

hospital or whether he has returned home. So, do what you think you want to on that. Thank you. Mr. Clerk, some new bills.

CLERK: Mr. President, new bills. (Read LB 463-472 by title for the first time. See pages 242-44 of the Legislative Journal.)

Mr. President, new A bills. (Read LB 303A, and LB 309A by title for the first time. See pages 244-45 of the Legislative Journal.)

Mr. President, in conjunction with that, I have a motion from the Speaker. Mr. President, the motion offered by the Speaker relates to LB 309A and 303A. It moves to suspend Rule 5, Section 6(f) to refer those two A bills to the Appropriations Committee.

FRESIDENT: (Gavel.) If I could have your attention a moment, please, we're going to our Speaker for a special motion. Mr. Speaker.

SPEAKER BARRETT: Thank you, Mr. President, members. The motion which I have offered is essentially to suspend Rule 5, Section C, subsection (f) which indicates that each appropriations bill is to be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure. The purpose of the motion is to suggest that these two appropriations bills, which are aligned with 303A...or 303 and 309, the salary bill and the health insurance bill, go to the Appropriations Committee as opposed to being referenced directly to General File. The A bills have come over from the Governor's office for the first time, at least in my memory, as A bills, and it seems only practical that the A bills go along with the policy statement in 303 and 309, let the Appropriations Committee handle them, amend or change, if necessary, and come back with the main line bill. That is essentially it, Mr. President. I would move for the adoption of the motion to suspend the rules.

PRESIDENT: Thank you, Senator Barrett. The question is the suspension of the rules, and at the same time you are voting on sending these two bills to the Appropriations Committee. So it will be one vote, requires 30 votes. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

March 30, 1989

LB 108, 285A, 431, 465, 484, 552, 553
554, 565, 579, 581, 526, 637, 699
707, 719, 769, 806
LR 66

CLERK: 25 ayes, 0 nays on adoption of Senator Withem's amendment, Mr. President.

SPEAKER BARRETT: The Withem amendment is adopted. Back to the bill as amended. Senator Baack, anything further?

SENATOR BAACK: No, Mr. Speaker, I would simply urge the body to advance this bill. I...I agree with Senator Withem, it's not something that I...that I particularly like, not being able to prohibit the payment of petition circulators but I think it's something that we have to deal with in our law right now. So I would just urge advancement of the bill.

SPEAKER BARRETT: Any discussion? Shall LB 637 be advanced? Those in favor vote aye, opposed nay. Record, please.

CLERK: 25 ayes, 1 nay, Mr. President, on the advancement of LB 637.

SPEAKER BARRETT: LB 637 is advanced. Anything for the record, Mr. Clerk?

CLERK: Mr. President, thank you, yes. Your Committee on Judiciary whose Chair is Senator Chizek, to whom was referred LB 465 instructs me to report the bill back with the recommendation it be advanced to General File; LB 552, General File; LB 554, General File; LB 565, General File; LB 579, General File; LB 719, General File with amendments; LB 769, General File with amendments; LB 108, indefinitely postponed, as is LB 484, LB 553, LB 626, LB 699, LB 806, all those indefinitely postponed. (See pages 1404-05 of the Legislative Journal.)

Revenue Committee reports LB 707 to General File with amendments and LB 581, General File with amendments. Those are signed by Senator Hall as Chair. New resolution, LR 66 by Senator Rogers. (Read summary of resolution.) That will be laid over. Lobby report for this week, Mr. President. Amendments to be printed, Senator Lamb to LB 285A, Senator Wehrbein to LB 431. And, Mr. President, I have motions from Senator Warner, as Chair of the Appropriations Committee, regarding introduction of a new bill and a rules suspension accompanying that. Both of those will be laid over. That's all that I have, Mr. President. (See pages 1406-10 of the Legislative Journal.)

January 12, 1990

LB 465, 503, 503A

SPEAKER BARRETT: LB 503 is advanced. LB 503A.

CLERK: LB 503A, Mr. President, offered by Senator Goodrich. (Read title.)

SPEAKER BARRETT: The Chair recognizes Senator Goodrich.

SENATOR GOODRICH: Mr. President, and members of the body, I would move that we advance 503A. There will be an amendment coming on Select File, that we can put on Select File, in other words, to get the last minute figure of it now that we know what the figures are that are being considered by the body. We will have the amendment drafted and put it on on Select File, so I would move we'd just advance 503A to Select File as it is right now, and we will change it on Select File.

SPEAKER BARRETT: Is there debate? If not, those in favor of the advancement of the A bill vote yes, opposed no. Have you all voted? Please record.

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of 503A.

SPEAKER BARRETT: LB 503A is advanced. To LB 465, Mr. Clerk.

