

You look alike, that's what threw me. Senator Lynch, would it be okay with you if we go ahead? We're waiting for Senator Schmit only. Would it be agreeable with you if we go ahead without him, or do you wish to wait?

SENATOR LYNCH: Go ahead and proceed.

PRESIDENT: Okay. The question is the adoption of the Withem amendment. Did you wish a roll call vote, Senator Lynch? Roll call vote? Okay. Mr. Clerk.

CLERK: (Roll call vote read as found on page 194 of the Legislative Journal.) 27 ayes, 17 nays, Mr. President, on adoption.

PRESIDENT: The Withem amendment is adopted. The call is raised. Did you have something for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Mr. President, new bills: (Read LBs 1017-1020 by title for the first time. See pages 194-95 of the Legislative Journal.)

PRESIDENT: Ladies and gentlemen, I've been handed a note by Speaker Barrett. Senator Don Thompson of McCook, Nebraska, Speaker Emeritus of the Nebraska Unicameral passed away in McCook, Nebraska, yesterday afternoon at 4:00 p.m. His funeral is scheduled for Wednesday, January 10 at 2:00 p.m. at the Peace Lutheran Church in McCook, Nebraska. The Herman Funeral Home in McCook is in charge of arrangements. Memorials may be sent to either the Peace Lutheran Church or the Herman Funeral Home in McCook, Nebraska. Do you have some new bills, Mr. Clerk?

CLERK: Mr. President, (Read LBs 1021-1030 by title for the first time. See pages 195-97 of the Legislative Journal.) That is all that I have at this time, Mr. President.

PRESIDENT: I have a note here that there is a group visiting us today from Burke High School in Omaha. Is that group here? Perhaps they have not come in yet. I'll announce them when they do come in. Senator Coordsen, we're about ready to begin the festivities of bringing the Governor here. Would you have a motion, please.

SENATOR COORDSEN: Thank you, Mr. President, members of the body, I move that a committee of five be appointed to escort the

January 9, 1990

LB 259, 845, 972, 973, 993, 1014-1048, 1057-1059
LR 236

Haberman.

SENATOR HABERMAN: Mr. President, I move to recess until 1:30 p.m.

SPEAKER BARRETT: Mr. Clerk, would you care to read anything in before we vote on the motion to recess.

CLERK: Mr. President, new bills. (Read LB 1057-1059 by title for the first time as found on pages 232-33 of the Legislative Journal.)

A series of requests to add names, Senator Beck to LB 1026, Senator Kristensen to LB 1035, Senator Conway to LB 993, Senator Wahrbein to LB 973, Senator Wehrbein to LB 972, Senator Weihing to LB 845.

(Reference Committee Report referring LBs 1014-1048 and LR 236 appears on pages 233-34 of the Legislative Journal.)

Mr. President, explanation of vote offered by Senator Kristensen. (Re: LB 259.) That's all that I have.

SPEAKER BARRETT: Thank you, Mr. Clerk. A reminder especially to committee chairs. Committee chairmen, please take note. If you are planning hearings, public hearings next Tuesday, notices of that fact should be filed with the Clerk today. File the notice of public hearing today if you are planning to begin hearings next Tuesday. Those in favor of the Haberman motion to recess until one thirty say aye. Opposed no. Carried. We are recessed.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. Any messages, reports, anything for the record, Mr. Clerk.

CLERK: One item, Mr. President, I have a hearing notice from the Banking Committee for hearings scheduled on Tuesday,

January 17, 1990

LB 257, 871, 888, 890, 894, 909, 917
924, 932, 946, 954, 978, 990, 992
1018, 1028, 1046, 1047, 1079, 1080, 1085
1104, 1107, 1115, 1118, 1162-1169
LR 240

Services Committee, all signed by their respective chairs. (Re: LB 1104, LB 992, LB 894, LB 1028, LB 932, LB 909, LB 1079, LR236, LB 1115, LB 1107, LB 890, LB 924, LB 990, LB 1118, LB 978, LB 1018, LB 871, LB 1046, LB 1047, LB 917, LB 1085, LB 954, LB 946, LB 888, LB 1080. See pages 358-59 of the Legislative Journal.)

Mr. President, new bills. (Read LBs 1162-1169 by title for the first time. See pages 359-60 of the Legislative Journal.)

Mr. President, a new resolution by Senators Moore and Hall. (LR 240.) It would propose an amendment to Article VII, Section 10 of the State Constitution. That will be referred to Reference Committee, Mr. President. That's all that I have, Mr. President. (See pages 361-62 of the Legislative Journal.)

PRESIDENT: Thank you. We'll move on to Select File, number 2, LB 257. Mr. Clerk.

CLERK: Mr. President, 257 is on Select File. The first order of business are Enrollment and Review amendments, Mr. President.

PRESIDENT: Senator Baack, would you handle that, please.

SENATOR BAACK: Sure, I would move that the E & R amendments be adopted.

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

CLERK: Mr. President, the first amendment I have to the bill is by Senator Pirsch. I have a note that she wants to withdraw, Mr. President.

PRESIDENT: Senator Pirsch, are you present?

CLERK: She's excused, I believe, Mr. President, until she arrives.

PRESIDENT: Okay, she is present somewhere. We'll withdraw them and check to make sure that's correct.

CLERK: The next amendment, Mr. President, is by Senator Withem. Senator, your amendment is on page...well, it was printed last year.

February 16, 1990 LB 159, 163, 594, 656, 854, 989, 1018
1020, 1072, 1073, 1099, 1146, 1153, 1179
1221, 1222

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.

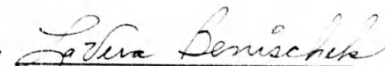
Mr. President, Senator Beyer would like to add his name to LB 159, an amendment; and Senator Beck to LB 1222. That's all that I have, Madam President.

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.

Proofed by


LaVera Benischek

February 21, 1990

LB 642, 1009A, 1018, 1090, 1099, 1174, 1226
LR 258

Senator Morrissey. Yes, would you like to put some things in the record, please.

CLERK: If I can, Mr. President, very quickly. Thank you. I have a Reference Report referring certain gubernatorial appointments to the appropriate Standing Committee.

Notice of hearing from Natural Resources Committee. Senator Moore has amendments to LB 1009A to be printed; Senator Baack to LB 1090. (See pages 893-94 of the Legislative Journal.)

A Confirmation Hearing Report from Natural Resources. Natural Resources reports LB 1099 to General File. Signed by Senator Schmit. Education reports LB 1226 as indefinitely postponed. Signed by Senator Withem. Judiciary reports LB 1018 to General File with amendments; LB 1174, General File with amendments. (See pages 895-96 of the Legislative Journal.)

