

SPEAKER BARRETT: Any discussion? If not, those in favor of the advancement of the bill please say aye. Opposed no. Ayes have it, motion carried, the bill is advanced. Have you items for the record, Mr. Clerk?

CLERK: I do, Mr. President, thank you. New A bill, LB 1246A, by Senator Wesely. (Read by title for the first time. See page 1576 of the Legislative Journal.)

Mr. President, amendments to be printed to LB 1215 by Senator Lynch. Confirmation hearing by Transportation Committee. That is signed by Senator Lamb as Chair. Explanation of vote by Senator Kristensen. And, Mr. President, your Committee on Natural Resources, whose Chair is Senator Schmit, reports LB 1238 to General File with committee amendments attached. That is signed by Senator Schmit as Chair of the Natural Resources Committee. That's all that I have, Mr. President. (See pages 1576-77 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Senator Richard Peterson announces 25 guests in our south balcony, third and fourth graders from St. Leonard's in Madison with their teacher. Would you folks please stand and be recognized. Thank you, we're glad you could be with us this morning. Mr. Clerk, to Item 7 on the agenda.

CLERK: Mr. President, LB 1246 was originally introduced by the Special Legislative Committee, LR 230 Committee, and it was signed by its members. (Read title.) The bill was introduced on February 21 of this year, Mr. President. At that time it was referred to the Judiciary Committee. The bill was advanced to General File. I do have Judiciary Committee amendments pending. Senator, would you prefer to do your committee amendments now, or offer your amendment to them?

SPEAKER BARRETT: Senator Chizek.

SENATOR CHIZEK: How about if I explain the committee amendments, and then offer the amendment to the committee amendments?

SPEAKER BARRETT: Chair recognizes Senator Chizek.

SENATOR CHIZEK: Mr. Chairman, colleagues, the Judiciary Committee amendments I now ask you to adopt deal straight to the

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LB 520, 520A, 567, 567A, 1246A, 1246

PRESIDENT NICHOL PRESIDING

PRESIDENT NICHOL: Record, Mr. Clerk, please.

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

PRESIDENT NICHOL: Anything for the record?

CLERK: Mr. President, I have received the reference report of interim study resolutions. That will be inserted in the Journal, Mr. President. That's all, and I also have the last notice with respect to the delivery of bills read on Final Reading of the Governor, Mr. President. (See page 1727 of the Legislative Journal regarding LB 520, LB 520A, LB 567, and LB 567A.) That's all that I have.

PRESIDENT NICHOL: Thank you. We'll move on to General File, then. LB 1246A.

CLERK: Mr. President, LB 1246A was a bill introduced by Senator Wesely. (Read title.)

PRESIDENT NICHOL: Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. President and members, this legislation supports the LB 1246 bill, which was a merger of several different pieces of legislation, as you recall, that deal with the Franklin Committee legislation, legislation I had in with Senator Schmit dealing with the Attorney General's Office and prosecution of crimes against children. We did reach a compromise and this is that compromise as part of the package to provide for 405,000 dollars this year, or 1990-91, and 396,000 the next year to do the following things: First, a Crimes Against Children Prosecution Unit in the Attorney General's Office would be established. There'd be three attorneys hired with speciality, expertise in prosecuting crimes against children. There would be a support staff as well and then other operational expenses that would cost around 250 or so thousand dollars. This unit would be available to assist county attorneys where necessary and if, in fact, individuals, including the county attorney, felt that they were not in a position to prosecute a case, the public or the county attorney or others could appeal to this unit and ask them to prosecute the case instead of the county attorney. And so this unit would be very valuable in assisting county attorneys and also, where

