

March 16, 1989

LB 89, 222, 335, 340A, 361
LR 57

PRESIDENT: The house is under call. Will you please record your presence. Those not in the Chamber, please return to the Chamber so that we may continue. Please look up to see if your light is on. Please check in. Senator Ashford, Senator Baack, Senator Chambers, Senator Goodrich, Senator Labedz, Senator Hannibal, Senator Schmit, Senator Peterson, Senator Rod Johnson. Please return to your seats so that we can see who is here. (Gavel.) Please return to your seats. We're still looking for Senator Goodrich, Senator Chambers, Senator Labedz, Senator Peterson. A request has been made for a roll call vote in reverse order, but we'll wait for a moment till some of the others get here. We're still looking for Senator Goodrich, Senator Labedz and Senator Chambers. Senator Chambers is the only one not here that is not excused. The question, ladies and gentlemen, for those who were not here, is the adoption of the first part of Senator Moore's amendment. All those in favor...we'll be voting and we're going to have a...in favor voting aye and nay, but we're having a roll call vote in reverse order. Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1178-79 of the Legislative Journal.) 25 ayes, 18 nays, Mr. President, on adoption of the amendment.

PRESIDENT: The first part of the amendment is adopted. We'll take up the second part. Senator Moore, did you wish to discuss that any further on the Section 10?

SENATOR MOORE: No, not right now. You go ahead and move it...move the adoption of the second part.

PRESIDENT: Mr. Clerk, did you wish to read something in? The call is raised.

CLERK: Mr. President, I do, thank you. I have a new A bill, LB 340A by Senator Chambers. (Read by title for the first time. See page 1179 of the Legislative Journal.) New resolution, LR 57 by Senator Wehrbein. (Read brief description of resolution. See pages 1179-80 of the Legislative Journal.)

Amendments to be printed by Senator Landis to LB 222, Senator Landis to LB 361, Senator Labedz to LB 335. (See pages 1180-81 of the Legislative Journal.)

this year, only once did they lose a ball game, and fellow members that was to the Imperial Longhorns. I want you to be sure and notice that that was what happened, they lost one game to Imperial, but they were the champions in football and basketball, and, quite frankly, I think they're going to win basketball next year again. So, with your support, I would like to have you all vote to commend these young men for their fine, outstanding athletic ability. Thank you.

PRESIDENT: Thank you. The question is the adoption of the resolution. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of LR 56.

PRESIDENT: The resolution is adopted. LR 57, please.

CLERK: Mr. President, 57, offered by Senator Wehrbein, is found on page 1179 of the Journal. It asks the Legislature to commend the Nebraska Jaycees and Mr. and Mrs. Marlan Johnson for receiving national recognition in the Outstanding Young Farmer Program.

PRESIDENT: Senator Wehrbein, please.

SENATOR WEHRBEIN: Mr. President, members, thought this was appropriate to call this to your attention today, seeing how this is National Ag Day, and there will be a resolution on that a little later, so I won't get into the importance of Ag Week, which I know all of you recognize. But I thought it was important to call to your attention today that this particular individual, Marlan and Mary Johnson, were the national award winners, one of four chosen in the United States, as the National Outstanding Young Farmer award, sponsored by the Jaycees. I can't recall how long it's been since there's been one...another one from Nebraska, but this is truly a very prestigious award, and I think it only appropriate to pass this resolution in his honor. I understand he will be here today in the Capitol to receive the award presented to him by the Governor because of some conflict previously before. So he will be here this afternoon. He's from Waverly, Nebraska, within my district, and I just would appreciate honoring him in this manner today.

PRESIDENT: Senator Ashford, did you wish to speak about this

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resolution? Well, your light is on, are you voting or...oh, okay. The question is the adoption of the resolution. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 24 ayes, 0 nays, Mr. President, on adoption of LR 57.

PRESIDENT: The resolution is adopted. LR 58, I understand, we're going to skip. LR 59.

CLERK: Mr. President, LR 59, offered by Senator Rod Johnson, congratulating the Hampton High School boys basketball team for capturing the Class D-2 boys state basketball championship.

PRESIDENT: Senator Rod Johnson.

SENATOR R. JOHNSON: Mr. President, members, Hampton High School repeated as D-2 state champions again this year. We just want to recognize them for their honor as a state champion, and also the fact that they are one of the few teams that has actually repeated their state championship. A small town in my district that I think has proven that quality of education and quality of basketball programs can go hand in hand. So, this resolution simply recognizes their accomplishment.

PRESIDENT: Thank you. The question is the adoption of the resolution number 59. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 20 ayes, 0 nays, Mr. President, on adoption of LR 59.

PRESIDENT: LR 59 is adopted. LR 60, please.

CLERK: Mr. President, LR 60 is a resolution offered by Senator Rod Johnson. It asks the Legislature to recognize and declare March 19th through the 25th as Agriculture Week in the State of Nebraska and specifically March 20, 1989 as Agriculture Day in the state.

PRESIDENT: Senator Rod Johnson, please.

SENATOR R. JOHNSON: Mr. President, members, this probably is the most serious amendment...or resolution we'll discuss this morning. But the purpose of this resolution is to recognize National Agricultural Day and Nebraska Ag Day as well. Nebraska

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have been charged under Section 5(b) dealing with crack for the mandatory three year. There was one arrest for 28 grams of crack and one arrest for 14 grams, and then there were four other arrests, one for...that would have been effected by Section 5(a) of the bill, and there was one arrest for 36 grams of crack, one arrest for 30 grams of crack, one arrest for 84 grams of crack and one arrest for 30 grams of crack, an additional one. And at this time there were no arrests under the cocaine section between January 1 and March 19 of 1989 that would have fit under the category of 4(a) or 4(b). So that's...and in a total at this time, there has been over 11.3 pounds of cocaine crack seized through March 19 of this year in comparison to a total of last year's cocaine crack for the entire year of 31 pounds, so I think that shows there has been a substantial increase in the amount of cocaine and crack that has come into the state in comparison even to 1987 where there was only confiscation and arrests of 8.3 pounds. Thank you, Mr. President.

PRESIDENT: Thank you. Mr. Clerk, do you have something?

CLERK: Mr. President, Senator Chambers would move to indefinitely postpone LB 592. Senator Abboud would have the option to lay the bill over, Mr. President.

PRESIDENT: Senator Chambers, just a second, please. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 57. (See page 1227 of the Legislative Journal.) Senator Chambers. Senator Abboud, did you want to take it up or not?

SENATOR ABOUD: Yes, I did. Yes.

PRESIDENT: Pardon me? Yes? All right. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this bill is one of those kind that seems to do something that it really does not and to oppose it would seem to place one in a position of being soft on drug dealers, but the reality is we have too many laws that appear to do something which, in fact, they do not do and with some law enforcement agencies that support these laws, when they have succeeded in getting a law on the books, they sit back and they boast about that when they talk to various community groups. If one decides to run for a public office, he or she will say, I got tough legislation