

January 18, 1990

LB 37, 50, 159, 259A, 409, 422, 465  
503, 503A, 543, 662, 742, 953, 1220-1242  
LR 8, 244, 245

not, the question is the advancement of the A bill. All those in favor vote aye...say aye. Opposed nay. It is advanced. Mr. Clerk, do you have anything for the good of the cause?

CLERK: Mr. President, I do. Mr. President, your Committee on Retirement Systems, whose Chairperson is Senator Haberman, to whom was referred LB 953, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File. That is signed by Senator Haberman. (See page 397 of the Journal.)

Mr. President, I have a series of hearing notices from Judiciary Committee, Appropriations Committee, Health and Human Services and Revenue, all signed by the respective chairs.

Mr. President, Senator Kristensen has amendments to LB 159 to be printed. Enrollment and Review respectfully reports they have carefully examined and reviewed LB 37 and recommend that same be placed on Select File; LB 742, LB 662, LR 8CA, LB 50, LB 543, LB 422, LB 409, LB 503, LB 503A, and LB 465 all to Select File, some of which have Enrollment and Review amendments attached. (See pages 398-408 of the Legislative Journal.)

Mr. President, new bills. First of all, Mr. President, two constitutional amendments, LR 244, offered by Senator Schmit. And LR 245 offered by Senator Hefner. (Read brief summary of resolutions. See pages 408-11 of the Journal.)

Mr. President, new bills. (Read LBs 1220-1242 by title for the first time. See pages 411-17 of the Legislative Journal.)

Mr. President, reminder, Reference Committee will meet at three-thirty today in Room 2102, Reference Committee at three-thirty in 2102. A final reminder, Mr. President. Chairmen's meeting tomorrow morning at nine...I'm sorry, at eight-fifteen in Room 2102, Chairmen's meeting, eight-fifteen, in 2102. That's called by the Speaker. That is all that I have, Mr. President.

PRESIDENT: I understand that we have 434 new bills introduced this year. This is the last day, of course. So you might be interested in that. Senator Baack, you're close to your microphone, would you like to adjourn us until nine o'clock tomorrow morning, please.

January 19, 1990

LB 272A, 1117, 1135, 1172-1242  
LR 242-245

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We are happy to have with us this morning as our Chaplain of the day, Mr. Gerry Harris, who is the Executive Secretary of the Gideons, and lives in Lincoln. Would you please rise for the invocation.

MR. GERRY HARRIS: (Prayer offered.)

PRESIDENT: Thank you, Mr. Harris. We appreciate your coming and giving us the benediction, not the benediction, the invocation this morning. Roll call, please.

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

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

CLERK: Mr. President, I have a Reference Report referring LBs 1172-1242, and LRs 242-245, signed by Senator Labedz, as Chair of the Reference Committee. Senator Coordsen gives notice of hearing for the Business and Labor Committee for February 5 and January 29. (Re: LB 1135, LB 1117.)

I have a report of registered lobbyists for the week of January 18, and, Mr. President, an Attorney General's Opinion addressed to Senator Landis regarding LB 272A. (See pages 421-24 of the Legislative Journal.) That is all that I have, Mr. President,

PRESIDENT: We will move on, Senator Lamb, are you in position to handle that confirmation report. Okay.

SENATOR LAMB: Mr. President, and members, I would offer to the body the confirmation report for Mr. Myers.

CLERK: Senator, yeah, Lawrence Myers, the Nebraska Power Review Board.

SENATOR LAMB: Yes, Mr. Myers appeared before the Natural Resources Committee about two days ago and he is a reappointment. He was appointed, I believe, late last year and there was no opposition to his reappointment, and the committee voted unanimously to recommend that Mr. Myers be appointed to

January 25, 1990

LB 836, 956, 985, 1016, 1017, 1241  
LR 246

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day, Pastor Stan Schrag of the Grace Community Church in Lincoln. Will you please stand for the morning prayer.

PASTOR STAN SCHRAG: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Pastor Schrag, we appreciate your being here this morning. Come again. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal?

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

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

CLERK: Mr. President, your Committee on Banking, Commerce and Insurance whose Chair is Senator Landis to whom was referred LB 1016 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File, LB 1017 General File, LB 956 General File with amendments, and LB 985 as indefinitely postponed, those all signed by Senator Landis as Chair of the Banking Committee, Mr. President.

I have notice of hearing or cancellation and rescheduling of a bill, signed by Senator Landis as Chair of Banking Committee. (Re: LB 1241. See page 495 of the Legislative Journal.)

Amendments to printed to LB 836 by Senator Landis, and, Mr. President, I have a report from the Department of Roads filed pursuant to statute. That will be on file in my office. (See page 495 of the Legislative Journal.) That is all that I have, Mr. President.

PRESIDENT: Thank you. We will move on to LR 246.

CLERK: Mr. President, 246 is a resolution offered by Senator Kristensen and a number of other members. It is found on page 473 of the Journal. It asks the Legislature to join in commemoration of the bicentennial of the first meeting of the

February 16, 1990

LB 313, 663A, 799, 896A, 902A, 1004A, 1064A  
1136, 1219, 1241

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning our own Reverend Harland Johnson. Would you please rise for the invocation.

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: Thank you, Harland Johnson. We appreciate you again. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Do we have any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: How about messages, reports, or announcements?

CLERK: Mr. President, Enrollment and Review reports LB 663A, LB 896A, LB 1004A, LB 1064A, and LB 902A to Select File, as well as LB 313 to Select File with E & R amendments attached. (See pages 838-39 of the Legislative Journal.)

Mr. President, I have received a series of priority bill designations; Senator Landis has selected for the Banking, Commerce, and Insurance Committee LB 1241; Senator Beyer, LB 799; and Senator Landis personal priority or LB 1136.

An Attorney General's Opinion addressed to Senator Lowell Johnson on LB 1219. (See pages 839-41 of the Legislative Journal.)

Two reports, Mr. President, the first from the Nebraska Energy Office, and a second, Mr. President, received from US Ecology regarding notice of final selection. Both of those will be on file in my office.

PRESIDENT: Is that all? Thank you. We will move on to the confirmation report of Senator Haberman's.

CLERK: Mr. President, your Retirement Systems Committee chaired by Senator Haberman offers a report found on page 833 for Ms. Connie Witt to the Public Employees Retirement Board.



SENATOR ASHFORD: No. The seven days has to elapse, if there is no return, then the gun may be sold.

SENATOR HABERMAN: Okay. That can happen with the bill. Let's say, for example, that it's mailed late Friday, Saturday the mailman might pick it up. There's Sunday, and it's delivered on Monday, it takes two days to check it out. They mail it back Thursday, your seven days are gone. You said you don't have to mail it back, but they have to let them know it's no good. Then we've been talking about a compromise. You heard Senator Ashford say there is no compromise, there is no compromise. So I say, folks, it's a bad piece of legislation, it's drawn badly. I understand there is going to be an indefinite postpone motion put up. You won't be able to vote on it because we're going to be asked...for it to be laid over. So I would say what we went through this morning is for naught, but we'll have the same discussions when it comes back before us. Thank you, Mr. President.

PRESIDENT: Thank you. Mr. Clerk, you have a motion on the desk?

ASSISTANT CLERK: Yes, Mr. President. Senator Hall would move to indefinitely postpone the bill.

PRESIDENT: Senator Ashford, you have a decision to make. You want to take it up today, or...

SENATOR ASHFORD: Oh, I'll go ahead and....

PRESIDENT: Today?

SENATOR ASHFORD: No, not to day.

PRESIDENT: Not today. That will be laid over. All right. Anything for the record, Mr. Clerk, at this time?

CLERK: Yes, Mr. President, I do. Mr. President, your Committee on Banking, Commerce and Insurance, whose Chair is Senator Landis, reports LB 1241 to General File with committee amendments attached. That's signed by Senator Landis. And Urban Affairs Committee, whose Chair is Senator Hartnett, reports LB 1221 to General File. (See page 898 of the Legislative Journal.)

March 16, 1990

LB 899, 1107, 1241  
LR 300

SENATOR SCHMIT: I know the trade-offs are there. I know the deal has been cut, but I want you to know that I know what is going on. I don't want you to think you can do it and that I do not know any better. I know what's going on. I don't object to it, I'd like to be a part of it I guess, but I can't be in this instance. Thank you very much.

PRESIDENT: Thank you. Senator Scofield, would you like to close, please.

SENATOR SCOFIELD: Mr. President, I'd simply move the bill. Thank you.

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

CLERK: 26 ayes, 1 nay, Mr. President, on the advancement of LB 899.

PRESIDENT: The bill is advanced. Mr. Clerk.

CLERK: Yes, Mr. President, I do. A new study resolution LR 300 by Senators Weihsing and a number of members will be referred to the Executive Board. (See pages 1395-96 of the Legislative Journal.)

Mr. President, Senator Labedz has amendments to be printed to LB 1107. That's all that I have, Mr. President. (See page 1396 of the Legislative Journal.)

PRESIDENT: Okay, thank you. We'll move on to LB 1241.

CLERK: Mr. President, 1241 was a bill introduced by Senator Chambers. (Read title.) The bill was introduced on January 18 of this year. At that time it was referred to the Banking, Commerce and Insurance Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the Banking Committee.

PRESIDENT: Senator Landis, are you going to handle those? Please.

SENATOR LANDIS: Mr. Speaker, members of the Legislature,

LB 1241 was brought to us by Senator Chambers, by a wide array of the north Omaha community and I believe it also has the blessings of the administration as well. This measure utilizes our research authority, the Research and Development Authority, to create a business development corporation. Now, a business development corporation is basically a pass through, a method of creating a corporation that will hold money to invest in other businesses in order to develop them and to bring them along to create some viable entities, if you will, and in this case the blighted neighborhood of the north Omaha area. The Research Authority has a current budget of between two and \$3 million, I understand, and one of our measures, one of the parts of the committee amendments is to take an additional million dollars from the General Fund, put it into the R & D Authority, basically it will wind up being money to create the Business Development Fund, or the Business Development Company, rather. In the event there is this injection of state assistance, there will also be an attempt to find matching contributions from other businesses who will invest in the business development corporation, should they choose to do so. They would receive credit under our existing Community Development Act. The Community Development Assistance Act is a program that allows for tax credits against corporate income tax if a business does something out of its ordinary course of business in furtherance of community development. The business that would make such a contribution to the business development corporation, rather, would be doing such an act that would qualify for that kind of special recognition under the Community Development Assistance Act and receive the tax credit. So, you have funds coming from two sources. You have the Research Authority and Development getting a million dollars of money to help form this. You have private contributions by businesses who in turn get tax credits. That forms a nest egg of money which is then invested in companies or in ideas rather that come forward that look like they will be viable businesses in the north Omaha area, a business that wants to be underwritten, an individual who wants to start a business has to provide a business plan, has to come forward with the kind of evidence that this is a feasible, thoughtful, potentially profitable operation. The business development corporation will examine those ideas and will make investment decisions in which ideas to invest in. The Banking Committee's amendments include several parts. First, the existing Development Assistance Act, the Community Development Assistance Act, permits this tax credit to corporations against their corporate income tax. It does not provide language

allowing banks to contribute for the act because it only applies to tax credits against the corporate income tax. Well, there is a special bank corporate income tax and we needed to make an amendment that allowed for financial institutions to participate in the Community Development Assistance Act and thereby receive a tax credit should they do so. Secondly, we had to identify a million dollars of new money rather than to shift Research and Development Authority monies that are currently in their budget. This was done by the committee so that we would not impair any of the existing plans of the Research Authority and Development, corporation, rather, to do their existing workload. Third, we amended the bill to require the Research and Development Authority which...to create, rather, the business development corporation with a nonprofit corporation that already exists in the target area. In other words, they could merge those two if they wished and, secondly, provide that the corporation will have an eleven member board comprised of two representatives of the Research and Development Authority, three representatives of the nonprofit corporation forming the business development corporation and six representatives of the community. We also permit the amending of Section 14 to require that any financing agreement between the business development corporation and an eligible business shall be approved by the board of directors of the corporation, the business development corporation in order to gain the assistance of our business development corporation. We also create the emergency clause and delay the operative date to July 1, 1990. These cleanup amendments are basically to permit this basic structure to operate. The pieces of the structure, again, the Research and Development Authority into which we pour a million dollars which in turn then goes out and finds the nonprofit corporation that is there and merges it into and creates a business development corporation with the appropriate membership. That business development corporation can receive money from businesses who make contributions to it. The businesses who contribute receive tax credits for making those contributions. With those contributions in hand, the business development corporation has a nest egg. That nest egg is parceled out to people who want to start businesses in north Omaha and with a business plan and with the showing of feasibility, the business development corporation makes a loan to the aspiring business and that then is part of a revolving loan process and hopefully this will be able to continue to function and create business development in north Omaha. With that, I would ask for the adoption of the committee amendments.

PRESIDENT: Thank you. Senator Ashford, you're next, but may I introduce some guests of Senator Morrissey, please, in the south balcony. We have 25 eighth graders from the Tecumseh area and their teacher. Would you folks please stand and be recognized by the Legislature. Thank you for visiting us today. Senator Ashford, please, followed by Senator Wesely and Senator Hefner. We're on the committee amendments. Okay, Senator Wesely, on the amendments. Senator Hefner, you're...on the bill. Nobody wants to talk about the amendments. Senator Landis, did you wish to close on the amendments.

SENATOR LANDIS: Having described them, I'll just move for their adoption. We can then discuss the bill as amended as it is intended to do its work.

PRESIDENT: Thank you. The question is the adoption of the committee amendments. All those in favor vote aye, opposed nay. We're voting on the adoption of the committee amendments. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

PRESIDENT: The committee amendments are adopted. Senator Chambers, would you like to discuss your bill, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, as Senator Landis exhaustively explained the bill while he was giving the committee amendments, so, and it is venture capital equity and debt financing. That's the concept which I'm sure all of you are familiar with, so I'd like to give a few other types of comments on the bill. This is finally an effort to get at some of the underlying causes of poverty and the problems that are generated through that. Much has been said about fighting the war on drugs. This bill may not seem to fit into that category, but in my mind, this is a much more effective way of trying to approach that problem because it is getting at some of the sociological and economic underpinnings of the overall problem. If we have a bill such as this which will result in the creation of new businesses, the expansion of existing businesses and those businesses in turn offer meaningful employment opportunities to youngsters, and even their parents, some of the businesses will offer a future. Then you can tell some of these young people, go to school, there is a purpose and a value in education and you can see it burgeoning around you.

This bill providing \$1 million is only a first step. It's not going to solve all of the problems, but it's a good faith effort to create a credible program that people can take some confidence in or place confidence in. If you will look at the committee statement, you will notice the number of the larger businesses having sent representatives down here to speak for the bill, even the Chamber of Commerce. To be honest, I feel somewhat uncomfortable in that company, but when you have a good idea it draws a lot of different interests together. Last summer various businesses in Omaha collected seven hundred and something thousand dollars that they spent for recreational purposes. Nothing wrong with that. I'm glad that they did. But this offers something more substantial, something of permanence because it creates a fund from which loans can be made to produce businesses. Those businesses are not all going to succeed, but the ones which do will pay back what they owe plus whatever the interest rate happens to be depending on the amount of risk entailed with the loan and that money will be available for others. So I'm hoping that this bill will move forward. The other day Senator Hefner and I were on an amendment and he had said that if our being on that amendment caused a snowstorm, so be it, and the next thing that would complete it was for him to see the Governor and I on something. Senator Hefner, that day has arrived. I hope you will support this bill and if you have any questions, I'm prepared to answer them.

PRESIDENT: Thank you. Senator Ashford, please, followed by Senator Wesely.

SENATOR ASHFORD: Thank you, Mr. President and colleagues. I stand in strong support of Senator Chambers' bill and it is interesting to observe this grand alliance that has been forged between Senator Chambers, the Chamber of Commerce, the Governor and maybe others in this body, but I really, in reviewing the bills that have come before us this year and the new proposals, I guess this one from the beginning of the session struck me as the most interesting and maybe the most significant of all the bills that we dealt with, at least for Omaha. The two things that I think are of interest to me, one is that it is a program which can be sustained. So many times we dump efforts, certainly, and to some degree, money into areas of the city that need economic development and then walk, to some extent, walk away from those projects within a short period of time after they start. And this bill has a sustaining function which, or a

part of it which guarantees that it will sustain itself financially, and not only is there significant state money to start with, and I told Senator Chambers earlier in the session that I would have liked to have seen even more money than the 1 million that he has asked for because I think this is such a significant project, but I think a million dollars is a significant amount. It shows, and it will allow and shows to the business community that this is a real effort on the part of the state or the citizens of Nebraska to do something in the area of economic development in this part of Omaha. The 40 percent tax credit guarantees, I think, guarantees private industry participation or private business participation with the financial participation of private business comes their expertise as well. Once a business puts a...makes a commitment to give this kind of financial, make this kind of financial effort, once they make that decision they oftentimes bring with that decision the expertise that it takes to develop businesses, new businesses in an area. So I think that this bill seems to address all of those concerns in a very real way. I wholeheartedly support it. I think it will be a success, I really do believe it will be a success. It is needed, clearly needed. It has a good purpose, but as Senator Chambers mentioned, oftentimes we have great purposes for things and sometimes those purposes fall on unfertile ground for whatever reason and I think now we have made it absolutely guaranteed at least that we have the money to get started and I'm sure we will bring into the project businesses that are...that will add a lot to the economic development of this area. I'm just excited about it for Omaha and for the state. I wholeheartedly support it and urge its advancement. Thank you.

PRESIDENT: Thank you. Senator Wesely, you are next, but may I call on Speaker Barrett for a special announcement, if the Speaker may please have your attention. (Gavel.) Ladies and gentlemen, please can I have your attention for a moment while Speaker Barrett gives you an important announcement.

SPEAKER BARRETT: Thank you, Mr. President and members. For those of you who have been asking, it is my purpose to work through the lunch hour today and then direct our attention to approximately three o'clock this afternoon. I would hope that we could work through the noon hour and then adjourn for the weekend at approximately three o'clock. Thank you.

PRESIDENT: Thank you. Senator Wesely, please.