county attorneys are not able to do the job, step in and carry out that function. In addition, there'd be 85,000 dollars each year for a Crimes Against Children Fund and this would help bring in expert witnesses for these different cases. A very important part of prosecuting crimes against children is having these expert witnesses. It's a very difficult case and these witnesses can come in and interpret and work with the children and this would be very valuable in helping to prosecute these cases. In addition, what we found is the county attorneys would like to have additional legal education in this area. We would provide 45,000 a year to do that, particularly looking at prosecuting crimes against children trying to assist them with the high turnover that county attorneys have and the problem they have in gaining expertise to prosecute in this area. We would provide for, on a one-time basis, trial aide publications, about 20,000 dollars. This would assist them with different reference materials across the state to help them in prosecuting these crimes. And, lastly, there'd be about 9,000 dollars for specialized training to send a county attorney or assistant county attorney to national training who would then be able to come back and train other county attorneys and assistants across the state. That's the package. It's a very important package and I hope that you'll advance the A bill.

PRESIDENT NICHOL: Any further discussion? If not, the question is the advancement of the A bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on advancement of LB 1246A.

PRESIDENT NICHOL: LB 1246A is advanced. LB 976.

CLERK: Mr. President, LB 976 was last discussed yesterday. When the Legislature adjourned for the day, Mr. President, they had...were considering an amendment to the bill by Senators Lowell Johnson, Pirsch, Peterson, and Beck. Senator Landis had an amendment adopted to that amendment. Mr. President, then I now have a priority motion. Senator Bernard-Stevens would move to reconsider the adoption of Senator Landis's amendment.

PRESIDENT NICHOL: Senator Bernard-Stevens, please?

SENATOR BERNARD-STEVENS: Thank you, Mr. President, and members of the body. This particular reconsideration I threw up

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LB 220, 976, 1055, 1153, 1153A, 1221, 1246A
1247

SPEAKER BARRETT: Thank you. The question is the adoption of the Chambers amendment to the amendment. Those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Senator Chambers. Roll call vote has been requested. Members, please return to your seats. The question is the adoption of the Chambers amendment to the Johnson amendment. Mr. Clerk. Excuse me, members, please return to your seats. (Gavel.) The call is not raised. Please check in. All members please check in. Senator Smith, please, record your presence. Senator Beyer. Senators Goodrich, Moore, and Scofield, the house is under call. Senators Moore, Goodrich, and Scofield, the house is under call. The question, again, the adoption of the Chambers amendment to the Johnson amendment to LB 976. Mr. Clerk, call the roll.

CLERK: (Roll call vote taken. See pages 1734-35 of the Legislative Journal.) 11 ayes, 18 nays, Mr. President.

SPEAKER BARRETT: Motion fails. The call is raised. Next item.

CLERK: Mr. President, Senator Landis would move to amend.

SPEAKER BARRETT: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I move to adjourn until tomorrow morning at nine o'clock.

SPEAKER BARRETT: Would you care to amend that to eight o'clock, Senator Landis?

SENATOR LANDIS: I certainly would.

SPEAKER BARRETT: Thank you. Any items to read in, Mr. Clerk?

CLERK: I do, Mr. President. Your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 220 and find the same correctly engrossed.

Mr. President, I have a new bill, LB 1247 offered by the LR 232 Special Investigative Committee. (Read for the first time by title. See pages 1735 of the Legislative Journal.)

Mr. President, LB 1153 is reported to Select File, LB 1153A, LB 1055, LB 1221, and LB 1246A, all those on Select File.

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LB 1246, 1246A
LR 11

not at this time think it is probably necessary to pursue this. I wanted to bring it up on the floor and I want to emphasize at this time that Senator Chizek, Mr. Glaser have indicated they will research this aspect and try to determine if there is a need to further reinforce the statutes in this area. I think if you go back and review what Senator Landis has said, you will note that there is ambiguity there, but I do not want to cloud the issue on LB 1246. Therefore, Mr. President, I ask unanimous consent to withdraw the amendment.

SPEAKER BARRETT: Thank you. If there are no objections, it is withdrawn. Mr. Clerk.

CLERK: Mr. President, I have nothing further pending to LB 1246.

