

January 10, 1990

LB 37, 163A, 828, 829, 1091-1095
LR 237

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

SPEAKER BARRETT: LB 828 is advanced. The final revisor bill of the day, LB 829.

ASSISTANT CLERK: LB 829 was introduced by Senator Labedz. (Read title.)

SPEAKER BARRETT: The Chair recognizes the member from the 21st Legislative District, Senator Peterson.

SENATOR PETERSON: Mr. Speaker, this is the last revisor bill although I have a bill that was introduced, 830, that is right under it. I presume we could take that up, too, Mr. Speaker. Just funning, yeah, mine is a...Mr. Speaker, and members, this bill would repeal a section relating to payments by certain prisoners that is obsolete. The bill also corrects internal references in two sections. I ask for the movement of the bill, Mr. Speaker.

SPEAKER BARRETT: Any discussion? Those in favor of advancement of the bill to E & R please vote aye, opposed nay. Record, please.

ASSISTANT CLERK: 27 ayes, 0 nays on the advancement of the bill, Mr. President.

SPEAKER BARRETT: LB 829 is advanced. Any new bills, Mr. Clerk?

ASSISTANT CLERK: New bills. (Read for the first time by title: LBs 1091-1095, LB 163A. See pages 259-61 of the Legislative Journal.) A new resolution, LR 237CA by Senators Wesely, Chambers, and Chizek. (Read brief explanation. See pages 261-63 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Moving to item seven, General File, 1989 Speaker priority bills, LB 37. Mr. Clerk.

CLERK: Mr. President, LB 37 was a bill originally introduced by Senator Rod Johnson. (Read title.) The bill was introduced on January 5 of last year. Mr. President, at that time, it was referred to the Agriculture Committee for public hearing. The bill was advanced to General File. I do have committee

February 13, 1990 LB 159, 163A, 624, 642, 862, 923, 943
976, 1010, 1086, 1090, 1091, 1141, 1171
1180, 1195, 1197, 1238
LR 239

PRESIDENT: Mr. Clerk, do you have anything for the record?

CLERK: Mr. President, I do. A reminder, the Speaker would like to have a meeting of Committee Chairs tomorrow morning at eight-thirty, Committee Chairs tomorrow morning at eight-thirty in Room 2102.

Mr. President, your Committee on Education whose Chair is Senator Withem reports LB 1086 to General File, LB 1090 General File with amendments, LB 1195 General File, those signed by Senator Withem, and LB 1180 indefinitely postponed, LB 1197 indefinitely postponed. Urban Affairs reports LB 943 indefinitely postponed, LB 1171 indefinitely postponed, signed by Senator Hartnett. Banking reports LB 624 to General File, that signed by Senator Landis. (See pages 779-80 of the Legislative Journal.)

Mr. President, a series of priority bills designations. Senator Wesely as Chair of Health and Human Services selects LB 923, Senator Withem selects LR 239CA, Senator Warner selected LB 1141. General Affairs Committee selected LB 862 as one of its priority bills, that's offered by Senator Smith. Senator Dierks has selected LB 1238.

I have amendments to be printed to LB 163A by Senator Schimek. (See page 781 of the Legislative Journal.)

A confirmation report from the Education Committee. That is offered by Senator Withem.

A series of adds, Mr. President. Senator Weihing would like to add his name to LB 642, Senator McFarland to LB 1010, Senator Lowell Johnson to LB 976 and Senator Pirsch to LB 1091 and Senator Warner to LB 159, AM2372. That is all that I have, Mr. President. (See page 782 of the Legislative Journal.)

PRESIDENT: Thank you. Senator Moore, please.

SENATOR MOORE: Yes, Mr. President, I move we adjourn until 9:00 a.m., February 14, Valentine's Day.

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker, members of the body. Very briefly, LB 1091 was a bill that I was very much involved in with many members of the body, particularly with the help of Senator Scofield and the Appropriations Committee. And we did set a good precedent two years ago. And I don't really have too, and in fact I don't have any problems supporting such a bill, even if my county, which it's easier, Senator Carson, Senator Rogers, I understand for me to stand up and support it because my county is going to be one that benefits, and that does make it a lot easier, easier to do. But the way I've looked at whether it be the railroad lawsuit or the pipeline case, what have you, it's money that was originally there that, through no fault of the counties, is going to have to be...is simply not going to be there. And this is one of those that the Legislature can say, gee, we know you didn't plan on this, it's one of those things that just happened, it was a legal matter, and we can help you for this one time, but don't come back and ask us again, because you're going to have to find how to deal with those losses in years to come, assuming that things do not develop with some of the things that we did in the special session. Hopefully that special session will prove to be fruitful. So I hope that the body does support the amendment offered by Senator Johnson is a good amendment, it's a well thought out amendment in terms that it does give the Governor a choice. The Governor, if we pass the amendment and later LB 920, can simply go on and say, yes, I'd like to give full reimbursement, or she can have the choice of saying we're just going to hit those counties that have been impacted by it 1 percent or more, which would mean the day...everybody would have to eat some of the losses, but we'd cover the major losses that would be very, very harmful to certain counties. So I think it's a well thought out amendment. I think it's a good bill, LB 905, if I remember correctly, and I would urge the body to support that. I also would like to throw out another comment that I think most senators here, if there would be something in our county that we, or anywhere in our district, that we went through and we were counting on something budgetary wise, but something happened legally, whether it was in the agriculture industry, whether it was in the business industry, and all of a sudden, through no fault of our own districts, they lost that money, I think any of us would be in here saying that we would like to help out, though. So, there are certain counties that obviously will not be helped by this. But I suspect there will be some other time in the future where they will be asking for

