

January 12, 1989

LB 54, 111, 209, 268, 271, 325, 335
389-408

raised, please stay in your seats.

CLERK: 20 ayes, 21 nays, Mr. President, on the motion to rerefer.

SPEAKER BARRETT: Motion fails. The call is raised. Mr. Clerk, continue with the introduction of bills.

CLERK: Mr. President, I might announce that the Reference Committee, the Reference Committee will meet in the Senate Lounge for referring of bills now; Reference Committee in the Senate Lounge now.

Mr. President, new bills. (Read LBs 389-406 for the first time by title. See pages 206-209 of the Legislative Journal.)

SPEAKER BARRETT: The body will stand at ease while the Referencing Committee handles some more bills.

EASE

CLERK: Mr. President, new bills. (Read LBs 407-408 for the first time by title. See page 210 of the Legislative Journal.)

Mr. President, in addition to those items, I have a notice of hearing from the Government Committee, that is offered by Senator Baack as Chair. Mr. President, I have received a reference report referring LBs 324 through 373.

Mr. President, in addition to those items, announcement that the Appropriations Committee....

Mr. President. some unanimous consent requests, Senator Schellpeper would like to add his name to LB 209; Senator Rod Johnson and Senator Morrissey would like to add their names to LB 325; Senator Dennis Byars to LB 111; Senator Haberman to LB 268, and Senator Haberman to LB 271 as well, and Senator Haberman to LB 335.

SPEAKER BARRETT: If there are no objections, so be it.

CLERK: Mr. President, I have a motion filed with respect to the investigating committee formed to review the Franklin Credit Union situation. That motion will be laid over, Mr. President. It involves the suspension of the rules. Those will be laid

February 21, 1989 LB 48, 73, 87, 220, 234, 336, 351
372, 399-401, 558, 592, 684, 704, 714
762

to LB 336 by Senator Withem. Senator Hall has amendments to LB 704 to be printed, Mr. President. (See pages 798-99 of the Legislative Journal.)

Education Committee gives notice of change of location for a hearing on February 28. That is offered by Senator Withem.

Judiciary Committee whose Chair is Senator Chizek reports LB 87 to General File, LB 220 to General File, LB 234 General File, LB 372 General File, LB 399 General File, LB 401 General File, LB 558 General File, LB 592 General File, LB 73 indefinitely postponed, LB 351 indefinitely postponed, LB 400 indefinitely postponed, LB 684 indefinitely postponed, those all signed by Senator Chizek as Chair. (See pages 799-800 of the Legislative Journal.)

Revenue Committee whose Chair is Senator Hall reports LB 714 to General File with amendments and LB 762 to General File with amendments, both those signed by Senator Hall as Chair of the committee. (See pages 800-03 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Thank you. Now we'll move on to LB 48, please.

CLERK: Mr. President, the Legislature last considered LB 48 on February 13. At that time Senator Landis made a motion to indefinitely postpone the bill. That motion is pending.

PRESIDENT: Senator Landis, please.

SENATOR LANDIS: Mr. President, members of the body, over the weekend I've had a chance to think about it and I've come to the conclusion that it must have been a moment of delusion on my part. I don't know why I offered that motion. I certainly want to withdraw it now.

PRESIDENT: It is withdrawn.

CLERK: Mr. President, the next amendment I have to the bill is offered by Senator Bernard-Stevens. The amendment is on page 740 of the Journal.

PRESIDENT: Senator Bernard-Stevens, please.

SENATOR BERNARD-STEVENS: Thank you, Mr. President and members

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LB 372, 399

states that the offender is to pay for it, if they can. Is that correct?

SENATOR CHIZEK: What...you're on the....Which bill are you on?

SENATOR HABERMAN: Oh, I'm on the wrong bill. Well, I think I can talk for five or ten minutes anyway on your bill. (Laughter.) Is that all right?

SENATOR CHIZEK: If you can talk with your vocal cords cut. (Laughter.)

SENATOR LANDIS: Thank you, Senator Haberman. We'll now move to the closing by Senator Chizek. Senator Chizek to close. He waives closing. The question is the advancement of LB 372. Those in favor vote aye, those opposed vote no. We've spent half a minute now voting on this measure. Clerk will record.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 372.

