

January 18, 1989

LB 53, 57, 123, 537-597
LR 8-12

Mr. President, new bill. (LBs 537-538. Read for the first time by title. See page 268 of the Legislative Journal.)

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: The Chair is pleased to announce that Senator Jacklyn Smith of Hastings has visiting the Legislature today Dr. Robert Schlock and 20 students from Hastings College, specifically, psychology and law class, in the east balcony, the rear balcony. Dr. Schlock, would you and your students please stand and be recognized by your Legislature. Thank you. We are pleased to have you visiting with us today. Also under the north balcony from David City High School, Senator Schmit announces the following guests, 8 students from David City High School with their teacher. Would you folks please stand and be recognized. Thank you for visiting. We are glad to have you. Mr. Clerk, more bill introductions, please.

CLERK: Mr. President, first of all, your Committee on Urban Affairs, whose Chair is Senator Hartnett, to whom was referred LB 53, instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File; LB 57 General File; LB 123 General File, all signed by Senator Hartnett as Chair of the committee.

Mr. President, new bills. (LBs 539-557 read for the first time by title. See pages 269-72 the Legislative Journal.)

SENATOR HEFNER PRESIDING

SENATOR HEFNER: Mr. Clerk, do you have some more bills to introduce?

ASSISTANT CLERK: Yes, I do, Mr. President. (LBs 558-593 read for the first time by title. See pages 273-81 of the Legislative Journal.)

SENATOR HEFNER: Do you want to read the bills into the record?

CLERK: Yes, Mr. President, thank you. (LBs 594-597 read for the first time by title. See page 281 of the Legislative Journal.)

Mr. President, in addition to those items, I have new resolutions. (Read a brief explanation of LRs 8-12. See

March 14, 1989

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

nay. 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.

February 16, 1990 LB 163, 164A, 226, 260, 457, 571, 838
846, 866, 880, 958, 1003, 1019, 1028
1039, 1062, 1103, 1106, 1113, 1184, 1205
1215, 1229

Senator Hartnett. (See pages 846-48 of the Legislative Journal.)

Judiciary reports LB 838 to General File; LB 880, General File; LB 846, indefinitely postponed; LB 1103 and LB 1205, indefinitely postponed.

I have amendments to be printed to LB 866 by Senators Lamb, Haberman, Rogers and Crosby. (See pages 848-50 of the Legislative Journal.)

Mr. President, priority bill designations. Senator Labeledz has selected LB 457. Senator Hartnett for Urban Affairs has selected LB 1106, LB 1229; Senator Conway, LB 260; Senator Bernard-Stevens, LB 1062; Senator Beck, LB 958; Senator Rod Johnson, LB 1019; Senator Haberman, LB 1039, as one of the Retirement Systems priority bills. Senator Hall's Revenue bills are LB 1028 and LB 1215; Senator McFarland, LB 226; Senator Hefner, LB 571; and Senator Chizek's personal priority, LB 880, and Judiciary Committee's, LB 1003 and LB 1113.

Mr. President, Revenue Committee gives notice of hearing. And one new A bill, LB 164A by Senator Ashford. (Read by title for the first time as found on page 850 of the Legislative Journal.)

And, finally, Senator Scofield has amendments to LB 1184 to be printed. (See page 851 of the Legislative Journal.) That's all that I have, Madam President.

Madam President, when we left LB 163, the Enrollment and Review amendments had been adopted. Senator Johnson had an amendment to the bill that had been adopted. Senator Morrissey had amendments. Senator Hefner had his first amendment adopted. The bill was bracketed, Madam President. I now have pending Senator Hefner's amendment. Senator, this amendment is on page 599 of the Journal. I believe...it's AM2141, Senator, the biodegradable. Right. Okay.

SENATOR LABEDZ: Senator Hefner, on the amendment.

SENATOR HEFNER: Mr. President and members of the body, you will find this amendment on page 599. And what this would do, this would add a tax or a fee on disposable diapers...on nondegradable disposable diapers at the rate of 10 cents per dozen. The tax would be collected by the Department of Revenue

LB 1146.

SPEAKER BARRETT: LB 1146 advances. Items for the record, Mr. Clerk.

CLERK: Mr. President, Senator Hefner has amendments to LB 571 to be printed. Enrollment and Review reports LB 923 and LB 42 to Select File with E & R amendments attached. (See pages 860-62 of the Legislative Journal.)

Mr. President, Senator Hartnett would like to announce there will be a meeting of Urban Affairs at three o'clock this afternoon in Room 1019; Urban Affairs Exec Session, three o'clock in Room 1019 this afternoon. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to General File, LB 1080.

CLERK: Mr. President, LB 1080 was a bill introduced by Senator Schellpeper. (Read title.) The bill was introduced on January 10 of this year, at that time referred to Health and Human Services Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the Health and Human Services Committee.

SPEAKER BARRETT: Chair recognizes Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, members of the Legislature. The bill before you, LB 1080, is a bill introduced by Senator Schellpeper, a very important piece of legislation that deals with the problems brought about by the passage, several years ago, of OBRA legislation by the Congress. This legislation makes a number of changes in standards and requirements for nursing homes across the country. And in our own state we are obviously preparing to implement that legislation as of October 1 of this year. We have a difficulty in a number of areas, and this legislation will allow us to maximize our flexibility in meeting those new standards. The amendments by the committee, number one, exempt ICFMR's from new training requirements that are provided under the bill. Those training requirements are the following--care staff members that now require 90 hours of training would have to have 115 hours; nursing assistants that now have 20 hours of training would have to have 75 hours. These training requirements would be exempted

out over the period of time, we will not push it on Select File, let's see what we can do and, hopefully, we can come out with something that will be agreeable; if not, I guess we'll battle it out when we get to Select File. With that, I would urge your advancement of the bill.

SPEAKER BARRETT: Thank you. The question is the advancement of LB 799 to E & R Initial. All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 29 ayes, 2 nays, Mr. President, on the advancement of 799.

SPEAKER BARRETT: LB 799 is advanced. Do you have any matters for the record?

CLERK: Not at this time, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to LB 571.

CLERK: 571 offered by Senators Hefner, Korshoj and Dierks. (Read title.) The bill was introduced on January 18, Mr. President, referred to the Judiciary Committee for public hearing. The bill was advanced to General File. I have committee amendments pending by the Judiciary Committee.

SPEAKER BARRETT: Senator McFarland, are you handling the committee amendments on the bill?

SENATOR MCFARLAND: Yes, I am, Mr. Speaker.

