

will meet for a brief Executive Session, in Room 1003, upon recess to select a Vice-Chair. Appropriations Committee upon recess in Room 1003 by the Appropriations Committee.

Mr. President, I also have the Committee on Committees report as offered by Senator Lowell Johnson and the Committee on Committees. Also an acknowledgment, Mr. President, that Senator Beyer has been selected...Senator Emil Beyer has been selected as Vice-Chair of the Committee on Committees.

PRESIDENT: The Chair recognizes Senator Lowell Johnson. Could we have your attention for just a moment, please. (Gavel.) Could we have your attention just a moment, ladies and gentlemen. If we could have your attention just a moment, we won't request your attention too long today, but Senator Lowell Johnson has an announcement.

SENATOR L. JOHNSON: Mr. President and members of the Legislature, your Committee on Committees met yesterday, and after careful deliberations completed the committee roster, which you find on your desks, which has been placed there by the Clerk. The report was unanimously adopted by the Committee on Committees, and I, therefore, move at this time that it be accepted and approved by the Legislature.

PRESIDENT: Is there any discussion? If not, the question is the adoption of the report. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the Committee on Committees report.

PRESIDENT: The report is adopted. Back to you, Mr. Clerk. We're ready for the introduction of new bills. Mr. Clerk.

CLERK: Mr. President, new bills. (Read LB 1-80 by title for the first time. See pages 44-61 of the Legislative Journal.)

PRESIDENT: If I could have your attention just a moment, please, we'll introduce a couple of guests. Over under the north balcony, our first doctor of the day for this year is Dr. Dale Michaels of Lincoln, Nebraska. He's from Senator Warner's district. He's here to take care of us on behalf of the Nebraska Academy of Family Physicians. So would you welcome Dr. Michaels. Would you please stand, Doctor. Thank you for

January 9, 1989

LB 50, 84, 275, 279

Mr. President, a request from Senator Wehrbein to add his name to LB 50; Senator Robak to LB 275; and to Senator Korshoj to LB 84. (See page 129 of the Legislative Journal.)

Mr. President, one last bill, LB 279 offered by Senator Landis. (Read by title for the first time. See pages 129-30 of the Legislative Journal.)

Mr. President, I believe that is all that I have. One final reminder, Senator Lamb would like a meeting of the Transportation Committee upon adjournment in the Senate Lounge. That is all that I have, Mr. President.

Notice of hearing from the Banking, Commerce and Insurance Committee for Tuesday, January 17. And that is all that I have, Mr. President.

SPEAKER BARRETT: Thank you, Mr. Clerk. Senator Dennis Byars, your light is on. For what purpose do you rise?

SENATOR BYARS: There being no further business to come before this body this afternoon, I would move that we would adjourn until nine o'clock tomorrow morning, January 10.

SPEAKER BARRETT: Thank you. You've heard the motion. Those in favor say aye. Opposed no. Ayes have it, we are adjourned.

Proofed by:

Marilyn Zank
Marilyn Zank

March 14, 1989

LB 50, 54, 157, 203, 330, 357A, 455
496, 571, 583, 584-586, 597
LR 8-10, 52, 53

may. Record, Mr. Clerk, please.

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

PRESIDENT: The Nelson amendment is advanced. Now...is adopted. Now we're on the advancement of the bill, Senator Nelson.

SENATOR NELSON: Just move for the advancement.

PRESIDENT: Thank you. The question is the advancement of the bill. All those in favor say aye. Opposed nay. It is advanced. LB 157.

CLERK: Mr. President, may I read some items?

PRESIDENT: Yes, please.

CLERK: Mr. President, your Committee on Judiciary, whose Chair is Senator Chizek, to whom was referred LR 8, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments, LB 50 General File with amendments, LB 203 General File with amendment, LB 330 General File with amendments, LB 455 General File with amendments, LB 571 General File with amendments, LB 586 General file with amendments, LR 9 indefinitely postponed, LR 10 indefinitely postponed, LB 496 indefinitely postponed, LB 583 indefinitely postponed, LB 584 indefinitely postponed, LB 585 indefinitely postponed, all signed by Senator Chizek as Chair of the committee. (See pages 1129-38 of the Legislative Journal.)

Senator Morrissey offers LR 52 congratulating the Falls City Sacred Heart boys basketball team. That will be laid over. LR 53 is offered by Senators Chizek, Abboud and Beyer congratulating the Millard South boys basketball team. (See pages 1138-40 of the Legislative Journal.)

Mr. President, Senator Wehrbein has amendments to be printed to LB 54 and Senator Abboud to LB 597. (See pages 1140-41 of the Legislative Journal.)

Mr. President, on LB 157 which is on Select File, the first order of business are Enrollment and Review amendments.

PRESIDENT: Senator Lindsay, please.

January 12, 1990

LB 50
LR 238

SENATOR LANDIS: (Mike not activated immediately.) ...the rule under which we're voting so that we'll know the success or failure of the action by what requirement is needed to pass the measure.

SPEAKER BARRETT: A simple majority, Senator Landis. Thank you. Have you all voted? Record.

CLERK: 4 ayes, 5 nays, Mr. President, on adoption of the resolution.

SPEAKER BARRETT: Motion fails. For the record, Mr. Clerk?

CLERK: I have nothing at this time, Mr. President.

SPEAKER BARRETT: Thank you. Moving to General File, the Chair announces that we will be moving over LB 807 and proceed immediately to LB 50. Mr. Clerk.