SENATOR LANDIS: The motion passes. The Chair wishes to give notice to the body that earlier today we passed over LB 608, Senator Kristensen's bill, because he was not present. He's back and so, at his request, I have factored in LB 608 to follow LB 401, about two bills down. Let's move to the next bill, LB 399. Senator Pirsch. Mr. Clerk.

CLERK: LB 399, Mr. President, was introduced by Senator Pirsch. (Read title.) The bill was introduced on January 12, referred to Judiciary, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR LANDIS: Senator Pirsch, to open. Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. Chairman. LB 399 provides that the court, as a condition of its sentence, may require the offender to be monitored by an electronic surveillance device or system and to pay the cost of such, if the offender has the financial ability to pay. Again, it will not require the offender, if they do not have the economic means. Each bracelet that is a part of some of the electronic surveillance systems costs \$1,400. The computer mainframe and software initially costs \$14,000, but everything is in place in Sarpy County, so no more computer costs will be incurred. Sarpy County furnishes

services to any county that wants them. The bracelet and receiver are sent out on a loan to the county, and the monitoring would take place on the mainframe and software that is in Sarpy County. Again, this is a cost-saving measure. It's an alternative to jail sentence, and this bill should save the cities and counties in Nebraska money as the per offender costs of administering a house arrest would be substantially lower than the costs of incarceration in local jails. With that, I would move the advancement of LB 399.

SENATOR LANDIS: Thank you, Senator Pirsch. There are four lights on. The first one, Senator Haberman, followed by Senator Smith, and with some trepidation the Chair calls on Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the body, I do have the correct bill this time. How I got mixed up that Senator Pirsch looked like Chizek, or Chizek looked like Pirsch, I don't know. Senator Pirsch, I have a question. The intent statement says that if the person convicted has the funds to pay for the monitoring device they shall do so.

SENATOR PIRSCH: Yes.

SENATOR HABERMAN: Who is going to pay for it, if they don't have the device...or the money to pay for the device?

SENATOR PIRSCH: Well, the equipment would be subsidized, of course, by the county. It would be recycled equipment because it can be used again and again. And, as I said, the mainframe is already in place.

SENATOR HABERMAN: All right, now let's say we have 20 people that are convicted. All 20 of them can be put on house arrest. All right?

SENATOR PIRSCH: Okay.

SENATOR HABERMAN: And we have ten pieces of equip...and ten of them can pay for it, and ten can't.

SENATOR PIRSCH: Um-huh.

SENATOR HABERMAN: And we have 15 pieces of equipment, how are we going to get the other 5 pieces and who is going to pay for

the 10 that can't pay?

SENATOR PIRSCH: Well, they are readily available, and I can't tell you the manufacturers, but I could get that for you.

SENATOR HABERMAN: No, I'm interested in the costs, Senator Pirsch, I'm not interested in who makes them. I'm not even interested in stalling your bill. I'm just interested in finding out whose going to pay, because to me if Senator Johnson, over there, is convicted and he has the money to pay for the device...

SENATOR PIRSCH: Okay.

SENATOR HABERMAN: ...and Senator Pirsch doesn't have the money to pay for the device, I think we're going to have a legal problem, because they're going to say, well,...

SENATOR PIRSCH: No,...

SENATOR HABERMAN: ...just because you don't have the money...

SENATOR PIRSCH: ...we won't...

SENATOR HABERMAN: ...you're going to have to stay in jail.

SENATOR PIRSCH: As a matter of fact, the Nebraska Crime Commission has a grant from the federal government for just this kind of equipment.

SENATOR HABERMAN: How much...

SENATOR PIRSCH: A \$70,000 grant.

SENATOR HABERMAN: One time?

SENATOR PIRSCH: No, the machines are already paid for, and this grant money is available to those counties that want to buy the receiver equipment.

SENATOR HABERMAN: Well, I'm going to ask my question again. What you're telling me, as I understand it then, the county picks up the tab for those people who do not have the money to pay for the device.

SENATOR PIRSCH: This is through the Crime Commission, equipment is administered.

SENATOR HABERMAN: So all the counties in the State of Nebraska then...

SENATOR PIRSCH: There would be no cost to the county.

SENATOR HABERMAN: ...it will not cost...it will not cost them anything.

SENATOR PIRSCH: Right, um-huh. The initial big cost is already done.

SENATOR HABERMAN: I see where you go to include felon arrests, felony arrests?