SPEAKER BARRETT: Proceed.

SENATOR MCFARLAND: Thank you. LB 571 is a bill dealing with steroids and the abuse that has gone on with the use of steroids by high school students, college students and so on. The original bill provided for a Class IV penalty for prescribing, possessing, administering or delivering steroids for body-building purposes. The amendment is for the committee amendments is quite extensive. It really strikes the original sections and, basically, what it does is several things. One, it removes growth hormones from the bill itself. It mandates Department of Health create an education program concerning steroid use and it lessens the penalties for persons under 18 and allows educational institutions to administratively

discipline students for unlawfully using steroids. The amendments for the committee are fairly extensive. It prescribes that all anabolic steroids are hereby declared to be controlled substances. It provides that they be dealt with in the health and education section of the particular statutes that we have. It talks about a process whereby if a teacher or coach is found to have administered, delivered or dispensed or knowingly allow a subordinate employee or student to administer steroids that they would be subject to a suspension from their employment, and also it provides for any...for student suspensions, if a student is found using anabolic steroids, that they would be suspended initially from participating in any extracurricular activities for not more than 30 consecutive days for the first offense and then for a second or subsequent offense that they may be barred from participation in such activities for any period of time the institution deems appropriate pursuant to the written policy of the institution. In the committee hearing we had before Judiciary, there were a number of people who testified in support of the basic concept of the bill. We had Senator Hefner as the introducer, of course. We had Dr. Clare who is the orthopedic surgeon and physician for the University of Nebraska football team. We had Coach Tom Osborne. We had John Fisher from the State Board of Pharmacy Examiners. We had a number of other people, citizens and people concerned about drug use in society and it was really interesting to hear some of the testimony because, as you know, I have been in sports a lot, but I didn't realize the pervasiveness of steroid use, particularly as it is in today's sporting circles and also in the high schools and the colleges. I recall part of the testimony about the...Coach Osborne mentioned we have high school students who are not athletes who are using steroids, not because it will improve any athletic performance or make them stronger or anything, but because it makes them look bulkier and it makes them look more muscular and it is for an appearance purpose, and it is really a serious problem. I speak on behalf of the committee amendments. I think they clarify and improve the bill and I would urge you vote for the committee amendments.

SPEAKER BARRETT: Thank you. An amendment on the desk.

CLERK: Mr. President, Senator Hefner would move to amend the committee amendments.

SPEAKER BARRETT: Senator Hefner, please.

SENATOR HEFNER: Mr. President and members of the body, I offer this amendment this afternoon. This is on page 861 of the Journal and it changes subsection 2 of Section 5 of the committee amendment. Nebraska Medical Association was having a problem with this section of the bill and so they gave me this amendment and I believe it's a good amendment. Like I said, they had a problem with this and the association takes issue with the statement that was in the committee amendment because it may prohibit the legitimate use of anabolic steroids and we don't want to do that. And what my amendment does is corrects that statement to say that the use of an anabolic steroid for the purpose of hormonal manipulation that is intended to increase muscle mass, strength, or weight without a medical necessity to do so or for the intended purpose of improving physical appearance or performance in any form of exercise, sport or a game shall not be a valid, shall not be a valid medical purpose or in the course of professional practice. I just think it clarifies this section, this subsection and so I would move for the adoption of this amendment.

SPEAKER BARRETT: Senator McFarland, on the amendment offered by Senator Hefner.

SENATOR MCFARLAND: Yes, thank you, Mr. Speaker. You know a few years ago my wife was cleaning a bus, the church bus we had taken to Omaha to see the Omaha Royals game and she was sweeping the bus and the back door was open, and as she was sweeping and talking, she backed right out the back end of the bus and fell out onto the pavement and got a gash in her head, and we had to take her to the emergency room and it had to be stitched up and, anyway, the injury was not serious. She had a slight concussion but in treating that injury the doctor, because the stitching and the wound itched a lot and there had to be some treatment for it, so the doctor used some steroid to inject into the scar tissue to cure the problem and, of course, this is the kind of thing that Senator Hefner is talking about. There are legitimate uses of steroids for particular injuries and this steroid really helped my wife's scar on her head because it got a lot better. Her voice got a lot deeper, but other than that we were fine. (laughter) So I would urge the adoption of this amendment. Thank you.

SPEAKER BARRETT: Any other discussion on the adoption of the amendment? Senator Hefner, anything further?

SENATOR HEFNER: Mr. President and members of the body, I just urge for the adoption of my amendment to this. It was brought to me by the Nebraska Medical Association. I think it's fair. I think it clarifies it because sometimes, you know, you need to use it for legitimate purposes, so I would urge that you would support this amendment.

SPEAKER BARRETT: Thank you. You've heard the closing and the question is the adoption of the Hefner amendment to the committee amendments. All in favor vote aye, opposed nay. Record, please.

CLERK: 21 ayes, 0 nays, Mr. President, on adoption of Senator Hefner's amendment to the committee amendments.

SPEAKER BARRETT: The amendment is adopted.

CLERK: Mr. President, Senator Kristensen would move to amend the committee amendments.

SPEAKER BARRETT: The Chair recognizes Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Mr. Speaker and members, I have amendment, Mr. Clerk, AM2678. Is that the one that we're on right now?

CLERK: That's the one I have in front of me, Senator.

SENATOR KRISTENSEN: And that is a 20-page amendment, however, it only has one substantive change to it. Could you read the substantive change for us so we get that into the record. It's on page 8.

CLERK: Senator, I'll paraphrase it, it talks about an illegal drug. (laughter)

SENATOR KRISTENSEN: Well, seeing as how we're going to have to try to find some other way to get the record to reflect, because this is probably one of the more technical amendments that we will do, I have handed out, if you will look, I'm sure today you've been handed many things, but I have a one-page handout that has a page 8 on the bottom of it, and on lines 8 and 9 are the only substantive changes to this entire amendment. But what it does, this is the name of a drug and for the Clerk's

assistance and the next time that we probably have to read this, I believe the proper name of the drug is methylenedioxymethamphetamine. This is a speed drug. It is methamphetamines and you've all heard Senator Chambers come after you time and time again about how meticulous the criminal law is, that every "i" has got to be dotted, every "t" has got to be crossed, the words have to be plain. This drug was misspelled in the state statutes and it was misspelled by leaving an "m" out of the middle of it and you will see where I put a little crow's foot there and an "m" above it. Had we put that "m" in there we wouldn't have this amendment, and you would say, well, this will never, ever come up and it shouldn't be a problem. Well, it was. In fact, there has been a conviction in this state thrown out because of a misspelling in the state statute. It occurred over in Adams County, Senator Smith, in the district court there. It was a felony conviction and the gentleman was convicted, however, the defense lawyer upon reading what the state had charged the individual with, was different from what the actual state statute said was illegal, and so in order to correct this, this is a methamphetamine, a speed, an upper, whatever you want to call it generally produced in labs and particularly the illegal labs. It is a compound there that is produced. It is becoming a more popular drug and this is our only chance I think, I had it into a bill of Senator Abboud's last year that did not get to the floor. This is the best opportunity that I have found since we have opened up the drug statutes and particularly this schedule of drugs, to put this amendment in here and to correct the spelling so that people can be convicted of possessing, and I'll make one last run at it, methylenedioxymethamphetamine, and I would urge its adoption. Thank you.