And the last item, Mr. President, a resolution, LR 258 by Senator McFarland. (Read a brief description of LR 258. See pages 896-98 of the Legislative Journal.) That will be laid over, Mr. President. That's all that I have at this time.

PRESIDENT: Now we're back on the advancement of the bill. Senator Morrissey first, please, followed by Senator McFarland.

SENATOR MORRISSEY: Thank you, Mr. President, and members, I must admit I'm perplexed and a lot of you are probably going, so what else is new, Morrissey? But I have always been in favor of things like this, the seven-day waiting period. It doesn't seem like it's really that onerous. Back in '74, I went to Hamburg, Iowa and had to buy...wanted to buy a rifle, had to wait, because I was an out-of-stater, seven days. I went back seven days later and bought it. No problem. And it seems pretty simple, but, of course, lately this drive to and from work is working on me. All the way up...all the way home last night and all the way up this morning I was kind of tearing this apart. And one of my concerns, as I have stated on this floor, has been a sort of a constant or slow chipping away of constitutional rights of our citizens in the state and the nation. I thought, well, this kind of comes under that same subtitle. We've got government reaching clear into our lives and deciding if we're good enough citizens to do certain things, and that kind of bothers me. And this is the argument that a lot of people are using, that we should guarantee a citizen's right to keep and

March 2, 1990

LB 880, 1018

early, I've been there late and seen judges working in their chambers. I can't stand and defend and tell you that this is all a perfect structure that we have, but it is the structure we have and the need is there and so I would ask for your support to advance LB 880.

SENATOR LABEDZ: Senator Chizek was closing on the advancement of LB 880. All those in favor vote aye, opposed nay.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Have you all voted? Record, please.

CLERK: 31 ayes, 3 nays, Mr. President, on the advancement of LB 880.

SPEAKER BARRETT: LB 880 is advanced. The Chair is pleased to note, in addition to raising the call, that a distinguished guest is under the north balcony, a former member of this Legislature, now United States Congressman Douglas Bereuter. Congressman Bereuter. Thank you for coming back, Congressman, it's nice to see you. As previously announced, we will move over 1055, Mr. Clerk, and proceed to LB 1018.

CLERK: Mr. President, 1018 was a bill introduced by Senators Abboud and Beck. (Read title.) The bill was introduced on January 8 of this year, referred to Judiciary for public hearing. The bill was advanced to General File. I do have committee amendments pending by the Judiciary Committee, Mr. President.

SPEAKER BARRETT: The Chair recognizes Senator Chizek for the introduction of the committee amendments.

SENATOR CHIZEK: Mr. Speaker, colleagues, as said, 1018, LB 1018 is Senator Abboud's priority bill. I'll let him explain the details of the bill. Essentially it provides a penalty for what has more recently been called "drive-by shootings". The bill as written may have been interpreted to also prohibit firing blanks from a gun or simply discharging a gun in the air near a building or vehicle. In order to be sure that the bill was used for the purpose it was introduced, the committee amendment adds clarifying language that requires that any firearm used in violation of LB 1018 has fired bullets or other projectiles which hits those objects defined in the bill. I have talked

with Senator Abboud and he tells me that he supports the committee amendments and I also support the amendment and urge the body to adopt them.

SPEAKER BARRETT: Thank you. Any discussion? An amendment on the desk.

CLERK: Mr. President, Senator Abboud would move to amend the committee amendments. (Abboud amendment appears on page 1125 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Abboud.

SENATOR ABOUD: Yes, Mr. President, colleagues, this was an amendment that was basically technical in nature. It was introduced at the time of the bill introduction, but we did not include it in the committee amendments. It provides that...it strikes the words "maliciously and willfully" and inserts the word "intentionally", so that is what the amendment to the committee amendment provides for. I urge the adoption and then we can discuss the bill. Thank you.

SPEAKER BARRETT: Thank you. Is there discussion on the Abboud amendment to the committee amendments? If not, the question is...Senator Abboud, anything...thank you. The question is the adoption of the Abboud amendment to the committee amendments to LB 1018. Those in favor vote aye, opposed nay. Please record.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Abboud's amendment to the committee amendments.

SPEAKER BARRETT: The amendment is adopted. Back to a discussion of the committee amendments as amended. Senator Chizek, anything further? I have no lights.

SENATOR CHIZEK: Move for the adoption of the committee amendment.

SPEAKER BARRETT: Correction. Thank you. The question is the adoption of the committee amendments to LB 1018. Those in favor please vote aye, opposed nay. Please record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

SPEAKER BARRETT: The committee amendments are adopted. Senator Abboud, would you care to open on your bill?

SENATOR ABBODD: Yes, Mr. President, colleagues, this bill provides for the changing of a law dealing with the firing of a weapon, discharging of a firearm at an inhabited dwelling, occupied building, occupied motor vehicle or occupied aircraft. The weapon has to be fired, a projectile has to hit either the occupied house, the occupied building, the occupied aircraft or motor vehicle. That's what we adopted with the committee amendments. It provides for the penalty of a Class IV felony. We have had some problems throughout the state, and more importantly, the Omaha area dealing with individuals taking shots at occupied homes and dwellings as well as motor vehicles. We've seen a substantial increase. Back in 1986 these were more or less never quite heard from and at this time it's a very serious problem and I think this will go a long way to helping to solve the problem. I move the advancement of the bill.

SPEAKER BARRETT: Thank you. Discussion on the advancement of 1018. Senator Beck, followed by Senators Ashford, Chambers and Abboud. Senator Beck, please.

SENATOR BECK: Thank you, Mr. President. I just rise to support Senator Abboud's bill, LB 1018. I have signed on to that with him. I'd like to see it move forward and I think that to ignore a problem and look the other way is perhaps most of us would like to do, but we do see a problem of this increasing, a random violent reaction and it has come very, very close to my district, and I have had a number of calls from people who are afraid to let their children go down to the 7-Elevens and so forth that are in the district. In fact, it's just a couple of blocks from my district at a 7-Eleven a lady was pumping gas and her car was hit by a stray bullet and this was in the newspaper. I think it's a problem. We know that in a sense it is probably a symptom of a problem, but it is necessary that we do what we can to stop this because innocent people are concerned and worried and we don't want any kind of a wave of hysteria or wave of fear. And I think that this 1018 is a good bill and that it does have a considerable penalty to it and I think it would make people with guns think, should make them think a long time before they attempt to use those against the people in the districts by shooting at their homes, et cetera, et cetera. And I just again want to support Senator Abboud from the fact that this is a community safety bill and it is something that we

really need to do and I would just urge the adoption, or that is the passage of LB 1018 on to Select File. Thank you.