CLERK: Mr. President, LB 50 was a bill that was introduced by Senator Dierks and Senator Wehrbein. (Read title.) The bill was introduced on January 5 of last year, Mr. President, at that time referred to the Judiciary Committee. The bill was advanced to General File. I do have committee amendments pending by the Judiciary Committee.

SPEAKER BARRETT: Senator Arlene Nelson, will you handle the committee amendments, please.

SENATOR NELSON: Mr. Speaker, thank goodness I didn't have to handle committee amendments on the bill yesterday. I wanted to commend the senators that did that. LB 50 concerns cruelty to animals. It was brought to us by Senator Dierks, I believe, and maybe Senator Wehrbein. It was held in the Judiciary Committee. It's an extensive upgrade and clarification of Nebraska's cruelty to animal statutes. Senator Dierks will explain the bill a little bit later. As a result of the testimony at the hearing, the committee made several amendments. These amendments are found on page 1130 of the Journal. They are principally this, the first amendment removes felony provisions from the bill and makes a subsequent offense a Class I misdemeanor. Also, the amendments eliminate provisions for multiple charges based on herd size. I believe that the third offense on that was a felony, and that was removed. Secondly, because of the constitutional concerns, the amendments eliminate

provisions for warrantless searches and some vague language for due process problems. Finally, the amendments clarify certain language which contained potential constitutional delegation and supremacy problems, and that will...I think we'll find that in Section 7. Senator Dierks, I think, has an amendment that addresses that. We heard this last year, I don't remember that we had a lot of discussion about it. But Senator Dierks' amendment, and he will explain that further. With that, I would urge the body to adopt the amendments and advance the bill.

SPEAKER BARRETT: Thank you, Senator Nelson. Mr. Clerk, an amendment to the amendment.

CLERK: Mr. President, Senator Dierks would move to amend the committee amendments by striking line 16.

SPEAKER BARRETT: The gentleman from Ewing, Senator Dierks.

SENATOR DIERKS: Thank you, Mr. Speaker and members of the body. The committee amendments on line 16 call for striking original Section 8 from the bill. Section 8 of the bill is a section which places the responsibility of a minor child's pet, places responsibility for acts of that child in cruelty on the parent. We're trying to say that the...we need to have someone responsible for that animal, and just because a child is a minor, that doesn't excuse cruelty to that animal or neglect. People from the Division of Animal Control in Lincoln and Omaha both found that this was necessary language in order to make the bill more viable. So we would like to see that particular section staying in the bill. And I guess that I talked with several of the attorneys on the committee and could find no particular reason, they couldn't remember the reason for striking that section. They refer to it on the committee statement, as I understand it, it says it changes some language which contained potential delegational and supremacy problems. And I guess I just don't see that as a problem. So I would ask that we keep Section 8 in the legislation that will provide parents responsibility for actions of their children. Thank you.

SPEAKER BARRETT: Any discussion on the amendment offered by Senator Dierks? Senator Lindsay, please.

SENATOR LINDSAY: Thank you, Mr. President. I rise in opposition to the Dierks amendment to the committee amendments.

Senator Dierks is right, we've been having some trouble trying to remember way back last spring as far as what the reasons were. On this particular section the reasons for deleting Section 8 were that what we are doing, and we've got to make that clear, what we are doing is making someone responsible for somebody else's criminal activity. We're not talking about a civil fine here or civil liability. We're talking about potential criminal sanctions to be imposed on somebody because someone else happens to commit a crime. We are...certainly we're talking about a parent-child relationship, but nonetheless we are talking about if a child...and we don't have to look at a four, five, six, seven-year-old, let's look at the persons who are still minors. Let's look at an 18-year-old who goes out with some high school friends, and goes out and cruelly mistreats an animal. It's the 18-year-old who should be responsible for that crime, not the parents of that 18-year-old. We can't just look at this in terms of a small child who a parent really may have the control over. We're seeking here to impose criminal liability upon someone for the acts of another person who has all the capability of determining what is right and what is wrong. I think the reason for striking in committee was just for that reason. Let's make the person who commits the act criminally liable. We have in most cases, if we're talking about some of those older kids, some of the older teenagers, we've got the juvenile court system that can be used to handle those matters. I don't think we want to overstep that and start dragging parents, who may or may not have any control over the child, drag them into the criminal system and impose criminal sanctions. I would urge the rejection of the Dierks amendment to the committee amendments.

SPEAKER BARRETT: Thank you. Senator Dierks.

SENATOR DIERKS: Well, it just appears to me that someone has to have control of these minors. And as long as we designate minors in law, they still are under the jurisdiction of their parents, and this legislation would simply strengthen that jurisdiction and allow for the nonanimal neglect. We're not...I'm not concerned as much about cruelty here as I am about their inability to feed the animals and keep water from them. I think that we're more concerned about neglect in this particular instance than we are about cruelty. But I still think that there has to be some responsibility for all these animals. If they happen to fall in that category, that they belong to a minor, which we all know is described by law, then that

responsibility should be accepted by the people who have charge of that minor. So I still would like to see Section 8 stay in there. I think that when the regulations are drawn, I think that the animal control people can...will see to it that that is a fair...that that Section 8 is treated fairly, and that the children are also treated fairly. Thank you.

SPEAKER BARRETT: Thank you. Senator Wehrbein, Senator Lindsay next.

