

PRESIDENT: The motion fails. Do you have anything for the record, Mr. Clerk?

CLERK: Mr. President, Enrollment and Review reports LB 591 as correctly engrossed. New A bills. (Read LB 591A and LB 335A by title for the first time. See pages 1802-03 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Approaching at the moment in the north balcony, Senator Goodrich has guests coming in. There are 56 students from Westgate Elementary School in Omaha, Nebraska with their teacher. Would you wave to us, students, so that we can recognize you for visiting us today. And thank you for visiting us. Mr. Clerk.

CLERK: Mr. President, Senator Wesely would move to amend. (See page 1803 of the Journal.)

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. President and members, this amendment follows an expected vote on the last amendment and raises the issue for discussion about why it would be appropriate to move with Kearney and not appropriate to include all the other state colleges. Now I understand there may be some differentiations, obviously size would be one, but in my estimation the role and mission of the state colleges is very similar that the differences are rather small in nature in terms of what their intent is. Their differences in size of the student population is certainly great, but a university is not a university just because of its size. It's a university because of its role and its mission, its function, its programs, its faculty, and there is a lot of different factors involved with that. And I frankly contend that if Kearney is a university, then you can as well argue that the other state colleges could be considered a university as well. I have in my own district Wesleyan University, a small university that has about 1,000 students. The other state colleges are as big as Wesleyan is. It is considered a university. And so in my view the question really is, why single out Kearney and why not include the other state colleges as we make this change? If the goal is to better coordinate and prioritize in higher education, then the better course of action would seem to me to include all the state colleges and not just one of the state colleges. And this is

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LB 586A, 591A

cut down from the fiscal note that was in your bill books since we added an amendment that would sunset this provision a year earlier than we had anticipated in the original fiscal note and it asks for \$264,603 for the first year and \$118,000 for the second half of the next year, and I would ask for its adoption and movement on to Select File. Thank you.

SPEAKER BARRETT: Thank you. Any discussion? Seeing none, those in favor of the advancement of 586A vote aye, opposed nay. Record, please.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB 586A.

SPEAKER BARRETT: The bill is advanced. Apparently I did make an error on calling the eighty-eighth day the 19th, May 19. Friday is the date that I was referring to. I'm sorry. Friday, the 19th, will be our late day, our late night. Mr. Clerk, the next A bill.

CLERK: Mr. President, LB 591A offered by Senator Schmit. (Read title.)

SPEAKER BARRETT: Senator Goodrich, will you handle it, please?

SENATOR GOODRICH: Yes, Mr. President, I'd move the A bill, 591A be advanced. You all know this was the interstate simulcasting and we must, since 591 is virtually on Final Reading, we must start the A bill through. I move the advancement.

SPEAKER BARRETT: Thank you. Senator Schellpeper, for discussion purposes.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker and members, the A bill amounts to about \$29,000. Now this is actually from the Cash Fund because the fees and stuff will generate its own revenue, so you really don't need an A bill but yet you have to have one. So it amounts to about \$29,000. Thank you.

SPEAKER BARRETT: Thank you. Any other discussion? If not, those in favor of the advancement of the bill vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of 591A.

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LB 591A, 767A, 769

SPEAKER BARRETT: LB 591A is advanced. LB 767A.

CLERK: LB 767A, Mr. President, by Senator Smith. (Read title.)

SENATOR SMITH: Thank you, Mr. Speaker, members of the body, if you remember, LB 767 is the bill dealing with regulating the city-county lotteries. The A bill will appropriate \$6,345, all of which is cash funded, and this is from revenue which we generated from fees from charitable gaming. Again, there is no General Fund impact and the Cash Fund impact is only \$6,345. I move the advancement of the A bill.

SPEAKER BARRETT: Thank you. Discussion. Seeing none, those in favor of the motion to advance the bill vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of 767A.

SPEAKER BARRETT: LB 767A is advanced. We'll pass over LB 588 at this point. The body will stand at ease for a moment. We will pass over LB 807 for the time being as well. Mr. Clerk, LB 769.

CLERK: Mr. President, LB 769 was a bill that was introduced by Senator Labeledz and a number of the members. (Read title.) The bill was introduced on January 19, referred to the Judiciary Committee. The bill was advanced to General File. I have committee amendments pending by the Judiciary Committee. (See page 1404 of the Legislative Journal.)