SPEAKER BARRETT: Thank you. Senator Wehrbein, discussion, followed by Senator Hefner.

SENATOR WEHRBEIN: Yes, Mr. President and members, I strongly support this and I guess I'm just using this opportunity to quite briefly express my frustration, especially as a layman, on why things such as this happen. I was aware of this case as I read about it in the paper, Senator Kristensen, and I cannot understand in many cases how this can be that we have to be so, so, so technical when obviously, I don't think there was another chemical like this that had the "m" left out of it. In other words, how there could be a misconstruance of what this really intended and it is one of the frustrations that I think the

average citizen doesn't understand, when we get deep into convictions in this area, that something can be thrown out because, in this case, the letter "m" was in the wrong place. And if it was appropriate, Senator Kristensen, I'd like to have you answer that question as to why we have to be so extremely technical that we can't have convictions when obviously the intent was there, probably the guilt was there, but because this letter "m" was left out, why does this in our criminal law, and I'd also like to ask another question. If the "t" was left out of "the" in the same type of situation, would that have also thrown out a conviction? Why are we so technical?

SPEAKER BARRETT: Senator Kristensen.

SENATOR KRISTENSEN: Thank you. Senator Wehrbein, I think that's exactly right, that it is a question that needs to be answered and, no, it's not to keep lawyers employed. The purpose is that we pass a lot of laws in here and I think we all tend to get pretty lax at times. We know what we want to do, and when we increase a penalty to place someone in jail, that's pretty routine for us. I mean, we have a lot of crimes that we create and we get angry at people and really at the drop of a hat we can increase a penalty. But you know, quite frankly, when it goes to get carried out, that is a denial of somebody's liberty. That is a black mark that goes against them for the rest of their life. This is a felony. This can mean the difference between them staying at their job and them spending five years in the penitentiary, five years that will go on the rest of their life. They are probably guilty, but it is so important when we do criminal work, if we're going to deny someone their liberty, their life, that it is done exactly. The burden of proof is higher. It just...you just don't have to prove somebody guilty more than fifty-fifty, it's beyond a reasonable doubt. You are innocent until proven guilty. All those are protections of criminal law. That is a lot of the reason this country was founded, is that we treated people differently. We gave them the presumption they were innocent until proven guilty. I may not like this. I was angry that the case got dismissed. I'm frustrated by that. If the word "t" was not there, or the letter "t" wasn't there in the word "the", probably not because the isn't necessary for the conviction. What we did here is we spelled out a word that says it's illegal if you possess this chemical. That was specific. They didn't have the chemical that we had said was illegal to have. It was pretty close, but they didn't have the exact thing and that is

what is so frustrating to all of us, is that we need to be exact. If we're going to deny the life and liberty and all those things to people, that we'd better be doing exactly what we do. I don't have the anger that maybe Senator Chambers has when he stands up and talks about we ought to do it just verbatim, you know, that we've just got to do this exactly, and sometimes, he frustrates you and he frustrates maybe because he takes things to a terribly wild conclusion, that we don't like that.

SPEAKER BARRETT: One minute.

SENATOR KRISTENSEN: But I know what he is saying, basically, sometimes is right. We've got to be careful. We've got to do those things correctly. If we're going to take somebody's liberty and life away, let's make sure that we've got it done exactly correct and, thus, it becomes frustrating for you and I, we have to bring these sorts of amendments and Senator Smith is going to stand up and pronounce this amendment again, so when she does her town hall meeting she knows what it is, but there is a huge number of schedules. We've probably got four schedules of drugs in the statutes, all of which are about this long and, for the record, that is about eight inches long of small print, and if some druggists are down there, and chemists are trying to describe those things so the drug that is made in Minden with that compound is the same drug that may be made in Omaha and the state statute will catch both of them. So that is the reason we just can't say that all drugs are illegal and with a blanket statement, we have to specifically set out which ones are illegal and which ones aren't.

SPEAKER BARRETT: Time.

SENATOR KRISTENSEN: Thank you.

SPEAKER BARRETT: Senator Hefner, please.

SENATOR HEFNER: Mr. President and members of the body, I support this amendment and probably the only reason that you wouldn't care to support it is when we have to listen to our Clerk of the Legislature, Pat, read this on Final Reading because there is going to be a lot of tough words to read, so...but I'm going to support it, and when it gets to Final Reading, well, we'll address that problem then. Thank you.

SPEAKER BARRETT: Thank you. Any other discussion? Senator Kristensen, any closing statement? Thank you. The question is the adoption of the Kristensen amendment to the committee amendments. All in favor vote aye, opposed nay. Record, please.

CLERK: 20 ayes, 0 nays, Mr. President, on adoption of Senator Kristensen's amendment to the committee amendments.

SPEAKER BARRETT: The amendment to the amendment is adopted. Back to the committee amendments as amended. Any discussion? If not, Senator McFarland, would you care to close?

SENATOR MCFARLAND: I just move the amendments, Mr. Speaker, thank you.

SPEAKER BARRETT: Thank you, sir. The question is the adoption of the committee amendments to LB 571. 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, Senator Hefner, please.

SENATOR HEFNER: Mr. President and members of the body, the committee amendments become the bill, but I'd just like to talk a little bit about them. We know that anabolic steroids can be harmful to a person's health and we're seeing more abuse of this each year. Steroid abuse can cause a risk of heart disease, for instance, liver disease, immune system problems, stunted growth, bone problems and I could go on and on. So we need to be mindful of this and try to take proper precautions to prohibit some of that. Anabolic steroids at the present time are considered legend drugs and this bill now changes that. It designates steroids from the legend drug to the controlled substance drug so we do have a little more control of them. At the committee hearing, I don't believe there was anybody that opposed the bill. There was just different thoughts on how we should go about it and I want to commend the Judiciary Committee for helping me work out some of those problems and coming up with a committee amendment that was satisfactory to most of the people, and with the amendments that we've added to the committee amendments, well, this certainly helps it. And so at

this time I would just urge you to vote to advance the bill.

