to work out compromises, get back here and do it or do it before we come to work in the morning so we don't have to waste all the time.

SPEAKER BARRETT: Senator Lynch, in the opinion of the Chair, we might be in an area of new ground. Believe me, this is not a deal-making process, it is an effort to make the correct, fair and equitable decision on the question before us and I believe it's new ground. It's a difficult area. We can stand at ease

for just a moment more. Thank you. Ladies and gentlemen, I think at this point I will ask Senator Landis to restate his point to make sure that the Chair and the rest of us are clear on his point, and I would encourage just a bit of discussion on his point of order. Senator Landis, please proceed.

SENATOR LANDIS: Mr. Speaker, thank you. At this point, looking at the green sheet and at the Speaker's agenda and the motion to overrule, we have no place in there for motions so there is no place where that motion is identified on the green sheet as part of the agenda, in which case then such a motion would need to be a priority motion, it seems to me, to take its place ahead of that material which is before the body, and for that reason it seems to me that the motion may be out of order. Now, I have sat here and not objected in the past. On the other hand, that doesn't mean that having not objected, if this item is objectionable, that that ruling can't be upheld. In this situation I don't think the motion is in order or if not, at least I'm asking the Chair if it is in order. This is not a...by the rules, this is not identified as a priority motion.

SPEAKER BARRETT: The primary argument you're making, Senator Landis, is that this is not a priority motion, therefore, it is out of order.

SENATOR LANDIS: For two things. First, there is no place on the green sheet that authorizes motions to be made ahead of Select File which would put it on the agenda, which would then give it the chance to be in order. Since that is not recognized as part of the agenda, then that's right, my point is it's not a priority motion over what we're supposed to take.

SPEAKER BARRETT: Thank you. Senator Chambers, your light is on. Would you like to make a point or two?

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I see two issues and mine is distinct from the one Senator Landis raised so maybe we should dispose of his first in order, because I see him as being distinct, and I don't want to confuse the issue, so...and his is distinct from what I'm looking at.

SPEAKER BARRETT: Thank you. At this point the issue then is whether or not the matter is a priority motion. In the opinion of the Chair, it is not a priority motion.

SENATOR McFARLAND: Mr. Speaker, I'd move to overrule the Chair.

SPEAKER BARRETT: Thank you. We are to the point where debate is in order on a motion offered by Senator McFarland to overrule the Chair. I have a number of lights on from previous efforts to speak. I'd like to clear the board if I might and then put your lights back on if you'd like to speak to the challenge. Thank you. Senator Withem, followed by Senators Moore and McFarland.

SENATOR WITHEM: Yes, Mr. Speaker and members of the body, I would, I guess, just like, I think this is an interesting question. I almost raised this question earlier this morning. It is not an objection to the McFarland amendment, motion as such, but when both Senators Bernard-Stevens and Senator Chambers were offering motions, I think the Speaker would be able to tell you I did have a discussion with him previous to this about whether these motions are, in fact, priority motions and ought to be brought up. I chose not to because too often parliamentary wranglings end up taking more time than do the actual disposing of motions. I probably should have brought it earlier because I don't want it to be perceived as an objection to the McFarland motion. Frankly, I don't even know what the McFarland motion involves necessarily. But I think the Speaker made a correct ruling in this case. If you would open your rule books to Section 3, Rule 7, Section 3, the fourth paragraph, when a question is under debate no motion shall be considered except one of the following, which motion shall take precedence in the order stated. Motion to adjourn has the highest priority. Motion for the previous question has the second highest priority. Motion to postpone to a time certain has the third highest priority, to recommit the committee fourth highest in amendment and to postpone indefinitely. Nowhere is the motion to overrule the Chair, excuse me, to overrule the agenda listed. The only reference in our rules to this particular motion is under Rule 1, Section 16 where there is a reference to this particular motion but it is not listed as a priority motion. So I think the Chair has ruled correctly and I think it probably is a good ruling to not allow and keep in mind that sustaining the Chair in this case I think sets a precedent. Not only is the McFarland motion out of order, but also any other motions that are just dumped on the desk to change the agenda would all likewise be out of order. Not only is the McFarland motion out of order, but any succeeding Withem, Baack, Hartnett, Schimek, Chambers, et cetera motions would also be out of order.

I would admit it's a paradox. There is a paradox here because if the motion to overrule the agenda is not a priority motion and the Speaker controls the agenda, how then do you get to a motion to overrule the agenda? Admittedly that is a paradox but I think that's a paradox that exists within our rules that the Rules Committee is going to have to remedy in the future, but if this case, as I read the list of what is a priority motion and what is not a priority motion, the motion to overrule the agenda most certainly is not one of those and I think the Chair has ruled correctly and I would urge you to sustain the Chair. And keeping in mind that this is not the McFarland motion that will be out of order, but that any succeeding motions will be out of order and keep in mind if you overrule the Chair in this case that a motion to overrule the agenda is, in fact, in order at any time, then the next motion up there I'd assume would be another motion to overrule the agenda and put something else on the agenda ahead of it. So I think the Chair ruled correctly and I would urge you to sustain the Chair.

SPEAKER BARRETT: Thank you. The Chair is pleased to note that Senator Schellpeper has some guests in our south balcony. We have 25 fourth graders from Stanton Elementary in Stanton, Nebraska with their teacher. And incidentally, a personal note, one of the members of that group happens to be Senator Schellpeper's grandson, I believe. Would you folks please stand and be recognized. Thank you, we're glad to have you visiting with us this morning. Also, the Chair is pleased to note that Senator Wesely is announcing our doctor of the day, Dr. Rezai (phonetic) is our doctor of the day under the north balcony. Would you please stand and be recognized, Doctor. Thank you. We appreciate your presence today. Further discussion on the motion to overrule, Senator Moore, followed by Senator McFarland and Chambers.

SENATOR MOORE: Yes, Mr. President and members, you know last Sunday I was somewhat disappointed that, being an admitted Wrestlemania fan, I missed Wrestlemania VI, and I guess I have no need to be sorry because just like the Hulk always says, the only rules is there are no rules, that applies to us here. And, you know, Senator McFarland's motion is certainly out of order. And as Senator Withem said, if you overrule the Chair you just continue to ask for further trouble on throughout the day. Now Senator McFarland's motion is out of order in my mind because it is outlandish and unfair and all those type of things. I mean it goes back, we don't have a cloture rule, you don't want an

eight hour cloture rule, but you want to have an hour cloture rule today at the last second. I think that is totally out of line. That's why I think it's out of order. The motion by its very existence is out of order in my opinion, but most certainly, it is not a priority motion. If you overrule the Chair I'm sure Senator Chambers will ask for a record vote and later on in the day the same motion will come back to Senator Chambers and he is going to say, what's the kick-in goose v. gander theory and say, you want to do it this way? Treat everybody equally. So I urge the body to oppose Senator McFarland's motion to overrule the Chair and let's try and do what we can do to get to work and get away from the Wrestlemania rules of having no rules and try and get back to the rules and get some work done today.

SPEAKER BARRETT: Thank you. Senator McFarland, followed by Senators Chambers, Labedz, Schmit and Bernard-Stevens.

SENATOR McFARLAND: Thank you, Mr. Speaker. I think Senator Withem said it very succinctly and it's the main argument I have and that is that if you don't allow a motion to overrule the Chair to be considered, then you never get to it and I think implicit in the rules is if you try to overrule the agenda and the Speaker recognizes that motion and it is considered, then it is one that can be considered and voted upon. It is absurd to say that you have in one section, Rule 1, Section 16, a right to overrule the Chair with a three-fourths vote and then to say since that is not a priority motion it can never be made. That does not make sense at all. The idea is that you make it and you can live with it. Now if the Speaker wants to acknowledge other motions to overrule the agenda, he can do so. It seems to me the Speaker has a tremendous amount of power that he can do pretty much whatever he wants. If he recognizes other motions to overrule the Chair, then we can consider them, or overrule the agenda we can consider them. If he doesn't want to recognize them, they won't be considered. What I am asking is specifically the thing that we've been doing here for the past two days now. We had a motion to overrule the agenda yesterday, it was taken up, it was debated. A motion to suspend was made, it was taken up and debated. It seems to me that establishes some kind of precedent. We have motions to overrule the agenda by Senator Chambers and Senator Bernard-Stevens, those are taken up and now all of a sudden because we get to a motion to overrule the Chair with respect to LB 854, now that's out of order. I think we've established a precedent whereby we do that

and I think the Chair's ruling is incorrect. Once we have taken up the motion to overrule the Chair, it is appropriate, overrule the agenda, then we take it up and it is appropriate to consider it. I think realistically, and we all know what is going on here, if this motion is successful and we vote on 854 right now, you're not going to see other motions to overrule the agenda because that bill, once that advances, once, and my whole point is once LB 854 is disposed of, this day will go much smoother for all of us and I don't think anyone is kidding anyone when you say if we delay a vote on LB 854, we're going to see amendments and motions to suspend the rules and motions to override and motions to reconsider and motions to overrule the Chair on all of these other bills that precede it and we're never going to get to it. Senator Barrett, our Speaker, has said he is trying to be fair in all of the rulings he makes and I appreciate his attempted objectivity, but the truth of the matter is that the rules can be perverted as they have been perverted all this session. The reason we have not considered important legislation is because senators have manipulated and perverted the rules to delay votes on the parental notice bill, on LB 854, on LB 976, on other types of bills that we have had before us, all of those kind of things And there comes a time when you say, when the Speaker has to exercise some authority and say, I have the discretion whether to consider certain things, I have the discretion whether to acknowledge them or this whole session breaks down and we never get anything passed. My reason for moving to overrule the Chair is that...

SPEAKER BARRETT: One minute.

SENATOR McFARLAND: ...there has been precedent established. Second thing is that implicit in the rules, the Rule 1, Section 16 means nothing if you can never make the motion as Senator Withem said, and it's not something you consider after the fact and have...say it's up to the Rules Committee next year. It is, in fact, something that has to be considered. The Chair has already recognized it and it should be debated, discussed and voted upon. If it fails, it fails. Bring it to a a vote, and with that, I'll end and I urge you to overrule the Chair's ruling.

SPEAKER BARRETT: Thank you, sir. Senator Chambers, Senator Labedz on deck.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature,

I've said in the past that when I think the Chair is right I will vote to uphold the Chair even if it will go against something that I have in mind to do. What Senator McFarland, as a lawyer, should be reminded of, if a matter is being presented in a trial which is not allowable and he fails to object, then it goes in and the court on appeal will say, you failed to make a timely objection. He knows that. When I was making my motions, if somebody had raised the same point and the Chair ruled that it's not a priority motion, I knew in the first place I didn't have a rule I could fall back on. Nobody raised the question. There were other questions that were discussed and it kept people from maybe thinking about that question, but the fact is the point of order has been raised. It cannot be denied that this is not a priority motion. We ought to look not just to today and not just on 854, but now we're talking about the rules themselves. Senator McFarland talks about perversion of the rules. When I offered my motions, I'm not perverting the rules to do that, they pervert the rules when they try to get the rulings that he wants to get that a nonpriority motion, in fact, is a priority motion, that if a point of order is raised, a point of order ought to be disregarded. The point of order was raised in a timely fashion. The Chair gave the ruling which is appropriate under the rules. We know that 30 votes can override the Chair, but it should be clear what is being done, that the Chair is being...it's being signified by a vote like that, that the Chair is wrong when it's clear that the Chair is absolutely and positively right. Senator McFarland could have objected to the motions that I was making this morning. Senator McFarland didn't think of it because Senator McFarland had other things on his mind. Senator Landis caught this aspect of the matter for the purpose of raising a point of order and he is right. If the motion had been put on the agenda, then it's discussed like everything else and it comes up in the course of events as laid out on the agenda. There is another aspect to Senator McFarland's motion that concerns me, but in dealing with the part that is raised by Senator Landis's point of order, I think the Chair ruled correctly. If a motion is not a priority motion, how can it be put above everything else? The motion itself is an overruling of the Speaker's agenda. The Speaker's agenda states what we're going to consider when we come here. Senator McFarland's motion to overrule is a motion that in itself is overruling the Speaker's agenda. There are points when it might be appropriate to raise that motion, but the fact is that Senator McFarland, every time the ruling goes against him he wants to say, well, it's implicit in the rules that

despite the rules, the fact that the rules say this, they don't really mean that. That is a nonsensical argument and I hope that the Chair is not overruled simply because of LB 854 but there will be a lot of votes for that reason only. But if the Chair is overruled, then that vote sets the standard for the rest of what we do today. In other words, I'm supporting the Chair.

SPEAKER BARRETT: Thank you. Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. Speaker. I very seldom like to overrule the Chair, but in this case I definitely will do that. I just checked with the Clerk and Senator Bernard-Stevens already has bracket motions up for LB 854 and Senator Schimek has a pro-abortion amendment on 854. The...I know that, and I said it yesterday and I'll say it again today, Senator Chambers, you are very qualified to hold up any bill in this Legislature unless we overrule the Chair now and then get 30 votes to suspend the rules and take up 854. Now when 854 is taken up with one hour's debate, that should be sufficient for 854. I, myself, will give up my time to anyone on the floor opposing 854 when the bill finally does come up in front of the Legislature. It is unfortunate that this morning we had two or three, at least three that I know of, to overrule Chair and nothing was said and nobody called anybody out of order or challenged the Chair or made the Chair come up with a decision, and now all of a sudden the Chair had to make a decision. But I do want you to know, and I would like to ask Senator Withem a question because it will help me decide what I'm going to do. Senator Withem.

SPEAKER BARRETT: Senator Withem, are you present?

SENATOR LABEDZ: Maybe Senator Warner can answer the question.

SPEAKER BARRETT: Senator Warner, would you respond to a question...or Senator Withem is back in the Chamber. Who do you prefer?

SENATOR LABEDZ: Senator Withem, will...

SPEAKER BARRETT: Senator Withem, please, would you respond.

SENATOR LABEDZ: Yesterday we passed over LR 239CA. Do you intend to take that up which will come before 854?

SENATOR WITHEM: Senator Labedz, it is my intent, I have a motion filed to bracket 239CA. I want to discuss 239CA a little bit and then let the body decide whether they want to bring it up or not.

SENATOR LABEDZ: Thank you.

SENATOR WITHEM: I will the bracket motion to be debated and will bring it to a vote and however the body votes, it's their choice.

SENATOR LABEDZ: I just discussed with the Speaker a moment ago on the agenda, LB 239 (sic), and I can understand his reasoning. It was passed over yesterday. By all account it should be at the bottom of the list, but he said, and I know the confusion yesterday, the agenda was printed before we adjourned, well it was very close to the time that we adjourned because I remember picking it up after we adjourned, and actually 239CA should be below LB 866A. So we do have a lot of confusion this morning but overruling the Chair's decision at this moment with 25 votes and then 30 votes will bring 854 up and gone, up or down, to Final Reading. Thank you.

SPEAKER BARRETT: Senator McFarland, you are recognized.

SENATOR McFARLAND: I'll just withdraw the motion, Mr. Speaker.

SPEAKER BARRETT: Thank you. It is withdrawn. Mr. Clerk, to the next item on the desk. Perhaps a point needs to be made with the withdrawal of the motion and so forth that the Chair has effectively ruled today then that there will be no other motions recognized to overrule the Speaker's order, and I think that should be made clear. Thank you. Mr. Clerk.

CLERK: Mr. President, LB 431 is on Select File. Enrollment and Review amendments were adopted last year. There was an amendment by Senator Wehrbein adopted to the bill, as one from Senator Wesely. Mr. President, Senator Wesely would now move to amend and, Senator, your amendment is on page 1807 of the Journal.

SPEAKER BARRETT: Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Mr. Speaker, before you leave, I just want to have, instead of going up there and discussing, I just

call? All those in favor vote aye, opposed nay. The question is, shall the house go under call? Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: If we're going to play games on it, because it is important as far as I'm concerned, I'll have a roll call vote on the call of the house at this time.

PRESIDENT: All right. Record, Mr. Clerk.

CLERK: (Roll call vote taken. See page 1874 of the Legislative Journal.) 13 ayes, 17 nays to go under call, Mr. President.

PRESIDENT: We are not under call. Okay. The motion before us at the moment is to take a roll call vote as to the call of the house. Mr. Clerk. Okay, we're past that, and the question now is, shall the bill be indefinitely postponed? And, Mr. Clerk, a roll call vote on that.

CLERK: (Roll call vote taken. See pages 1874-75 of the Legislative Journal.) 10 ayes, 25 nays to indefinitely postpone, Mr. President.

PRESIDENT: The motion fails. Do you have anything further on the bill at this time, Mr. Clerk?

CLERK: Mr. President, I have a priority motion. Senator Bernard-Stevens would move to bracket LB 431 until April 9.

PRESIDENT: Senator Bernard-Stevens, please.

SENATOR BERNARD-STEVENS: Members of the body, I filed this motion simply to make a point. If my point were to delay the bill indefinitely so that we don't get to LB 854, all I would have had to have done is on the motion earlier, simply to...on the motion to cease debate or call the question by Senator Lynch, Senator Lynch called the question, two of us had spoken. All I would have had to had done, members of the body, if I were truly going to stall forever on this particular bill, because you felt I was afraid of getting to 854, is to ask the Chair for a ruling. I'd ask the Chair, Mr. President, is it your ruling that there had been enough debate? And, as you know, it makes no difference what he would have said. If he would have said, yes, it's my ruling that one person pro and one person con is enough, or, if it's my ruling that it's not enough, I could have then motioned to override that decision, no matter what it was.

other bills that he can do this to and even question the germaneness rule. If he wants to put it on the other abortion bill, LB 854, but I'm telling you this is what is happening. They are trying to stall getting to LB 854. We know that. LB 1141, I'd be willing to take LB 854 which is the other abortion bill and let them put the Commonwealth correction or American Savings, whatever it is, into the other abortion bill. But I think that by doing what I'm doing on LB 1141A is the proper thing to do to stop this constant agenda and of filibustering the bills. If we do go onto my amendments, I have a rules suspension there, it's all set up. The only thing that's there is three or four motions by Senator Bernard-Stevens to bracket the bill to different dates and I'm going to challenge the Chair on that because you can only do it at one stage, but he does have some amendments on there that will amend the bracket motion and he's picking out different dates. So I want you to know what's going on. If they want a bill to correct Commonwealth's and American Savings' error, I'm willing to vote for that and willing to give up LB 854 if that's what it takes; but only if LB 1141A passes as amended. Thank you.

SPEAKER BARRETT: Thank you. Senator Schmit followed by Senator Hall.

SENATOR SCHMIT: Mr. President and members, as I have said, I want to work to do anything that can be done to see to it that all participants in the ill-fated LB 272A are paid. You may have a little more problem than you anticipate and you might have consulted with the attorneys in this crowd, Senator Bernard-Stevens and Senator Owen Elmer, before you began your procedure because there is such a thing as a five-day rule. And I believe that you are introducing a new bill at this point, and you may have a constitutional problem and one which may have to be handled in some different kind of floor work. I was tempted to call it chicanery, but I won't out of respect for the people who need to be paid. But I do not believe that you can just take LB 1141A and convert it to your wishes here on the 58th day because it's a new bill. It's the introduction of a new bill. It is not an amendment to anything. You're striking the section and then starting over. And I would suggest if you think you've got problems with the bill now you're going to have really serious problems if you attempt to do that on LB 1141A. And I want to also say that I appreciate the body not voting to recess because there isn't any reason why. I'm sure that Senator Labedz has got the same concern, Senator Hall has and I would

amounts to, and those orders are to be carried out to the letter. I'm going to see how this plays out.

SPEAKER BARRETT: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I thought that Senator Hall's remarks were very valid and I feel much the same way that he does. Let us proceed...I'll try to solve the problem I'm working on by a legislative resolution. I won't be looking towards LB 1141A to do that. If Senator Labedz wants to carry forward the motion to try to change or if Senator Bernard-Stevens wants to try to effect the agenda, let that proceed. It seems to me that the Chair has ruled correctly in each and every instance today, but that's really not on the minds of my colleagues. And I send you my warm regards, Mr. Speaker, for a tough job.

SPEAKER BARRETT: Thank you. No other speakers. Senator Bernard-Stevens, would you like to close on your challenge?

SENATOR BERNARD-STEVENS: Yeah. Thank you, Mr. Speaker, members of the body. Again, I will not rise to the debate of Senator Labedz at this point. Members, of the body, I come to you with the same integrity that I had before and that is the following. This morning I gave the body a choice. I said we know where we're going to come at some point today. We might be able to get some of these other things done. Now if Senator Labedz and others want to say all I'm trying to do is stall on LB 854 I'd have to argue with you a little bit that's not true. When LB 854 or LB 769 comes up on their own, I can handle that as best as I can. And if I win I win, if I lose, I lose. I mean that's the way it's going to work out. I'm not afraid of that battle. All I was trying to do for the body, and again, I'm doing it just so you can have a decision on what you want to do. We can get bogged down now on LB 1171A (sic). And there is some question about whether or not Senator Warner actually can withdraw that. There is a question there whether that's done. When is the bill the property of the sponsor and when is it the property of the Legislature? And that would have to be ruled on and we'd have to make that decision. So that may not be as easily done as we once thought. My motion was simply give the Legislature an alternative if you want to take it; and if you don't, fine. I don't care. The alternative is that you can go to Item 6 and Item 7 on those bills that are going to be returned for specific amendment because if I understand things

favor say aye. Opposed nay. It is advanced. Very good. We're going to skip 976, LB 976 at the suggestion of Senator Pirsch, and we'll go to LB 854.

CLERK: Mr. President, 854 is on Select File pursuant to action taken yesterday by the Legislature. The first motion I have on the bill is one by Senator McFarland. Senator McFarland, this motion, Senator, was filed to require that LB 854 be voted on on General File without consideration or amendments or any other motions.

PRESIDENT: Senator McFarland, please.

SENATOR McFARLAND: I'd withdraw that amendment.

PRESIDENT: It is withdrawn.

CLERK: The next motion I have is by Senator McFarland. Senator McFarland's motion is to suspend the rules to require that LB 854 be vetoed...or voted on for Select File without consideration of any amendments or any other motions.

PRESIDENT: Senator McFarland. Okay, may come up. Mr. Clerk, please.

