

February 7, 1990

LB 313, 663A, 863, 901, 986, 991, 1004
1032, 1050, 1117, 1178

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Good morning, ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. Our Chaplain of the day is Pastor William Yeager of Westminster Presbyterian Church here in Lincoln. Will you please rise for the prayer.

PASTOR YEAGER: (Prayer offered.)

SPEAKER BARRETT: Thank you very much, Reverend Yeager. We hope you can come back again. Roll call.

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

SPEAKER BARRETT: Thank you. Any corrections to the Journal?

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any messages, reports or announcements?

CLERK: Mr. President, Enrollment and Review reports LB 1050, LB 1004 and LB 863 to Select File, those signed by Senator Lindsay as Chair. (See pages 686-87 of the Legislative Journal.)

Government Committee reports LB 1032 to General File with amendments. That's signed by Senator Baack. Business and Labor reports LB 901 to General File, LB 1178 General File, LB 313 General File with amendments, LB 986 indefinitely postponed, LB 991 indefinitely postponed, LB 1117 indefinitely postponed, those signed by Senator Coordsen. (See pages 688-90 of the Legislative Journal.)

Mr. President, notice of hearing from the Revenue Committee. That is signed by Senator Hall and new A bill, Mr. President, LB 663A. It's a bill by Senator Scofield. (Read brief description. See page 690 of the Legislative Journal.)

Mr. President, I have received a request from the Nebraska State College System regarding approval required by the Legislature for a bond issue with respect to student housing at Kearney State College. That will be referred to Reference Committee.

Mr. President, finally, a report from the Department of Social Services filed pursuant to statute. That will be on file in my

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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

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be a new position that brings to this state expertise in particular about alternatives and works with those communities to help them not only be aware of alternatives that other states have used, but also encourage creative solutions in our own communities. With that explanation, I would ask you to advance LB 663A. Thank you.

PRESIDENT: Thank you. Senator Coordsen, your light is on, did you wish to speak? Perhaps it was just left on. The question is the advancement of LB 663A. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of 663A.

PRESIDENT: LB 663A advances. LB 896A.

CLERK: 896A offered by Senator Withem. (Read title.)

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Yes, Mr. President, members of the body, LB 896 is the appropriations bill that accompanies LB 896. LB 896 is, I believe, if not on Final Reading, was, I believe I heard it reported as being correctly engrossed this morning and just being reported to Final Reading today. The A bill needs to catch up with it. The bill is one that provides for a withholding of income tax from civil service annuitants. The A bill, in a global sense, is a fairly modest \$30,000 for '90-91 and \$15,000 for '91-92. I would urge you to advance the bill.

PRESIDENT: Any further discussion? If not, the question is the advancement of the bill. All in favor vote aye, opposed nay. I need a little help. Thank you. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 896A.

PRESIDENT: LB 896A advances. LB 902A, please.

CLERK: Mr. President, 902A is a bill by Senator Hall.

PRESIDENT: Is anyone authorized to handle this? Senator Hall is excused. We'll move on to the next one. Perhaps somebody will show. LB 1004A.

February 16, 1990

LB 313, 663A, 799, 896A, 902A, 1004A, 1064A
1136, 1219, 1241

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning our own Reverend Harland Johnson. Would you please rise for the invocation.

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: Thank you, Harland Johnson. We appreciate you again. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Do we have any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: How about messages, reports, or announcements?

CLERK: Mr. President, Enrollment and Review reports LB 663A, LB 896A, LB 1004A, LB 1064A, and LB 902A to Select File, as well as LB 313 to Select File with E & R amendments attached. (See pages 838-39 of the Legislative Journal.)

Mr. President, I have received a series of priority bill designations; Senator Landis has selected for the Banking, Commerce, and Insurance Committee LB 1241; Senator Beyer, LB 799; and Senator Landis personal priority or LB 1136.

An Attorney General's Opinion addressed to Senator Lowell Johnson on LB 1219. (See pages 839-41 of the Legislative Journal.)

Two reports, Mr. President, the first from the Nebraska Energy Office, and a second, Mr. President, received from US Ecology regarding notice of final selection. Both of those will be on file in my office.

PRESIDENT: Is that all? Thank you. We will move on to the confirmation report of Senator Haberman's.

CLERK: Mr. President, your Retirement Systems Committee chaired by Senator Haberman offers a report found on page 833 for Ms. Connie Witt to the Public Employees Retirement Board.

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

CLERK: I have nothing further on that bill.

PRESIDENT: Senator Lindsay, on the advancement.

SENATOR LINDSAY: Mr. President, I move that LB 1199, 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.

CLERK: Mr. President, the next bill I have is LB 922. I have Enrollment and Review amendments pending.

PRESIDENT: Senator Lindsay, on 922, please.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 922.

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

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

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 922 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.

CLERK: Mr. President, the next bill I have is LB 663A. I have no amendments to that bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 663A be advanced to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced.