SPEAKER BARRETT: Thank you. Any discussion on the advancement of the bill? Senator Hefner, anything further? Thank you. Shall LB 571 be advanced to E & R? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 571.

SPEAKER BARRETT: LB 571 is advanced. Have you matters for the record?

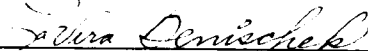
CLERK: Mr. President, Senator Hall has amendments to LB 562 to be printed, and your Committee on Government, Military and Veterans Affairs whose Chair is Senator Baack, reports LB 837 to General File. (See page 991 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Johnson, please, your light is on.

SENATOR L. JOHNSON: Mr. President, members of the Legislature, I move that we adjourn until 9:00 a.m., February 27.

SPEAKER BARRETT: You've heard the motion offered by Senator Johnson to adjourn until nine o'clock tomorrow morning. All in favor of that motion say aye. Opposed no. Ayes have it, motion carried, we are adjourned.

Proofed by:


LaVera Benischek

March 1, 1990

LB 369, 369A, 571, 594, 656, 980
LR 264

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

SENATOR HANNIBAL: On the advancement of the bill, Senator Lamb.

SENATOR LAMB: Well, Mr. President, I would only say that I think this bill is in great shape now. There are only eight bills in it. Originally there were going to be 10, but two of them advanced on consent calendar, so I would ask that the bill be advanced.

SENATOR HANNIBAL: There are no other lights on, Senator Lamb. Would you care to close? Senator Lamb waives closing. The issue before you is the advancement of LB 369. All those in favor say aye. Opposed nay. It is advanced. Anything for the record, Mr. Clerk?

CLERK: I do, Mr. President. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 571 and recommend that same be placed on Select File, LB 594 Select File, LB 656 Select File, with E & R attached. (See pages 1112-18 of the Legislative Journal.)

Mr. President, a new resolution, LR 264 introduced by Senators Schmit, Landis and Wesely. (Read brief description. See page 1118 of the Legislative Journal.) That will be laid over.

Senator Lamb has amendments to LB 980 to be printed. (See page 1119 of the Legislative Journal.)

Mr. President, a new A bill, LB 369A offered by Senator Beyer. (Read by title for the first time. See page 1118 of the Legislative Journal.) That's all that I have, Mr. President.

SENATOR HANNIBAL: Thank you. Senator Weihing, for what purpose do you rise?

SENATOR WEIHING: Mr. President and members of the Legislature, I move that we adjourn until Friday, March 2, tomorrow morning, at 9:00 a.m.

SENATOR HANNIBAL: Thank you. You've heard the motion. All those in favor say aye. Opposed nay. We are adjourned.

Proofed by: Debbie Smith
Debbie Smith

10230

March 5, 1990

LB 163, 163A, 542, 571, 880, 953, 953A
1019, 1019A, 1124, 1184, 1184A, 1210
LR 258

SENATOR LINDSAY: Mr. President, I move that LB 953A be advanced to E & R for engrossment.

SPEAKER BARRETT: Thank you. Any discussion on the advancement of the A bill? Senator Haberman.

SENATOR HABERMAN: Mr. President, and members of the body, I would like to advance the A bill as we may need it towards the tail end of the session. I will repeat to you again, there is no cost to this legislation. It will not come back on LB 953 but we may need an A bill on Final Reading later on in the session, and for those reasons, I ask you to advance the A bill.

SPEAKER BARRETT: Thank you. Any other discussion? If not, those in favor of the advancement of LB 953A please say aye. Opposed no. Carried. The bill is advanced. Any matters for the record, Mr. Clerk?

CLERK: Yes, sir, I do. Thank you. Mr. President, I have amendments to be printed to LB 571 by Senator Hefner. Mr. President, a Reference Report referring LR 258, signed by Senator Labedz as Chair of the Reference Committee. (See pages 1149-52 of the Legislative Journal.)

The Revenue Committee reports LB 1124 to General File with committee amendments attached. That is signed by Senator Hall as Chair of the committee. Appropriations Committee reports LB 1210 to General File. That is signed by Senator Warner as Chair of that committee. Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 163 and find the same correctly engrossed, LB 163A correctly engrossed, those signed by Senator Lindsay. Enrollment and Review reports LB 1019 to Select File, LB 1019A, LB 1184, LB 1184A, and LB 880, all to Select File, some of which have E & R amendments attached. That is all that I have, Mr. President. (See pages 1052-55 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Moving on to LB 542, Mr. Clerk.

CLERK: Mr. President, excuse me, LB 542, I have Enrollment and Review amendments, first of all.

SPEAKER BARRETT: The Chair recognizes Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the

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LB 571, 960, 960A

PRESIDENT: Thank you. Any further discussion? If not, the question is shall the bill be returned to Select File? All those in favor vote aye, opposed nay. We are voting to return the bill for the Withem amendment. Where are your friends, Senator Withem? Surprised. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to return the bill.

PRESIDENT: Thank you. Now, Senator Withem, it is back.

SENATOR WITHEM: Yeah, a couple of people have asked questions. I will explain this again. Yesterday when we had LB 960 in front of us, because of a couple of reasons, one is the new projections that came out indicating that we aren't really going to have a lot of money available this session to start new programs, and, secondly, because I am rethinking my personal strategies on restructuring after having attended a conference last week and I question whether spending this \$300,000 in this way would get us the best net results out of the idea. I'd suggested yesterday that we delete the grant program out of LB 960. What this amendment does is it then follows up on that deletion by cutting \$300,000 out of the two year appropriations that would have been available for this bill. That is what the amendment does and I would appreciate your adopting it.

PRESIDENT: Thank you. The question is the adoption of the Withem amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: The Withem amendment is adopted. Senator Lindsay, would you like to move to advance it?

SENATOR LINDSAY: Mr. President, I move that LB 960A as amended be advanced to E & R for engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. I understand we are going to skip 1090 and go to LB 571.

CLERK: Mr. President, 571, the first order of business are

Enrollment and Review amendments, Senator.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: I move the adoption of the E & R amendments to LB 571.

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

CLERK: Mr. President, the first amendment I have to the bill is by Senator Hefner. Senator, I have AM2797 in front of me.

PRESIDENT: Senator Hefner, please.

