

January 4, 1990

LB 259, 259A, 505, 678A, 720A, 969-996
LR 231

SENATOR CHAMBERS: I don't mind.

PRESIDENT: Thank you for being so cooperative. We'll take it up after lunch. Mr. Speaker.

SPEAKER BARRETT: Mr. President, I move that we recess until one-thirty.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty. Senator Chambers, we'll take yours up...Senator Chambers, we'll take yours up right after...at one-thirty. Okay.

RECESS

PRESIDENT NICHOL PRESIDING

PRESIDENT: Members of the Legislature who are hiding out in their offices, appreciate it if you would come to the sanctuary so we can start the service. We already have three members here but we need a few more.

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

PRESIDENT: Senator Chambers will be here in a moment, and then we can begin on the...Mr. Clerk, do you want to read in new bills while we are waiting, please?

CLERK: Mr. President, yes, I do. Thank you, new bills. (Read for the first time by title: LB 969-996. See pages 150-57 of the Legislative Journal.)

Mr. President, I have a series of amendments to be printed, Senator Hefner to LR 231, Senator Wesely to LB 720A, LB 678A, Senator Withem to LB 259, LB 259A, and Senator Weihing to LB 505.

Mr. President, I will announce now that there will be a Reference Committee meeting at three o'clock in Room 2101, Reference Committee at three o'clock. 2102. That is all that I have, Mr. President.

PRESIDENT: Ladies and gentlemen, as you will recall, we are on

January 8, 1990

LB 409, 958-1013, 1031, 1032
LR 235

SPEAKER BARRETT: Let's stand at ease until eleven-fifteen, Mr. President.

PRESIDENT: Okay, thank you.

EASE

CLERK: Three quick announcements. Reference will meet underneath the south balcony now. Referencing Committee, underneath the south balcony right now.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: (Microphone not activated immediately.) ...return to the Legislative Chamber. The Legislature will reconvene and continue our discussion on the adoption of our permanent rules. Please return to the Legislative Chamber. Mr. Clerk, would you read in new bills, please.

CLERK: (Read LB 1031 and LB 1032 by title for the first time. See pages 198-99 of the Legislative Journal.)

Mr. President, in addition to those items, I have a new resolution. (Read brief summary of LR 235. See page 199 of the Journal.) That will be laid over.

I have amendments from Speaker Barrett to be printed to LE 409. Mr. President, I also have a Reference Report referring LBs 958-1013, as well as certain gubernatorial appointments received. That's all that I have, Mr. President. (See pages 199-201 of the Legislative Journal.)

SPEAKER BARRETT: Thank you, Mr. Clerk. Have you a motion, Mr. Clerk, to reconsider action taken last week?

CLERK: Mr. President, Senator Chambers would move to reconsider the vote on the Wesely amendment to the rules, which I believe the Legislature discussed on Thursday afternoon.

SPEAKER BARRETT: Thank you. The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this motion is designed to reconsider the vote that was taken on

bills or wants a lot of bills, but this is the system. You know, clearly it says here that that bill belongs in Transportation. Now we are either going to abide by the rules or the whole system goes to pot, as far as I am concerned. I realize there is a lobby group out there that wants this bill go to Judiciary. It does not belong in Judiciary, clearly does not belong in Judiciary. Jack Rodgers put it in Transportation and then it was changed by the Reference Committee. So it clearly belongs in Transportation, and I just urge you to rerefer that bill to Transportation.

PRESIDENT: Thank you. Senator Chizek, please.

SENATOR CHIZEK: Well, obviously, I disagree with Senator Lamb, and I think the realities are simple to grasp. The public has demanded that government act on the problems of drug abuse, and they rightly...and rightfully so, in my opinion. And I think these problems are multifaceted, multidefinitional, if you will, and in short, there is an overlap, and not pieces that have any connection with each other. The public is not failing to see that alcohol abuse is a part of the fabric of the problem. Response is being made to that which the public sees and demands a response to. One response is Senator Langford's LB 846 addressing suspension of driver's license for drug related offenses. Another response, colleagues, is Senator Abboud's LB 927. Other responses are Senator Pirsch's LB 976 and LB 977. Another response is Senator Lynch's LB 1062. Finally, there is LB 1114. Whether each and every sentence of these bills represents the best that we can do is a question for review in the next few weeks, colleagues. Today I think it is important that we see they share a common element of that being a response, that they share one common element in approach, specifically, cementing these suggestions with criminal penalties. All, including LB 1114, were assigned to the Judiciary Committee. At first blush, LB 1114 might, in fact, not seem to belong in this group, but its proposal to lower the level at which a person is considered legally intoxicated is, in effect, a proposal that goes to the abuse of a drug constituting a crime against society. It may even be considered, and I stress, not by its words by themselves but by their effect, to be a newly defined crime, again, one piece of the main is at were, which is the final reason why the bill should remain in Judiciary. As we respond, we need to see what the public sees. The view and the review of the issue must not be piecemeal. We must ask ourselves the logic of expected responsible hearings

before a single committee of LB 846, of LB 927, of LB 976, of LB 977, LB 1062, but advocating, advocating a piece of responsibility posed by 1114 elsewhere. I would like us at least to keep pace with what the public sees and knows is common sense, a virtue which my colleague, Senator Lamb, would in the first...be one of the first in line to defend. In that spirit, I would ask respectfully that we not be so eager to dispose of the motion that you approve it, and I respectfully ask for your defeat of the motion.

PRESIDENT: Thank you. Senator Peterson, please, followed by Senator Beck and Senator Labedz.

SENATOR PETERSON: Mr. President, and members, I rise to support the motion to refer this back to Transportation. That is where Dr. Rodgers "invidiously" said it should belong, by the statutes, the chapters and everything, and we, Senator Chambers, of course, is always in that committee trying to get a lot of things moved over to Judiciary, and I get offended a lot of times when I am sitting there referencing when this happens. And this is what happened, and from like Dr. Rodgers said, and he has expressed it to the committee time and time again, you know, this is where these bills should go, but it happens every once in awhile within that committee, especially with Senator Chambers, that this is where he wants it to go to Judiciary, and I get a little fed up with that, and I think that if anybody knows where they should go it should be Dr. Rodgers because he has done this for a number of years. So I would request that you, like you colleagues of mine, that you refer it back to Transportation where it was originally put by Dr. Rodgers. Thank you.

PRESIDENT: Thank you. Senator Beck, you are next, but may I introduce some guests, please, in the south balcony. From around the state, we have 30 members of the Nebraska Speech, Language, and Hearing Association and they are composed of members all over the state. Would you please rise and be recognized by the Legislature. Thank you for visiting us this morning. We should also recognize our physician of the day, comes from Senator Wehrbein's area. Dr. Gary Rademacher of Nebraska City, would you please rise so we can recognize you. Dr. Rademacher, we appreciate your services today. Thank you. Senator Beck, please.

SENATOR BECK: Thank you. Mr. President, and members of the