SPEAKER BARRETT: In that event, the Chair recognizes Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1246, as amended, be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? If not, shall LB 1246 be advanced? All in favor say aye. Opposed no. Ayes have it. Motion carried. The bill is advanced.

CLERK: Mr. President.

SPEAKER BARRETT: The A bill (LB 1246A).

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1246A be advanced to E & R for engrossment.

SPEAKER BARRETT: Is there discussion? Seeing none, the question is, shall LB 1246A be advanced? All in favor say aye. Opposed no. Ayes have it. Motion carried. The bill is advanced. LR 11CA, Mr. Clerk.

CLERK: Mr. President, I have no E & R to the resolution. I do have a motion from Senator Wesely, that motion be to

April 4, 1990

LB 1055, 1153, 1153A, 1221, 1246, 1246A
LR 11, 239

SENATOR WITHEM: ...they are going to vanish again, and will surface again maybe once again when the Legislature meets and starts talking about this. You also notice in this article, Regent Blank talks about what we really need is stronger centralized coordination. We regents have always favored that. That is, with the risk of offending some people, hogwash. They have never favored that. They have opposed it. As a matter of fact, it is interesting that they said what we really need is stronger coordination, they said that two days ago. Now that Senator Warner has his amendment up, they are back there in the rotunda saying, oh, no, don't do that, public hearings, all of these other silly reasons to oppose the Warner amendment. What they really want to do is to be left alone. They want to spend a quarter of our state budget without having any sort of oversight over it. That is what they really want, and they will continue to want that until this Legislature steps forward. If you are serious about doing something this session on higher education coordination, you ought to vote no on the bracket motion.

PRESIDENT: Time.

SENATOR WITHEM: If you want us to continue to wrestle with this, then you ought to vote in favor of the bracket motion. How you vote, frankly, is your own concern.

PRESIDENT: Thank you. The question is, shall the bill be bracketed? All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 4 ayes, 18 nays, Mr. President, on the motion to bracket LR 239.

PRESIDENT: The bill is not bracketed. Do you have something on it, Mr. Clerk?

CLERK: I do, Mr. President. May I read some items for the record.

PRESIDENT: Yes, please.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 1055 and find the same correctly engrossed, LB 1153, LB 1153A, LB 1221, LB 1246, LB 1246A, and LR 11CA, all of those

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LB 1221, 1246, 1246A

excused not voting, Mr. President.

PRESIDENT: LB 1221 passes. Senator Chris Abboud, would you go to your microphone, please? I have a question to ask. Would you just tell us what's what, please?

SENATOR ABOUD: Well, I'm kind of speechless, actually.

PRESIDENT: Kind of like Bernard-Stevens, aren't you?

SENATOR ABOUD: Yes. (Laugh) My wife gave birth to our young son, Michael Christopher, at 3:12 Saturday afternoon, an 8 pound, 10 ounce boy. He was 20 inches and... 20 and 3/4 inches long, so he is a big little boy, and we're just... my wife is doing just fine and I'm still a little flustered about it but everything...the child's doing great, too, so thank you.

PRESIDENT: Thank you, Senator Abboud. LB 1246 with the emergency clause attached.

CLERK: (Read LB 1246E on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is shall LB 1246 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote taken as found on pages 2005-06 of the Legislative Journal.) 48 ayes, 1 nay, Mr. President.

PRESIDENT: LB 1246 passes with the emergency clause attached. LB 1246A with the emergency clause attached.

CLERK: (Read LB 1246AE on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1246A pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote taken as found on pages 2006-07 of the Legislative Journal.) 46 ayes, 0 nays, 3 present and not voting, Mr. President.

PRESIDENT: LB 1246A passes with the emergency clause attached.