SENATOR WESELY: Thank you. Mr. President and members, I, too, rise in support of LB 1241, a piece of legislation that I've had a great deal of interest in and very much commend Senator Chambers for his initiative in working on this problem. I want to tell you a little bit about how this meshes in with a bigger issue and a bigger proposal that we hope eventually to bring to this body. The concept embodied here is to go to the Research and Development Authority that now gets something like \$2 million a year, add another million dollars to that \$2 million base and give that \$1 million specifically to north Omaha, in addition providing a 40 percent tax credit to allow for private investment into that area of the city. Now I think that combination of state public funds and private investment will have a great benefit to that area of Omaha, an area that I think we all recognize has got particular problems, specific needs and a much higher concern among many of us than any other area of the state. I want to also emphasize the concerns that we find in north Omaha are concerns that we find in many areas of the state particularly our rural areas of the state. LB 775 and the breaks provided for under that piece of legislation have been very beneficial to the 200 some companies that applied for those tax advantages and primarily those companies have been in Omaha and some in Lincoln and, of course, across the state in some areas. But what we found is that that did not solve the economic problems of many areas of the state. North Omaha was not benefitted by that legislation and that was testified to at the hearing that we had on this bill, that north Omaha got missed in that revitalization of the economy of Omaha that 775 some people feel was responsible for. So north Omaha was left behind, also rural Nebraska in large part was left behind and so there is another piece of legislation, LB 577 that deals with venture capital that would provide a 25 percent credit that would apply outside of the Douglas County area, that would, in fact, mirror a great deal of the sort of benefits that LB 1241 provides. And so hopefully the Speaker and I have discussed the possibility of special ordering that legislation. If you combine those two pieces of legislation, you will do a great deal to achieve the sort of goals we have for universal economic revitalization in this state, and the whole concept is this. We have a capital problem that we have ideas, we have businesses that want to expand and grow, we have concepts and services and products that could be marketed but we don't have the resources to do that. And if we can target those resources as this bill does to north Omaha, if we can bring in the capital into the



rural areas of the state, that we can take and transform those opportunities into realities. And I think this is a good step forward and I'm very excited about the possibility of seeing this initiative pass, but I also hope that we will be able to do even more than this to help the whole State of Nebraska. But I commend Senator Chambers. He has been excellent in working on this. I've appreciated the chance to work with him. If north Omaha benefits and revitalizes, then the state wins and is revitalized and hopefully we can continue that sort of change across the State of Nebraska. But I, for one, feel good about this initiative and the concepts involved I think are sound and the amendments I think that we adopted by the committee have helped the bill and with that I would support the legislation's advancement.

PRESIDENT: Thank you. Senator Hefner, please, followed by Senator Beck, Senator Hartnett and Senator Barrett. Senator Hefner, please.

SENATOR HEFNER: Mr. President and members of the body, I rise to support this bill. I think that it's needed. I think the purpose of this bill is great. I think the results could also be great. I feel that government and private enterprises need to work together and this will certainly provide that. I have a question for Senator Chambers, if he'll yield.

PRESIDENT: Senator Chambers, will you respond, please.

SENATOR HEFNER: Senator Chambers, this bill says tax credit for business corporations.

SENATOR CHAMBERS: Mmmm, hmmm.

SENATOR HEFNER: Would that also include private contributors?

SENATOR CHAMBERS: Oh, yes, it does. That's the aim of it, to get the private contributors to offer and that is the incentive to encourage them to do so and they'd get 40 percent, a credit for up to 40 percent of their investment, so Baron Hefner is welcome also. You don't have to live in north Omaha, you don't even have to live in Omaha at all.

SENATOR HEFNER: Okay, and that's the next question I was going to ask, Senator Chambers. What percent can you deduct, but you've answered that. Is there any limit?

SENATOR CHAMBERS: Oh, no, Senator Hefner, because I had people like you in mind and we wanted no ceiling at all, nor is there a floor.

SENATOR HEFNER: Okay, that's great and there will probably be another snowstorm tonight. But anyway, I certainly support this. One more question, Senator Chambers, would this be a loan to those businesses or those...

SENATOR CHAMBERS: Yes.

SENATOR HEFNER: ...or would that be a grant?

SENATOR CHAMBERS: It would be a loan and the person applying has to meet certain criteria and one of those is the likelihood, you know, there is going to be some risk in this for sure, there is no guarantee, but they have to have their business plan, indicate the kinds of jobs they will create, the number of jobs and there should be some likelihood or possibility of the corporation recouping the initial loan that they made to the person.

SENATOR HEFNER: Okay, thank you, Senator Chambers. And I think that's good because this would become a revolving loan fund then and that's great. But new businesses and industries create jobs and when they create jobs and people have jobs, well, that means that they will be spending more on sales tax, they will be spending...or they will be paying the state income tax and so I think the state could benefit from this a great deal. I understand that Governor Orr is supporting this and I think this is great. And have any of you people ever visited with some of our unemployed people? They get very depressed and it's really tough to go through being unemployed and this will certainly help that to get more of those people in north Omaha employed. I would like to just say this, that I believe this \$1 million will be an investment, this \$1 million will be an investment and not an expenditure to the State of Nebraska. And, like I said before, I feel that it's needed. I feel that the purpose is good and, hopefully, the results will be great. Thank you.

PRESIDENT: Thank you. Senator Beck, please.

SENATOR BECK: Thank you, Mr. President, and colleagues, I just

wanted to add a word that Senator Chambers and I have visited about his intent and his role in this. And if you look at the members, the people that are on the statement, the committee statement, you can see that this is a communitywide effort and now with Senator Hefner agreeing, and so forth, it's become a state effort and this is certainly something that needs to be done for Omaha, for the people of Omaha, but not just that. It adds credence to the fact that those who have ideas and dreams now have hope that they can fulfill those ideas and those dreams and we want to see that done in north Omaha. It will make a world of difference not only here and to the people there but to the people of the rest of the city and to the people of the state. And so I just wanted to add no real flowery words this morning, I think the gentlemen have dibs on those, but I wanted to commend Senator Chambers, those people that he is working with, and I would like to see this done. So, thank you.

PRESIDENT: Thank you. Senator Hartnett, please.

SENATOR HARTNETT: Mr. President and members of the body, I do applaud Senator Chambers for bringing this bill here. And I think that of all the bills that we're going to deal with drug, I think that Senator Chambers hit the nail on the head when he simply said that jobs are...getting people jobs is the most important thing. And I guess one of my concerns, as I visited privately with Senator Chambers and Senator Landis, is that are the people...have to be from that area, and I think that that's something I am going to look at because I think...I had a bill in front of the Revenue Committee with venture capital in it in that bill and I think some federal legislation that a third of the people have to be employed from the area and maybe we can look at that and do something on Select File. So I do applaud the efforts of Senator Chambers with this bill.

PRESIDENT: Thank you. Senator Chambers, would you like to close, please. Okay, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 1241.

PRESIDENT: The bill is advanced. We will move on to LB 931, please.

March 20, 1990

LB 931, 1059, 1241  
LR 11, 322-330

Senator Withem's amendment.

SPEAKER BARRETT: The amendment is adopted. Anything for the record, Mr. Clerk?

CLERK: Mr. President, I do. Study resolutions. (Introduced LR 322-330. See pages 1464-69 of the Legislative Journal.) That will be referred to the Executive Board.

Enrollment and Review reports LB 1241 and LB 931 to Select File with E & R amendments. Senator Hartnett has amendments to LR 11CA to be printed. (See pages 1469-71 of the Legislative Journal.)

Mr. President, the next amendment I have to the bill is by Senator McFarland. I have a note, Senator, you wish to withdraw 2792.

SPEAKER BARRETT: Withdrawn. Withdrawn.

CLERK: Mr. President, the next amendment I have is by Senator Warner. Senator, this is your AM2872. (See Warner amendment on page 1249 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, this amendment is filed in order that I can understand the funding mechanism. I don't have a lot of enthusiasm about increasing...an amendment to increase a tax for a bill that I have not decided how I'm going to vote on. But I also know that this decision becomes awfully simple if the funding is not there to meet the appropriation. As I understand 1059 at the moment, the income tax would take effect until, I suppose I should...I don't know whom I'm addressing the question to, maybe Senator Moore. As I understand the bill, the income tax which would be required would not take effect until January 1, 1991.

SPEAKER BARRETT: Senator Moore.

SENATOR WARNER: I believe the sales tax, I believe, takes effect July 1 of this year. I have two problems that I need to understand. The first is, if LB 1059 does not get 33 votes on Final Reading then I assume the sales tax would not be adjusted July 1, obviously, because three months after April 9th is

March 22, 1990

LB 1063A, 1241, 1244

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 1244.

SPEAKER BARRETT: Any discussion? Shall the E & R amendments to 1244 be adopted? All in favor say aye. Opposed no. Carried. They are adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1244, as amended, be advanced to E & R Final.

SPEAKER BARRETT: Are you sure, Senator?

SENATOR LINDSAY: I am.

SPEAKER BARRETT: Thank you. Any discussion? All those in favor of the advancement of the bill say aye. Opposed no. Carried. The bill is advanced. Mr. Clerk, I would recommend we jump to LB 1063A.

ASSISTANT CLERK: Mr. President, I have no amendments on 1063A.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1063A be advanced to E & R Final.

SPEAKER BARRETT: Is there discussion? Shall LB 1063A be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. Mr. Clerk, I would recommend we move to LB 1241.

ASSISTANT CLERK: Mr. President, on LB 1241, I do have E & R amendments.

SPEAKER BARRETT: The Chair recognizes Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 1241.

March 22, 1990

LB 931, 1241

SPEAKER BARRETT: Discussion? Shall the E & R amendments be adopted to the bill? All in favor say aye. Opposed no. Carried. They are adopted.

ASSISTANT CLERK: Mr. President, Senator Chambers would move to amend the bill.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is an amendment recommended by Senator Hartnett. He had had a similar bill and what it says is that 15 percent of those who would be employed in these new or expanded businesses in the target area, at least a third of them would have to come from the target area. Since the aim of the bill is to help reduce unemployment, there should be some statute...some language in the statute to give a guideline. So this amendment would say that at least a third of those employed in a business having 15 or more employees would have to come from the target area. So I'm asking for the adoption of the amendment.

SPEAKER BARRETT: Any discussion? The question is the adoption of the amendment. All in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: 25 ayes, 0 nays on Senator Chambers' amendment, Mr. President.

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: Senator Lindsay, wherever you are.

SENATOR LINDSAY: Mr. President, I move that LB 1241 be advanced to E & R Final.

SPEAKER BARRETT: Thank you, sir. Is there discussion? The question is the advancement of LB 1241. All in favor say aye. Opposed no. Carried. The bill is advanced. Mr. Clerk, to LB 931.

ASSISTANT CLERK: Mr. President, I do have E & R amendments on 931.

March 27, 1990

LB 571, 688, 854, 870, 897, 1241  
LR 395

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.

March 27, 1990

LB 42A, 923, 931, 1059, 1059A, 1063A, 1221  
1222, 1222A, 1241, 1244A  
LR 11

Mr. President, Enrollment and Review reports LR 11CA to Select File. That's signed by Senator Lindsay as Chair.

Mr. President, your Committee on Enrollment and Review reports LB 42A, LB 931, LB 1059, LB 1059A, LB 1063A, LB 1222, LB 1222A, LB 1241, LB 1244A, all reported correctly engrossed. (See pages 1648-53 of the Legislative Journal.)

Hearing notice from Business and Labor for confirmation hearing, signed by Senator Coordsen as Chair. (See page 1653 of the Legislative Journal.)

Mr. President, Senator Beck would like to add her name to LB 923 as co-introducer. That's all that I have, Mr. President.

SPEAKER BARRETT: Mr. Clerk, proceeding to LB 1221.

CLERK: Mr. President, LB 1221 was a bill introduced by Senator Hannibal. (Read title.) The bill was introduced on January 18, referred to the Urban Affairs Committee for public hearing, advanced to General File.

SPEAKER BARRETT: Senator Hannibal, would you care to open on your bill?

SENATOR HANNIBAL: Thank you, Mr. Speaker, and members of the Legislature, LB 1221 is a bill, as you heard, came through the Urban Affairs Committee and LB 1221 does two things basically. It deals with the Omaha Plumbing Board and most of you have been made familiar with the issue even though it doesn't affect anybody...anybody's district with the exception of the City of Omaha. I hope I have had a chance to talk with all of you and I have heard...and I imagine you have been talked to by those that are not necessarily in favor of the bill. But anyway LB 1221 does two things to the Omaha Plumbing Board and, for those of you who are not familiar, the Omaha Plumbing Board is a five-member board consisting of four members that are considered in the plumbing industry, a journeyman plumber, a master plumber, four members there, and one health officer. LB 1221 expands that to add two new members to it, to the plumbing board and those two members would be a mechanical engineer and an architect. The third...second thing it does with that plumbing board is it removes...the specific requirement that the health officer serve on the board and allows the mayor to appoint a person from the general public as the fifth...or the seventh



April 5, 1990

LB 854, 1063A, 1241

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.,

the Nebraska Research and Development Authority and the committee did make some amendments, but I don't believe that they amended it enough. And so I am introducing, if my bracket motion does not fail, a series of amendments that I think will make the bill better and will indeed truly benefit the economic development in Omaha and in the State of Nebraska. One of the...one of the articles put out in the Greater Omaha Chamber of Commerce Profile was the strategies for building business, the direct marketing, the response, the program. And the first three chapters of the Economic Development Strategy by M. Ross Boyle, President, the gross strategies organization, describe Omaha's economic development opportunities. The fourth chapter provides ways in which the community might enhance its competitive posture and in the final chapter of the study Boyle spells out actions that must be taken to capitalize on the city's opportunities in product improvement efforts. And then chapter five discusses retention of existing...existing businesses and expansion of Omaha based establishments, new business formation and ways to attract new business to the area. And, in that area of business retention, most companies will close local operations due to market forces, internal organizational considerations and local business climate factors. LB 1241 will not address any of these. And Boyle said nothing can be done about the first two reasons, however, in order to reduce business climate generated losses, Omaha must work hard to maintain a competitive business environment and that includes all of Omaha. And so Boyle recommends that the Chamber expand its computer-based business establishment file to include all primary business establishments in the metropolitan assessment...or, excuse me, the metropolitan statistical analysis that employ at least 20 persons and regularly updated data on business climate concerns. Chamber, county and city officials should reinstitute a full business visitation program. LB 1241 does not address that. The Chamber expands its annual survey of business establishments in the MSA to include trend information on business climate issues. And, fourth, Chamber, city and Douglas, Sarpy and Washington County officials should set up a formal system for researching and responding to specific problems of local firms. Now to promote business expansion in the area, the community must help and they must help local businesses interested in expanding their markets. The state cannot do everything and so they encourage the local community to help those businesses interested in expanding their markets and to help growing businesses to expand here. Businesses need assistance in capturing government procurement

contracts and building export markets. Export markets is really where it's at and that is where the focus of our economic development should be. Boyle makes the following recommendations in fostering business expansion. Establish a formal, federal procurement assistance program in cooperation with the state and the state's congressional delegation. The federal government procurement is a lucrative market. Many small and middle-size companies are unaware of this market, despite the incentives designed to encourage their participation. Many companies are unwilling to go through the complicated process involved in applying for government contracts. Boyle's recommendations suggest that the Chamber assign a staff person to assist local companies in preparing bids and act as a liaison between congressional and Nebraska Department of Economic Development staffs. They also should establish an export development program to assist businesses interested in gaining or expanding export markets for their products. About two-thirds of all exports represent market opportunities for the average American business. The most recent year detailed state level manufacturing export data is available and that's only available from 1984. And in that year Nebraska had 5 percent of total U.S. exports. Not a very good record, and ranked 35th among the 50 states. We have talked a lot about Nebraska's positioning in many areas but very few in some of the markets that are available and very little ranking is paid attention to. We implement a Buy Nebraska program to generate more businesses for area firms, allowing them to expand operations and increase employment.

PRESIDENT: One minute.

SENATOR PIRSCH: We had a Buy Nebraska promotion at my company which worked very well. In fact, people are always amazed at the variety of products that Nebraska produces right here and it's always a good decision when you're looking at products on your grocer's shelves to make certain that you cannot pick a Nebraska product. I have more to say on this subject and I will continue with my light on.

PRESIDENT: Thank you. Senator Labedz, followed by Senator Wesely, Langford, Byars and Pirsch. Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. President. Senator Pirsch, I admire what you're doing. I don't know what it is but I got myself excused but when I heard you on the speaker, I

immediately come back because this is an example of what could happen. And if I joined in with Senator Pirsch and I'm undecided about whether I should support this or not, it seems like a very good thing but I understand it might be just a Governor's recommendation and I don't care about that especially because I still feel that what happened last night and the night before is something that we seriously have to talk about. I was on a couple TV stations and said that, hopefully, in January we can change the rules so something that occurred last night, especially with Senator Bernard-Stevens going up and putting amendment after amendment on no good reason whatsoever to reconsider a vote and then to put up a bracket motion, he could do that all night long for 365 days of the year and, hopefully, all summer long before January 1st of next year I will be reminding the senators that sat here two nights in a row till almost midnight that that could easily happen again. We have to come up with a system to not only give the Speaker some authority to rule someone out of order and then forever go on with a bill, vote it up or down after a certain length of time, because this could easily happen on this bill or on a bill that Senator Bernard-Stevens may have that he is very, very interested in. And, as I said before, both of them are very capable and qualified to keep you here overnight into the next day's session if they so choose. And if it doesn't pass next year, we will be going through the same thing again. I'm not speaking on the bill or what Senator Pirsch is trying to do but, after all, nobody did yesterday either when they had a motion to reconsider or...any type of motion that went up there. They got their 15 minutes in that they were allowed, their 10 minutes for opening and five minutes for closing and were able to hold us up until close to midnight. So I'm just standing here now reminding you and I will continue to do that, that we have to remember this come January that we cannot go through this ever, ever again, especially when you have 30 co-sponsors of a bill and at least 32 or 34 other...including two or three others that were not on the bill that said that they would vote for the bill. That was an awful lot of support and I hope the people of Nebraska realize the hard work that those senators put in by staying here. Many of you were tired. You were ill and you had bad colds and wanted to go home. I asked you not to and you stayed and I want to take this opportunity now to thank each and everyone of you that stayed with me all through the evening and never deviated once until it was time to go home and I certainly would not object to you voting to adjourn at that time, although I still voted no. So I hope that we will all remember this next

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

with fairly. But we did go to the Speaker to have LB 577 picked as a Speaker priority and he did agree to do that and so I felt like the issue on a statewide basis would be addressed. Unfortunately, the Speaker's list that included LB 577, 577 got dropped off so it never was officially picked as a Speaker priority, so the next thing was to have it special ordered. Well, we never got around to special ordering it. So, lost in the shuffle of this year's bills is LB 577 which would take the concept embodied by LB 1241 and expand it statewide and attempt to help rural and urban cities and areas across the State of Nebraska. Now I still feel, however, despite the fact that this is focused into north Omaha, does not have the ability to help the whole state, that we need to do this because we can do the other next year. It looks like that's our only option. But it's unfortunate that we weren't able to do it this year because of the objections from Governor Orr and her administration not wanting to have this bill expanded. I still don't understand why that is but that's what caused the problem. But, nevertheless, this bill could mesh neatly with that concept that we could have this legislation help north Omaha target assistance and benefit that area of the state and then take that concept and move it across the state next year, and I think it works quite well. So I happen to believe in this concept, that I happen to believe that north Omaha particularly needs assistance and if they're first to get it, that's okay with me because they're usually the last to get help in so many other ways. At the hearing that we had on the bill, we asked...we asked the individuals who came in from north Omaha about the benefits of LB 775 and all the things that it had done for Omaha. We had the impression that Omaha had benefited greatly from that legislation. And what they said was, no, north Omaha, in one person's quote, would be no way, we got nothing out of that bill, that it was beneficial to some areas of Omaha but north Omaha really did not see much benefit out of LB 775 and so they were back asking for this type of assistance, targeted to their area of the city. And it became quite apparent that that was, in fact, the case that they had been forgotten or left behind and the renaissance of the recovery that Omaha's economy had experienced had not been universal, had missed north Omaha.