CLERK: Mr. President, 465 was a bill that was introduced by Senator Chambers. (Read title.) The bill was introduced on January 17 of last year. At that time, it was referred to the Judiciary Committee. The bill was advanced to General File.

SPEAKER BARRETT: Senator Chambers, would you care to explain your bill?

SENATOR CHAMBERS: Yes, Mr. Chairman, and members of the Legislature, this is a bill that would prohibit discrimination against people with the HIV, which is the human immunodeficiency virus, and AIDS, which is the acquired immunodeficiency syndrome. What this bill is designed to do is to protect people in the areas of housing, employment, education, school attendance, and public accommodations. It had a hearing before the Judiciary Committee and emerged from the committee without a dissenting vote. What I wish is that all of the members of this Legislature and the public at large could have sat in on that hearing because we had representatives from a number of health agencies, which would include the Health Department, the

University of Nebraska Medical Center, and during their testimony, they explained the nature of the disease that we are talking about, the problems encountered by people who test positive for the virus, and then the increased discrimination of those who develop the disease itself. And what the disease does is to attack the immune system so that it cannot fight off infections, which under ordinary circumstance would not only be not life threatening but not even considered serious. In the present set of circumstances, when a test is given to determine whether a person has been exposed to the virus, the test reveals antibodies for the virus or to the virus in the blood. If the antibodies are there, then that indicates that a person has been exposed to the virus. There may be from five to ten years before any symptoms show up or the disease, itself, comes into flower. Recently, something occurred that was a shock to everybody in the medical community. A person who had developed the disease, itself, somehow wound up being completely free of all vestiges of the disease, any indication of the virus. The disease, itself, was gone, no antibodies existed, and nobody can explain why that happened. But in the ordinary current of events, AIDS, once it develops, is fatal. There have been tragic instances of children and their families set upon by a frightened community who was intent on trying to keep the child from attending school. The fear that they had is easily understood and the fear was grounded on ignorance about the nature of the disease and how it is transmitted. Some people still are told and others believe that it can be transferred on toilet seats, drinking after somebody, or other types of casual contact, but it has been established through study after study after study that the disease can be transmitted sexually because the virus thrives in blood, semen, and vaginal fluids. It can be transferred through the use of nonsterile needles, but there has to...oh, and a woman who is infected can pass it on to her child as the child is born, or prior to the birth of the child. But the problem is that the public does not understand the nature of the disease, and where there is a lack of understanding, there is fear. Nobody would want to contract AIDS and we all understand this, but for those who test positive or those who have the disease, they yet remain human beings. There are rights and privileges to which they continue to be entitled. This Legislature and others have seen fit to build walls of protection around those groups who would stand to face discrimination, and in this case where a person is facing a virtual death sentence, we should not permit other types of problems to be created through discrimination. So what this

bill would do is prohibit discrimination against such persons in employment, housing, school attendance, and public accommodations. Some people had asked me whether or not if a person were working around food and had the virus or AIDS could they be removed from that job without being in violation of this law. The current law allows any employer who has an employee with a communicable disease to be removed from food areas. So this bill does not change any of that kind of law. If you would glance at some of the handouts that I gave you, you would see the rationale for why the Nebraska Health Department supports this bill, why the representative from the University of Nebraska Medical Center, who is the case manager of the viral syndrome clinic, supports the bill. The Nebraska Nurses Association is in support. The Association of Practitioners and Infection Control is in support along with their members. The Liaison Group of Nebraska Nursing Organizations, with a list at the bottom of the first page and continuing to the top of the second page of the handout that I gave you, are all in support. Then there is testimony from a representative of the Lincoln-Lancaster County AIDS Task Force, and in all of these presentations, you are dealing with the opinions and conclusions of people who have had direct experience with the AIDS problem and people who are afflicted by the disease. They have first-hand knowledge and information about the types of discrimination these people face. They have come to realize that if a person can lose a job for testing positive, most people who might ordinarily take the test if they thought there was a basis, will not do so, because to lose a job in that set of circumstances makes it practically impossible to obtain another. There are hemophiliacs who may have a reason to test for this virus because not many years ago blood was contaminated. They say now through universal testing and screening that is not the case and you don't have to be worried as much about blood transfusions, but there are people who have received the disease as a result of blood transfusions. Having a bill such as this will take away the fear that individuals have of the test, and fear of giving this information to others who are entitled to receive it. The final thing I would like to say before I sit down, then I have an amendment that I am going to offer to the bill, but I wanted you to know in general what it is that I am talking about. There were two people who spoke against the bill, and their names are on the sheet. I am not going to give their names because my intent is not to hold them up to scorn. Everybody is entitled to whatever their opinion is on an issue, but the crux of their testimony, the nub of it, was

