

March 27, 1990

LB 866A, 1055
LR 395

you bet on a horse race, the only way you know what you're going to get is after all of the money has gone into the pot, the track has taken its, the taxes have been taken out and then you divide what's left among the people. But, in addition to that, the track is going to skim some more off. So I think this amendment is imminently fair. That's all that it does is try to bring a measure of fairness to this activity. So I hope that you will adopt this amendment.

SPEAKER BARRETT: Thank you. The question is the adoption of the Chambers amendment to the amendment which is the divided question, Section (a), which is Sections 1, 2 and 9, which deal with racing. Those in favor of the adoption of that amendment to the amendment please vote aye, opposed nay. Have you all voted? Senator Chambers.

SENATOR CHAMBERS: I would like a record vote.

SPEAKER BARRETT: A record vote has been requested. Record, please.

CLERK: (Record vote read. See pages 1643 of the Legislative Journal.) 1 ayes, 17 nays, Mr. President, on adoption of the amendment to the amendment.

SPEAKER BARRETT: The motion fails. Mr. Clerk, have you items for the record?

CLERK: I do, Mr. President. Mr. President, Reference Report on a gubernatorial appointment. (See page 1643 of the Legislative Journal regarding appointment of Laurie Camp, Commissioner of Industrial Relations.)

Mr. President, a new A bill, LB 866A, by Senator Lamb. (Read by title for the first time. See page 1644 of the Legislative Journal.)

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

SPEAKER BARRETT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 395. Mr. Clerk.

CLERK: Mr. President, Senator Chambers would move to amend the committee amendments. Would you like me to read, Senator?

guests, please. Under the south balcony, the guests of Senator Moore, Senator Rod Johnson and Senator Langford are Richard Plock of York, Boyd Stuhr of Bradshaw, Glade Snoburger of Aurora, Andy Jensen of Aurora and Rod Gangwish of Shelton. Would you folks please stand and be recognized. Thank you. Also in the north balcony we have 40 guests of Senator Goodrich who are in the eighth grade at St. Thomas More School in Omaha, Nebraska and their teacher. Would you students and teacher please rise. Thank you for visiting us today also. Move on to Senator Lamb's motion.

CLERK: Mr. President, sitting on General File, I have a motion from Senator Lamb pursuant to Rule 1, Section 16. Senator Lamb would move to overrule the Speaker's agenda for Monday, April 2, 1990, and consider LB 866 and LB 866A immediately preceding LB 1124.

PRESIDENT: Senator Lamb, please.

SENATOR LAMB: Yes, Mr. President and members, I hesitated to do this. I hesitate to overrule, try to overrule the Speaker's agenda, but I guess I don't have an alternative. As you will note, LB 866 is my priority bill. This has to do with property tax relief. Some people might consider it an alternative to LB 1059. I circulated the motion and also the letter which I wrote to the Speaker on March 21 requesting that LB 866 be given priority status or special order, as it is my personal priority bill. And, as I mentioned in the letter, my request is because I don't think anybody on this floor knows what's going to happen to LB 1066...or LB 1059. LB 1059, of course, has advanced twice. LB 1059 will undoubtedly pass Final Reading. But I think the real question comes at this point as to whether or not it will be vetoed, which it probably will be vetoed, as I understand, and then the next question is whether the veto will be overridden. Now some people on this floor have said, look, we have no alternative. What if we don't do LB 1059? There's nothing else out there. And so that's why I'm saying that we should have LB 866 advanced over to Select File and perhaps even farther so that we do have an alternative. And I don't know what form you want LB 866 to be advanced and I'm not going to be real fussy about what form it is advanced, just so it gets over there so we do have an alternative. I do have recommendations. As you will remember, the Revenue Committee put some amendments on the bill; and I have amendments to the committee amendments which would modify that recommendation by the Revenue Committee.

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adopt Senator Labedz's motion, the issue will not be completely laid to rest but it will come closer to having...Senator Schmit is messing with me, it will come closer to having been laid to rest than if we don't. If we don't...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...defeat Senator Labedz's motion, then other things will be set in motion which will lead us to who knows where. The Far Side cartoon that was handed around might carry a hint of it, but I hope, indeed, that you will vote for this reconsideration motion.