SPEAKER BARRETT: On the committee amendments by the Judiciary Committee, Chairman Chizek, please.

SENATOR CHIZEK: Mr. Speaker and colleagues, LB 769 is a bill which requires notification to parents when a minor child is considering having an abortion. Senator Labeledz will address the bill shortly. The committee amendments are found on page 1404 of the Journal and the amendments provide that separate juvenile courts and county courts sitting as juvenile courts, as well as district courts, are proper forms for judicial bypass. The committee amendments further provide for confidentiality and anonymity at all stages of the judicial bypass proceedings including appeals. That section establishes venue, requiring

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LB 89, 289, 586A, 591A, 611A, 767A, 812

plans that had been presented here today is that prudence had to be the underlying concern of all of us. If there was a condition present which would harm or endanger life or limb, then we should take care of it. And, to that extent, the college and the committee and the administration of the university authorized the immediate shoring of that building to prevent the possibility of harm or injury to the occupants. I would, therefore, I think very much oppose the amendment which has been offered here this morning and call your attention again to the possibility of prudence and quality of design by a bridge which collapsed in Tennessee about three weeks ago, a concrete structure. And I'm sure that if we had had consultants look at that bridge and the design of that bridge and the components that went into it, at eight-thirty that night, there would have been just as conflicting opinions as we have here today on the floor. However, at something like eight-forty that evening the bridge did collapse with the loss of at least seven lives in that instance. So prudence, as I indicated to you, was the keynote of our decision in making the...taking the action that we did. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Senator Schmit. Senator Schmit. Senator Hall.

SENATOR HALL: Mr. President, I would move that we recess until one-thirty.

SPEAKER BARRETT: For the record, Mr. Clerk.

CLERK: Mr. President, I have amendments to be printed to LB 89 by Senator McFarland. (See pages 1901-03 of the Legislative Journal.)

Enrollment and Review reports LB 289 to Select File; LB 586A, LB 591A, LB 767A, LB 611A, all to Select File. (See pages 1903-04 of the Legislative Journal.)

Mr. President, a reminder offered by Senator Withem that there will be the showing of Learning in America today at noon in Room 1117.

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

SPEAKER BARRETT: Thank you. (Gavel.) One other quick announcement. The Nebraska Futures, Inc. briefing which was

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LB 586A, 591A, 683

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated immediately.) ...the George W. Norris Legislative Chamber. With us this morning as our Chaplain of the day is Pastor Curtis Benson of the Redeemer Lutheran Church in Hooper, Nebraska. Would you please rise for the invocation.

REVEREND BENSON: (Prayer offered.)

PRESIDENT: Thank you, Pastor Benson. We appreciate your being here this morning. Roll call, please. The Clerk would like to have a word with you. Record, Mr. Clerk, please.

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

PRESIDENT: Do you have any corrections to the Journal?

CLERK: No corrections, Mr. President.

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

CLERK: Just one item. Senator Warner would like to print amendments to LB 683, Mr. President. That's all that I have. (See pages 1931-32 of the Legislative Journal.)

PRESIDENT: May I introduce some guests, please, in the north balcony. Senator Coordsen has some guests from Friend, Nebraska. We have 13 ninth graders from Friend Public School and their teacher. Would you students and teacher please stand up so we may recognize you. Thank you for visiting us today. Move on to Select File, Mr. Clerk.

CLERK: Mr. President, we have three bills scheduled for Select File discussion this morning to catch up with the main bill. The first is LB 586A. Senator, I have no amendments to the bill.

PRESIDENT: Speaker Barrett.

SPEAKER BARRETT: Mr. President and members, I would move that LB 586A be advanced.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 591A.

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LB 301, 591A, 611A

CLERK: LB 591A, Senator, I have no amendments to the bill.

PRESIDENT: Speaker Barrett, please.

SPEAKER BARRETT: Mr. President, I would move the advancement of LB 591A.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 611A.

CLERK: LB 611A, Mr. President, I have no amendments to the bill.

PRESIDENT: Speaker Barrett, please.

SPEAKER BARRETT: Mr. President, I move the advancement of LB 611A.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. Thank you, Senator Barrett, you did very well.

SPEAKER BARRETT: Thank you, sir.

PRESIDENT: Move on to General File, appropriation bills. For you students in the balcony, you hit us at a lucky time. We're going to be talking about how we are going to spend some tax money, so you hit us at a good time. Mr. Clerk, LB 301.