CLERK: Mr. President, I have a priority motion. Senator Bernard-Stevens would move to bracket LB 854....Senator Bernard-Stevens would move to bracket LB 854 until April 9, 1990.

PRESIDENT: Senator Bernard-Stevens. Senator McFarland, for what purpose do you rise?

SENATOR McFARLAND: Point of order. The....I requested to withdraw the second motion I had. The next motion, I believe, says that we vote to advance LB 854 to Final Reading without any amendment or motions whatsoever. I would ask for a ruling from the Chair whether the bracket motion is in order as a priority motion.

PRESIDENT: Senator McFarland, a bracket motion is a priority motion and it would come ahead of your motion.

SENATOR McFARLAND: I move to overrule the Chair on that ruling.

PRESIDENT: Okay.

SENATOR McFARLAND: Point of order, Mr. President. If we're going to debate this, can we debate it from the floor?

PRESIDENT: Senator McFarland, your inquiry is, is this a rule, and does the priority motion have priority over your motion, and the answer is, yes. So that's...

SENATOR McFARLAND: I move to overrule your ruling on that.

PRESIDENT: No, you can't do that.

SENATOR McFARLAND: Why can't I?

PRESIDENT: Because you're not making an inquiry as to my ruling. And my ruling is simply following a simple rule of your rules, and I don't think you have a right to...

SENATOR McFARLAND: I'm moving to overrule your interpretation of the rules.

PRESIDENT: I'm simply answering a question. And I don't think I'm making a ruling, so I don't think you have a right to overrule a ruling that I haven't made.

SENATOR McFARLAND: Senator Chambers, I think we're both losing. I would ask to overrule your ruling that it is a priority motion.

PRESIDENT: There isn't a ruling before us, Senator McFarland. Prior....I think your rules are very explicit that a priority motion takes precedent over it, and I don't think I have a right to change that. Okay?

SENATOR McFARLAND: Okay, fine, thank you.

PRESIDENT: Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Mr. President, members of the body. This is an issue that's been before us for all session. It's loomed from the beginning of the interim, when members of the Legislature were asked, I think throughout the state, what they thought the upcoming session would be like. Most comments that I heard...the comments that I heard most

often were it's going to be real tough, it's going to be very bitter and emotional, because we're going to be talking about two subjects that are very close to home, one is a deeply felt religious, moral argument, discussion about abortion rights and the rights of the unborn, and the other topic was taxes. And the one thing I heard most often, I think, was that the session is going to be very limited in what it can do. And under the appalling shadow, I guess, of these issues, actually I think the Legislature has done well in passing some major, major issues and dealing with some major problems. And we'll still have more work to do. But the time is upon us now where we have to face, look at, face-to-face, the issue that simply won't go away, nor should it. And the interesting thing about this particular issue, and of course the issue right now is the bracket motion at this particular point, and, Mr. President, I guess I'd like to ask a parliamentary inquiry I guess at this point. Should I be talking about the bracket motion, and then we move to the amendment to that motion, or should I just go ahead and continue on an opening on the bracket motion? I guess I'd just like to inquire where you want me to go. I should rephrase that one.

PRESIDENT: What you're asking is if you may go into the reason why you want to bracket it?

SENATOR BERNARD-STEVENS: No, I understand...if I remember correctly there is another motion filed to amend the bracket motion to a different date. I didn't know if you wanted me to pick that one up now, or just go ahead on the original bracket motion discussion.

PRESIDENT: I wasn't aware there was one, but, yes, we may take that up. Mr. Clerk, you want to talk about the amendment.

CLERK: Mr. President, Senator Bernard-Stevens would move to amend his bracket motion by changing April 9 until April 10.

PRESIDENT: Okay, now you may talk about April 10th, if you wish to.

SENATOR BERNARD-STEVENS: Thank you. At least we're on the right, right track. And I need to be careful how I word things. For example, I asked...left myself wide open. Thank heavens the Chair is very much a gentleman, asking the Chair to tell me where I should go. (Laugh.) There were some other comments that...they were very kind as well. But it could have been

something else other than that. The specter is before us at this particular point. One of the things that I've dealt with eternally, as you all have, is what am I going to do when the issue comes? This isn't an issue that is going to be voted on by the public, this is an issue that's going to be voted on the particular 49 that were put in here on this particular day. And I asked a lot of people in my particular district, and really when I went throughout the state on LB 1059 hearings, or whether it was the higher education hearings that I went also across the state on, I also took as much time as I could to ask people what they thought. And the one thing that I find time and time again Nebraskans are telling me, and they may tell you differently, I may have talked to the only Nebraskans in the state that feel that way, is that they had a deep, deep concern over the number of abortions that are done nationally and in the State of Nebraska. I found very few people who liked the idea of abortions being used on demand, though, those are open for interpretations when you get into the right of choice. I found very few that liked, for example, what Senator McFarland, the topic he brought up. They liked the topic he brought up, they agreed with Senator McFarland when they said abortions should not be used, for example, because you didn't like the sex of a child, and they agreed with you, the people I've talked to, and certainly I would agree. I don't think that's done in Nebraska, but nonetheless the concept, we are in total agreement. But where things begin to break down and where they break down here is what is the role of government when it comes into the deeply emotional issues? What is the role of government? And in protecting the rights of the unborn, do we take away rights of those that are born, if you wish, and what is the trade-off? Or is there a way that we can maintain both rights and yet still try to protect as much as we can the rights of the unborn? Those are where things become very, very grey. Given the other set of circumstances out there today, and I'm going to be critical of both sides, and that includes myself, we have a group of people in the state and nationally that are pro-choice so much, and I don't like those terms pro-choice because we're all making choices, that they would be willing to sacrifice anything and everything to get what they want. They'd be willing to sacrifice anything, mental retardation bills or funds, school refinancing funds, any other thing that was on the agenda, they didn't care. And that, to me, is appalling to be that narrow. And yet we have people on the other side that call themselves pro-life, and I think all of us are pro-life, who would be willing to sacrifice anything and everything for that

particular cause, and I think that's equally appalling. And somehow I think what's going to happen this year, and maybe not, I don't know, I don't have a crystal ball, I don't know whose side is going to win, I suspect no side will win, no matter what. I suspect one message that is being sent here today, after it's all over, and if Senator Labedz wins out it's going to be a very hollow victory because there will simply be an attack next year, if I win out, and I call that a win, I shouldn't even take that word, if I prevail, and it's certainly not a win, the other side will be back next time, whether I'm here or not, it will go on and on. But I suspect one message that we're sending is that the sides are so bitter on both of the extremes, so unyielding on both of the extremes, so uncompromising, as maybe they should be when it gets to moral, deeply held decisions, that maybe the message that we're sending to the people of Nebraska, and maybe to this body when we sit back and reflect on it after it's over, is that this body, whether we have pro-choice bills before us or pro-life bills before us, are not going to get to a conclusion on these. We are so divided. And maybe we're saying this is going to have to be decided by individuals within our state through churches, through families, through counseling and through everything we, as a state, can do. Maybe what we're going to find out after this year, and maybe it will take five years, maybe it will take...get a whole new group of people in here that what we need to do is not look at what we want at all costs, but turn the glass around a little bit, look at it differently and find out where are the common grounds. And believe me, people, there are common grounds. Where are they? What can we do to build upon those and branch out from there? What we in this body are being forced to do by members of both extremes are to go from the extremes and try to work inward, and it is impossible, it cannot be done without this type of action. I think the Lincoln Journal was very accurate when it said those that are on the pro-choice side need to beware because the situation may turn around, and I would say rightly so. I would not only expect it, I know it would be that way, because it's that kind of issue. This is a bracket motion, an amendment to the bracket motion, and obviously we're going to get into parliamentary haggling again. We've all known that. We've all known it was going to happen, and here we are. I think the thing that most disturbed me this time, my first time around on this issue, was when we got to LB 769 this year, and when also LB 854, when it first came out of the committee this year motions were filed to run it through without any debate, without any amendments. And I know

the reasons. If I would have been on 854's side, I would be arguing the same thing. Well, look what they did, look what we're having to fight. They're street fighting, we need to get in there and fight, too. I understand that and I don't condemn them for that. That is exactly what I would do, I suspect, in their positions, though I would also suspect that I held a deeper, and that's not correct to say I hold a deep feeling towards the Constitution of the right, at least, of people to have a fair say. And I firmly believe, ladies and gentlemen, there's a Senator Schmit term, I firmly believe that if I have a bill in the future or at any time that is very emotional, I will never, and I've learned this very truthfully this year, I would never try to cease debate. I could be filibustered to death on the other side, and that is the system. The system does work, it works for the minority, it works for the majority. Of course when somebody says, wait a minute, Senator Bernard-Stevens, we are the majority and it certainly hasn't worked for us this year, I always want to remind them when we go back to last year, LB 769, twice the system worked. Filibuster occurred, suspension of the rules came up, we voted whether or not to suspend the rules to cease debate and the votes weren't there. Not once, twice the votes of the body weren't there. We can give whatever excuses we want why the votes weren't there. But we in the body knew the votes were coming, we knew when they were going to be, and the votes that were supposedly there were not. If they would have been there the system would have worked. But the point was they were not, and that was last year. This year instead of letting the system work to where we get to a suspension motion and hoping that the votes were there, this year we're not going to take a chance on that, say those that were supporting the bill. This year we're going to suspend the rules all the way across, no debate, no amendments, on an issue that so bitterly divides this state,...

PRESIDENT: One minute.

SENATOR BERNARD-STEVENS: ...that we are going to have no debate whatsoever. I cannot think of anything as anti-democratic as that, and you can put whatever face you want on it. I can think of nothing as anti our principles that we have fought and died for than that. This is the body where we fought and fight for the ideas to be exchanged, and these are heavy ideas and emotional, and we can expect no less from the outcome. There is going to be a lot of discussions this evening, and I hope people will use the opportunity when they see fit, because there will

be plenty of time, I suspect, to say your feelings on the issue as well, because I know they're there, and it would be nice to get everyone's on the record, no matter how condemning they are towards one side or another. With that, I conclude at least the opening remarks. Thank you, Mr. President.

PRESIDENT: Thank you. Senator Nelson, please, followed by Senator McFarland, Senator Labedz and Senator Bernard-Stevens. Senator Nelson, please.

SENATOR NELSON: I again want to remind the body, and I think Senator Lindsay will concur with me having heard this bill in Judiciary Committee that what we're talking about here is constitutional suspect. And, as a body, we are standing here wasting hours, and hours, and hours again on maybe in hopes a court decision will come down in one's favor or another favor. And I almost think it's ridiculous to stand here and argue for something that is a possibility in the future or it isn't a possibility. My questions, and I've passed it out to you before and I've mentioned it, is a 24-hour waiting period from the time the woman signs an informed consent statement before an abortion can be formed. And the second question, the requirement of furnishing a woman information on anatomical and psychological characteristics of the fetus at the gestational period or point of development at the time of abortion. You've heard this over and over, I would hope that we could move this along very rapid. In both cases they are constitutional suspect. It would appear the two cases cited in '83 and '86 make LB 854 suspect, but the sequence of holding citing here would indicate a possible swing by the courts. That's exactly what I said, and I think Senator Lindsay would actually concur to that. I think there is a middle ground. I ask Senator Labedz, but now we're off the parental notification, if we could compromise and so on. And I think eventually the minds were changed that we could. In the...one of the court cases that they had mentioned before, the City of Akron and Thornburgh, Akron has failed to demonstrate that any legitimate state interest is furthered by an arbitrary and inflexible waiting period. There is no evidence that the abortion procedure will be performed more safely, nor does it appear that the state's legitimate concern that the woman's decision be informed is reasonably sure by requiring a 24-hour delay, a matter of course. It was brought out to us in the hearings some of these girls come in from a distance, Omaha, Lincoln, the two main places, Omaha. It means that they either go back home again, they wait awhile, or that they sleep in the

car. They may or may not be able to afford that motel or hotel room, and that there has really been no proof that she has changed or will change her mind. I might remind you that that consent can be given before she reaches the abortion clinic, too, by her home doctor. The other section attempts to extend the state's interest in ensuring informed consent beyond permissible limits. It intrudes upon the discretion of the pregnant woman's physician. While a state may require a physician to make certain that his patient understands the physical and emotional implications of having an abortion, this goes far beyond merely describing the general subject matter relevant to informed consent. By insisting upon recitation of a lengthy and inflexible list of information, this section unreasonably has placed obstacles in the path of physicians. I won't bore you with a lot more time, there are a lot of senators to speak on this. When you speak of the majority or the minority, the polls will say that only 7 percent of the Midwesterners believe in a strict pro-life stand on abortion. I think there is a middle ground, 39 percent pro-choice. But what I'm thinking about is the 65 percent or the middle, that there...there is some ground and there is a common sense in this issue. I don't believe, and no one else wants to have the government intrude and to tell us what you're going to do or what you're not going to do, and we, as Nebraskans, don't. This will be subject to a court case, similar as Iowa and Guam, and that's exactly what will happen in this case. I think of the abortion bills, I really think this bill, excepting I have a little problem with the...forcing the waiting period, I see it isn't going to accomplish anything, is probably the better of any of the bills. It is no longer possible to realistically...that the issues raised by abortion laws involve abortion alone. They raise the fundamental questions of how far can a state control a physician. The doctor and the patient relationships are usually the...

PRESIDENT: One minute.

SENATOR NELSON: ...same, and the state should seldom be permitted to interfere with their joint decisions to perform standard medical procedures. And that's what we're asking to do in this particular bill. In the Roe v. Wade, the court declared that it is the decision that vindicates the right of the physician to administer medical treatment according to his professional judgment. Up until this point the compelling state interests justify intervention. And we could go on and on.

Another court case, the one method the legislators have tried to use, and they're doing it here, is to control the doctor-patient decision-making process in the area of an abortion, and that has been to rule to interfere with the ability of doctors to freely communicate with their patients. Rules have been created that either require physicians to...

PRESIDENT: Time.

SENATOR NELSON: ...make specific statements....Did you say time?

PRESIDENT: Yes, ma'am.

SENATOR NELSON: ...silence them altogether, and that again is against the patient and doctor relationship.

PRESIDENT: Thank you. Senator McFarland, please, followed by Senator Labedz.

SENATOR McFARLAND: Thank you, Mr. President. A couple comments. I appreciated what Senator Bernard-Stevens had to say. It is an emotional issue. And I appreciated some of the comments about there being a middle ground. I think it's important to look at the bill that is being considered for bracketing. The bill itself is fairly simple and it adds to a statute that is already on the books with regard to abortion, but adds two provisions. The first provision that it adds is to require an informed consent. In subsection (8) of the bill, on page 3, if you want to take a look at it, there are already requirements in the law about the information that has to be provided. First, part A, it says (1) you have to notify of possible alternatives to abortion; (b) you have to be notified of the abortion procedures to be used; and (c) notified of the particular risks associated with the abortion procedures. Those are already within the statutes, those are already law under the State of Nebraska. This bill adds a third one, and that being notification of the anatomical and physiological characteristics of the unborn child at the gestational point of development. So that is a fairly simple change and a fairly modest one. The second part of that, it has to be...the informed consent has to be a written statement of informed consent, which the...bearing the signature of the person upon whom the abortion is to be performed. That's the first part, the informed consent. The second thing is that no abortion shall be performed until 24

hours have elapsed from the time the woman signed the statement of informed consent. So it's two fairly simple requirements, one added to the list of requirements about what has...what information has to be provided to the person considering abortion, and the second one, that before the abortion be performed there has to be a 24 hour waiting period. Now, in my view there ought to be other limitations upon abortion procedures, because I think abortion has been abused and has been so freely accessible that there are many persons who obtain abortions who regret it later, but they cannot take back what has already been given. And when the abortion has been performed there is no corrective procedure. This....Women could...women who are pregnant and who are seeking an abortion could still get an abortion, under this bill of course. The only requirements would be that they be required to be...to look at and review the information provided about the stage of the fetus, and that they be required to wait 24 hours. That's a fairly modest change. And I think on bills like this, and I've seen so many surveys done, if you're talking about a middle ground I think the informed consent, 24-hour waiting provision when there have been surveys done the surveys have generally shown that 60, 70 percent of the people generally respond that that limitation is not so burdensome that they would not support it. And, as a matter of fact, I think when surveys have been done on this type of abortion limitation, the majority of the people do support it, I think which evidences it is somewhat of a middle ground.

PRESIDENT: One minute.

SENATOR McFARLAND: And I think we need to keep that in mind when we look at the bill. That is the reason I would oppose the bracket motion. I don't think we need to debate or amend the bill. It is fairly straightforward. Certainly you can express your philosophy on the bill. But I don't think there is a need for an extended debate, and I hope that there isn't one. My suspicion is that there will be many, many procedural rules to try to do that. And I hope that the body will be aware of that, I hope that the Chair will be aware of it, and hope that we debate this fully and fairly. But when the tactics are going to be used, if they are used, to just delay the bill until after midnight, I think those tactics should not be approved. Thank you.

PRESIDENT: Thank you. Senator Labedz, please.

SENATOR LABEDZ: Call the question.

PRESIDENT: Question has been called. Do I see....Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: (Reply inaudible.)

PRESIDENT: There have been two on one side and one on the other. I believe we'll let it proceed a little bit further. Senator Bernard-Stevens, please.

SENATOR BERNARD-STEVENS: I'll yield my time to Senator Chambers.

PRESIDENT: Senator Chambers, please.

SENATOR CHAMBERS: Thank you, Senator Bernard-Stevens. Mr. Chairman and members of the Legislature, Senator McFarland finally got into the bill itself, and he gave a pretty accurate accounting of what the bill says in terms of the new material. But before I get into that and consider it, I want to read something that's already in this bill. And when it was enacted, it was designed to be restrictive as far as a woman obtaining an abortion by defining informed consent in such a way that it would place a burden on her ability to make a choice. So this would be on page 3, starting with line 11. And this is current law. Speaking of informed consent, informed consent shall mean a written statement voluntarily entered into by the person upon whom an abortion is to be performed whereby she specifically consents to such abortion. Such consent shall be deemed to be an informed consent only if it affirmatively appears in the written statement that the person upon whom the abortion is to be performed has been advised, and then it gives several subsections. And in subsection (e), or subparagraph (e), it says, that there are agencies and services available for prevention of future unintended pregnancies. Now, that relates to contraception. But we've had amendments offered to other bills that are designed to provide counseling and instruction to young people and others in need of it, which would specifically say that nothing could be mentioned with reference to contraception. Yet we have here...or birth control of any kind. We have here in an existing statute, which is designed to be restrictive on abortion, the requirement that in the consent form the woman be told that there are services and agencies

available for prevention of future unintended pregnancies. That means they're going to tell them how to avoid them. And contraception is the way to avoid it, or abstinence, which we know is unrealistic. So it's difficult to see how those kinds of amendments that had been offered before are consistent with the language in this bill. And those who push for those amendments against contraception say they're for the language in 854. And they say that they're concern is for what they term is the unborn. Some of them go so far as to say they're concerned about the women, and they say that's why they want the 24-hour waiting period, because they're concerned about the woman. But the reason a woman wants an abortion is because the pregnancy is not wanted. She doesn't want to carry it to term. The best thing to do, and we wouldn't have a problem with abortion, is to avoid those pregnancies that are not wanted, avoid those pregnancies that are unintended. But whenever a proposal has come before this body which did not specifically require information about contraception, whether condoms, IUD's, or whatever, there have been attempts to put language that would specifically prohibit such information. We know that this bill, like all of the other restrictive abortion bills, are not designed to benefit the woman who is the primary individual affected. That is clear. When you listen to the statements of people who call themselves pro-life, you can hear this underlying bitterness against women. When women are in that unfortunate position of wanting to obtain an abortion, and they go to a clinic where it will be performed, these nice people, as they call themselves, will crowd around and block the entryway. They'll scream at this woman. They'll do everything they can to make it as unpleasant for her as possible. They probably wish they could induce a miscarriage. Then they'd say that serves you right. But it's hard to reconcile that kind of cruel, inhumane, viciousness with a genuine concern for the welfare and health of the woman. I've seen some of these things depicted on television, and the woman does have that frightened look. They described it in Dan Quail as the deer in the headlights. The eyes are wide and staring. There is, in the expression, what we recognize as fear, bewilderment, confusion, being lost, because here are people who are not a part of her family, cannot number themselves among her friends, are not even acquaintances out there shrieking and screaming like banshee's...

SENATOR WITHEM PRESIDING

SENATOR WITHEM: Senator Chambers, your time is...Senator

Bernard-Stevens time is up. You are now recognized to speak on your own time.

SENATOR CHAMBERS: Thank you, Mr. Chairman. ...shrieking like banshee's and then saying they do this because they love this woman. That's how they show love. There are parents who show love in that fashion, but we call them child abusers. There are ministers whose creeds and doctrines require the infliction of very severe and injuring corporal punishment on children to literally beat the hell out of them. And that is supposed to be what they call tough love. But these people who administer that do not want that tough love administered on them. If a police officer should come upon one of these loving parents brutalizing a child and would decide to use his or her nightstick to administer some tough love, then the cry of police brutality would be raised. And the officer could say, I'm just showing the same love that you show toward your child. Prior to coming in contact with you, my concept was different, but you have convinced me that this represents love. So, if that is love, it's a perversion of what the concept ordinarily means. This is not a bill that reflects love toward the woman. It is a bill designed to harass. There is nothing, nothing positive or beneficial to a woman or anybody else when she would have to be told of "the anatomical and physiological characteristics of an unborn child at the gestational point of development at which time the abortion is to be performed. Now, abortion shall mean, according to this bill, any act, procedure, device or prescription administered to a woman known, by the person so administering, to be pregnant. And what does pregnant mean? In line 22 of page 2 pregnant shall mean that condition of a woman who has unborn human life within her as the result of conception. And what does conception mean? Conception shall mean the fecundation of the ovum by the spermatozoa, which means, based on this bill, a particular view of when life starts has been incorporated into the law. As soon as an egg is fertilized by the sperm, that woman is pregnant. Whether or not the egg has implanted in the uterus, she is pregnant. So at that point she has to be told if she's going to obtain some procedure which, if it weren't for the definition in this bill, would not be considered an abortion, of the anatomical and physiological characteristics. So what would that mean? Whoever is performing the abortion, whether a doctor or not, would have to say the egg has been fertilized by the sperm, there is probably twice as much cellular material there as before, and this is called a zygote. And that helps her. What

does it help her do? It might be a month along, so they describe in graphic detail characteristics. But there is no definition of characteristics. So they say, what you have inside of you is the result of an egg being fertilized by a sperm. If you were to remove it from the body it would look like an embryo taken from a fish, and that helps her make her decision. That's supposed to give her the kind of advice that comforts her. No, the object of all of this is to make it...

