

January 5, 1989

LB 81-160
LR 1-2

being here and thank you for your services. We also have guests of Senator Rod Johnson under the north balcony. We have Omer Troester of Hampton, Nebraska. With him is an exchange student, Alberto Porras of Costa Rica. Would you gentlemen please stand up and be recognized. Thank you for being here. We also have, over under the south balcony, a former member of this Legislature, Senator Tom Fitzgerald, would you please stand up and wave your hand. Thank you. Please welcome Senator Fitzgerald back. Thank you, Tommy. Mr. Clerk, back to the reading.

CLERK: (Read LB 81-98 by title of the first time. See pages 61-67 of the Legislative Journal.)

PRESIDENT: We'll stand at ease for some 15 minutes or half an hour while we get some of the work caught up up here in front. So be at ease, please, for a while. Thank you.

EASE

CLERK: Meeting of the Health Committee, under the north balcony, right now. Health Committee, north balcony right now.

SPEAKER BARRETT PRESIDING

SPEAKER BAPRETT: Additional bill introductions, Mr. Clerk.

ASSISTANT CLERK: (Read LB 99-150 by title for the first time. See pages 67-76 of the Legislative Journal.) That's all I have at this time, Mr. President.

SPEAKER BARRETT: More bill introductions, Mr. Clerk.

CLERK: (Read LB 151-160 by title for the first time. See pages 76-79 of the Legislative Journal.) Mr. President, in addition to those new bills I have new resolutions. (Read LR 1-2 for the first time. See pages 79-81 of the Legislative Journal.)

Mr. President, in addition to those items I have a series of announcements. Mr. President, there will be a meeting of the Executive Board today at three-fifteen for purposes of referencing. Executive Board, three-fifteen for referencing.

Mr. President, Senator Rod Johnson would like to have a meeting

January 27, 1989

LB 58, 115, 138, 142, 159, 175, 225
256, 261, 283, 284
LR 20

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber on Friday, January 27th. Chaplain of the day, Pastor Jerry McInnis of Trinity United Methodist Church in Lincoln. Reverend McInnis, please.

REVEREND McINNIS: (Prayer offered.)

SPEAKER BARRETT: Thank you, Reverend McInnis. We hope you will be able to come back again. Roll call, please.

CLERK: There is a quorum present, Mr. President.

SPEAKER BARRETT: Thank you. Any corrections to the Journal?

CLERK: (Read correction as found on page 458 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Any reports, messages, or announcements.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 256 and recommend that same be placed on Select File; LB 175, LB 261, LB 115, LB 283, LB 284, LB 58, and LB 142, all reported to Select File, some having E & R amendments attached. (See pages 458-60 of the Legislative Journal.)

Mr. President, your Committee on Judiciary, whose Chair is Senator Chizek, reports LB 159 to General File, and LB 138 to General File with amendments, both signed by Senator Chizek. (See page 460 of the Legislative Journal.)

Judiciary offers notice of hearing, Mr. President; and LR 20 is now ready for your signature, Mr. President. That is all that I have.

SPEAKER BARRETT: Thank you. And while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 20. *tem 5, Mr. Clerk.

CLERK: Mr. President, I have a motion from Senator McFarland to rerefer LB 225 from the Urban Affairs Committee to the Education Committee. Senator McFarland filed his motion yesterday. It is found on page 451 of the Journal.

January 31, 1989

LB 138, 194

intent is to clarify how cities may spend available Business Improvement Districts. I move to advance LB 194.

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

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 194.

PRESIDENT: The bill is advanced. May I introduce a couple of guests, please, of Senator "Cap" Dierks, guests under the south balcony. We have Elmer Olberding and John Dvorak. Would you gentlemen please stand and be recognized. Thank you. Senator Scofield has some guests. We have, under the north balcony, we have Jim Lees of Whitney and his wife, Dixie, Jackie Herren of Harrison, and Ted Hoffman of Chadron. They are board members of the Upper Niobrara-White River NRDs. Would you ladies and gentlemen please stand and be recognized. Thanks to all of you for visiting us today. LB 159.

