

January 9, 1989

LB 112, 202-240
LR 3

LBs 202-240 for the first time by title. See pages 100-108 of the Legislative Journal.)

Mr. President, I have a notice of hearing by Senator Rod Johnson who is Chair of the Agriculture Committee for Tuesday, January 17.

Mr. President, Senator Hannibal would like to announce that Senator Conway has been selected as Vice-Chair of the Intergovernmental Cooperation Committee.

Mr. President, a new resolution, LR 3. It is offered by Senator Baack and a number of the members. (Read brief explanation. See pages 108-109 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, I have a request from Senator Smith to withdraw LB 112. That will be laid over. I believe that is all that I have, Mr. President.

PRESIDENT: Senator Lynch, are you ready to go back to work now? We will return back to adopting of permanent rules. Senator Lynch.

SENATOR LYNCH: Mr. President and members, I have one more proposed committee amendment, simple little amendment. It has to do with cloture. This change would adopt a cloture rule that would become effective after 12 hours debate at each stage of debate on any appropriation bill, and after 8 hours at each stage of debate on all other bills. To briefly explain it, and then Senator Moore will take it from there, let me give you a scenario. Some of you may be familiar with 428, the motorcycle helmet bill. It was my bill. An amendment, say, was offered under this rule by Senator Moore to the bill. As you know, sometimes amendments can take and need more time for discussion and debate than the bill, itself. After 8 hours of debate on Select File, I would move for cloture, or if that bill happened to be a committee bill, the chairman of the committee would move for cloture. The presiding officer then, under this proposal, would immediately recognize the motion and orders debate to cease on Moore's amendment. The vote on the Moore amendment would be taken without further debate. After that, a vote on the cloture motion without debate, 33 votes would be needed for that motion on cloture would be successful. If the cloture motion were successful, a vote on the advancement of the bill,

January 30, 1989

LB 70, 187, 208, 267, 338, 378, 421

LB 267 General File, and LB 208 General File with amendments, those signed by Senator Chizek. Health and Human Services Committee reports LB 187 to General File with amendments, LB 338 General File, and LB 378 General File with amendments. (See pages 49S-99 of the Legislative Journal.)

Mr. President, Senator Hall offers notice of hearing as Chair of Revenue. Senator Pirsch asks unanimous consent to add her name to LB 70 as co-introducer.

Mr. President, Senator Smith has amendments to be printed to LB 421. (See pages 500-501 of the Legislative Journal.)

Mr. President, the last order of business are motions from the Credentials Committee as well as an accompanying report to be inserted in the Journal. (See pages 502-13 of the Legislative Journal.)

PRESIDENT: Senator Warner, Senator Jerome Warner, your light is on and I failed to call on you. Senator Warner, please.


SENATOR WARNER: Mr. President and members of the Legislature, I just wanted to indicate that handed out to you this morning was the report of the Credentials Committee relevant to the 17th Legislative District contest and appropriate motions reflecting that conclusions of the Credentials Committee have been filed with the Clerk, and I assume the Speaker will place those on the agenda for tomorrow.

PRESIDENT: Thank you. Senator Emil Beyer, I haven't heard your resonant tones of your voice this morning, would you like to rise and say something about adjourning until January 31st at nine o'clock in the morning.

SENATOR BEYER: Mr. Speaker and colleagues, I move that we adjourn until nine o'clock on January 31st.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. We are adjourned. Thank you.

Proofed by:


LaVera Benischek

have, Mr. President.

SPEAKER BARRETT: Thank you, sir. Proceeding to the next bill, LB 208, Mr. Clerk.

CLERK: Mr. President, LB 208 was a bill introduced by Senator Wesely. (Read title.) The bill was introduced on January 9, referred to the Judiciary Committee. The bill was advanced to General File. I do have committee amendments pending by the Judiciary Committee, Mr. President. (See page 497 of the Legislative Journal.)

SPEAKER BARRETT: Senator McFarland, would you please handle the committee amendments?

SENATOR MCFARLAND: Yes, Mr. Speaker, fellow senators. The committee amendments are rather technical amendments and they strike three words...four words out of the bill. You can find them on page 497 of the Journal. The committee adopted the amendment after testimony at the hearing indicated the language in the bill as drafted might cause some confusion. With that, I would urge the adoption of the amendment and passage of the bill. Thank you.

SPEAKER BARRETT: Thank you. Discussion on the committee amendments? If not, those in favor of the adoption of the amendments, please vote aye, opposed nay. Record, please.

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

SPEAKER BARRETT: The committee amendments are adopted. To the bill, Senator Wesely.

SENATOR WESELY: Mr. Speaker, members, LB 208 is a bill I introduced again based on legislation we looked at last year, I believe it was. I appreciate the work of the Judiciary Committee in looking at this issue, and it does follow on a number of attacks that occurred in the summer of 1987 and again in 1988 where children, in particular, have been attacked by dogs. Pit bulls, in particular, brought a lot of attention to the issue, but we also found other types of dangerous dogs making attacks across the State of Nebraska. Things have died down a little bit in terms of the controversy involved with this issue. We were able to pass last year a dogfight bill that

Senator Chambers and I worked on and finally reached a compromise on. That piece of legislation has been very successful in seeing dogfighting move out of the state. We have found that it has been very successful in deterring that activity. This bill is similar in its impact, I believe. We are attempting here to deter activity with dangerous dogs that might lead to attacks. It is a preventive piece of legislation and it recognizes that across the state there are a number of cities that have adopted some dangerous dog ordinances to try to deal with this problem. We think that that is great and terrific and this bill would not wipe out those ordinances. They could remain as long as they were at least as restrictive as what this bill calls for. This would be a statewide minimum that then local ordinances could build upon, and from what we have seen of those ordinances, it would fit in quite well together. This, by adopting this statewide effort, though, then you also take into account the whole state, the rural areas, the smaller towns would all have this protection for their people. The basic summarization of the bill is that it defines what a dangerous dog is and includes in that definition of potentially dangerous dog that has had a second incident, and a potentially dangerous dog is one that has been unprovoked and has acted in a menacing fashion or has actually provided some sort of nonsevere injury to a human being or domestic animal. What we are trying to do is if this dog looks dangerous, potentially dangerous, let's deal with the issue, and let's provide some protection, and so this bill would have dangerous dogs have protections by having them enclosed in a pen, have a top to the pen, have them protected, because there are many dogs that are in pens without any top. They can jump out. They have, in fact, done some terrible things to children. And so we do try to recognize the need to identify these dogs, to place them in a secured environment, and deal with the issue. And so with that, that summarization of the bill, I would be happy to see the bill advance and pass into law so we can deal with this issue and, hopefully, help some kids keep from getting hurt in this state by dangerous dogs.