SENATOR WITHEM: One minute, Senator Chambers.

SENATOR CHAMBERS: ...as gruesome, as difficult as possible. A person could have a very seriously diseased tooth which must be extracted and, if the dentist showed that person every tool that was to be used and describe every aspect of the process, that person could be frightened out of having the tooth extracted. So the ones who drafted this bill know very well what the ultimate result of this kind of information is, and they know what it's designed to do, and they hope that it produces that result. But even if it does not, they want to punish the woman as much as possible because she is doing something of which they do not approve. But often these women are going to be left to rear these children alone or virtually alone with scarcely any help from anybody, and all of the problems that must be confronted will have to be borne by her and her alone. These little ragged, snotty-nosed kids are not welcome by these pro-lifers into their homes, into their churches...

SENATOR WITHEM: Your time has expired, Senator Chambers. Senator Morrissey, you are recognized to speak, followed by Senator Schimek.

SENATOR MORRISSEY: Thank you, Mr. President and members. I rise to support the bracket motion. LB 769 I thought was a very onerous bill that had some bad, bad consequences for some people. LB 854 isn't what I consider an onerous bill, but it's really a bill that I don't think is needed. It's a bill that I don't think will accomplish anything. When I was thinking about the bill earlier this morning one thing that might happen, if a woman is aware of this situation, she goes in to speak to her doctor, she'll declare right away that she's wanting an abortion to get the 24-hour period started, get the waiting period out of the way. And then talk about it and think about it as if she hadn't thought about it for a long time in the first place. I don't think that would happen a lot, but it is one possible

consequence of 854. I think we have to have faith in these people that they have sat down and thought about the pros and the cons of the decision that they're about to make and not say, as a government, we know you've thought about this long and hard, but we want you to sit down and think about it just one more time. And, if the intent of 854 was simply for information, it wouldn't bother me quite so much. But I know what the intent of 854 is, it's just simply another hurdle. We insist on putting these hurdles up in front of these people in these stressful situations. We don't trust your decision, we want you to think about it again. Simply to delay, simply to put, as I said, another hurdle in these folks' decision. I guess, if I really thought 854 would do any good, maybe I could support it. I know I'd have a lot of my constituents that wouldn't agree; that say the government shouldn't be in this issue at all; that it's strictly a moral choice, and that women are very capable of making these moral decisions. But the way things have gone and the way other issues have gone in this debate, other comments that have been made, comments that have been made to me as I spoke of the letters I've received from the district, I realize it's simply not a concern to have informed information given to these women. The concern is simply to prohibit and delay and do anything, anything possible to prevent abortions. And I want to do anything possible to prevent unwanted pregnancies and I'm willing to back it up with money and funding, but I simply don't get the feeling that some of my...

SENATOR WITHEM: One minute.

SENATOR MORRISSEY: ...colleagues and constituents are willing to do that. And I....The whole issue boils down to what I read, that former Surgeon General Koop said, we're never going to change each other's minds, we're never going to change each other's hearts; we need to put all this energy, all the effort that is being put into this divisive debate now into preventing the unwanted pregnancies, for that's the only way you'll reduce the number of abortions. And I totally agree with him. Thank you.

SENATOR WITHEM: Thank you, Senator Morrissey. Senator Schimek.

SENATOR SCHIMEK: Yes, Mr. President and members of the body, I rise to support the bracket motion and I'm going to speak about why I'm supporting the bracket motion and not about the bill

itself. I think that this move to put this bill on Final Reading without debate really does make a mockery of the legislative process. Have you thought about how you're going to go home and face your constituents on this issue? What will you tell them? That the process is good for every issue, except this? Has this ever occurred before when we pass a bill over to Final Reading without any debate on it at all? I don't know, I don't have a legislative history, perhaps it has. If this issue is not the exception, then what issues are and who decides? Are you going to tell your constituents that the majority could find no other means of dealing with this issue except by silencing the minority? Why can't the minority get through to the majority? Why can't we agree to disagree on this issue and all the other issues related to abortion? And why doesn't the knowledge that this type of legislation, if constitutionally suspect, put the brakes on the fast passage of this bill. I protest vigorously and wholeheartedly. How do we know the facts of this issue, unless we discuss it? How do we represent our constituents, unless we discuss it? How do we have a record, unless we discuss it? And what do we do next year when the courts have declared this type of legislation unconstitutional? As Senator Morrissey said, this bill is not as onerous as LB 769, but I don't think it will accomplish much, and I think that in the process of rushing it to Final Reading that we will have prostituted the system. Thank you.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you. Senator Langford, please.

SENATOR LANGFORD: Mr. President, I call the question, please.

SPEAKER BARRETT: Senator Langford moves the previous question. Do I see five hands? I do. Shall debate now cease? Those in favor vote aye, opposed nay.

SENATOR LANGFORD: Mr. President, I'm afraid we'll have to call the house. There aren't that many people in the room.

SPEAKER BARRETT: Shall the house go under call? Those in favor vote aye, opposed nay. Record.

CLERK: 11 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please

return to your seats. Those outside the Legislative Chamber, please return. Record your presence, please. Senator Warner, record your presence. Senator Wesely. Senator Johnson. Senators Kristensen, Smith, Dierks, Lynch, Moore, the house is under call. Senator Hannibal, Senator Abboud, Senator Baack, Senator Landis, Senator Rod Johnson, Senator Pirsch, Senator Schmit, Senator Weihing, Senator Hall, Senator Robak, Senators Chizek and Ashford, the house is under call. Call-in votes will be accepted. And the question....A roll call vote has been requested.

SENATOR NELSON: Since so many are off the floor, would you please have the Clerk explain what the vote...

SPEAKER BARRETT: We are, Senator Nelson.

SENATOR NELSON: ...what their voting on now.

SPEAKER BARRETT: Excuse me. Senator Ashford, Robak, Conway. The question is ceasing debate. Roll call has been requested. We'll proceed with the roll call vote. And the question is ceasing debate. Senator Clerk...or Mr. Clerk.

CLERK: (Roll call vote taken. See page 1895 of the Legislative Journal.) 36 ayes, 5 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. Senator Bernard-Stevens to close.

SENATOR BERNARD-STEVENS: Oh, I'm sorry. That was a vote on ceasing debate. Yeah, I will close on the bracket motion at this time. Then I might as well go ahead and ask for a roll call vote in regular order. One of the things I'd like to speak on just briefly, which kind of when you say briefly and we have about three and a half, four hours to go, is kind of nonsensical, I guess, is the dilemma that I think a lot of Nebraskans are in. I've seen a lot of polls, you've all seen polls, pro-life will put out polls saying this, and of course people will say the questions were suspect, it couldn't possibly be, and so on. Pro-choice will put out polls. People will say, well you've got to look at the questions and who they contacted, that couldn't possibly be right. But I think the one thing that is certain is Nebraskans are divided, our nation is divided on what we do on this particular issue. And one of the things I think that galvanized me on this particular bill, and really on

769, which forced me to do some things, and I say forced because it was a decision that I made, consciously made, was when we got to the point where 854 came out of committee and immediately there were nine motions filed. There were no amendments filed at the time, to my understanding. I think Senator Morrissey may have had one filed, but that came after all the motions. There were nine motions immediately filed on the bill. And if we would have taken up 854 at that particular time, or this evening, people ask why the bracket motions, why not give it a chance and so on. If we would have done so, we had the motions that would have once again not only moved it as we did as a body from General to Select, but from Select to Final, and from Final Reading there would also be the motion to cease debate, no further amendments. In other words, we would have had a bill, and I don't know if it's constitutional or not. I don't think any of us knows. I think it's certainly suspect. We'd have a bill that certainly was suspect on a topic that divided, deeply, Nebraskans, and we as a body were going to take that bill, put it through to Final Reading with no debate and no amendments. And I understand why that was done, I really do. Certainly lessons were learned on LB 769 I am certain. But whenever we get to a point that we in this country, whether it's a bill of mine, no matter what the bill is, that we're afraid of debate or the system, whether it's going to be abused or whatever by others, we're in deep, deep trouble. We set a very dangerous precedent, because I guarantee you this issue is very, very important, dearly to a lot of people in this country and this state, very important. But there will be another issue some other day, if not even next session, that will be equally as powerful, equally as...and deeply felt by Nebraskans or the people of this country that another group will say this is so important, we're going to slide it through without any amendments or debate because of what the opposition might do. And I wonder after we're dead and gone and historians come back and playfully look at a time in history that may not have even been very important, and somebody doing a thesis or doctoral will pick this time period in Nebraska politics, and it will be one of the most boring time periods, no one's picked it, that's why they chose it because they know they can get granted onto a thesis. They'll look at this particular time period...

SPEAKER BARRETT: One minute.

SENATOR BERNARD-STEVENS: ...and they'll compare what was done versus all the ideals of the country. And it will be

interesting to see what we would view what we are doing on both sides in the future. And I suspect what we would see of ourselves on both sides is not anything that any of us particularly would like to see. And it would be interesting to know if anything good came out of it. And it would be kind of fun to find that out. I don't think we will, particularly. And, with that, I conclude the closing at least on this particular portion of this evening.

SPEAKER BARRETT: Thank you. The question is the adoption of the Bernard-Stevens amendment. You asked for a roll call, Senator Bernard-Stevens. Thank you. Mr. Clerk, proceed.

CLERK: (Roll call vote read. See page 1896 of the Legislative Journal.) 8 ayes, 31 nays, Mr. President, on the motion to...on the amendment to the motion to bracket.

SPEAKER BARRETT: The motion fails. The call is raised.

CLERK: Mr. President, I now have a priority motion that's offered by Senator Bernard-Stevens to reconsider the vote on the amendment to his bracket motion.

SENATOR BERNARD-STEVENS: Thank you, Mr. President. One of the things that I want to keep trying to point out if I can, as many times as I can, at least for the record for those that will look back and analyze motives, what happened, what have you, and I guess it's a lesson that has been kind of difficult for me to learn and that is no matter what one does on this particular issue it's a no-win scenario. So you go with what you feel is right. And a lot of times when you do that you may, in fact, try to find a middle ground because you're not really hard core one way, you're not hard core the other way, you're trying to take the best of both and go with what you believe to be totally correct and end up getting everybody mad at you on both sides. And they're very vocal, the people on both sides, very vocal. Nowhere more did I find that to be true than the other day when I voted for the block of bills from General File to Select. You will all have a kind of charge about this, I think. I got, I'm going to guess, 70 calls from what I would call the radical pro-choice people talking how much I abandoned them, I had stabbed them in the back, that it was worthless, spineless. All sorts of things came through almost with the same venom type of things that I got with the pro-life on the other side. So I must have been doing something right that day, as I had both

sides by that point upset with what I was doing. But I guess the point made is that so many Nebraskans are so concerned about the number of abortions but they want to maintain the woman's right to choose. I have had so many Nebraskans say, I am pro-life but I agree with the right of a woman to choose, why can't I do that? And the reason you can't do that is because neither side will let you do that. It reminds me of the days of the Vietnam War. You couldn't come out and say at some point, well, I'm not sure, you know, I support my country, I want to do so, I don't think we should be in Vietnam type of thing. If you took that type of approach, you were chastised on both sides. You were either for it or you were against it. And, at some point, there were no sides because if you weren't for it, then you had to be against it. And if you weren't against it, then you had to be for it. And if you were in the middle, then you were just an idiot. And we have that same type of environment here. When we get that type of environment where both sides want something badly, very badly, to the point that they will sacrifice anything and everything to get it, think back in history when societies and cultures, ideologies, have picked up that philosophy that both sides have picked up now, and that is winning is at all costs, winning, regardless of what it takes. And we're going to force people to see it our way or we're going to have retribution. How many times have you seen the pro-choice people saying, if you haven't done this, we're going to vote against you? Pro-life people say, if you haven't that, we're going to vote against you; people trying to force you into a position that you may not feel comfortable with being. And how many people have had enough audacity and nerve to stand up to that? Not many. Not many. They're scared to death. They're scared to death. And to be perfectly honest, I am too. But when we get to a point where bills are offered no matter what the issue and we're going to have no debate, no amendments all the way through, I can't handle that, I don't care what the issue. And, of course, I go back to the point that I always want to keep stressing because I don't want it to be lost anywhere in the record. When people come back and say to me, but you understand why we did that, Dave, is because of what you and others did on LB 769, parental notification. You forced us to do that, and I think the article in the paper by my friend, Julie, who I have never met, to my knowledge, was there's street fighting and we're being gentlemen, now we have to street fight as well. Everybody conveniently forgets one particular concept on LB 769 last year, that the body actually got to debating the bill. We actually did. Both sides were brave enough to allow

discussion on the bill and amendments. And then the system began to be used by the rules. I was one of those, among others. And it got to the point where the people who were for LB 769 said, this is enough, we've had enough, it's time to cease debate, this is not a good debate at this time. And the motion came up. The system was working fine. And when the votes were taken to cease debate the votes weren't there and debate continued. Procedurally, things followed and there was another vote to be taken on LB 769, the second vote. Let's cease debate. It was late in the...it was in the session...I don't remember if it was late or not now that I think about it, it was in the session last year. Everybody in the body knew the vote was going to be taken. Everybody knew approximately what time the vote was going to be taken and when the vote arrived the votes weren't there. The system worked and the votes simply weren't there to cease the debate. Even though I have read article after article about if we were allowed to vote on the issue, we would have gotten this done, the fact is you had two chances to vote on it and you didn't get it done. So the fact of the failure of one side to get the votes that they needed twice, they used that as the excuse to come up on a bill this year on 854 and say, because of our failure but we're not going to call it that, we're going to call it because of those bad guys keeping us from getting what we wanted to, we're justified in ceasing debate clear through the system. And whenever you do that, I don't care if it's on an ethanol hill...bill, I don't care if it's on above-ground storage tanks, I don't care if it's on LB 1059, or whatever the issue would be, whenever anybody comes out and says because of something last year we're going to have motions to move it across without any debate, any amendments, and it's an emotional issue, you can bet your bottom dollar that somebody will have the courage to say, time out here, time out. And then you ask yourself the next question, when time out was called, when both sides snarled and flared, when the sparks went, were the motions withdrawn so we could have had reasonable debate? And I grant you, probably at some point it would have dragged on and on and a motion to reconsider would have been in order and then you would have had your third chance to do that. Did that process ever happen? And the answer is no. No. And, my friends, there will always be people out there in this country who will rebel any time on an emotional issue, one side or another, tries to move something across without debate, without amendments. If the situation were reversed and I was leading the charge, doing what 854 proponents have tried to do, I guarantee you we would be in the

same position today. Senator McFarland rising in his chair saying how terrible this is and what a travesty it is, what an abuse of the system it would be. He would be there. Senator Dierks would be upset. What a terrible thing. What are you afraid of, Dave? What are you afraid of? Are you afraid of even opening up for discussion? What are you trying to hide? I could hear it all coming. But this time it's reversed. This time it's reversed. We're always going to get up in these situations at this point no matter what the bill. I would argue that if Senator Withem and Senator Moore wanted their 1059 as badly as I know they did and still do and, hopefully, will have, that if they would have started that saying, listen, it's too important, we've worked too long, we've worked too hard on Select File, we're getting a little close down to time here, we're going to have no amendments, no debate, we're going to try to move it on, you know what would have happened. You know what would have happened. And that was a very important emotional bill. I'm always amazed when people assume no less on something as emotional as this. I think Senator Morrissey hit it very...very clearly in the beginning...

SPEAKER BARRETT: One minute.

SENATOR BERNARD-STEVENS: ...when Senator Morrissey said, the unfortunate thing is this isn't as innocuous as the other bill was, but it didn't make any difference, we made the motions anyway and here we are. Hopefully, both sides are going to learn something. And I sent a message to the pro-choice people as well as I'm trying to send a message here today. When you try to force something, a point of view down people's throats expect a backlash. There is a common ground here regardless of what both extremes will tell you. And if this body ever puts its mind to it, knowing the people and respecting the people of this body as I do, if you put your mind to it to find the common ground and would have worked towards at the beginning or if we do so next year, I think we will amaze not only ourselves but people all over the world of what we can do. But we have to let those things that we believe in work for us.

SPEAKER BARRETT: Time.

SENATOR BERNARD-STEVENS: And we haven't learned that yet. Thank you.

SPEAKER BARRETT: Discussion on the motion to reconsider.

Senator McFarland, followed by Senator Chambers.

SENATOR McFARLAND: Thank you, Mr. Speaker, and fellow senators. Well, this is the start of a whole series of motions and bracket motions and reconsideration motions, and motions to overrule the Chair and things that we have had in the past, as a matter of fact, I find the admonition that somehow all that's really wanted is to debate the bill, rather hollow considering what was done on LB 769. I don't consider dividing an amendment up into 19 separate parts that had rhyme or reason to those divisions anything but a scheme or a plan or a dilatory tactic. As a matter of fact, I think it's fairly obvious what is going on and every...I think I would venture to say 49 people in this legislative body know that really what is not wanted here is additional debate on the issue and just a fair and full debate. What is wanted is to try to delay this matter until after midnight or after eleven o'clock, whatever the time is, so that it can't be advanced. We have even had promises by members of this body that that's exactly what they would do to any of these bills related to this issue; that they would, in fact, do everything they could to delay this coming to a vote. So, once again, in this next few hours we'll see the system abused again and we'll see the rules manipulated and perverted to try to accomplish that goal. A clear example, I think the motion to reconsider on this vote, if I'm not mistaken, I saw it filed even before we took the vote on the motion to...not to bracket. The motion of reconsideration had already been filed before a vote had been taken. So we will go tonight for the next several hours with motions to reconsider, another motion to bracket, which may be withdrawn, a vote on closing debate, debate is not ceased, then a reconsideration of that, and objections to that, another reconsideration, overruling of the Chair, motions to overrule the Chair to try to delay, and, at some point, we, as a legislative body and the Chairman, whoever that may be in the Chair at the time, is going to have to say to themselves and ask themselves what is fair under these circumstances. It seems to me that the Chair has a lot of...a lot of authority to either recognize or not recognize motions that are made or acknowledge particular motions. It seems to me that we, as a legislative body, when we see that the system is being abused, have an obligation to overrule rulings by the Chair that would just allow the debate to drag on and drag on for no apparent purpose. And so that's what I think is in store for us and I think we all know it and I hope and trust that the members of this body and the Chair, whoever is there at the time, will look upon

themselves and ask what is fair in these circumstances and make the rulings accordingly. Now some statements were made about people who are opposed to this bill, the pro-life people or the pro-choice people, also some statements were made about pro-life people and we can get in a debate where we try to vilify one side or the other. I don't know that that serves any particular purpose. Certainly extreme actions have been...

SPEAKER BARRETT: One minute.

SENATOR McFARLAND: ...taken on both sides. And I could cite to you the number of stories and firsthand accounts of how abortionists have went in and performed abortions on young women who didn't know, didn't realize what would be entailed, statistics where women who went to the abortionists ended up being sterilized, they didn't have their...not purposely sterilized but the abortion caused a malfunction so they couldn't have any more children. I can cite you stories of women who went to abortionists and have died during the operation, during the surgical procedure and I don't know if that accomplishes much. The real purpose of this bill is to try and give some consideration so that we don't have the women that come to me and I think have written letters to many of you who come and say, I wish I wouldn't have had the abortion.

SPEAKER BARRETT: Time.

SENATOR McFARLAND: I wish I would have thought more. I wish I have have taken a second look at it and had a 24-hour wait period to reconsider.

SPEAKER BARRETT: Thank you. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, that decision, Roe v. Wade, that recognized the right of a woman to determine whether or not she would carry her pregnancy to term, was grounded in the due process clause of the United States Constitution. That right to privacy was recognized by the Supreme Court, as one judge said, so that a woman could make that decision without the coercive brooding influence of the state. Coercive, that's the key word and that is what this bill is designed to be, a perpetuation of that coercive power of the state to intrude into the most personal, intimate area of a woman's life. That is something which ought not to be done by the state but because there are interests which have been able

to influence not only state Legislatures, members of the national Congress but even members of the Supreme Court, it becomes even more important and essential for those of us who believe in civil liberties, who believe in the right to privacy to speak against and stand against these kinds of activities. Once a government is allowed to disregard the most intimate private areas of a person's life, it's not too long a step to go into other areas and some people paint themselves into a corner by saying, yes, the court and the government, whether it be law enforcement or the Legislature, has the right to intrude itself into people's bedrooms, into their private practices, and if that is agreed to because they took the first step, then another step is taken. If you're not secure in your own bedroom, then you certainly need not expect your papers and your personal effects to be secure. Papers and property don't have as much right to protection as the integrity of your own person. If the government is going to take away your right to make decisions about your own person, then certainly it's going to take away your right to be secure in your property. If you leave your home, which is supposed to be your castle, they will be able to stop you on the street, interrogate you, compel you to produce identification, explain why you're in a neighborhood inhabited by people of a different complexion. These things I'm not speculating about, they're actually beginning to happen. And because some groups have taken the position they have on abortion and others on fighting the so-called war on drugs, many civil liberties are being sacrificed and those groups whose positions make it possible feel that they would appear inconsistent if they spoke against any governmental intrusions because if they spoke against a government intrusion in an area not as intimate as that...as the decision to make an abortion, the question will be put to them, why then if doing the lesser thing is to be condemned, why not the greater? So they have to sit mute in order to appear consistent. But there is a comment that was quoted in the Webster decision by Justice Blackman and this is a profound statement to me. "As we recently reaffirmed in the Thornburgh v. American College of Obstetricians and Gynecologists," and then they give the citation, it was a 1986 case, "few decisions are more basic to individual dignity and autonomy or more appropriate to that certain private sphere of individual liberty...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...that the Constitution reserves from the

intrusive reach of government than the right to make the uniquely personal, intimate and self-defining decision whether to end a pregnancy." It is this general principle, the moral fact that a person belongs to himself and not others, nor to society as a whole. Women belong to themselves. The government does not accept that. Representatives of the government do not accept it. If they kept it a matter of opinion, that's fine, but when they translate it into intrusive, coercive, harmful action, then something has to be done to withstand it. And when I get to speak again I'm going to show you where former Surgeon General Koop deliberately withheld and misrepresented information about the relative danger of child birth to abortion simply because he is an avid or even rabid anti-abortionist.