PRESIDENT: One minute.

SENATOR WESELY: So, in my estimation, we've passed 775 and we passed other legislation and it seems to have bypassed this area of Omaha and a lot of the rest of the state has been bypassed as

well. And so, in my estimation, the thing to do would be to pass this legislation and then next year come back and pass the sort of version that we had in the Banking Committee and allow the whole state to benefit from this initiative and to allow both north Omaha and the rest of the state to begin to initiate these expansions of business, these developments that are lacking resources and give them those resources to take their dreams, make them real, and see that things happen as they wish they could happen in these areas of the state. So I, for one, would oppose the bracket motion and just wanted for the record to indicate the background of this legislation.

PRESIDENT: Thank you. Senator Langford, please, followed by Senator Byars.

SENATOR LANGFORD: Mr. President and colleagues, I thought it might be helpful to talk a little bit about bonds which might be needed to finance these enterprises in north Omaha. The general obligation bonds, backed by the users full faith and credit usually repaid from general resources. Revenue bonds, bonds that will be repaid with income from the projects that they have...they are issued to fund, for instance, revenue bonds include bonds issued to build a highway which are backed by receipts from the highway tolls. Moral obligation bonds. These are revenue bonds that are usually issued by special state agencies or government commissions. The state or city takes on a moral obligation to repay the money with interest but no legal obligation. Moral is the only guarantee the buyer gets. Then, of course, I think mostly what they're talking about are industrial development bonds, bonds issued by a governmental body to finance a facility or equipment that will be leased to a private corporation. The bonds are backed by the credit of the private corporation instead of the issuer. IDBs have been issued for housing, health care, transportation and waste disposal product...projects. Prior to 1986 they were also issued extensively for economic development. Abuses led Congress to severely restrict tax exempt status for IDBs, although...although many are still being used across the country even though they are now generally taxable. Then you have special tax bonds, bonds secured by a specific tax, such as gasoline or sales tax or a series of taxes, the revenues from which will be used to repay the borrowed funds. Then there are put bonds, long term bonds that may be sold back to the user at full maturity value on a specific date, a put date prior to maturity. In other words, on the put date the investor will get



what he or she would have gotten if they had held the bond to maturity, no matter what the interest rates are. Tax and revenue anticipation notes. These are short term bonds which generally have one to five year maturities. Like general obligation bonds, they are backed by the full faith and credit of the user and are routinely used by states and large municipalities to help them over cash flow problems, particularly near the end of the fiscal year. Then you have refunding. Refunding bonds are issued to replace outstanding bond issues when interest rates drop. Then your underwriters, the bond dealers and bankers had purchased the bonds from the issuer and put them on the market. P&Cs, property and casualty insurance companies. Traditionally, these companies had been one of the three main segments of the bond market, along with commercial banks and individual investors and their financial institutions. Bond refunds. Registered investment companies...

PRESIDENT: One minute.

SENATOR LANGFORD: ...whose assets are invested in diversified portfolio of bonds. Then, of course, par value is just a term that I assume everyone knows, however, I will tell you anyway. The principal amount of the bond due at the bond's maturity date. Maturity, the date when the principal amount of a bond is due. Yield, the interest that bonds pay. Then another term is spread, the difference between the price the underwriter pays the issuer for bonds and the price at which the underwriter sells the bonds to the investor. In other words, the spread...

PRESIDENT: Time.

SENATOR LANGFORD: ...is the underwriter's profit, plus expenses.

PRESIDENT: Time.

SENATOR LANGFORD: Spreads are determined either by the underwriters bidding for the issuer's business or for negotiations between the issuer and the underwriter. They are expressed in terms of dollar per thousand for bonds.

PRESIDENT: Time.

SENATOR LANGFORD: Then the last term, and I'm surely...I know you're terribly disappointed, secondary market, the market in



which the bonds are resold. Now all of this information is absolutely necessary, I'm sure, in north Omaha for the business that they wish to do.

PRESIDENT: Time.

SENATOR LANGFORD: Should anyone want any more information, I would be delighted to give it to them.

PRESIDENT: Thank you. Senator Byars, please.

SENATOR BYARS: Yes, Mr. President and colleagues, I would graciously like to yield my time to my seatmate Senator Pirsch.

PRESIDENT: Senator Pirsch, please. And, Senator Pirsch, yours is the next light so if you want 10, you may have it.

SENATOR PIRSCH: Oh, thank you very much, Mr. President. Yes, I do have a lot of information that I want to impart to you today. We are talking about Community Development Assistance Act and changes in that act. And in this, of course, we have to consider where to put our dollars where they will make the most impact. And I was talking, if you will recall, about the Boyle report to the Chambers when...on my introduction, and I will go back and refresh your memory about the following recommendations in fostering business expansion. They recommend establishing a formal federal procurement assistance program in cooperation with the state and the state's congressional delegation. They have...federal government procurement is a lucrative market and one that we should look at. Many small and middle-size companies are unaware of this market and despite there are many incentives to encourage their participation. Sometimes all we need is to give those small businesses some information and the Chamber is trying to accomplish that. But also many companies are unwilling to go through the complicated process involved in applying for government contracts. Boyle's recommendations suggest then that part of the help that you could give to a local company to assist the local companies in preparing bids and then act as a liaison between congressional and Nebraska Department of Economic Development staffs. Let them help you but sometimes in order to have the congressional or Nebraska Department of Economic Development help you, you need someone to assist you in dealing with them before they can help you. We need to establish an export development program. Many of the products that we produce in Nebraska could be exported and we

need to assist businesses interested in gaining or expanding export markets for their products. I don't know of any of those products that LB 1241 would address but we definitely need to expand those markets. About two-thirds of all exports represent market opportunities for the average American business and the most recent year detailed state level manufacturing export data, I told you, was only available since 1984, none more recent, which is too bad. And in that year Nebraska had an abysmal record, .5 percent, and ranked 35th among the 50 states. Number three of the Boyle report recommendation was to implement a Buy Nebraska program to generate more business for area firms, allowing them to expand operations and increase employment. There are many Buy Nebraska efforts across the state and a food industry center has been very...

PRESIDENT: One minute.

SENATOR PIRSCH: ...instrumental in making that more out in the front and make us all aware of the fact that we should support our Nebraska businesses and Buy Nebraska. Also, number four, we should initiate a worker attraction program that will help local businesses with potential for expansion in hiring nonexempt workers. And that is very important. We are...unemployment is down so low that we need to have more workers, better skilled workers and when we have better trained and skilled workers we will have better paid workers. So the state should put their money into programs that train workers and increase...

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Time.

SENATOR PIRSCH: ...their capacity for salary increases.

SPEAKER BARRETT: Thank you. Senator Pirsch, yours was the next light, you were on Senator Byars' time, I believe.

SENATOR PIRSCH: Yes.

SPEAKER BARRETT: Proceed if you wish to speak to the motion to bracket.

SENATOR PIRSCH: Oh, yes, Mr. President had given me 10 minutes and I thought that meant my 10 minutes was up, but I have five more minutes. Thank you. Well, I will go on then with this

Boyle report that number five was to assist in the removal or lowering of barriers preventing local businesses from expanding. And sometimes that is difficult, not only to remove or lower them but to identify the barriers. And this is where our state could be helpful in identifying the barriers as we did in our school bill today, a commission that would identify those barriers to learning and to education. We also need to identify those barriers for our local businesses and their expansion. Omaha is fortunate because, well, as far as that goes the whole State of Nebraska is very fortunate. I hear of the many entrepreneurs that are springing up all across the state, helped both by LB 270 for the small businesses and entrepreneurs who come up with inventions and inventive adjustments to...and creative enterprises, many of them in the service sector. And Boyle, who is speaking about Omaha, said that the community would have more and this would apply probably to the entire state, if the state and city provided more support and encouragement for new ventures rather than ignoring them. Boyle recommends that the Chamber work with the media to educate Omaha on important contributions entrepreneurs make to the economy. And in order to do that, we need to see that the entire state is encouraged and that we have that kind of help and assistance for them. In order for a community to attain its economic development objectives, it cannot rely on the present economic base or the city's entrepreneurs. It must attract new investment from established companies from other states. We were talking this morning about our companies acquiring other companies in other states and perhaps moving. But what we must do is to attract new investments from those established companies in other states and encourage them to come to Nebraska. And, to do this, Boyle recommends changes be made in prospect handling, negotiations and sales processes already in place. And that's the...that's the key when we need to go to them and there are groups in Nebraska who do that regularly, who give of their time, give of their effort, who also, incidentally, do give up their money to do these kinds of things, to go to other states and try to persuade them to invest in Nebraska and perhaps to move their company...

SPEAKER BARRETT: One minute.

SENATOR PIRSCH: ...but also just to invest and perhaps buy other companies, as ConAgra has done. And so he suggests that establishing Omaha as a business location in the minds of business executives from target industries through an aggressive

image campaign of the city and that image campaign comprises of more than just a business location, it also includes transportation, it also includes the fine arts, it also includes promoting the good life in Nebraska. I think that is something that brings our children back when they leave for their education or their first job. And many have come back to Nebraska because Nebraska is the good life.

SPEAKER BARRETT: Time. Senator Labedz, followed by Senator Robak.

SENATOR LABEDZ: Thank you, Mr. President. After reading parts of the Final Reading bill, LB 1241, I am preparing an amendment that I'm sure Senator Hall and Senator Lindsay will be supporting because I am also including south Omaha. South Omaha has the same problem as north Omaha. We have probably even worse because when I was growing up, we had the stockyards and we also had the packing houses. We had Armours, Wilsons, Cudahys and we had thousands of people that were working there and we have maybe one or two very small packing plants now and thousands of people were left without jobs, they're unemployed. We tore down at least three or four blocks of stockyard pens and they're no longer there. The reservoir is gone. Fortunately, we have a shopping center there but South 24th Street, which is in Senator Tim Hall's district, the shops are closing one after another and to just take a million dollars and put it in north Omaha and not even consider south Omaha, I believe, is very, very wrong. I received a letter from a very nice lady today, Senator Chambers, that happens to be a black lady that is very, very interested in getting more jobs and economic development in south Omaha. I have been helping them for months at the South Omaha Neighborhood Association because they, too, are concerned about gangs and problems and are looking for jobs and businesses in south Omaha. We have a Hispanic neighborhood in Senator Hall's district and some in my district that are without jobs and they're finding it very difficult nowadays to find a job and would like to work close to home. And if we can promote businesses in south Omaha, and I am all for promoting them in north Omaha also, but I don't think any one of us here on the floor cannot say the same thing about their community. I'm sure in the rural areas, as I traveled through the State of Nebraska, I find many, many small towns that shop after shop is closed in the small rural areas. Why not divide that amongst everyone in the state and especially those places where they are looking for jobs, looking for jobs especially for our young people? And to

say that it has to be done in one area of Omaha is wrong. It should be north Omaha, south Omaha and even the central part of Omaha. It's the low and middle income people that are east of 72nd Street and especially east of 42nd Street. We talk about high property tax, they can't even afford to live in their homes anymore because their property tax is so high. I have a 90-year-old home that I'm paying over a \$100 a month for and, fortunately, I'm in the Legislature so they're helping to pay my property tax but some of the senior citizens that I talked to in south Omaha are having a very difficult time paying their property tax and their younger people that are trying to raise a family, live in their homestead, in the homes that they were born and raised in, their parents are gone, finding it just as difficult because they can't find jobs in south Omaha. Most of them, their parents worked at the packing houses, they're not there any longer. A lot of them don't have anything past a high school education and in some cases they're dropouts. So why are we concentrating on just north Omaha? I am sure that there are many people that live in my area that would agree that we need the help too and especially South 24th Street which used to be a...

SPEAKER BARRETT: One minute.

SENATOR LABEDZ: ...booming business district is no longer there. Many of the shops are closed. We have a couple banks left there but they don't do too good of a business either because there's nobody there taking the money to the bank. They are lucky if they even have a checking account. They're lucky if they can pay their taxes or buy food or pay their utilities. That's one of the reasons that I voted against LB 1059, even sales tax on utilities is going to hurt those people. Many of them are on ADC, many of them on welfare. Many of them don't have hospitalization insurance and I'm talking about thousands, not just a few. We need the help in south Omaha and I'm sure each and every one of you senators on this floor will agree with me, out in the rural area especially, that you need help too. You need to help in promoting new business and getting business started, small businesses in your area. I know we had LB 270 and I know it helps...

SPEAKER BARRETT: Time.

SENATOR LABEDZ: ...but it isn't helping enough and we should never, never concentrate in one area of this state with a

million dollars. Thank you.

SPEAKER BARRETT: Thank you. Senator Rod Johnson has some guests in our south balcony, 25 fifth graders from Doniphan and their teacher. Would you folks please stand and be recognized. Thank you. We're very happy to have you with us this afternoon. Additional discussion on the motion to bracket, Senator Robak, followed by Senators Langford and Pirsch.

SENATOR ROBAK: Thank you, Mr. Speaker. I do echo Senator Labedz's sentiments when she said some of the rural areas are really suffering. I represent the 22nd District and my district is not really too bad in the small towns although some of them are hurting very badly. But the little town that I grew up in is just a ghost town now. Everything is closed up. There are no jobs. Economic development is really in a...it's really bad and it's gotten to be a real Appalachia and they don't have jobs and there are a lot of high school dropouts, in fact, there isn't even a high school there anymore. And it's really gotten to be very bad and so I really think Senator Labedz made a good point there when she said there are other areas in the state besides Omaha, although Omaha probably is bad also. And I think there's a lot of unanswered questions out there and I think the people should have to know a lot of things and I think I have some things that I would like to have on the record here. Can you afford to go into debt? What will be the impact of the payment of principal interest on your future budget? Can you raise sufficient revenues to make your bonds marketable without overburdening taxpayers or cutting other expenditures? Have you explored other ways of raising capital funds? And if you can afford to borrow, what are the legal impetus to doing so. What security do you want to pledge? Basically, this will determine what type of bond you will issue. Will it be a general obligation bond backed by the full faith and credit of the issuer? A revenue bond backed by revenue from the project for which you are issuing the bond? A moral obligation bond backed by another entity that will make up any shortfalls in debt service? Or what of several other variations? When is the maturity date of your bond and how do you want to structure repayment? That is, how do you want to pay back your bond? How long will it take and how big will your repayments be? You may want to consider variable note obligations and the possibility of refunding the issue if interest rates drop. What call options can you put on your bond that would allow you to pay it off before the maturity date? What will be the rating of your

bond? Bond ratings reflect the overall credit worthiness of bonds and are usually assigned to one of the three corporations, Moodys, and that's capital M-o-o-d-y-s Investor Service, which also rates them from AAA to C; Standard and Poors, that's S-t-a-n-d-a-r-d and P-o-o-r-s Corporation, which rates from AAA to D; and Fitch Investor Service, that's F-i-t-c-h Investor Service, also on a scale from AAA to D. How do you want to go to market, on a competitive or a negotiated basis? In other words, do you want underwriters to submit competitive bids for your business or do you want to select one underwriter, possibly one you have dealt with before, or negotiate a deal with that firm? What denomination do you want your bond to be issued in? Bonds are usually issued in denominations of \$5,000 and rarely lower than 1,000. However, in recent years issuers have skipped the underwriter altogether and have issued mini bonds in \$500 denominations. What will the size of your issue be? How much money do you need and how soon? You should remember continuing federal restrictions and arbitrage, the interest earned on the bond money while you wait to use it when you make this calculation. Do you have a sufficient reserve fund for your issue? The reserve fund is used to meet bond repayment if they temporarily disrupt... if they are temporarily disrupted by some emergency. You may also wish to get insurance for your issue. Both contingencies are usually necessary only for revenue bonds. Does your bond meet the private purpose restriction imposed by the 1986 Tax Act?

SPEAKER BARRETT: One minute.

SENATOR ROBAK: This entails checking a number of bond restrictions, including those that cover the purpose for which your bond is being issued, whether it will benefit private corporations or individuals and whether it is included under your state volume cap. Have you selected the proper array of professionals, financial advisers, bond counsels, underwriters and so forth? They will help you with other legal and technical questions you will need to ask about in issuing municipal bonds. Competition between cities is one of those things feared most by issuers when Congress in 1986 imposed state by state caps on the total of tax exempt private purpose bonds that could be issued each year. Public officials envision a mad scramble for issuing allowances. They fear that these interstate competitions could be decided in favor of the most populace communities or the wildest or the most... or the best politically connected without regard to real need. Under current law, each state can issue up



to \$150 million or \$50 per capita, whichever is lower in tax exempt...

SPEAKER BARRETT: Time.

SENATOR ROBAK: Thank you.

SPEAKER BARRETT: Thank you. Senator Langford, please.

SENATOR LANGFORD: Mr. President, I would like to give my time to Senator Pirsch.

SPEAKER BARRETT: Senator Pirsch, please.

SENATOR PIRSCH: Thank you, Mr. Speaker, and, thank you, Senator Langford. I do have a lot of information to impart and I'm glad to have the time. LB 1241, Senator Labedz and Senator Robak brought out some interesting points, and certainly that is one of the reasons that I have an amendment up there because it is targeted in a very, very small area and not for the benefit of the entire community and Senator Labedz spoke to south Omaha and there was a recent report by a...well, actually not real recent, by a farm advocacy group and they said that recent optimism about the economic plight of farmers in rural America is still in doubt. And the prices we know that farmers receive for their raw material products are always in flux. The areas in the rural communities, particularly in the shopping centers of the world communities, are in jeopardy, and I did not finish the Boyle report which specifically was targeted in Omaha. I am concerned, of course, about the rest of the state as well as Omaha, but it also applies to the rest of the state and I think that they can apply these in all of the municipalities. That...first of all, I think I was reading where you establish your city or municipality as a business location in the minds of business executives from target industries through an aggressive image campaign of the city and the state and then you have to have resources so you can respond to those inquiries. First you promote the inquiries and then you have to be able to have the funds and the resources to respond to those inquiries from prospects. And then you focus your marketing outreach efforts to a few desirable targets and we talked about exports earlier and exports are a very viable option for Nebraska economic development. The targets that now offer the best mix of opportunity and desirability for economic development are mid to high end information services, technology based manufacturing



industries, and we have seen with 270 and 775 these springing up all across Nebraska, manufacturing operations, commercial printers and corporate administrative offices. You know, a couple...well, I guess it was last year I introduced a bill which was passed by this body that expanded some of our limited partnerships to attract them based on the Delaware law, to attract them to Nebraska...

SPEAKER BARRETT: One minute.