SENATOR HEFNER: Mr. President, and members of the body, you will find this amendment AM2797 on page 1149 of the Journal, and this is a clarification amendment. When the E & R office reviewed LB 571, they said that the statutes regulating controlled substances were not always clear. There are several kinds of controlled substances and LB 571 creates a new class of controlled substances. So they advised me that it would be unclear whether certain sections would be included with the steroids regulations. This amendment makes it clear that certain sections of the law are part of the regulations on steroids, and I passed this out, and if you have any questions, I would be real happy to try and answer them for you.

PRESIDENT: Thank you. Mr. Clerk, you have an amendment to the amendment.

CLERK: Mr. President, Senator Hefner would move to amend his amendment. I now have AM2904 in front of me, Senator. (See page 1270 of the Legislative Journal.)

PRESIDENT: Senator Hefner.

SENATOR HEFNER: Okay, thank you, Mr. President, and members of the body. This is an amendment to my amendment and this amendment was drafted to make the bill clearer for the Omaha Public Schools. They reviewed the committee amendments and it wasn't quite clear to them. So what we tried to do in this amendment is clarify it a little bit more. But the bill says that the employees may be dismissed if they violate the bill by encouraging the abuse of steroids. The bill does not make a

distinction between employees, such as, clerical and custodial staff and teachers or coaches who are contracted employees, but in this, the dismissal proceedings must be conducted according to the Administrative Procedures Act to ensure due process rights for anyone accused of the act. The amendment says that if a contracted teacher violates the act the termination procedure for teachers shall be used, which includes a different system of due process procedures from that which is included in the Administrative Procedures Act for other employees. Without making this change, teachers would be dismissed under two different systems depending on their violations. And so what this amendment does is makes it the same for all situations. I move for the adoption of this amendment to my amendment.

PRESIDENT: Thank you. Senator Chizek, you are next, but may I introduce some guests, please, in the south balcony. We have 43 ladies who are with the Nebraska Federation of Women's Clubs throughout the state with their president. Would you ladies please stand and, Ms. Hennings, would you wave your hand so we can see which one you are. Thank you for visiting us today, ladies. Senator Chizek, please.

SENATOR CHIZEK: Yeah, I support the amendment to the amendment. We had worked on this somewhat yesterday with Senator Hefner and it clarifies a little confusion that existed. I would ask your support for the amendment to the amendment.

PRESIDENT: Thank you. Senator Hartnett, on the amendment to the amendment.

SENATOR HARTNETT: Mr. President, and members of the body, Senator Hefner, you said it was brought to you by Omaha Public Schools. Does that include all teachers and all school employees? Not just Omaha, I guess I wasn't listening.

PRESIDENT: Just a moment, Senator Hefner.

SENATOR HEFNER: Senator Hartnett, that is correct but the Omaha Schools caught this, and, yes, it would be the same for all schools.

SENATOR HARTNETT: Yeah, thank you.

PRESIDENT: Thank you. Any further...Senator Withem, on the amendment to the amendment?

SENATOR WITHEM: Yeah, just a quick question of Senator Hefner here. I think I understand what he is doing but when I hear words like teacher termination and that kind of thing, I feel a need to make sure I understand it totally. Senator Hefner, as I understand it, 571 talks about...sets up penalties regarding use of, distribution, possession, et cetera, of steroids. Is your concern that it sets up a disciplinary procedure in here that might be different than the current one that exists for teachers and you want to make sure that the one, the current one that exists for teachers, is the one that these people go through? Could you go through that again real quickly?

SENATOR HEFNER: Well, yes, this is what we are trying to say but the bill also says that employees of schools may be dismissed, so I think we took care of it there but the Omaha Schools still had a problem with it and so we worked out an amendment with them that they were satisfied with and so now I believe we've solved the problem that they have.

SENATOR WITHEM: Thank you.

PRESIDENT: Thank you. Senator Hefner, would you like to close on your amendment to the amendment?

SENATOR HEFNER: Mr. President, I don't have anything more to say. I believe this clarifies that and would urge you to vote in favor of this amendment to the amendment.

PRESIDENT: Okay, the question is the Hefner amendment to the Hefner amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. The amendment to the amendment is adopted. Now, Senator Hefner, we are back on your amendment.

SENATOR HEFNER: Mr. President, and members of the body, I explained the amendment to you and now we have amended it but, in this bill, we are changing steroids from a legend drug to a controlled substance, and a controlled substance is dealt with in a number of statutes. So what this amendment does is just clarify that and to make sure that it is in those current

statutes. So I would urge the adoption of this amendment.

PRESIDENT: Thank you. The question is the adoption of the Hefner amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Hefner's amendment to the bill.

PRESIDENT: The Hefner amendment is adopted. Anything further on the bill, Mr. Clerk?

CLERK: Mr. President, Senator Conway would move to amend the bill. (See AM2905 on pages 1271-72 of the Legislative Journal.)

PRESIDENT: Senator Conway, please.

SENATOR CONWAY: Thank you, Mr. President, and members. The amendment that I offer to Senator Hefner's 571 in essence was LB 996. LB 996 came out of committee with no dissenting votes. It is the so-called money laundering or informational flow from financial institutions to the Nebraska State Patrol for large cash transactions. Any transaction over \$10,000 that is filed in an institution that the same form that the bank files with the federal authorities, Form 4789, is also a duplicate copy is sent to the Nebraska State Patrol for their investigative purposes. The bill, like I say, is as it came of committee with the committee amendments. The committee amendments added some clarification, one being that if the system turns into an electronic system that the State Patrol could plug into that rather than the financial institutions having to continue to send the paper back and forth making that very clear. So, basically, the legislation is designed to deal with money laundering, large cash transactions. Again, it is not particularly burdensome. The NBA has been responsive and adding a couple of amendments for their concerns and those are included in the committee amendments, and I assume at that point they are very supportive as well, as they have to go through the same process with the federal government, they may as well do it for state government. So with that, I offer this amendment to Senator Hefner's bill.

PRESIDENT: Thank you. Senator Kristensen, please.