SPEAKER BARRETT: Thank you. Senator Lamb.

SENATOR LAMB: Question.

SPEAKER BARRETT: The question has been called. Do I see five hands? I do. Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: To my way of counting, we have had myself, I believe Senator Chambers, in fact, I think I spoke in the beginning of the reconsideration, we have had one speaker, then Senator McFarland spoke and I believe that is it. I would say that we have not had even an adequate amount of debate at this particular time.

SPEAKER BARRETT: That's accurate, Senator. In light of the previous discussion on your earlier motion, which consisted of eight people, in my view, there has been adequate discussion.

SENATOR BERNARD-STEVENS: That's fine. Thank you.

SPEAKER BARRETT: The question is, shall debate cease? Those in favor vote aye, opposed nay. Shall debate cease? Senator Lamb.

SENATOR LAMB: I'll ask for a call of the house, please.

SPEAKER BARRETT: Shall the house go under call? Those in favor vote aye, opposed nay. Record, please.

CLERK: 14 ayes, 0 nays to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please

return to your seats and record your presence. Those outside the Chamber, please return. Senator Landis. Senator Morrissey. Senators Warner, Wehrbein, Withem, the house is under call. Senator Morrissey, Warner, Withem, Schimek, Schmit, Conway, please report to the Chamber.

SENATOR LAMB: Roll call. Please proceed.

SPEAKER BARRETT: Members, return to your seats for a roll call vote and the question is ceasing debate. Proceed to call the roll.

CLERK: (Roll call vote read. See page 1897 of the Legislative Journal.) 30 ayes, 5 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. Senator Bernard-Stevens, would you like to close on your motion?

SENATOR BERNARD-STEVENS: Mr. Speaker, I will yield my closing time to Senator Chambers.

SPEAKER BARRETT: Senator Chambers, please.

SENATOR CHAMBERS: Thank you. Mr. Chairman and members of the Legislature, I want to bring to your attention what I had indicated about former Surgeon General C. Everett Koop, because you wouldn't think that a man who took such a principal position on various drugs, including tobacco and alcohol, would misstate information such as this because he was a scientist and it seemed that he was objective, that his belief in scientific integrity would prevent him from doing this. But here's what the article says. "Former Surgeon General C. Everett Koop ignored overwhelming medical evidence that abortion is safer than pregnancy and childbirth when he declined last January to write a report on the health effects of the procedure, a House Subcommittee charged Sunday." This article is dated December 11, 1989 from the World-Herald. "I recognize the diversity of opinions regarding the morality of abortion under different circumstances but those opinions must not be allowed to interfere with scientific research or with making information available to the public, said Representative Ted Weese, Chairman of the House Government Operations Subcommittee on Human Resources and Intergovernmental Relations, which released the report. Dr. Koop, a staunch opponent of abortion, was asked in 1987 by then President Reagan to study the physical and mental

impact of abortion on women and write a report to the public. In January, 1989, Dr. Koop wrote Reagan that it was impossible to reach clear judgments on the subject because the scientific evidence was inconclusive. But the Weese Subcommittee said that transcripts of 27 confidential meetings between Dr. Koop and pro-choice and anti-abortion advocates subpoenaed by the Subcommittee showed that Dr. Koop had stated on several occasions that legal abortion was safer than pregnancy and childbirth and poses no public health risks to women's mental or physical health. Further, the Subcommittee said, Dr. Koop reviewed research on the medical impact of abortion that confirmed its safety in a draft report which was never issued, concluded that 'abortion does not pose a physical risk to the mother'." And I will complete it later but there was a reason that I wanted that read. Whenever a subject becomes so all-consuming that it will cause a person to forget what he or she learned through formal education, through scientific training, through scientific living in order that these things can be subjugated to an opinion which is not supported by the facts. Dr. Koop was intellectually dishonest. Other people may genuinely believe what he said he believed. They are not dishonest, they are uninformed, they are misinformed. Those with information and knowledge have an obligation if they speak at all to speak the truth. C. Everett Koop did not have the luxury of an ordinary citizen to simply remain silent. Based on the job he accepted, the responsibilities that go along with being the Surgeon General of the United States impose on him an obligation to present this information honestly and directly. Remember this, the comments about the safety of abortion, as opposed to the dangers of pregnancy and childbirth were admitted by Dr. Koop, himself, to those who are pro-abortion, those who are opposed to abortion. But when he made public comments he did not tell the truth. What could lead a man to say that he holds a position because of a moral principle? What could cause such a man...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...to commit the immoral act of lying which would be designed to mislead the public? The Surgeon General is concerned about the health of the citizens. Even if the facts arrive at a conclusion that he disagrees with, his obligation is to tell the truth. Even this guy, William Bennett, who is addicted to nicotine to such an extent that several attempts to have professional help to get over the habit has not allowed him

to succeed, will nevertheless admit that nicotine is harmful, smoking is not desirable. He's just got the monkey on his back and he can't get him off. But that ought to cause him over on that side to be somewhat understanding and compassionate toward others who have a gorilla on their back. But when these people get in these positions they become politicized, they violate the trust that is reposed on them, problems result for the public. So I hope that during this discussion...

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: ...there will not be any deliberate attempt by anybody to misstate facts or mislead.

SPEAKER BARRETT: Thank you. You have heard the closing and the question is the reconsideration of the vote taken on the Bernard-Stevens motion to bracket the bill until the 10th of May. Those favor vote aye, opposed nay. Record, please.

CLERK: 7 ayes, 24 nays, Mr. President, on the motion to reconsider.

SPEAKER BARRETT: Thank you. And that motion to bracket was until April 10. I'm sorry, Senator Bernard-Stevens. The next item, Mr. Clerk.

CLERK: Mr. President, the next item I have is an amendment to Senator Bernard-Stevens' bracket motion to strike April 9 and insert April 18.

SPEAKER BARRETT: Senator Lindsay, please.

SENATOR LINDSAY: Thank you, Mr. President. I rise for a point of order. And I would call your attention to and request a ruling regarding the effect of Rule 7, Section 6, on this particular motion. What we have here is another motion to amend the bracket motion which, if it's allowed, will render without any effect whatsoever Rule 7, Section 6, which refers to allowing only one motion to postpone to a time certain. I would suggest that the issue having been decided, at least one amendment thereto having been decided, that that issue should be considered decided, otherwise I fail to see any reason for having that particular rule in the book.

SPEAKER BARRETT: Thank you, Senator Lindsay. Bernard-Stevens,

I'm sorry, Senator.

SENATOR BERNARD-STEVENS: Thank you, Senator Barrett. Mr. Speaker and members of the body, I was waiting, I think, for Senator Lindsay or someone to make that point. This was made last time. And, in essence, the rule is very clear. You can make a motion to, in fact, indefinitely postpone to a time certain and once that point...once that time certain has been decided, even if that is, as we decided yesterday, the withdrawing of that motion, no motion can be made until the following day. And Senator Lindsay is correct on that. What the rule does not state and what the rule does not talk about is I have not yet...we have not yet voted on my motion, the original motion. That original motion has not been decided; that original motion has not been withdrawn; that original motion has not been changed. We have not yet decided that motion. If we were to decide on the motion, the original motion, Senator Lindsay's would be certainly in order. This is an amendment to those which is not applicable to the motion that Senator Lindsay would like us to do.

SPEAKER BARRETT: Thank you. The Chair is prepared to make a ruling on the question broached by Senator Lindsay. The Chair agrees with Senator Bernard-Stevens that the original motion has not been decided, that the motion to bracket till another day is consistent with the rulings which have been made by the Chair on previous occasions. Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would rise to challenge the Chair.

SPEAKER BARRETT: Thank you. This matter is debatable by one person and only one person, one time. Senator Bernard-Stevens, your light is not on, I'm...are you going to...I'm sorry, I'll recognize you in your regular order then. State your point, sir.

SENATOR BERNARD-STEVENS: While...and I understand the differences in rulings on the Chair when we have different people in the Chair and I understand that. But my interpretation, and I would like to have, I guess, a ruling from you on this on the point of order, is my interpretation is that you are simply stating a rule. You are not making a decision per se, you are simply stating this is the rule to an answer to a question.

SPEAKER BARRETT: The Chair indicated that Senator Lindsay's concern was not in order.

SENATOR BERNARD-STEVENS: Okay, so you are making it as a ruling.

SPEAKER BARRETT: He is now challenging the Chair.

SENATOR BERNARD-STEVENS: Okay, but you understand that that is a different precedent than we had just an hour ago?

SPEAKER BARRETT: I fail to understand the difference.

SENATOR BERNARD-STEVENS: Okay.

SPEAKER BARRETT: Thank you. We're going to debate now on the question of the overrule. Senator McFarland. I'm sorry, Senator Lindsay, would you like to open?

SENATOR LINDSAY: Yeah.

SPEAKER BARRETT: I assume that you had opened.

SENATOR LINDSAY: Yeah.

SPEAKER BARRETT: Proceed.

SENATOR LINDSAY: Thank you. I think everybody in here can count or learned back in grade school or maybe even before grade school how many days of the year there are. At last count, if it's not a leap year, I think it's around 365. And I know that Senator Bernard-Stevens, although he told me a couple days ago don't presume anything on this bill when he suggested he may vote for it, I think we can all presume in this case that 365 motions are forthcoming if necessary. I suggest to you that that is not the intent of this book. This book, up until this session, was intended to convey some order onto this body. If we are not going to enforce the intent of the book, we might as well throw the whole thing out, which we may have to do anyway. The rule cannot be read just simply in black and white on every single issue and if that is the case, I would call the body's attention back to the rule dealing with motions on Select File, specifically Rule 6, Section 5. If we look in there, a motion to bracket is not in order. The only rule...the only motions

specifically allowed by that section are motions to approve or reject any of the E & R amendments, motion to adopt an amendment to a bill, motion to recommit, motion to recommit to General File, or an IPP. It's not even specifically set forth in which motions are allowable at Select File. I don't think we can have a literal interpretation of the rules on every single occasion. If that is the case, then, obviously, the next move is we've got to challenge whether a bracket motion is in order, period, on Select File. I suggest to you that this vote right now is a vote on whether this is the rest of the work that we're going to get done this evening. This vote is a vote to decide whether or not what we've been hearing for days and days and days, whether the majority is going to be heard. I don't this is a, at least, in relative terms, a perversion of the rules. I think, while I don't claim to be an authority on perversions, I think we have seen...I think we have seen some over the past few days. By refusing to overrule the Chair in this case, we will have to turn the floor over to Senator Hall for, I guess, it would be, what, "Wednesday Night Live", whatever day it is, because we'll be going on till midnight and we're not going to get anything done. I suggest, let's take a hold of the issue now. Let's get control of the body back. Let's regain some of the respect that this body has lost over its ability whether or not it can govern itself. I suggest that we overrule the Chair.

SPEAKER BARRETT: Thank you, Senator Lindsay. Senator McFarland, followed by Senators Chambers and Labedz.

SENATOR McFARLAND: Thank you, Mr. Speaker. I appreciated Senator Lindsay's humor and also his point that he makes. We're at a point right now whether we can go ahead and vote on this issue by overruling the Chair's ruling because if we don't, then we're just going to be here till midnight on this bill, that you and I both know will never be considered. And, certainly, I think there is every intention to abuse the rules by making amendments for all of the days of the year. And if this...if we do not overrule the Chair at this point, then we might as well vote to adjourn for tonight and come back tomorrow because nothing is going to be accomplished in the remainder of the hours here before midnight. The spirit of the rules and the whole intent of the rules is to allow a fair debate, a reasonable debate, but it's spirit is not to let those rules be abused and manipulated and perverted, distorted, and whatever else you want to say, to thwart the legislative process. We have a bill here before us that we can vote on and it's

not...it's not an extremely outrageous bill. I think it's a fairly reasonable bill. I think it's time to vote on it. I don't think we should follow the strict letter of the rules and violate the entire spirit of those rules and allow a filibuster of this nature to go on again. And I don't think it's any excuse to say, well, we can rewrite the rules next year and take care of this problem. That's not correct. You can rewrite rules and rewrite rules and rewrite rules and if people want to violate and twist and distort and manipulate, they will be able to do it. So the question really is, are we going to vote on this tonight or not? If we are, then we have to have a motion to overrule the Chair at this point. And I think, beyond that, I suspect we're going to have to have times where the Chair, if this is going to be voted on, is just going to have to not recognize further motions by the people who are trying to delay it, because I'm sure Senator Bernard-Stevens can file...if this is overruled, he will file another motion to April 29th. And if he...and if that is not allowed, then he will move to overrule the Chair and all we'll be doing the rest of the night is debating overruling on the Chair's motions. This is a crucial time. If we're going to vote on this bill and debate it, then we should do that, allow the vote to occur, and if we don't get the 30 votes to suspend the rules and if then they want to offer amendments, then I guess we just stay here. But if the 30 votes are there to suspend the rules and allow the bill to advance to Final Reading, that should be done. Thank you.

SPEAKER BARRETT: Thank you. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is a peewee bill. This is a nothing bill. It doesn't do anything. It's a desire on the part of the so-called pro-life people in another part of the country to get anything through this Legislature and then they can scoff at what a job they did on the hicks in Nebraska. And they will be justified in doing that. We have got people sitting around here for this who have been gone and you can't find them any other time and it's as though we're in a titanic struggle about something. There is a principle involved. They're trying to burden a woman to make a decision, but I do believe that if this bill passes, then somebody will be in court and it should be enjoined. It's just a travesty to watch people get up and make these solemn statements, especially the lawyers, pretending they don't understand words. Now Senator Lindsay knows, just like he knows he's sitting there, that when a motion is before us and it has

not been altered in any way the motion, obviously, hasn't been decided. If it had been decided, it wouldn't be before us anymore. Talk about perversion, he knows what he's doing and he will laugh about this, and he should, because he got them to look at plain English words and then told them, but you're not supposed to read the words to mean what they say, because words are not written for the purpose of conveying the message that they convey. They convey something else. Obviously, the Chair is correct. The motion is still before us. It has not been decided. They can probably get a majority of the people sitting around here to vote to override the Chair and they feel like they've done something. If there were a significant issue, then perhaps that would be the case. This will not, as Senator McFarland pointed out, bring an end to abortions. It will not end the screaming, shouting, cursing mobs who try to intimidate and harass these women who are seeking abortions. This bill will not stop those people who escort these ladies. So what does the bill do? It gives a few people in here the opportunity to go out and make speeches about how they really did something to stop abortions. What this bill is designed to do is harass women. That's all it can do. If you were informing somebody about a surgical procedure, you wouldn't say, all right, now here's what we're going to do, we have to remove a certain number of inches from your...well, you have colorectal cancer, it's one of those subjects people don't like to discuss, and this is what it's going to look like. And they describe it in detail. In fact, they pull a picture of it out for you and hold that up and let you see it and say, see, this is what's in you. Now, what I'm going to do is take this scalpel and I'm going to go to work on you. So maybe they get a model of the human being with plastic that feels like flesh and beneath the skin they fill it with little sacs of red substance that look like blood so then when they stick the scalpel in and make their incision then the blood comes out. And then the person who is about to have the operation says, oh, gee, I feel so much better now, now that I see what you're going to do with me, now that I see that old nasty stuff in me you're going to take out of me, by God, I'm sure glad that the law requires you to tell me this and if you don't, you're a criminal. That is crazy. That's worse than the Middle Ages.

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: (Laughter.) Tim, I tried to take it seriously. This is hard for me. I sit here and listen to

Senator Lindsay and listen to Senator McFarland. They keep a straight face so I try to keep a straight face. You're going to overrule the Chair. So what? Or as the kids, so? And, so? And you've done what? Nothing at all. And when you go home and you start boasting to each other and patting each other on the back, they will say, well, what have you wrought? And Senator Lindsay will say, well, I got them to say that the words in the rule book don't mean what they say. I got them to say that a motion had been decided when it was still there. He's going to live with that. He and I are on the Judiciary Committee together. We get along very well. And Senator Lindsay is worthy of something better than what he is being required to do right now, being required to do right now. Brothers and sisters, this is indeed a sad day in the Legislature...

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: ...and I am supporting the Chair and I'm going to vote against the motion to override, common sense and proper reading of the rules.

SPEAKER BARRETT: Thank you. Senator Lamb.

SENATOR LAMB: Question.

SPEAKER BARRETT: The question has been called. Do I see five hands? I do. Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: I'm going to ask for a ruling on whether there has been adequate debate on the overrule of the Chair.

SPEAKER BARRETT: In the opinion of the Chair, based on the discussion of the past several hours, it occurs to me that perhaps discussion has been adequate.

SENATOR BERNARD-STEVENS: Then I will make a motion to override that decision.

SPEAKER BARRETT: Thank you. Discussion on the motion to override. Anyone care to speak to the motion? Senator, would you care to open?

SENATOR BERNARD-STEVENS: Yes I will open. Obviously, I disagree with the ruling of the Chair. I know Senator Lindsay

opened and I know Senator Chambers talked about the overruling. That's all I heard. I know we have talked about the bill, Mr. Speaker and members of the body. I know we have had a lot of talk on the bill or on motions but not on that particular motion. So, yes, I would differ just a little bit.

SPEAKER BARRETT: Excuse me, the call is raised.

SENATOR BERNARD-STEVENS: Senator Lindsay made some very, very good points and, of course, my initial reaction always is to get all firy and emotional and say, yeah but, yeah but what about this and you did that, and I'm going to try not to do that because I know Senator Lindsay is doing what he feels he has to do for himself and other people. And I respect him for that. I would have to also agree somewhat, though I certainly don't take it quite as lightheartedly as Senator Chambers, that one's perversion may be another person's delight, as Senator Lindsay certainly is using his own use of perversion of the rules to counteract what he would call a perversion. I would call Senator Lindsay's rule...motion a perversion of the rules. He would say, no, no, we're getting respect back to the body. I would argue that, no, I'm bringing respect back to the body because the body is trying to pass an emotional topic without any amendments, any debate all the way through and I'm trying to bring respect, he's the perversion. But that's as it should be. People always look at each other and say, like children, I guess, you're the one, you're the reason that I'm doing that. The point is very...has nothing to do what Senator Lindsay implied. What I did not hear Senator Lindsay again talk about, and I...and I'm assuming he will put his light on and maybe he will, I didn't hear Senator Lindsay talk about an emotional issue when a bill comes out of committee that you file nine motions to cease debate all the way across the board. And I remember people in this body yesterday, and if you people in the body start thinking those that are still here and paying attention, if you start thinking about whether you are one of these, I'll bet you're going to find you were. Members of the body, yesterday when we voted in block to move nine bills from General to Select, I heard members of the body say, but, by golly, if there's a motion to move those bills from Select to Final in block, there's no way I will go along with that, no way. That's a perversion of the rules. Well, this is one of those. This is one of those. And we might as well be right now on...not on the...at eight fifty on one of the final days of the session, we could be on General File, the first day of

discussion of LB 854, because, members of the body, this is where we would have been on that first day. Senator Lindsay was scared to death, apparently, though he will say he was not, but apparently he had to be, of anyone offering a legitimate amendment because he will argue there was...no one is going to offer a legitimate amendment. We'll never know. We'll never know. I think Senator Landis had one. I know I had one that I thought was very legitimate that would have expanded the type of counseling that could be offered so people in western Nebraska might find it easier to get the counseling that they're going to be demanded of, and that was reasonable. But we'll never get to those because if this were General File, we would be arguing right now exactly where we are because the first motion would have been, let's cease debate. We would have got to Select File, then the next motion would have been to cease debate and Final Reading there would have been cease debate. It would have been no different. It would have been no different. But, apparently, that is not a perversion of the rules. And Senator Lindsay is well versed with this particular topic when it comes to democratic principles and rights. He's well versed. When the majority abuses the rights that they have, the minority must respond with anything that they have. And the only thing that was given to us when the majority decided to move it across all the way without any debate, without any amendments, the only thing we had that you gave us were rules. You forced the game. You forced the hand. Senator McFarland, even today, and he will be smiling and saying all neat things when it's all over, Senator McFarland today was very magnanimous. He offered the body a compromise. He said, tell you what, I don't...I'm afraid that you guys might have some really good amendments that might do this, might make some sense, or you might have a small amendment that might make sense. So I'm going to offer a motion to give you what you kind of want. We'll give you an hour's worth of debate but you can't change a word of this. You can't make a motion and, for Pete's sake, you can't change a word on this bill. I'm going to bet you that Senator Peterson were in the Chamber, I could ask him a series of 15 questions on what is in the bill and I'm going to bet you he couldn't answer 10 of those, not that he wouldn't understand, but I don't think he's taken time to read the bill yet. I don't think many people in the body have taken time to read the bill yet. And that's the whole point. How many of you have actually sat down and read through it to know whether or not there could be some changes made? That is a perversion of the system. And it's all that we have. Senator Lindsay just wants to take it one step further

and let's continue the original perversion but he will be waving the flag. He will be saying, God bless America. He will be saying the majority rules. And I looked back in history and I looked at when the majority tried to dominate in civil rights. I looked at when the majority tried to dominate in the beginning of the Vietnam era. And I look at myself when I look inside and I say, thank God for a minority sometimes who stands up because this would have been a very, very different country if this type of procedure were allowed simply because Senator Lindsay, Senator McFarland and Senator Labedz, personally, think that it is upmost to sacrifice these rules. As I said in the beginning, I don't know what's going to happen with this. I don't know where we'll end up. And I think most of you would grant that this is a principle being fought here, not necessarily about the bill. And what's kind of sickening to me are people out there who will say, in a very righteous way, well, I voted for it, I knew it was unconstitutional, Dave, but what the heck, I can make my pro-life people happy and the bill will be unconstitutional so what difference is it to you? And I look at that as a perversion in and among itself but that's the system, that's the system. We haven't had debate proper on the overruling of the Chair. There will be adequate debate after this. We will get to a vote and we'll see where we go at that particular point. I know there are other motions that can be offered. I know there are other things that can be done. Whether they will be, I don't know. And I'm not going to ask the body not to override the Chair because I know you're going to. But, for the record's sake, when people come back and look at it, there are a lot of perversions going on and it's just unfortunate that in the very beginning we couldn't have allowed the system to work in the beginning, Senator Lindsay, on motions and at least tried to make it work and then if it failed, to have gotten to this point on the motions. You could have gotten to this point at any time but you chose not to let the system try to work, you chose to force it this way. And there's nothing you can do by words to change that historical fact. There is nothing you can do to change that. Thank you.