SENATOR PIRSCH: ...to locate and be headquartered here. Did you say time, Mr....?

SPEAKER BARRETT: One minute.

SENATOR PIRSCH: Oh, thank you. Anyway, we can go out to those corporate administrative offices and Boyle concludes in his study that manufacturing industries that offer the broadest and best marketing opportunities are fabricated plastic products and I think we ought to mention recycled products. We certainly have just scratched the surface of recycling and those products that can be made from recycled products, radio and television communications equipment, pharmaceutical preparations and miscellaneous computer peripherals. Nebraska is in the heartland of the United States and our transportation pictures and our...certainly our work ethic and employee picture...

SPEAKER BARRETT: Time.

SENATOR PIRSCH: ...is terrific, and we need to sell that. Thank you.

SPEAKER BARRETT: Senator Pirsch, your light is next.

SENATOR PIRSCH: Thank you. I did want to look into...okay, thank you. I have...I have more amendments on the bill which identifies specific areas that I would like to call your attention to and amend if possible, and we are...we are narrowing LB 1241 in a sense, but in one way we are expanding it so that financial institutions, that's banks, savings and loans, credit unions and so forth may participate in the Community Development Assistance Act and be benefitted from that. But what, I guess, I am mainly concerned about is that many times during this session we have heard senators on the floor speak of the need for a vision of the future to guide our decisions and

there seems to be a degree of frustration with a lack of long-term picture by which we can measure the decisions we are making today. I read that directly out of our Speaker, Senator William Barrett's opening to the...to one of the New Horizons proposals and that is true. We do bits and pieces as we are doing in LB 1241E and I think we need to look at the long vision of the future, and to do that we need a broad, comprehensive framework which we can put our sound policy decisions in, and that's why I am introducing these amendments today so that we have an opportunity to really look at a broader picture of our economic development in the State of Nebraska. We had the New Horizons and we spoke of many things that are needed across the state as well as promoting manufacturing to look into our solid waste and to look into finding meaningful jobs for the young people of our state. So we need to have some kind of broader policy than LB 1241 would give us as far as economic development is concerned, and we have tried to look at in the New Horizons about the future of the state and many pieces of legislation have come from that New Horizon. This will only come when we are willing to work together and help those efforts that are promoting Nebraska as a state and that are going to be beneficial and productive as to where we spend...

SPEAKER BARRETT: One minute.

SENATOR PIRSCH: ...our dollars. I was hoping Senator Chambers would be here so I could ask him a question, but I see he is retired from the Chamber so I will just have to keep my questions for later perhaps. I will end with a little inspirational thought. When someone asks, how is the world treating you it is a challenge as well as a greeting for the world usually treats you the way you treat the world. You get back what you give. The world owes you a living only when it is in debt to you. The first part of the transaction is yours. You...

SPEAKER BARRETT: Time.

SENATOR PIRSCH: ...have to contribute something the world wants and needs before you can honestly say the world owes you anything in return.

SPEAKER BARRETT: Senator Labedz, please.

SENATOR LABEDZ: Thank you, Mr. President, I've been trying in

this short notice, because I didn't know that Senator Pirsch was going to do this, but it was a genius effort on her part because I blame myself for not reading LB 1241 as I should have and I'm going to read Section 13 and what it says and I hope the rural area is listening and I hope those that live in other parts of Omaha and Lincoln are listening because what we are doing here is picking out a certain area in the State of Nebraska and allowing tax dollars to be spent in just one section of town and I think that is wrong. I think that each and every one of us can sit back and realize that we, too, need help, especially in my area, and I keep saying south Omaha because it is essential that we do have some help there, and Senator Chambers I'm sure if he was on the floor, would agree to that because he has on many occasions come out to south Omaha and has tried to help the people there and I appreciate the fact that he has done that. But on page 32 it says, the authority in an existing corporation the income of which is exempt from taxation pursuant to Section 501 of the Internal Revenue Code of '86 as amended which operates within one or more of the target areas, and I'm reading new language, provides managerial and financial and technical assistance to small businesses and operates an investment committee which includes representatives of more than one local financial institution shall form a business development corporation. The board of the directors of the business development corporation shall include two representatives from the authority, three representatives from the existing corporation forming the business development corporation and six members appointed by the representatives from such existing corporation. Each of the six members so appointed shall be a member of a racial minority and shall be employed as a professional person or shall be a business owner. No more than three of the appointed members shall belong to the same political party. At least three of the appointed members shall reside or be employed with one...within one of the target areas. Such appointments shall be for terms of four years except that of the initial appointees, three shall serve for terms of two years and three for terms of four years. No such appointed member shall serve more than two consecutive terms. The business development corporation shall provide debt financing and equity financing to eligible businesses starting or expanding in or expanding into target areas. For purposes of Section 13 to 15 of this act, eligible business shall mean a business engaged in construction, manufacturing, research and development, retail sales, service, transportation, warehousing or wholesaling. Now I bet each and every one of us on this

floor would like to have those types of eligible businesses included in your area and would be asking for help from the State of Nebraska. An eligible business receiving financing from a business development corporation and employing more than 15 individuals within the boundaries of the target area shall be required to guarantee that during any 12-month period at least one-third of the individuals employed for activities of the eligible businesses carried on within the target area will be residents of the target area. I go on to another section. A business plan including a description of the business and its management product and market, a statement of the amount timing and projected use of the capital required, I won't read the rest of that because it's not that interesting.

SPEAKER BARRETT: One minute.

SENATOR LABEDZ: Binding commitments have been made to the business development corporation by the business for adequate reporting of financial data to the corporation, which reporting shall include requirements for an annual report if required by the corporation. An annual audit of the financial and operational records of the business and for such control on the part of the corporation shall be considered prudent over the management of the business so as to protect the investment of the business development corporation. Including, but not limited to in the discretion of the business development corporation, the right of access to financial and other records of the business. The eligible business has given adequate assurances and taken appropriate steps to guarantee that it will utilize to the greatest extent possible. Individuals who are residents of the target area and if it employs more than 15 individuals within the boundaries of the target area...

SPEAKER BARRETT: Time.

SENATOR LABEDZ: ...that during any 12-month period at least one-third of the individuals employed for activities of the eligible business carried on within the target area, will be residents of...

SPEAKER BARRETT: Time.

SENATOR LABEDZ: ...the target area. Any financing agreement between the business development corporation and an eligible business shall be approved by the board of directors of the

busi...(mike cut off.)

**SPEAKER BARRETT:** Senator Robak, please.

**SENATOR ROBAK:** Thank you, Mr. Speaker. Senator Pirsch and Senator Labedz have brought up some very good points here. I thank them very much for that, but I have a question I think should be answered here. Whatever happened to the enterprise zones? Promoted with fanfare by then U.S. Representative Jack Kemp, that's K-e-m-p, in 1980 and endorsed by the Reagan administration, that's R-e-a-g-e-n, in 1982, the concept reduced capital gain taxes and special job training credits for employers in designated poverty areas, made it into federal law only in the most skeletal form in the 1987 Housing Act. The dream was never realized. Well, not in Washington. Michael Alan Wolf, that's W-o-l-f, a law professor at the University of Richmond, admits to having been a little surprised when he surveyed the enterprise zone scene at the end of the 1980s and found that 37 states actually had programs in place. A few of these were simply holding tanks for anticipated federal money, but noted...but most were live programs with designated areas selected and sizeable state subsidies available to employers willing to locate in distressed areas. Wolf finds that more successful of the zone programs have long since transcended the original ideological colorations and attracted as much support from liberal Democrats as from conservative Republican like Jack Kemp, that's K-e-m-p. Moreover they are moving away from the original idea of bringing in new employers to revive neighborhoods and toward a role as a part of regional economic development package, geared as much toward retaining existing businesses as attracting new ones. As he examines diverse array of...diverse array of programs, Wolf, that's W-o-l-f, sees a diverse array of problems, political compromises for some states to approve far more zones that can possibly make sense. The Louisiana Legislature liked the idea of enterprise zones so much it created 473 of them. Other states offered benefits to private firms without demanding more than the sketchiest information about how many disadvantaged people they planned to hire and without extracting any commitments to stay in the distressed area for a significant length of time. Still Wolf concludes the experience has to be seen as encouraging. The diversity of subsidized projects alone has been impressive, ranging from huge factories in New Orleans to Mom and Pop businesses in Chicago. The relationship between participating companies and state and local governments have been far more

cooperative, he says, than it was at the height of the urban renewal area a quarter of century ago and that comes from Allen Ehrenhalt, E-h-r-e-n-h-a-l-t. If I have any time left I'll give my time to Senator Pirsch. Thank you.

SPEAKER BARRETT: Senator Langford.

SENATOR PIRSCH: Thank you, Senator Robak, that was a good question. Whatever did happen to the enterprise zones? And I'll tell you that we have used various targeting like that, particularly in the east area. There has been a lot of money poured into the blue lion's center and several other projects, but I also happened upon a Norfolk Daily News opinion which Senator Peterson handed out, and Norfolk Daily News in their editorial asked for a level playing field for economic development. Now that was not in regard to LB 1241, but it certainly should be, or could be applicable that...

SPEAKER BARRETT: One minute.

SENATOR PIRSCH: ...the editorial goes on to say that they need LR 11CA because it would create that level playing field needed in highly competitive world of economic development. In smaller communities such as Norfolk have a difficult time competing with cities in Iowa and South Dakota and I know that is so true of a lot of border towns. South Dakota does not have an income tax and some of the other advantages that the other cities can offer that we don't have the funds or we haven't made available the funds. And in those two states, for example, cities can offer businesses and industries incentives such as buying and...

SPEAKER BARRETT: Time.

SENATOR PIRSCH: ...buying land for a new plant.

SPEAKER BARRETT: Senator Langford.

SENATOR LANGFORD: Mr. President and members, I found an article that I think we all should read. It's about ethics in legislative work and I'm...it's written by Paul Contillo, C-o-n-t-i-l-l-o, with apologies to author Robert Fulghum, F-u-l-g-h-u-m, All I Really Need to Know About Ethics I Learned in Kindergarten, be fair, don't be greedy, tell the truth, share, don't take what doesn't belong to you. I also learned that no ones likes a class monitor and if you snitch to the

teacher, you don't get invited to the birthday parties. So I grew up and became a senator and Chairman of the Legislative Committee on Ethical Standards. You know, maybe we need a committee on ethical standards. It's no place to win a popularity contest. Your colleagues think you are an antagonist and the public suspects you are covering up. Even the perception that you are somehow judging your peers is damaging to personal and professional relationships you attempt to build as a legislator. I didn't do it for four years and was delighted...oh, I did do it for four years and was delighted to turn the job over to another senator in 1990, but I continue to believe strongly that the respect and confidence of the people is an essential ingredient of representative form of government, therefore, public officials must avoid conduct that is in violation of their public trust or that creates a justifiable impression upon the public that such trust is being violated. Although it has been said that integrity has no need of rules, I believe that persons serving in public positions want and need specific statutory guidelines and directions on which to base their decisions. The unenviable role of the Ethics chairman member is to interpret these guidelines in a sensitive manner at the request of either the legislator or a member of the public. The bulk of the work of the Ethics Committee is giving advisory opinions a Legislature wants to know. Can I sell this property to the state? As the only one with the equipment can I take a no bid contract to plow the streets? Can my legislative aide take this or that appointment? The committee and its counsel meet and discuss the application of the code of ethics, the conflict of interests law and any other statute pertinent to the question at hand. A decision is reached and an opinion is given. New Jersey's Joint Committee on Ethical Standards is a bipartisan panel made up of four senators and four assembly members. Traditionally, a senator of the majority party is the chair and the vice-chair is an assembly member of the other party.

SPEAKER BARRETT: One minute.

SENATOR LANGFORD: The even number and the political balance of this committee mean that every decision must be nonpartisan. I, however, have a serious question about this type of peer review and would like to see an Ethics Committee of former legislators and private citizens. It is difficult to criticize a fellow legislator unless he or she is so far off base as to make everyone else look bad. I favor a commission of members from



common cause, the League of Women Voters and other experienced governmental observers, although some of my colleagues would say that these people are lunatics who don't understand government. I believe that the problem is that they understand government too well. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Senator Schellpeper.

SENATOR SCHELLPEPER: I'll call the question.

SPEAKER BARRETT: The question has been called. Do I see five hands? I do. Shall debate cease? All in favor vote aye, opposed nay. Shall debate cease? Record.

CLERK: 6 ayes, 7 nays to cease debate, Mr. President.

SPEAKER BARRETT: The motion fails. Senator Robak, please.

SENATOR ROBAK: Thank you, Mr. Speaker. There has been some good points made out here today and since we're talking about rural Appalachia and how the small towns are dying out and everything else like that, I'd like to talk a little bit about transitional housing programs and we're always talking on the floor of how we're the fourth in the nation that does this and we're the twentieth in the nation that does that and we model a lot of programs after Minnesota and other towns or other states rather, so I'd like to tell you what Denver is doing about some transitional housing programs in fighting homelessness. And anybody can ask Ellen Germaine, that's G-e-r-m-a-i-n, how alumni of a transitional housing program in Denver are doing, and she has no dramatic success stories to tell. Success for people who are working their way up from an underclass of homelessness is measured in modest victories, so Germaine, the Director of Family Services for Warren Village, a private nonprofit program, talks about a woman who before she came to the Warren Village apartment complex, was, and get this, she was actually living under a bridge with her two small children. She was actually living under a bridge with two small children. Germaine provided the homeless mother with a two-year lease on one of 200 low rent apartments in Warren Village, that's W-a-r-r-e-n Village, which is supported by federal and city grants and subsidies, private donations and payments from residents. Along with the apartment came a cornucopia of counselling and social services, child care, parenting and homemaking classes, referral to job training, job replacement and both general and job



related education programs, along with assistance in applying for appropriate government funded entitlement programs. We could take a lesson from that right there from Denver, Colorado. A few weeks ago the woman graduated from the two-year program. She moved herself and her two small children into a small nonsubsidized basement apartment. She depends on welfare programs for income and is continuing to attend welding classes. She is doing phenomenally well, says Germaine, G-e-r-m-a-i-n, referring not only to the woman's skill at welding, but also to her accomplishment in sticking to her long-term plan to achieve self-sufficiency. Warren Village, which has been around for 15 years, started out helping women, and I think this is really neat that we're talking about helping women because women have always been perceived as being kind of the underdog and suppressed and so forth and so on as was the subject of the debate all day yesterday. But this one particular program is helping women on welfare wean themselves from government dependency, and you can refer to another magazine called "Governing", June 1988, page 12. Today it's a model for a new wave of public and nonprofit transitional housing programs. These programs which use temporary housing as a focal point are designed to bring education and training opportunities, social services and other assistance to the homeless. The idea is to provide shelter as well as nurturing atmosphere and practical assistance so that homeless individuals and families can survive in conventional housing. The new wave which can meet only a small portion of the shelter needs of homeless individuals and families is being funded in part by federal dollars. Under the McKinney, that's M-c-K-i-n-n-e-y, Homeless Assistance Act, which Congress passed in 1987 to reduce homelessness, the Federal Department of Housing and Urban Development has spent \$80 million worth of transitional housing grants last year and will award \$150 million in grants this year to about 250 local governments. Now you're probably thinking, that's a lot of money, a lot of government and federal money there and we don't get a lot here in Nebraska, don't get a lot of federal government money. Perhaps that's why we don't match up with some of those other states when we always say Nebraska is the last state in the Union to do this, last state and the fourth state or whatever, so forth and so on. The governments and the nonprofit groups are required to match the grants by providing facilities, services and the like. As the programs take shape and begin to function, these points about the development of transitional housing emerge. There is no one model for setting up a program. Public, private, nonprofit and intergovernment

partnerships are the backbones of the program and flexibility is a necessity. Almost all programs report having to change redirectly or intensify portions of their programs as they go along. The programs are not without their critics. Michael Stegman, S-t-e-g-m-a-n...

SPEAKER BARRETT: One minute.

SENATOR ROBAK: ...Chairman of the Department of City and Regional Planning of the University of North Carolina, suggests that money might be better spent on permanenc housing. There is no question we need some service-enriched housing, but there is a 'g debate going on as to whether it should be linked to permanent or transitional housing. I thought that was kind of fascinating there too, permanent or transitional housing. The idea between, behind transitional housing is that homelessness is not just a housing problem. While the shortage of inexpensive housing is a major factor, most families are individuals who are homeless. The notoriously and precise number is somewhere, listen to this, somewhere between 600,000 and one million nationwide on any one night, tend to have multiple problems ranging from mental and physical illness and drug or alcohol addiction to poor job skills and inadequate education. Few, if any...

SPEAKER BARRETT: Time.

SENATOR ROBAK: ...transitional housing... Thank you.

SPEAKER BARRETT: Thank you. Senator Beck.

SENATOR BECK: We found something, Mr. President, that goes along very much with 1241. It's in the "Consensus" which is a magazine that comes from the Harvard Law School and it will really be helpful I think for those of us who want to work with 1241 because we have supported it in the past. The "Consensus" is helping public officials resolve stubborn policy disputes and I would have to say that we probably had a stubborn policy dispute. At any rate, these are things from other cities that Omaha could be doing when we're working with 1241, whether in north Omaha, south Omaha or mid-Omaha. In Los Angeles, the mediation institute is assisting the federal Minerals Management Service to review with other federal, state, and local agencies and user groups, the effects of drill muds and cuttings from oil and gas exploration on hard substrata communities such as

microorganisms in fish. In Pittsburgh, Concord resources group will use the services of Pennacord (phonetic) to coordinate its efforts to include public participation in the process of the planning and integrated hazardous waste management facility for Pennsylvania, and we could adopt that right here in Omaha in Nebraska. In Winona, Minnesota, western network is facilitating discussions between the city and the county on construction of a solid waste incinerator. How wonderful. That could tie in all of our concerns about the environment and we could develop that into 1241. In Dolphin, Georgia (phonetic) the southeast negotiation network is working on a growth management plan starting with affordable housing and economic development before tackling land use and annexation issues. In Harrisburg, Pennsylvania, the state legislature last year passed two statutes that included new mediation provisions, the Municipalities Planning Code and the Environmental Hearing Board Act. Pennacord of Philadelphia was instrumental in drafting the provisions and is now involved in their implementation. In Lake Elmo in Oakdale, Minnesota (phonetic), closer to home, the Minnesota Office of Dispute Resolution is mediating a land annexation that will promote limited economic development while retaining a rural residential character as a compromise between the two communities. In Richardson, Virginia the Institute for Environmental Negotiation is helping three neighborhoods reach consensus on traffic issues which had raised concerns of unequal treatment in the mayor's race. In the Tennessee Valley in March, C.D.R. Associates of Boulder, Colorado will do the third in a series for the Tennessee Valley Authority, bringing representatives of all environmental groups in the TVA's five-state area to a planning process, Re: environmental goals. Again, in Minnesota the Office of Dispute Resolution is facilitating discussions between the state Pollution Control Agency and representatives of the Aquaculture Industry about revising water quality regulations to permit fish farming which produces high levels of phosphorus and other compounds in lakes. In Washington, D.C. and in Ohio the National League of Cities and Towns in Washington, D.C. and the Ohio based Public Services Institute have been awarded a grant from the National Institute for Dispute Resolutions Innovation Fund to develop collaborative problem solving skills amongst city officials. That would be wonderful for 1241. The joint project will train veteran elected officials who then will turn around to share their newly acquired skills with other city councils. In Atlanta, Boston, Cincinnati, Denver, Jersey City, Philadelphia, Roanoke, San Francisco, Seattle and St. Paul the Institute for

Environmental Negotiation is developing impact assessments of development on historic preservation with both preservationists and developers. In Boston the Massachusetts Mediation Service is embarking on a program to use mediation in resolving employment disputes. Florida, here he comes. Robert Jones who has been serving as program coordinator for the National Institute for Dispute Resolutions Fund for Resources is taking over his new duties as Director of the Florida Growth Management Dispute Resolution Consortium. Denver, the American Energy Assurance Council, the AEAC, and the MIT Harvard Public Disputes Program in Cambridge, Massachusetts have been awarded a National Institute for Dispute Resolution grant for a series of mediated work sessions designed to find common areas of agreement and develop consensus on factors that make up a national energy policy. How well we could use that in Omaha under 1241. With the corps, CDR associates of Boulder, Colorado has turned over 250 top decision makers, both civilian and military, in the Army Corps of Engineers. The introduction to the ADR program has been given for the corps, north Atlantic, Pacific Ocean and Lower Mississippi Valley divisions and the Kansas City District and this could be applied to 1241.