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LB 431, 1031, 1055, 1059, 1109, 1124, 1141
1153, 1153A, 1221, 1246, 1246A
LR 11

retarded in our state. But let's do so in a fashion that makes sense, that is accountable, and we understand exactly what we're getting for our money. And, so these could have been met, both of these goals could have been met with language the Appropriations Committee put out, but that language was rejected. Instead money was added and language deleted, and so that is what's put me in this quandary. I hope, as we work through this issue, and I think we should take some time, it's a 2 million dollar issue, we should try and understand what we hope to accomplish through this change. And I would like to see, on the part of those particularly promoting this amendment, a commitment to deal with this problem and correct these problems, and that might ease my concerns and allow me to vote for this. I need to hear from supporters of this that they know there is a problem and want to deal with this...

PRESIDENT: Time.

SENATOR WESELY: ...problem, otherwise we simply get ourselves into a cycle and a Catch 22 that will not ever end and continue down the road with further problems.

PRESIDENT: Thank you. While the Legislature is in session, and capable of transacting business, I propose to sign and do sign LB 1109, LB 431, LB 1055, LB 1124, LB 1153, LB 1153A, LB 1221, LB 1246, LB 1246A, LR 11, and LB 1141. Senator Warner, please, followed by Senator Hannibal.

SENATOR WARNER: Mr. President, members of the Legislature, again, I indicated earlier that as we go along I would at least inform you of the status of the reserve fund as we go. And, as indicated earlier, LB 1059, and that's the only thing we can key to on this because it does make a difference, if this amendment is adopted, and if 1059 is overridden, why there will be a million four left that could be overridden this year and still maintain the 3 percent reserve. However, if this is overridden, if you look out beyond into the next biennium, we would be in a two and a half million deficit situation. But that is no legal requirement to observe that. But it is something that one needs to keep in mind, that assuming that the growth is something less than 6.5 percent in each of the two years in the following biennium, why we would certainly have a problem. On the other hand, if 1059 is not overridden, why then there is something like 3.6 million left, even though this is overridden. And that then is not so tight. But you should keep in mind that as we go

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LB 163, 1055, 1099, 1124, 1153, 1153A, 1221
1246, 1246A
LR 427

LB 1055, LB 1124, LB 1153, LB 1153A, LB 1221, LB 1246, and
LB 1246A.)

I have an explanation of vote by Senator Landis and a study resolution by the Banking Committee, that is offered...signed by its membership, Mr. President. (LR 427. See page 2032 of the Legislative Journal.)

Mr. President, the first motion I have with respect to overrides of legislation is LB 163. Senator Rod Johnson would move that 163 become law notwithstanding the objections of the Governor.

SPEAKER BARRETT: Senator Rod Johnson, please.

SENATOR R. JOHNSON: Mr. Speaker, members, my comments will be short and, hopefully, to the point. I guess LB 163 is a substantial policy choice question this Legislature is going to have to make. I know that you have been lobbied heavily on both sides of this issue, and I can appreciate that, and I hope that you've made up your mind. I'm not sure that the debate will add much to the vote that you're about to cast, but I wanted to get some things in the record nonetheless. You know as we all get these notices from the Governor as to why she vetoed the bill, I'm not sure they serve any service other than to piss us off. But I'm at the point right now where LB 163 has three points in it, her veto message, that tell us how she feels about LB 163. The first is she says the first is that LB 163 fails to build upon the work commissioned by the Legislature, past work. Then she mentions a bill I passed in this Legislature a few years ago to commission a study to look into the solid waste problems that Nebraska has. That study pointed out we have a substantial number of solid waste or landfills in Nebraska that have really some substantial environmental and health risk problems to Nebraskans. I realize that, that's what the purpose of this bill has been from the beginning is to begin the process of moving ourselves forward to deal with solid waste. Granted, it doesn't help clean up the contamination that is there, but we have other programs that are designed to help, walk in and start the process of looking at water contamination problems that exist with SPAs or special protection areas. Senator Schmit and I carried a bill this year, LB 1099, which did not make it through the process, but again is a bill that would have helped us deal with some of the contamination problems that exist. What this bill does is basically say we recognize that EPA is going to be coming down in this state very soon, within probably