February 28, 1990 LB 42, 315, 348, 446, 542, 662, 663A
791, 792, 863, 896A, 922, 1004, 1004A
1199
LR 262

driver, if that's who was involved, would no longer be able to drive the truck as well. If it were a secretary or somebody in that capacity, the duties of that job would not be carried out as well. So all my words will do is focus on what the words "affect the employment relationship" will mean. So if you have any questions, I am prepared to answer them.

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

CLERK: Mr. President, Senator McFarland would move to recess until 1:30 p.m.

SPEAKER BARRETT: You have heard the motion to recess until one-thirty. Have you matters for the record, Mr. Clerk?

CLERK: If I may, Mr. President. Your Committee on Enrollment and Review reports LB 42, LB 663A, LB 863, LB 896A, LB 922, LB 1004, LB 1004A, LB 1199, as correctly engrossed. Those are signed by Senator Lindsay. (See pages 1045-46 of the Legislative Journal.)

Mr. President, I have a corrected committee statement with respect to LB 446 offered by Senator Chizek as Chair of the committee. (See page 1045 of the Legislative Journal.)

Urban Affairs reports LB 791 and LB 792 as indefinitely postponed.

Mr. President, amendments to be printed; Senator Langford and Wesely to LB 348, Senator Labedz to LB 662, Senator Lindsay to LB 542. (See pages 1046-47 of the Legislative Journal.)

And a new resolution, Mr. President, LR 262, offered by Senators Lamb, Scofield, Dierks and Peterson. (Read brief description of LR 262. See pages 1047-50 of the Legislative Journal.) That resolution will be laid over, Mr. President. That's all that I have.

SPEAKER BARRETT: Thank you. You have heard the motion to recess until one-thirty. All in favor say aye. Opposed no. The ayes have it. Motion carried. We are recessed. (Gavel.)

RECESS

March 30, 1990

LB 662A, 663A, 663

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

CLERK: (Read record vote. See page 1746 of the Legislative Journal.) 39 ayes, 1 nay, 1 present and not voting, 8 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 662A passes. The Chair is pleased to note that Senator Abboud has 10 junior and senior high school students from Ralston High School in our south balcony with their sponsor. Would you folks please stand and be recognized. Thank you, we're glad you could be with us. LB 663, Mr. Clerk.

ASSISTANT CLERK: (Read LB 663 on Final Reading.)

SENATOR HANNIBAL PRESIDING

SENATOR HANNIBAL: All provisions of law relative to procedure having been complied with, the question is, shall LB 663 pass? All in favor vote aye, opposed nay. Have you all voted? Have you all voted? Please record, Mr. Clerk.

ASSISTANT CLERK: (Read record vote. See page 1747 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 4 present and not voting, 5 excused and not voting, Mr. President.

SENATOR HANNIBAL: LB 663 passes. Before we move on to LB 663A, I'd like to take this opportunity to introduce some special guests of Senator Smith. In the south balcony there are 33 sixth graders from St. Cecelia in Hastings with their teacher. Would you all please rise and be welcomed to the Legislature. Thank you for joining us today. LB 663A, Mr. Clerk.

ASSISTANT CLERK: (Read LB 663A on Final Reading.)

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 663A pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Read record vote. See pages 1747-48 of the Legislative Journal.) The vote is 41 ayes, 0 nays, 4 present

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LB 663A, 678, 678A, 688

and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 663A passes. LB 678.

ASSISTANT CLERK: (Read LB 678 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 678 pass? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: (Read record vote. See page 1749 of the Legislative Journal.) The vote is 27 ayes, 17 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 678 passes. The A bill.

ASSISTANT CLERK: (Read LB 678A on Final Reading.)

SPEAKER BARRETT: All provisions of law according to procedure having been complied with, the question is, shall LB 678A become law? All in favor vote aye, opposed nay. Have you all voted? Have you all voted if you'd care to vote? Record.

ASSISTANT CLERK: (Read record vote. See page 1750 of the Legislative Journal.) The vote is 25 ayes, 12 nays, 8 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 678A passes. Any items for the record, Mr. Clerk?

CLERK: Mr. President, I do. I have a report of registered lobbyists for this past week required by statute.

Mr. President, an explanation of vote from Senator Lamb. And that is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. LB 688E.

CLERK: Mr. President, I have a motion on the desk. Senator Landis would move to return the bill for specific amendment.

SPEAKER BARRETT: The Chair recognizes Senator Landis.

SENATOR LANDIS: Thank you. Mr. Speaker, members of the

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LB 662, 662A, 663, 663A, 678, 678A, 688

SENATOR CHAMBERS: ...bitter exchanges, we're going to have some discussion of issues in a very serious, solemn and even gloomy fashion but there will be other times when because human nature is not static, it is not uniform in its manifestations over a long period of time, there will be some lightheartedness, there will be some frivolity but we know that underlying all of that is a deadly, serious and bitterly fought issue which has been before us the past session of the Legislature, earlier this session and obviously is going to be with us until the end which also will be bitter. I propose in the same way that those who are offering their amendment, to use the rules to get their amendment onto a bill and jump from General File to Final Reading and I applaud them for their cleverness. They have learned.

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: I'm going to use the rules to defeat them if that is possible.