CLERK: Mr. President, 301 was a bill that was introduced by the Speaker at the request of the Governor. (Read title.) The bill was introduced on January 10, referred to Appropriations, advanced to General File. I have committee amendments pending by the Appropriations Committee, Mr. President.

PRESIDENT: Senator Warner, are you going to handle this one?

SENATOR WARNER: Mr. President, members of the Legislature, this is, as you will recall, is the bill for the salaries of constitutional officers which is required by the Constitution to be in a separate appropriation bill and it includes the Supreme Court, the Clerk of the Supreme Court, Reporter of the Supreme Court, 53 district and juvenile judges, 57 county judges and then the Governor, Lieutenant Governor, Secretary of State,

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LB 84, 308, 361, 361A, 508, 509, 591A
605, 627, 669, 722, 793, 813

SPEAKER BARRETT: Thank you, Mr. Chairman, and thanks to members of the Appropriations Committee for the overview of LB 813. Mr. Clerk, do you have anything for the record?

CLERK: Mr. President, Government Committee gives notice of cancellation of hearing, confirmation hearing. Amendments to be printed to LB 308 by Senator Warner; and Senator Conway and Haberman to LB 84. (See pages 1934-35 of the Legislative Journal.)

Natural Resources offers a confirmation hearing report. Communications from the Governor to the Clerk. (Read. Re: LB 361, LB 361A.) A second letter. (Read. Re: LB 508, LB 509, LB 605, LB 627, LB 669, LB 722, and LB 793. See pages 1935-36 of the Legislative Journal.)

Enrollment and Review reports LB 591A as correctly engrossed, Mr. President. That is all that I have. (See pages 1936-37 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. There are a number of motions on the desk. It occurs to the Chair...Senator Schmit.

SENATOR SCHMIT: I believe the comment from Senator Warner was that if there were comments relative or questions relative to the general explanation, that they would be in order before the motions, is that correct or not?

SPEAKER BARRETT: That is correct. You are in order, yes. Proceed.

SENATOR SCHMIT: Well, thank you, Mr. President and members. I appreciate this explanation of the budget this morning, and I know that although it was an overview it was detailed and there will be, no doubt, many other legislators who will have questions, and I want to ask the indulgence of the body this morning because of an issue which is of considerable importance to all of us, I believe, and to myself, in particular, and to all of those who are associated with agriculture, in particular also. Agency 60 on page 112, the Gasohol Committee, Senator Warner pointed out that the committee has appropriated for '89-90 only \$1,670,626 of that total 17 million plus money and I want to say at this time that there will probably be a lot of comment about that in the future, but I have discussed it just

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LB 591, 591A

long hours with those lights. I would appreciate it and perhaps my colleagues would as well if we could pursue the notion of either dimming or turning off the lights towards the time that we normally do so that we can forego the extra aggravation that that creates. Thank you.

SPEAKER BARRETT: Thank you. Your point is well taken. We'll take it under advisement. Proceed, Mr. Clerk, to item 8.

CLERK: Mr. President, Senator Schmit would move to suspend Rule 7(b) so as to permit the consideration of LB 591 and LB 591A on Final Reading today.

SPEAKER BARRETT: Senator Schmit.

SENATOR SCHMIT: Mr. President and members, as you know LB 591 is a bill which will allow the interstate simulcasting of races and the bill has moved right along. I appreciate the expediting of the bill several times, and I know that there are those who are anxiously awaiting to determine if the bill will be read in time for the racing industry here in Nebraska to simulcast the Kentucky Derby this Saturday. There are those, in fact, who have already begun to advertise that. I don't know what would be the result if the bill didn't pass today. It would be a little bit embarrassing to say the least, but in any case, I would appreciate it very much if we would suspend the rules and read LB 591 at this time.

SPEAKER BARRETT: Thank you, Sir. It is debatable. Any discussion? Senator Hall.

SENATOR HALL: Thank you, Mr. President and members, I rise in support of Senator Schmit's motion to read the bill. I am looking forward to simulcasting. Because of the advertisement, I know it's coming and it's kind of predestination, if you will, but be that as it may, Senator Schmit, would you yield to a couple questions just for purposes of establishing some legislative intent?

SPEAKER BARRETT: Senator Schmit.