SPEAKER BARRETT: Thank you. Discussion on LB 208? Senator Dierks, followed by Senator Wehrbein.

SENATOR DIERKS: Mr. Speaker and members of the body, I just would rise in support of this legislation. It is very difficult, I believe, to define a dangerous dog or a potentially dangerous dog, but I think that Senator Wesely has done a

capital job of it. There are many instances of very severe injury by dangerous dogs to people in our state even, and it is high time that we have legislation in effect that would help to protect these children especially, and even adults, for that matter. The one point I noticed was that in the penalty section that the first offense is called a Class, what, IV misdemeanor, and the second offense is the same thing with the additional provision that the animal be destroyed. I wonder if maybe we shouldn't even include that the animal be destroyed after the first offense. Thank you.

SPEAKER BARRETT: Thank you. The gentleman from the 2nd District, Senator Wehrbein.

SENATOR WEHRBEIN: Mr. President and members, I would like to ask Senator Wesely a question, and I will tell you where I am coming from. I had a call on this from an owner that thought maybe we were overreacting to the problem, and I just want to say it looks like to me this is a fair way to approach the problem as you have done it. I want you to know that. My question was that it appears to me there is kind of a warning in this, in other words, a dangerous dog is not really defined until something has happened so that the average homeowner who has a dog, perhaps as a guard dog or whatever, that may not know that his dog is dangerous, which is many times what happens, actually shouldn't be concerned unless something happens sometime, and then would have a reason to be warned that the dog may be dangerous, the way I interpret this.

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Yes, Senator Wehrbein, that is a very good question. If you look at the bill, it talks about dangerous dog, and it says it has to be provoked. I mean, excuse me, it has to act as an unprovoked incident. If they are provoked, if somebody comes onto your property, if it teases the animal, if it does something to cause the dog to react, then that is not the dog's fault. So this bill protects that situation. Now unprovoked, if the dog chases after somebody and threatens and is going to attack them, then it is defined as a potentially dangerous dog, and really at that point nothing kicks in. But a second time that it comes after somebody, then it moves into the dangerous dog category and then you have got to put the pen in and all that stuff, and so actually you have got to have a third time that it really goes after somebody, and then they have got

to be put to sleep, but there is plenty of warning, and it is an attempt to try and let people know they had better be careful and deal with this.

SENATOR WEHRBEIN: I can understand that. It looks like there is a documentation of this by the animal control authority.

SENATOR WESELY: Right.

SENATOR WEHRBEIN: And so it appears to me to be a reasonable approach to something, and I wanted to, as I said, I had a call that was kind of maybe overreacting to what we were trying to do and it appears to me this is very reasonable, so thank you.

SPEAKER BARRETT: Senator Moore, followed by Senator Warner.

SENATOR MOORE: Would Senator Wesely yield to a question?

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Yes.

SENATOR MOORE: There is no...in this thing you passed out, there is no...what is the source on that, is that the Omaha World-Herald?

SENATOR WESELY: I believe that is where it was from, yes.

SENATOR MOORE: Do you subscribe to this with campaign funds?

SENATOR WESELY: No, I don't.

SENATOR MOORE: That is all I had.

SPEAKER BARRETT: Senator Warner.

SENATOR WARNER: I'd have a couple of questions, also, of Senator...

SPEAKER BARRETT: Senator Wesely.

SENATOR WARNER: Do I understand...well, first let me ask, at the top of page 3, I believe it is what shall not be defined as a dangerous dog, and one of them is if there is injury to a person who at the time was committing a willful trespass,

is...out in the country if somebody comes to the door, is that willful trespass or a salesman comes to the door and you have a dog that happens to nip at his coat?

SENATOR WESELY: Well, I would say that is not necessarily trespassing but I am being advised that it is, evidently.

SENATOR WARNER: So, in other words, the dog would not be considered a dangerous dog if a salesman came to the door out in the country and the dog nipped at him?

SENATOR WESELY: Yeah, I think it is if you posted no trespassing or no solicitors or something, then there would be adequate notice. I think if somebody, in my own estimation, if somebody is just coming up to your door, a mailman or something, and they get chased after, I would be concerned about that. We can define that more clearly if you want to. What particularly (interruption)...

SENATOR WARNER: Well, later on on page 4 it defines the owner of a dangerous dog shall post a warning sign that is kept clearly visible. You know, I have no problem at all with what you are trying to get to, but I can certainly think of many a time where a farm dog has...for whatever reason, didn't like somebody who came to the door and took a nip at them, or does this have to have...an animal control officer has to have studied it and cited it for two incidents, so if nothing was reported, I assume nothing happens.

SENATOR WESELY: Right. Yeah, you would have to have...I will give you an example. There was a fellow who was jogging down the street and a German shepherd took out after him for no apparent reason and the guy ran up a tree, evidently, and finally the owner of the dog came out and got the dog back. Well, that is, obviously, an unprovoked attack that could have ended up with some serious damage, and so we are trying to get something, that would be a potentially dangerous dog and so you call the animal control and they would be cited. And then if it happened the second time, if they'd attack that person or somebody else a second time, then they would be dangerous and have to be leashed if they are off the property, and in this pen, and all that stuff. So on the case that you are talking about, if somebody got out the door and the dog went after him and kind of gave him a scare and they didn't report it, then there wouldn't be any record of it and no follow-up, but if it

was dangerous enough, somebody felt really threatened, they would have to turn it in and there would have to be some recognition of that.