that there is a type of conduct which is ungodly, and that conduct carries its own punishment, and that punishment is AIDS, and it says, people contract AIDS, which is viewed as a punishment from an outraged deity, there should be no protection offered in the law for people with that disease. Were I offering a bill that would try to obtain money for treatment and investigation of the disease, they might have said the same thing on that score that we should not be wasting money to try to thwart the will of God. I at least want you to know what the negative testimony was, but here is something that all of us are aware of. Very young children have gotten the disease, and who can say that a baby, a baby born with this disease is a sinner, cursed of God,...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...therefore, should be thrown to the wolves. There are people whose spouses may have obtained the disease as the result of a blood transfusion and receives it from an unwitting spouse not even knowing that he or she had the disease. So there are circumstances under which people can contract this disease which have nothing to do with conduct that anybody in society would deem reprehensible. These people are not lepers. They are not diseased things. They should not be thrown on the garbage heap of society. They are human beings, and regardless of how they came by the disease, our concern should be how they are treated now that they have it, and this bill is designed to give them a measure of protection that will let them live out whatever days they have left with a minimum of overdiscriminatory mistreatment.

SPEAKER BARRETT: Thank you. An amendment on the desk, Mr. Clerk.

CLERK: Mr. President, Senator Smith, you had an amendment from last year. Senator, I had a note that you wished to withdraw. Mr. President, Senator Chambers would like to amend his bill. (See FA 324 on page 315 of the Legislative Journal.)

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, and members of the Legislature, if you will look at the first statement attached to the handout that I gave you, you will see some underlying material in the third paragraph from the bottom, and the suggestion from the

Health Department is that more precise language be used to describe what we are talking about than the language in the bill. The language in the bill says, "acquired immunodeficiency syndrome or its related diseases". The amendment that was suggested by the Department of Health which I am offering to the bill would strike that language and substitute "human immunodeficiency virus infection or acquired immunodeficiency syndrome." So it would be HIV/AIDS, but we spelled out the words so I am asking that this amendment be adopted so that we are precisely stating the condition that is being covered by the bill.

SPEAKER BARRETT: Thank you. Discussion on the Chambers amendment, Senator Dierks. Thank you. Senator Wesely, on the Chambers amendment. Senator Pirsch.

SENATOR PIRSCH: I guess I will talk on the amendment and really address the bill as well as the amendment, and I am glad that it was made very clear, and I thank you, Senator Chambers, for bringing this to the body. It is a problem that is widespread, will become more widespread, and these people, as you mentioned, the innocent babies that are born, those who have acquired it from blood transfusions need this kind of protection, and I intend to support the amendment and the bill. Thank you.

SPEAKER BARRETT: Thank you. Any other discussion? Senator Chambers, to close. Thank you. The question is the adoption of the Chambers amendment. All in favor vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of Senator Chambers amendment.

SPEAKER BARRETT: The amendment is adopted. Back to the bill as amended, discussion on the advancement of the bill. Senator Dierks, followed by Senator Wesely. Senator Dierks.

SENATOR DIERKS: Mr. Speaker, and members of the body, I, too, thank Senator Chambers for bringing this legislation. I think it is quite necessary and he has done an excellent job of telling you the risks and the method of transmission of this disease. I have had a personal experience in that I have visited an AIDS home in the Washington, D.C. area, one that is run by Mother Teresa, and at that time I met several AIDS patients. I really had no fear of that because my son had

worked there for some time and we, of course, understood how AIDS is transmitted and knew that all precautions that were necessary were taken. I just wanted to tell you about a little girl that was in that home. She was nine years old and had had AIDS since she was born. It is difficult for me to understand how anybody could object to the legislation on the basis that this is some method of God's punishment because that little girl was very innocent, of course, when she came there. She had had chicken pox for I believe eight months at that time because her immune system was destroyed and she couldn't get over it. She died shortly after we were there and I think that, of course, the care that she got in that home was extremely good, and I think she did live in some ease the last few months of her life, but I just wanted to relate that to you. And I think so many times we go by old wives' tales, and we don't pay attention to facts, and we don't understand sometimes what we do to people by small or little information that we have. So this type of legislation, it is almost a shame that it is necessary but I think it is and I applaud Senator Chambers for bringing it. I support it. Thank you.