SENATOR PIRSCH: Um-huh.

SENATOR HABERMAN: Isn't that pretty serious?

SENATOR PIRSCH: Well, of course, you know we don't make that determination. Some felons are not violent criminals.

SENATOR HABERMAN: Thank you, Mr. President.

SENATOR LANDIS: Thank you, Senator Haberman. We have two more lights on. Senator Chambers, followed by Senator Wesely. The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is a bill that I was very much opposed to in the committee. And I was not there when the vote was taken, or it wouldn't have been on consent calendar because there would have been a no vote. The equipment is produced by a certain company, and Sarpy County has it. Naturally, the company is interested in pushing its product. Judge Reagan was there and he discussed it, and I told him how degrading I thought the particular device was that he was recommending as a means to surveil people electronically. And I compared it to a day coming when they would perhaps take a thick, leather belt that would be put around the neck and it would have metal studs in it, and from that could be emitted an electrical shock to make sure that these people are where they should be at the time they should be there and behave the way these people who send them there want. These kind of bills

would not be bad if the philosophy of granting house arrests were the only matter. But when we have a particular company with a particular device interested in the program, so their device can be sold, I think it's something the Legislature needs to consider very, very carefully, not just because the company wants to sell its device, but whether or not that type of device is demeaning. Because somebody has been convicted of a crime doesn't mean they should be demeaned in the process of society wreaking some kind of retribution from them. There could be a situation where a person might say rather than wear that, I'll serve the time, and they say very good. If you don't want to be degraded in this fashion, you stay in jail. I don't think a person should be confronted with that type of choice. If we believe that, because jails are overcrowded, there should be house arrest, the issues should be discussed on the basis of justifying house arrest as a program, and I agree with it. Next, if you're going to talk about monitoring people electronically, I'm the one who opposed requiring a person to have a device attached to them. This bill was brought to us by Sarpy County, because they have a specific device that they attach to people and the judge was unsure whether or not he could order that in view of the fact that there is no statutory authorization. So the bill is drafted in general terms, but there is a specific device in mind. I'd like to ask Senator Pirsch a question.

SENATOR LANDIS: Senator Pirsch, will you yield to a question?

SENATOR PIRSCH: Yes, I will.

SENATOR LANDIS: Senator Chambers, you may proceed.

SENATOR CHAMBERS: Is it true that the moving force behind this bill was Sarpy County, or the judge in Sarpy County?

SENATOR PIRSCH: Judge Reagan has found this to be a very satisfactory alternative to jail sentences.

SENATOR CHAMBERS: Is he a judge in Sarpy County?

SENATOR PIRSCH: Yes, he is.

SENATOR CHAMBERS: And he was the moving force behind the bill.

SENATOR PIRSCH: Absolutely.

SENATOR CHAMBERS: Is it true that there is a specific electronic device that is used in Sarpy County and he wanted that to be authorized by statute for sure.

SENATOR PIRSCH: I believe two companies make electronic surveillance equipment, and Douglas County uses a different form, I believe. But the one that Judge Reagan pointed out to us looks kind of like a wrist watch, and...or this is one form of it. It can be a wrist watch, I think they also have an ankle form, too. So you can detect it, of course.

SENATOR CHAMBERS: But here's the question, Senator Pirsch, is there a specific device that Sarpy County uses right now, through Judge Reagan, that they want to be sure is authorized in statute, and that is why the bill was brought.

SENATOR PIRSCH: We don't specifically say, in fact someone said, why didn't you define electronic surveillance. But that's because with technology changing, I do see that there will be better, lighter, everything gets thinner and...

SENATOR CHAMBERS: But here's what I'm asking you, Senator Pirsch,...

SENATOR LANDIS: One minute, Senator Chambers.

SENATOR CHAMBERS: ...we got along so well the other day and now you're about to break the relationship.

SENATOR PIRSCH: I know. (Laugh.)

SENATOR CHAMBERS: The only question I'm asking you, because of some representations I made earlier when I was speaking, is there a specific device that Sarpy County has that Judge Reagan wants to be sure he could continue to use?

SENATOR PIRSCH: Well, Sarpy County has invested in the mainframe computer and software. Okay?

SENATOR CHAMBERS: Senator Pirsch, is there a specific device that Sarpy County uses that Judge Reagan wants to be sure is authorized by statute?