SENATOR WARNER: Would I also be correct that if...it is not unusual to have a pack of dogs come running into a group of livestock and perhaps create some damage, it appears to me on page 3 that one of the classifications of potentially dangerous dogs is an animal that would injure a domestic animal, either on public or private property. I am assuming from this that if you experienced some damage to the livestock, injury to the livestock, you could call the animal control and they would come out, and if they could catch the dog...

SPEAKER BARRETT: One minute.

SENATOR WARNER: ...and define it as a dangerous dog,...

SENATOR WESELY: That is the intent.

SENATOR WARNER: ...after the third time, you could have the dog...

SENATOR WESELY: It would automatically be put to sleep. There is the option to have them put to sleep after the first time as a dangerous dog but that would be at the discretion of the court.

SENATOR WARNER: Thank you. I have only one observation. I am not sure why you'd take cat out...take out the word with the cat, "which is a household pet", because out in the country it is not unusual to have a loose dog taking after wild cats fairly often.

SPEAKER BARRETT: Thank you. Senator Elmer, followed by Senator Goodrich.

SENATOR ELMER: Thank you, Mr. Speaker. Senator Wesely, from delivering the World-Herald as a young man for several years, there are many small dogs that will come out and grab your cuff, you drag them to the door, and you drag them back out to your bicycle again, and they try to eat your bicycle wheels and things like that, but never seem to do any damage other than to your pant legs. The think I am wondering, to be sure that I really understand, is there would have to be a formal complaint

issued by the aggrieved party or his representatives before any of these things in your bill would kick in. Is that correct?

SENATOR WESELY: Right, yes.

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Yes, that is correct.

SENATOR ELMER: Thank you. That answers my question.

SPEAKER BARRETT: Senator Goodrich.

SENATOR GOODRICH: Would Senator Wesely yield to a couple of questions?

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Yes.

SENATOR GOODRICH: Down on page 4, line 8, the word "leash", in other words the animal, the dog, is restrained securely by a chain or a leash. I am curious between now and Select File or someplace, could you define or indicate somewhere in the legislation that leash has a certain strength to it, because you can go into a dime store and get a little leather leash, for example, and that is technically a leash but where is it described in here or defined in here so that we can make sure that somebody isn't go to put them on a leash that will just snap right in two.

SENATOR WESELY: Yeah, we will be looking at that. It is a good point.

SENATOR GOODRICH: Number two, page 5, where you talk about the animal control authority for the care, first line there, the care, in other words, the owner, the court...the owner shall be responsible for the reasonable costs incurred for the care of the dangerous animal or the destruction of the dangerous animal, have you explored or got anywhere in looking at the possibility of making the owner also responsible for the cost of the damage done by the dog while he was loose? In other words, if he bites and chews up a child and the parent of the child has to go and spend \$1,500 at a hospital getting the child repaired, the owner of that dog ought to be responsible for that. Can we put that

in here somewhere on Select File?

SENATOR WESELY: Yes, I would agree with that. I think that currently is the case, Senator Goodrich, but we will double-check that and we will work with you on it.

SENATOR GOODRICH: Thank you.

SPEAKER BARRETT: Senator Haberman, please.

SENATOR HABERMAN: Well, Senator Wesely, I fully understand where you are coming from on this legislation as it has become quite obvious that people in Lincoln and Omaha and vice versa has problems with dangerous dogs. However, out where I come from...Senator Wesely, I am going to ask you some questions, out where I come from there is no animal control officer. We don't even know out there what we would do with an animal control officer. Now I noticed on page 2, line 18, it says, this dog which has killed a domestic animal while the dog was off the owner's property. Well, we have wild dogs, Senator Wesely, and they come onto a farmer's property, so the farmer says to his faithful old dog, sic 'em, go get 'em, protect my stock, get those wild dogs or dog, and they deliberately try to protect their stock, their family from these wild dogs. Well, according to this bill, old Shep, who I send after that wild dog, is a dangerous dog. That is wrong. It says here a dangerous dog shall mean any dog that has killed or inflicted severe injury or has killed a domestic animal without provocation while the dog is off the owner's property.

SENATOR WESELY: (Mike off) property.

SENATOR HABERMAN: Well, sure, he goes off of my property across the street or across the road to get the wild dog, but he is just doing what I told him to do. How could you make him a wild dog? I think what you should seriously consider, Senator Wesely, is maybe limiting this bill on a population basis. Well, we don't have the problem, but you are putting restraints on us that don't fit, because somebody can go to court and sue under this bill. You are just causing us nothing but problems, really you are. Come out and live with us and don't smile, come out and be part of us and see what happens out there. Well, you can answer anything I said but I wish you would stop...let's consider an amendment, shall we, to limit it to cities of the first class or population.... Why not? I will ask you why not

limit it, Senator Wesely?

SENATOR WESELY: The bill is fine as it is, Senator Haberman. For instance, your particular concern about off the property, if you read it, it says it is without provocation. If you have got wild dogs coming onto property, and that is provocation, and the dog is responding to that. I think this bill covers the different circumstances that (interruption)...

SENATOR HABERMAN: What does provocation mean?

SENATOR WESELY: Provocation would mean any sort of activity that would lead the dog to respond to defend the property, to defend the owner. That is provocation, and just the example you gave is covered.

SENATOR HABERMAN: Well, when I send old Shep across the road to get that wild dog, that is not defending the owner. That is defending his cattle, his sheep.

SENATOR WESELY: That is right and that is fine.

SENATOR HABERMAN: That is what you say but that isn't what the courts would say.

SENATOR WESELY: Well, I think the courts would be reasonable.

SENATOR HABERMAN: Well, I don't know whether I want to take that gamble or not, Senator Wesely. Thank you very much.

SPEAKER BARRETT: Thank you. Senator Wesely, please.

SENATOR WESELY: Is it closing or are we...

SPEAKER BARRETT: Yours is the last light if you would care to close, yes.