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, members. Very briefly, I would like to take a chance to commend the Legislature. A lot of times we take a lot of hits down here for things we do or even sometimes for things we don't do, and I know we all have our disappointments. But on this issue of AIDS, this Legislature did some of the best work in the country. We were one of the last to take action on the AIDS issue and it turned out to be wise. We passed, in 1988, legislation that turned out to be nationally recognized as some of the best, most common sense types of approaches to the issue that we saw anywhere in the country. If you remember the hysteria build up, especially in '87, and '86, and there we had a lot of legislation that people were pushing, a little more dramatic, a little more flair than what we looked at in 1988, but it turns out in some of those cases, they have repealed those pieces of legislation that were so much more aggressive than what we looked at, and it turns out the legislation we passed ended up serving its purpose, doing a good job, and I think we can be proud of the good work we did two years ago. Part of that bill talked about the intent of the Legislature to deal with the discrimination issue, and Senator Chambers will remember this. Senator Chambers amended that bill and put in the intent of the

Legislature. We then worked and Senator Chambers put together this legislation, LB 465, to implement the follow-up to that intent language and now we have the bill before us this session, another year later. But clearly, when we passed the bill two years ago, it was intended that this follow, because what we found from our work on AIDS over the past few years is you need to encourage the testing, encourage the cooperation of these individuals, and as long as there is any threat, whatsoever, of discrimination, you simply don't have, in some cases, that cooperation. So this will remove that last barrier, that last concern that we had with the legislation we passed two years ago and complete the good work that we did at that time. Again, I commend the Legislature for the initiatives that we pursued and I think with this legislation we complete the job in fine fashion.

SPEAKER BARRETT: Any other discussion? Seeing none, Senator Chambers, to close.

SENATOR CHAMBERS: Mr. Chairman, and members of the Legislature, I want to express appreciation to the Speaker for placing this on his priority list, and I do appreciate the comments that others have made. This is one of those areas where if people see those who represent them and who have been elected taking an enlightened position such as this, it may cause them to pause before they panic and do things that they might regret later. One thing I also wanted to mention is that during the hearing the Superintendent of the Kenesaw Public Schools had come down and he supported this legislation, and he discussed action taken in that community revolving around a little boy who did have AIDS, and when they had meetings and people were given information, there was not the hysteria, there were not people with picket signs saying, get this little child out of our schools, that he is going to contaminate our children. It brought a community together, and I don't know what has happened to the little boy since then, but at any rate, the community became an example of how I wish this matter would be handled if it arose any place else. At the time that it occurred, there was an article or two, but I want it into the record at every stage that I speak on this bill a recognition of how that community, a small rural community in a state like Nebraska showed how people can respond in a humane enlightened way to a situation that has terrorized a lot of people in a lot of other places. So I hope this bill will be advanced and, again, I appreciate the comments of those who spoke on it.

January 12, 1990

LB 224, 465, 1127-1133

SPEAKER BARRETT: Thank you. The question is the advancement of LB 465 to E & R. Those in favor vote aye, opposed nay. Record, please.

CLERK: 33 ayes, 0 nays on the advancement of 465, Mr. President.

SPEAKER BARRETT: LB 465 is advanced to E & R. Anything for the record, Mr. Clerk?

CLERK: Mr. President, new bills. (Read for the first time by title: LB 1127-1133. See pages 315-17 of the Legislative Journal.)

Hearing notices, Mr. President, from the Government Committee and from the Transportation Committee signed by their respective Chairs. That is all that I have.

SPEAKER BARRETT: Thank you. Moving to Select File, Mr. Clerk, LB 224, please.

CLERK: Mr. President, 224 is on Select File. E & R amendments have been adopted. When we left the bill in March of last year, I had pending an amendment from Senator McFarland. That amendment is now before us, Mr. President. Senator, I have your amendment that is on page 1271 of last year's Journal. It reads on page 7, line 10, after the word "the" insert "aggregate penal"; and strike beginning with the word "approved" in line 24 through the word "or" in line 25 on page 10.

SPEAKER BARRETT: The Chair recognizes Senator McFarland.

SENATOR MCFARLAND: Excuse me, Mr. Clerk, could you repeat which section. I remember the language now but I want to focus in on that.

CLERK: It is page 7, line 10, after the word "the" insert the words "aggregate penal"; and then also, Senator, on line 24, strike beginning with the word "approved" through the word "or" in line 25.

SENATOR MCFARLAND: Strike which language again?

CLERK: Strike beginning with the word "approved" in line 24.

January 18, 1990

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

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

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

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

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

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

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

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

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

January 29, 1990

LB 240A, 409, 422, 465

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

CLERK: Nothing further on that bill, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 422 as amended
be advanced to E & R for engrossment.

PRESIDENT: You've heard the motion. All in favor say aye.
Opposed nay. It is advanced. LB 409.

CLERK: Senator, I have no E & R to that bill.

PRESIDENT: All right, thank you. Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 409 be advanced
to E & R for engrossment.