SENATOR WEHRBEIN: Yes, Mr. Speaker and members, yes, just briefly. The way this reads it's a minor child, the parent of such minor child with whom the child resides, or legal guardian. So, the way I would understand it, it wouldn't necessarily be a mischievous criminal act that would be involved here, but there would be...the animal would be under the control of the parent in a lot of ways, if that parent...child is actually residing there. So I would support this amendment.

SPEAKER BARRETT: Senator Lindsay, please.

SENATOR LINDSAY: Thank you, Mr. President. I think we've got to make clear what Senator Dierks is trying to do, I think, is good, and that is to prevent some of the neglect that might be occurring due to a child maybe not having the proper training or not being disciplined properly in order to coerce, I guess, the child into making sure that that animal is taken care of. The problem is, if you remember, earlier this week we spent a lot of time on a DWI law because we said it was written too broadly, that it was, I think I used the term we were hunting squirrels with a howitzer. And that's kind of the problem here, too. We're not talking just about those small children. We are talking about...I don't expect...this a rhetorical question, so don't anybody incriminate yourself. But if you remember back to high school, some of the activities that you may have participated in, but maybe not directly dealing with animals, but activities, if you can think of any criminal activity, criminal mischief type things that you may have been involved in, and high school kids do it, let's face it, high school kids do that type of thing. Now, imagine if your parents were...had criminal liability imposed upon them for that activity or your children, if you had criminal liability imposed upon you for what your children did. The way this is written it does not apply just to small children. That may be true. To make the parents liable at that point, that may be valid, but that's not

the way it's written. The way its written imposes it on anybody up to or under, excuse me, under age 19. It's referring to a minor. I think that the committee amendments are valid. I think that the reasoning behind them is good. Again, I would urge the rejection of the amendment. I would give the remainder of my time to Senator Morrissey.

SPEAKER BARRETT: Senator Morrissey, approximately three minutes.

SENATOR MORRISSEY: I won't need much time. I would have to agree with Senator Lindsay. I will incriminate myself, although I won't get too graphic. When I was in high school I did some horrible, horrible things to animals. We had a Campbell's Soup plant in Tecumseh, and there were renegade chickens that hung out behind the plant. And in a small town, Saturday night, what are you gonna do? We went and rounded up a herd of chickens and did some unspeakable things to those chickens at night. And my parents, no matter what they told me, they wouldn't have made any difference. On a hot summer night, you're riding around out in the country, trunkload of chickens, nothing they said would have stopped us from doing what we did, and it was terrible. And I don't think my parents should have had any liability on that.

SPEAKER BARRETT: Further discussion? Senator Dierks, followed by Senator Nelson.

SENATOR DIERKS: I suppose that confession is good for the soul in that...Senator Morrissey. (Laughter.) I believe, Mr. Speaker, we're coming with another change in the amendment. If we strike the words "cruelly mistreated" from that Section 8, I think that might satisfy the...the very last line on page...line 13 on page 7, the very last line of Section 8. If we strike the language "cruelly mistreated" this may satisfy Senator Lindsay with his regards to the action of the minors and their parents responsibility. That way the wording would read if the animal is abandoned or cruelly neglected, and we strike the language "cruelly mistreated". Will that....Mr. Speaker, I believe that Senator Lindsay will bring a new amendment, and I'm going to withdraw my amendment to the amendment.

SPEAKER BARRETT: Thank you, it's withdrawn. We are then back to the amendment. Discussion on the committee amendments? Senator Nelson, on the committee amendments.

SENATOR NELSON: Mr. Speaker, it does come back to memory now. And I do have to concur with Senator Lindsay. I do remember, and I am not, as you all know, I do not have the legal background that Senator Lindsay has. But I do know that in Judiciary Committee we watched this very close. I think of this as the 16 or the 17 or the 18-year-old, an instance as Senator Morrissey...at first yesterday I couldn't really remember, I couldn't think why we did have concern of this section. With that, I do have to concur with Senator Lindsay. If Senator Lindsay would like the balance of my time, I would be more than happy to give it to him.

SPEAKER BARRETT: Senator Lindsay, you are recognized for about four minutes.

SENATOR LINDSAY: Thank you, Mr. President. I am offering the amendment that Senator Dierks referred to. That amendment would, it's an amendment to the committee amendments...why don't I just give up the time now and just wait until the amendment is called.

SPEAKER BARRETT: Thank you. Mr. Clerk, do you have the amendment on the desk now?

CLERK: I do, Mr. President.

SPEAKER BARRETT: Let's proceed to the amendment to the amendment.

CLERK: Senator Lindsay would move to amend by striking line 16 of the committee amendments, and in the original bill, page 7, line 13, strike "cruelly mistreated".

SPEAKER BARRETT: Senator Lindsay, for your amendment.

SENATOR LINDSAY: Thank you, Mr. President. What this amendment would do now is to replace that section but take out the cruelly mistreated language. What this accomplishes is it takes out that situation we're talking about where somebody goes out and engages in criminal mischief or takes an affirmative step to harm an animal. That would remove the criminal liability on the part of the parents for that activity. It would leave in the penalties to a parent, if the child neglected or abandoned the animal. The problem with the...not having some language is to

allow a kind of a built-in defense, and that is that if a pet or some other animal is neglected, or not watered or abandoned, the built-in defense is, that's not my animal, that's my 7-year-old kid's animal. It does take out the problem that we've run into, and that is that people going out and affirmatively causing harm to animals, and there would be no criminal liability in that situation. I would urge the adoption of the amendment to the committee amendments.