SPEAKER BARRETT: Senators Pirsch and Lynch are announcing the presence of some elementary students in the south balcony, 51 fifth graders from Springville Elementary in Omaha with their teacher. Would you folks please wave and allow the Legislature to welcome you, please. Thank you. Thank you for coming. Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President and members, just briefly, I think that when we deal with the problems of gun violence in our society we are required to look at the total picture, and at the time we were debating LB 642, I argued and many others did as well that it's necessary that in dealing with the gun violence problem in our society that law enforcement be given the tools that it needs to make sure that felons do not have an easy access to firearms in our society, and I believe sincerely that that is a tool that is necessary in order to be a piece of the puzzle that law enforcement needs to deal with the epidemic of gun violence in our society. But I also would agree with those who argue that it's necessary to define specifically crimes and with punishments for gun-related activity that adds to that violence. And I would suggest to you that Senator Abboud's bill which specifically sets out a crime and provides for a Class IV felony punishment is an effort to define in a very succinct way a crime which is related, directly related to gun violence in our society in Nebraska. And if we as a body could simply look at these issues as they are put before us and determine whether or not we believe as individual senators whether or not these measures will help law enforcement combat gun violence, then I think it's appropriate that we vote for them. I think Senator Abboud's measure is one of those specifically well-defined provisions that gives to the police in our communities some ability or some greater ability to deal with gun violence, as is the LB 642 another reasonable gun registration type measures that allow police to have some idea who is owning a handgun in our society. I think we've got two basic pieces to the puzzle broken down, that can be broken down into many components. One is attempting to keep felons away from easy access to firearms, that is one piece. We really don't have any laws in Nebraska to do anything with that now. The other side of the coin is once someone violates our gun laws, that we come down on them very, very hard and that the punishments fit the crime in our society. We need both. I

support Senator Abboud's bill because it is one piece, it is one side of the equation, but I also urge, when you're thinking about this bill, that you also remember that there is a total complete other side of the equation which we are ignoring and that is allowing felons easy access to firearms, and if we don't do something to check that, I believe we are going to have to continue to describe and to pass crimes and punishments on the other side of the ledger because we're not dealing effectively with the other side of the ledger. So I support Senator Abboud, I support, and I appreciate the work of the Judiciary Committee in tightening the law because that is extremely important that we do that even though we have laws out there which prosecutors can use to prosecute gun-related felonies. It is my fear and my concern, and I'm sure Senator Abboud's, that those laws are too general in their application or are not being enforced for whatever reason and that we need more specific language. So with that, I would concur with with the other, with Senator Beck and Senator Abboud that this bill be advanced. Thank you.

SPEAKER BARRETT: Thank you. Senator Elmer and the Chair are jointly announcing the presence of some members of the Farnam, Nebraska, girls basketball team under the south balcony. Would you folks please stand and be recognized by the Legislature. Thank you, we're glad to have you with us. Also a special note that Senator Lynch has his granddaughter with him this morning, Katy O'Mera Freeman from Omaha. Katy, we're glad to have you. Senator Chambers, further discussion, followed by Senator Abboud.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is one of those bills that I'm not going to launch a lot of opposition to or resistance to because I don't really think it does anything. If a person discharges a firearm into a building where there are people or into a vehicle, then I believe a felony charge can be brought now. The fact is that the prosecutors are not charging felonies. The existence of this bill is not necessarily going to change any of that. Then there is the matter of proof. Senator...well, I'll see if Senator Bernard-Stevens raises a question that I think was a valid question to be asked, but the reason the bill was brought based on the testimony, if I remember it, and let me ask Senator Abboud because I can get it from him and then I don't have to try to reconstruct it.

SPEAKER BARRETT: Senator Abboud, would you respond.

SENATOR ABBOUD: Yes.

SENATOR CHAMBERS: Senator Abboud, is it that felony charges were not being filed in these shootings that we're discussing? Is that why the bill is brought?

SENATOR ABBOUD: Well, the charge that was being filed were under a city ordinance, discharging a firearm within the City of Omaha.

SENATOR CHAMBERS: Could the county attorney have filed a felony charge when these shootings occurred if somebody was in a building or in a vehicle?

SENATOR ABBOUD: If someone shot into an occupied building, no, charges could not be filed, felony charges could not be filed.

SENATOR CHAMBERS: Why not?

SENATOR ABBOUD: There is no criminal penalty against that.

SENATOR CHAMBERS: Is assault, can assault with a deadly weapon be a felony?

SENATOR ABBOUD: It is a felony.

SENATOR CHAMBERS: Now, do you have to actually strike somebody to have an assault?

SENATOR ABBOUD: To be provided for, to be charged under the felony provisions of assault, there has to be...something has to hit you or put you in danger, like flying glass or something, if it came perilously close.

SENATOR CHAMBERS: So if a bullet came perilously close, why could that not be a felony assault because that is more dangerous than flying glass?

SENATOR ABBOUD: They viewed it as not, they could not file as a felony charge under that.

SENATOR CHAMBERS: But if what you stated as a basis for filing a felony charge is correct, and I would tend to agree with you, and they can file it in the case of the glass coming perilously

close, then couldn't they file it if a bullet came perilously close?

SENATOR ABBOUD: They don't file.

SENATOR CHAMBERS: But they could.

SENATOR ABBOUD: They feel that in cases that they've had before judges, district court judges, there are no convictions because the court does not feel that it applies under that statute.

SENATOR CHAMBERS: Okay. Well, with this statute that you have, if a firearm is discharged, does the projectile that is discharged have to come from the firearm?

SENATOR ABBOUD: Yes.

SENATOR CHAMBERS: But the statute really doesn't say that by its language, does it?

SENATOR ABBOUD: I think with the committee amendment it provides for that.

SENATOR CHAMBERS: I know it is meant, but I don't think the language says that. It says if you discharge a firearm...

SENATOR ABBOUD: And it strikes with a projectile.

SENATOR CHAMBERS: It would say, generally, any person who intentionally, because that would be the language, discharges a firearm and strikes with a projectile an inhabited dwelling. There is no direct connection between the projectile that strikes the dwelling and the firearm, in my opinion, but as I stated, it's not a bill that is not going to make that much difference or do that much, so I'm not going to be your main opponent today.

SENATOR ABBOUD: Thank you, Senator Chambers.

SPEAKER BARRETT: Senator Bernard-Stevens, please, followed by Senator Abboud.