SPEAKER BARRETT: You have a motion on the desk, Mr. Clerk.

CLERK: Mr. President, Senator McFarland would move to adjourn until nine o'clock, April 5, 1990.

SPEAKER BARRETT: Before disposing of that motion one way or the other, I think it behooves the Chair to suggest that at this

point in the evening we have no bills down from upstairs. Any bills, any bills, any work that was done today, as a matter of fact, will go for naught. We have three or four bills on the agenda right now on Select File that can be voted across, voice voted, no amendments. I'm simply exercising the prerogative of the Chair to share some of these thoughts with you before you vote on the motion to adjourn. With that, the question is adjourning until tomorrow morning at nine o'clock. All in favor vote aye...machine vote has been requested. All in favor vote aye, those opposed nay. Record, please.

CLERK: 3 ayes, 21 nays to adjourn, Mr. President.

SPEAKER BARRETT: The motion fails. If there is anyone else that wants to speak to the challenge, would you please raise your hand? I have a number of lights on which, I'm sorry, we have another motion on the desk, Mr. Clerk.

CLERK: Mr. President, Senator Chambers would move to recess until 11:30 p.m.

SPEAKER BARRETT: Senator, to recess until 11:30?

SENATOR CHAMBERS: Yes.

SPEAKER BARRETT: The motion is to recess until 11:30. Those in favor vote aye, opposed nay. Have you all voted? Senator Chambers.

SENATOR CHAMBERS: (Microphone not activated) call of the house and a roll call vote.

SPEAKER BARRETT: Thank you. Shall the house go under call? Those in favor vote aye, opposed nay. Record.

CLERK: 14 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. And will members again return to your desks and record your presence. Any members outside the Chamber, please return and check in, please. While we're waiting for those few members to return, it does occur to the Chair that those three bills that I indicated earlier are still very viable and can be voice-voted across. Would there be any objection from the body if we handle those three bills while we're waiting for people to return? Any

objection? So be it. Senator Hall, please record your presence. Senator Robak. Senator Hefner, Senator Robak, the house is under call. Senator Hefner and Senator Robak. Senator Hefner, the house is under call. Members, take your seats, please. The question is recessing until 11:30. Mr. Clerk, call the roll.

CLERK: (Roll call vote read. See page 1899 of the Legislative Journal.) 9 ayes, 32 nays to recess, Mr. President.

SPEAKER BARRETT: The motion fails. Back to a discussion of the challenge of the Chair. Would anyone else care to speak? If you would raise your hand, please. Senator McFarland. Anyone else want to speak? Senator Crosby and Senator Chambers. Thank you. Senator McFarland.

SPEAKER McFARLAND: Let's see, if I followed this, Mr. Speaker, we had a motion, a ruling by the Chair, a motion to overrule the Chair, a motion to cease debate, a motion to overrule the cease debate decision and then what are we going to have next? A vote to reconsider after we vote this? Obviously, we're not going to get anywhere unless a couple things happen. One is that we vote to overrule the Chair and the second thing is for the Chair not to even recognize the frivolous motions that are being made for no purpose other than to delay this matter until it's too late to consider it. Now if the Chair is going to continue to recognize this motion and thwart what all the body wants to do as far as continue and try to vote and pass bills, then there is...we might as well recess, I mean, because if you continue to recognize frivolous and dilatory motions like this, we're going to be here till eleven o'clock or twelve o'clock and nothing is going to be achieved and we will just have sat here for another two hours needlessly. And the motion to recess by Senator Chambers, in retrospect, will have looked like a very reasonable and appropriate request. And, for that reason, I think this motion should be...that we should vote that this...against the overruling of ceasing debate, that we should then vote on the overruling of the Chair and that we should not recognize any further motions on the bill except the ones that have been filed, as the motion to suspend, and then vote on it, because otherwise we're just going to be wasting our time. Thank you.

SPEAKER BARRETT: Thank you. Senator Crosby, please, and the call is raised. I would ask you to stay close to the Chamber, please.

SENATOR CROSBY: Thank you, Mr. Speaker, and members, I'm going...I said...I think I said earlier, Mr. Speaker, that I wasn't going to vote against you anymore, but I am. I'm going to vote to overrule the Chair if we ever get to that tonight, because I have listened to both sides on this rules discussion and again I come to the point where, you see, of course, we started out supposedly talking about LB 854, the 24-hour waiting period bill, and we end up talking about the rules. And the people who bring those bracket motions and so on say, you people all want to talk about the rules, you won't let us talk about the bill. Well, come on, you all want to talk about the rules, and you're good at it. Boy, I'll tell you, you are good at it. Senator Chambers, you normally don't have anything good to say about a judge and here you are defending Harry Blackman who I think is...has a tired mind and he was the third in line of a lackluster group. Right, Senator Ashford, when he was on the list to be chosen as Supreme Court judge? They finally got down to Harry Blackman and the Congress went ahead and appointed him and then he wrote that terrible, convoluted opinion, Roe v. Wade. A tired mind and his mind is still tired. But one thing, I was really happy a little while ago because when Senator Lindsay said something about not being an expert on perversions everybody smiled, because up to there everybody was sort of looking, you know, we don't want to look at each other when we start talking about this issue because we're mad at each other, aren't we? We're angry. No, we're not. We are all adult people here, I will say again, who want to do the right thing and it is very difficult to do that because of our beliefs about whether life begins at conception or not and whether or not a woman has a choice, which, of course, I feel that the child, the little being, overcomes that right; that she has to think about that little being. So there's where we end up in this, and so we decide to talk about the rules because that's sort of neutral ground. So one thing, I want to say one more thing and then I'm going to give the rest of my time to someone that I promised I would. Another thing that was said was that abortion is safer than having a baby. Well, I had a miscarriage. I don't want to have a miscarriage or an abortion. Having the baby was a lot better for me and it was a lot happier situation. But one thing I would like to say about that, it certainly is not safe for the baby. And, normally, abortions are not performed until the baby is far enough along as to where there is a definite being there, with all the characteristics and so on. So, with that, I'll stop talking and give the rest of my time, however much there

is, to Carson Rogers. Thank you.

SPEAKER BARRETT: Senator Rogers. About two minutes.

SENATOR ROGERS: Mr. Speaker and members, I think I can say in two minutes, as most of you realize, I guess I feel kind of bad down here that I never took public speaking in school and the last few days I guess I'm glad I didn't because I've listened to two or three senators around here that they can just yack and yack and yack and most people don't listen to them, but they do take up a lot of time. And I guess I can't figure out all you senators are afraid of letting this issue come to a vote. Senator Bernard-Stevens made a comment a little bit ago it's a no-win situation. So if it's a no-win situation, why don't he let it come to a vote? Would this body remember, I think maybe it was last year or year before, we required bars to put in a sign up there that alcohol beverages is hard for...or dangerous, I guess, for a pregnant woman, and a couple of our members, I can remember, they said, we might save one baby. Some of these same senators are deathly against this bill. I guess I don't understand that either. And they talk about these gals that have had abortions, I have a daughter that's a nurse, I wish you could hear some of the horror stories. This hospital she worked at was fairly close to that slaughterhouse on L Street in Omaha. If you could hear some of the stories that she said about these gals that went down there.

SPEAKER BARRETT: One minute.

SENATOR ROGERS: You know, talk about it being an abortion bill, it's strictly a bill just to have them gals wait 24 hours. They can still have an abortion. I mean, we can't stop abortion, but at least let them think about it for 20 hours. I just don't understand some of this argument that some of you senators get up and you yack and yack and yack and really has no relatively relationship to this bill. Thank you.

SPEAKER BARRETT: Thank you. Senator Chambers, you wanted to speak on the challenge.

SENATOR CHAMBERS: Yes, Mr. Chairman and members of the Legislature, people are growing weary and we expect that. And, oh, thank you, Senator Rogers said he keeps up. I'm glad to hear that, but I don't think he really understands what I'm saying. I really don't think he understands at all. But I will

tell you one thing, if a man could learn to refer to a grown woman as something other than a gal, I think it would show a little respect. Now, I don't know what his relationship is with...since we don't get personal and talk about people yacking, maybe that's the way he refers to the women he knows, but I think people are entitled to be called something other than "gal". And some of these young ladies around here who are called "gal", "girlie", they don't like it. They tell me about it. They can't tell some of the people who say it because they will get fired. We should address people the way we want to be addressed. That's from somebody who is concerned about women. There are insensitivities that develop in this society that people are not even aware of being victimized by. You read that term everywhere. You see it everywhere. But who listens to the women who say that they don't want to be referred to in that fashion? The boss has to be called, "Mr.", she is called by her first name. A legislator is Senator so and so, a female legislator is Mrs. so and so, when referred to in their official capacities. When they talk about the President here, he is President Bush. When they talk about Margaret Thatcher, she is Mrs. Thatcher. It's everywhere, everywhere you look, and women are going to have to become assertive and let people know that there has to be a change a coming. This is why labor agitators and others who are called agitators are so essential, as Oscar Wilde has written, because they go among people who think they're not entitled to anything better than the mistreatment they're receiving and instill in them the understanding that they are human beings entitled to dignity and respect. And when you can inculcate that in people, they start to demand something better and when they demand respect from others, the ones from whom they demand the respect can themselves become sensitized and develop a respect for others and greater self-respect. There are too many insensitive things said and done that are never taken issue with, and they need to be. And yet we have those same ones talking about being so concerned and so sensitive. I don't see it. I watch the way some people around here deal with little children who come down here and I don't see that great concern for the little children, that great desire to deal with these children as they ought to be dealt with. They're like little objects, don't even exist. I have seen little children look with what I could describe as awe at some of the people running around here and they don't even return the look of the child, don't even acknowledge the child, but all this talk about a fetus. You know a funny thing, I'm supposed to be a bad fellow, but I have more requests to come

and read to little children and even as old as teenagers, that I can't even keep all of them. Why? I like children and the children know it. And I don't have to keep saying, I love them, I love them, I respect them. The children demonstrate who they care about. There are a lot of you all who invite me to come and speak to every group that you bring down here. Those are the ones that I think we can really show we have concern about. And if I saw that concern, as I see it in Senator Crosby, then I can say there is a genuine continuum from the time that an egg is fertilized right on up and through the time that a person shuffles off this mortal coil. But for the others it's not so.

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: It's hard. It's cruel. It's cold. I don't think it diminishes a man to show affection for a child and I don't think it diminishes a man to do those things that are necessary to see that respect is shown to women and children. That's when I believe all this talk about being concerned about the fetus means something. We have too many opportunities to legislate and show through what we have the power to do, too much power to do good and we don't do it. We know the bills that we kill that don't even get out of committee. We're even unwilling to let a woman who is trying to get off ADC work a year and keep what she makes so that she can get some breathing space.

SPEAKER BARRETT: Time. Senator Labedz.

SENATOR LABEDZ: I call the question.

SPEAKER BARRETT: Do I see five hands? I do. Shall debate cease? All in favor vote aye, opposed nay. Record, please. The question is ceasing debate. A roll call has been requested. Mr. Clerk, call the roll.

ASSISTANT CLERK: (Roll call vote read. See page 1900 of the Legislative Journal.) The vote is 31 ayes, 2 nays, Mr. President.

SPEAKER BARRETT: Debate ceases. Senator Bernard-Stevens, would you like to close?

SENATOR BERNARD-STEVENS: I'm sorry, Mr. Speaker, I guess I want to make sure I'm right on the procedure. I believe there might

be a motion that is up there at this time.

SPEAKER BARRETT: I'm sorry, we don't understand the question. Motion...

CLERK: Senator Scofield, I'm having trouble reading the writing. (laughter) Does that say reconsider the vote just taken?

SENATOR SCOFIELD: It does, and you're not alone.

SPEAKER BARRETT: Yes, it is out of order, Senator Scofield. I would recognize Senator Bernard-Stevens to close on his motion to challenge the Chair. I believe that's where we are at this point.

SENATOR BERNARD-STEVENS: Okay, I just want to clarify myself, that if you make a motion to call the question, that is not a reconsiderable item. Is that correct?

SPEAKER BARRETT: That's right.

SENATOR BERNARD-STEVENS: Okay, just so I'm clear on that. I will yield my time to...

SENATOR SCOFIELD: Point of order, point of order. May I make an inquiry of the Chair why that is out of order?

SPEAKER BARRETT: It's a procedural motion, probably not subject to reconsideration. Probably could be handled in a better way, Senator. Senator Bernard-Stevens, you were closing.

SENATOR SCOFIELD: I move to overrule the Chair.

SPEAKER BARRETT: It is out of order entirely. We are voting now to overrule the Chair. Would you please close, Senator.

SENATOR BERNARD-STEVENS: Actually, I think at this point, Senator Barrett, I'll yield my time to Senator Scofield.

SPEAKER BARRETT: Senator Scofield.

SENATOR SCOFIELD: Thank you, Mr. President, ordinarily I wouldn't make a motion like this, but I don't know if the quality of debate can deteriorate any further than it already

has and I haven't had an opportunity to speak on this and so I'd like an opportunity to talk about it. There have been a lot of interesting statements made tonight about where we are and why we're here and why we're in this spot, and I would suggest to you that the reason we are here is because there was a motion filed that absolutely, the word pervert comes to mind since it's been used before, perverts the process. The bill wasn't debated on the first round. There have been statements made that if the majority were heard we'd be moving on on this, but I guess I don't know that my district is particularly representative, but I don't think it's that much different than anybody else's. I'll bet if the majority of the people in this state were heard right now, that we'd be on something else entirely, we would be on something else entirely. This would not be dominating this session, this would not be dominating this evening because I recall conversations that I've had with my constituents over and over again who have admitted on both sides that there isn't any middle ground, that there isn't any compromise and that it is foolish of us to come down here and try to do the impossible. In fact, I think there's sort of an omnipotence being expressed by the body here somehow believing that we can do the impossible and we can't. And so I think it's really let this body deteriorate to a state of anarchy and it's just come down to who can win--can I win, or can you win, or can somebody else win--and I have been voting tonight not only because of my pro-choice convictions, but more that I'm very concerned about the state of the process and what we've said about our own process and our own rules. There have been comments made tonight about, well, if we would do X or Y we would regain respect and we'd regain the collegiality in the body, and I think we all know that that isn't the case. There have been statements made that the purpose of the rules is to allow fair and reasonable debate and yet they have been manipulated by both sides to the point where they are hardly recognizable. It's awfully hard to even figure out where we are. You've got to keep a tally sheet back here to figure out what we're overruling and which question we're on, and I'm not saying this as criticism of the people who have made the motions. I think it's a natural reaction to the heavy-handed motions that were made on the other side and the minority, in this body at least, doesn't seem to have any alternative other than to take that direction. But as long as we're on the subject of this, I guess I would say that I have, in fact, read this bill and it raises some fascinating issues in my mind. There are...a point that Senator Chambers made that I'd agree with him because I'm still a little

steamed, frankly, about the amendment that was adopted on 662 the other day which I think jeopardizes a good bill that would put services out to communities and families that I thought we all agreed upon and yet, here in this bill, son of a gun, we're talking about one of the things that has to be talked about are agencies and services available for prevention of future unintended pregnancies and yet a totally inconsistent motion with that philosophy was made by the very sponsors of this bill the other day with apparently absolute disregard for the future of children in families in this state and it's really too bad that an issue that is this divisive has brought us to this state and I just, I don't think that we have evolved far enough as a body or as a society to come to any middle ground and so...

SPEAKER BARRETT: One minute.

SENATOR SCOFIELD: ...I guess that's why we're here in this dilemma. The other thing I guess I'd say, as I look at this bill and read it and try to figure out what it says and what its purpose is, I think of many women that I have talked to in my district about this issue, most of whom will say they're very uncomfortable with the idea of abortion. They don't support it, but at the same time they don't want government mixing around in this issue and I guess I'd have to say to folks here, you ought to take this bill out and show it to women in this state and separate it from how people feel, the great ambivalence and anxiety that they feel about the whole issue. And I kind of dare you to take this out and show it to the women that I know who are the descendants of our pioneer grandmothers and say, I think you're too irresponsible to figure this issue out for yourself. I think you're too irresponsible to make decisions in your best interest or your family's interest. I think this bill really says something about you don't trust women. I guess I have to wonder will the sponsors next year bring a bill in that somehow impacts men in the same way...

SPEAKER BARRETT: Time.

SENATOR SCOFIELD: ...saying that you don't trust them or are we going to continue to pick on women and will somebody bring the bill in next year to deny women the vote again? That seems to be the direction we're going. Thank you for your time.

SPEAKER BARRETT: You've heard the closing. The question is, shall the Chair be overruled? All in favor vote aye, opposed

nay. Senator Labedz.

SENATOR LABEDZ: I just wanted to make sure that they understand that we're voting on Senator Bernard-Stevens overruling the chair.

SPEAKER BARRETT: That's correct.

SENATOR LABEDZ: Thank you.

SPEAKER BARRETT: Those in favor of the motion vote aye, opposed nay. Record, please.

CLERK: 8 ayes, 22 nays, Mr. President, on overruling the Chair.

SPEAKER BARRETT: Motion fails. We're now prepared to vote on ceasing debate on the Lindsay motion to overrule the Chair. The question is, shall debate cease? Those in favor vote aye, opposed nay. Roll call has been requested. Mr. Clerk, call the roll. The question, again, is ceasing debate on the Lindsay motion made earlier to overrule the Chair.

CLERK: (Roll call vote taken. See pages 1900-01 of the Legislative Journal.) We're not under call, Senator. We're not under call. 25 ayes, 9 nays, to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. Senator Lindsay, will you please close on your motion to overrule?

SENATOR LINDSAY: You don't know how much I'd love to, Mr. President. This motion's pretty straightforward. I've heard, throughout the debate, I've heard about how rules are or are not being perverted, how...I don't know if we self-righteous or whatever that...about how maybe one side's complying with those rules and is doing what's allowed. I don't think a speaker, since we brought this up, I don't think a speaker has stuck to the issue. The issue is an interpretation of the rules. Senator Scofield talked about the bill. Senator Bernard-Stevens...well, I got to say I honestly wasn't listening, Dave. The...I don't think we stuck to the issue, and that issue is merely whether we're going to overrule the Chair on a rules interpretation. What it comes down to is we're not operating under rules. One of my colleagues just came back here and said, we're not operating under rules. That's the only rule we have right now, is there aren't any. We've got to do what we

can to get some semblance of order, even if we don't have rules, and some semblance of order requires...I feel like Bernard-Stevens now, no one's listening to me.

SPEAKER BARRETT: (Gavel.)

SENATOR LINDSAY: Well, no, that's okay, Senator, but it might help. But I'm just going to simply urge that we...that it's a pretty clear vote. We either vote to adopt an interpretation of the rules which does not allow amendment, after amendment, after amendment, after amendment on up to however many days it takes to get to midnight on amending a bracket motion. A pretty simple interpretation. We're asking that it viewed as the spirit of the rule rather than the letter of the rule. I think that's what it comes down to. I would ask that the body go with the spirit of the rule. Let's move on and maybe, just maybe, we can get to a vote that's actually going to mean something. Thanks.

SPEAKER BARRETT: Thank you. The question is.... Senator Lindsay.

SENATOR LINDSAY: I think I'm going to have to ask for a call of the house.

SPEAKER BARRETT: Thank you. Shall the house go under call? Those in favor vote aye, opposed nay. Record. Record, please.

CLERK: 31 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, return to your seats, please. Record your presence please. Any members outside the Chamber, please return. Senator Kristensen, please. Senator Haberman, would you please check in? (Gavel.) The question is the Lindsay motion to overrule the Chair. Mr. Clerk, call the roll.

CLERK: (Roll call vote taken. See pages 1901-02 of the Legislative Journal.) 32 ayes, 12 nays, Mr. President.

SPEAKER BARRETT: The Chair is overruled.

CLERK: Mr. President, I have a priority motion. Senator Chambers would move to reconsider the vote to overrule the Chair.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chair... oh, Mr. Chairman and members of the Legislature, there are additional motions that can be made and will be made and I think...

SPEAKER BARRETT: Excuse me.

SENATOR CHAMBERS: ..we all knew that from the beginning, so that's out of the way now. I want to get back to something that I was talking about the last time I spoke. Senator Scofield touched on it and it's very good that a young woman had a chance to talk about the people that she had seen...

SPEAKER BARRETT: Excuse me.

SENATOR CHAMBERS: Yes.

SPEAKER BARRETT: Senator Labedz.

SENATOR LABEDZ: I would like a ruling from the Chair whether we can do what Senator Chambers is asking. I believe he is asking for a reconsideration of the vote?

SPEAKER BARRETT: That's correct.

SENATOR LABEDZ: Senator Chambers, would you give me your motion? I don't know what you put up there. The reconsideration of the last vote?

SENATOR CHAMBERS: Yes.

SENATOR LABEDZ: Is that in order? We just finished doing that. How many times can we reconsider a vote?

SPEAKER BARRETT: This was a motion to overrule the Chair, was it not?

SENATOR LABEDZ: Yes.

SPEAKER BARRETT: We are reconsidering...

SENATOR CHAMBERS: Right.

SPEAKER BARRETT: ..the previous motion...

SENATOR LABEDZ: We already did that once, didn't we?

SPEAKER BARRETT: ..to overrule the Chair.

SENATOR LABEDZ: We already did that once.

SENATOR CHAMBERS: Not to overrule the Chair.

SPEAKER BARRETT: We haven't reconsidered this one? We reconsidered the motion to cease debate.

SENATOR LABEDZ: Oh, I'm sorry. I thought it was to overrule the Chair.