SENATOR PIRSCH: This is the specific device, those devices that

can hook up with that software and computer.

SENATOR CHAMBERS: Okay. Senator Pirsch,...

SENATOR PIRSCH: Douglas County uses another device, as I understand.

SENATOR CHAMBERS: Thank you. I had asked her about Sarpy, we got into Douglas, about a specific device and I didn't get a definite answer. But I think there was enough, from what she said, for you to realize that there is a specific device that Sarpy County has right now and they wanted that authorized under the statute. But when you...

SENATOR LANDIS: Time is up, Senator Chambers. Thank you, Senator Chambers. Next light is for Senator Pirsch.

SENATOR PIRSCH: Are there other lights, Senator Landis? I will...

SENATOR LANDIS: (inaudible).

SENATOR PIRSCH: ...pass then to answer those questions.

SENATOR LANDIS: Senator Smith, followed by Senator Chambers.

SENATOR SMITH: I'll just call the question.

SENATOR LANDIS: Senator Smith calls the question. Do I see five hands? I do see five hands, so we'll put the question to you, shall the house...shall, rather, we call the question on the advancement of 399? All those in favor vote aye, those opposed vote no.

SENATOR PIRSCH: I hate to ask for a call of the house, but...

SENATOR LANDIS: ...although it might be required in this case, don't you think, Senator Pirsch?

SENATOR PIRSCH: ...perhaps it might be, yes. So I...

SENATOR LANDIS: The body hasn't shown the sufficient discipline to...

SENATOR PIRSCH: ...stay on the floor.

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LB 399

SENATOR LANDIS: ...register their either approval or disapproval of this measure?

SENATOR PIRSCH: There are so many out of the room that...and perhaps we will need a call of the house, anyway, for the question itself.

SENATOR LANDIS: Seems to me that, in fact, we are poised at the precipice, we better have a call of the house.

SENATOR PIRSCH: ...call of the house. Thank you.

SENATOR LANDIS: All those in favor of going under call please vote aye, those opposed vote no. The Clerk will record.

CLERK: 13 ayes, 1 nay to go under call, Mr. President.

SENATOR LANDIS: We are under call. Please return to your seat and check in, please. Senator Pirsch permits or requests, rather, that call in votes be allowed on the issue of calling the question on the advancement of 399.

CLERK: Senator Baack voting yes. Senator Peterson voting yes. Senator Ashford voting yes.

SENATOR LANDIS: Clerk will record.

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

SENATOR LANDIS: We have called the question. You are now entitled to close, Senator Pirsch.

SENATOR PIRSCH: Thank you. Quite frankly, I don't understand why Senator Chambers is not wholeheartedly in favor of this bill. It appears to me that the dignity and, indeed, the togetherness or the community support would be more favorable, under this kind of electronic surveillance, house arrest, than if this person goes to jail. Don't forget, they have been sentenced. There is no question as to the fact that they will go to jail. LB 339 (sic) would just put into statute that authorization that would say to that person, you have been sentenced, under the law you have an alternative, you can stay home with your family, perhaps even hold down your job and have the alternative to being locked away in jail, to have your

family have to explain the absence. And it seems to me a far more palatable way for those nonviolent offenders that would have the courts permission and would also have the offenders approval. They have to approve this if they want to take this alternative. I think it's a very tasteful alternative, very inconspicuous, keeps that person to be a contributing member instead of locked up in jail and being a taking member of society. With that, I urge your vote for LB 399.

SENATOR LANDIS: Excuse me, I hit the bell too quick there. This is the closing on 399, therefore, the question is, shall the bill advance? Those in favor vote aye, those opposed vote no. Clerk will record.

CLERK: 25 ayes, 1 nay, Mr. President, on the advancement of LB 399.

SENATOR LANDIS: Thank you. The bill is advanced. The call is raised, and we will go on to LB 401. I'll remind the body that following 401 we will go to LB 608, a bill previously passed over by the Chair. The introducer of 401, Senator McFarland. Mr. Clerk.

CLERK: Mr. President, 401, offered by Senator McFarland. (Read title.) The bill was introduced on January 12, referred to Judiciary, advanced to General File. I have no amendments to the bill.

SENATOR LANDIS: I see that Senator Chizek is to carry the bill for Senator McFarland. Senator Chizek, to open.