SPEAKER BARRETT: Time. Thank you. All of the previous speakers have spoken the allotted period of time. Senator Pirsch, would you like to close, please, on your motion to bracket.

SENATOR PIRSCH: Yes, thank you, Mr. Speaker. Actually, I had put the bracket motion at the very bottom, I think, of my amendments, did I not, Pat? But, of course, it is a priority motion, so I suspect that's why he put it at the top. So with that, I...I think we've had a good introductory discussion on LB 1241 and I'd like to get to my other amendments, so could I put my bracket...could I pull my bracket motion, Mr....and then would you put my amendments, Senator Labeledz has an amendment. Would you put my amendments and give her priority to her amendment? And perhaps we wouldn't need the others.

SPEAKER BARRETT: You are withdrawing your motion to bracket?

SENATOR PIRSCH: Pardon?

SPEAKER BARRETT: You are withdrawing your motion to bracket?

SENATOR PIRSCH: Yes, I'm withdrawing my motion to bracket.

SPEAKER BARRETT: Okay, it is withdrawn.

CLERK: And, Senator, then may I...

SENATOR PIRSCH: To April 10.

CLERK: Right, and you're temporarily withdrawing all these other motions?

SENATOR PIRSCH: I would just like to put them underneath Senator Labeledz's.

SPEAKER BARRETT: Senator...Mr. Clerk, you have a motion.

CLERK: Mr. President, I now have a motion from Senator Labeledz. Senator, I assume your motion would be to return LB 1241 to Select File for purposes of adding an amendment. That amendment would strike all sections and insert AM2892.

SENATOR LABEDZ: Correct.

SPEAKER BARRETT: Senator Labeledz.

SENATOR LABEDZ: Thank you. I don't think that this will require much debate or explanation of what my amendment will do. It is identical work for word of LB 769, and LB 769 requires that parents be notified of their unmarried pregnant minor's daughter intent to obtain an abortion. It's up to the physician performing the abortion to give this notification. In the alternative, the amendment provides for a procedure of judicial bypass--I knew they'd start coming in--when a minor does not want to notify one of her parents. Under this procedure the court may allow the abortion without parental notice if it concludes that the minor is sufficiently mature to make the decision or that it is in her best interests not to notify a parent. LB 769 is modeled after a Minnesota parental involvement law which was found to be constitutional by the 8th Circuit Federal Court of Appeals. Good afternoon, Senator Bernard-Stevens. As you know, the 8th Circuit's jurisdiction also includes Nebraska. For the first five years that the Minnesota law was in effect, the abortion rate among teenagers in that state dropped by over one-third while the live birth rate increased by 38 percent. In addition, the total teenage pregnancy rate dropped by almost one-third. The fact there was

an overall reduction in teen pregnancy and birth, not just teen abortion, is a very impressive statistic. Nebraska currently makes no provision for parental knowledge, reflection time, discussion or consent regarding their child's abortion decisions. Without the advice and counsel of their parents, without the...proper medical history often needed by teenagers without the love and guidance of family members, children today are often at risk of exploitations. The requirement of parental notification is a very minimal requirement. Parents of minors are notified of much less major incidences such as accidents or illnesses at school, failing grades or misbehavior. Furthermore, the law of informed consent requires parental approval before any medical or surgical procedure can be performed on a minor. In one critical medical procedure, however, parents in Nebraska are denied any role whatsoever, even their right to know. That is the abortion decision. Physically, minors who abort their first pregnancy encounter greater risks of complications in future pregnancies. Psychologically, minors are much more susceptible than older women to postabortion syndrome including anxiety, depression, guilt and regret. And with abortions becoming more common at earlier stages, ages, teens run the risk of resorting to abortion more than once before moving out of their teen years. The Legislature has recognized time and time again that it has a legitimate role in regulating the activities of young people. Alcohol cannot be purchased by anyone under the age of 21. A person must be 16 years of age to obtain a license to drive. A minor under age 17 cannot get married without parental consent and a student is required to attend school until age 16. Yet we allow a child to obtain an abortion without even telling one of her parents. The interest which the state will protect with this legislation includes, number one, protection of the minor from her own imprudent decision, number two, protection of the family as a viable unit in society, protection of parental rights of authority over their minor children and number four, and lastly, protection of the minor's health by enabling parents to supply essential medical information to the physician performing the abortion and allow parents to ensure that their daughter receives appropriate follow-up medical care. As U.S. Supreme Court Justice Stewart (phonetic) has stated, there can be little doubt, and this is from the U.S. Supreme Court Justice, there can be little doubt that the state furthers a...constitutionally permissible end by encouraging an unmarried pregnant minor to seek the help and advice of her parents in making the very important decision whether or not to bear a

child. That is a grave decision and a girl of tender years under emotional stress may be ill equipped to make it without mature advice and emotional support. It seems unlikely that she will obtain counsel and support from the attending physician at any abortion clinic where abortions for pregnant minors frequently take place. This amendment will tremendously benefit all parties involved. It will benefit those parents who are notified, those teens who obtain support and advice from their parents and those teens who avoid pregnancy. In addition, the integrity of the family unit is upheld. I ask you to adopt the amendment on LB 1241 which essentially guts LB 769 and it becomes the LB 769 that we debated at length through this session. Thank you.

SPEAKER BARRETT: Thank you. Discussion on the Labeledz motion, Senator Pirsch, followed by Senators Robak and Langford.

SENATOR PIRSCH: Now, ladies and gentlemen, you're going to hear the other side of the story. When you're trying to beat the clock it's very difficult to stand up, push your button and give reasoned arguments and that must be what Senator Chambers has determined when he left the floor and could not respond. I am a mother of four daughters, six children altogether, and I have supported...the amendment that Senator Labeledz has put on today very strongly, and I believe very much in it. When you are looking at the responsibilities, the awesome responsibilities of being a parent, you have to be very careful and you have to be concerned with the health threatening, the emotional threatening, the life threatening even, aspects of your daughter going into a strange place, receiving an abortion and being sent back out on the street. One parent needs to know and that's what this amendment says you have that responsibility and you have the responsibility long after that moment when the abortion doctor takes the life that is growing inside of your daughter. And so a parent should be informed. And this doesn't say consent, it doesn't say both parents. What it says is that someone should know so they can look after those physical, those emotional needs and also the psychological trauma, should it develop from that traumatic occasion. Abortion is not a simple surgical procedure as some would tell you. It is a surgical procedure that should be considered very seriously and should have the input of an older, more mature. Now, we were willing to amend LB 769 to include grandparents and so forth, but that...or some other responsible adult, aunt or uncle in the family, someone that could take that responsibility to help the



young woman through this period and Senator Labedz was willing...or Senator Labedz was willing to expand it to that point, but that was never considered and never allowed to be considered because we spent the entire time talking about procedural and finding the way through the rules to thwart the majority of this body. It ended up, of course, last night. That was the last day that we could consider and I guess I was the sacrificial lamb and I asked for it.

SPEAKER BARRETT: One minute.

SENATOR PIRSCH: I asked to have my bill passed over so we could at least talk about the issue and because I felt that this...the rest of this body very strongly felt that we could accomplish this before midnight. You know, if I hadn't, we would have been debating LB 976 at midnight, or at adjournment Wednesday night and, of course, while I was listening to that, that's when I discovered LB 1241 and that it was not a good bill. I...how much time do I have left?

SPEAKER BARRETT: Three seconds.

SENATOR PIRSCH: Oh, well, thank you, I won't go into my amendments.

SPEAKER BARRETT: The Chair is pleased to take just a moment and recognize a guest under the north balcony of Senator Dierks, Tom Dougherty of Ainsworth, Nebraska, a student at UNL. Tom, please stand and take a bow. Thank you. We're glad to have you. Senator Robak, please, followed by Senator Langford.

SENATOR ROBAK: Thank you, Mr. Speaker. I was not going to speak up on this issue at all because I felt like we were just filibustered, I mean, you know 14 hours Friday and I don't know how many hours yesterday and it was kind of frustrating. I felt like Pavlov's dog, pressing the button after every red...after every bell, and it was kind of confusing whether you were supposed to press red or green because you certainly couldn't listen anymore to some of the senseless debate, senseless filibuster that was called debate. I hate to use Senator Bernard-Stevens' intriguing word, it was intriguing for a while but then after a while it got kind of disgusting and ceased to be fascinating anymore, so I hope they bear with us for a little while here. And as a mother of six and a grandmother of seven, I just have to put, just in for the record, I would want to know



if my daughter was going to get an abortion. I mean, even I were pro-choice or pro-life, I would want to be with my daughter. I would want to know, even if I were going to take her. Senator Scofield brought up some points about how many abortion clinics we have in the country and where they were at and all this sort of thing. Perhaps some...I wanted to take her to another clinic, maybe I didn't like the doctor, but one thing for sure, I know I'd want to be with her. I'd want to know that she was...you know, she had my love and I just felt kind of frustrated about that. And also I...from a personal point of view, I did have two sons that were injured in a car accident once and they were very, very serious...one was seriously injured, one was not so seriously injured, and they were taken to the emergency room of our local hospital by the crash unit, the rescue squad, and we did not know about this until a few hours later when they reached us and by the time we got to the hospital they were laying there in the emergency room bleeding and we didn't know if they were dead or alive. And I was told that they couldn't even X-ray them, they couldn't touch them, they couldn't even tell us how bad our sons were until we signed the release statement that said the doctor could take care of our sons. And I find that kind of frustrating when...when my daughter could have gotten an abortion without me even knowing about it, without the doctor even having my permission to do that, when my sons could do anything they want to and that's kind of sexist right there. The sons can...don't have to have my...they had to have my approval and the daughters didn't and I fail to see where gender comes in when it comes to minor or major surgery. And also, I had a daughter that had to have my permission to get her ears pierced. I thought that was a little strange too. And so I just, you know, just for the record, I had to put that in there. And also, I have also found out that the right-to-life people do not only go around protesting abortions, but they do other good things. They distribute food and clothing and they donate blood regularly, they work on crisis phone lines not for abortions, but for drug, alcohol and suicide. They work in support groups for drug, alcohol and suicide. They work in programs for abused women. They work in hospitals, nursing homes, clinics and hospital programs. They work in volunteer fire and police departments and neighborhood associations. They are very active in scouting, youth work cr...meals on wheels. I found it very fascinating and intriguing that they work in schools, tutoring and aiding teachers. And another thing that really was intriguing to me, Bernard-Stevens, they also work on voter registrations. They

work on political campaigns and they work in Sunday schools. They work distributing maternity and infant clothing. They work in fund raisers, walkathons, bikeathons, telethons for various social action programs. They also share their homes with strangers, elderly, refugees, the sick or foster children. If I have any time left, somebody can have it, or else that is all I have to say. Thank you.

SPEAKER BARRETT: Senator Langford.

SENATOR LANGFORD: Mr. President, it always hurts my feelings to have to talk about abortion because I think of all the people in this country who want to adopt a baby and there are no babies to adopt. They go to every charitable organization they can find. They ask all the lawyers they know, all the doctors they know. They try and try. They go on a list. They're on the list for five years and they will take any child and they've gotten to the place where they will, if they have been on the list long enough, they will take an older child when a young mother wants to hold a baby that is her own. And all of the girls that are having abortions, that are psychologically ruining their lives because they think about that child that they had aborted. They could have gone ahead and had the child and made a family very, very happy. There are organizations now who will help a young woman have her child instead of having an abortion. It is a very difficult thing, I think, for a mother and a grandmother to talk about because you think about your own children if this would happen to them and you wouldn't know so that you could help them do the best thing and the thing that would be the best for the child. I think many, many of the problems that we have today, we think about the young women who have abortions are always young women from broken families or people who are poor, but this isn't true. Very many times a young woman could have the help of her family but she is afraid that they will look down on her and she doesn't want that to happen. She panics, she has an abortion and maybe that child that is aborted would be a fine pianist, a minister, a priest, a nun, anything in the world and when anyone talks to me about abortion for rape and incest I remember what happened in Africa during the Mau Mau uprisings. There were many, many convents in that part of Africa to teach the children and they were nurses and they were doctors and it seemed that one of the things that they particularly wanted to do was to rape a nun, and during that time there were so many that they set up a hospital and they took these nurse...these nurses, and doctors, and teachers to

this hospital to have their child who was biracial and these children were raised, probably not by the nuns themselves, but with great loving care. So there are many things you can do besides have an abortion. Probably the most important thing you can do is to tell your parents, but if there is a possibility...

SPEAKER BARRETT: One minute.

SENATOR LANGFORD: ...for a young woman to go through this alone and be so desolate, it's hard for us to even realize how bad it is. We all feel very sorry for, but if we could get this law into place, at least she would have help from someone. She wouldn't go in alone maybe with a boyfriend giving her the money so he didn't have to take responsibility for the child. Then we would have a more civilized society where other things could be done to help. I don't think anyone wants to point their finger at a child, and we are talking about children.

SPEAKER BARRETT: Time.

SENATOR LANGFORD: I hope that some of the things I have said, you think about.

SPEAKER BARRETT: Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. President. I think it's important before I go into further statements that I have to make that about two years ago, and I wish Senator Chambers was on the floor. He...we were talking about prayer or something and I mentioned to him that I pray every night to the Black Madonna which is the patron of Poland. And so I showed him a prayer card that I always carry and it was a Black Madonna, and it's true. In our church we pray every time I'm in church, and my husband every single day of the week, our prayers go to the Black Madonna which is the patron of Poland and they have parades and holidays and everything in Poland celebrating the Black Madonna Day. He was very interested so he asked me for a picture and I told him we have several of them at home because of the fact that my husband and I send money and medicine, especially penicillin and aspirin and anything else and baby food to Poland and they invariably send me back a picture of the Black Madonna. My staff just tells me, and I have to continue that story because Senator Chambers was very pleased and I was very proud to bring him the photograph of the Black Madonna of Poland. He took the picture and I understand, and I don't know

if he had it hanging lately, but I know it was on his wall when I went in and he showed me where it was hanging on the wall, it was next to Khadafy and somebody else. I didn't object to that because I told Senator Chambers at the time that the Black Madonna would overpower anything that was hanging next...on each side of the Black Madonna. He just brought the picture back to my office very angrily and set it down on the desk and he said, this belongs to you. Someone was walking down the hall a short time ago and they overheard Senator Chambers, and I wish he was here to either deny it or confirm it. He said, and I want you all to listen to this. He said, I have to work with that witch, you just wait, I have to work with that witch on the Executive Board. Thank you. And Halloween isn't even here. But I did want to explain to you what he said. I think that is outrageous. I have never insulted Senator Chambers. In fact, I had the utmost respect for his ability and his qualifications and what he has done on this floor for the poor people, the unemployed, the handicapped and whatever and I have voted with him on many occasions. But when someone starts calling me a witch...maybe I shouldn't be insulted though, he didn't call me an old witch, he just said witch. I do have something here that I've been getting invariably every time Senator Bernard-Stevens is on his radio program in North Platte and I would like to read some of it to you. The announcer asked, I don't want to read it all, I'll try to...you'll have to bear with me because I have to pick out the questions. Kind of tell us...this is the announcer, kind of tell us your position and clarify the position that the amendment that you were trying to deal with, and we're talking now about LB 769. Senator Bernard-Stevens answered. Well, John, you know the bill that we have had before us for quite a while. In fact, it is from last session, carryover was LB 769, the parental notification. And I've made no bones about it that that particular bill, the concept of the bill, I don't think anyone in North Platte or in the State of Nebraska or at least not too many people would say that parents do not need to be notified in case of abortion.

SPEAKER BARRETT: One minute.

SENATOR LABEDZ: I certainly believe that they should. What I have said all along is that the bill is not written well and the problems, what we're having here, John, is that we're having two groups, the pro-choice, the hard-core, and the pro-life hard-core, turning this parental notification into an abortion issue, and we're beginning to fight and name calling and we're

beginning to have letters to the editor that are basically not telling untruths, but simply not telling all the truth. In essence, what you had, what Senator Labedz and also there is a letter to the editor today from the Lincoln organizations who are now trying to tell us out here what we should think. They are basically saying a couple of things that are not true. For one, the letter to the editor today, for example, said that we stalled on the bill all last year and they never got a chance to get to vote and, John, what they want...what they failed also to say is that we followed the process last year.

SPEAKER BARRETT: Time.

SENATOR LABEDZ: What process? I want to add that in. Exactly what was done last year was done again this year. It is the process but it is a wrong process and we all know it. We didn't give the process...I have to read it exactly. We didn't give, the process worked, Senator Labedz had two times last time to have a vote to cease debate to vote on the bill.

SPEAKER BARRETT: Time has expired.

SENATOR LABEDZ: May I put on my light again and if there is any senator that will give me time, you will be very interested in what the rest of this program and so I urge you to put on your light to give it to me.

SPEAKER BARRETT: Thank you. Senator Crosby.

SENATOR CROSBY: Thank you, Mr. Speaker, I'll just say a couple things and then I'll give the rest of my time to Senator Labedz. One of the things that disturbed me after last evening is that all of the members of the journalistic corps seemed to me to say that the pro-choice people won and all I see that they won was a rules fight. The issue was never actually addressed. They do not bring any amendments. I don't know who is laughing. I really wish you wouldn't laugh when I'm speaking about something like this because I don't think it's funny. I feel that the issue was never actually addressed. The opposition never brings any amendments to any of the bills or tries to make them better. If they don't think they are done well, they never do that. So from that point of view I don't see that anyone won yesterday except maybe the electric company because we left the lights on so long. So I have some other things, I'll turn my light on again, but, Senator Labedz, you can have the rest of my time.