SPEAKER BARRETT: Thank you. The question is the adoption of the reconsideration motion of the vote taken on the previous motion. Those in favor please vote aye, opposed nay. Record.

CLERK: 4 ayes, 26 nays, Mr. President, on the motion to reconsider.

SPEAKER BARRETT: Motion fails. Have you items for the record?

CLERK: No, I do not, Mr. President.

SPEAKER BARRETT: Next motion, please.

CLERK: Mr. President, Senators Labedz and Schmit would move to suspend Rule 6, Section 3, Rule 7, Sections 3 and 7, and place LB 976, LB 854, LB 1062, LB 1062A, LB 1151, LB 989, LB 989A, LB 866, and LB 866A on Select File without amendment or debate.

SPEAKER BARRETT: Senator Labedz, please.

SENATOR LABEDZ: Thank you, Mr. Speaker. I certainly will not go into a long, lengthy discussion on the motion to adopt the motion that I have up there, which is to suspend the rules with no further amendments or debate. And it will require another 30 votes, and then we can go on to Final Reading. Or, I should correct myself, Mr. Speaker, we will go on to your motion to suspend the rules with no further amendments or debate and read all the bills on Final Reading. And, as I said before, I have at least 40 or 50 amendments on some of the bills on Final Reading, but I will vote in the Speaker's favor to read the bills without further amendments or debate. And I will relinquish the rest of my time to Senator Schmit, and hopefully

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Chambers motion to return all bills on Select File to General File? Senator Chambers, any further statement? Thank you. The question is the return of bills on Select File to General File. Those in favor vote aye, opposed nay. Have you all voted? Senator Chambers. Thank you. Have you all voted? Please record.

CLERK: 1 ayes, 15 nays, Mr. President, on the motion to return the bills to General File.

SPEAKER BARRETT: The motion fails. Next item.

CLERK: Mr. President, I now have a motion to overrule the Speaker's order and consider a motion by Senator Chambers to return specified bills to General File. That motion is to return LB 976, LB 854, LB 1062, LB 1062A, LB 1151, LB 989, LB 989A, LB 866, and LB 866A.

SPEAKER BARRETT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, before I begin, there might be a question as to whether this is a reconsideration, so the person that wants to raise the issue, I will let them raise it, but these are the bills that were included in the package yesterday that were all advanced to Select File on one vote without amendment or discussion.

SPEAKER BARRETT: Thank you.

SENATOR CHAMBERS: And, Mr. Chairman, before I go into my opening, I will go ahead and we can dispose of the question that Senator Bernard-Stevens wants to raise.

SPEAKER BARRETT: Thank you. Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker. I am going to raise the question and ask for a ruling. I would assume that this would be a reconsideration motion then of what we did yesterday. Is that the Chair's understanding as well?

SPEAKER BARRETT: Senator Chambers, have you any comment?

SENATOR CHAMBERS: Well, it really wouldn't be that because it is not saying vote again on what was done yesterday. That action was done. This is taking it back. I had misunderstood

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am chastened but I am not apologizing, and despite what Aunt Jemima has said, despite what she has said and what the Cardinal wants her to say, and instead of telling her don't humiliate us in that fashion, he continues to send her out, I am going to push for the right of a woman to make the decision as to whether or not she is going to carry a pregnancy to term, and if she decides not to, there should be a safe place where there are medically competent people for her to go and obtain an abortion, and I hope you will vote...

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: ...aye on this motion to change the Speaker's agenda.

SPEAKER BARRETT: Thank you. You have heard the closing and the motion before the body is to overrule the agenda to consider returning LB 854 from Select File to General File. Those in favor of that motion please vote aye, opposed nay. Have you all voted? A record vote has been requested. Have you all voted? Record, please.

CLERK: (Record vote read. See pages 1869-70 of the Legislative Journal.) 7 ayes, 17 nays, Mr. President, on the motion to overrule the agenda.

SPEAKER BARRETT: The motion fails.

CLERK: Mr. President, Senator Bernard-Stevens would move to overrule the agenda so as to permit item six and seven to be scheduled ahead of item five, and within item five as, we now know it, to place LB 854 following LB 866A.

