

April 12, 1989

LB 182, 211, 586, 642, 767A, 769

advancement of LB 586.

SPEAKER BARRETT: LB 586 is advanced. Anything for the record?

CLERK: Mr. President, your Committee on Judiciary, whose Chair is Senator Chizek, reports LB 211 to General File, and LB 642 to General File with amendments, those signed by Senator Chizek. I have a proposed rule change offered by Senator Korshoj. That will be referred to Rules Committee. Senators Bernard-Stevens and Schimek have amendments to be printed to LB 769. General Affairs gives notice of confirmation hearing, as does Business and Labor, those signed by Senators Smith and Coordsen as Chairs. And new A bill, LB 767A, by Senator Smith. (Read by title for the first time.) That's all that I have, Mr. President. (See pages 1657-60 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Senator Peterson, would you like to recess us, please.

SENATOR PETERSON: I move, Mr. President, we recess until one-thirty.

SPEAKER BARRETT: Thank you. You've heard the motion to recess until one-thirty. Those in favor say aye. Opposed no. Carried, we're recessed.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. Anything for the record, Mr. Clerk?

CLERK: Mr. President, I have an Attorney General's Opinion addressed to Senator Wesely regarding LB 182. That's all that I have, Mr. President. (See pages 1661-63 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Proceeding immediately then to our General File agenda, 1989 senator priority bills, LB 182.

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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 89, 744, 761, 767A, 767

them some more control over it. And I was visiting privately with Senator Lynch, I guess what we have discovered in Bellevue, and I know where his problems there with his Little Vikings is that the bill also says if you are running a lottery you can't run another type of gambling operation, so we have discovered in our...or the people that run the keno operation in Bellevue that the pickle sales are the largest for our volunteer fire department, which is done at the keno operation. So I think that maybe as Douglas County thinks about moving into this area, but I think we have crafted, I think, through the work of our Chairman, Senator Smith has done a good job of bringing legislation, and I think we need to look at again, maybe in another year, at the pickles.

SPEAKER BARRETT: Senator Smith, please. Thank you. Senator Withem. Senator Withem on the advancement of the bill.

SENATOR WITHEM: Call the question.

SPEAKER BARRETT: Thank you. That won't be necessary. Anything further, Senator Smith, on the advancement of the bill?

SENATOR SMITH: No. Let's just move the bill. Thank you.

SPEAKER BARRETT: Thank you. The question is the advancement of LB 767 to E & R engrossing. Those in favor say aye. Opposed no. The ayes have it. Motion carried. The bill is advanced. Anything for the record, Mr. Clerk?

CLERK: Mr. President, I have a reference report referring gubernatorial appointment for confirmation hearing; amendments to LB 761 by Senator McFarland; Senator Withem to LB 744; Senator Moore to LB 89. (See pages 2269-71 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: To the A bill.

CLERK: I have no amendments to LB 767A, Mr. President.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move the advancement of LB 767A.

SPEAKER BARRETT: Shall LB 767A be advanced.? All in favor say

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LB 588, 767A

aye? Opposed no. Carried. The bill is advanced. Next bill, Mr. Clerk.

CLERK: Mr. President, the next bill is LB 588. The first item I have are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 588.

SPEAKER BARRETT: Shall the E & R amendments be adopted to 588. All in favor say aye. Opposed no. Carried. They are adopted.

CLERK: Mr. President, the next amendment I have is by Senators Withem and Hartnett. I have a note, Mr. President, that they would like to withdraw this amendment and substitute an amendment, is that correct, Senator.

SENATOR WITHEM: Yes, it is.

SPEAKER BARRETT: Asking for unanimous consent to withdraw and substitute, if there are no objections. Fine.

CLERK: Mr. President, Senators Withem and Hartnett would move to amend and the amendment is on page 2218 of the Journal.

SPEAKER BARRETT: Senator Withem.

SENATOR WITHEM: Yes, thank you, Mr. Speaker. I will be very brief on this because I know there are other items on the bill. It came to light during General File discussions on this bill that the manner in which county boards memberships are elected is based on populations of counties. If it is above, I think the Senator Chambers bill has reference to counties above 250,000 is what this particular bill applies to. The Lancaster County system is for counties of 100,000 or above, and the rest of the state has another system. What we discovered is Sarpy County is probably one of the most dynamic counties, one of the most exciting counties in the state, and elect some of the finest representation into this Legislature in the state, is growing considerably and probably during the next census will be above the 100,000 figure, in which case, ironically the county that currently elects by district, as this bill proposes, will be forced into a new system, the Lancaster County system, and if

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LB 95, 258, 280, 289A, 444, 640, 761  
762, 767, 767A, 780

I have a Reference Report referring gubernatorial appointees. Enrollment and Review reports LB 95, LB 280, LB 444, LB 640, LB 762, LB 767, LB 767A, LB 780, all are reported correctly engrossed. Enrollment and Review further reports LB 258 and LB 289A to Select File, Mr. President. (See pages 2364-69 of the Legislative Journal.)