SPEAKER BARRETT: Senator Labeledz.

SENATOR LABEDZ: Thank you, Senator, I appreciate the fact that you're doing this. I will continue on with the radio program. What gave us...is some people in the Legislature, such as myself, saying that we can solve these matters in the democratic process. We can let the system work, but we're never going to take away the people's right to the Legislature. We're never going to just railroad this through because if I would, or other people would allow Bernice to do that, then on some other issue of similar importance they will use the same tactics to get it and, quite honestly, when we did stop Bernice from doing that, she got mad and she is pouting ever since. Have you all seen me pouting since...for a whole year since last session? I thought I was smiling most of the time, with the exception of last night. Okay. The announcer says, before we take our first call, Senator Bernard-Stevens, are you pro-life or are you pro-choice on this issue? This is his answer. Those questions are...this will be...sound terribly political and I don't mean to be, but those questions are so unfair because it depends on the issue. That's like asking, are you conservative or are you liberal? And you have to say, what issue are we talking about? Because certain issues I'm going to be very liberal and others I'm going to be very liberal, in others I'm going to be very, very conservative. If you would ask me if I believe abortions are good, I would say no. I would like to see all abortions eliminated if possible. If you would ask me if abortions should be done on demand, I would say no. I think that's a terrible thing, a terrible waste of life to do that. If you would ask me should abortions be used, should birth control be used or abortions...excuse me, be used as birth control? I would say no. That's absurd. We need to do what we can to eliminate that. If you ask me if I was going to take the woman's right away to choose on whether if she is going to have an abortion, I would say no. I would not do that. I don't believe in protecting one right you take away a right of the other, so on, that issue I would be classified as pro-choice. On the other issues I would be classified as pro-life. I think my personal views, as most Nebraskans were concerned with the number of abortions, we need to reduce them, but we have certain realities out there that we have to face. We...

SPEAKER BARRETT: One minute.

SENATOR LABEDZ: ...through education and through working with people, we can get the abortions down but you cannot legislate morality through a legislative body. We found that out with prohibition. Announcer: Okay, let's take our first caller here on the AM1240 KODY Morning Line. Good morning. You're on the air with state Senator Bernard-Stevens. Your question or comment, please. Yes, I was wondering what Senator Stevens' position was on LB 348 allowing chiropractors to x-ray extremities. I won't go over that. I don't think you'd be interested in that. You're not interested, okay. Announcer: And maybe this will be one. We please ask you, if you do have your questions that we are dealing with specific topics today. And so the next caller said: Do you think abortion is murder? That's a big topic here. What is your view on that? Senator Bernard-Stevens answer: Oh, these are...

SPEAKER BARRETT: Time.

SENATOR LABEDZ: ...those are, these are very tough questions, and it's probably good that we do that. I don't know. I'll just be honest with you, I don't know. I can, as far as I know, that it sometimes it depends on one's view of how far we can go, how far the term of the pregnancy is, how far along is it, how developed the life...

SPEAKER BARRETT: Time.

SENATOR LABEDZ: ...the fetus of the child is. I would ask any senator that has any time to allocate me more time. Thank you.

SENATOR HEFNER PRESIDING

SENATOR HEFNER: Thank you, Senator Labedz. Senator Pirsch. We can't hear you, Senator Pirsch.

SENATOR PIRSCH: I yield to my time, or the first part of my time to Senator Labedz.

SENATOR HEFNER: Okay, Senator Labedz, you may continue.

SENATOR LABEDZ: Okay. How far the term of the pregnancy is; how far along is it? This is Senator Bernard-Stevens. When does life begin, he says. I mean those are questions at conception or is it when via...viability occurs? And, of course, then if you have an abortion or something is done before

viability, was that, in fact, murder? To be honest with you, I cannot sit here and tell people when life begins and when murder occurs. I simply do not have that knowledge. The Maker at some point will have the knowledge, but I don't. At least I agree with him on that. We'll have to simply sit down and define, instead of getting to the arguments of what is murder and what is not murder, I think the arguments before us now in the Legislature is, do we want parents to be notified? And if the answer is yes, in what form that is workable? I think I have made that position clear, that I particularly like the fact that abortions take place and I'd like to reduce that. I don't...I'm sorry, that I don't particularly like the fact that abortions take place and I'd like to reduce that. I think it's the woman's right to choose what she needs to do, what that is in the realm of religious dogma is up to between people, I think, and their Maker. I agree with him there too. Okay, we have another call coming in on the morning line. Good morning, your question or comment, please. I'd first like to say, caller number two, that I am pro-life and I would like to challenge the senator, the politician that we have from this district on a couple of issues. On January 18, my wife, in a visit with him, brought these issues very clearly out to him and he was, at the very least, very clear in his stating that he was pro-choice and I, in a conversation with another young man from this area from our pro-choice group, he of course, he didn't know that the young man was pro-choice. At the time he said, well, he said, when it comes to these kinds of issues, he says, I just vote my conscience, usually don't listen too much to the concerns. This is interesting. I usually don't listen too much to the concerns of my constituency until he found out where the young man was coming from. If the senator would like the young man's name, I'll be more than willing to give it to him. But another confrontation yesterday during the hearings on these bills in committee, evidently they were here in Lincoln, mentioned to two other young ladies from this area that he was not at all worried about this because his letter...letter count was up. And what I would particularly point to is looking at Bernice Labedz's letter to the editor and hearing his own comment this morning justifying his position. The thing I would like to ask the senator is, which way is it, Senator? Senator Bernard-Stevens: I guess I'm not. Senator laughs. These are really fascinating. I love these topics in a way and, yes, I hate them in a way because there is no win scenario for everyone on that one. I have been as clear as I can, of course. People on both sides will twist whatever they want to fit their own needs. I have



been as clear as I can be when it comes to in my, would I, if I was faced with a vote on whether I would take away the right of the woman to choose. I would not take that right away. That is as clear as I can be and I have made that consistently even when I went to the Lincoln County pro-life last election and talked to them directly to that. I have also said as clear as I can that I think most Nebraskans are concerned with the amount of abortions that are taking place and we need to work to reduce that. But by government getting that involved in moral decisions...

SENATOR HEFNER: One minute.

SENATOR LABEDZ: ...is not going, that is not going to be the answer. That is not going to solve the problems that we have. I have been as clear as I can. And when a senator is faced with that, then they have to use their best judgment and when you, if you force the senator to make a moral decision in the Legislature, then he or she is going to have to make that moral decision based on their personal conscience. That's the way it works and it is difficult to say the least. I was in my own committee doing those things. I did talk with some constituents in North Platte and to be quite honest with you, they were very rude at the end and when they faced with people that are, that are not going to freely exchange views, but are simply going to attack and be rude, you know at some point you just can't. You have other things you have to do and unfortunately on both sides of the issue, that has taken place and that is the nature of the issue. I have more of Senator Bernard-Stevens'...

SENATOR HEFNER: Time.

SENATOR LABEDZ: I'm sorry, I'm out of time but I'm sure there might be someone here that will give me some more time.

SENATOR HEFNER: Thank you, Senator Labedz. Senator Korshoj. Senator Smith, why do you rise?

SENATOR SMITH: I would like to make a point of personal privilege, please. I rise on a point of personal privilege. I have been handed out, which I know everyone else in the body has received a copy of a release, which deals with a charge which is made against the Speaker of this body. And we all know that we have sides on this issue and I'm not speaking for either side. What I'm doing now is speaking for this Legislature and I'm

saying that I think all of us out here, that are sitting out here, if there is any blame to be cast, it comes here, not up at the Speaker's desk because he was trying to follow the rules throughout this session. He was using the rule book, the rules that we established in this body. So, and until we change those rules, that's the kind of things that we're going to...that's the rules that we have to live by and he has to abide by the rules we have established. And so this absolutely has to be an inaccuracy. If there is going to be blame cast, it should be pushed right out here on the floor for 48 other people, and that is all I wanted to say. Thank you.

SENATOR HEFNER: Thank you, Senator Smith. Now, we will go to Senator Korshoj. You pass? Senator Langford. Senator Langford, you're next.

SENATOR LANGFORD: I keep getting shocked. Mr. President, I would like to give my time to Senator Pirsch or...

SENATOR HEFNER: Senator Langford yields to Senator Pirsch.

SENATOR PIRSCH: Thank you, and I did have my light on, but I just wanted to say just a few things more. When I stood up here to bring LB 1241 back to Select for amendment, quite frankly, I expected to stand up here for as long as it took to go through my 22, 23 amendments to LB 1241, and I didn't know I would have such excellent support as I had today. We started out on economic development issues and we're now in parental notification of minors, poor minors. And you know they do really have a tie to each other because in those families that are strong families, you would not need a bill like this probably. And some of the things that bother people or the issue that they bring up is so many of our families are dysfunctional families. We can't...we can't have the poor minor in a dysfunctional family having to have someone report, but I still maintain that perhaps just in the discussion this could maybe lead to help for dysfunctional families and there could be counselling and there could be sitting down and talking together and, most importantly, maybe that would improve the girl or female relationships in the future. Government has intervened in the family in many ways and one of the ways that government has intervened, and I'm going back to economic structure again, is that 1948 for a family of four, only 2 percent of the income was paid in federal taxes for a median income family of four and today it is 24 percent of income of a family of four that is

paid in federal taxes. Now that is just federal taxes. So as a result families have less time, parents are gone, we have more one-family parent, one-parent families and all of these are too bad and government spends a lot of time in trying to correct those things and we support that. We try to find various ways that we can assist families and I think maybe that this could be a government intervention that could help families sit down together and talk. With that, I'll give the rest of my time to Senator Labedz.

SENATOR HEFNER: Senator Labedz.

SENATOR LABEDZ: Thank you, I do want to continue on with the radio program. Caller number three, I just wanted to clarify a little bit about what happened on Wednesday at the hearings. It was myself and a friend who happened to visit with you and we thought you were quite rude in saying that you didn't care who was there that day and I might remind you also that it was you that turned around and walked off, not us.

SENATOR HEFNER: One minute.

SENATOR LABEDZ: And I just want to remind you also that abortion is not an east Nebraska versus west Nebraska issue. It is a life and death issue. There are 5,000 babies aborted in Nebraska every year and to me that is horrendous and if any of these bills that are before the Legislature right now can help end that, then fine, let's do it, let's quit killing babies. Senator Bernard-Stevens: Peg, you know, you're right. We did talk yesterday and my memory is very, very good. One of you, the quote that I made is when a comment says when you, when you, and who was it with you mentioned, you know, look at all the people here and my comment was before it was interrupted, you know, "I don't really care how many people are here for the hearings because I have to decide on the issues on the bill on the way the bill is worded. The number of people that are there isn't important to me as to what the bill does.

SENATOR HEFNER: Time.

SENATOR LABEDZ: I didn't get a chance to finish that to which somebody then said, well, you just don't care about anyone, do you? And quite honestly, I do get emotional on this issue. I have taken a lot of letters, I haven't responded. To be honest instead of blowing my stack and getting upset, it was far better

for me to say thank you, it's been nice talking to you and turn and walk away, because the conversation was not going to go much beyond that. But beyond that point, Peg, you and I are in total agreement, you and I are in agreement. If there are bills out there that will help stop abortions, that is a fair and reasonable way to do so and we should try to do that. And LB 769 is where you and I disagree, 769 does nothing. The people who, the kids who are going to tell their parents on abortions will do so under 769 and the children that are going to lie and going to cheat are going to go get the abortions anyway without their parents knowing, will do in spite of 769 because 769 is a bad bill." Caller number three...

SENATOR HEFNER: Time.

SENATOR LABEDZ: How come it was, well, in Minnesota...is my time up, sir?

SENATOR HEFNER: Your time is up.

SENATOR LABEDZ: If anyone else has any time, I would like to finish the program.

SENATOR HEFNER: Thank you, Senator Labedz. Senator Beyer.

SENATOR BEYER: Mr. Speaker, I yield my time to Senator Labedz.

SENATOR HEFNER: Senator Labedz.

SENATOR LABEDZ: Thank you, Senator Beyer, because I must confess to you, I didn't read this entire program myself and I am learning something today because it was...this isn't the only thing I have that is...there was other transcripts that I have that I could read until midnight if you so choose. Senator...how come it was well in Minnesota? Caller number three again. Peg, a good question. This is Bernard-Stevens. I really appreciate you asking that. Bernice has taken the Minnesota law and brought into 769 and the reason Bernice did so makes political sense. I didn't know I was doing it for a political reason. The Supreme Court of the country has decided to pick up the Minnesota court, the parental notification bill, and will make a decision on that in April as to whether or not that bill is constitutional, constitutional or not. And there are portions of the bill that won't be there, will be portions of the bill that will be. The problem that Minnesota has is

they have parents, but we've solved that in 769 because we just have one parent. But what Bernice has done, that is, that is, that is what, it bothered me so much is Bernice, Peg, has said, I want this Minnesota bill because the Supreme Court may rule it constitutional. And if there are changes to the bill that are good changes that really could be made and should be made, I do not want to, said Bernice Labedz. Do not put that on my bill. I will not allow it on my bill because if we change and improve the Minnesota bill to be...to be Nebraska's bill for Nebraskans, that will mean that the Supreme Court ruling will not affect Nebraska's bill and Bernice wants a constitutional bill. She doesn't care whether that bill is a good bill, and we all know there are many bad laws out there that are constitutional...

SENATOR HEFNER: Senator Labedz, Senator, are you sticking to the motion?

SENATOR LABEDZ: Yes, LB 769, absolutely.

SENATOR HEFNER: I think we're talking about returning to Select File.

SENATOR LABEDZ: I'm giving them the reason to return it to Select File.

SENATOR HEFNER: Okay.

SENATOR LABEDZ: And if you will recall, Senator Hefner, that's exactly what was done the last two days.

SENATOR HEFNER: Okay, you've made your point, continue.

SENATOR LABEDZ: Thank you. Don't charge that against me. I mean I want extra time. Oh, now you've made me lose my place.

SENATOR HEFNER: Senator Labedz, we did stop the clock while I was talking.

SENATOR LABEDZ: Thank you, I appreciate that. She doesn't care whether that bill is a good bill and all we know...and we all know that there are many bad laws out there. And my objective has always been that when I was elected to go down to, to represent the people of the 42nd District, that my goal is to, on any legislation, not just pass something that is bad so that we can have something passed out, but pass something that is

workable and good. And if Bernice would give us a chance to do so, that's all I even I ask. If I would lose, that would be fine. Bernice doesn't even want people to have the chance, and that's what I rebel against and that is what we all must rebel against because that is what the democratic system or issues like this, we must follow the democratic system or else it will break down. That's the end of his quote. But I want to remind you at this point, last year I wanted to come to the amendment, but that, because after that amendment I had a suspension of the rules and we would have voted that amendment up or down, but I never...we never had a chance to do that. Let's go take...announcer, let's go take one more call before break. Good morning, you're on the air with state Senator David Bernard-Stevens, you're on the air. I will go back to some that apply to 769. Caller number five: I have a copy of LB 769 here and I'd just like the senator to clarify if he can why he says there is not enough leeway given in Section 3, paragraph 1.

SENATOR HEFNER: One minute, please. One minute, please.

SENATOR LABEDZ: It says, she is quoting Section 3. Evidently caller number five had a copy of the bill. If a pregnant woman elects not to notify her parents, a judge of the appropriate district court shall, upon a petition and motion and after an appropriate hearing, authorize a physician to perform the abortion if the court determines that the pregnant woman is mature and capable of giving informed consent. And then it goes on to say that the court proceeding should be prompt, it should take precedence over other things without delay to serve the best interests of the pregnant woman. And I wonder why he feels, senator...why the senator feels, that that's not adequate to cover the provision of dysfunctional family. Okay, the announcer says, let's take one quick one here, Senator. Okay, Senator Bernard-Stevens answer...

SENATOR HEFNER: Time.

SENATOR LABEDZ: Thank you. I still need more time.

SENATOR HEFNER: Senator Labedz, you're next up so you're on your own five minutes now. Senator Labedz.

SENATOR LABEDZ: Is this my first, second or third time? Second...

SENATOR HEFNER: Second time.

SENATOR LABEDZ: Okay. It's an excellent question, Senator Bernard-Stevens answered, and that part is necessary to the bill because the courts have ruled that if you're going to have some sort of prior notification or consent, areas of abortion, you must have a judicial bypass, and I haven't really complained too much about the bypass. I haven't really complained, and he repeats it, too much about the judicial bypass because I think that's a necessary part of the bill. There is a portion of what judicial bypass that I...that I question or whether it would be workable and we'd like to work a little bit with that. That would be when we say, for example, in the Constitution that we have a right to a fair and reasonable time delay on our hearings. Sometimes, you know, people have to wait two to three years on the Supreme Court before they get that decision. In LB 769, I think we've cut it down to Supreme Court has to be on call for the most part, Supreme Court has to give beyond call, I don't want to say 24 hours a day, but whenever, whenever they...a case like this comes up, they have to make a decision within three or five, and I can't remember how that was changed to three or five days. And a lot of questions come up that, okay, if we're on a Friday and we're on a holiday and the Supreme Court, not in session and they are scattered, will the court be able to actually come and make a decision? And when I was at St. Patrick's High School yesterday I asked people in the class an interesting question. How many kids in the classroom know of a juvenile who had gone to a juvenile court, sent to Kearney or Geneva, or has been put on probation or some other decision made by the juvenile court? And they all raised their hand and they were all laughing and whatever 'cause they knew exactly who the individuals were and I said, isn't that interesting because you all know about that and yet juvenile cases are confidential.

(No tape overlap. Some debate may be lost.)

Part of the probation we have is that in the...part of the problem we have is that in the judicial bypass, it is going to be a confidential case on abortion, a very personal decision, but yet the juvenile areas are not confidential because people do find out in this state and we need to work on that. Okay, our next caller: Okay, Senator, do you feel that it is the rail...oh, this is on railroads. I will go past that. Okay, caller number eight...the rest were on railroads and the

chiropractor bill. Yes, I called--caller number eight--and had a question about the parental notification, and it seems to me that he skipped over paragraph 3 where it says that it goes to the district court. He went right to what a burden it would be on the Supreme Court in the first matter goes Senator Bernard-Stevens, okay, caller number eight, to the district court, the judge of the district court conducting the proceedings. Senator Bernard-Stevens: Let me go back to that and thank you for clarifying that. Evidently, he didn't know when he was answering the questions to the other caller. He says thank you for clarifying that. I have no problem with that. I thought I had tried to say that before and maybe I didn't. I have no problem with the fact that they can go to the district court and to the appropriate district court and be able to do that. I, personally, have no problem with that one and would not like to change that at all. What I was trying to do is also expand the whole concept of that. For example, if a teenager and if a pregnant teenager, and I know we have had many as young as 13...old out here, if for some reason the court said, no, you cannot have an abortion and the girl would be...then be able to petition to the Supreme Court, and I was trying to talk about the whole system. So if the court would say no...