SPEAKER BARRETT: Yeah. I believe this is very legitimate.

SENATOR LABEDZ: Okay. Thank you.

SPEAKER BARRETT: Thank you. Senator Chambers, proceed.

SENATOR CHAMBERS: And, Mr. Chairman, I presume that was not counted against me, that time that was taken? Thank you very much. Some people may lose track of what's going on, but I haven't lost track. I'm not so anxious to jump up here and say somebody's out of order that I get things wrong. I don't have people shaking me and whispering in my ear and saying, hey, that can't be, then I'll pop up like a jack-in-the-box and say, hey, that ain't right. That's not the way I operate, but other people can do that. That's their style or lack of style. But this is serious, because I think it does get down to how women are treated in this society and, as I was saying, Senator Scofield is a young woman. She's talking about the problems that young women face in this society.

SPEAKER BARRETT: Sorry, Senator Chambers. The call is raised.

SENATOR CHAMBERS: Oh, that's all right. I don't mind. And if they had to take this bill with the language that's in it and show these women what this Legislature has done to them, I think they'd say, what in the world is going down there and who have we sent down there? This is the kind of training that the people who sponsored this bill says that a person has to have in order to give a woman informed consent. Now let me see if I can

find that here. I'm going to do this something like Ronald Reagan where he took a long time to look.

(UNKNOWN): And then forgot.

SENATOR CHAMBERS: Right, what he was looking for, and they kept having this young lady go over there and point to it and say, that's what we're talking about. Now, the information that has to be given is this. Possible alternatives to abortion, including child birth and adoption, and that there are agencies and services available to assist or to carry her pregnancy to a natural term; B) of the abortion procedures to be used; C) of the particular risks associated with the abortion procedures to be employed in her case. Then this new material, of the anatomical, physiological and psychological characteristics of an unborn child at the gestational point of development at which time the abortion is to be performed. And then that there are agencies and services available for prevention of future unintended pregnancies. Now listen how crazy this is. Are you all listening? Okay. Okay. The person providing the information specified in this subdivision to the person upon whom the abortion is to be performed shall be deemed qualified to so advise and provide such information only if, at a minimum, he or she has had training in each of the following subjects: sexual and reproductive health, and every time we bring up something like that, they don't want that in the curriculum, sexual and reproductive health; abortion technology; contraceptive technology; short-term counseling skills; community resources and referral; and informed consent-- crazy stuff. That wouldn't be imposed on anybody except women. There is nobody on the floor of this Legislature who fits those qualifications, and that's what they put into this kind of law and say they do it because they're concerned for women. You know what these, most of the men on the floor of this Legislature and probably some women, are insensitive too? The fact that most of the single family households are headed by women. They have these low-paying, dead end jobs. Maybe they make minimum wage, no fringe benefits, no vacation. They have children that they have to rear alone because men have run off and left them. They are, indeed, a serf class. And then the Legislature is so stingy and tight-fisted that it will grind them down into the dust even further; then have the audacity to push an oppressive piece of legislation like this, or that LB 769, and say that they're concerned for women and that they understand women. There are different ways to understand people

and I don't have to be a woman to understand a woman, and maybe that's the problem with some of these men. They think they've got to be a woman to understand a woman, and some of them go so far as to act like a woman and get treated like a woman. Those are the realities out here. You all have read about some of these homosexual magazines that are talking about going public with these various officials who make a record on being very anti-homosexual when that's exactly what they are, and they said they're going to call them out of the closet, they going to jerk the cover, and they going to say come on out here and tell who you are and if you don't, we going to tell on you. And they find them at all levels, in Congress, in Legislatures, doctors, lawyers, everywhere, everywhere like the body snatchers, and they began to cower because their cover might be pulled. And it just goes, again, to underscore the kind of hypocrisy that is in this society, the unfeeling insensitivity that is the hallmark. We have before us here this evening an irrepressible conflict. It harks back to the days of the war between the states when somebody said that a crisis must first be reached and passed before there can be any possibility of solving a problem. But we're here at 9:48 and plan to be here until midnight and there are enough motions to keep us here until midnight on this issue because this is what everybody wants, and what everybody wants, everybody should get. I'm going to do my part to give us not only what we want but what we deserve, so after this motion we will have others because we are insistent upon discussing this thing until the wee hours or the long hours of the night and we're getting close to that point. What would be wise is to either recess until 11:30 so any bills that are upstairs can be worked on, or to reconsider that motion that Bernard-Stevens made to go down to these Final Reading bills that have to be brought back for amendment. That would allow something of value to be done with the few remaining hours. Well, they're now few actually, two and a half, two hours and fifteen minutes. If we would go down to that part of the agenda, those bills could be brought back. They could be cleaned up, polished, and sent back to Final Reading. Some of them, even though they're on Final Reading, are in grave jeopardy, especially LB 571, the steriod bill. It contains two subjects and, as such, it is unconstitutional. So it doesn't have to be brought back to Select File. It's on Final Reading. The motion would be for the purpose of returning it so that it could be amended and converted back into the steriod control bill that was designed. Now, there is one that Senator Abboud wanted to bring back and try to do something for these elderly programs. What we ought

to do is reconsider Senator Schimek, I meant Senator Bernard-Stevens' motion to go down to that portion of the agenda where these bills are residing. If that is not done, then the Speaker ought to declare that he is going to go to those three bills that he said are going to be moved by a voice vote because the Speaker has the power to do that. But if that fails the we'll just be here fellowshipping with each other, discussing this bill, lamenting the rules and having a general falling out.

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: But I don't think there's any way around that because the heels are dug in and we're entrenched. But it should be emphasized again this bill is not going to achieve what those who are opposed to a woman having an abortion would like it to achieve. Senator McFarland has acknowledged that very forthrightly and if you read the bill you will see that to be true. It is a bill that is designed to harass and burden a woman's decision, designed to discourage her and place such obstacles in her path that she might change her mind. But if a woman is in a serious enough situation, waiting 24 hours can do nothing to change her mind but it can create a lot more heartache and pain for her. And since the Legislature seems determined to do that, I know we're going to have to press forward with this until midnight and after that point there will be a merciful end to this attempt by the Legislature to intrude into that...

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: ..most intimate area of a woman's life.

SPEAKER BARRETT: Thank you. Perhaps a brief announcement in response to a comment made, Senator Chambers. It was my earlier hope that we would shoot for about ten o'clock to get work upstairs in order that it could be processed and returned. That's probably moot at the present time, but ten o'clock was that magic hour. You need to know that. We'll push on. Discussion on the motion to reconsider. Senator Schmit.

SENATOR SCHMIT: Mr. President and members, a lot has been said tonight and it's awfully tempting to get involved in pointing figures and chastising and being over-zealous and over-righteous, and I'm as good at it as most of us because I have as high an opinion of myself as most of you have of

yourself, maybe some a little higher. One of the things that I learned when I first came down here, and I learned it from some of my liberal friends, Steve Fowler and Dave Newell and a whole bunch of those fellows, was that on the legislative floor you take care of those priorities of yours that are very important and you try to safely guide them across the floor to safe passage, and once having accomplished such, then, if you want to spread a little terrorism around the floor, exact a little pound of flesh or bring about some retribution or repercussions or whatever you wanted, then you're free to do so. But it is not very wise to become involved in chicanery or some other kind of activity unless you know you're home safe, and so oftentimes we all find ourselves carried away in that way. Now I happen to have been on... in support of a bill LB 272A. I didn't pay any attention to the bill. I don't think most of us did. We thought the bill was in good order. And many of the persons who were very concerned about that bill are also somewhat adamant about allowing LB 854 to come to a vote, against LB 854 coming to a vote. Unfortunately, we find out today there is a serious problem with LB 272A, which means that the depositors of those institutions will no doubt not be paid for awhile because, unless some miracle happens and the Director of Banking reconsiders her position, there will be a lawsuit, undoubtedly, that will tie up those funds and the poor people who have waited six years will have to be called upon to wait again. I do not know what any of us are going to tell them is the reason why we did not do our work and be sure that bill was in good order. Now there's another bill, and I know that most of you are not listening, but it is a bill which is of vital importance to many people in the State of Nebraska and it is of deep importance and concern to most of you on this floor, a bill which received 30 votes on Final Reading and is rumored to have at least 32 if it should need an override. Some days ago I wrote to the Attorney General to find out if I... fact that bill is constitutional. The bill contains flaws, as you and I know. It is flawed because it contains a closed class and, as one of those who included that kind of language in a bill that I had a number of years ago which was found to be unconstitutional, I find that I'm sure that the Attorney General will find that the closed class provisions of LB 1059 are unconstitutional. Furthermore, for those of you who do not know it, in your zealous determination to place a lid upon cities and counties, in addition to schools, you neglected to leave the loophole that you left for the Lincoln city schools and you did not provide...

SPEAKER BARRETT: One minute.

SENATOR SCHMIT: ..an opportunity for the cities who have contracts with their employees to get around the lid. As you know, we cannot on this floor, legally, though it's been done, abridge a contract, and so that bill is also... that portion of the bill is also in deep difficulty. Now there may be attempts made to try to rectify some of those problems, but so long as we continue to talk here today, the longer we continue to talk, the less chance there is that those problems are going to be rectified. So that the question is, what are you going to tell your people back home? That you were so concerned about circling the wagons around Senator Labedz that you did not have the opportunity to tend to your own major pieces of legislation and be sure there were no flaws in LB 1059? Now that...

SPEAKER BARRETT: Time.

SENATOR SCHMIT: ..is not a deep personal concern to Senator Chambers, but it is of concern to many of us. And so the question I want to ask you is this. How much longer do you want to pursue this, because to continue the pursuit delays the opportunity and minimizes the possibility that you can bring about an attempt, at least, to make...

SPEAKER BARRETT: Sorry, time has expired.

SENATOR SCHMIT: ..a correction necessary on LB 1059.

SPEAKER BARRETT: Thank you. Senator Bernard-Stevens, followed by Senators Scofield and Morrissey, if you would care to speak.

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker, members of the body. Senator Schmit, I'm always intrigued by your debate, and I know of your history in the past with the Legislature being involved in controversial issues, and you're very good. And when you speak, you speak with a perspective that I find fascinating. Some time I'd like to get a transcript of some of your speeches and use them in a class of showing people the tremendous innuendos in things that are said and yet not said, and the reversals that we can make from time to time. And I give you credit, you can get away with those. I don't think I could. One of the things I don't feel real bad about and that's why I made the motion twice today, and Senator Schmit spoke against it both times, the body knew this was coming. The

body's known this was coming. Senator Chambers made no bones about what was coming. I certainly, by amendments filed, made no bones as to what was coming on this particular issue. So twice today I gave the body a chance, once this morning and once later this afternoon, to say, listen, we can take care of some of these other things before we get bogged down. That wasn't a decision that I had made, Senator Schmit, or anyone else. Those were no wagons circled around poor Senator Labedz who can't defend herself. That was an issue that the body decided. The body decided it did not want to take up those particular things. It did not want to move on to those particular items knowing what was going to part... knowing what was going to happen on LB 854. And I feel very comfortable with that now. If it had been simply me bringing up the issues, debating it forever or as long as I could, and it was, I felt, part of the responsibility of not getting there was mine, I'd feel very bad about that. But when the body's given a clear decision of what it wants to do and it twice says, no, we do not want to do that, then I do not feel that badly. And I also know that some of the ideas that Senator Schmit has talked about on LB 1059, and I'm not going to debate those here, but I do know if they were that important they would have been offered earlier and I know it's something that can be dealt with at a later time. That part doesn't bother me. I'm very comfortable with that. I'm always intrigued about his suggestions of retaliation there were, and that may be. Something Senator Scofield said intrigued me a great deal, and I have been fascinated that I haven't heard anyone from the other side respond to that, and that is a part of the bill that basically says to the women of the State of Nebraska that we don't believe that you're intelligent enough to make these decisions; we don't believe that you know what's in your best interests; we don't believe that, even though you've been being... are being told certain things, that you really understand. And it is fascinating. I'd really be interested if many of you took the bill and actually let some of the... your constituents actually read it that were women to see what, in fact, their reaction would be. I'd be fascinated to change the bill around somehow so it affected men in the same way on a different issue and feel what the men would say about forcing them to have certain bits of counseling, forcing them to wait before they can actually do something that they've decided that they want to do. It would be interesting.

SPEAKER BARRETT: One minute.

SENATOR BERNARD-STEVENS: It'd be a fascinating turn of events to have that happen. But the bottom line is all of this debate is about a bill that's unconstitutional. Bottom line is in some cases in western Nebraska, by the way the bill is, it may not be possible to get the kind of counseling that they need in order to get the permit signed on the informed consent. Bottom line is some people in western Nebraska who don't have a counselor or someone that fits the definition that's in LB 84 (sic), which I'll again bet that 90 percent of the people in this body still have no clue of what that definition is, nor care, that a lot of people in the rural part of our state have to go elsewhere to find somebody who fits the qualifications that are in the bill. I took the time to call counselors throughout western Nebraska and ask if they felt they qualified under the bill. They stated, the way the bill is written, probably not.

SPEAKER BARRETT: Time has expired.

SENATOR BERNARD-STEVENS: But if we'd a been allowed to make some (inaudible).. improve that situation. Thank you.

SPEAKER BARRETT: Thank you. Senator... excuse me, Mr. Clerk, you have a motion on the desk?

CLERK: Mr. President, Senator Chambers, I understand you want to offer a motion to adjourn until nine o'clock tomorrow morning, Thursday, April 5.

SPEAKER BARRETT: Have you anything to read in, Mr. Clerk?

CLERK: Mr. President, I do. I have your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LR 239CA and find the same correctly engrossed, LB 1141 and LB 1124. (See pages 1902-04 of the Legislative Journal.)

Mr. President, I also have three communications from the Governor regarding signed bills addressed to the Clerk: Engrossed LB 663, LB 663A, received in my office March 30 and signed by me on April 4. (See pages 1905-06 of the Legislative Journal.) A second communication: Engrossed LB 1125, LB 899, LB 260, LB 260A, LB 313, LB 313A, LB 488, LB 488A, LB 520, LB 567, LB 567A, received in my office on March 29 and signed by me on April 4 and delivered to the Secretary of State, Sincerely, Kay Orr, Governor. (See Page 1905 of the Legislative

Journal.)

And, Mr. President, finally a message to: Dear Mr. President and Senators, today I signed and delivered to the Secretary of State LB 259 and LB 259A, the School Affiliation bill. Because of the sincere fears expressed by a number of dedicated Nebraskans who have built strong Class I school districts, I reflected long and hard on this legislation. My decision was not an easy one to reach and I listened closely at various stages in the legislative process to leaders on both sides of the issue. In the end, however, it was my "bottom line" concern for assisting rural Nebraska and/or preserving the chance of county schools to keep offering a vital option to their families which led me to sign. Without this bill, we would face a crisis with the July 1, 1991 sunset on nonresident tuition. Furthermore, LB 259 creates an innovative affiliation mechanism that is not now available to Class I school patrons who are looking for tools for the future. On balance, my view is that LB 259 works... offers a workable solution to the divisive issue of school organization. It was developed over several years through the painstaking efforts of members of each type of school district. With four legislative sessions ahead of us before the implementation of Phase III, there will be numerous opportunities to modify this law, especially if any portion should prove damaging to quality learning opportunities. Barring such surprise, Nebraska voters can be expected to take the Legislature at its word and the declaration of LB 259 closes the book on a session of conflict over school district organization. It is my intention to continue to push rural revitalization aggressively. The three and a half years spent working on these complex issues have convinced me that we must do more to develop flexible approaches to the delivery of education in the majority of our beautiful state that is sparsely populated. Sincerely, Kay Orr, Governor. (See pages 1904-05 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The question is adjournment until nine o'clock tomorrow morning. Those in favor vote aye, opposed nay. Voting on the motion to adjourn. Have you all voted? Senator Schimek.

SENATOR SCHIMEK: Yes, I'd like to ask for a call of the house and roll call vote.

SPEAKER BARRETT: Shall the house go under call? Those in favor vote aye, opposed nay. Record.

CLERK: 18 ayes, 7 nays to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please return to your desks, record your presence. Senator Moore, Senator Lynch, would you record your presence? Senator Haberman, Senator Conway, Senator Lowell Johnson, please. Senators Pirsch, Johnson, Carson Rogers. Senator Rod Johnson, the house is under call. Members, return to your seats for a roll call. Return to your seats, please. The motion before the house is one of adjournment until tomorrow morning at nine o'clock. It is the understanding of the Chair that bills are down from upstairs. Call the roll, please.

CLERK: (Roll call vote taken. See page 1906 of the Legislative Journal.) 17 ayes, 27 nays, Mr. President.

SPEAKER BARRETT: Motion fails. Senator Wesely, do you wish recognition or...

SENATOR WESELY: Yes.

SPEAKER BARRETT: ..are you flapping your arms for other reasons?

SENATOR WESELY: I would like to get that housing bill advanced, if we could.

SPEAKER BARRETT: We are, I believe, currently considering a motion to reconsider a previous vote. In that event, I would have to call you out of order. Call is raised. Senator Landis, your light is on. Thank you. Senator McFarland, did you wish to discuss the motion to reconsider?

SENATOR McFARLAND: Yes, I would. It's obvious that the dilatory tactics have worked and I suppose we knew that. We know that the Speaker is a fair and decent man and that under the rules certainly these tactics can be used if, in fact, you follow the letter of the rules, which I think the Speaker has done. Before we close, I'd like to respond to a few things that I think, because so many times there are great distortion and people portray the other side as you're either a baby killer if you're on one side or you're a priest-driven, woman hater if

you're on the other side, there are responsible and concerned people on both sides of the issue and there are people who are legitimately concerned and really feel ambivalent about the issue. One of the things I think has been stated over and over again is about a woman's...deliberates and makes the choice and we should not, in any way, require some kind of waiting period or notice. I'd like...I don't know how some of the people are talking on this floor, particularly the men, because I...we have never been confronted with having to go through that choice process and I don't think any of us have ever had an abortion. I don't know how we speak with authority on that issue. I would like to just read briefly a description about the coupling of choice with unawareness in the abortion process. It was a statement by a woman who did have an abortion and the lack of knowledge involved in her choice. She says, I went in and I asked, what are you going to do to me? All the abortionist did was look at my stomach and say, I'm going to take a little fluid out, put a little fluid in, you'll have severe cramps and expel the fetus. I said, is that all? He said, that's all. It did not sound too bad, but what the doctor described to me was not the truth. Once they put in the saline there was no way to reverse it and for the next hour and a half I felt my daughter thrash around violently while she was being choked, poisoned, burned and suffocated to death. I didn't know, emphasis added, any of that was going to happen, and I remember talking to her and I remember telling her I didn't want to do this, I wished she could live, and yet she was dying and I remember her very last kick on her left side. She had no strength left. I've tried to imagine that kind of death, a pillow put over us suffocating us. In four minutes, we'd pass out. We'd have the gift of passing out, and then dying. But it took her an hour and a half just to die. Then I was given intravenous injection to help stimulate labor and I went into hard labor for 12 hours and at 5:30 a.m. on the 31st of October I delivered my daughter. She was 14 inches long. She weighed over a pound and a half. She had a head of hair. Her eyes were opening. I got to hold on to her because the nurse didn't make it to the room on time. I delivered the girl myself. They grabbed her out of my hands and threw her, literally threw her, into the bedpan and took her away. This woman regretted her decision. She thought she was making the right decision and yet, when she went through the process, she didn't know what was going on, she wasn't informed. The idea of the bill was to try to prevent that or at least give a clear understanding of what the abortion is so that you wouldn't have the woman that...who wrote that story coming back

and regretting an abortion that was performed at a time when she was under considerable stress and was being, in effect, coerced into having an abortion, and there are many others like her and I don't know if many of you hear them. I know you've received letters from them and...

SENATOR BARRETT: One minute.

SENATOR McFARLAND: ..and they are out there. They do exist. And, frankly, some of the strongest people in the pro-life movement and I think a majority of them if I read the numbers right, at least at the conference this past weekend, are women. They're not men trying to dominate women in some way that is alleged, and outrageously alleged, on the floor. They are actually women who have either been through the process; known someone who has had an abortion. They realize the consequences of it. They realize the harm and the damage that it does, and this bill would have tried to delay that decision, give some women a second chance to consider a choice that they would regret for the rest of their life. It's unfortunate that the bill won't be considered this year or voted upon. It will be back next year, I'm sure, and I urge...I won't be back, but I urge members here to keep up the fight and I urge Senator Labedz to keep introducing legislation of this nature because there needs to be...

SPEAKER BARRETT: Time.

SENATOR McFARLAND: ..some kind of limitation on the type of abortion that is going on in our society, a type of abortion we should be embarrassed about.

SPEAKER BARRETT: Senator Landis, please; followed by Senator Morrissey.

SENATOR LANDIS: Thank you, Mr. Speaker. I have to confess that if I was looking at this situation this would not be a happy nor a confidence-building experience for an outsider to take a look at. On the other hand, if I understand the McFarland motion right, which is up shortly hereafter which is to vote on this measure without amendment, without motion, it would be possible for John Lindsay to be the first person in the history of the state to introduce a bill into the Legislature and never have to give an opening speech on the bill all the way through the process. Wouldn't be required of him on Final Reading. He

didn't give it on General File. He has never made the opening speech of an introducer, which I'd love to hear. With respect to the question that Senator...and that, by the way, should not either be a very good prospect. Neither of those should be satisfactory. The question that Senator McFarland just raised, which was the story that he read, is...cannot happen in Nebraska without a violation of our medical malpractice law, because it is already in our law that there needs to be a discussion of possible alternatives to abortion, the discussion of the abortion procedures to be used, of the particular risks associated with the abortion procedures to be employed in that case, and that there are agencies and services available for the prevention of future unintended pregnancies. In other words, our existing law would not let the story that Senator McFarland just read on the floor happen in this state without a violation of the Medical Malpractice Act or standards of this state. In fact, what does happen in this state? Well, this is from the Women's Medical Center of Nebraska, which does, in fact, abortion counseling and services. This is the counseling pattern they go through because, unlike the story that Senator McFarland read to you, this is what happens in Nebraska. There are two sessions. In the first session, it's a private session between the patient and the counselor. The counselor asks questions in order to discern whether the patient is sure of her choice. The patient is asked to describe the circumstances which led to her decision and whether she had considered all options, including adoption and parenting. The counselor helps the patient assess the presence of resources that might support her, such as family members or significant others who might assist her as a single parent. Counselors ask the patient whether she is aware of community resources, such as social service agencies. Patients are then allowed to ask questions and are answered about fetal development and printed material is available to the patient who requests additional information on that subject. All counselors are trained to note patient ambivalence and, if so, to illicit responses which would indicate the patient's feeling toward her choice. If there is indecision, they are informed that they need more time to consider their options. It is suggested that they go home. The role of the counselor is to support and encourage such patients to reconsider their choice and each day two or three patients are encouraged to reconsider. If, in fact, they do, the patient's fee is refunded. The patient is escorted from the clinic. Many return. Some do not and continue through their pregnancy. Following that first session, which is the normal

standard protocol that's used at the Women's Medical Center of Nebraska, there's a second session. In the second session, there are three to five women in a group situation with a counselor. In the second situation, by the use of visuals, they demonstrate the vacuum aspiration method. They demonstrate and show the surgical instruments that are used. They explain the risks and complications which can occur and those include infection, perforation of the uterus, bleeding, and incomplete abortion. Patients discuss this information as a group...