SENATOR CHIZEK: Senator McFarland had asked if I would present this. LB 401 would allow either party, in dissolving a marriage or an annulment action, to request a name change in their petition or their response. The request would be granted, except for good cause shown. And the change would become effective on the date the decree was entered. The fact that children of the marriage would have a different surname than the parent would not, by itself, constitute good cause in the bill. It also provides that dissolving decree entered before the effective date of the bill, in which a name change was not requested or granted, would not hinder or prevent either party from affecting a common law name change. With that, I would urge advancement of the bill.

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LB 78, 220, 371, 399, 566
LR 67

SENATOR LANDIS: The question is the advancement of LB 566. Those in favor vote aye, those opposed vote no. Upon the completion of this vote, the Clerk will read into the record those items that are necessary and then we'll entertain a motion to adjourn. It would be painful to think that a call of the house would be necessary to dispose of this matter at this late hour. If you're in the Chamber, please return to your chair and vote one way or the other on the advancement of 566. The Clerk will record.

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

SENATOR LANDIS: Motion is advanced and the bill is advanced. Mr. Clerk, read into the record those items you have before us.

ASSISTANT CLERK: Mr. President, I have a new resolution, LR 67 by Senator Wesely. (Read brief description. See page 1416 of the Legislative Journal.)

Amendments to be printed from Senator Rod Johnson to LB 78; Senator Chambers to LB 399; Senator Chambers to LB 220 and Senator Hall to LB 371. (See pages 1416-21 of the Legislative Journal.) And that's all I have, Mr. President.

SENATOR LANDIS: Thank you, Mr. Clerk. The Chair recognizes the distinguished senator from northeast Nebraska, Frank Korshoj.

SENATOR KORSHOJ: Mr. Chairperson, I move that we adjourn until April 3rd at 9:00 a.m.

SENATOR LANDIS: You've heard the motion. Those in favor say aye. A machine vote has been called for. Those in favor vote aye, those opposed vote no. Somebody must have heard about a party. I've got a whole sheaf of bills. Just wait for a second and I'll go down to my office and get them and we can stay in session. The Clerk will record.

ASSISTANT CLERK: 23 ayes, 1 nay on the motion to adjourn, Mr. President.

April 3, 1989

LB 44, 44A, 47, 66, 75, 78, 87
220, 240, 262, 348, 372, 399, 401
431, 438, 438A, 546, 548, 569, 569A
582, 582A, 592, 606, 608, 628, 637
681, 706, 777, 790

the time Senator Abboud can have to finish his closing.

SPEAKER BARRETT: Thank you. The question is the advancement of the bill to E & R Engrossing. All in favor vote aye...thank you. Roll call vote has been requested in reverse order. So be it. Mr. Clerk.

CLERK: (Roll call vote read. See pages 1431-32 of the Legislative Journal.) 27 ayes, 10 nays, Mr. President, on the advancement 592.

SPEAKER BARRETT: LB 592 advances. Anything for the record, Mr. Clerk?

CLERK: I do, Mr. President, thank you. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 262 and recommend that same be placed on Select File; LB 569, LB 569A, LB 606, LB 628, LB 681, LB 78, LB 438, LB 438A, LB 706, LB 47, LB 75, LB 548, LB 582, LB 582A, LB 240, LB 790, LB 777, LB 44, LB 44A, LB 637, LB 66, LB 546, LB 87, LB 220, LB 372, LB 399, LB 401 and LB 608, some of which have E & R amendments attached, Mr. President. (See pages 1432-44 of the Legislative Journal.)

Mr. President, your Committee on Health whose Chair is Senator Wesely reports LB 348 to General file with committee amendments attached. That's signed by Senator Wesely as Chair. (See page 1444 of the Legislative Journal.)

That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. As announced before recess, we will move back to LB 431 and LB 431A. LB 431, Mr. Clerk.

CLERK: Mr. President, the first item I have on 431 are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 431 be adopted.

SPEAKER BARRETT: The question is the adoption of the E & R amendments to LB 431. Those in favor say aye. Opposed no. Carried. They are adopted.

Pirsch's amendment.

SENATOR LANDIS: The amendment is adopted. Senator Pirsch, on the advancement of LB 220.

SENATOR PIRSCH: I would move to advance the bill.