SENATOR HEFNER: One minute.

SENATOR LABEDZ: My time is up?

SENATOR HEFNER: One minute.

SENATOR LABEDZ: The concern I was having on that whole system, again, was could we keep something like...confidential? And it would be very difficult if the bill passed. We would do the best we can. I have no problem with the judicial bypass and I think it is necessary and it would be a part of any bill that we'd come up with. Announcer: Thank you for your call. Let's take...let's take a quick question here dealing with the issue. Senator Bernard-Stevens: You know, John...wait a minute. How do you feel about the personal attacks attitude that has been exhibited ... this issue as far as abortionwise? You know, John, it is very hard. You know no one likes to be personally attacked and certainly called a liar on the air with a lot of people listening, and I do have that transcript also, where someone called Senator Bernard-Stevens a liar on the air. But I think that is the problem, you know, that the price you pay when



you hold public...public office. You need to be willing to accept that and issues like this are very emotional. They gut to...they get to the right to the core of many religious principles and many personal deeply-held beliefs and ideas. When decisions are about to be made and those forces clash, you are going to have that type of response. I want to say a particular thing that I was so pleased to see when we had the hearings, when I say we, when the Legislature had the hearings on the abortion bills, whether it has been...

SENATOR HEFNER: Time.

SENATOR LABEDZ: ...pro-life bill or pro-choice. Thank you.

SENATOR HEFNER: Thank you. Senator Crosby.

SENATOR CROSBY: Senator...Senator Labedz, I will yield my time to you.

SENATOR HEFNER: Senator Labedz.

SENATOR LABEDZ: Thank you. I just have very little more. I lost my place again. You need to be willing to accept that and issues like this are very emotional. They gut to...they get to the right to the core of many religious principles and many personal deeply-held beliefs and ideas, and when decisions are about to be made and those forces clash, you are going to have that type of response. For the most part, I want to say a particular thing that I was so pleased to see is when we had the hearings, when I say we, when the Legislature had the hearings on all the abortion bills, whether it has been the pro-life bill or the pro-choice or something in between, there would be a little bit of both at some point, all of a sudden both groups come together and testify pro or con, and you know people were real leery, really, really leery...I am reading exactly the transcript...because what was going to happen and Nebraskans that went to those hearings were great. They were very emotional, they were very sincere, but they were very respect...respectable of each other's viewpoints, and they followed the process, and each one got their voice heard. And it was a beautiful hearing as far as to watch a democratic process work. If Senator Labedz would simply learn that we can let everyone have their say...can you believe that after seven days last year, about three or four days this year, and the last two days, he is saying if Senator Labedz would simply learn that

we can let everyone have their say and we can go through that process and it would work, we would get a bill on parental notification through if that would work. But Nebraskans were so good about doing that, and for the most part, most Nebraskans do have deeply-held beliefs but they are also civil and respect other people's views. And as a state senator, I have to respect all people's views, not only because I want to but because that is what our system is about. Personal attacks are common and that is just part of it. The old saying, if you can't stand the heat, get out of the kitchen, and that is just part of the public life. And at this point, I want to turn around and see if Senator Bernard-Stevens is sitting in his seat. Evidently, he couldn't stand the heat, he left the kitchen.

SENATOR HEFNER: Do you have a question for Senator Bernard-Stevens, did you say?

SENATOR LABEDZ: No, I just wanted to see if he was in the Chamber because he just got through saying that if I don't like the heat, I should get out of the kitchen. Evidently, he has left the kitchen.

SENATOR HEFNER: Okay, thank you. Are you through? You still have a little time.

SENATOR LABEDZ: Okay, thank you.

SENATOR HEFNER: In fact, you have two minutes.

SENATOR LABEDZ: Okay. Announcer: We thank you for your call here on the Morning Line program. We have another call. Let's take another one here. Good morning, you are on the air with Senator Bernard-Stevens. Your question or comment, please. Caller number 10: Yes, sir, my comment, my question is, in this judicial advocacy program that Senator Bernard-Stevens is propounding, it is my opinion or at least my perception that the state cannot provide funding for unemancipated teenagers as far as health care or anything else, and the question I am asking, if the young teen goes through this program, has physical consequences...this is important, I am going to read this slowly...and the question is, I am asking, if a young person goes through this program, has physical consequences, medical consequences, who is going to pay for that? Okay, senator, your question on that real quickly, please. I will be honest with you, I am kind of in the dark about what the gentleman is

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asking. The child advocacy programs and the judicial things that I was advocating and then we got to the question of...

SENATOR HEFNER: One minute.

SENATOR LABEDZ: ...you know, end of tape, remainder of program was not recorded. The tape run out and I am sure there was more questions on the abortion issue. One minute?

SENATOR HEFNER: One minute.

SENATOR LABEDZ: Okay, this is another program. It was on KNOP-TV, North Platte, Channel 2, interviewer, North Platte Senator Bernard-Stevens has just returned from Lincoln after what was probably one of the toughest weeks in his political career. Thank you for joining us this evening. You are welcome, Jody. It has been a very tough week and it has all to do with LB 769, parental notification. Bernard-Stevens: You know everyone said that this bill would probably be very tough this year, and on any of the abortion issues. Those predictions have certainly proved to be correct. Announcer: There has been a lot of accusations labeled at you, Senator Bernard-Stevens. People have called you various things about what happened this week. Can you explain to our viewers? It is difficult to explain but you have really about three or four things going on at the same time.

SENATOR HEFNER: Time.

SENATOR LABEDZ: Thank you. I still need more time.

SENATOR HEFNER: Okay, thank you, Senator Labedz. Next we have Senator Wesely. Senator Wesely, are you in the Chamber? I don't think we can do that, Senator Labedz. Senator Korshoj.

SENATOR KORSHOJ: Mr. Speaker, I call the question and I want them to check in. We are on Final Reading, aren't we?

SENATOR HEFNER: Shall debate now close? Do I see five hands? I do. All in favor vote aye, those opposed vote no.

SENATOR KORSHOJ: Aren't we on Final Reading?

SENATOR HEFNER: Yes, we are.

SENATOR KORSHOJ: Well, let's have them check in and make sure they are all here.

SENATOR HEFNER: Okay, everybody check in. Would you please check in. We are on Final Reading and everybody should be in their seats. Senator Robak. Senator Haberman, would you please check in. Senator Scofield. Senator Hannibal. Senator Wesely. Senator Bernard-Stevens. Senator Beyer. Senator Barrett. Senator Moore. Senator Carson Rogers. Senator Conway. Senator Hannibal, and Senator Wesely. Senator Korshoj, shall we go ahead?

SENATOR KORSHOJ: Who we missing?

SENATOR HEFNER: Senator Barrett. The motion before us is, shall debate now close? All in favor say aye, all opposed vote no. Have you all voted? Have you all voted? Record, Mr. Clerk.

CLERK: 25 ayes, 6 nays, Mr. President, on the motion to cease debate.

SENATOR HEFNER: Senator Labedz, would you care to close?

SENATOR LABEDZ: I can't remember where I left off, I have a problem, but it will just take a second. I don't want to repeat. Well, I will just go ahead and read. There has been a lot of accusations labeled at you. People have called you various things about what happened this week. Can you explain to our viewers? It might be that some of this was read before, but, evidently, we have more senators on the floor, and I am sure they are very interested in what he had to say. It is difficult to explain but you have really about three or four things going on at the same time, and, number one, you have Senator Chambers and others who are saying, I don't like the bill, no, no matter what form you put it in, and I will do whatever I can to keep it from passing. And you've always had that specter present. Then what you had as far as I am concerned, many of us worked very hard in the interim period to try to find a way to change the bill, so that if it was going to pass, it would be better than what it is. You know, for example, now if all a girl needs to know if this bill passes is forge a note from her mother or dad and say, yes, I have been notified, and she gets an abortion. There is no verification or no check or anything. So there is really not much teeth to the

bill at all. Many of us had amendments we wanted to offer and, unfortunately, after about the first hour of debate began this week, the first time this session, Senator Labedz did probably what I have been told from people who had been there for over 20 years one of the biggest power plays in the history of the Legislature, and she, basically, said, we are not filing a motion, we are not going to have any more amendments or debate at all on General File. I had an amendment I was able to get substituted so at least I might be able to get talking about that. She filed a motion immediately after I put my amendment up saying we are not going to have any more amendments on discussion on Senator Bernard-Stevens' amendment, and Senator Schmit filed a motion on the next stage of debate, before we even got there, saying, by the way, we are not going to have any further amendments or discussion there either. And, when in essence, it was saying that we don't care if anybody even wants to try to change the bill, we don't care if there is even a better alternative to the bill, we want it our way and that is it. No further debate. And they, basically, took away the whole democratic principle of our Legislature and that is everyone gets a fair chance to have their say and a fair chance to discuss the bill. Now I'd be the first to admit that if a filibuster would have started, that is the time to begin saying we have had enough debate, but that happened within an hour of the debate on the bill, and then what happened? Senator Labedz by stretching the rules...I stretched the rules? Can anyone recall whether I did that last year? For the most part said senators can't do basic things like dividing a question, and if you recall it was in about 15 parts, which is what you are able to do, and when that begins to happen, I simply said nobody is going to do that to our legislative system. I don't care what the issue is, because if I allow that or anybody else allows that to happen on that issue, then else on other issue that they feel is important will use the same thing and, in essence, what we have is a power by you know dictatorial rules in the Legislature, no democratic principle, no opportunity to anyone to have a fair chance to say anything, and that is intolerable, and I cannot and could not stand for that, and so I began to use parliamentary techniques until Senator Labedz and Senator Schmit basically allowed some fair play, and they never did. Now someone said that you are not just playing games around the whole thing, that you were just not basically in favor of the bill to begin with, this is the announcer, incidentally. Bernard-Stevens, that you may even be pro-abortion...this the announcer: That you may even be pro-abortion and that is what

is all behind all of this. Bernard-Stevens: You know you can't stop...

SENATOR HEFNER: One minute.

SENATOR LABEDZ: ...that, Jody. There is people in such an emotional issue, if you are not of Senator Labedz's attitude, if you are not 100 percent for exactly what she wants to do, then you are against this...

SENATOR HEFNER: One minute.

SENATOR LABEDZ: ...and those things are going to happen. I have said consistently that I favor parental notification. Did you all hear that? He consistently all during the interim has said I favor parental notification. I also said consistently all during the interim that when there was some problem with the bill and I and others would like to have at least a chance to change that. When we were denied even the opportunity to do so, and if I recall, we were on an amendment on LB 769 at the time this is being said, on his amendment, or and that he was dividing into 15 parts, I made a proposal to Senator Labedz that would allow me to do some amendments and some other people to do some amendments, if she would allow us to do so. She just flat-out refused unless Ernie Chambers, you know, went along as well. Well, Ernie doesn't go along with anything like that. Announcer: You met with some of the key lawmakers...

PRESIDENT NICHOL PRESIDING

PRESIDENT: Time.

SENATOR LABEDZ: ...involved in this the other night. You had a late night meeting. We sure did, Senator Bernard-Stevens said. The announcer: Any details about that meeting? And obviously, things were not resolved. Bernard-Stevens: Well, they weren't and I am not hedging on that because we kind of agreed before the meeting began that nothing really discussed, you know, will come out, that things would be open. I...

PRESIDENT: Time.

SENATOR LABEDZ: ...can see that I made an offer of a number of amendments that will be offered, that I would like to offer, and it was below six, six amendments.

PRESIDENT: Time.

SENATOR LABEDZ: I made an offer that I would like to have the rule that everyone would have a fair chance up to a limit that would provide equal debate and that Senator Labedz would still be able to get a vote on the bill and Bernice...

PRESIDENT: Time.

SENATOR LABEDZ: ...simply said no. Thank you. I still have more to read but I can do that later.

PRESIDENT: All right, fine. You were closing, I understand, and the question is the return of the bill to Select File. All those in favor vote aye, opposed nay. Senator Labedz.

SENATOR LABEDZ: Mr. Speaker, I know we are supposed to be on Final Reading but I would like to have everyone checked in to make sure everyone is here.

PRESIDENT: Okay, will you please record your presence? Just a moment, now please record your presence. Call in votes are authorized. Senator Korshoj, will you check in. Senator Labedz, check in, please. We are looking for Senator Warner. We are looking for Senator Warner, I believe is the only one. Roll call has been requested. Here is Senator Warner. Is that all, Mr. Clerk, that we are looking for? Are they all here now?

CLERK: Yes, sir.

PRESIDENT: Roll call is requested, and the question is to return the bill to Select File. Mr. Clerk. Please remain in your seats.

CLERK: (Roll call vote taken. See pages 1960-61 of the Legislative Journal.) 25 ayes, 6 nays, Mr. President, on the motion to return the bill.

PRESIDENT: The bill is returned. Go to the amendment, please. Senator Labedz, did you want to attach an amendment on. Senator Bernice Labedz, your amendment that you wish to put on the bill.

SENATOR LABEDZ: Mr. President, I move that we adjourn until Monday morning, eight o'clock.

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

CLERK: I do, Mr. President. Senator Conway has amendments to LB 1141 and LR 239 to be printed. (See pages 1961-62 of the Legislative Journal.)

I have statements from the Appropriations Committee regarding overrides. New resolutions, LR 424 by Senator Lindsay and Morrissey. (Read brief explanation.) LR 425 by Senator Hall and Landis and Warner. (Read brief explanation.) LR 426 by the Appropriations Committee. (Read brief explanation.) A confirmation report from the Transportation Committee and an Attorney General's Opinion to Senator Schmit. (Re: LB 1059.) That is all that I have, Mr. President. (See pages 1962-68 of the Legislative Journal.)

PRESIDENT: Speaker Barrett, for what purpose do you rise? Do you want to tell us something.

SPEAKER BARRETT: Yes, Mr. President, thank you. Before we vote on the motion, I just want...

PRESIDENT: Excuse me, Senator Barrett. (Gavel.) Please, let's hold it down so we can hear the Speaker's words.

SPEAKER BARRETT: Just a reminder that there is some additional Final Reading on the agenda, and any of these bills that are not read today, as I announced the other day, we don't have time to get them to the Governor and have her return them for vetoes. If they are not read today and passed over to her office, she cannot and will not guarantee a veto message. There may be some bills in there that are quite important in that regard, I don't know. Just a reminder. Anything that is not over there tonight will not be returned with a veto message or a signature.

PRESIDENT: Thank you. You heard the motion. All in favor of adjourning say aye. Opposed nay. A machine vote has been requested. Okay. Please return to your desk, please. Please return to your desk. It is difficult for the Clerk to hear your response, so please return and hold it down. Mr. Clerk, the motion is to adjourn. Okay, a machine vote, excuse me. All those in favor of adjourning vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.



CLERK: 9 ayes, 18 nays, Mr. President, on the motion to adjourn.

PRESIDENT: The motion fails. Senator Labedz, did you have a motion...an amendment on the bill?

SENATOR LABEDZ: Back to my amendment.

PRESIDENT: Yes.

SENATOR LABEDZ: LB 1241 is back on Select File, right?

PRESIDENT: That is correct.

SENATOR LABEDZ: Okay, I do have...I won't go into anymore of Senator Bernard-Stevens' programs. I think I've read you the most important parts of the...of his statements on radio and both at a meeting, also. I think I finished that other one. There is something I would like to read, what Senator Schimek said on LB 642 because I think it puts in better form than I could ever do of what I was trying to say about the rights. Senator Schimek said on LB 642, I believe there are many situations where there are domestic...where there is domestic violence or where there are unhappy teenagers, or whatever, where guns are available, where other means are available, but I can't help but think that if we had some kind of a waiting period that it would, at least in some cases, take away that impulsive action which might lead, as in the case of Senator Don Wesely's friend, which might lead to saving a life. So I guess I show very strongly this could not hurt. We have had many waiting periods imposed by society, by our families, by ourselves. When we want to drive a car, we can't drive a car until we are 16. We can't...we have to wait until we are 16. When we want to get married, we can't go out and just get married. We have a waiting period because we have a blood test that before we can get married. Senator Schimek also went on to say, when we want to get a divorce, no matter how much we want to get that divorce, we cannot do so until we have gone the six-month period necessary for all the court decisions and so forth to take place. I guess what I am trying to convey to you is that we do have a lot of waiting periods in our life. What we are trying to do on LB 769, as I mentioned before, that it is modeled after a Minnesota parental involvement law which was found to be constitutional by the 8th Circuit Federal Court of Appeals, and as you know, the 8th Circuit jurisdiction also

includes Nebraska. For the first five years that the Minnesota law was in effect, the abortion rate among teenagers in that state dropped by over one-third. Nebraska currently makes no provisions for parental knowledge, for reflection time, discussion, or consent regarding their child's abortion decisions. Without the advice and counsel of their parents, without the proper medical history often needed, without the love and guidance of family members, children today are often at risk of exploitation. The requirement of the amendment on LB 1241E is a very minimal requirement. Parents of minors are notified of much less major incidents, such as accidents, as Senator Schimek also said, or illnesses at school, failing grades or misbehaviors. Furthermore, the law or informed consent requires parental approval before any medical or surgical procedure can be performed on a minor. In one critical medical procedure, however, parents in Nebraska are denied any role, even their right to know. That is the abortion decision. I have in front of me, I mentioned this before, close to 20,000 signatures from all over the State of Nebraska, and these people agree with me and, believe me, they are from all over, not just the City of Omaha or the City of Lincoln. I have many letters in this morning. My office received many calls from all over the state saying how disappointed they were that, at least, this year one bill, parental notification, was not passed or not advanced. The Legislature has recognized from...time and time again that it has a legitimate role in regulating the activities of young people. We cannot...they cannot purchase alcohol by anyone under the age of 21. A person must be 16 years of age to obtain a license to drive. A minor under age 17 cannot get married without parental consent, and a student is required to attend school until age 16. I think I also mentioned, oh, way back last year sometime, of the letters that I received from parents that were very upset when their daughter obtained an abortion, 14, 15, 16, 17 years old, regardless what age, they were still minors, and on the way home from Omaha to places in South Dakota, in the western part of the state, there were complications set in where the girl needed a D and C, or blood transfusion. She was hemorrhaging, and they had to take her to a hospital, and that happened not just once, several times, and that girl had to have notification from her parents before they could give any blood transfusion or before they could do a D and C, and because it was an incomplete abortion. How would you feel if your daughter, if you got a call some night as a parent or as a grandparent, saying that your granddaughter, or your daughter was in a hospital and needed immediate medical

attention because of an incomplete abortion, and you are in a state of shock. Naturally, you run to the side of your daughter and the first thing you do is write a letter to someone that has been fighting for parental notification for quite some time, and ask why, why in this country a state would allow a young girl to go to an abortion clinic, sometimes by herself, or with a girlfriend, or a boyfriend, obtain an abortion without the approval or, at least, notification of the parent. I would rather see LB 769 as a parental consent, rather than a notification, but I know that is impossible, and a lot of people have confused what I am trying to do with consent. It is not consent, it is parental notification. I urge the adoption of the amendment to LB 1241, and know that there is not too many senators on the floor, but, hopefully, this will be done. Thank you.