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker. Senator Abboud, I just have a question I want to ask and it's not a...I don't think it's in a hostile way because I'm just trying to

understand what you have before us at this particular point. What you are saying to the body is that if a person drives by a house, they see another person in the house, they shoot a firearm at the house, they might even hit the house, but the projectile hit the house in the top story, the person was in the bottom story, we know who did it, we apprehend the person, there is clear-cut evidence that he fired at the house, you're saying that no felony charges could be filed under any circumstance there. Is that correct?

SENATOR ABOUD: Yes.

SENATOR BERNARD-STEVENS: Okay, and I'm going to have to think about that because that, to me, is interesting I guess. The question that I have for you, the way the bill is now worded, we have stricken out the word maliciously, if I understand. So now we have just with the intent. Correct? If I intend to shoot a firearm at an inhabited or occupied or go through the litany of what needs to be inhabited or occupied and the projectile actually hits that place that was inhabited, then that would be a felony?

SENATOR ABOUD: Yes.

SENATOR BERNARD-STEVENS: Okay. I know this is what if and I know we can what if any bill at any time, you know, on any situation, so I'm not trying to what if the bill, but I do have a question, what would happen. Now there is a person out there, whether they had a fight with somebody or whether they didn't, they are out there shooting at a bird out in the country and they miss, hit the house, they hit a house that is occupied. Okay, now obviously the intent was to fire the weapon because they were trying to hit the bird, but they hit the house. Is that a felony then under this bill?

SENATOR ABOUD: No.

SENATOR BERNARD-STEVENS: And why would it not be?

SENATOR ABOUD: No, it's not a felony.

SENATOR BERNARD-STEVENS: And it would not be for what reason?

SENATOR ABOUD: Because the language of the bill states "intentionally discharges a firearm and strikes with a

projectile at an inhabited dwelling." So you have to be firing at the inhabited dwelling or at the occupied house.

SENATOR BERNARD-STEVENS: Okay, let me pursue that just a little bit further for my own mind, which is not a legal mind, obviously. So if any person drives by a house now, and shoots a weapon at a house and the projectile hits the house, what you're still saying is that under the bill you're going to have to prove an intent that he was actually shooting at the house.

SENATOR ABBOD: Yes.

SENATOR BERNARD-STEVENS: I could say that I was shooting at the air and I missed what I was shooting at and hit the house, and unless you actually saw that, you'd have to prove the intent was deliberate.

SENATOR ABBOD: Yes.

SENATOR BERNARD-STEVENS: Okay now, this is where you can help me. In cases that you're talking about in Omaha, and really they could happen anywhere, but in cases in Omaha, how easy is it to show and to prove in court that intent?

SENATOR ABBOD: It is going to be difficult.

SENATOR BERNARD-STEVENS: Okay, now, if it's very, very difficult to do, is the county attorneys in the counties that we have, are they going to pursue the numbers of litigations that they could do under this bill, knowing that it would be very, very difficult?

SENATOR ABBOD: Well, it's going to be difficult, I would say that in this instance, the only time they will have filings is where they have an eye witness, where they see an individual take a weapon and fire...(interruption)

SENATOR BERNARD-STEVENS: Right, and they'll be able to prove intent. Okay, now, if I, on the law that it is today, if I can prove that the intent was to hit the house of which I was a part of, is it also then quite possible for the county attorney or whomever is pressing the charge, if I know the intent was...

SPEAKER BARRETT: One minute.

SENATOR BERNARD-STEVENS: ...to shoot the house and I know that the person, that there was a person in the house, you're saying that there is no way by any stretch of the imagination that a county attorney could stretch that into an assault, attempted assault with a deadly weapon?

SENATOR ABBOUD: Yes.

SENATOR BERNARD-STEVENS: Okay, so I guess I'm back to where I started, it seems to me that if we know the intent, we know the intent was to hit the house that the person was at, and we're getting to the point now that we could then go to an assault with a deadly weapon because we know the intent, that now a felony charge could be done. Now, with this bill, to me that doesn't change anything because you still have to have absolute intent before you could even, even before this language will go into effect, and I guess I don't see where we're improving things, though I understand the intent.

SPEAKER BARRETT: Time.

SENATOR BERNARD-STEVENS: And maybe when...Senator Abboud can, I think he's after me, can go into some of those areas just a little bit. Thank you.

SPEAKER BARRETT: Thank you. Any other discussion? Senator Abboud, did you want to respond? Your light is on next. Thank you.

SENATOR ABBOUD: Yes, Senator Barrett. I'm glad we're having a discussion about this bill. When you provide for an assault, an individual has to have an intent to assault that other individual and I think that is where the prosecutors and the courts have had problems, that there is no clear intent to provide for that assault. When someone assaults...let's say I walked over to Senator Bernard-Stevens and I take a swing at him, there is clearly an intent on my part to do bodily injury to Senator Stevens. But when an individual, as strange as it may sound, when an individual fires a weapon which can easily kill any number of individuals within the household and they fire that weapon, the weapon hits the house, goes inside the house, breaks the windows, comes perilously close to hitting someone and injuring someone, then that individual no longer has that type of...is no clear intent to do bodily injury to that individual. So that would be in response to Senator Stevens and

that is why the purpose of the bill exists and that is why it was introduced. Thank you.

SPEAKER BARRETT: Senator Chambers, please. Senator Chambers, excuse me, we have an amendment on the desk.

CLERK: Mr. President, Senator Chambers would move to amend, on page 2, line 8, reinstate the word "at". (Amendment appears on page 1126 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature, and, Senator Abboud, believe it or not, this is really designed to be a friendly amendment. If you put the word, reinstate the word "at", the sentence would read, any person who intentionally discharges a firearm at and strikes with a projectile, because the word "at" had been stricken in the committee amendment and it read, any person who intentionally discharges a firearm and strikes with a projectile, which could mean that the firearm was intentionally discharged but not, you know, at the structure that it hits. So if you put the word "at", it means it is intentionally discharged at and the striking occurs. I still don't like the bill and I don't know if that makes everything like it ought to be, but I think if it comes close to what you said your intent was.

SPEAKER BARRETT: Discussion on the amendment. Senator Beck, did you care to discuss the Chambers amendment? Thank you. Senator Abboud, did you care to discuss the Chambers amendment.

SENATOR ABOUD: Yes, Mr. President, I support Senator Chambers' amendment.

SPEAKER BARRETT: Thank you. Senator Hartnett, did you care to discuss it?

SENATOR HARTNETT: I move that we recess until one-thirty.

SPEAKER BARRETT: Thank you.