SPEAKER BARRETT: The Chair recognizes Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker, and members of the body. This is very much a good faith motion. I am not saying that Senator Chambers' were not. I think that all of those motions it was assumed would not pass, and that is good if we are setting a record. It is not good if we are trying to actually progress. This is a good faith attempt on my part. Whether you agree with it or not is simply going to be up to you and that is fine. Yesterday we were at a roadblock. The Speaker used his power as Speaker and his wisdom, I would grant to say, to try to undo that block, and we, as a body, did a very

will IPP that particular bill. That bill will not take any time. We go down to Senator Wesely's data collection, Senator Morrissey's Liability Act, and Senator Lamb's LB 866. What I am proposing to do is to take LB 854 and put it right after Senator Lamb's LB 866A, and what I am saying is we, as a body, know we are going to get into a fight today. We have a chance, as a body, to decide when that fight is going to take place. And there are people out there who still hold on to the shred of hope that that on the abortion issue that there is somehow some pressure out there, that some guilt out there, that will make people somehow give up, and I think you all know that is not going to happen. It is not going to happen. So I am giving the body an opportunity to say there is some things we can do if you want to do so. We can get to LB 85. It will be later day, and we can go all afternoon and all into the evening. If Senator Labedz has the motions to do what she wants to do, fine. If Senator Chambers, myself, and others have the power and the stamina to do what we want to do, fine, but we will have all sorts of time to do that. But let's do as we did yesterday, let's...these bills that we moved across because they were important to do, let's give them a chance to be discussed, and I think you will find that it won't take that much time. And I give that option to the body. You can do as you please. It is simply an option for you to consider. Thank you.

SPEAKER BARRETT: For purposes of discussion, Senator Schimek.

SENATOR SCHIMEK: Mr. President, and members of the body, I will be brief. I rise in support of Senator Bernard-Stevens' motion. Actually, of all the motions that have been presented this morning, this one makes the most sense to me in terms of political reality. I think that this might be a possibility that we can agree that we will have our disagreement later in the day after we have accomplished some of the business of the day. If I had my druthers, we would not discuss the bill at all because I do feel that it is in some respects a waste of the body's time because I do believe it is constitutionally very suspect and that is in keeping with the Attorney General's Opinion or advisement that he issued in response to Senator Nelson's question. But I am willing to concede that we will probably have to discuss this but let's not hold up the entire business of the session in order to discuss it early in the day. Let's do some of the other business first, do what Senator Bernard-Stevens has suggested and move the agenda. Thank you very much.

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SENATOR WITHEM: Senator Labedz, it is my intent, I have a motion filed to bracket 239CA. I want to discuss 239CA a little bit and then let the body decide whether they want to bring it up or not.

SENATOR LABEDZ: Thank you.

SENATOR WITHEM: I will the bracket motion to be debated and will bring it to a vote and however the body votes, it's their choice.

SENATOR LABEDZ: I just discussed with the Speaker a moment ago on the agenda, LB 239 (sic), and I can understand his reasoning. It was passed over yesterday. By all account it should be at the bottom of the list, but he said, and I know the confusion yesterday, the agenda was printed before we adjourned, well it was very close to the time that we adjourned because I remember picking it up after we adjourned, and actually 239CA should be below LB 866A. So we do have a lot of confusion this morning but overruling the Chair's decision at this moment with 25 votes and then 30 votes will bring 854 up and gone, up or down, to Final Reading. Thank you.

SPEAKER BARRETT: Senator McFarland, you are recognized.

SENATOR MCFARLAND: I'll just withdraw the motion, Mr. Speaker.

SPEAKER BARRETT: Thank you. It is withdrawn. Mr. Clerk, to the next item on the desk. Perhaps a point needs to be made with the withdrawal of the motion and so forth that the Chair has effectively ruled today then that there will be no other motions recognized to overrule the Speaker's order, and I think that should be made clear. Thank you. Mr. Clerk.

CLERK: Mr. President, LB 431 is on Select File. Enrollment and Review amendments were adopted last year. There was an amendment by Senator Wehrbein adopted to the bill, as one from Senator Wesely. Mr. President, Senator Wesely would now move to amend and, Senator, your amendment is on page 1807 of the Journal.

SPEAKER BARRETT: Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Mr. Speaker, before you leave, I just want to have, instead of going up there and discussing, I just