SPEAKER BARRETT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 662, LB 662A, LB 663 and LB 663A, LB 678 and LB 678A. (See page 1751 of the Legislative Journal.) Additional discussion on the motion to return the bill, Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, members, I know we're discussing an amendment but I think what we're really talking about is a process and a procedure. We're trying to amend LB 688 and LB 688 is Senator Lindsay's bill, but I've spent an awful lot of time and my staff have spent an awful lot of time trying to work out this piece of legislation. Senator Byars is talking to Senator Lindsay right now because Senator Byars has a certain interest in this measure as well. We have got a problem that we're trying to address with LB 688. It's a problem that is acute. We've got lawsuits filed, we've got to deal with this. It's statewide. It's a concern that have many people up in arms. What is symbolizes though beyond that specific problem is how our time spent on this whole abortion debate and the filibustering that has been going on directly or indirectly have lost opportunities to address real issues affecting real people, and every time we lose a minute or an hour or a day or days, we lose opportunities to help solve problems that people have in this state and we've got literally hundreds of bills pending on

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LB 54, 662, 662A, 663, 663A, 678, 678A
688, 1247
LR 406, 414, 415

remains constant. Oh, my time is up?

SPEAKER BARRETT: Time, yes. The question is the reconsideration motion. All in favor of that motion please vote aye, opposed nay. A record vote has been requested. Have you all voted? Record, please.

CLERK: (Record vote read. See page 1754 of the Legislative Journal.) 5 ayes, 25 nays, Mr. President, on the motion to reconsider the vote on overruling the Chair.

SPEAKER BARRETT: Motion fails. Next item.

CLERK: Mr. President, I believe that puts us back to the vote on the motion to cease debate on Senator Chambers motion to reconsider the motion to return. So the question I believe before the body is the motion to cease debate.

SPEAKER BARRETT: The question is, shall debate cease? We are technically under call. May we check in. Senator Byars, Senator Lynch, Senator Chizek. Senators Abboud, Schellpeper, Haberman. Senator Scofield. Senator Haberman. Senator Schellpeper. Senator Abboud. Mr. Clerk, any items to read in?

CLERK: Mr. President, I do, a Reference Report referring LR 406 and LB 1247. Senator Abboud has amendments to LB 54 to be printed. Bills read on Final Reading have been presented to the Governor. (Re: LB 662, LB 662A, LB 663, LB 663A, LB 678, LB 678A. See page 1755 of the Legislative Journal.)

New resolutions, LR 414 by Senator Withem, and LR 415 by Senator Langford. Both will be laid over and considered at another time, Mr. President. That is all that I have. (See pages 1756-57 of the Legislative Journal.)

SPEAKER BARRETT: Only one remaining, do you want to...thank you. Senator Chambers, members, return to your seats. The question is, shall debate cease and a roll call vote has been requested? Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1757-58 of the Legislative Journal.) 32 ayes, 8 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. On the motion to reconsider,

April 4, 1990

LB 260, 260A, 313, 313A, 488, 488A, 520
567, 567A, 663, 663A, 854, 899, 1124
1125, 1141
LR 239

SENATOR BERNARD-STEVENS: It'd be a fascinating turn of events to have that happen. But the bottom line is all of this debate is about a bill that's unconstitutional. Bottom line is in some cases in western Nebraska, by the way the bill is, it may not be possible to get the kind of counseling that they need in order to get the permit signed on the informed consent. Bottom line is some people in western Nebraska who don't have a counselor or someone that fits the definition that's in LB 84 (sic), which I'll again bet that 90 percent of the people in this body still have no clue of what that definition is, nor care, that a lot of people in the rural part of our state have to go elsewhere to find somebody who fits the qualifications that are in the bill. I took the time to call counselors throughout western Nebraska and ask if they felt they qualified under the bill. They stated, the way the bill is written, probably not.

SPEAKER BARRETT: Time has expired.

SENATOR BERNARD-STEVENS: But if we'd a been allowed to make some (inaudible).. improve that situation. Thank you.

SPEAKER BARRETT: Thank you. Senator... excuse me, Mr. Clerk, you have a motion on the desk?

CLERK: Mr. President, Senator Chambers, I understand you want to offer a motion to adjourn until nine o'clock tomorrow morning, Thursday, April 5.

SPEAKER BARRETT: Have you anything to read in, Mr. Clerk?

CLERK: Mr. President, I do. I have your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LR 239CA and find the same correctly engrossed, LB 1141 and LB 1124. (See pages 1902-04 of the Legislative Journal.)

Mr. President, I also have three communications from the Governor regarding signed bills addressed to the Clerk: Engrossed LB 663, LB 663A, received in my office March 30 and signed by me on April 4. (See pages 1905-06 of the Legislative Journal.) A second communication: Engrossed LB 1125, LB 899, LB 260, LB 260A, LB 313, LB 313A, LB 488, LB 488A, LB 520, LB 567, LB 567A, received in my office on March 29 and signed by me on April 4 and delivered to the Secretary of State, Sincerely, Kay Orr, Governor. (See Page 1905 of the Legislative