SENATOR LANDIS: The motion is to advance LB 220. Thank you. The Clerk informs you that there are items still on the desk. Mr. Clerk.

CLERK: Well, Mr. President, just to clear the record, Senator Chambers did have two amendments. He has instructed me to withdraw those, both amendments, so I have nothing further pending on the bill, Mr. President.

SENATOR LANDIS: Thank you. The motion is to advance to E & R for engrossing. Those in favor say aye. Opposed say nay. The bill is advanced.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: To LB 399, Mr. Clerk.

CLERK: Mr. President, LB 399 is on Select File. First order of business are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 399.

SPEAKER BARRETT: You've heard the motion to adopt the E & R amendments. Those in favor say aye. Opposed no. Carried, they are adopted.

CLERK: Mr. President, I now have two amendments from Senator Chambers. Again, I have notes that he would like to withdraw those.

SPEAKER BARRETT: They are withdrawn.

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

SPEAKER BARRETT: The Chair recognizes Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. Speaker and members of the Legislature, this is another attempt to find some alternatives to our overcrowded prisons. And LB 399 provides that any person sentenced to a city or a county jail upon conviction of a misdemeanor, felony, contempt or nonpayment of any fine or forfeiture may be granted the privilege, and this is strictly to the judge's prerogative, of serving all or part of any sentence under house arrest. House arrest means that that offender is restricted to a specific residence except for the authorized periods of absence for employment or for a medical, educational or other reasons approved by the court. Now house arrest may be monitored by electronic surveillance systems and those, of course, include again, bracelets and ankle bracelets, also the voice imaging that we talked about earlier. The advantages, of course, of house arrest are that they ease prison overcrowding, they are flexible, they can be used to cover particular times of day or particular types of offenders. There is less...it's a less expensive way to manage existing or increasing numbers of offenders while still appearing to be safe for those victims and in the 1980s, as I told you briefly in the bill before, technology associated with electronic surveillance systems has dramatically improved and that leads to house arrests increasingly being coupled with those systems, and this technology can solve several complex interrelated supervision problems and can take the place oftentimes of the people intensive surveillance. For example, failure on probation or parole may be caused by being in the wrong place with the wrong associates and to control that you can put the offender on electronic surveillance which will reduce the opportunities for undesirable contacts and new crime opportunities. I think the public can feel safe with these electronic devices and, of course, with the monitoring and the supervision that goes along with the house arrest. We cannot do, of course, without the staff and the equipment working together to keep these offenders in their homes, but still under control. With that I would move LB 399 to Final.

SPEAKER BARRETT: Thank you. Discussion, Senator Hannibal.

SENATOR HANNIBAL: Thank you, Mr. Speaker, I rise to support the bill and I don't mean to take up a lot of time because we are on Select File. I only wanted to point out that some of our committee findings in our report suggested we have some serious problems with the populations in the state penal system and as a

matter of fact, we have similar problems in the county penal system and municipal penal system as well. I applaud Senator Pirsch for bringing these...both of these bills to us. I think they will go a ways for us to try to eliminate some of the overcrowding problems and from an economic standpoint be able to solve those problems in a relatively efficient manner. I am pleased to see that the bill does say that this is a granting of a privilege which, in my mind, Senator Pirsch, is something that the offender will be volunteering for. Is that your understanding of this? Would you be willing to respond to that question?

SENATOR PIRSCH: Yes, this is not a right by any means.

SENATOR HANNIBAL: It's not a right, nor is it a requirement.

SENATOR PIRSCH: Nor is it a requirement and it is judged on each case, each offender, whether this is appropriate.

SENATOR HANNIBAL: And the offender will have the ability to decline.

SENATOR PIRSCH: Oh, I see what you're getting at. In other words, yes, the offender can decline or if they do want this, then there are other arrangements to pay for that electronic surveillance. But, yes, they may decline and they may prefer to go to jail and that is their prerogative.

SENATOR HANNIBAL: Fine, and I think that's an important part of this because there are some that choose not to and some that find it more difficult to do that than to serve other more traditional ways, but I do support the bill and I would urge its advancement.

SPEAKER BARRETT: Thank you. Any other discussion? Any other discussion? Senator Pirsch, closing.

SENATOR PIRSCH: Move to advance.