PRESIDENT: You've heard the motion. All in favor say aye.
Opposed nay. It is advanced. LB 465.

CLERK: Senator, on 465, I have Enrollment and Review
amendments.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that the E & R
amendments to LB 465 be adopted.

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

CLERK: Nothing further on that bill, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 465 as amended
be advanced to E & R for engrossment.

PRESIDENT: You've heard the motion. All in favor say aye.
Opposed nay. It is advanced. LB 240A.

CLERK: LB 240A, Senator, I have no amendments to the bill.

January 29, 1990

LB 50, 109, 111, 143, 163, 210, 218
240A, 248, 328, 465, 475, 479, 667
802, 885, 900A, 915A, 921, 971, 978
1003, 1035, 1058

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 240A be advanced to E & R for engrossment.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. Thank you for that. Do you have something for the record, Mr. Clerk?

CLERK: I do, Mr. President. Mr. President, your Committee on Judiciary whose Chairperson is Senator Chizek reports LB 210 to General File, LB 921 to General File, LB 978 to General File, LB 111 to General File with amendments, LB 885 General File with amendments, LB 1003 General File with amendments, LB 1035 General File with amendments. LB 109 indefinitely postponed, LB 218 indefinitely postponed, LB 248 indefinitely postponed, LB 328 indefinitely postponed, LB 475 indefinitely postponed, LB 479 indefinitely postponed, LB 667 indefinitely postponed, LB 802 indefinitely postponed, LB 971 indefinitely postponed, and LB 1058 indefinitely postponed. (See pages 553-55 of the Legislative Journal.)

Mr. President, announcement, the Appropriations Committee will be conducting their hearings in Room 2114 the balance of this week, Appropriations Committee in Room 2014 for this week for their public hearings.

Amendments to be printed to LB 465 by Senator Chambers, Senator Baack to LB 143, Senator Dierks to LB 50. (See pages 557-58 of the Legislative Journal.)

Notice of hearing from Education Committee; and from Natural Resources.

Two new A bills. (Read LB 900A and LB 915A by title for the first time. See pages 558-59 of the Legislative Journal.)

Mr. President, a request from Senator Beck to add her name to LB 163 as co-introducer. (See page 559 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Thank you. Senator Schimek, would you like to say something about adjourning until tomorrow at nine o'clock, please.

February 1, 1990

LB 37, 81, 240A, 409, 422, 465, 543
678, 678A, 863, 953, 1004, 1124

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber on this the 20th day of the Second Session of the Ninety-First Legislature. Our Chaplain this morning, Dr. John Wagner, President of Union College. Mr. Wagner.

DR. WAGNER: (Prayer offered.)

SPEAKER BARRETT: Thank you, so much, Mr. Wagner. 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 announcements, reports or messages?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they've carefully examined engrossed LB 37 and find the same correctly engrossed; LB 240A, correctly engrossed; LB 409, LB 422, LB 465, LB 543, LB 678, LB 678A, all of those reported correctly engrossed, all signed by Senator Lindsay as Chair of the E & R Committee. (See pages 612-16 of the Legislative Journal.)

Mr. President, Senator Smith has designated LB 1124 as her personal priority bill this session. Senator Haberman has selected LB 953 as one of the Retirement Systems Committee's priority bills. Senator Smith has designated LB 863 as one of the General Affairs Committee priority bills. And Senator Carson Rogers selected LB 1004 as his personal priority bill. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The Chair has a very special announcement at this point. Today, February 1st, is the birthday of Senator Carson Rogers. Senator Rogers has provided the treats on each of the desks this morning. Happy birthday, Senator Rogers. Mr. Clerk, to Item 5, on General File, 1990 priority bill.

CLERK: Mr. President, LB 81 was a bill introduced originally

separate item. I'm sure that most phone companies currently have the ability to do that but, for example, if there was a small company that did not have that ability, they would still be required to do that with the passage of this law. I would urge the body return the bill.

SPEAKER BARRETT: Thank you. The question before the house is the return of the bill to Select File for purposes of amending. All in favor vote aye, opposed nay. Please record.

CLERK: 28 ayes, 0 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: LB 240 is returned. Senator Hall.

SENATOR HALL: Mr. President, I'd move the adoption of the amendment.

SPEAKER BARRETT: Thank you. Is there discussion? If not, those in favor of the adoption of the Hall amendment please vote aye, opposed nay. Please record.

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

SPEAKER BARRETT: The amendment is adopted. Senator Hall.

SENATOR HALL: Mr. President, I'd move that LB 240 be advanced to E & R for engrossing.

SPEAKER BARRETT: Discussion? All in favor of the readvancement of the bill say aye. Opposed no. Ayes have it, motion carried, the bill is readvanced. Mr. Clerk.