SPEAKER BARRETT: Thank you. Discussion on the Lindsay amendment? Senator Wehrbein, followed by Senators Moore and Dierks.

SENATOR WEHRBEIN: Yes, Mr. Speaker, members. I would support this, but I guess I would have a question. I still read this as being owned. So what Senator Morrissey was referring to, or other shenanigans that go on really isn't speaking to this particular issue, because it said when an animal is owned by a minor child, I mean that's within the family that you're...this section refers to, as I interpret it. It's not the casual chicken running down the block. (Laugh.) So, I mean I understand what we're getting at, but on the other hand, I would think that there ought to be more responsibility here than just mischief that we would commit within a neighborhood or within an area. This does say when an animal is owned by a minor child. So it's actually doing this kind of activity to their own animal, if I interpret that correctly.

SPEAKER BARRETT: Was that a question directed at Senator Lindsay?

SENATOR WEHRBEIN: Yes, please.

SPEAKER BARRETT: Would you respond, sir?

SENATOR LINDSAY: Oh, boy. I think the question was...you were driving at the first language of the section, is that correct, Senator?

SENATOR WEHRBEIN: Yes, the Section 8. I didn't think we were into the issue of what a child would do to someone else's animal. We'd been talking about when an animal is owned by a minor child. Now am I wrong?

SENATOR LINDSAY: No, I think...and I may have mischaracterized

that as far as with other animals. I'm still kind of in the process of trying to recollect what we did in the spring. But that, I think your reading of it is correct. But we are still talking about the affirmative action of physically harming an animal. Not necessarily (interrupted.)

SENATOR WEHRBEIN: Well, I accept your amendment because I think it maybe does make it clear and perhaps is more appropriate. I just wanted to say, is actually a child doing it to his own animal? I think that ought to be a little more severe punishment for that, potentially, than it would be for running down a casual chicken or a turkey or whatever goes on.

SENATOR LINDSAY: No, I think your characterization is correct.

SPEAKER BARRETT: Senator Moore. Thank you. Senator Dierks.

SENATOR DIERKS: Mr. Speaker, members of the body, I am very willing to accept this amendment to the amendment. Thank you.

SPEAKER BARRETT: Any other discussion? Senator Lindsay, any summarizing statement on your amendment to the committee amendments?

SENATOR LINDSAY: I'd just urge the adoption of the amendment.

SPEAKER BARRETT: Thank you. Shall the amendment to the committee amendments be adopted? Those in favor vote aye, opposed nay. Record.

CLERK: 17 ayes, 0 nays, Mr. President, on adoption of Senator Lindsay's amendment to the committee amendments.

SPEAKER BARRETT: The amendment is adopted. Returning to the committee amendments, as now amended. Any discussion? Seeing none, Senator Nelson, would you care to make any closing statement?

SENATOR NELSON: Mr. Speaker, I just move the adoption of the committee amendments.

SPEAKER BARRETT: Thank you. Shall the committee amendments to LB 50 be adopted? All in favor vote aye, opposed nay. Record, please.

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

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

SENATOR MOORE: Yes, if Senator Dierks would yield to some questions.

SPEAKER BARRETT: Senator Moore, excuse me. The Chair has overlooked Senator Dierks, I don't believe who has had a chance to open and explain the bill. Chair recognizes Senator Dierks, then Senator Moore.

SENATOR DIERKS: Thank you, Mr. Speaker. Mr. Clerk, do you have another amendment to the bill?

CLERK: Yes, sir, I do.

SENATOR DIERKS: You want to do that now, or when do we do that?

CLERK: It's up to your discretion. I have....Mr. President, Senator Dierks would move to amend the bill. Senator, I've got AM2102 in front of me. (Dierks amendment appears on page 300 of the Legislative Journal.)

SENATOR DIERKS: That's right.

CLERK: Okay.

SENATOR DIERKS: At this time, Mr. Speaker, members of the body, I would like to bring this amendment to the bill. I'm not sure that this is really the appropriate time, but I'll do it anyway. We have in LB 50 we have a group of exemptions, and this is in addition to that group of exemptions. The exemptions are listed in there, and I'll talk about them briefly a little later. But I'd like to add this one exemption to that group. It does insert an exemption that calls for nonnegligent actions taken by personnel or agents of the Department of Agriculture in the performance of their duties as prescribed by law. In other words, we're asking that those people who work for the Department of Agriculture and who come out and do animal testing will not be...they will be exempted by the animal cruelty or animal neglect law. This was a request of the Department of Agriculture and is very necessary for them to be exempted. So I

would ask your favorable consideration of this amendment.

SPEAKER BARRETT: Thank you. You've heard the amendment explained by Senator Dierks. Is there discussion? Seeing none, the question is the adoption of the Dierks amendment to LB 50. Those in favor vote aye, opposed nay. Voting on the amendment. Please record.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The amendment is adopted. Senator Dierks, to the bill as amended.