SPEAKER BARRETT: Thank you. The question is the advancement of LB 399 to E & R for engrossment. Those in favor say aye. Opposed no. Ayes have it, motion is carried. The bill is advanced. Mr. Clerk, have you anything for the record?

CLERK: Mr. President, I have amendments to be printed from

January 19, 1990

LB 87, 159, 163, 163A, 220, 240, 257
313, 315, 397, 399, 486, 488, 488A
756, 856, 911, 963, 1002, 1026, 1033
1037, 1050, 1051, 1090, 1108, 1109, 1141
1168, 1181, 1190
LR 239, 240

PRESIDENT: Okay. Thank you. Senator Ashford, you are next, but may I introduce some guests under the south balcony, please. We have from District 22, which is Senator Robak's district, Dianne Foltz of Platte Center and Betty Grant of Columbus, Nebraska. With them are three AFS students, Jean/David Miquel of Paris, France, and Patty Cervantes from Bolivia, and Shane Walker from Australia. Would you folks please stand and be recognized. Mr. Clerk, you have something for the record?

CLERK: I do, Mr. President, very quickly. Enrollment and Review reports LB 163 to Select File, LB 163A to Select File, those signed by Senator Lindsay as Chair. Agriculture Committee, whose Chair is Senator Rod Johnson, reports LB 856 to General File. (See page 429 of the Legislative Journal.)

Mr. President, Senator Coordsen, as Chair of the Business and Labor Committee, has selected LB 313 and LB 315 as the committee priority bills for the year. And Enrollment and Review reports LB 87, LB 220, LB 240, LB 257, LB 397, LB 399, LB 486, LB 488, LB 488A, LB 756 all correctly engrossed. Those signed by Senator Lindsay as Chair. (See pages 430-33 of the Legislative Journal.)

Mr. President, notice of hearings from the Education Committee and from the Natural Resources Committee, signed by the respective chairs. (Re: LB 1190, LB 1181, LB 1168, LB 911, LB 1050, LB 1090, LB 1033, LB 1037, LB 963, LB 1026, LB 1108, LB 1109, LB 1141, LB 1002, LB 1051, LR 239 and LR 240.) And Senator Haberman has amendments to be printed to LB 163. That's all that I have, Mr. President. (See pages 433-34 of the Legislative Journal.)

PRESIDENT: Senator Ashford, did you wish to speak on the first set of Kristensen amendments?

SENATOR ASHFORD: I call the question.

PRESIDENT: Oh, you call the question. The question is, shall debate cease? All those in favor...Do I see five hands, first? I do. The question is, shall debate cease? All those in favor vote aye, opposed nay. What do you think, Senator Ashford? Record, Mr. Clerk.

CLERK: 16 ayes, 0 nays to cease debate, Mr. President.

CLERK: (Read LB 821 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 821 become law? Those in favor please vote aye, opposed nay. Please record, Mr. Clerk.

CLERK: (Read record vote as found on page 635 of the Legislative Journal.) 39 ayes, 0 nays, 10 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 821 passes. LB 822, Mr. Clerk.

ASSISTANT CLERK: (Read LB 822 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 822 pass? Those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: (Read record vote as found on page 636 of the Legislative Journal.) 41 ayes, 0 nays, 8 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 822 passes. Moving back to the first bill on Final Reading, LB 399, followed by LB 823. Mr. Clerk.

CLERK: (Read LB 399 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 399 pass? All in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: (Read record vote as found on page 637 of the Legislative Journal.) 41 ayes, 0 nays, 8 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 399 passes. LB 823. Mr. Clerk.

CLERK: (Read LB 823 on Final Reading.)

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

CLERK: (Read LB 827 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 872 become law? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Read record vote as found on page 641 of the Legislative Journal.) 39 ayes, 0 nays, 2 present and not voting, 8 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 827 passes. LB 828.

ASSISTANT CLERK: (Read LB 828 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 828 pass? Those in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: (Read record vote as found on page 642 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 7 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 828 passes. LB 829.

ASSISTANT CLERK: (Read LB 829 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 829 become law? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: (Read record vote as found on pages 642-43 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 829 passes. And while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 821, LB 822, LB 399, LB 823, LB 824, LB 825, LB 826, LB 827, LB 828, and LB 829. Mr. Clerk, proceed to LB 187.