SENATOR WESELY: Okay, thank you. Mr. Speaker, members, for Senator Haberman's benefit and for the rest who have asked questions, I think the bill covers the various concerns. Again, summarizing where we are at, you have got to have a circumstance where you have not provoked the dog in any fashion, you haven't trespassed, you haven't otherwise caused the dog to defend property or the owner, and in those circumstances, the dog attacks and takes action, and even then, you have got to report

it. Then you have got to also have this first and second and third step before you actually see the severest penalty invoked. I think it covers the various concerns there. Now we can look into some of Senator Goodrich's questions. I would be happy to clarify Senator Warner's questions. I think it is fine. I don't think you need to distinguish between urban and rural or farm or otherwise because common sense will prevail, I think, on this legislation. We took this language from model statutes, model ordinances, and I feel that the bill will handle the problems and issues raised quite well but I would be happy to work with everybody that has a concern to clarify it further on Select File. I'd ask for the vote to advance the bill.

SPEAKER BARRETT: Thank you. The question is the advancement of LB 208 to E & R Initial. All in favor vote aye, opposed nay. On the advancement of 208, have you all voted? Please record.

CLERK: 25 ayes, 2 nays, Mr. President, on the advancement of LB 208.

SPEAKER BARRETT: The bill is advanced. Next bill, Mr. Clerk, LB 338.

CLERK: Mr. President, LB 338 was a bill introduced by the Health and Human Services Committee and signed by its members. (Read title.) The bill was introduced on January 11, referred to Health for public hearing, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: The Chair recognizes the Chairman of the Health Committee. Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, members. LB 338 is a piece of legislation that was last considered two years ago in the form of LB 506. LB 506 was introduced after a study that was chaired by Senator Dan Lynch. He chaired the study back in 1986...oh good, Senator Lynch has now joined us and can talk about that study in a couple of minutes. What we did was we tried to look at the issue of what public health services were available in the state. We did start off with the premise that public health services are good for Nebraska because of the preventive nature in which they can help prevent disease and the spread of other unhealthy activity that can harm our citizens. So Senator Lynch chaired the study and a report was issued that recommended a regional system for community public health

February 8, 1989

LB 43, 80, 82, 92, 92A, 106, 113
116, 158A, 165, 166, 171, 172, 175A
177A, 177, 194, 200, 208, 238, 261A
267, 277A, 284A, 296, 312A, 312, 321
322, 353, 357, 369, 458, 459

PRESIDENT: Senator Nelson, would you object to the bracketing?

SENATOR NELSON: No. I just tried to get some attention on my mike. I didn't run up there at the front and no one asked me. I didn't say yes, I didn't say no, and it is all right with me to pass over the bill until February 22. As I've said many times, I'm willing to listen, I'm willing to learn, I'm willing to amend the bill as it is, but we're talking about a serious thing so I'm very willing.

PRESIDENT: May I ask, are there any objections to bracketing this bill until February 22? If so, now is the time to say so. If not, the bill is bracketed until February 22. Do you have anything for the record, Mr. Clerk?

CLERK: Mr. President, I do, thank you. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 92 and recommend that same be placed on Select File; LB 459 Select File; LB 458 Select File; LB 116 Select File; LB 267, LB 208, LB 92A, LB 158A, LB 175A, LB 177A, LB 261A, LB 277A, LB 284A, LB 312A, all on Select File. Those are signed by Senator Lindsay. (See pages 647-51 of the Legislative Journal.)

Mr. President, your committee on Transportation whose Chair is Senator Lamb reports LB 369 to General File with amendments. That is signed by Senator Lamb. Your Committee on Enrollment and Review reports LB 43, LB 80, LB 82, LB 106, LB 113, LB 165, LB 166, LB 171, LB 172, LB 177, LB 194, LB 200, LB 296, LB 312, LB 321, LB 322 and LB 353 all are reported correctly engrossed, Mr. President. That is all that I have at this time, Mr. President. (See page 651 of the Legislative Journal.)

PRESIDENT: Very good. We'll move on then LB 238.

CLERK: Mr. President, 238 was a bill that was introduced by Senator Hall. (Title read.) The bill was introduced on January 9, referred to Business and Labor, advanced to General File. I do have committee amendments pending by the Business and Labor Committee, Mr. President.

PRESIDENT: Senator Coordsen, are you going to handle those committee amendments?

February 10, 1989

LB 48, 56, 127, 167, 184, 185, 208
231, 361, 366, 426, 643, 714, 760
LR 2

SENATOR LANDIS: We can regulate promotion. I think David raises the fair question, you're getting more than the evil that you have claimed for in the bill and I say, you're right, we are but that's the only way, realistically, in my mind, to stop free samples for kids. And, unfortunately, we're cutting out for the doves as well as the crows here but it's got to be done to have a workable system to ban free sampling.

SPEAKER BARRETT: Time has expired.

SENATOR LANDIS: I don't think this involved structure in the amendment is a workable system to stop free samples for kids. So I'm going to vote against the amendment and for the bill.

SPEAKER BARRETT: Thank you. Senator Moore, followed by Senators Dierks, Withem and Conway.

SENATOR MOORE: I move we adjourn until Monday morning, February 13th.

SPEAKER BARRETT: Anything for the record? Mr. Clerk.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 56 and find the same correctly engrossed; LB 127; LB 167; LB 184; LB 185; LB 231; LB 366, all correctly engrossed.

Revenue Committee reports LB 426 to General File with amendments; LB 643, General File with amendments and LB 361, General File with amendments. (See pages 700-03 of the Legislative Journal.)

Senator Wesely has amendments to LB 208 to be printed. (See page 704 of the Legislative Journal.)

Series of adds, Senator Haberman to LB 760; Senator Hefner to LB 714; and Senator Hefner to LR 2.

Mr. President, unanimous consent that Banking Committee will change their hearing room for next Monday's hearing to the East Chamber. That's all that I have.

SPEAKER BARRETT: Thank you. Before calling a vote on the motion to adjourn, ladies and gentlemen, the Chair wants to exercise the privilege of announcing the fact that Ed Howard of

February 13, 1989 LB 116, 208, 267

PRESIDENT: Record, Mr. Clerk.