CLERK: Mr. President,....

SPEAKER BARRETT: The Chair advises that we will proceed to one other bill on Final, LB 465, which has a very technical amendment, in an effort to save a few printing dollars. I'd like to recognize Senator Chambers. (Chambers amendment appears on page 557 of the Legislative Journal.)

SENATOR CHAMBERS: Thank you, Mr. Chairman and members of the Legislature, in order to explain this procedure, bills on Final Reading that need amendments were being called back this

morning, and this is one that is on Final Reading and needs to be called back also. I checked with the Bill Room, and the bill has not been printed yet, so by adding this amendment at this point we will not...we will avoid a situation where the bill will be printed, then it has to be called back, the amendment added, then reprinted. The amendment is one with which I agree. This bill relates to the prohibition against discriminating against people with AIDS. The amendment that I'm offering was put together in conjunction with the Nebraska Hospital Association, those representing the school districts, because there are in place now federal laws and certain requirements from the disease control people in Atlanta relative to how persons, who are working in a surgical setting with AIDS, are to be treated. If they have a certain stage of the disease, they cannot participate in intrusive surgery, because of the possibility of endangering the patient. Under current federal laws, statutes and regulations, a person in that situation can be transferred to a different type of work where there is not the danger that would exist in the surgical setting. The absolute terms of LB 465 would make it discriminatory for such a transfer to occur. If the person was treated in an improper way solely because of AIDS and not because of the circumstances that I'm describing here, they would still have the protection against discriminatory handling. With reference to, and I handed this sheet out that gives an explanation of these amendments, with reference to the school's situation, it would be found on the back page, on the back side of that page. And this is the language that the schools presented to me that persuaded me that the amendment would be justified where they are concerned. Students in special education often have health problems necessitating medical procedures or special placement. As currently drafted it would be discrimination to change a child's placement if the child has AIDS, despite other medical problems. School administrators must be given the ability to comply with disease control guidelines, meaning, based on the way it was explained, that if there is a basis, other than the AIDS condition, for putting a child in a different placement, they could not make that placement because due to the fact of having AIDS it could be ruled discriminatory, even though the placement was not based on the fact that the child has AIDS. For a different medical purpose, there could be the requirement of a placement. Then, obviously, if the condition was such that it could endanger other children, if at that point of development, then the school should be able to take appropriate action to ensure against the transmittal. That is the

amendment. I'm asking that LB 465 be returned for the purpose of attaching it. If you agree with the amendment, then you will vote to return the bill. After having talked to the people who are advocating the amendment and reviewing the circumstances under which the bill was brought, having talked to a representative of the practitioners who deal with infectious diseases, they supported the bill and they support the amendments, I feel comfortable with what is being offered in that amendment. And it is printed in the Journal at page 557. So I'm asking that 465 be returned to Select File for the purpose of adopting this specific amendment.

SENATOR HANNIBAL PRESIDING

SENATOR HANNIBAL: Thank you, Senator Chambers. To speak on returning the bill, Senator Nelson, your light is on.

SENATOR NELSON: Yes, Mr. Speaker, just to reaffirm Senator Chambers. And I appreciate his being...willingness to return this amendment. And the Hospital Association and others who were made aware of rules and regulations change and change very rapid from the time that this bill was heard in Judiciary Committee, and I commend Senator Chambers for being willing and understanding the need for this change. So, I do hope that you support it. Thank you.

SENATOR HANNIBAL: Thank you, Senator Nelson. Senator Chambers, there are no other lights on. Would you care to close?

SENATOR CHAMBERS: Just very briefly. I also informed the people who want the amendment that if it should come to my attention that this language is being used as a stratagem for the purpose of discriminating against people with AIDS in a way that we do not want done, based on the body of the bill, then I would be doing something to make sure that that situation is corrected. But I have no reason, at this point, to believe that it's a stratagem to avoid the requirements of the bill.

SENATOR HANNIBAL: Senator Chambers has closed. The issue before you is, shall LB 465 be returned from Final Reading to Select File for a specific amendment? All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to return the bill.

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.)

discriminate against these players in the granting of aid that is available to all other students. That discrimination is admitted by the university. The university, in a letter to Senator McFarland, has put in writing their admission of this discrimination and I sent a copy of that to the Department of Education yesterday. The Legislature, as a result of this discussion, knows about the discrimination. Nobody has refuted the discrimination. Next, if the Legislature refuses to act on this bill to prohibit the discrimination, the Legislature as a state, acting for the state, condones the discrimination, ratifies the discrimination and supports it. Then an argument could be given in general terms about the overemphasis on football in this state. The Legislature, knowing that its young people are being discriminated against at the university, are so locked into the football mentality, the football win-at-all-costs syndrome, that it will allow discrimination that it knows about to occur. It's kind of ironic that we just dealt with LB 465 because it also is an antidiscrimination bill dealing with those who have AIDS. The Legislature has an obligation to enact antidiscrimination legislation.