SENATOR HARTNETT: March the second.

SPEAKER BARRETT: Mr. Clerk, have you matters for the record?

March 2, 1990

LB 618A, 852, 872, 880A, 918, 924, 930
940, 969, 970, 974, 1016-1018, 1070, 1076
1098, 1109, 1118
LR 265

CLERK: Mr. President, a communication from the Governor to the Clerk. (Read communication. Re: LB 852, LB 872, LB 918, LB 924, LB 930, LB 940, LB 969, LB 970, LB 974, LB 1016, LB 1017, LB 1070, LB 1076, LB 1098, and LB 1118. See page 1127 of the Legislative Journal.)

Senator McFarland has amendments to LB 1109 to be printed. (See page 1127 of the Legislative Journal.)

New resolution, LR 265. (Read for the first time. See page 1126 of the Legislative Journal.)

Two new A bills. (Read LB 618A and LB 880A by title for the first time. See page 1127 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. You've heard the motion to recess until one-thirty. All in favor say aye. Opposed no. Ayes have it, motion carried, we're recessed.

RECESS

PRESIDENT NICHOL PRESIDING

PRESIDENT: Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. So I understand it, we were on LB 1018, and discussing an amendment by Senator Chambers. And it says up here that Senator Abboud is the next speaker.

SENATOR ABOUD: Mr. President, I would move the amendment.

PRESIDENT: Thank you. Any further discussion? Senator Chambers, would you like to close? The question is the adoption of the Chambers amendment. All in favor vote aye, opposed nay.

SENATOR ABOUD: Mr. President.

PRESIDENT: Senator Abboud.

SENATOR ABOUD: I'd request a call of the house. We need to

get a few people back here from lunch. Request a call of the house, and a...call of the house, and I think we'd accept call in votes, wouldn't we, Senator Chambers? Okay.

PRESIDENT: Call of the house has been requested. Do I see five hands? I do. And the question is, shall the house be under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 9 ayes, 0 nays to go under call, Mr. President.

PRESIDENT: The house is under call. Please record your presence. Those not in the Chamber, please return to the Chamber and record your presence. Look up and see if your light is lit up. If it isn't, please light it up. Looking for Senator...thank you, Senator Lamb, Senator Bernard-Stevens. Oh, yeah. Senator Conway. Thank you. Senator Scofield, Senator Wehrbein. Senator Langford, for what purpose do you rise?

SENATOR LANGFORD: Call in votes.

PRESIDENT: Oh, yeah. Call in votes are authorized. The question is the adoption of the Chambers amendment.

CLERK: Senator Langford voting yes.

PRESIDENT: Record, Mr. Clerk.

CLERK: Senator Dierks voting yes. 26 ayes, 0 nays on adoption of the amendment, Mr. President.

PRESIDENT: The Chambers amendment is adopted. Anything further on the bill?

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

PRESIDENT: Okay. Senator Abboud, how about the advancement of the bill.

SENATOR ABOUD: Mr. President, I would move the advancement of LB 1018.

PRESIDENT: Okay. Senator Landis, please.

SENATOR LANDIS: Mr. Speaker, I believe it is one of

Nostradamus' prophecies that the end of the world is close when Senator Chambers agrees with both Elroy Hefner and Chris Abboud in the same session.

PRESIDENT: That's correct. (Laughter.)

SENATOR LANDIS: And I would suggest that we send one of our Sergeant-at-Arms to go down to the university campus and look at those columns to see if any of them are wobbling or are in danger of falling over as perhaps the first portent of the end of the world, just as a safety measure for all of us in the building. That's off the top of my head.

PRESIDENT: Senator Beck, please.

SENATOR BECK: Mr. Chairman and members, I just wanted to add a few words here. I appreciated all the discussion this morning, that is before we had lunch on this, on this bill. And I think it's very important. And I'm glad to see that those people that are usually on opposing sides...what? They what? Okay. I don't know what's happening. But, anyway, I just wanted to help Senator Abboud move his bill. I didn't know if Senator Landis, if that was debate on the bill or not. So I just wanted to support him and I know that my constituents would like to see it. Thank you.

PRESIDENT: Okay. Senator Abboud, would you like to close?

SENATOR ABOUD: No.

PRESIDENT: No. The question is the advancement of the bill. All those in favor vote aye, opposed nay. Now we're in gear. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of the bill.

PRESIDENT: The bill is advanced. LB 1136. Raise the call.

CLERK: Mr. President, 1136 was a bill introduced by Senator Landis. (Read title.) The bill was introduced on January 16, referred to Banking, advanced to General File. I have committee amendments pending by the Banking, Commerce and Insurance Committee. (Standing Committee amendments appear on page 930 of the Legislative Journal.)

March 2, 1990

LB 96, 98, 118, 304, 307, 317, 428
430, 473, 518, 536, 675, 677, 735
770, 796, 797, 896, 898, 899, 905
920, 998, 999, 1018, 1019, 1031, 1125
1136, 1170, 1198, 1207, 1211, 1220, 1222

PRESIDENT: Okay, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: 26 ayes, 0 nays on the advancement of the bill, Mr. President.

PRESIDENT: LB 1222 is advanced. Mr. Clerk, anything for the record?

ASSISTANT CLERK: Mr. President, I have a series of items. Your Committee on Appropriations, whose Chairperson is Senator Warner, to whom was referred LB 1031, reports the bill to the full Legislature with committee amendments; LB 1125, to General File; LB 920, to General File; LB 1170, to General File with amendments; LB 536, General File with amendments; LB 1220, to General File; LB 896, to General File; LB 898, to General File; LB 899, to General File; LB 96, indefinitely postponed; LB 98, indefinitely postponed; LB 118, indefinitely postponed; LB 304, indefinitely postponed; LB 307, indefinitely postponed; LB 317, indefinitely postponed; LB 428, indefinitely postponed; LB 430, indefinitely postponed; LB 473, LB 518, LB 675, LB 677, LB 735, LB 770, LB 796, LB 797, LB 998, LB 999, LB 1198, LB 1207, all indefinitely postponed; and LB 1211 and LB 905, advanced to General File with committee amendments. (See pages 1131-37 of the Legislative Journal.)

Senator Landis would ask to print amendments to LB 1136 in the Journal. (See pages 1137-38 of the Legislative Journal.) Senator Warner has asked to announce an Executive Session of the Appropriations Committee in Room 1003, upon adjournment today. And I have a request from Senator Ashford to add his name to LB 1018 and LB 1019.

PRESIDENT: No objections, so ordered.