SENATOR DIERKS: Thank you, Mr. Speaker and members of the body. I would like to tell you a little bit about the bill and tell you some of the reasons for presenting the bill. The main reason is that current statutes are pretty sketchy concerning animal neglect and animal abuse. We have had several instances of animal neglect, especially instances of animal starvation and water deprivation, happened in the state in the last several years. And there is also the problem of animal neglect and abuse as far as small animals, pet animals of people in the metropolitan areas. The impetus to introduce this bill was brought to us by the Animal Control people in Lincoln. As we got into it, we decided it was necessary to cover all aspects of animal neglect. So we had several meetings with farm groups across the state. We included Animal Control people, we included people from the research area. We wanted to provide an adequate animal neglect bill, one that would provide legislation and new regulations to do adequate control of animal neglect and animal cruelty and still allow people to continue the business that they are in in Nebraska. That's the reason for some of the exemptions that I talked about. The body of the bill provides for some new definitions. I think that this was very necessary because the old animal neglect statutes did not provide good definitions. We define animal neglect and animal cruelty, we define animal control officers, we define humane killing. I'd like to just go over that a little bit for you. Humane killing shall mean the destruction of an animal by a method which causes the animal a minimum of pain and suffering, that particular definition in current law is lacking. We need to have definitions of abandonment, we do that in the bill. We define what a law enforcement officer shall be, as far as animal control people are concerned. And we define what cruelty is to

animals, that's in Section 2, and it also defines the penalties. Penalties have been changed a little bit. We call the first offense a Class II misdemeanor, and each subsequent offense is considered a Class I misdemeanor. Now we tried to make that a Class IV felony on the third offense, but the legal counsel for the Judiciary Committee felt that this was not right, as did the committee members. So that has been stricken. But we still call for a Class II misdemeanor for the first offense and a Class I for each offense after that. We go to Section 3, which mentions indecency language. That's not new language, that's in the old statutes. And Section 5 firmly establishes liability for the owner for expenses incurred in caring for or disposing of these animals, places a lien on the animals in order to collect for the expenses incurred. Section 6 lists the exemptions. And I think it's necessary for us to go over each one of those, if you would. There are 11, but I'll do it briefly. Number one, is...it says that Sections 1 to 9 of this act shall not apply to the care or treatment of an animal performed by a veterinarian licensed under the Nebraska Veterinary Practice Act. So veterinarians are able to continue doing the things that they do and do well, I might add. The second exemption is research activity carried on by a research facility currently meeting the standards of the Animal Welfare Act. The second exemption is commonly accepted practices of hunting, fishing or trapping. The fourth exemption, commonly accepted practices occurring in conjunction with rodeos, animal racing or pulling contests. The fifth exemption is the humane killing of an animal by the owner or by his or her agent or a veterinarian upon the owner's request. The sixth exemption is commonly accepted practices of animal husbandry with respect to farm animals, including their transport from one location to another. I'd like to add to the record at this point that when we talk about farm animals, we also are referring to poultry and egg production. Seventh exemption is the use of reasonable force against an animal, other than a police dog, which is working, including killing, capture or restraint if the animal is outside the owned or rented property of its owner or custodian and is injuring or posing an immediate threat to any person or other animal. We exempt the killing of house or garden pests, that may seem a little strange, but we found it necessary to include that in the wording of the bill. Exemption nine is commonly followed practices occurring in conjunction with the slaughter of animals for food or food by-products. The last exemption is commonly accepted animal training practices. Those are the exemptions. Section 7 refers to rules and

regulations which are not inconsistent with the provisions of Sections 1 to 8 of this act, and for the protection of public health, public animals within the jurisdiction. Section 8 is retained with the amendment that we just adopted. Section 9 is the Game and Parks language, it stays the same as it was in the original legislation. Section 10 and 11 are technical provisions of the bill. And Section 12, this is the section that says, it shall be the duty of every owner or owners of any dog or dogs to securely place about the neck of such dog or dogs a good and sufficient collar with a metallic plate thereon. That's in current legislation, that's not new. We have stricken the language at the last part of that section which allowed for any person to kill any dog running at large on whose neck there is no collar, as aforesaid, and no action shall be maintained for such killing. I had a lot of problems with that particular part of the section. I don't think that we should allow people to have free license to shoot dogs that are not...that don't have collars, so we've stricken that language. That would no longer be part of Nebraska's law. I think that pretty well covers the body of the bill. I would like to urge your support of the legislation. I think it's very vital for Nebraska and Nebraskans and for the animals that we have and care for in Nebraska. Thank you.

SPEAKER BARRETT: Thank you. Before proceeding to a discussion on the bill, the Chair is pleased to note that Senator Crosby has special guests under the north balcony. Jan Christophersen and Preben Paaske from Denmark with their host, Mr. Paul Bogott. Would you people please stand and be recognized by the Nebraska Legislature. Thank you. We're very pleased to have you with us this morning. Discussion on the advancement of LB 50. Senator Moore, followed by Senators Haberman and Dierks.

SENATOR MOORE: Yes, Mr. Speaker and members. Like Senator Morrissey, I, too, should probably bare my soul of some of my past behavior. But unlike him, I guess I won't and leave it be at that. But if you remember a few years ago we had a discussion on this floor about farm cats and city cats. I think we need to kind of revisit this. I need to ask Senator Dierks some questions for the record, if he'd respond to them.

SPEAKER BARRETT: Senator Dierks.

SENATOR MOORE: Will you respond, Senator Dierks?

SENATOR DIERKS: Absolutely.

SENATOR MOORE: The first...you know in Section 1, in your definition of cruelly neglect, now the question I want to pose, I just want you to respond how you think the law should be applied, and if it's your intention. Obviously there is a difference between...city cats stay inside all day, like the new cats I acquired when I got married, farm cats stay outside all the time, which...is that normal, Senator Dierks?