SENATOR KRISTENSEN: Thank you, Mr. President, and members. I

rise to support the Conway amendment. Of all the tools that could be used, this isn't going to be the saving one that is going to stop all drug abuse and drug trafficking in this state but this will be a very useful tool, one that I think will not be a very burdensome amendment on banks and financial institutions, since they do that already. There have been some questions about whether this is an illegal delegation of legislative authority. It is not. It is very similar to filing a copy of, if you had a tax return in this state and were filing your partnership tax return, you have to file a copy of your federal income tax return along with your partnership report, a very similar transaction here where the use of a federal form would go directly over to the State Patrol for their information and use. It would be available to the federal authorities in any event. This would be an excellent tool for the State Patrol to use. It is also information they can pass on to state and other local officials for the tracing of money, and, obviously, where the money flows is where the drugs and a lot of the suspect activities are found, and it won't build a case, in and of itself. You won't be able to find a huge violation just by looking at the record but it is a good investigatory tool. It is one that the State Patrol could use easily. It is also one that can be shared well, and with that, I would urge the adoption of the Conway amendment. Thank you.

PRESIDENT: Senator Hefner, please.

SENATOR HEFNER: Mr. President, and members of the body, I support the Conway amendment. I think they have stated the reasons for wanting this amendment on this bill, and so I would encourage you to support it.

PRESIDENT: Thank you. Senator Chizek, please.

SENATOR CHIZEK: A question of Senator Conway.

PRESIDENT: Senator Conway, would you respond, please.

SENATOR CHIZEK: Did you shake your head or what?

SENATOR CONWAY: I came to the microphone.

PRESIDENT: Yes, he says yes.

SENATOR CHIZEK: Okay, is it possible that the income tax forms

would go to the Highway Patrol or whatever agency rather than be dealt with in the Revenue Department? You know, like the feds with the IRS, they have their own charges, but is it not possible, Gerry, that the IRS forms would go directly to the Highway Patrol or whatever law enforcement agency we are talking about here?

SENATOR CONWAY: That is what we are asking them to do, was to give a duplicate copy of whatever they send to the IRS in Form 4789 directly to the State Patrol.

SENATOR CHIZEK: What safeguards are taken that those are not released?

SENATOR CONWAY: That they are not what?

SENATOR CHIZEK: That they are not released by the agency that they are sent to?

SENATOR CONWAY: The safeguard is such that this is not...

SENATOR CHIZEK: Is there a penalty?

SENATOR CONWAY: ...this is not income tax information. This is simply a money transfer.

SENATOR CHIZEK: But it could be, it could be income tax information.

SENATOR CONWAY: This information, and I believe there may be some language in there that deals with that in terms of any confidentiality of the use for investigation, but this particular form simply identifies the name of any person with a cash transaction. It says nothing about where the money came from, simply that it be put on deposit.

SENATOR CHIZEK: My second question then, are large retailers exempt?

SENATOR CONWAY: Yes.

SENATOR CHIZEK: Why?

SENATOR CONWAY: Any transaction that is customary and ordinary to have a large, say, a K-Mart or any other large retailer may

have more than \$10,000 cash transaction in any given day.

SENATOR CHIZEK: Hasn't the problem in Florida been that the banks have been the ones that have been laundering money, et cetera?

SENATOR CONWAY: That the banks have been laundering money?

SENATOR CHIZEK: Yeah, through the various large retail outlets and so isn't that how they have been laundering money in Florida?

SENATOR CONWAY: I assume there are all kinds of techniques to launder money the extent to which if a bank would be identified as being a participant of the laundering of that money, they would follow criminal prosecution as well.

SENATOR CHIZEK: See, we had talked to some people about this bill. I don't object to it, but I think it needs some work, Senator, and I had told some people yesterday that we were willing to work with them. But I think there are some questions that need to be answered. I am probably going to support the amendment but I would like to talk to you about a couple of changes as...

SENATOR CONWAY: Senator Chizek, you can talk to me any time you want.

SENATOR CHIZEK: You are such a nice person.

PRESIDENT: Thank you. Senator Conway, would you like to close on your amendment?

SENATOR CONWAY: No closing. I think people understand the issue.

PRESIDENT: The question is the adoption of the Conway amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Conway's amendment to the bill.

PRESIDENT: The Conway amendment is adopted. Anything further on it, Mr. Clerk?

March 8, 1990

LB 369, 551, 571, 642, 844, 853, 903
919, 983, 1019, 1031, 1044, 1086, 1090
1105, 1119, 1165, 1167, 1183, 1216, 1217
1228
LR 275, 276

CLERK: I have nothing further, Mr. President.

PRESIDENT: Okay, Senator Hefner, what do you think?

SENATOR HEFNER: Mr. President, I move for the advancement of LB 571.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB...we are going to skip 1019, I understand. That takes us up to General File. Items for the record, please, Mr. Clerk.

CLERK: Mr. President, I do have a number of items for the record. The first is I have an explanation of vote from Senator Haberman. For bills read on Final Reading this morning, bills read on Final Reading this morning, Mr. President, have been presented to the Governor as of 11:12 a.m. (Re: LB 1044, LB 844, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1119, LB 1165, LB 1167, LB 1183, LB 1216, LB 1217, LB 1228. See page 1273 of the Legislative Journal.)

New resolutions, LR 275 by Senator Wehrbein. (Read brief explanation.) LR 276 by Speaker Barrett, Senators Withem, Coordsen, Labedz, Warner, Hall. (Read brief explanation.) That will be laid over as well. (See pages 1273-75 of the Legislative Journal.)

I have a report of registered lobbyists for this week, Mr. President, required by statute. Amendments to be printed to LB 1090 by Senator McFarland, LB 1019; LB 551 by Senator Lynch; LB 1031 by Senator Baack and others, and, Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 369 and find the same correctly engrossed. That is signed by Senator Lindsay as Chair of the E & R Committee. That is all that I have, Mr. President. (See pages 1275-83 of the Legislative Journal.)

PRESIDENT: Thank you. We will go on to General File and LB 642, please.

CLERK: Mr. President, 642 was a bill originally introduced by Senator Ashford, along with Senators Weihing, Crosby, and Chambers. (Read title.) The bill was introduced, Mr. President, last year. It was referred to Judiciary,

March 12, 1990

LB 571, 656, 688, 880, 923, 960, 960A
1031, 1080, 1080A, 1094, 1184, 1184A

Warner and the Appropriations Committee, because of a variety of circumstances, the right people were not there at any given time, doesn't really mean that it might not have passed out of the appropriations process. You can do what you want. I have not went around and counted noses on this issue. I have an abiding faith in the members of this body to do what's right. It's up to you. I would move the advancement of the amendment.

SPEAKER BARRETT: Thank you. And the question before the body is the adoption of the Coordsen amendment to the committee amendments to LB 1031. Those in favor of that motion vote aye, opposed nay. Senator Coordsen.

SENATOR COORDSEN: Yes, since most of us are here, a quick call of the house and roll call vote.