March 28, 1990

LB 976, 1091

SPEAKER BARRETT: Thank you. The first part of the amendment, 2843, has been withdrawn. I am sorry.

SENATOR PIRSCH: Sections of that amendment.

SPEAKER BARRETT: All of AM2843 are withdrawn. Thank you. Mr. Clerk.

CLERK: Mr. President, the next amendment I have is by Senator Pirsch. Senator, again, because you are primary introducer, I have 2844 in front of me now.

SENATOR PIRSCH: (Mike off) that is the same, is it not, Mr. Clerk? Yeah, pull that.

SPEAKER BARRETT: Withdrawn.

CLERK: Mr. President, the next amendment I then have is one offered by Senators Johnson, Pirsch, Peterson, and Beck found on page 1345 of the Journal. AM2799, Senator.

SPEAKER BARRETT: Senator Pirsch. Senator Johnson.

SENATOR L. JOHNSON: Mr. Speaker, am I perceived with an opening statement?

SPEAKER BARRETT: Certainly.

SENATOR L. JOHNSON: Thank you. Mr. President, and members of the Legislature, I think like all of us I have been increasingly aware and alarmed about the high incidence of drug use by minors. This amendment proposed to Senator Pirsch's excellent school yard bill was introduced by me during our current session of the Legislature as LB 1091. The bill received a committee hearing before the Judiciary Committee on February 21st, and at that hearing, LB 1091 received wide and unanimous support from both law enforcement officials and those involved with drug prevention programs. Those who testified and from the letters I have received are unified in their agreement that the current penalty system for drug offenses in Nebraska does not adequately address those crimes perpetrated against the young. It is a fact that our statutes pertaining to drug offenses fail to make a distinction between crimes perpetrated on an adult compared to those involving minors. In conjunction with Senator Pirsch's 976, this amendment signals a clear message to those who pedal

drugs, if you use minors to do your dirty work, you will be punished more severely if caught. It achieves this simply by upping the Nebraska felony classification one increment above that which would normally be charged if an adult were involved. This incidentally is the same method employed in federal law which allows for increased punishment on drug convictions where an adult has either distributed drugs to a minor or used a minor in a drug trafficking operation. This amendment would provide our state and local law enforcement officials with the same authority that exists at the federal level in prosecuting, convicting, and sentencing drug-related crimes where a child is involved. It would also give Nebraska a system of punishment which is commensurate with the crime, that is criminals who choose to corrupt our youth by introducing them to drugs or enlisting them in their distribution networks should and must suffer additional penalties for that crime. As you are also, I am sure, frightened and sickened, I am sure you are that drug dealers target societies most vulnerable group, its children, into the business of trafficking drugs and introduce them to other illegal activities. These criminals ensnare the young and then profit at these children's expense. Such exposure to crime often has a corruptive effect on an individual child's life with irreparable harm requiring exhaustive treatment and rehabilitative programs. The question before us and all Nebraskans is what can we do to protect and safeguard our children from a negative and criminal environment of the drug activity. Many knowledgeable people argue for tougher laws, more law enforcement officers, while others believe greater emphasis on education and rehabilitation is necessary. An honest evaluation of the problem would probably indicate that both views have merit, both are correct, and neither can be mutually exclusive of the other. In fact, the battle for the mental and physical health of our youth is not won with a single solution. It is rather a multidimensional social problem that can only be resolved if challenged with an equally diverse and unbending approach. The amendment I have offered for your thoughtful consideration this afternoon is a small but could be a significant contribution to the law enforcement part of that equation as it revises the Nebraska statute drug penalty law by incorporating the federal system of having laws specifically detailed for drug crimes where children are the victims. One of those who testified at the hearing of LB 1091 was a young man from my own district who is a senior in high school, Fremont High School. He is currently Boys State Governor of Nebraska and Ben Sass, in his testimony, said this. "This bill sends a