SENATOR SCHMIT: Yes, I would, Senator. I just want to say also I had nothing to do with the advertising. I'm not quite that presumptuous to line up the advertising before the bill becomes law.

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LB 78, 175, 262, 588, 591, 591A, 606
646, 681, 767, 814

having been complied with, the question is, shall LB 591 with the emergency clause attached become law? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. (See page 2023 of the Legislative Journal.) 42 ayes, 2 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 591E passes. And let the record show that Senator Moore had guests in the north balcony. They are just leaving at the present time, 9 students and 2 sponsors from the seventh and eighth grades in Waco, from St. John's in Waco. Thank you, folks, for coming. We appreciate it. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 606, LB 681, LB 78, LB 646, and LB 262. (See page 2024 of the Legislative Journal.) The call is raised. I'm sorry, we have an A bill. The call is not raised, I'm sorry. Mr. Clerk.

CLERK: (Read LB 591A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 591A with the emergency clause attached pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See page 2024 of the Legislative Journal.) 41 ayes, 2 nays, 3 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 591AE passes. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign, LB 591 and LB 591A, and the call is raised. Anything for the record, Mr. Clerk?

CLERK: I have amendments to be printed by Senator Coordsen to LB 814, Senator McFarland to LB 175, Senator Conway to LB 767. That's all that I have, Mr. President. (See pages 2025-27 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Proceeding then to General File, senator priority bills, LB 588.

CLERK: Mr. President, 588 was a bill introduced by Senator Chambers. (Title read.) The bill was introduced on January 18.

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LB 78, 262, 429, 588, 591, 591A, 606
646, 681

further on it? The call is raised.

CLERK: Mr. President, Senator Labedz would move to amend the bill.

PRESIDENT: Senator Labedz, please.

SENATOR LABEDZ: Withdraw.

PRESIDENT: Withdrawn.

CLERK: Mr. President, Senator Ashford would move to amend.

PRESIDENT: Senator Ashford. It is withdrawn.

CLERK: Mr. President, Senator Hall...kill motion, Senator?

SENATOR HALL: Withdraw.

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

PRESIDENT: Okay, we're on the advancement of the bill. Senator Chambers.

SENATOR CHAMBERS: In view of the...Mr. Chairman and members of the Legislature, I will just make the motion, then see if it's necessary to discuss it further, but I move that 588 be advanced to E & R Initial.

PRESIDENT: You've heard the motion. Any discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: 26 ayes, 8 nays, Mr. President, on the advancement of LB 588.

PRESIDENT: LB 588 is advanced. Do you have something for the record, Mr. Clerk?

CLERK: Mr. President, I do. Enrollment and Review reports LB 429 correctly engrossed.

Enrolling Clerk has presented to the Governor bills read on Final Reading today, Mr. President. (Re: LB 606, LB 681, LB 78, LB 646, LB 262, LB 591, LB 591A. See page 2028 of the

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681, 813
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amendment is adopted. Do you have anything else on it, Mr. Clerk?

CLERK: Mr. President, Senator Wesely would move to amend Senator Bernard-Stevens' amendment.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Yeah, I move to recess till one-thirty.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. You are recessed until one-thirty.

RECESS

PRESIDENT NICHOL PRESIDING

PRESIDENT: Record, Mr. Clerk, please.

ASSISTANT CLERK: There is a quorum present, Mr. President.

PRESIDENT: Do you have anything to read in, Mr. Clerk?

ASSISTANT CLERK: One item, Senator Coordsen would ask unanimous consent to print amendments to LB 182.

CLERK: Mr. President, I have a series of things, a communication from the Governor to the Clerk. (Re: LB 606, LB 681, LB 78, LB 646, LB 262, LB 591, LB 591A. See page 2089 of the Legislative Journal.)

A new study resolution by Senator Rod Johnson, LR 110. LR 111 by Senator Johnson. LR 112 by Senator Baack. LR 113 by Senator Barrett. LR 114 by Senator Hefner. LR 115 by Senator Baack. (Read brief explanation of each. See pages 2089-93 of the Legislative Journal.)

Mr. President, received a report from U S Ecology which is filed pursuant to rule and reg. Senator Wesely has amendments to LB 813, as does Senator Bernard-Stevens... Senator Bernard-Stevens has amendments to LB 813, Mr. President. (See pages 2093-94 of the Legislative Journal.)