ASSISTANT CLERK: Then, Mr. President, I have a priority motion. Senator Hannibal would move that we adjourn until March 5, 1990, at 9:00 a.m.

March 7, 1990

LB 42A, 81, 220A, 369A, 579, 830, 831
863, 880A, 888, 917, 922, 923A, 932
938, 954, 956, 978, 987, 987A, 1013
1022, 1037, 1050, 1067, 1077, 1090A, 1102
1136, 1178, 1199, 1222

SPEAKER BARRETT: Thank you. You have heard the motion by Senator Wesely to recess until one-thirty. All in favor say aye. Opposed no. Carried. We are recessed. (Gavel.)

RECESS

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Roll call. Record, Mr. Clerk.

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

SPEAKER BARRETT: Thank you. Anything for the record?

CLERK: Mr. President, I do. Bills read on Final Reading, this morning, have been presented to the Governor as of 12:15 p.m. (Re. LB 1022, LB 81, LB 956, LB 1050, LB 863, LB 938, LB 932, LB 917, LB 888, LB 831, LB 830, LB 579, LB 1199, LB 922, LB 954, LB 978, LB 987, LB 987A, LB 1037, LB 1067, LB 1178, LB 1102, and LB 1077.)

Your Committee on Enrollment and Review reports LB 1018, LB 1136, LB 1222, LB 42A, LB 220A, LB 369A, LB 880A, LB 923A, LB 1090A to Select file, some of which have Enrollment and Review amendments attached, Mr. President. (See pages 1233-36 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Perhaps a very brief announcement from the Chair regarding our deliberations tomorrow. It is my hope that we can work through the lunch hour tomorrow, with the thought in mind that we can adjourn a little early tomorrow for the long weekend. It's my intent, at the present time, to work through the noon hour tomorrow, and look toward an early adjournment tomorrow afternoon. Contrary to previous statements made by the Chair, it will not be my intent to schedule appropriations bills tomorrow, budget bills tomorrow. We will be looking at them, probably, Monday or Tuesday of next week. We will continue with the agenda tomorrow with some Final Reading, probably some Select File, and perhaps senator priorities on General File. Any questions? Mr. Clerk, would you bring us up-to-date.

March 19, 1990

LB 42A, 220A, 315, 369A, 880A, 1018

trying to do here and I applaud him for that. Thank you.

SPEAKER BARRETT: Thank you. The question before the body is the adoption of the Wehrbein amendment to LB 315. All in favor vote aye, opposed nay. Senator Wehrbein.

SENATOR WEHRBEIN: Mr. Speaker, I'd ask for a call of the house and a roll call vote please.

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

CLERK: 22 ayes, 0 nays to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please return to your desks and record your presence. Unauthorized personnel, please leave the floor. Those outside the Chamber, please return. While waiting for members to return, there are about five bills on Select File that could perhaps be advanced yet this afternoon. If you'd care to make a note, LB 1018, LB 42A, LB 220A, LB 369A and LB 880A. Senator Wesely, the house is under call. Did you request a roll call, Senator Wehrbein? And you're suggesting we can go ahead? Thank you. On the adoption of the Wehrbein amendment, Mr. Clerk, proceed.

CLERK: (Read roll call vote. See pages 1443-44 of the Legislative Journal.) 22 ayes, 12 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: Motion failed. Mr. Clerk, I'd like to proceed to the bills which were identified earlier, starting with LB 1018.

CLERK: Mr. President, 1018, Senator Lindsay, I have E & R amendments, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 1018.

SPEAKER BARRETT: Any discussion? If not, shall the E & R amendments be adopted to 1018? All in favor say aye. Opposed no. Carried, they are adopted.

March 19, 1990

LB 220A, 369A, 880A, 1018

CLERK: I have nothing further on that bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1018 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? Seeing none, shall LB 1018 as amended be advanced? All in favor say aye. Opposed no. Carried. LB 42A. LB 220A.

CLERK: On 220A I have no amendments to the bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 220A be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? Shall LB 220A be advanced? All in favor say aye. Opposed no. Ayes have it, motion carried, the bill is advanced. LB 369A.

CLERK: 369A, Senator, I have no amendments to the bill. I'm sorry...no, no amendments to the bill, that's right.

SPEAKER BARRETT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 369A be advanced to E & R for engrossment.

SPEAKER BARRETT: Shall 369A be advanced? If there is no discussion, all in favor say aye. Opposed no. Carried, the bill is advanced. LB 880A.

CLERK: 880A, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 880A be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? All in favor of the advancement of the bill please say aye. Opposed no. Carried, the bill is advanced. Anything for the record, Mr. Clerk?

March 22, 1990

LB 1018, 1090, 1090A
LR 304

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. Our chaplain of the day, Sharon Shields, Assistant Minister for the Christian Church of Nebraska and the United Church of Christ. Pastor Shields.

PASTOR SHIELDS: (Prayer offered.)

SPEAKER BARRETT: Thank you, Reverend Shields. We hope you can come back again. Thank you. Roll call.

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

SENATOR KORSHOJ PRESIDING

SENATOR KORSHOJ: Are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR KORSHOJ: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 1018 and find the same correctly engrossed; LB 1090, LB 1090A, correctly engrossed. That's all that I have, Mr. President. (See page 1573 of the Legislative Journal.)

SENATOR KORSHOJ: Okay, we'll go to legislative resolutions, LR 304.

CLERK: Mr. President, 304 was introduced by Speaker Barrett. It's found on page 1407 of the Journal. It asks the Legislature to salute Mrs. Ruby Stuftt for 70 years of volunteer service to the National Weather Service.

SPEAKER BARRETT: Thank you.

SENATOR KORSHOJ: Senator Barrett.

SPEAKER BARRETT: Thank you, Mr. President. Do I dare? I'm pleased to bring to the body this morning a resolution found on page 1407 of the Legislative Journal honoring Ruby Stuftt of Elsmere, Nebraska. She's been a volunteer cooperative weather

March 30, 1990

LB 642, 688, 1018

ridiculous. And if that continues, absolutely, I would continue doing that which I am now, and it is. We have got the motion before us on the amendment, and two motions to suspend the rules and move it right on to Final Reading, and no debate, no amendments. We are just going to do that. It works in a lot of countries. It sometimes may even work in the United States but it will not work here while I am here, if I can help it. It will not.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: One minute.

SENATOR BERNARD-STEVENS: Senator Chambers is against the bill in any way, any form. I am not. Senator Ashford did ask for at least a minute and I will abide by that and give the last minute to Senator Ashford.

SPEAKER BARRETT: Senator Ashford.