CLERK: 26 ayes, 7 nays, Mr. President, on the motion to advance LB 116.

PRESIDENT: LB 116 advances. LB 267, please. The call is raised.

CLERK: Mr. President, 267, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 267 be advanced.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 208.

CLERK: Mr. President, LB 208, the first item I have are E & R amendments, Senator.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 208 be adopted.

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

CLERK: Mr. President, Senator Wesely would move to amend the bill. (Wesely amendment is on page 704 of the Legislative Journal.)

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. President, members. On General File Senator Warner raised a question about when this bill would apply to those coming on the property, and we did work with his office. There are three various definitions of trespassing in the statutes, and this amendment would reference those statutory definitions of trespassing, so we would know in what instances an individual, as you recall under the bill if you're trespassing this bill would not apply. You would...dog involved, dangerous dog, if it attacked in defense of the

property, under trespassing, the provisions of the bill would apply. We define trespassing under this amendment. So I'd ask for the adoption of this amendment.

PRESIDENT: Any further discussion? If not, the question is the adoption of the Wesely....Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Wesely, just so I can get what the amendment does, what...would you tell me what it does.

SENATOR WESELY: Yes, Senator Chambers. There are three different...it's on page 704 of the Journal. There are three different...we looked at definitions of trespassing that are in the statute. We are just referencing those sections, they are Section 20-203, 28-520, and 28-521.

SENATOR CHAMBERS: And is the sense of that amendment, that if a dog is allowed to run loose and he gets a trespasser on the property, then that dog is not subject to the bill?

SENATOR WESELY: Right, that if you're trespassing, that if you're violating those sections and you're trespassing, that dog is free to do whatever it needs to to protect the property. But if you're not trespassing, if you're just walking up to a house, if you're just stopping in a farm yard, you know, if you're not trespassing then this provision would be protective.

SENATOR CHAMBERS: Suppose a trespasser had been killed by this dog, then the dog even then is not subject to the requirements of this bill.

SENATOR WESELY: That's what my understanding is, that...there may be some other statutes out there that may apply, but this bill would not in terms of a dangerous dog.

SENATOR CHAMBERS: So what it would do, though, the operation of this bill is to put a cloak of protection around that dog and the dog's owner, if the person who is attacked by the dog is a trespasser.

SENATOR WESELY: Right. In the definitions, if you look at them, are pretty...you know, they're the standard definitions we've had in statute. So you've got to be in violation of that sta...that statutory reference.

SENATOR CHAMBERS: Senator Wesely, are you aware that I cannot dig a hole on my property and place sharpened stakes in it, and the only way a person could get that...fall into that is to climb over the fence and be trespassing, that I could still be prosecuted if I do something like that, even to a trespasser?

SENATOR WESELY: That may still be possible under some other provisions. I'm just saying in terms of this bill it wouldn't.

SENATOR CHAMBERS: But if this bill creates an exemption, then it's like absolute immunity for the dog and the owner in that situation. For the record, whatever you have go ahead, I would like to hear.

SENATOR WESELY: Well the other part of is, if it's already declared a dangerous dog, I guess that would change the situation. This is in terms of the dog hasn't done anything else before and somebody comes on the property, is trespassing, and the dog attacks and defends the property. That wouldn't be under the provisions of the bill, but if it's a dangerous dog and it follows up on an attack, it's already had another instance, then a different situation would exist. So it's somewhat different.

SENATOR CHAMBERS: So we give this dog, as the law used to do, we give the dog one free bite on the trespasser and then, if there is another trespassing incident, that dog is then made subject to this bill?

SENATOR WESELY: Yes, but there is nothing now, evidently. I mean we're trying to do what we can, Senator Chambers, and recognizing the balancing that we have to do.

SENATOR CHAMBERS: Since I haven't looked well at your amendment, I'm not going to vote against it, because I know what you're trying to do, and the bill, basically, is good. I know what some of those who want to have these vicious dogs running loose in the rural areas are interested in doing, too, and you're trying to reach an accord. So, rather than try to hold it up, I'm just not going to vote for....In fact, to be safe, I know this will pass, I'm going to vote against it, and that is all the questions I have, Senator Wesely, thank you. There have been instances where people were victimized by what is called an attractive nuisance. It is something on private property which,

because of whatever it is, draws people to it, and if a person is injured, even as a trespasser, the property owner is liable. And I wouldn't want a dog to be put in a separate category from these other dangerous instrumentalities. So that a person could not have dangerous dogs running about, just because the property is private. So I'm going to vote against the bill...I meant the amendment, at this time because I don't know what all it will do.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Discussion on the Wesely amendment? Senator Lamb. Senator Wesely, would you respond to a question? Excuse me, Senator Lamb, your mike, apparently, isn't on. Would you try Senator Johnson's microphone, Senator Lamb, please.

SENATOR LAMB: Mr. President, members, I would ask Senator Wesely some questions in regard to the bill. And I'm sorry that I missed part of the discussion on General File in this area. But I'm concerned about the fact that, if I have a dog that goes over on the neighbors property, which is out in the country say, and kills a stray cat on the neighbors property, is that dog automatically a dangerous dog?

SENATOR WESELY: Yes, under page 2, line 18, well not automatically. You've got, first off you've got to have the other individual file a complaint and it has to be confirmed by the sheriff or somebody. So, first off, if your dog went over and killed somebody else's cat, that person would have to be pretty mad about it and file a complaint against you, and then, under this definition, yes, if it's killed another domestic animal without provocation, if the dog was off the owners property it would be deemed a dangerous dog. Then all that would have to happen is it would have to be contained within a cage or on a leash and not allowed to roam wild again.

SENATOR LAMB: But dogs kind of just naturally kill cats.

SENATOR WESELY: Not necessarily.

SENATOR LAMB: That's sort of just a natural happenstance, is it not, that dog...cats are at risk. Cats and dogs sort of fight as a...just in the natural course of events. I guess I'm wondering if this isn't a little bit too strong in some of these situations that might occur.