SENATOR DIERKS: I believe that is fairly normal.

SENATOR MOORE: Well, the problem I have is that farm cats, like the last cold snap we had in December, I know some people that had farm cats that never go inside, never have been inside, stayed outside and didn't survive. And I guess with those type of people that left their farm cats outside, like they always do, would they have been guilty of cruelly neglecting those animals during that cold weather?

SENATOR DIERKS: You want an answer to that question?

SENATOR MOORE: Yes.

SENATOR DIERKS: I believe that would come under the part of the law that says that commonly accepted practices of husbandry. Most cats will survive that kind of weather because most cats have some sort of shelter to go to. If they don't, they probably are not healthy, probably have circulation problems or something like that. So, most cats would be able to handle that, and I don't see that as a problem with the bill.

SENATOR MOORE: Okay, I wanted you to answer that like that. That's why I...though some people will disagree with that, I'm afraid. I know some people that thought we were...people were cruel to cats even though they went to the garage, it wasn't a heated garage. But your intention, as the introducer of the bill, you think they'd be exempted under that exemption.

SENATOR DIERKS: That's my...

SENATOR MOORE: Okay, second question deals with humane killing of an animal by the owner. Now oftentimes, as you're well aware of, Senator Dierks, particularly in farm life there tends to be cats or dogs or whatever that tend to reproduce a little more

than some people would like probably because they are not properly neutered, as they should be. But, nevertheless, it happens. I know in some instances at least there has been some farmers that when that overpopulation occurs, if taking that into their own hands, either with a gun, or probably...I guess with a gun, would you be able to take care of your own overpopulation problems yet on your farm with your pets, or would you have to be...to satisfy the intent of this law would you have to take all those animals to the vet?

SENATOR DIERKS: If you look at the first section of the bill, with the definition Section 5 says, humane killing shall mean the destruction of an animal by a method which causes the animal a minimum of pain and suffering, has no reference to veterinarians.

SENATOR MOORE: Okay.

SENATOR DIERKS: As far as I'm concerned that would cover that particular (interrupted.)

SENATOR MOORE: So as long as...obviously, you know, the...I won't go into details of other ways people deal with that. But as long as you...as long as someone did it, like I said, with a gun and it was instantaneous, you wouldn't have to take it to the vet to take care of that problem.

SENATOR DIERKS: I wouldn't think so.

SENATOR MOORE: You think it would come under the...by section...subsection (5) of Section 1, that would be dealt with.

SENATOR DIERKS: That's what I think.

SENATOR MOORE: Okay, that's the only questions I have and I can support the bill. Thank you.

SPEAKER BARRETT: Thank you. Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the body, I'm going to be asking Senator Dierks some questions. Would you yield, please?

SENATOR DIERKS: Absolutely.

SENATOR HABERMAN: On page 3, number 6, you mention law enforcement officer shall mean any member of the State Patrol, any county or deputy sheriff, or any member of the police force of any city or village. That limits it to these people. You're excluding the Game and Parks people who are qualified police officers. They go through the training and they are qualified, they are called in by the State Patrol on cases. Is that correct, or am I wrong?

SENATOR DIERKS: You have good oversight, I think, but it isn't really correct. We have, in Section 9 of the bill, it says that nothing in Sections 1 to 9 of this act shall be construed as amending or changing the authority of the Game and Parks Commission. So we do not change any of their authority, they are still qualified to do the things...

SENATOR HABERMAN: Okay, but isn't this a little confusing? All right, we'll pass on. On page 4, Section 4, any law enforcement officer who has reason to believe that an animal has been abandoned...that's a judgment call, isn't it? I mean...

SENATOR DIERKS: Senator Haberman, that section has been stricken with the committee amendments.

SENATOR HABERMAN: Oh, good, okay, fine. I'm glad you did, because that's kind of a bad section. What about page 5, Section 4, number 2, any law enforcement officer who has reason to believe an animal is being cruelly mistreated, is that still in there?

SENATOR DIERKS: That is still in there, but has been changed a little bit by the committee amendments. It reads now, any law enforcement officer who has reason to believe an animal has been abandoned or is being cruelly neglected or cruelly mistreated may issue a citation to the owner as prescribed.

SENATOR HABERMAN: What would cruelly mistreated, what would that mean?

SENATOR DIERKS: Well, that would mean....

SENATOR HABERMAN: Can I kick my dog? Say my dog is...I want to teach it a lesson, can I give it a kick? Is that mistreating it?

SENATOR DIERKS: I would say that's mistreating it, Senator Haberman, I don't believe that's...

SENATOR HABERMAN: But I can kick my kid and not be arrested by a Game and Parks or sheriff or somebody like that.

SENATOR DIERKS: Well, we're not talking about your kids in this legislation.

SENATOR HABERMAN: No, but I'm trying to draw my point. Can I kick a cow that is in my way, I want the old cow to go through the gate and she isn't moving, can I walk up and hit her with an electric prod or a whip or kick her?

SENATOR DIERKS: Yeah.

SENATOR HABERMAN: I can?

SENATOR DIERKS: You can because that is considered normal practices of husbandry.

SENATOR HABERMAN: Well,...

SENATOR DIERKS: That's exempted.

SENATOR HABERMAN: ...where I come from kicking your dog...you know when I was campaigning (laughter), I'd go up to some of these farm houses and this dog comes along and sniffs behind you, at your heels, and wants to nip you, and I turn around and kick the dog. I can't do that anymore?