SPEAKER BARRETT: Thank you. Shall the house go under call? All in favor vote aye, opposed nay. Record, please.

CLERK: 24 ayes, 1 nay, Mr. President, to go under call.

SPEAKER BARRETT: The house is under call. Members, please return to your seats and record your presence. Senator Warner, please check in. Senator Chambers, the house is under call. Senator Schmit, please. Senators Hall, Rod Johnson, Schmit and Chambers, the house is under call. Senator Coordsen, you are ready to proceed with a roll call? The question is the Coordsen amendment, the adoption of the Coordsen amendment. Members, please take your seats for roll call vote. Mr. Clerk, proceed with the roll call.

CLERK: (Roll call vote read. See pages 1308-09 of the Legislative Journal.) 22 ayes, 16 nays, Mr. President, on the adoption of the amendment.

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

CLERK: Yes, Mr. President, I do. Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 571 and find the same correctly engrossed; LB 656, LB 688, LB 880, LB 923, LB 960 and LB 960A, LB 1080, LB 1080A, LB 1094, LB 1184, LB 1184A. (See pages 1309-1312 of the Legislative Journal.)

March 20, 1990

LB 571, 656, 953, 1031, 1221

CLERK: Those will all be referred to the Executive Board. (See pages 1511-23 of the Legislative Journal.) LB 656 and LB 953 are reported correctly engrossed, those signed by Senator Lindsay as Chair of E & R.

Madam President, amendments to be printed to LB 1221 by Senator Withem; Senator Haberman to LB 1031; Senator Landis to LB 571. (See pages 1523-25 of the Legislative Journal.)

Madam President, the next amendment I have to the bill is by Senator Schellpeper and Dierks.

SENATOR LABEDZ: Senator Schellpeper.

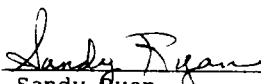
SENATOR SCHELLPEPER: Madam Chairman, I would move to adjourn until 9:00 a.m., March 21st.

SENATOR LABEDZ: Anything else to read in, Mr. Clerk?

CLERK: Not at this time, Madam President.

SENATOR LABEDZ: A motion has been made to adjourn until tomorrow morning at nine o'clock. All those in favor say aye. Opposed. The ayes have it.

Proofed by:


Sandy Ryan

March 27, 1990

LB 571, 688, 854, 870, 897, 1241
LR 395

correctly engrossed, all signed by Senator Lindsay as Chair of E & R. (See pages 1597-1602 of the Legislative Journal.)

Mr. President, I have a new resolution by Senator Wesely asking April be proclaimed as child abuse prevention month. That resolution will be laid over. (See pages 1602-03 of the Legislative Journal.)

Mr. President, I have received a series of Attorney General's Opinions over the weekend. One to Senator Wesely (Re: LB 870); one to Senator Lamb (Re: LB 897); a request to Senator Haberman (Re: LB 1241); Senator Smith (Re: LB 688); and Senator Chambers (Re: LB 571) and Senator Nelson (Re: LB 854) All of those will be inserted in the Journal. (See pages 1603-22 of the Legislative Journal.)

And, Mr. President, I have received one appointment letter from the Governor. That will be referred to Reference for referral to the appropriate Standing Committee. That's all that I have, Mr. President.

PRESIDENT: Thank you. We'll move on to LR 395, please.

CLERK: Mr. President, LR 395 was introduced by Senator Langford. It is found on page 1578 of the Journal. (Read brief description of resolution.)

PRESIDENT: Senator Langford, please.

SENATOR LANGFORD: Mrs. Merle Resmisell was born in Broken Bow, Nebraska, 100 years ago today. She has lived all of her life in Nebraska until the last few years she has moved to California to live with a daughter. Other of her family still lives in Nebraska including her son who is from my district. So I would appreciate it if you would help me congratulate Mrs. Rusmisell on her 100th birthday. Thank you.

PRESIDENT: Any further discussion? If not, the question is the adoption of the resolution. All those in favor...how are we going to do this, call the roll or...we'll do this by a show of hands. Indicate by raising your right hand, please.

CLERK: Bear with me and leave them up for a moment, too, if you would, please.

SPEAKER BARRETT: Thank you. Senator Lynch, please.

SENATOR LYNCH: Mr. Speaker, and members, I also rise to support the suggested change. The bills, as identified in this proposed overrule of the agenda, are those items of business I hope that can be carried out without being used, abused or talked about and discussed for a very long time. It will provide us the activity to have something done today that makes some sense, and then the return to the Select File agenda to give us the opportunity to talk in more detail as good or as bad as that might be. So I rise in support of the suggestion. I think it is a good idea.

SPEAKER BARRETT: Thank you. Senator Landis, please.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, let me tell you that two of the motions up there are mine on those Final Reading ones. One has to do with an amendment brought to me by John Goc on behalf of the City of Lincoln, LB 571, clarifying the application of that idea in the municipal setting because the bill is miswritten with respect to how it should apply to cities. LB 953 has an amendment on it. We have a provision in our probate code that deletes a very necessary kind of notice. Without that notice, the probate is unconstitutional. John Gradwohl, the professor of probate law at the University, pointed this out. It was before the Judiciary Committee. This is the only way to get this passed this year but it will clean up some problems in the probate. Those are two of the measures in that Final Reading section. They ought to be done this year. They make good policy and I think both of them could be handled in less than 15 minutes if other amendments are of the same nature. I will be voting for this motion.

SPEAKER BARRETT: Thank you. Any other discussion on the motion to change the agenda? Seeing none, Senator Bernard-Stevens, would you like to close?

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker. Again, briefly, I am not trying to avoid any fight. I am simply saying that yesterday we acted as a body I think responsibly to the point of trying to get things done and we had a good day's work yesterday. I am not trying to avoid a fight here but I am saying we have a procedure that we could follow to get some work