PRESIDENT: Thank you. Senator Wesely, please, followed by Senator Abboud and Senator Pirsch.

SENATOR WESELY: Thank you. Mr. President and members, I understand perfectly what is going on here, and I also can understand the feelings of Senator Labeledz and others with their anger toward Senator Chambers, and their desire to seek some revenge. And, frankly, that is the way I interpret it. I was on the Banking Committee that heard this bill. Let me tell you about that hearing. If you look at the bill statement, we had a dozen different individuals, mostly black businessmen from north Omaha come in. They were excited. They were organized. They were enthusiastic. They finally felt that there was some potential to take some action in their area of the city, and they were ready to move forward, but they needed some help. This legislation will provide the help that they need, and this enthusiasm, and this sense of optimism and hope will be crushed today, frankly, if we proceed to amend this bill or hold it on Select File. I know the intent is to hurt Ernie, to hurt Senator Chambers, but, really, let's think about who we are hurting here. We are really hurting those people that those individuals testified for on behalf of this bill, those people of north Omaha that are in desperate need of economic development. I just think the wrong people are affected in the way that you want to affect Senator Chambers for his action on the abortion issue. I just thought that needed to be said. I know that LB 1241 is not really the issue here, but I want to remind us about what is happening. In addition, I would also like to add that, as Senator Smith did, that this press release

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

concerned about the young people and their...and the minor's health, by enabling parents to supply the essential medical information to the physician that is performing the abortion and allow parents to ensure that their daughter receives the proper follow-up care, which they have not received in the past. It is also a strong belief of mine that this is a...this bill is a protection of the minor from her own imprudent decision, something that was probably made hastily without any advice from family or friends, and it also protects the family as a viable unit in our society today and the protection of parental rights of authority over their minor children, and I think that is very important also. When we can say that we don't support parental notification, then we don't support family unity and we certainly do not support anything, any dialogue, or any closeness of the family. We are saying, you can go out and have an abortion. My daughter can, my granddaughter can, my niece can go out and have an abortion without notifying her parents, now this does not prohibit the young girl from having an abortion. It just says you must notify at least one of the parents and then there is also the judicial bypass. You all know what the bill is about. I am not going to go over that again. Senator Schmit, do you have anything that you would like to add in the closing?

PRESIDENT: You have two and a half minutes, Senator Schmit.

SENATOR SCHMIT: Mr. President and members, I understand Senator Wesely's concerns with the bill. I understand the deep concern that many people have and the anticipation they had of being able to do some good with this kind of bill in an area which desperately needs it. We are all aware of that. I would...I am tempted to say some things which I know better than to say. I just want to say that when we live by the rules, we die by the rules, and we all have had to suffer that way, and we are going to suffer some more, and I am afraid that we have not seen the last of it. I think it is important that we recognize and respect each other's rights and our beliefs, our concerns, and I think that it is just as important and just as valid for Senator Labedz and myself and those of us who are concerned about the unborn to express our concern in whatever way that is available to us. I couldn't help but notice some of the actions yesterday. There was jubilation on the faces of certain individuals because of the fact that Senator Labedz was not able to get a vote on her bill, and that jubilation today is perhaps not quite as well-earned as it was yesterday. It is an

unfortunate situation. I regret it and I think we all do. But those individuals who believe very sincerely as they do...

PRESIDENT: One minute.

SENATOR SCHMIT: ...on the issue of abortion, when they are pro-choice, as they call themselves, they have every right to do that which they can do to block Senator Labedz's bill. She, on the other hand, has every right to exercise the rules, as she has done today. I would ask you to adopt the amendment and readvance the bill.

PRESIDENT: Thank you. The question is the adoption of the Labedz amendment. All those in favor vote aye, opposed nay. Senator Labedz. We are under call. We will have them record their presence, is that all right? Please record your presence. Senator Haberman, would you record your presence please? Thanks. Oh, you did. Now we are looking for Senator Moore. Senator Moore is on his way. Senator Labedz, you weren't at your microphone, did you request a roll call vote?

SENATOR LABEDZ: Mr. President, looking at the board with only 38 senators present, 11 are excused, we had a victory anyway. We brought the bill back and got 25 votes, so I would like...can I withdraw?

PRESIDENT: We are in the middle of a vote, Senator Labedz, and a machine vote has to be recorded and announced.

SENATOR LABEDZ: Roll call vote.

PRESIDENT: We can do that. Roll call vote, and the question is the adoption of the Labedz amendment. All those in favor vote aye, opposed nay. Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1969-70 of the Legislative Journal.) 13 ayes, 14 nays, Mr. President, on the...

PRESIDENT: The motion fails. We have a priority motion.

CLERK: Mr. President, Senator McFarland would move to adjourn until Monday morning, nine o'clock.

PRESIDENT: You have heard the motion. All in favor say aye.

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Machine vote has been requested. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 7 ayes, 20 nays, Mr. President, on the motion to adjourn.

PRESIDENT: The question before us at the moment is to readvance the bill to Final Reading. It is debatable, yes. Senator Owen Elmer, you are first.

SENATOR ELMER: I would like to make a statement for a point of personal privilege.

PRESIDENT: Pardon me, I can't hear you.

SENATOR ELMER: I would like to make a point of personal privilege.

PRESIDENT: State your point.

SENATOR ELMER: I think the insinuation by some persons that Senator Barrett in any way aided either faction in the abortion debate is ill-conceived. Each of us should feel obligated to point out the person elected by us to act as our Speaker is bound by our own rules and obligated to keep them. I think we should applaud him for his behavior during this divisive debate.

PRESIDENT: Thank you. Senator Schmit, please, followed by Senator Pirsch.

SENATOR SCHMIT: Mr. President and members, I rise to oppose the motion to readvance the bill. The bill is dead as of now. When the body voted to return the bill to Select File that took it off Final Reading and if it's going...if it were to be readvanced I believe that it would have to lay there another day. I am not sure, but I think it would have to lay there another day, and I think it would be wrong to do it anyway. I just want to say this to the persons who call themselves pro-life. It is kind of interesting, you got yourself whipsawed around yesterday. Senator Chambers and Senator Bernard-Stevens demonstrated their skill. They used the system, they used it very effectively. They used it demonstrably better than we do, and they, for all practical purposes, played this Legislature like a bow fiddle. They have played it that way many times and they will do it again, and again, and again, and the reason,

ladies and gentlemen, is that they do it, is that because eventually when the smoke settles and it is all done, we go back home, we lick our wounds, and we say, well, we did the best we could but Senator Chambers didn't quite play fair. Senator Chambers uses the rules. He uses, as I have said before, he uses them well. He does everything that he possibly can to stop the passage of a bill which he opposes and to pass a bill which he supports. But when this...when the pro-life people have a chance to adopt an amendment to the bill, what do you do? You cave in. You cave in. So, ladies and gentlemen, you know, there is going to be a chance for a new industrial development in north Omaha next year, ladies and gentlemen. There will be unborn babies who are going to die in the intervening eight or nine months, not because we didn't pass Senator Labeledz's bill but because of the present status of abortion legislation. If you believe as I do, that the unborn fetus is a child, then you have to do that what you can do to pass those bills which make it as difficult as possible to secure an abortion. I can never quite understand. I happen to support individual dignity of people from prebirth until after death. There are some who like to pick and choose. Some of you like to say, well, from the time the baby is born until such a certain time, we are going to take real good care of that child and are going to provide day care, we are going to provide nursing, and we are going to provide everything we can for it. We are going to provide a good education, all the rest of that sort of thing, but up until the baby is born, the baby is on its own. The baby is at the whim of the mother, be that mother healthy or unhealthy, be that mother competent or incompetent...

PRESIDENT: One minute.

SENATOR SCHMIT: But it is kind of interesting, the day will come, ladies and gentlemen, when someone can stand on a floor like this and say when you get to be Schmit's age or older, they have lived their life, their usefulness is over, why should we spend thousands of dollars a month to keep them alive, why not have euthanasia? It so happens that in this instance, you know, all too often some of our pro-life people who are so concerned with the child until birth are the least concerned about helping the child after birth and I have never quite understood that. I have been called liberal. I have been called a do-gooder, a lot of things, because when the child is born, I continue to support that child's right to a decent life, and I would hope that sometimes, as has been said on this floor sometimes, maybe in a



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more sane time, we might possibly be able to get together and be concerned about the child all the way from...

PRESIDENT: Time.

SENATOR SCHMIT: ...conception until it is too late to do anything about it. Thank you very much.

PRESIDENT: Thank you. Senator Pirsch, followed by Senator Labedz and Senator Abboud.

SENATOR PIRSCH: Thank you, Mr. President. My, oh-my, oh-my, what...we started at 3:20 p.m. As I told you, I had a series of amendments and I was prepared to stand up here and talk about LB 1241, and I had a lot of support. And I think that is reflective of the frustration that many of us have experienced on this floor at different times. A fair chance, that is all we wanted. I wanted that on LB 976, my priority bill. Senator Labedz wanted that last year when she named LB 769 as her priority bill, and so on and so forth. But, you know, I discovered that being on this side was much more fun, and it is fun to be on the filibustering side, and I open my statement saying I am going to see if I have the same stomach that others who have filibustered have and, you know, I discovered I have the stomach for it. I have the guts for it but, you know, colleagues, having the stomach for this is easy, but I have discovered that I don't have the heart for it, and with that, I will support readvancing 1241 and will pull my other amendments at that time.

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

SENATOR LABEDZ: Thank you. I appreciate the fact that those that were here and gave me the support to bring the bill back to Select File, give me the opportunity to read what I did, and Senator, I don't know if Senator Chambers is on the floor or not. Yes, he is. I was prepared to stand here and read 20,000 signatures because everyone of these names on these petitions and their address and their zip code, and I would have done it, but there are many of my friends who say that they have bills that have to be advanced tonight, and I sincerely believe that my friendship means as much to me as the unborn child of everyone of you that have been supporting me on this floor. So I would not...not able to do what I wanted to do but I kept

these here now for a week. I also have books here I could read, and I think I gave you one, also, on abortion. I was...I was going to read every single chapter all the way to the end, if I had to, and 20,000 names would have taken me a long time. But, believe me, I would have done it if I thought that you would all stick behind me until the very end. I am sure that many of you would. I ask...I wanted to withdraw the amendment on LB 1241. I still oppose LB 1241 only because it is one section of the City of Omaha, which is north Omaha. It does nothing for south Omaha and, believe me, I would like to take all of you on a bus trip down South 24th Street and let you see what has happened there, or have you go down L Street and see what has happened to the small businesses there. The packing houses are gone. There is nothing but dirt there now. My mother and father raised 17 children by both of them working, my dad, especially at the packing house, and my older brothers. That is all gone. If Senator Chambers was going to be fair, as he has always been fair, and I have always admitted that to him, and he knows that, he, himself, would say let's include south Omaha but, evidently, that is not going to be done, and I want everyone of you to know that your rural districts, too, that have small businesses that have closed, many of your young people are out of jobs, you are in just as bad shape as I am in south Omaha, and I feel for those people in south Omaha. I said it before but there wasn't too many people on the floor of what the unemployment has done to our young people in south Omaha. We have a lot of black people living in the projects. We have a lot of Hispanic people around our Lady of Guadalupe Church. They are constantly calling me. I feel like an employment agency. Get me a job. Get me any kind of a job. And if our businesses keep closing as they have been in the last year, and I know, like I said before, we have LB 270, but they need help. They need help getting started, and if we are saying that we are going to do it for one section of the city, and not the other, we have as many problems in south Omaha as Senator Chambers has in north Omaha, and I know he feels the same way about everybody in Omaha that is without a job, without any income, and on LB 1059, I oppose that mainly because of that. As I said before, we have got people that can't even pay their utility bills. They go...one woman called me and she went to the Salvation Army to get help because they were going to shut off her electricity and her gas, but because she had over \$500 income, they wouldn't give her any help. And I think you saw that on TV, a lady was waiting for a bone marrow transplant, and she asked for help, but because she was getting over \$500 a month, she could not get energy

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assistance. Yet we have other people that are being accused now of felonies...

PRESIDENT: One minute.

SENATOR LABEDZ: ...and they can go there and apply and I am just wondering if this all had not come out in the paper if that wouldn't have been granted. So it bothers me terribly that when we pick on one section of this state, not just the City of Omaha, and say they need help. We all need help, and the elderly people need a lot of help. Some of them are only living on \$400 a month. They don't want to leave their home. Luckily they do get a homestead exemption, they are able to stay in their home, but if we advance LB 1059, we are putting a one cent increase on their utility bills. It is a good idea to try to lower the property tax, but at the same time, you are hitting the elderly because those that are low income are on the homestead exemption but they still will have to pay a one cent increase on their utilities. I am sorry I am bringing all these subjects up in 1241 but I want you all to know there is thousands of people out there that need help, and I will not vote on LB 1241. Thank you.

PRESIDENT: Thank you. Senator Moore, please.

SENATOR MOORE: Question.

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

CLERK: 17 ayes, 13 nays to cease debate, Mr. President.

PRESIDENT: Debate does not cease. Senator Crosby followed by seven others. Senator Crosby, you're up.

SENATOR CROSBY: I give my time to Senator Warner.

PRESIDENT: Senator Warner, please.

SENATOR WARNER: Senator Crosby, I pushed the red button because I do not believe this bill is dead. I think if it is advanced it can be voted on as eligible for Final Reading today or tomorrow. We have many times returned bills and went back as long as it was on Final Reading when we opened this morning, it

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was on Final Reading when we adjourned. It hasn't been changed, the fact that it was moved back for discussion purposes I do not believe affects anything at all as far as the Constitution is concerned. I'd just urge the body to advance the bill.

PRESIDENT: Thank you. Senator Langford, please.

SENATOR LANGFORD: Question.

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

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

PRESIDENT: Debate has ceased and the question is, shall the bill be advanced? And we must go to a board vote on this, I understand. The question is to advance the bill directly to Final Reading. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the motion to readvance directly to Final Reading.

PRESIDENT: The bill is advanced.

CLERK: Senator Pirsch, I now have a series of amendments from you, Senator, motions to return to LB 1241. All of them, Senator?

PRESIDENT: They are all withdrawn. Do you have anything else on the bill?

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

PRESIDENT: Read the bill, please.

CLERK: (Read LB 1241 on Final Reading.)

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1241 with the emergency clause attached pass? All in favor vote aye, opposed nay. Have you all voted? Ro'll call has been requested.

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LB 220, 1241, 1244

We are technically under call. Please record your presence. Senator Lindsay. Senator Langford, please check in. A roll call has been requested on the passage of LB 1241E. Mr. Clerk, call the roll.

CLERK: (Roll call vote taken. See pages 1971-72 of the Legislative Journal.) 31 ayes, 1 nay, Mr. President, on the motion to pass the bill with the emergency clause attached.

SPEAKER BARRETT: The bill is not passed with the emergency clause attached. The question then is, shall the bill pass with the emergency clause stricken? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1972 of the Legislative Journal.) 32 ayes, 0 nays, 5 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1241 passes. LB 1244E.

CLERK: (Read LB 1244 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1244 with the emergency clause attached pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. See page 1973 of the Legislative Journal.) 34 ayes, 0 nays, 2 present and not voting, 13 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1244E passes. LB 220.

ASSISTANT CLERK: (Read LB 220 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 220 pass? All in favor vote aye, opposed nay. Have you all voted? Record.

ASSISTANT CLERK: (Record vote read. See page 1974 of the Legislative Journal.) The vote is 36 ayes, 0 nays, 1 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 220 passes. The A bill.

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LB 220, 220A, 571A, 571, 843A, 843, 958  
1064A, 1064, 1241, 1244

All in favor vote aye, opposed nay. Have you all voted?  
Record.

CLERK: (Record vote read. See page 1979 of the Legislative Journal.) 29 ayes, 0 nays, 8 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 843A passes. LB 958.

CLERK: (Read LB 958 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 958 pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. See page 1980 of the Legislative Journal.) 31 ayes, 1 nay, 5 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 958 passes. LB 1064E.

CLERK: (Read LB 1064 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1064 with the emergency clause attached pass? All in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: (Record vote read. See page 1981 of the Legislative Journal.) The vote is 36 ayes, 0 nays, 1 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1064E passes. And while the Legislature is in session and capable of transacting business I propose to sign and I do sign, LB 571A, LB 571, LB 1241, LB 1244, LB 220, LB 220A, and LB 843. Mr. Clerk, would you read LB 1064A.

CLERK: (Read LB 1064A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1064A pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

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LB 42, 42A, 571A, 834, 843, 843A, 855  
855A, 880, 880A, 896A, 920, 1004, 1004A  
1019, 1019A, 1043, 1059, 1059A, 1030A, 1090  
1109, 1222, 1222A, 1241

Mr. President, I have received veto messages on the following bills: LB 1059, LB 1059A, LB 42, LB 42A, LB 880, LB 880A, LB 1004 and LB 1004A, LB 1019 and LB 1019A, LB 1080A, LB 1222 and LB 1222A, LB 571A, LB 834, LB 843 and LB 843A, LB 855 and LB 855A, LB 896A, LB 1043, LB 1090 has a line-item reduction, LB 920 has a line-item reduction, LB 1241 has a line-item reduction. (See Messages from the Governor as found on pages 1985-98 of the Legislative Journal.) All those, Mr. President, as I indicated, are available to the members on their desks. Have an Attorney General's Opinion addressed to Senator Schmit regarding LB 1059 and I believe that's all that I have, Mr. President.

PRESIDENT: Thank you. We have a motion from Speaker Barrett. Speaker Barrett.

SENATOR BARRETT: Thank you, Mr. President and members. I offer the motion to suspend Rule 6, Section 7, subsection (b), and Rule 5, Section 6, to permit these bills to be read on Final Reading this morning. The first part, of course is to waive the two-day limitation, and the second is to allow the A bills to be read. I would urge the body to adopt the motion. Thank you.

PRESIDENT: Thank you. Any discussion? If not, the question is the adoption of the suspension of the rules motion. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 32 ayes, no nays, Mr. President, on the suspension of the rules to permit reading of the bills this morning.

PRESIDENT: The rules are suspended and we'll begin Final Reading. If you will find your ways to your own desk, why, we would start Final Reading. (Gavel.) Please return to your desks so we can begin Final Reading. Senator Haberman, would you come home, please? Mr. Clerk, LB 1109, please.

CLERK: Mr. President, I had amendments from Senator McFarland.

PRESIDENT: Is anyone prepared to handle Senator McFarland's motion on this bill? Senator McFarland, you had a motion on this first bill.

SENATOR MCFARLAND: Mr. President, could you read the motion for me?