CLERK: I have a unanimous consent from the introducer, Senator Conway, to pass over the bill.

PRESIDENT: Okay, if no objection, so ordered. LB 138.

CLERK: Mr. President, LB 138 was a bill that was introduced by Senator Chizek. (Read title.) The bill was introduced on January 5, referred to the Judiciary Committee, advanced to General File. I do have committee amendments pending by the Judiciary Committee, Mr. President. (See page 460 of the Legislative Journal.)

PRESIDENT: Senator Chizek, are you going to handle the committee amendments?

SENATOR CHIZEK: Yeah, Senator Chambers'. The committee amendments, basically, all they do is put the bill in line with sexual...other sexual contact statutes which is 14, and that is simply what the amendment does, so I'd urge adoption of the amendment.

PRESIDENT: Okay, any further discussion on the committee amendments? If not, the question is the adoption of the committee amendments. All those in favor vote aye, opposed nay.

We are voting on the adoption of the committee amendments. Record, Mr. Clerk, please.

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

PRESIDENT: Committee amendments are adopted. Senator Chizek.

SENATOR CHIZEK: Current statutes, 28-806 provide that a person must be over 18 years old before they can be charged with public indecency. LB 138 would provide that those over 14 could be charged either in juvenile court, which would be in most cases, or as an adult if near the age of 18. Public indecency would include public fornication, exposing to affront or alarm another, and public fondling of intimate body parts. An example, a boy and a girl, each 17, were engaged in sexual intercourse in a public park in daylight near the kids slides, et cetera, they couldn't be charged with public indecency. This would give the juvenile courts some leverage in handling this kind of a situation, behavior that we wouldn't expect from 14 through 17-year olds. I believe that this might have been a legislative oversight and I would urge advancement.

PRESIDENT: Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I am one who philosophically am opposed to the Legislature continuing to create new crimes and impose new punishments, so I would like to have the introducer of this bill, who is the Chairman of the Judiciary Committee, explain why it is needed. What I could do if I offered a bill is to postulate any number of possible things that might happen, but I want to hear a justification for us to create an entirely new class of criminals. That is what we are talking about, an entirely new class of criminals, and I want the Chairman of the Judiciary Committee to explain why it is necessary that we do that.

PRESIDENT: Senator Chizek, would you like to respond please.

SENATOR CHIZEK: Yes, Mr. President, right now, as I said, there is a vacuum or a void that exists on those under 18 years of age who would expose in public. There have been any number of cases where someone under 18-years old...well, let me say that the Legislature in statute had 18 as the cutoff. So, if you were 18, they can file indecent exposure charges against you. If you

were 17, they couldn't. It has been a problem in a number of areas as those agencies that came to me had identified. So what we are simply doing is we have changed...amended the bill to age 14, so anyone 14 years on up now, or 14 through 18, would be subject to the same penalty as anyone who was 18 or 19 in terms of public exposure and decency. That is simply what the bill does.

PRESIDENT: Mr. Clerk, you have a motion on the desk, I understand.

CLERK: Mr. President, Senator Chambers would move to indefinitely postpone LB 138. Senator Chizek, as principal introduce, would have the option to lay it over, Mr. President.

PRESIDENT: Senator Chizek, there is a motion to indefinitely postpone. You have the choice if you want to take it up now or later.

SENATOR CHIZEK: Well, rather than, we seem to be rolling pretty good this morning. Why don't I lay it over until I have a chance to talk to Senator Chambers, okay.

PRESIDENT: Very good. Thank you. In that case, we will move on to LB 166.

CLERK: Mr. President, LB 166 was a bill introduced by Senator Lamb. (Read title.) The bill was introduced on January 5, referred to the Natural Resources Committee, advanced to General File. There are committee amendments pending by the Natural Resources Committee, Mr. President. (See page 472 of the Legislative Journal.)

PRESIDENT: Senator Lamb, are you going to take the amendments, too.

SENATOR LAMB: Yes, Mr. President.

PRESIDENT: Okay.

SENATOR LAMB: The amendment is merely the emergency clause. I would move the emergency clause and then we will discuss the bill.

PRESIDENT: Very good. You didn't wish to talk about the