SENATOR WESELY: Well, in response, Senator Lamb, the...first off, again, if your dog went over to a neighbors and killed their cat, if it was one of those natural type of things you're discussing, the other person will probably acknowledge that. But if they feel that your dog went over and without provocation killed their cat and they're mad about it, well they're going to try and keep you from doing that again. And this bill would allow them to say file charges and then you would have to...all that would happen is you would have to keep the dog penned in, which....I mean there are two sides to that issue and several options that might be pursued.

SENATOR LAMB: Well, I guess I'm concerned about the fact that the neighbors might not really be mad at my dog, they might be mad at me, and that this is a method by which they might see an avenue to strike back on some other issue rather than on the issue at hand. Thank you.

SPEAKER BARRETT: Senator Chambers, please, further discussion.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I'd like to ask Senator Wesely a question.

SPEAKER BARRETT: Senator Wesely.

SENATOR CHAMBERS: Senator Wesely, would your amendment apply to private property only in the rural area?

SENATOR WESELY: Oh, no.

SENATOR CHAMBERS: So, if the dog is in a yard in the city,...

SENATOR WESELY: Um-huh.

SENATOR CHAMBERS: ...and there is a peach tree in the yard and children climb over a fence and go to considerable lengths to get into the property, and they go after the peaches, and you have a dog there...say a pit bull and he is trained to fight and go after anything moving, and the pit bull literally rips this child to shreds. Then because the child went onto the property that immunizes the owner of this dog?

SENATOR WESELY: Yes, as long as the dog hadn't been deemed dangerous before hand, if it had then all that would be changed,

as I mentioned earlier.

SENATOR CHAMBERS: While on private property must the dog be chained?

SENATOR WESELY: If it's a dangerous dog, yes. But, again, if we're dealing with a dog that hasn't had any other incident, hasn't been deemed potentially dangerous or dangerous, no.

SENATOR CHAMBERS: So then if a post person, post creature, to get away from the postman, Senator Hannibal, if the post creature was approaching the house and here's a pit bull, and you've seen them, and I don't mean the one who ate up that metal house either, but just an ordinary, garden variety pit bull that can kill a human being, if he chose to do so, those massive shoulders, that thick head like a block of granite, crouched with a very menacing look on his face, or her face as the case might be, slobbering, teeth bared, and he attacks the postman, that's a free bite.

SENATOR WESELY: Well, obviously they haven't been deemed potentially dangerous before. Again, it would depend on the circumstance. We also have provisions in here, Senator Chambers, that if it makes a gesture toward attacking, looks like it might attack, you can get it as a potentially dangerous and take some action. I mean we're trying to deal with that potential. This is an attempt to be preventive, but...

SENATOR CHAMBERS: But if he's...

SENATOR WESELY: There are other provisions, by the way, as you know. If that dog attacks, there are civil actions you can take and other options under the statutes.

SENATOR CHAMBERS: Senator Wesely, it's clear to Senator Lamb and myself that you haven't had as much dealing with some of these critters as others have. There are dogs that won't give any sign of what they're going to do, very cagey.

SENATOR WESELY: I know.

SENATOR CHAMBERS: They will look just like a harmless dog, they'll wag their tail, they'll kind of sidle up to you, they won't roll their eyes or anything. Then, when you're not looking, (laugh) ... Senator Hall said it much better than I

could. But I'm not going to repeat it. If he chooses to say it, I will let him, because I don't think I could finish the statement. But for the reasons that I gave, I will vote against the amendment. I think in general the bill is good. But remember, if you create an immunity here that is virtually absolute, I'm not sure if it's something that you want to do. And I understand what Senator Wesely and the others are trying to work out. But an attractive nuisance still allows the owner to be liable. I couldn't rig up a cross-bow to protect my peach tree from children or anybody else climbing over the fence to get the peaches. You can't even rig a spring gun in your house that will kill somebody if they come through the door. You can do it, but there have been people who have done it and they have been held legally responsible. So I meant as far as having the know-how, you can do anything you want to, but legal liability will attach. And I think that dogs can be as dangerous...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...as other instrumentalities in the same way that every gun should be considered loaded, every dog with teeth should be considered a biter. And if there are situations where the circumstances that Senator Wesely indicated would indicate that this dog is likely to do something, then maybe it should be possible to place some restrictions on the owner with reference to that dog. I don't know what amendment you would draft, but this one might be broader than what I could support.

SPEAKER BARRETT: Thank you. There are no other lights on. Senator Wesely, anything further on the amendment?

SENATOR WESELY: Thank you, Mr. Speaker, members. As you can see from Senator Lamb's discussion and Senator Chambers' I'm between a rock and a hard place here in trying to find a middle ground. I think, you know, both have got legitimate concerns. And I think this bill attempts to deal with both. The particular amendment deals with the question of trespassing. It's already in the bill and this is taken from model legislation out of Oregon, I believe. We can work with Senator Chambers on further modification. I understand what he's saying. This bill deals with trying to identify dogs and get them taken care of before they hurt people, that's really the intent. It's a preventive effort to try and spot these dogs and do something about it before somebody gets hurt. The free bite thing isn't exactly the case. We do have provisions, if they

threaten and all that, to take some steps and deal with it. But, truthfully, it's a difficult thing to be able to know which dog is going to attack and which isn't and how we deal with that. Clearly though the line we're trying to draw is on a dog defending its property, and that is part of what their responsibility and expectation is. And the dog that is just without provocation attacking people, I think this does draw that line that comes from Senator Warner's concerns and it's already provided here. All this does is reference the statutes and what the definition of trespassing is. And one last thing, even though Senator Chambers is talking about this precludes the option to come back on somebody who comes in, gets hurt while trespassing, under this bill yes, but there are other provisions in statutes, other ways in which that child or family, or whatever can bring suit. So we don't take those options away, it's not the intent to take those away. It's with this particular statute that we're trying to deal with. And I think that this is a line that needs to be drawn. I'd ask your support for this amendment.

SPEAKER BARRETT: The question is then the adoption of the Wesely amendment to LB 208. All in favor vote aye, opposed nay. Record.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of Senator Wesely's amendment.