SPEAKER BARRETT: One minute.

SENATOR LANDIS: ..and ask questions. In addition, in the second part of the second session, they go on to discuss contraceptive information so as to not let this happen again, methods of birth control such as natural family planning, condom, foam, diaphram and oral contraceptives are demonstrated through the use of visual materials. The story that Senator McFarland told you is either not current or it does not happen in Nebraska. As far as I can tell, this is the working protocol of the places in which people get abortions in this state and those are clinics in Omaha. It is not the situation Senator McFarland describes and it seems to me that that is a sensible, informative arena in which that decision is discussed with the help of a counselor and reviewing alternatives, reviewing resources, reviewing contraception to make sure it doesn't happen again. That seems to me the basis of informed consent and...

SPEAKER BARRETT: Time.

SENATOR LANDIS: ..and adequate protection for the state's interest.

SPEAKER BARRETT: Senator Morrissey.

SENATOR MORRISSEY: Thank you, Mr. President and members. There's Senator Landis again, yak, yak, yakking away and not saying nothing, just wasting time. If you weren't listening, that might be what you'd think. But a lot of this debate and a lot of the debate that went on last Friday elicited a lot of response from a lot of people that watched and listened. You see, there's things being brought out that I really didn't know about, things being brought about, questions being asked, points being delivered on this issue that I never really had thought

about. I think Senator Landis made some very good points. Was anyone listening? If you were listening, did it register? Is it happening? Is it happening? He went through a very good procedure that takes place, but nobody hears that. I stood to... let's see, where we at... we... I support the reconsideration of overruling the Chair. It's been real tough maintaining our consistency here lately the way things have been going, kind of like steeling hubcaps off a moving car, which I used to be able to do in my younger days but I can't do anymore. Too old. But we talk about perverting the rules. I pervert, you pervert, let's all pervert the rules. We pervert the rules to prevent us from perverting the rules. Don't pervert the rules so I can suspend all the rules. It's even been suggested that the Chair make an improper ruling because it's convenient. It's convenient. I don't think that's right. I don't think that's right. The Chair should rule on the proper interpretation of the rules, and that can vary, that interpretation, from time to time, but we should never rule because something is convenient. Another argument that's been thrown about as we're just standing up here, the minority, the so-called minority, holding up the majority. Well, since when does the majority have a lock on the right answer? Since when? Was the majority correct when the women had no rights, no rights whatsoever? I'm sure you can all think of a time in your own experience on this floor when you were convinced that the majority was wrong. I know I can, this time being one of them. Was the majority correct when children were oppressed and worked 14 hours a day? Was the majority correct when workers were killed and beaten for standing up for their own rights and the government supported it? Was the majority correct then? Was the majority correct when International Workers of the World, the Wobblies, were beaten and called "Communists" for reading out of the Constitution and then jailed? Was the majority correct there? Was the majority correct in World War I when a lot of working class and poor went to war and died for Wall Street? Or was the minority, George W. Norris, correct when he said, we put a dollar sign on the flag; we're going to war for Wall Street? Was George W. Norris, the majority (sic)...

SPEAKER BARRETT: One minute.

SENATOR MORRISSEY: ..the minority, I mean, was he right then or was the majority that said we better go or Wall Street will lose money? Who says you folks in a majority have a lock on the truth? I'm standing up here and galvanizing people in my

district against me because I think it's the right thing to do. I don't like making sausage of politics and giving and taking and making enemies that will never vote for your bills again, right or wrong. I don't like that. I've tried to come up here and do what I think is right, as hard as that may be at times, and that's what I'm doing right now, exactly what I think is right. Thank you.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, there are some voices that are crying in this wilderness which ordinarily you would not hear from. One of them is Ted Turner. He owns a television network, TBS, Turner Broadcasting System, and also TNT, Turner Network... Turner... well, anyway, TNT. And what Turner did in July of last year was had the audacity to put on a television program. It aired July 20th, July 22nd, July 23rd, and it was about abortion for survival and he got all kinds of letters and threats from the people who called themselves "pro-life" about what would happen if he showed this program. And he said, in so many words, you all don't know who you're talking to; you can complain all you want to; you can protest all you want to; this program is going to be shown. And they said, we will boycott your network. Now I don't have it on authority that he said this, but it's anecdotal, something like the story that Senator McFarland read. Ted Turner said, well, with the level of programming I have it's above your reach, you don't watch it anyway, so how are you going to boycott it? Do your worst. They did their worst and they couldn't do anything. They get hard-eyed, slack-jawed and angry, but they can't do anything. They're impotent. But when they're dealing with a woman who has to go to get one of these abortions, then they become very, very aggressive, very, very forceful and they try to put that woman in fear of violence from them, and that is not appropriate. Now those women can be intimidated, but there are people who will help her. Ted Turner is not such a person and the program aired and it did a lot of good because it brought information from a source that you would not ordinarily find it. I applaud Ted Turner, I applaud others who are willing to assume the responsibility that they have to the public by having those broadcasters' licenses. They must inform the public they...

SPEAKER BARRETT: Excuse me, Senator Chambers. Senator Dierks, for what purpose do you rise?

SENATOR DIERKS: Point of personal privilege, Mr. Speaker.

SPEAKER BARRETT: State your point.

SENATOR DIERKS: The point is that we're supposed to be discussing the reconsideration motion to overrule the Chair...

SENATOR CHAMBERS: Mr. Chairman.

SENATOR DIERKS: ..yet we are discussing something to do with abortion...

SENATOR CHAMBERS: That's inappropriate.

SENATOR DIERKS: ..and I believe...

SENATOR CHAMBERS: Mr. Chairman.

SENATOR DIERKS: ..we need to stick to the subject.

SENATOR CHAMBERS: Mr. Chairman.

SENATOR DIERKS: Senator Chambers is not sticking to the subject...

SENATOR CHAMBERS: A point of personal privilege.

SENATOR DIERKS: ..and I believe we need to talk about the subject.

SPEAKER BARRETT: (Gavel.)

SENATOR CHAMBERS: Point of order. A point of personal privilege.

SPEAKER BARRETT: Your point has been made, Senator Dierks. Thank you.

SENATOR DIERKS: Thank you.

SENATOR CHAMBERS: A point of personal privilege first goes to the reputation of the member and, secondly, to the reputation of the body and is not to be used to engage in debate, so that was out of order, but I can understand...

SPEAKER BARRETT: That is correct.

SENATOR CHAMBERS: ..and it shows what we're dealing with. Talking about the rules. I haven't violated the rules. The other side has. Have you heard me stand up on a point of personal privilege, violate the rules in that fashion? No. Have you seen me stand up and interrupt somebody? No. I don't have to do that because the position that I take is right. The position is one of justice and I don't have to go outside the rules to do that, and I don't have to fabricate stories to make a point. We're all grown men here. I'm somebody's son, but I'm not anybody's child. Somebody going to look at me and act like they going to chastise me? This is nonsense, and that's the attitude that we see in bullying and intimidating these women. They're too accustomed to looking angry at somebody and they shake in their shoe leather and take off running. They've lived in the wrong place for too long and they don't understand the underside of the garment and the kind of people who are not going to take that kind of mess. We need more people in here who will stand up and speak up and do whatever is necessary to advocate. In knowledge there is power, and when you know, and know what you know...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ..you can stay within the rules. I don't have to get people here to say that the words don't mean what words clearly mean, because what I do is within the rules that this body adopted. Everything I do is within these rules, everything, and that's what angers people. They can read the rule book. And I'm not going to have anybody tell me how to make the point that I'm making either and whether I'm on the subject or not. They may just not understand what I'm talking about. I speak sometimes in words of more than two syllables because the thought I'm trying to convey takes more than two syllables. And somebody's going to have the gall to tell me how I'm to express myself; how I'm to unburden my mind? No way.

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: Not.

SPEAKER BARRETT: Senator Schimek. The question is the motion to reconsider the previous vote.

SENATOR SCHIMEK: Mr. President and members of the body, I rise to support the motion to reconsider the previous vote and the reason that I do is because I feel that this discussion is needed, that we have to have some way of talking about this issue and this seems to be the only way to do it. You know, I'd like to refer back to some things that Sandy Scofield said on the floor earlier tonight and I thought she was very articulate and she probably expressed what a great many women feel about this issue. Senator McFarland, earlier this evening, said that most people support a waiting period. Well, first of all, most people aren't affected by the waiting period, Senator McFarland, because about half the population of the United States are male. If you ask the women who are faced with unwanted pregnancies, they do not make these decisions about abortion lightly or alone. And I'm not wanting to sound sexist about what I'm saying. I'm just... I'm just trying to state the facts. Almost all women having an abortion say they have more than one reason for wanting the procedure. On average, women give four different reasons for wanting to terminate their pregnancy. A 1981 study found that 88 percent of the women who came to several abortion clinics in Tennessee said they had consulted at least one person before coming to the clinic. Now I don't know of any such study that's been done in Nebraska so I can't quote figures from a study in Nebraska, but I would guess that it would be reasonable to speculate there might be some correlation. Forty-two percent of the women said they had consulted their partner, 35 percent said they had consulted a close friend, and 17 percent that they had talked with their mother, and 2 percent said they had talked with a minister or guidance counselor. Very few women, in other words, went to an abortion clinic without having agonized over their decision, and I do believe that what Senator Scofield said earlier, that we mustn't presume that women cannot make these kinds of decisions. It's very personal, it's very private and it is very intrusive for government to involve itself in these kinds of decisions. I said on the floor before and I'll say it again, I don't think government should be involved in this decision nor, nor would I support government funding, Senator Chambers, and I'm sorry to say, but I would not support government funding for abortions because I don't believe this is an area that government should be involved in. Thank you very much.

SPEAKER BARRETT: Senator Labedz, please. Question has been called. Do I see five hands? I do. Shall debate now close? Those in favor vote aye, opposed nay. Voting on ceasing debate.

Have you all voted? Record.

CLERK: 26 ayes, 3 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. Chairman and members of the Legislature. This motion is one to reconsider a vote that we took earlier. That vote, in effect, overruled the Chair. The Chair had ruled correctly. It was whether or not a bracket motion has been decided when the bracket motion continues to be in its unaltered form. The Chair correctly ruled that the motion had not been decided because there had not been a vote on the motion. Senator Lindsay persuaded a majority of those voting to say that, despite what the rule clearly states, it doesn't make any difference. Vote that the motion has been decided even though, in fact, it has not. Now, if you're talking about perversion of the rules, that is one. That's perversion of the language too, but those are the tactics that are resorted to on the floor of the Legislature, in the streets, wherever. One design to bulldoze and use either force or the threat of it to work your will. In some settings it will work; in others it will not. Some years ago there was a boxer called Sugar Ray Robinson. He was a middle weight. At his top weight he may have weighed 165 pounds. They say pound per pound he was the greatest fighter who ever lived. But because he was such a great fighter they wanted to match him against another young powerful heavy weight named Floyd Patterson, and Robinson said there's no way as small as I am that I'm going to get in the ring with that man and fight him. And they began to wave more and more dollars in front of Sugar Ray Robinson and do you know what Sugar Ray Robinson said? The more I look at that money the more Floyd Patterson begins to look like Tom Thumb. Now, when I watch football games, there are announcers who will talk about these big players and say, wow, I wouldn't get out there in his way; wow, if he looked at me like that I'd take off running. Well, that's why he's in the box announcing because he's a coward. It's not the size of the man in the fight. It's the size of the fight in the man. And if people are making veiled threats they shouldn't make them veiled. They should come on out and say what they got on their mind. In the street they tell you, you say another word and I'll hit you in your mouth. Then you decide if you want to say another word. And then if the one think's he's big enough to hit you in the mouth, he proceeds to try to carry out what he said he's going to do. And

then if you're a little weak-kneed, spineless coward you take off running, but if you're not then you let him know. You might get a dinner but I'm going to get a sandwich in the process. And if we reach that level, that's the way we deal. Senator McFarland's over here chuckling. He knows on the field where you play things like that happen. We hope that when we get older and wiser and more mature we don't result to things like that, but if people make statements to me that I interpret in that fashion I've got to let them know that if it's a message being sent I received it. And if they didn't mean it the way that I took it then there's no harm done. But if they did mean it that way, I don't run from anybody, I don't hide from anybody. I'm in and out of this Chamber, I'm up and down the corridors, I'm in my office. On this motion, the Chair was correct. One of the last acts that we do this evening should be to vote according to what we know to be the truth. But there is more than just that motion...

SENATOR BARRETT: One minute.

SENATOR CHAMBERS: ..that is being voted on. That's why it's so difficult to have what's called the judicial temperament because things other than the merits of the case enter in and they sway the judgment of the one who has to make the decision and objectivity is lost. The Chair was correct; the Chair was objective. The vote was in error. This motion gives us a chance to correct that, so my motion to reconsider that vote requires 25 votes and I hope that we can get those votes and begin the process genuinely of restoring some balance and equilibrium so that when we have to come here tomorrow and the next day that we meet things might be somewhat different from what they are tonight.

SPEAKER BARRETT: Thank you. You have heard the closing, which... and the motion is to reconsider the previous vote, which was the overruling of the Chair offered by Senator Lindsay. Question is, shall the question be reconsidered? Those in favor vote aye, opposed nay. Voting on the motion to reconsider. Have you all voted? Record, please.

CLERK: 11 ayes, 20 nays, Mr. President, on the motion to reconsider.

SPEAKER BARRETT: The motion fails. Next item.

CLERK: Mr. President, I now have a priority motion for Senator Chambers to recommit LB 854 to the Judiciary Committee.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: And, Mr. Chairman, this motion is specifically authorized by the rules, specifically authorized by the rules, and it is a priority motion. I am operating within the rules. This bill needs to go back to its source. It needs to return to that place from whence it came. I opposed this bill when it was in committee and I felt it would be a mistake to send it on to the floor, not just because of the kind of debate and the fractious time we would have as a result, but it's not a good bill. It's ill-advised. It's poorly thought out and it should not have seen the light of day from that committee. If it had not been Senator Lindsay's priority bill, there's a good chance it would not have gotten out here. But sometimes, to use Senator Landis's word, the collegiality is carried a step too far, in my opinion, and we agree to do things to help a senator which wind up being detrimental. But since it's out here it has to be dealt with. Now I'm trying to send it back where it came from. We've all seen those movies on television and in the movie houses of these forces that are let loose...

SENATOR McFARLAND: (inaudible).

SENATOR CHAMBERS: You're not on yet. You're not on yet.

SENATOR McFARLAND: (inaudible).

SPEAKER BARRETT: I'm sorry. Senator McFarland, proceed.

SENATOR McFARLAND: I'm reading Rule 7, Section 3, talking about the priority of motions and it talks about the order of preference and the first one is adjourn, motion for the previous question, then to postpone to a time certain, and then last... then to recommit to a committee. My understanding is that where we're dealing with a bracket motion was to postpone to a time certain and now I don't think this motion to commit to a committee takes precedence over that under our rules.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: We haven't disposed of the bracket motion

yet? I thought that had been disposed of on the last vote.

SPEAKER BARRETT: Senator McFarland, in the opinion of the Chair, we eliminated that bracket motion when Senator Lindsay successfully overruled the Chair. Therefore, there is not a bracket motion pending at the present time.

SENATOR McFARLAND: I'm sorry, there is no bracket motion pending?

SPEAKER BARRETT: That would be my... that would be the...

SENATOR McFARLAND: I thought we went to a... there was an original bracket motion, then an amendment to the bracket motion.

SPEAKER BARRETT: But when Senator Lindsay overruled the Chair, that eliminated that bracket motion.

SENATOR McFARLAND: But then we're still on the original bracket motion, aren't we?

SPEAKER BARRETT: No. The motion that we're presently debating is in order.

SENATOR McFARLAND: Far be it for me to move to overrule at this point. Thank you, Mr. Speaker.

SPEAKER BARRETT: Thank you for bringing up the question. Senator Chambers, would you continue on your opening to refer the bill?

SENATOR CHAMBERS: Since you request in such a nice, genial manner, I certainly will accommodate you and continue. Mr. Chairman, as I was trying to indicate, and the word "bracket" was up on the screen so I can understand Senator McFarland who was about to call me for being fallible, but we know that I'm fallible, I'm a member of the Legislature. But, at any rate, I was talking about those kind of movies where somebody will open a book and chant some incantation, draw symbols and go through ceremonies. Then the ground will open, green smoke comes up. Then a shape materializes and a creature from the nether regions will present itself and either be a malevolent force which will punish the one who called it forth, or be the servant of that one. This bill, LB 854, fits into

that category of the malevolent one that will come forth and turn on the one who summoned it forth. This bill and the other one related to it, a member of the same family, is the reason that we have not gotten as much done this session as we ordinarily would get done, and we know that. It is only appropriate that we consign it to the point of origin. I believe there are a number of people on this floor who may be in favor of restricting abortions who rue the day that this bill ever emerged from the Judiciary Committee. There are people who will put themselves in a position where they have got to hold to a point that they no longer think is valid. It's regrettable, but that is human nature and we all know it and we all understand it. I don't think anybody felt during the whole time we've been discussing this and the other bill that anybody's mind would change or that anything would happen other than what already has. Nobody can leave here disappointed. Nobody can leave here surprised. There was truth in advertising on the part of all of us. We knew what each other's position was and those positions have not softened, they have not weakened in any way, and we will probably fight this battle again and again unless, unless the Supreme Court, between now and the next time we're in session, which I don't believe is going to happen, comes out with some kind of ruling that makes what we're doing now unnecessary. But who knows how to predict what that court will do? Something could be done by the Eighth Circuit, although I don't know what's pending there from all the various states that are included in the Eighth Circuit. But one thing we do know for sure, a bill requiring a waiting period which is on tne books of Nebraska has been enjoined by the Federal District Court here and it cannot be enforced. So why offer another piece of legislation that is a practical mirror image? Senator Lindsay, when we were discussing this in the Judiciary Committee, said he felt that with the makeup of the present U.S. Supreme Court there is a chance that they might change their mind, but he knows and knew then that as of this moment this bill is unconstitutional, because its twin has already been enjoined. If the Supreme Court should get a case that bears directly on this issue and rules the way Senator Lindsay and others would like, the injunction against that law which is on the books now would be dissolved, and the law requiring a waiting period is already on the books. So why are we doing all of this? To make a point. To beat somebody down and win. Not for the people of Nebraska, not to do anything to the honor of the Legislature, but to please an organization whose headquarters are in Washington, D.C., so that they can put out a

little sheet that they send around the country and say we got these Legislatures to pass our bill. Not the Legislature passed its bill, but the Legislature passed our bill. That thing that wound up leaving the Legislature in Idaho trundling, shuffling and staggering its way like Carlos the Mummy over to the Governor's desk, dragging all that putrefaction behind it and the Governor looked at it and he said to the legislators, you send me something like this? And he dispatched it in the way that he should. I read an article about that after he vetoed it. The World-Herald praised him for vetoing it, so did national columnists throughout the country. But the article revealed that 15 states rejected this, 15 states. Had they brought it to Nebraska, that's one of them we'd be arguing out here. We'd be arguing that one because there are people in this Legislature who will carry anything that that group tells them to carry. I remember Senator Lindsay and I appeared on a program called "Dateline Nebraska", or something like that, on ETV and Senator Lindsay's friends and a couple of mine watched the program, and those six people who watched it, he didn't watch but he was there and at that time he wasn't sure exactly what kind of legislation he would bring, but he did say that some of that other kind of stuff that people had said he was going to bring he wouldn't and he didn't, and he didn't. So there are some people who do exercise some discretion in judgment and will not be a dumping ground for just anything. The bill before us now is one that can do only one thing, even if it were enacted, if it were signed by the Governor and it were upheld, and that would be to burden a woman's decision. But in looking at these vetoes that the Governor handed down, I see a little inconsistency in her. Now she has indicated, I believe, that she would sign any piece of anti-abortion legislation, but with this number 26, this Agency 26, Social Services, transitional benefit, AFDC client, she vetoed it. Domestic Violence Program aid, she vetoed it. Do you know why she vetoed it? Because, she says, the Legislature sends this over here and they don't believe in it; look at the other things that they do. She is trying to do what she thinks the Legislature really wants. She is trying to get in step with the Legislature. But I hope what we will do is let her know that we meant for those...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...bills to take effect. We meant to give some transitional assistance to these women trying to get off

ADC. We want to try to give some assistance to those programs designed to attack and eradicate, if possible, domestic violence. So our job is clear on those two propositions. They should be overridden without a dissenting vote. Then there is an arguing point for the proposition that there is concern about those who are in the world without questions and undeniably those poor women, and by "poor" now I mean impoverished, who are trying to lift themselves out of that situation and they don't want to continue getting that handout, they want that hand. They want that assistance that will let them walk upright as this society demands. So while we are talking about the bill before us now, I hope we will not forget those issues that still...

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: ...remain to be dealt with.

SPEAKER BARRETT: Discussion on the motion to refer the bill. Senator McFarland, followed by Senator Lindsay.