CLERK: Mr. President, I have a motion on the desk. First motion I have on the bill is by Senator Moore. Senator Moore, Mr. President, would move to return the bill for purposes of

February 2, 1990

LB 187, 399, 465, 708, 821-829, 980
LR 249

SENATOR HANNIBAL: Motion passes. Senator Chambers, please.

SENATOR CHAMBERS: I move adoption of the amendment as discussed.

SENATOR HANNIBAL: Any discussion? Any closing, Senator Chambers? Motion before you is the adoption of the amendment. All those in favor vote aye, opposed nay. Record, Mr. clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment.

SENATOR HANNIBAL: Motion is adopted. Senator Chambers.

SENATOR CHAMBERS: I move that LB 465 be readvanced to E & R for engrossing.

SENATOR HANNIBAL: Any discussion? All those in favor say aye. Opposed same. It's readvanced. Mr. Clerk.

CLERK: Mr. President, may I read some items for the record? Mr. President, your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning as of 10:45 a.m. (Re. LB 821, LB 822, LB 399, LB 823, LB 824, LB 825, LB 326, LB 827, LB 828, and LB 829.)

I have an amendment to be printed by Senator Moore to LB 187. Senator Lamb designates LB 980 as one of the Transportation Committee's priority bills. And, Mr. President, new resolution, LR 249 by Senators Scofield and Dierks. (Read brief summary of resolution.) That will be laid over, Mr. President. That's all that I have, Mr. President. (See pages 646-48 of the Legislative Journal.)

SENATOR HANNIBAL: We'll proceed to General File, LB 708.

CLERK: Mr. President, 708, I believe, was discussed yesterday by the Legislature. (Read title.) The bill was introduced last year, Mr. President, referred to Judiciary, advanced to General File. Yesterday there was an amendment to the bill by Senator Chambers that was adopted. I now have pending, Mr. President, an amendment to the bill by Senator McFarland. (McFarland amendment appears on page 648 of the Legislative Journal.)

February 12, 1990 LB 399, 761, 821-829, 852, 869, 872, 1022
1063, 1066A, 1070, 1076, 1098
LR 252

LB 1076, LB 1098, LB 852, LB 872, LB 1022, LB 1063, and LB 1070. Some of those have Enrollment and Review amendments attached, Mr. President. (See pages 727-38 of the Legislative Journal.)

I have a new A bill, LB 1066A by Senator Wesely. (Read for the first time by title. See page 738 of the Legislative Journal.)

Mr. President, a communication from the Governor to the Clerk. (Read. Re: LB 399, LB 821, LB 822, LB 823, LB 824, LB 825, LB 826, LB 827, LB 828, and LB 829.) I have an Attorney General's Opinion to Senator Goodrich regarding LB 869. (See pages 739-40 of the Legislative Journal.)

Mr. President, received a report from the Middle Niobrara NRD regarding payment of attorney fees. That will be on file in my office. It is filed pursuant to statute. And, finally, Mr. President, a report from the Judiciary Committee. That is filed pursuant to Section 18 of LB 761. That report will be on file in the office as well.

SPEAKER BARRETT: Thank you. Members are very much aware of the fact that we do have a number of guests with us this morning. As a result of Vocational Education Week, we have Vocational Education students from various locations across the state who are visiting with us today and shadowing some of us through our activities. They are all in the balconies and I would appreciate it if you people would stand momentarily and take a bow and let your Legislature welcome you officially. Please stand. Thank you very much. We are pleased to have you with us. We hope you have a good day. Also the Chair makes note of the fact that Senator Scofield would like to recognize that the doctor of the day, Christine Johnson of Lincoln on behalf of the Nebraska Academy of Family Physicians. Please welcome Dr. Johnson. We are glad to have you with us, Doctor. Also an announcement of special note. (Gavel.) The Chair has been advised that a former member of this body passed away Saturday evening, Senator Maurice Kremer. The service will be held at 2:00 p.m., Wednesday afternoon in Aurora at the Pleasant View Bible Church; memorial service at two o'clock, Wednesday afternoon in Aurora, Pleasant View Bible Church. Thank you. Mr. Clerk, legislative resolutions, LR 252.

CLERK: Mr. President, LR 252 offered by Senators Conway, Warner, Korshoj, Nelson, and Beyer. It is found on page 710 of the Journal. (Read brief explanation.)