SENATOR DIERKS: Well I think maybe that's a little bit different because you're trying to preserve your integrity.

SENATOR HABERMAN: (Laugh.) I was trying to preserve more than that. (Laughter.) On page 7, Section 8, it says, when an animal is owned by a minor child the parent of such minor child, what are we going to do in split custody, where the parents have split and the courts have given the parent custody during some certain periods of time, and the other parent custody during the other period of time? Which one of these parents are we going to...

SPEAKER BARRETT: One minute.

SENATOR HABERMAN: ...subject to the penalty?

SENATOR DIERKS: Well, it says in that section that, with whom the child resides or legal guardian. So, whoever the...which ever parent has the child at the time would be responsible, Senator.

SENATOR HABERMAN: They're both legal guardians.

SENATOR DIERKS: Well, with whomever he's living at that time.

SENATOR HABERMAN: Although he brought his dog over for a visit then.

SENATOR DIERKS: Well then I guess that parent that is in control at the time of the visit will be responsible.

SENATOR HABERMAN: Thank you, Mr. President. Thank you, Senator Dierks.

SENATOR DIERKS: You're very welcome.

SPEAKER BARRETT: Any other discussion on the bill? If not, Senator Dierks, would you care to close?

SENATOR DIERKS: Thank you, Mr. Speaker, I will. I appreciate the questions, I think they're valid, every one of them, Senator Haberman and Senator Moore. I appreciate that. Just in closing I'd like to tell you about a little experience I had that helped bring me to this bill. During the very recent farm program difficulties, when farmers were being foreclosed on and there was a lot of problems out there in rural Nebraska, I was inspecting an auction market at O'Neill one day, and a man brought in a truckload of hogs that had been physically abused. Actually, the sheriff brought the hogs in. They had to have Highway Patrol and sheriff out to load the hogs because the original owner was not cooperating and had, in fact, abused these hogs by hitting them with boards and two by fours. And I saw hogs come off that truck with eyes put out, with broken legs, with bumps and bruises all over their body, the whole truckload was that way. It was just a disgusting situation. I couldn't believe that anybody would allow that to happen, let alone do it. I think that we need to have something in our statutes that can prevent that, because we don't today, but we will with the legislation. So I would just ask your favorable

action on this legislation. Thank you.

SPEAKER BARRETT: Thank you. The question is the advancement of LB 50 to E & R Initial. All in favor vote aye, opposed nay. Shall the bill be advanced? Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 50.

SPEAKER BARRETT: LB 50 is advanced to E & R. LB 163, Mr. Clerk.

CLERK: Mr. President, LB 163 was a bill introduced by Senators Rod Johnson, Scofield, Hall, Schellpeper, Baack, Ashford, Wesely, and Withem. (Read title.) The bill was introduced on January 5, 1989, referred to the Natural Resources Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the Natural Resources Committee. (See page 1154 of the Legislative Journal, First Session.)

SPEAKER BARRETT: In the absence of the Chairman and Vice-Chairman of the Natural Resources Committee, Senator Johnson, could you handle the amendments?

SENATOR R. JOHNSON: Yes.

SPEAKER BARRETT: Thank you.

SENATOR R. JOHNSON: Thank you, Mr. Speaker. The committee amendments are very simple. There is a three-tier funding mechanism in this bill. One of the funding mechanisms was a fee of \$1 on each ton of newsprint that is sold in the State of Nebraska. The committee chose to withdraw that or to delete that funding source out of the bill, and that is all the committee amendment does.

SPEAKER BARRETT: Discussion on the committee amendments. Senator Haberman, Senator Morrissey next.

SENATOR HABERMAN: Mr. President, and members of the body, I would like to ask a question of Senator Johnson, please.

SPEAKER BARRETT: Would you respond, sir?

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 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.

January 31, 1990

LB 50, 376, 472, 519, 753, 973, 1064
1080
LR 8

Those in favor....Excuse me. Mr. Clerk, would you proceed with a roll call on the advancement.

CLERK: (Roll call vote taken. See pages 591-92 of the Legislative Journal.) 30 ayes, 9 nays, Mr. President, on the advancement of LR 8.

SPEAKER BARRETT: Motion is adopted, the bill (sic) is advanced, and the call is raised. Anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. I have reference report referring certain gubernatorial appointments to the appropriate Standing Committee for confirmation hearing, signed by Senator Labedz as Chair of the Reference Committee. Health and Human Services Committee reports LB 1064 to General File; LB 472, General File with amendments; LB 1080, General File with amendments; LB 376, indefinitely postponed; LB 519, indefinitely postponed; LB 753, indefinitely postponed, those all signed by Senator Wesely. Natural Resources reports LB 973 to General File with amendments, those signed by Senator Schmit. (See pages 592-94 of the Legislative Journal.)

Mr. President, I have a hearing notice from the Judiciary Committee signed by Senator Chizek as Chair of the committee. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Turning to LB 50, Mr. Clerk, on Select File.

CLERK: Mr. President, LB 50, the first order of business are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay, would you care to handle the E & R amendments, please.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 50.

SPEAKER BARRETT: Thank you. Any discussion? If not, shall the E & R amendments be adopted to LB 50? All in favor say aye. Opposed no. Carried, they are adopted.

CLERK: Mr. President, Senator Dierks would move to amend his bill. The amendment is on page 558 of the Journal.