SENATOR ASHFORD: Thank you. This is for my good friend Senator Conway and others, who have been receiving calls from the NRA, to the effect that I am going to put the gun bill on, what is it, LB 1018, the drive-by shooting bill. I want to tell you and everyone in the press here that LB 642 is not going on it, and Senator Beyer and all the others that have been involved in this issue this week, that LB 642 is not going on the drive-by shooting bill. It may go on this bill, though, sometime around eleven-thirty this evening. No, in any event, it is...so we all know, so you won't get any more calls, and so Mr. Overstreet or whatever his name is from the NRA won't call anybody else, that bill is not going on the drive-by shooting bill. Thank you very much.

SPEAKER BARRETT: Thank you. Senator Nelson, further discussion?

SENATOR NELSON: I am sure glad we got that settled because I heard from my husband and he also was getting them, and kind of laughed about it, and so on. I am glad that Senator Lindsay came back to the floor again. I have a question to ask him.

SPEAKER BARRETT: Senator Lindsay, would you respond.

SENATOR NELSON: Senator Lindsay, do you feel that LB 688 is not

and as others said even better than I, there is a difference between this motion and the motions that were considered this morning because these bills are on Final Reading. These bills have been on General and have been on Select and are now poised for that final vote and I think that makes a difference, a great difference, and that's another reason for the motion today. I think my duty and the duty of the Speaker's office is to do everything possible to make sure that all individual senator priority bills are heard. And, as I have indicated earlier, this has been one of my purposes in life to, hopefully, get these bills addressed. But my concern for the process and the breakdown of the process has been growing daily and probably was capped this morning. I don't want the session to break down. I want our...I don't want our system to break down and I think we have a means to salvage the system. But, again, my motion goes only to these individual senator priority bills. And, incidentally, in saying that, I inadvertently, and I take full responsibility, omitted one individual senator priority bill, LB 1018, from the agenda, Senator Abboud's priority bill, and I have apologized to him this morning for that oversight. But that should be included in the list of Final Reading bills right after 1146E. So my concern on this the 57th day of this session is about not getting as much done as we should and specifically these priority bills. I offer the motion as an option. And, again, I think it's my duty and responsibility to offer as many alternatives as possible to massage the system and make it continue to flow. If you don't agree with this, obviously, vote no. I would ask that you don't vote yes just to...as a favor to the office of the Speaker. It's my job to offer the options. I'm doing it. I hope that you accept this as an option, as an alternative to at least handle some of these bills that I think need to be handled. It's a logical alternative to breaking a logjam. I would hope that you could support it. If the motion fails, we'll, obviously, take each motion one at a time. And, as you all know, on one of the bills we have at the present time 52 amendments pending; on another one I believe there is at least one. So I see this is as a chance to partially put the structure back together and I would hope that we won't debate it to any great extent, but, obviously, I would hope that you can support it. Thank you, Mr. President.

PRESIDENT: Thank you. Senator Withem, please, followed by Senator Chambers, Senator Schellpeper, Senator Moore and Senator Hannibal.

Final Reading of the bills without further amendment, motion or debate and that includes, I might add, LB 1018, which will be read after 1146E. All those...call of the house...Senator Chambers, for what purpose do you rise?

SENATOR CHAMBERS: I don't think you proper...I don't think you correctly stated the suspension motion. You added another bill. Is that what you did?

PRESIDENT: No, I didn't add it. Senator Barrett advised me ahead of time that that was in there and that's why I mentioned it so that...

SENATOR CHAMBERS: Then I would like a ruling from the Chair before we vote because I don't want it to get lost. First of all, is it correct that a suspension motion cannot be amended? Is that correct?

PRESIDENT: That is correct.

SENATOR CHAMBERS: Is this addition of a bill an amendment to the suspension motion?

PRESIDENT: Senator Barrett, may I ask you the question? Senator...

SENATOR CHAMBERS: But you're in the Chair.

PRESIDENT: That's right.

SENATOR CHAMBERS: So it is an amendment?

PRESIDENT: It's what?

SENATOR CHAMBERS: So it is an amendment to the suspension motion?

PRESIDENT: I don't...I didn't consider it that way but I was advised ahead of time that it's not up to me to change what the Speaker advised me to do.

SENATOR CHAMBERS: But, Mr. Chairman, you are in the Chair, you are presiding and in this instance a motion might have the Speaker's name on it but it's a motion of the kind that we, as members of the Legislature, make. It's a suspension motion made

pursuant to the rules that we have to follow. And this morning I was told from the Chair in a ruling that a suspension motion cannot be amended. And if something is being added to it which was not there, that's an amendment. So I'm asking for your ruling. Is that an amendment to the suspension motion? And is it appropriate?

PRESIDENT: Senator Landis, for what purpose do you rise?

SENATOR LANDIS: Thank you. Just so that I can clarify it for a moment so I understand this as well. Before the Chair proceeds to a ruling, let me ask if this is the interpretation of the Chair. Having been apprised by the Speaker that what was being moved was the Speaker's agenda and that Speaker's agenda had been mistyped or mislabeled and leaving off LB 1018 when, in making the motion to suspend the rules to take up these measures from the Speaker's agenda on Final Reading and having given us notice that this was to be included in that, is it not the case that the motion is not being amended but simply clarified for all the body prior to the time of the vote when the Speaker made clear what the Speaker's agenda includes which, in this case, includes an item which, by oral addendum, has been added to that Speaker?

PRESIDENT: Yes. And the reason I am following your line of thought is that I was apprised of that this morning before...before we started even on number five, General File, that that was to be in that area so I just assumed that it was for some reason omitted and I considered it part of this motion. So, in answer to your question, Senator Chambers, I do not consider it as an addition to the list simply because it was not typed in there with the balance. But since it was mentioned this morning and since I did consider it a part of it, I, personally, consider that it is a part of the regular number of bills that are in there.

SENATOR CHAMBERS: I challenge your ruling.

SENATOR LANDIS: Mr. Speaker, point of order. Point of order.

PRESIDENT: Speaker Barrett, may I call on you, please.

SPEAKER BARRETT: Yes, certainly. Thank you. I now rise on a point of order. Senator Chambers was correct, after I announced that 1018 would be added when he asked the question, can it be

amended. It cannot be. He is correct. At that point, I asked Senator Abboud, the introducer and the man...the member whose priority bill it is if he had any objection, I was going to pull it off. He said, fine, no objection. We agreed here that it would not be a part of this motion. I failed to get that information to the Chair.

PRESIDENT: Are you saying you wish it removed from the list?

SPEAKER BARRETT: I wish it removed, yes.