SENATOR McFARLAND: Thank you, Mr. Speaker. I don't think the bill should be referred. It wouldn't do any good. I don't know which committee it is even going to be referred to. I don't know if the motion says that, says that it is going to be referred to the Judiciary or not. Certainly, we are going to adjourn in a couple of days. I think it is appropriate to respond to a couple of arguments. The assertion is made that all decisions now being made on abortion in Nebraska are thoroughly reviewed, thoroughly discussed, thoroughly understood, and it is a reasoned and rational choice and no one ever regrets the decision. To those senators who make that assertion, I would just say read your mail. Read the mail that I have received, and that says copies to other senators, about women who have been through the abortion process recently and regret it. Read the mail about the woman who was considering the abortion and got up to the point of having the abortion, and decided, with the support of her parents and after talking with them, that she decided not to have the abortion, and she sent the little picture of her, I think, four-year-old child there. Respond to the phone calls and the letters that you get, I have received letters from people who are opposed to the abortion and the way it is being done in Nebraska and they have already communicated to some of my fellow Lincoln senators who then said, I am sorry, you don't live in my district, and they refer

them to me because they don't respond. I don't know how anyone on this floor can speak with authority about how the abortion counseling goes on within Nebraska unless they have been through the process themselves, and I don't know of anyone here who has been through that process. Talk to the people in Nebraska and the women in the groups who are opposing...who are pro-life position, who have been through the abortion process, and can tell you that it is not a reasoned and fair decision, objective decision that they make, and they don't receive the type of counseling that has been implied on the floor here. One thing that comes up, I think there have been some sexist remarks made here because I don't consider the abortion issue just a woman's issue. There are lots of parties involved, and we, as a society, are involved in the whole abortion issue, and to try to say that it is only a woman's issue and that men or anyone else, or other women that have not had abortions should not have any say or any concern or any interest in this whole issue I think is totally inappropriate and shows the polarization that sometimes occurs, and the lack of clear thinking or of reasoned thinking that occurs on the issue. There are lots of...there are young men who have come and written me, and one who is a friend of my son's who were the fathers of children, potential children, if you want to call them that, who were aborted, and they found out about that abortion after it had occurred. They knew, in the one case that I recall in particular, the one young man knew that the young woman was pregnant with his child and yet she went away, had the abortion, and he didn't even know that she was considering it. He was concerned about it, making plans.

SPEAKER BARRETT: One minute.

SENATOR McFARLAND: The abortion occurs, he had no say about the whole process because he wasn't involved in the entire process. There are lots of people, and we, as a society, and everyone in our society should be concerned about this whole tragedy, and I would just cite to you that whatever statistical analysis you say that you get, if you look at the analysis of the research that is done, 95 percent of the abortions that occur are not for rape, they are not for incest, they are not for deformed children. They are for cases where the woman doesn't want to interrupt her career, the woman hasn't completed her college education, the woman has felt parental pressure and doesn't want to embarrass her family. The vast majority are, in effect, birth control reasons.

SPEAKER BARRETT: Time.

SENATOR McFARLAND: And those are the primary reasons for the abortion decision. It is a post birth control type of decision that is made.

SPEAKER BARRETT: Thank you. Mr. Clerk, you have a priority motion.

ASSISTANT CLERK: Mr. President, I do.

SPEAKER BARRETT: Do you have something for the record first, Mr. Clerk?

ASSISTANT CLERK: Yes, I do, Mr. President. Senator Warner would give notice to the Appropriations Committee that they will meet tomorrow at noon in Room 1003. I have amendments to LB 1062A and LB 1062 to be printed from Senator Schmit. The priority motion, Mr. President, is to adjourn until nine o'clock tomorrow morning. That is from Senator Chambers.

SPEAKER BARRETT: Thank you. The question is adjourning until tomorrow morning at nine o'clock. All in favor vote aye, opposed nay. Have you all voted on the motion to adjourn? Have you all voted if you care to vote? Record.

SENATOR LABEDZ: I would like to have a call of the house.

SPEAKER BARRETT: A call of the house has been requested. Shall the house go under call? All in favor vote aye, opposed nay. Record.

CLERK: 25 ayes, 3 nays to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Please record your presence. Those members outside the Legislative Chamber, return, please, and check in. Senator Schmit, would you check in, please. Senator Pirsch, please check in. Did you request a roll call, Senator Labedz? You requested a roll call. Thank you. Members, return to your seats please. (Gavel.) Mr. Clerk, would you call the roll on the motion to adjourn.

CLERK: (Roll call vote taken. See pages 1910-11 of the Legislative Journal.) 20 ayes, 26 nays, Mr. President.

SPEAKER BARRETT: Motion fails. Do you have a motion, Mr. Clerk?

CLERK: Mr. President, Senator Bernard-Stevens would move to amend the Chambers motion to refer to committee. (See FA461 on page 1911 of the Legislative Journal.)

SPEAKER BARRETT: Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker, and members of the body, I will speak a couple of minutes and yield the rest of my time at that point to Senator Scofield.

SPEAKER BARRETT: Excuse me, state your point.

SENATOR LAMB: Is that motion amendable?

SPEAKER BARRETT: The motion to refer?

SENATOR LAMB: To refer to committee, I am not sure that is amendable.

SPEAKER BARRETT: To a Standing Committee? Yes. Proceed.

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker.

SPEAKER BARRETT: Raise the call.

SENATOR BERNARD-STEVENS: I disagree somewhat with Senator Chambers, as one of the things that I think has been somewhat troublesome on the whole bill is that, and this is nothing against the Judiciary Committee at all, but a lot of these issues, particularly LB 854 has to do with a lot of health benefits as well, both some positive to health benefits and some negative to health benefits, but I think it only proper that we recommit the bill to both the Judiciary and the Health and Human Services Committee so that we can get the kind of overall viewpoints, I think, from all angles so that we could come out with a bill hopefully next time that not only is considering the legal part of it, whether it is constitutional or not, and constitutional tests for whomever's agenda, but also look at the compassion part and the health risk or the health benefits on it, and put that in there as well. And I think that would only serve to be the better place for it to go, and at this point, I

yield the rest of my time to Senator Scofield.

SPEAKER BARRETT: Senator Scofield.

SENATOR SCOFIELD: Thank you, Senator Bernard-Stevens. Mr. President and members, it's worth looking at this bill if you haven't looked at it to really read it and to look at the provisions in the bill. It's a pretty bizarre piece of legislation. I made my point earlier that I really think that it makes a lot of assumptions about what women are capable of deciding and what they are not about themselves and their families and I don't think this is really going to solve any particular problems, the questions that have been raised about would it be constitutional. I'm trying to determine in here even who would be qualified to provide this information out here and assuming that you even agreed with the provisions of the bill, it seems to me that this treats people in the state unfairly and I'm going to confess that there is a lot of things that I don't know here, a lot of things I don't know about what is available in this state in terms of services. It's always a pretty safe bet though if you come from where I come from that there are lots and lots of services in Lincoln and there are lots and lots of services in Omaha and the rest of the state, frankly, doesn't have very much. And I'm curious and perhaps someone who is a sponsor of this bill could tell me, because I honestly do not know, and I will start with the sponsor of the bill, Senator Lindsay. Is he around?

SPEAKER BARRETT: Senator Lindsay, would you respond, please?

SENATOR SCOFIELD: Senator Lindsay, where in this state can a woman now get an abortion, in what cities, do you know?

SENATOR LINDSAY: I believe there is a couple places in Omaha. I'm not sure, I think they're available in Lincoln. The bulk of western...shoot, I can't remember the phrase, I think it's western Nebraska, those areas outside of Omaha and Lincoln.

SENATOR SCOFIELD: That's good, Senator Lindsay.

SENATOR LINDSAY: I think they would generally go to Colorado, to Denver would be probably be closer.

SENATOR SCOFIELD: Is it your impression there is nowhere other than Lincoln and Omaha in the State of Nebraska you can get an

abortion? I honestly don't know, I'm asking you for information.

SENATOR LINDSAY: Well, as far as...you know, it depends what you're talking about, whether it's...

SENATOR SCOFIELD: Legal.

SENATOR LINDSAY: ...emergency abortion.

SENATOR SCOFIELD: Let's talk legal here.

SENATOR LINDSAY: Well, I'm talking about emergency abortion or whether we're talking about a planned abortion. The emergency abortion, my guess is can be done by any physician if it's an emergency to save the woman's life or whatever. I think those can probably be done...

SENATOR SCOFIELD: But that's outside the...

SENATOR LINDSAY: Right, if you're talking about the...

SENATOR SCOFIELD: ...this bill.

SENATOR LINDSAY: ...elective abortions, I think, if I remember right, there's a place on 49th and L in Omaha and a place about 46th and Farnam in Omaha and then I'm not sure if there is a hospital in Lincoln or not that does them.

SENATOR SCOFIELD: Thank you. I don't know who is on this from Lincoln. Anybody here from...? Senator Crosby, is that true, that Lincoln and Omaha are the only places you could get an abortion in this state? You don't even know if there is a place in Lincoln?

SENATOR CROSBY: Discontinued, right, Senator Landis? Right, Lincoln is not...

SENATOR SCOFIELD: Is that true, Senator Landis, there is no place in Lincoln?

SENATOR LANDIS: To my knowledge there is not an operating clinic now that does elective abortions in Lincoln.

SENATOR SCOFIELD: And I don't know if there is any...I guess

then, Senator Nelson, what do you know about this subject? I see you're telling me this over here. I'm trying to figure out where those services are available.

SENATOR NELSON: From our information given to us in the Judiciary hearing, there are two and maybe three clinics in Omaha and I believe outstate all of those people, or in God's country, have to travel to Omaha and Lincoln for an abortion and I think the University of Nebraska in the last year, because of the fact that they found out they could not get Medicaid or Medicare remittances, they I think performed three and maybe four abortions because they found out it was illegal for them not to perform them, but it's certainly not a practice there, but it's two in Omaha. So the people from outstate would have to travel that distance and stay overnight.

SENATOR SCOFIELD: Thank you, Senator Nelson, you're better informed I think than Senator Lindsay, but I still haven't taught you not to say "O" word but I forgive you. (laugh) I guess the other thing, as I look at this bill and I try to figure out what is trying to be accomplished here and being as kind as I can because there have been some other points made here about what is trying to be accomplished here, I have to wonder that if this isn't an economic development bill for Omaha because it looks to me like that this puts a burden on people who don't...who live some distance from Omaha and so presumably this is the new 775. This brings business into Omaha. It's probably...probably we're blaming all the wrong people for this bill. This is probably supported by Omaha motel, restaurant owners and gas station owners who want us all to drive into town I guess and spend money in Omaha and this is another way to just lure women to Omaha. I figured this was part a Lincoln plot because you know, I don't trust Lincoln or Omaha either one, but apparently Lincoln has gotten out of the business. So I guess I have to assume that this is a...that we've just misread the motives of this bill; that it is not at all what it appears on the surface, it's not harassment of women particularly unless you happen to live outside of Omaha. It's probably got all kinds of good intentions and it's...I think it's just economic development for Omaha. I think I've finally figured out what this bill is all about and Senator Goodrich is telling me that is as it should be. I guess I'm making a frivolous point and we're all getting a little goofy at 11:20 at night, but I just think you ought to read this bill. If you haven't read the bill, for heaven's sake, read it. This bill is...this bill,

again, I think it's just...it makes all kinds of assumptions about people and human behavior and what is proper for government to perform and not perform and the role of government and it's just plain out of line in terms of what I think is the proper role of government and I think it's absolutely appropriate that the thing go back to committee, as it's simply not anything that, regardless of what your position is on abortion, is if you've read this bill, I can't imagine that anybody would want to open up this kind of intrusion into personal lives by government, particularly in a state like Nebraska where we're not very pro government anyway and we get less pro government the further west we go. Thank you.

SPEAKER BARRETT: Senator Lindsay, followed by senators...excuse me, Senator Lindsay.

SENATOR LINDSAY: Thank you. Thank you, Mr. President and members. I remember watch...my high school basketball team, it was 21-0, when I was a freshman, we were 21-0 and we got into the district tournament and in the finals of district tournament, this was before they had wild cards too, the finals of district tournament, we were down 37-34 with like eight seconds left and the other team had the ball and even then I still held out hope. We lost the game. We lost this game. And that's why I want to take the opportunity, and that's actually had my light on for 35 minutes just trying to, I think there was a couple of people...just wanted to say a few things before we adjourn, but apparently was necessary to file an amendment to a refer it to a committee and that's how low we've gotten. We just want to say a few things. Now, in the middle of a filibuster, they're so good at it, we can't even get a word in edgewise. I talked about 45 minutes ago to my sister-in-law and my brother back in Omaha and they're back there watching this with their three-day-old daughter, hi, Molly. Believe it or not, they're members of the public and they can tell it's a filibuster. We haven't come right out and said it, but that's what is going on. It worked. We're not going to vote on the bill. It's something I guess...we'll take our...decide if we're proud of it or whether we're not proud of it. It's interesting that at eleven o'clock we start getting into some issues on the bill, come on, let's get serious. The bill has never been an issue, delay has been the issue and to come in and say that there is some big serious concern at 11:20 and maybe this ought to go back to a Reference...back to a committee because we've got to work out those problems about whether abortion facilities

are available statewide. That's not the point. I've just been...it really has gotten humorous and I don't know when it turned funny. I said the other day, reason left a long time ago and we're still here and I think it's true again tonight. I had a lot of things I wanted to mention, like constitutional issues. Somebody had mentioned that...well, I guess we talk about the sexist issue and whether we're being sexist and I don't know, I had hoped that I wasn't sexist. I think it's somewhat of a sexist, paternalistic attitude to say, you've got too much on your mind, honey, right now. We'd better not give you any more information about your pregnancy because you might use it. This bill is about information, it's about an informed choice. It was designed to indicate that, and I don't think anybody believes abortion is a decision that is taken lightly. It's not the type of thing that if you drive in from Grand Island or Scottsbluff or whatever, that you should be able to get in an afternoon's worth of shopping too. Yeah, you might have to wait overnight, but for a decision that is going to haunt you for the rest of your life, maybe that's important. I don't have anything else to say except to thank the members of the body for sticking it out. I appreciate you staying around. I think that does show that you're committed to your convictions. I appreciate it. I think the other sponsors do, those that have attempted to withstand the filibuster deal. With that, I'll give the remainder of my time to Senator Lamb.

SPEAKER BARRETT: Senator Lamb.

SENATOR LAMB: Mr. President, this morning the minister was Reverend Tom Stebbins from Christ Community Church and he read a poem and some of the people around here have been asking, well, why don't we adjourn? You know, Senator Beyer said, why are we here? I think this poem kind of explains it.

SPEAKER BARRETT: One minute.

SENATOR LAMB: It says...it's entitled "Don't Quit" and it's anonymous, we don't know who wrote it. "When things go wrong as they sometimes will, when the road you're trudging seemed all uphill, when the funds are low and the debts are high, and when you want to smile but you have to sigh, when care is pressing you down a bit, rest if you must, but don't you quit. Life is queer with its twists and turns, as every one of us sometimes learns, and many a failure turns about, when you might have won had you stuck it out. Don't give up though the pace seems slow,

you may succeed with another blow, success is failure turned inside out, the silver tint in the clouds of doubt, and you never can tell how close you are, it may be near when it seems so far, so stick to the fight when you're hardest hit, it's when things seem worse that you must not quit."

SPEAKER BARRETT: Thank you. Senator Scofield, your light is next if you'd care to...

SENATOR SCOFIELD: Mr. President and members...

SPEAKER BARRETT: Senator Schmit.

SENATOR SCHMIT: My light has been on for a long time. Senator Scofield spoke, if somewhat in jest, now you're calling on her again. I'd like to know if we're going to read those lights off on the board so we know...

SPEAKER BARRETT: No, Senator Schmit, we're going through the lights in their proper order.

SENATOR SCHMIT: I beg to differ...

SPEAKER BARRETT: Senator Bernard-Stevens yielded some time to Senator Scofield and she is coming up now in her regular turn.

SENATOR SCHMIT: Thank you, Senator.

SENATOR SCOFIELD: Thank you, Mr. President, and relax, Senator Schmit, because I'm going to let you listen to Senator Moore for a little while. Senator Moore.

SPEAKER BARRETT: Senator Moore.

SENATOR MOORE: Well, Mr. Speaker and members, at 11:27 on the 58th day, you know it's one of those things that when we go home next week, we're all going to go home and those of us in favor of LB 854 are going to...what are we going to do? We're going to go home, we're going to blame Senator Chambers, we're going to blame Bernard-Stevens, we're going to blame Senator Landis for holding us up. That's what we're going to do. We're going to say, we had the votes but those warped people wouldn't let us vote on this thing, and I beg to differ. I beg to differ and say, go back to the third day of this session when whether or not, we were going to debate whether or not to allow unlimited

debate. The motion...I mean I have to read something into the record where it says, the motion reads like this: At any stage of consideration the introducer of the bill under consideration or the chairperson may move for the cloture, the presiding officer after eight hours of debate. Then it goes on, the presiding officer shall immediately recognize such introducer or chairperson and to then order debate on the pending amendment or motion to cease. A vote on suspending amendment or motion shall be taken immediately. Following the vote on such pending matter, a vote on the cloture motion shall be taken. A two-thirds majority, and that's...we don't know what that would happen, people, the majority of the elected members shall be required for cloture motion to be successful. And go on and it goes, a motion for cloture shall have precedence over other motions except a motion to adjourn, and we voted that down and several of the people here tonight that have wrangled and criticized and said we need to have a way to shut off debate, some of the people voting no, I mean, I'm going to read off the list. Senator Ashford, he's consistent, Senator Barrett, he's the Speaker, I pity him the whole last two days. Bernard-Stevens and Chambers, they knew what they were voting on. Haberman, Hall, Hannibal, Hartnett, Lowell Johnson. Senator McFarland, how many motions today has he had to cease debate, to limit debate, to say that you cannot, you know, Senator McFarland sits there and says that we need to find a way to shut off debate, he voted no against a motion then. Morrissey and Nelson, they're consistent. Senator Robak, Senator Schellpeper, Senator Schimek, Senator Schmit who is trying to find everything in the book to show Ernie who is boss, I understand that. Scofield, Smith, Warner, Wehrbein, Wesely, and it's one of those things all I'm saying is you may go home next week, don't blame Senator Chambers. Don't blame Senator Bernard-Stevens. Blame me because I wasn't successful. We voted on the third day to allow unlimited debate. We did not adopt that rule, we have the rule, we've lived by it, it's 11:30, we didn't limit debate and we're not getting nothing done. At least, Senator Labedz, you were consistent. I thank you for that. Next year, hopefully, we'll come back, review this rule and find a way to say, now wait a second, we're not going to let one or two people hold us up forever. People have laughed at us for weeks this session. Hopefully, now the time has come, next session, if I survive reelection, we'll come back, revisit this rule and say, no, a minority can't hold us up, we are going to adopt the cloture rule and, no, one or two people can't tie us in knots. And I just...it's one of those

CLERK: (Read LB 1063A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1063A pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1958-59 of the Legislative Journal.) 41 ayes, 0 nays, 3 present and not voting, 5 excused and not voting, Mr. President.

PRESIDENT: LB 1063A passes. LB 1241 with the emergency clause attached.

CLERK: Mr. President, Senator Pirsch would move to bracket, bracket LB 1241 until April 10, 1990.

PRESIDENT: Senator Pirsch, please.

SENATOR PIRSCH: Thank you, Mr. President and members of the body, you know, I have quite a few amendments up there and they aren't brackets to a date certain, and another date, and another date, and another date. I had a lot of time while LB 854 was being debated to look ahead and while I was listening to the same old haranguing I had a lot of time to think and I had a lot of time to study LB 1241. And, in fact, I discovered that LB 1241 is to quote a certain senator, "a baaad bill". And now that I know how the rules work, Senator Chambers and Senator Bernard-Stevens have filled us in very well on that and it isn't easy, you know. Senator Chambers has a marvelous constitution for delaying and posturing, some others too, for that matter, and I'm going to see if I have the same stomach. In 1241, which originally was introduced by Senator Chambers, would provide for the formation by the Research and Development Authority of a business development corporation organized under the Nebraska Business Development Corporation Act which would provide debt financing and equity financing to eligible businesses starting or expanding in or expanding into a target area within a city of the metropolitan class. The bill would amend the Community Development Assistance Act to provide that purchase of shares in a business development corporation formed under this bill shall be deemed a contribution to a certified program of a community betterment organization for purposes of eligibility for tax credit under that act. That was opposed by Jack Bishop, Jr.,

by the Nebraska Coalition for Life is very offensive, and, particularly, in my view toward Senator Barrett, the Speaker. To accuse him of being irresponsible or condoning the action that went on here is inappropriate. I think he tried to do the best job he could as fairly as he could and, certainly, he didn't do the things that perhaps some people would like to have done but I think within the rules he did exactly what he was supposed to do. And if we don't like it, I guess we have to change the rules, but he did, as far as I could tell, follow the rules and attempt to be as fair as he could. And the characterizations of him in this press release are simply unfair. I, for one, object, and so I know there is a lot of hard feelings and a lot of bad ill-will out here, but I'd ask that we drop the amendment and readvance the bill, read it, and move on to the other legislation, and try to finish up on a more positive note than it seems like we will today.

PRESIDENT: Thank you. Senator Abboud, please. Senator Pirsch, please. I don't see Senator Abboud, so you are up next, your light is on.

SENATOR PIRSCH: (Mike off.) I respectfully call the question.

PRESIDENT: The question has been called. Do I see five hands? I do, and the question is, shall debate cease? All those in favor vote aye, opposed nay. We are voting on ceasing debate. Record, Mr. Clerk, please.

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

PRESIDENT: Debate has ceased. Senator Labedz, on your closing, please.

SENATOR LABEDZ: Thank you, Mr. President. I do want to inform the members that are still here that I am very sorry that I couldn't have done this yesterday, because yesterday there was at least 32 or 34 senators here that were willing to put in the parental notification into a bill, and...or to support me on LB 854, which would have been, not the parental notification bill, but it would at least have been a bill that this Legislature would send a message to the rest of the state that we are concerned on the abortion issue. Actually, if I had a choice between the two bills, I would certainly take LB 769 because it does involve teenagers, and I have always been