SENATOR HANNIBAL: One minute.

SENATOR CHAMBERS: Even Senator McFarland, or I should say also Senator McFarland acknowledges the discrimination as existing. What additional argument is needed? The only thing that anybody could offer against this bill is the idea that even if discrimination is necessary to make the Nebraska football program go, discrimination against these students is the price that has to be paid. And never again can anybody say that Nebraska does not have the win-at-all-cost mentality. There are not other schools around the country who say they favor a formalized practice of discrimination in order to win. Now they might practice it but they don't come out as blatantly as those people at Nebraska who are speaking against this bill would be doing. So if they persuade enough of you to vote against this bill to defeat it, naturally I would bring it back. But since there is a national discussion under way now about the discriminatory activities, and I handed you an article from the Chronicle of Higher Education related to this very subject,...

SENATOR HANNIBAL: Time is up, Senator Chambers.

SENATOR CHAMBERS: ...the discussion will not be terminated...

SENATOR LANGFORD: Okay, I'll ask for a call.

PRESIDENT: The question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 14 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Please record your presence. Those not in the Chamber please return to the Chamber and record your presence. Please look up to see if you have touched the magic button.

SENATOR LANGFORD: Could we have a roll call vote in reverse order, please.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Senator Lamb, please check in. Senator Lindsay, please check in. Senator Ashford, the house is under call. Senator Nelson, please check in. Senator Haberman. Senator Scofield, please record your presence. Richard Peterson, Senator Peterson, please. The question before the house is the advancement of LB 348 to E & R Initial. A roll call vote has been requested. Mr. Clerk, proceed.

CLERK: (Roll call vote taken. See page 675 of the Legislative Journal.) 25 ayes, 6 nays, Mr. President, on the advancement.

SPEAKER BARRETT: The motion prevails and the bill is advanced. The call is raised. Anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. I have a reference report, Mr. President, referring certain gubernatorial appointments to the appropriate Standing Committee for confirmation hearing.

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 107 and find the same correctly engrossed; LB 187A, LB 240, LB 465 all reported correctly engrossed. That's all that I have, Mr. President. (See page 676 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Proceeding then to Item 6 on the agenda, LB 953.

February 15, 1990 LB 143, 240, 240A, 465

CLERK: (Read LB 143 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 143 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 809 of the Legislative Journal.) 38 ayes, 3 nays, 1 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 143 passes. LB 240 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 240 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 240 pass with the emergency clause attached? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 809 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 2 present and not voting, 7 excused and not voting.

PRESIDENT: LB 240 passes with the emergency clause attached. LB 240A.

ASSISTANT CLERK: (Read LB 240A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 240A pass? All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 811 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 2 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 240A passes. LB 465.

ASSISTANT CLERK: (Read LB 465 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 465 pass? All those in favor vote aye, opposed nay. Have you all voted?

February 15, 1990 LB 350, 350A, 465, 692, 742

Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 812 of the Legislative Journal.) The vote is 41 ayes, 0 nays, 1 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 465 passes. LB 350.

ASSISTANT CLERK: (Read LB 350 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 350 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 813 of the Legislative Journal.) 41 ayes, 0 nays, 1 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 350 passes. LB 350A.

CLERK: (Read LB 350A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 350A pass? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 814 of the Legislative Journal.) 42 ayes, 0 nays, 7 excused and not voting, Mr. President.

PRESIDENT: LB 350A passes. LB 692, please.

CLERK: (Read LB 692 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 692 pass? All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See pages 814-15 of the Legislative Journal.) 41 ayes, 0 nays, 1 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 692 passes. LB 742 with the emergency clause

February 15, 1990 LB 50, 143, 240, 240A, 350, 350A, 465
663A, 692, 742, 1244, 1245
LR 8

takes 30 votes to do this at this time, and then we can go ahead and schedule the hearing and the hearing will be February 26, which is a week from Monday, should these bills be allowed to be introduced. Thank you.

PRESIDENT: Any further discussion? If not, the motion is to allow the introduction of the two bills. All those in favor vote aye, opposed nay. Requires 30 votes. Record, Mr. Clerk, please.

CLERK: 32 ayes, 0 nays, Mr. President, on the introduction of the new bills.

PRESIDENT: The new bills are introduced.