PRESIDENT: Well, that's fine with me, if you say so, then it will be removed. LB 1018 will be removed from the list. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I want to thank Speaker Barrett for keeping us from making, once again, a shambles of the rules through all these verbal gymnastics because it's reaching the point where things have deteriorated beyond what they should.

PRESIDENT: Then Senator Moore has requested a call of the house. All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 20 ayes, 1 nay, Mr. President, to go under call.

PRESIDENT: The house is under call. Will you please record your presence. Those not in the Chamber, please return and record your presence. Please return to your seat so that we can see who is here and who is not here. Please return to your seats, members of the Legislature, so we can...Senator Byars, would you check in, please. Senator Chambers, check in, please. Senator Labedz, would you check in, please. Senator McFarland, check in, please. Senator Ashford. Thank you. We're looking for Senator Schmit and Senator McFarland to check in, please. Senator Schmit is here. Roll call vote was requested. Mr. Clerk.

CLERK: (Roll call vote read. See page 1826 of the Legislative Journal.) 39 ayes, 8 nays, Mr. President, on the motion.

PRESIDENT: The motion passes. Mr. Clerk, we'll go to the Final Reading of LB 880. May I introduce some guests, please, first, Mr. Clerk. We have 23 students and their chaperones in the south balcony. They are German-American Society from West

April 5, 1990

LB 369A, 1018, 1090
LR 401-405, 407-417, 420

They are guests of Senator Goodrich and Senator Africa (sic). And we have 11 students from Ely, England and their principal from England. Would you folks from England please stand so we may welcome you to the Legislature. And also with these folks are nine students from the Westside High School in Omaha. Would you folks please stand. Thank you. Then Senator Dierks, in the south balcony, has five students that are eighth graders from St. Michaels and their teacher. Would you folks all stand and be welcomed. And thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 401, LR 402, LR 403, LR 404, LR 405, LR 407, LR 408, LR 409, LR 410, LR 411, LR 412, LR 413, LR 414, LR 415, LR 416, LR 417, and LR 420. Mr. Clerk, shall we move on to LB 369A with the emergency clause attached?

CLERK: (Read LB 369A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 369A pass with the emergency clause attached? Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1948-49 of the Legislative Journal.) 43 ayes, 0 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 369A passes with the emergency clause attached. LB 1018.

CLERK: (Read LB 1018 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1018 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1949-50 of the Legislative Journal.) 38 ayes, 5 nays, 3 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 1018 passes. LB 1090.

CLERK: Mr. President, Senator Hall had amendments printed on 1771. I have a note you wanted to withdraw those, Senator.

April 5, 1990

LB 315, 369, 369A, 551, 551A, 577, 920
931, 953, 980, 980A, 994, 994A, 1018
1043, 1063, 1063A, 1090, 1090A, 1241

year. Senator Chambers and Senator Bernard-Stevens, no doubt, will fight that change in the rules but, hopefully, there will be enough of us here and, as far as I'm concerned, they can filibuster that till the end of the session starting in January, but that's exactly what should be done.

PRESIDENT: One minute.

SENATOR LABEDZ: Thank you, Mr. President.

PRESIDENT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 980, LB 980A, LB 994, LB 994A, LB 1043, LB 953, LB 369, LB 369A, LB 1018, LB 1090, LB 1090A, LB 315, LB 551, LB 551A, LB 920, LB 931, LB 1063 and LB 1063A. Senator Wesely, please, followed by Senator Langford.

SENATOR WESELY: Thank you, Mr. President and members, I would rise in opposition to the bracket motion and give you a little history on...that hasn't come out yet on this bill and let you know why I do support it. This bill came in after I had introduced a bill on venture capital last year, Venture Capital Company Act. We were looking at this concept of providing incentives for investment in the state across Nebraska at a 25 percent credit level and with a number of other restrictions with the idea that what we're having across the state is a need for capital, a need for venture capital in particular, and a number of studies have indicated that. The Banking Committee worked with me and we did put out LB 577 to accomplish that goal. Senator Chambers then came in with LB 1241 which was a bill that he worked with with the administration and it tied in conceptually with what that other bill was. So, originally, what we did in the Banking Committee was we merged, with Senator Chambers' cooperation, LB 577 and LB 1241 so that the whole State of Nebraska would be benefiting from venture capital initiative. And this compromise that was reached in the Banking Committee was one that I was very excited about and appreciated very much Senator Chambers' cooperation. But what's odd is that after we reached this compromise and the committee advanced the bill as amended, then Deb Thomas from the Governor's office came in after the deadline for picking priority bills and told Senator Chambers that the Governor could not tolerate the additional coverage of the whole state, that she wanted only north Omaha to be the focus of the bill. And, of course, I was not happy with that situation and felt that I had not been dealt

April 9, 1990

LB 220, 220A, 315, 369, 369A, 551, 551A
571, 56, 720, 720A, 799, 851, 896
923, 953, 958, 960, 960A, 980, 980A
994, 994A, 1018, 1063, 1063A, 1064, 1064A
1080, 1090, 1136, 1146, 1184, 1184A, 1244

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber for the last day of the Second Session of the 91st Legislature. We're especially happy to have with us this morning our own Harland Johnson for our prayer of the morning. Would you please rise?

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Harland, and may I say, on behalf of all the members of the Legislature, we have truly appreciated your prayers during the session. They have been very meaningful because you understand us so well, so thank you again. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal?

CLERK: No corrections this morning, Mr. President.

PRESIDENT: Any messages, reports, or announcements today?

CLERK: Mr. President, a series of messages. First, communications from the Governor. Engrossed...well, before that, Mr. President, bills read on Final Reading as of late last Thursday were presented to the Governor on Thursday evening as of 8:15 p.m. Communications from the Governor, Mr. President, and I might indicate to the members that copies of messages I have received have been distributed and you should have a copy on your desk. Communications to the Clerk: Engrossed LB 1080, LB 1184, LB 1184A, LB 656, LB 1146, LB 799, and LB 1136 were received in my office on April 3 and signed by me on April 6 and delivered to the Secretary of State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) A second communication: Engrossed LB 220, LB 220A, LB 315, LB 369, LB 369A, LB 551, LB 551A, LB 571, LB 720, LB 720A, LB 851, LB 896, LB 923, LB 953, LB 958, LB 960, LB 960A, LB 980, LB 980A, LB 994, LB 994A, LB 1018, LB 1063, LB 1063A, LB 1064, LB 1064A, LB 1090, and LB 1244 were received in my office on April 3 and signed by me on April 7, delivered to the Secretary of the State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) In addition to those items,