SPEAKER BARRETT: The amendment is adopted? Anything further?

CLERK: Mr. President, I believe I have an amendment from Senator Wesely and perhaps Senator Chambers to the bill.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, the amendment is coming up. And what it would add some language that would indicate that if a person is injured by one of these dogs, for the owner to have the kind of immunity that is being aimed at here, the injury or damage would have to be nonsevere, an injury that is not severe. So that we're not encouraging some people to have the idea that no matter what this dog did then they would have a type of immunity. And I can accept this amendment, and I will let Senator Wesely expand on it further and, if Senator Lamb or others have questions, then...The amendment, from my standpoint, is not designed to harm the bill

or restrict any legitimate concerns that others may have.

SPEAKER BARRETT: Any other discussion? Senator Wesely.

SENATOR WESELY: Yes, Mr. Speaker, members. I think Senator Chambers raised a good point. And I think that this amendment deals with it adequately, that you come onto the property, you're trespassing, if you have a severe injury this would take care of that circumstance. If you have just the normal dog defending the property, I think that is one thing. But if a dog goes out and really, really hurts somebody, I think that's a different one. And this will draw that line. Again a line I think needs to be drawn, as Senator Chambers said. So I feel comfortable with the amendment.

SPEAKER BARRETT: Senator Goodrich.

SENATOR GOODRICH: Would Senator Chambers, in his close on this amendment, at least define the distinction between severe and nonsevere, because if we don't have some kind of guidelines in it, the courts are going to say whoops, unenforceable. If somebody will actually define...make a distinction so that the court interpreting it can say, okay, this is severe, this is not severe.

SENATOR WESELY: Could I respond to that, Senator Goodrich?

SENATOR GOODRICH: Sure.

SPEAKER BARRETT: (Inaudible response.)

SENATOR WESELY: Senator Goodrich, if you look on page 3, line 25, it does define severe injury, so it's in the statute. So this would clarify that.

SPEAKER BARRETT: Thank you. Any closing? The question is the adoption of the Chambers-Wesely amendment. Those in favor vote aye, opposed nay. Please record, Mr. Clerk.

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of the Chambers-Wesely amendment.

SPEAKER BARRETT: The amendment is adopted. Anything else?

CLERK: Nothing further, Mr. President.

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Mr. Speaker, Senator Goodrich raised a question about the leash and its strength. In the statute we talk about securely being leashed. And what we define that as, this is for the record and for Senator Goodrich's benefit, if you're on a leash and the leash is obviously not strong enough and they break free, then it is not securely held. So that...by that definition it would be clear that if the leash is adequate or inadequate. And Senator Goodrich asked us to look into that. We couldn't find any way to define secure leash or strong enough leash or anything like that, but under the bill you have to have a secure leash or it won't work. So for the record, if that ever happens and they look back at this history, they'll know if you have them on a leash and that leash breaks that is not secure. So I'd ask for advancement of the bill.

SPEAKER BARRETT: Thank you. Those in favor of the advancement of LB 208, machine vote has been requested, please vote aye, opposed nay. Record, please.

CLERK: 29 ayes, 1 nay, Mr. President, on the advancement of LB 208.

SPEAKER BARRETT: LB 208 is advanced. I'd like to suggest that there are a few bills yet on Select File. With your indulgence we could move those bills, after LB 158A, that are unamended at this time. If there is no objection. Mr. Clerk.

CLERK: LB 158A, Mr. President, no E & R amendments. I do have an amendment to the bill from Senator Labedz.

SPEAKER BARRETT: Those that are clean, Mr. Clerk, that are unamended.

CLERK: Mr. President, in that case 175A, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 175A be advanced.

SPEAKER BARRETT: Shall 175A be advanced? All in favor say aye.

February 15, 1989 LB 57, 58, 70, 74, 94, 97, 115
116, 126, 133, 142, 156, 175A, 177A
208, 229, 230, 233, 251, 255, 256
261A, 263, 267, 273, 281, 284A, 295
338, 378, 391, 398, 416, 443, 458
459, 499, 502

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber. Please rise for the opening prayer. Our Chaplain for the day is Father Daniel Sieker, of Blessed Sacrament in Lincoln. Father Sieker.

FATHER SIEKER: (Prayer offered.)

SPEAKER BARRETT: Thank you, Father Sieker. Please come back again. Roll call.

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

SPEAKER BARRETT: Thank you. Corrections to the Journal.

CLERK: I have no corrections, 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 502 and recommend that same be placed on Select File, LB 281 Select File, LB 416 Select File, LB 443 Select File, those signed by Senator Lindsay as Chair. Mr. President, your Committee on Enrollment and Review reports LB 74 as correctly engrossed; LB 116, LB 175A, LB 177A, LB 208, LB 261A, LB 263, LB 267, LB 273, LB 284A, LB 338, LB 378, LB 391, LB 398, LB 458, LB 459, and LB 499, all reported correctly engrossed, all signed by Senator Lindsay. (See pages 746-47 of the Legislative Journal.)

Mr. President, a communication from the Governor to the Clerk. (Read. Re: LB 57, LB 94, LB 97, LB 126, LB 133, LB 229, LB 230, LB 233, LB 251, LB 255, LB 295, LB 58, LB 70, LB 115, LB 142, LB 156, LB 256. See page 748 of the Legislative Journal.)

February 24, 1989 LB 74, 116, 208

Director of the Nebraska Wheatgrowers' Association of Ogallala, Nebraska. We certainly welcome you gentlemen to our get-together this morning. We're very appreciative of what you are doing and, Mr. Ramo, we certainly do appreciate your being involved in this and we are very appreciative of your purchases of our...one of our most precious commodities in Nebraska. Thank you. And thank you for visiting us this morning. Mr. Clerk, are you ready for Final Reading? Okay, if you will...as soon as you return to your seats we will begin Final Reading. We will begin with Final Reading on LB 74.

CLERK: (Read LB 74 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 74 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 863-64 of the Legislative Journal.) 43 ayes, 0 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 74 passes. LB 116.