SPEAKER BARRETT: The Chair recognizes Senator Dierks.

SENATOR DIERKS: Thank you, Mr. Speaker, members of the body. This amendment is another technical amendment. It's similar to the one we put on on General File when we added the Department of Agriculture, State Department of Agriculture to the exemption list. This exemption then also adds the United States Department of Agriculture, in other words the federal employees that do the same type of work in Nebraska that the state employees do who we amended in on General File. So then, if you look at the bill, the amended version would read, on page 6, starting on line 12, "Commonly accepted practices of animal husbandry with respect to farm animals and poultry and egg production, including their transport from one location to another and nonnegligent actions taken by personnel or agents of the Department of Agriculture in the performance of duties prescribed by law." Then after, in line 3 of that amendment, where it says, "of the Department of Agriculture", we put in "Nebraska", and after "Agriculture" we insert "or the United States Department of Agriculture". Doesn't make much sense, but that's what we're doing. We're trying to include the people in the United States Department of Agriculture. I think the final version will sound better than the way I made it sound. I just urge your support of that amendment. Thank you.

SPEAKER BARRETT: Thank you. Any discussion? Anything further, Senator Dierks? There are no lights on.

SENATOR DIERKS: No.

SPEAKER BARRETT: Thank you. The question is the adoption of the Dierks amendment to LB 50. All in favor vote aye, opposed nay. Please record.

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

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: Senator Dierks, there is nothing further on the bill. Senator Lindsay, please.

January 31, 1990

LB 50, 503A, 503

SENATOR LINDSAY: Mr. President, I move that LB 50, as amended, be advanced to E & R for engrossment.

SPEAKER BARRETT: Thank you. Discussion? Seeing none, those in favor of the advancement of the bill say aye. Opposed no. Ayes have it, motion carried, the bill is advanced. To LB 503, Mr. Clerk.

CLERK: Mr. President, 503, I have Enrollment and Review amendments pending, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: I move adoption of the E & R amendments to LB 503.

SPEAKER BARRETT: Discussion? Shall the E & R amendments be adopted? Those in favor say aye. Opposed no. They are adopted, carried.

CLERK: I have nothing further on that bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 503, as amended, be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of the motion to advance the bill please say aye. Opposed no. Ayes have it, motion carried, the bill is advanced. The A bill, Mr. Clerk.

CLERK: (LB 503A.) Senator, I have E & R amendments, first of all, to the A bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 503A.

SPEAKER BARRETT: Is there discussion? If not, those in favor of the adoption please say aye. Opposed no. Carried, they are adopted.

CLERK: Mr. President, Senator Goodrich would now move to amend

February 2, 1990

LB 50, 143, 369, 503, 503A, 720, 720A
821
LR 8

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber. Our opening prayer this morning by Pastor Harry Walles of the Faith United Methodist Church here in Lincoln. Pastor Walles.

PASTOR WALLE: (Prayer offered.)

SPEAKER BARRETT: Thank you, Pastor Walles. Please come back and be with us again. Roll call.

CLERK: Quorum present, Mr. President.

SPEAKER BARRETT: Thank you. With a quorum present, are there corrections to the Journal?

CLERK: I have no corrections to the Journal.

SPEAKER BARRETT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LR 8 and find the same correctly engrossed; LB 50, LB 143, LB 503, LB 503A, LB 720, LB 720A all reported correctly engrossed, those signed by Senator Lindsay as Chair of the Enrollment and Review Committee. (See pages 630-32 of the Legislative Journal.)

Mr. President, Senator Elmer would like to print amendments to LB 369 in Journal. I have hearing notice from Senator Smith as Chair of the General Affairs Committee. (See pages 632-33 of the Legislative Journal.)

Mr. President, report of registered lobbyists for this past week. And the last item, Mr. President, is a report from the Department of Social Services filed pursuant to statute. That report will be available in my office. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Chair is announcing that we will begin Final Reading with LB 821, followed by 822, and then come back to LB 399. We'll begin Final Reading with LB 821. Will members please return to their seats for Final Reading. Those unauthorized persons please leave the floor. Proceed with the reading of LB 821, Mr. Clerk.

to the Rural Health Manpower Commission and one appointment to the Board of Health.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Thank you. Mr. President, members, the appointments are for Pon Ross, Connie Russel and Dr. Joel Hutchins to the Rural Health Manpower Commission and David Timperley to the Board of Health. Mr. Timerley is a chiropractor. These individuals did come in for a hearing and were considered by the committee, were recommended by the committee for confirmation and that is the report. I'd move for the adoption of the committee report and confirmation of these individuals.

PRESIDENT: Any further discussion? If not, the question is the acceptance of the committee's report from Health and Human Services. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

PRESIDENT: The confirmation report is accepted. Ladies and gentlemen, if you'll take your seats. (Gavel.) Members of the Legislature, if you'll please return to your seats, we will begin Final Reading. Thank you. The Speaker advised me that we will take LR 8CA after LB 742E. So instead of first, it will be last. We will begin with LB 50 but we'll wait till you get to your seats, please. Uninvited personnel, please leave the floor. Mr. Clerk, LB 50.

CLERK: (Read LB 50 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 50 pass? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 808 of the Legislative Journal.) 38 ayes, 0 nays, 2 present and not voting, 9 excused and not voting, Mr. President.

PRESIDENT: LB 50 passes. LB 143.

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.