CLERK: Mr. President, new bills. (Read LB 1244 and LB 1245 by title for the first time. See page 820 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and do sign LB 50, LB 143, LB 240, LB 240A, LB 465, LB 350, LB 350A, LB 692, LB 742, LR 8CA. (See page 820 of the Legislative Journal.) We'll move on to General File, A bills, LB 663A.

CLERK: Mr. President, 663A offered by Senator Scofield. (Read title.)

PRESIDENT: Senator Scofield, please.

SENATOR SCOFIELD: Thank you, Mr. President and members. You will recall this is the bill that creates the Juvenile Services Act. The vast majority of the \$581,000 figure in this bill for fiscal year '90-91 and the \$565,928 figure for '90-92, the vast majority of those two fiscal notes are grants that would go out to communities to help them set up alternatives for juvenile incarceration, diversionary processes, if necessary, facilities to incarcerate juveniles. There is...the other piece of this that you need to know about is simply the administrative costs and the primary expenditure here is the \$28,000 figure for a juvenile coordinator with some secretarial support and some start up costs for the office. You will recall we made the decision to put this under Probation so that that could work more closely with the judges to help us solve that problem. It would be my intent that that juvenile coordinator position would

February 15, 1990 LB 42, 50, 143, 159, 240, 240A, 259A
350, 350A, 465, 692, 742, 844, 866
905, 919, 1080A, 1082, 1141, 1183
LR 8, 239, 256

CLERK: (Roll call vote taken. See page 830 of the Legislative Journal.) 2 ayes, 28 nays, Mr. President.

PRESIDENT: The motion fails. Anything for the good of the cause, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Mr. President, Senator Kristensen has amendments to be printed to LB 159; Senator Withem to LB 259A. (See pages 830-32 of the Legislative Journal.)

A new resolution, LR 256 by Senators Wesely, Withem, Bernard-Stevens. (Read brief explanation. See pages 832-33 of the Legislative Journal.) That will be laid over.

An announcement from the Speaker regarding afternoon sessions next Tuesday, Mr. President; a reminder of the membership. Confirmation report from the Nebraska Retirement Systems Committee. That is offered by Senator Haberman.

Bills have been presented to the Governor, Mr. President, as of 10:43 a.m., those read on Final Reading this morning. (Re: LB 50, LB 143, LB 240, LB 240A, LB 465, LB 350, LB 350A, LB 692, LB 742.) LR 8 presented directly to the Secretary of State.

A new A bill, LB 1080A by Senator Schellpeper. (Read for the first time by title. See page 834 of the Legislative Journal.)

Mr. President, Revenue Committee reports LB 844 to General File, LB 919 to General File, LB 1183 General File, and LB 1082 as indefinitely postponed. Those all signed by Senator Hall.

Mr. President, priority bill designations, Senator Byars has chosen LB 905; and Senator Lamb LB 866.

Mr. President, Education Committee, whose Chair is Senator Withem, reports LB 1141 to General File with committee amendments attached, signed by Senator Withem; and Education Committee reports LR 239CA to General File with committee amendments attached. (See pages 834-36 of the Legislative Journal.)

Finally, Mr. President, Senator Rogers would like to add his name to LB 866; and Senators Weihsing, Goodrich, and Coordsen to

February 21, 1990 LB 50, 143, 240, 240A, 350, 350A, 465
642, 692, 742, 1148, 1200

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated) ...George W. Norris
Legislative Chamber. We have with us this morning for our
invocation our own Senator Carol Pirsch. Would you please rise.

SENATOR PIRSCH: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Senator Pirsch. We appreciate
that very much. Roll call, please. Mr. Clerk, please.

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

PRESIDENT: Any corrections to the Journal today?

CLERK: No corrections, Mr. President.

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

CLERK: Mr. President, your Committee on Government, Military
and Veterans Affairs, whose Chair is Senator Baack, reports
LB 1200 to General File; LB 1148 as indefinitely postponed.
Those are signed by Senator Baack.

Mr. President, a communication from the Governor to the Clerk.
(Read communication regarding signing of LB 50, LB 143, LB 240,
LB 240A, LB 465, LB 350, LB 350A, LB 692 and LB 742. See
page 882 of the Legislative Journal.)

Mr. President, a series of appointments letters from the
Governor: Those will be referred to Reference.

I have an Attorney General's Opinion addressed to Senator
Schmit, Mr. President. And that's all that I have.

PRESIDENT: We will move on then, ladies and gentlemen, to our
General File and LB 642.

CLERK: Mr. President, LB 642 was a bill that was introduced by
Senators Ashford, Weihsing, Chambers and Crosby. (Read title.)
The bill was introduced on January 19 last year. At that time,
it was referred to Judiciary. The bill was advanced to General
File. I do have committee amendments pending by the Judiciary
Committee, Mr. President.