CLERK: (Read LB 116 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 116 pass? All those in favor vote aye, opposed nay. Have you all voted that care to? Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 864 of the Legislative Journal.) 36 ayes, 7 nays, 2 present and not voting. 4 excused and not voting, Mr. President.

PRESIDENT: LB 116 passes. LB 208, please.

CLERK: (Read LB 208 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 208 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 865 of the Legislative

February 24, 1989 LB 208, 238, 263, 267, 273

Journal.) 39 ayes, 7 nays, 3 excused and not voting,
Mr. President.

PRESIDENT: LB 208 passes. LB 238.

CLERK: (Read LB 238 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having
been complied with, the question is, shall LB 238 pass? All
those in favor vote aye, opposed nay. Have you all voted?
Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 866 of the Legislative
Journal.) 47 ayes, 0 nays, 2 excused and not voting,
Mr. President.

PRESIDENT: LB 238 passes. LB 263.

CLERK: (Read LB 263 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having
been complied with, the question is, shall LB 263 pass? All
those in favor vote aye, opposed nay. Have you all voted?
Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 866-67 of the Legislative
Journal.) 46 ayes, 0 nays, 1 present and not voting, 2 excused
and not voting, Mr. President.

PRESIDENT: LB 263 passes. LB 267.

CLERK: (Read LB 267 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having
been complied with, the question is, shall LB 267 pass? All
those in favor vote aye, opposed nay. Have you all voted? Have
you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 867-68 of the Legislative
Journal.) 43 ayes, 4 nays, 2 excused and not voting,
Mr. President.

PRESIDENT: LB 267 passes. LB 273.

CLERK: (Read LB 273 on Final Reading.)

February 24, 1989

LB 74, 116, 208, 238, 263, 267, 273
344, 781

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 273 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 868 of the Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 273 passes. LB 344 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 344 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 44 (sic) pass with the emergency clause attached...excuse me, 344 with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 869-70 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 344 passes with the emergency clause attached. This ends the Final Reading. Do you have anything for the record at this time? If not, we'll move on to special order, LB 781.

CLERK: Mr. President, LB 781...

PRESIDENT: Mr. Clerk, before you start, may I just say that while the Legislature is in order...in session and capable of transacting business, I propose to sign and do sign LB 74, LB 116, LB 208, LB 238, LB 263, LB 267, LB 273 and LB 344 with the emergency clause attached. Now on to LB 781.

CLERK: Mr. President, 781 was a bill that was introduced by the General Affairs Committee and signed by its members. (Read title.) The bill was introduced on January 19 of this year, Mr. President. At that time, it was referred to the General Affairs Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the General Affairs Committee.

February 24, 1989

LB 74, 116, 208, 238, 263, 265, 267
273, 344, 360A, 765

SPEAKER BARRETT: LB 360A is advanced. For the record, Mr. Clerk.

CLERK: Mr. President, Senator Smith would move to withdraw LB 765. That will be laid over. I have a notice of hearing from the Rules Committee, signed by Senator Lynch as Chair. Your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning, Mr. President. That's all that I have. (See page 875 of the Legislative Journal, re: LB 74, LB 116, LB 208, LB 238, LB 263, LB 267, LB 273, and LB 344.)

SPEAKER BARRETT: As a matter of general information, we will not be discussing 520 or 520A this morning. We will not be discussing LB 340, LB 147, or 147A. We are then at this point to LB 265. Mr. Clerk.

CLERK: Mr. President, 265, offered by Senator Chizek. (Read title.) The bill was introduced on January 9, referred to the Judiciary Committee. The bill was advanced to General File. I do have an amendment to the bill by Senator Chizek, Mr. President. That amendment is on page 739 of the Journal.

SPEAKER BARRETT: Senator Chizek, on your amendment.

SENATOR CHIZEK: Mr. President, colleagues, the amendment is on page 739. The amendment removes paternity matters from the expedited process required by federal law. The changes in the federal requirements permit the state to remove paternity matters from this expedited process. The judges and the Department of Social Services have excluded paternity because these actions don't lend themselves to the expedited process. Appointment of counsel, jury trial, discovery, blood tests, et cetera make paternity matters a poor candidate for the expedited process. LB 265 would, however, allow referees to handle paternity matters under direction of the district court. I would urge the adoption of the amendment.

SPEAKER BARRETT: Any discussion on the amendment to 265? If not, those in favor of the adoption of that amendment please vote aye, opposed nay. Voting on the amendment to LB 265. Please vote, if you'd care to vote. On the amendment to 265, please vote, if you'd care to vote. Record, please.

CLERK: 25 ayes, 0 nays on adoption of Senator Chizek's amendment to the bill, Mr. President.

March 3, 1989

LB 74, 91, 116, 208, 238, 263, 267
273, 344, 471, 628
LR 38-41

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: (Recorder not activated) ...hearty souls who are with us this morning as we convene this last day of the working week. Our opening prayer this morning by Chaplain Clarence Zwetzig of Bryan Memorial Hospital, here in Lincoln. Chaplain Zwetzig.

CHAPLAIN ZWETZIG: (Prayer offered.)

SPEAKER BARRETT: Thank you, Chaplain Zwetzig. We hope you can come back again. Roll call.

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

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

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any messages, reports, or announcements?

CLERK: Mr. President, a communication from the Governor to the Clerk. (Read. Re: LB 74, LB 116, LB 208, LB 238, LB 263, LB 267, LB 273, LB 344. See page 960 of the Legislative Journal.)

Mr. President, resolutions LR 38 and LR 39 adopted yesterday are ready for your signature.

Mr. President, your Committee on Government, Military and Veterans Affairs, whose Chair is Senator Baack, to whom was referred LB 471 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File, LB 628 General File with amendments, LB 91 indefinitely postponed, those signed by Senator Baack as Chair. (See pages 960-61 of the Legislative Journal.)

Mr. President, I have two study resolutions, both introduced by Senator Rod Johnson. (Read brief explanation of LR 40.) That will be referred to Reference. (Read brief explanation of LR 41.) That, too, will be referred to the Exec Board. (See pages 961-62 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. While the Legislature is in