The next amendment, Mr. President, is by Senator Kristensen. Senator, I have amendment number 1723, AM1723, Senator.

PRESIDENT NICHOL PRESIDING

PRESIDENT: Senator Kristensen, please.

SENATOR KRISTENSEN: Thank you, Mr. President. Mr. Clerk, is that the one that is printed on page 2149?

CLERK: Yes, sir.

SENATOR KRISTENSEN: Thank you. Mr. President and members of the body, I almost shudder to say this but I think this might be one of the amendments to this bill that shouldn't receive a whole lot of controversy. What it is, and it deals with two things in specifics, most of you have probably been contacted by constituents of Senator Morrissey, myself, or Senator Dierks. You have probably seen people with their frustration levels at their highest, not only on the floor, but in the halls, and certainly within the communities that have been picked as potential host sites for this facility. One of the common themes, at least when I go out and do town hall meetings in those areas, is that there is a lot of tensions, a lot of scared people, a lot of people that have some grave concerns about the future of not only just their own personal lives and their farms and their communities but what is perceived about these farms and communities, and about what sort of image and cloud is going to be cast over them in the future, if they are selected, or the fact that they are just under consideration. I had several people come to me, and in particular a couple of ministers who are doing a lot of good work in that area in terms of counseling, and they have received a rash of people searching for some answers and some consoling, and, if for nothing else, just how to cope with this anxiety. The way we cope in here is we call the question, we take our votes, they are either up or they are down, and we can go on with the issues because we know

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LB 744, 767, 767A, 780

or not 744 can be passed into law. Mr. Clerk, roll call. Proceed.

CLERK: (Roll call vote taken. See pages 2660-61 of the Legislative Journal.) 25 ayes, 22 nays, 2 present and not voting, Mr. President, on the final passage.

SPEAKER BARRETT: LB 744 passes. With again a reminder that we are on Final Reading and technically under call. Next bill.

ASSISTANT CLERK: (Read LB 767 on Final Reading.)

PRESIDENT NICHOL PRESIDING

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 767 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 2661-62 of the Legislative Journal.) 44 ayes, 0 nays, 4 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 767 passes with the emergency clause attached. LB 767A, please.

CLERK: (Read LB 767A on Final Reading.)

PRESIDENT: Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 2662-63 of the Legislative Journal.) 42 ayes, 0 nays, 6 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 767A passes. LB 780, please.

CLERK: (Read LB 780 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 780 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 2663-64 of the Legislative Journal.) 42 ayes, 3 nays, 4 present and not

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LB 137A, 137, 639, 739A, 744, 761, 762  
767, 767A, 780

PRESIDENT: It is withdrawn. Please read the bill.

CLERK: (Read LB 639 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 639 pass? All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 2669-70 of the Legislative Journal.) 36 ayes, 8 nays, 5 present and not voting, Mr. President.

PRESIDENT: LB 639 passes. LB 761 with the emergency clause attached.

CLERK: (Read LB 761 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 761 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 2671 of the Legislative Journal.) 46 ayes, 0 nays, 3 present and not voting, Mr. President.

PRESIDENT: LB 761 passes with the emergency clause attached. LB 762, please.

ASSISTANT CLERK: (Read LB 762 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 762 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 2671-72 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 762 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 767, LB 137A, LB 137, LB 780, LB 767A, LB 744, LB 739A,



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LB 137, 137A, 211, 215, 228, 352, 639  
739, 739A, 744, 761, 762, 762A, 767  
767A, 780, 815, 815A, 817  
LR 115

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated immediately) ...W. Norris Legislative Chamber. We have with us this morning, as our Chaplain of the Day, Reverend Homer Clements of Saint Luke's United Methodist Church in Lincoln. Would you please rise for the invocation.

REVEREND CLEMENTS: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Reverend Clements. We appreciate it. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal today?

CLERK: I have no corrections, Mr. President.

PRESIDENT: Good. Any messages, reports or announcements?

CLERK: Mr. President, just one item and that is a...your Enrolling Clerk did present to the Governor the last few bills read on Final Reading last evening, and that's all that I had, Mr. President. (See bills presented to the Governor regarding LB 767, LB 767A, LB 137, LB 137A, LB 744, LB 780, LB 739, LB 739A, LB 211, LB 215, LB 228, LB 352, LB 639, LB 761, LB 762, LB 762A, LB 815, LB 815A, and LB 817 as found on page 2677 of the Legislative Journal.)

PRESIDENT: Good. We'll move on to Legislative Resolution, LR 115.

CLERK: Mr. President, LR 115 is offered by Senator Baack. It's found on page 2092. It asks the Legislature to acknowledge the centennial celebration of Cheyenne County...Banner County. Banner County, excuse me, Senator.

PRESIDENT: Senator Baack, please.

SENATOR BAACK: They're fairly close together, I guess. Banner County at one time was a part of Cheyenne County, but is now a Banner County. Mr. President and colleagues, this is a resolution honoring Banner County for their 100th birthday that will take place this summer. Banner County was the first county