and I don't have to be a woman to understand a woman, and maybe that's the problem with some of these men. They think they've got to be a woman to understand a woman, and some of them go so far as to act like a woman and get treated like a woman. Those are the realities out here. You all have read about some of these homosexual magazines that are talking about going public with these various officials who make a record on being very anti-homosexual when that's exactly what they are, and they said they're going to call them out of the closet, they going to jerk the cover, and they going to say come on out here and tell who you are and if you don't, we going to tell on you. And they find them at all levels, in Congress, in Legislatures, doctors, lawyers, everywhere, everywhere like the body snatchers, and they began to cower because their cover might be pulled. And it just goes, again, to underscore the kind of hypocrisy that is in this society, the unfeeling insensitivity that is the hallmark. We have before us here this evening an irrepressible conflict. It harks back to the days of the war between the states when somebody said that a crisis must first be reached and passed before there can be any possibility of solving a problem. But we're here at 9:48 and plan to be here until midnight and there are enough motions to keep us here until midnight on this issue because this is what everybody wants, and what everybody wants, everybody should get. I'm going to do my part to give us not only what we want but what we deserve, so after this motion we will have others because we are insistent upon discussing this thing until the wee hours or the long hours of the night and we're getting close to that point. What would be wise is to either recess until 11:30 so any bills that are upstairs can be worked on, or to reconsider that motion that Bernard-Stevens made to go down to these Final Reading bills that have to be brought back for amendment. That would allow something of value to be done with the few remaining hours. Well, they're now few actually, two and a half, two hours and fifteen minutes. If we would go down to that part of the agenda, those bills could be brought back. They could be cleaned up, polished, and sent back to Final Reading. Some of them, even though they're on Final Reading, are in grave jeopardy, especially LB 571, the steroid bill. It contains two subjects and, as such, it is unconstitutional. So it doesn't have to be brought back to Select File. It's on Final Reading. The motion would be for the purpose of returning it so that it could be amended and converted back into the steroid control bill that was designed. Now, there is one that Senator Abboud wanted to bring back and try to do something for these elderly programs. What we ought

ASSISTANT CLERK: (Read LB 220A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 220A pass? All in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: (Record vote read. See pages 1974-75 of the Legislative Journal.) The vote is 36 ayes, 0 nays, 1 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 220A passes. Moving to item eight on the agenda, Senator Baack, would you handle the motion to...in order that we can process the seven remaining bills.

SENATOR BAACK: Yes, Mr. Speaker, and colleagues, I move that we suspend Rule 6, Section 7(b) to allow the reading of the bills under portion eight of the agenda.

SPEAKER BARRETT: Thank you. Discussion? Seeing none, all in favor of the motion vote aye, opposed nay. Record, please.

CLERK: 34 ayes, 0 nays, Mr. President, on the motion to suspend the rules and proceed with the reading of the bills on Final Reading this evening.

SPEAKER BARRETT: The rules are suspended. Will you proceed with the reading of LB 571.

CLERK: Mr. President, the first order of business on 571, I had an amendment from Senator Landis, who has been excused.

SPEAKER BARRETT: Anyone authorized to handle the amendment for Senator Landis? Apparently not. Anything else.

CLERK: Senator Conway had an amendment pending, Mr. President. Withdraw, thank you, Senator.

SPEAKER BARRETT: Withdrawn.

CLERK: That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Read the bill, please.

ASSISTANT CLERK: (Read LB 571 on Final Reading.)

April 5, 1990

LB 571, 571A, 843A, 843

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 571 pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

ASSISTANT CLERK: (Record vote read. See page 1976 of the Legislative Journal.) The vote is 34 ayes, 0 nays, 3 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 571 passes. The A bill, please.

ASSISTANT CLERK: (Read LB 571A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 571A become law? All in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: (Record vote read. See page 1977 of the Legislative Journal.) The vote is 35 ayes, 0 nays, 2 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 571A passes. LB 843E.

CLERK: (Read LB 843 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 843 with the emergency clause attached pass? All in favor vote aye, opposed nay. Have you all voted? Record. Oh, excuse me, do not record. I am sorry. Have you all voted? Please vote if you'd care to vote. Thirty-three votes are necessary to pass it with the emergency clause. Have you all voted? Please record.

CLERK: (Record vote read. See pages 1978-79 of the Legislative Journal.) 33 ayes, 0 nays, 4 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 843 with the emergency clause attached passes. LB 843A.

CLERK: (Read LB 843A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 843A pass?

April 5, 1990

LB 220, 220A, 571A, 571, 843A, 843, 958
1064A, 1064, 1241, 1244

All in favor vote aye, opposed nay. Have you all voted?
Record.

CLERK: (Record vote read. See page 1979 of the Legislative Journal.) 29 ayes, 0 nays, 8 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 843A passes. LB 958.

CLERK: (Read LB 958 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 958 pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. See page 1980 of the Legislative Journal.) 31 ayes, 1 nay, 5 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 958 passes. LB 1064E.

CLERK: (Read LB 1064 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1064 with the emergency clause attached pass? All in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: (Record vote read. See page 1981 of the Legislative Journal.) The vote is 36 ayes, 0 nays, 1 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1064E passes. And while the Legislature is in session and capable of transacting business I propose to sign and I do sign, LB 571A, LB 571, LB 1241, LB 1244, LB 220, LB 220A, and LB 843. Mr. Clerk, would you read LB 1064A.

CLERK: (Read LB 1064A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1064A pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

April 9, 1990

LB 220, 220A, 315, 369, 369A, 551, 551A
571, 56, 720, 720A, 799, 851, 896
923, 953, 958, 960, 960A, 980, 980A
994, 994A, 1018, 1063, 1063A, 1064, 1064A
1080, 1090, 1136, 1146, 1184, 1184A, 1244

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber for the last day of the Second Session of the 91st Legislature. We're especially happy to have with us this morning our own Harland Johnson for our prayer of the morning. Would you please rise?

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Harland, and may I say, on behalf of all the members of the Legislature, we have truly appreciated your prayers during the session. They have been very meaningful because you understand us so well, so thank you again. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal?

CLERK: No corrections this morning, Mr. President.

PRESIDENT: Any messages, reports, or announcements today?

CLERK: Mr. President, a series of messages. First, communications from the Governor. Engrossed...well, before that, Mr. President, bills read on Final Reading as of late last Thursday were presented to the Governor on Thursday evening as of 8:15 p.m. Communications from the Governor, Mr. President, and I might indicate to the members that copies of messages I have received have been distributed and you should have a copy on your desk. Communications to the Clerk: Engrossed LB 1080, LB 1184, LB 1184A, LB 656, LB 1146, LB 799, and LB 1136 were received in my office on April 3 and signed by me on April 6 and delivered to the Secretary of State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) A second communication: Engrossed LB 220, LB 220A, LB 315, LB 369, LB 369A, LB 551, LB 551A, LB 571, LB 720, LB 720A, LB 851, LB 896, LB 923, LB 953, LB 958, LB 960, LB 960A, LB 980, LB 980A, LB 994, LB 994A, LB 1018, LB 1063, LB 1063A, LB 1064, LB 1064A, LB 1090, and LB 1244 were received in my office on April 3 and signed by me on April 7, delivered to the Secretary of the State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) In addition to those items,