

January 13, 1981

LB 122 - 133

RECESS

SPEAKER MARVEL PRESIDING

CLERK: Mr. President, Senators Sieck, Clark, Nichol would like to be excused until they arrive.

SPEAKER MARVEL: Clerk, record the vote.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have some items to read in now?

CLERK: Mr. President, I do. I have a Reference Report from the Executive Board referring LBs 81 through 113. (Signed) Senator Lamb, Chairman. (See page 133, Legislative Journal.)

Mr. President, new bills: LB 122, title read; LB 123, title read; LB 124, title read; LB 125, title read; LB 126, title read; LB 127, title read; LB 128, title read; LB 129, title read; LB 130, title read; LB 131, title read; LB 132, title read; LB 133, title read. (See pages 134 to 136, Legislative Journal.)

SPEAKER MARVEL: I would like to alert you to the schedule for tomorrow. At eight thirty will the chairmen please make a note that we would like to meet in Room 1520 to discuss two or three items, one of them is the calendar; another has to do with the ending date as far as the introduction of bills is concerned. At nine o'clock the Legislature will convene, and at ten o'clock the Governor will come over and give us his State of the State message. So at eight thirty the chairmen at a caucus in Room 1520, nine o'clock we will convene and the Governor will be in at ten o'clock. Are we ready, Mr. Clerk? Senator Wesely. Senator Wesely, are you prepared to bring the Legislature up-to-date as to where we are at the moment and where we need to go in the immediate future?

SENATOR WESELY: Yes, Mr. Speaker, members of the Legislature, we have now taken care of three issues dealing with the Rules that were of some controversy and we are now left with the rest of the Rules of the blue book. We have dealt with Rule 7, Section 1; Rule 3, Section 11; and Rule 5, Section 5. We are now to the rest of the rules in the blue book and that is what is now open for discussion. We have a number of rule changes that have been proposed that are on the desk of the Clerk which we will go through in the order in which they have been

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LB 20, 27, 29, 30, 37, 45,  
82, 125, 130, 140, 150, 165A,  
167.

RECESS

SPEAKER MARVEL: Come back to order, please. The Clerk has a couple of items to read in and then we will proceed back with the business as we had it prior to this recess.

CLERK: Mr. President your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 165 and find the same correctly engrossed....165A, excuse me; 20 correctly engrossed; 27 correctly engrossed; 29 correctly engrossed; 30 correctly engrossed; 37 correctly engrossed; 45 correctly engrossed; 82 correctly engrossed; 130 correctly; 140 correctly engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, your committee on Judiciary whose Chairman is Senator Nichol to whom was referred LB 345 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments. (Signed) Senator Nichol. (See page 498 of the Legislative Journal.)

Your committee on Banking instructs me to report 125 back to the Legislature with the recommendation it be advanced to General File with amendments; LB 150 to General File with amendments. (Signed) Senator DeCamp, Chair. (See page 499 of the Legislative Journal.)

Mr. President, your committee on Revenue gives notice of exec session. (See page 499 of the Journal.)

SPEAKER MARVEL: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President, I ask unanimous consent to withdraw my motion to bracket.

SPEAKER MARVEL: Any objections? If not, so ordered. Senator Warner.

SENATOR WARNER: Mr. President, I ask unanimous consent to withdraw the kill motion at this point.

SPEAKER MARVEL: Any objections? So ordered. Now is there.....Senator Wesely. The Chair will move that the bill be passed over which will be either tomorrow or the first of the week. Does anybody object? Okay, if not, the bill is passed over. Underneath the south balcony a guest of Senator Marsh from Thailand. His first name is Sam. Do you want to raise your hand so we can wish you Good Morning? Underneath the south balcony.

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LB 125

was the person for the position and I would suggest that their report be accepted and Mr. Lux be confirmed. Thank you, Mr. President, for the opportunity.

SPEAKER MARVEL: Motion before the House is the adoption of the motion as explained by Senator Lamb. All those in favor of that motion vote aye to confirm the Ombudsman. Those opposed vote no. It takes 33 votes. We are voting on the motion under item #5. Have you all voted? Record.

CLERK: 34 ayes, 2 nays, Mr. President, on the adoption of the motion.

SPEAKER MARVEL: Motion is carried. Do we go now to item #6, General File? Do you want to read LB 125?

CLERK: Yes, Mr. President, LB 125 (Title read). The bill was read on January 13th for the first time. It was referred to the Banking, Commerce and Insurance Committee for public hearing. The bill was advanced to General File. There is a committee amendment pending by the Banking Committee, Mr. President.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, the amendment is simply the emergency clause. If Senator Labeledz desires, I would explain why the emergency clause is particularly significant on the bill and what the involvement of the bill is, if she chooses for me to do so. She chooses. Mr. President, this may well be one of the first major controversial bills we will touch on this session so I would hope that those that have at least an interest in the subject will pay a little bit of attention so that as we develop the themes and arguments they will understand the complexities of it. It does have some complexities. First of all, the bill has to do with the state basically ordering or saying by law that no, what we have deemed to be, state funds can be used to help pay for an abortion in a state insurance policy or a public employee's insurance policy, actually, under this bill. Remember this crosses far beyond where we were last year. This affects all public employees so you would probably be talking, as we understand it, school teachers, public power districts, so on and so forth, that have an insurance policy, group insurance policy, which I am sure almost all of them do, and the essence of it is to say in those policies you cannot have a provision to pay for abortion except in special cases such as death or very serious medical emergency, threatened death. That is the essence of the bill. Now why does the emergency clause come into play so significantly? Because current negotiations are going on for most of these contracts and most of these contracts are three year contracts. Therefore, these contracts would be completed prior to the effective date of the bill if it does not have the emergency clause. Because of constitutional provisions started by the Fathers of our Country a couple of hundred years ago, you cannot make laws retroactive and undo a contract that was already legally done under the law. So quite frankly for all practical purposes, if the bill does not have the emergency clause, it is ineffective for at least three or four years for all practical purposes for almost all contracts that it would involve. The reason that I am stating this is so that everybody understands the fight that may or will develop and the game plan that both sides may or may not choose to utilize but that will become apparent and that is 33 votes are required on this bill to really make it have any

effect or any immediacy whatsoever. Otherwise it is a four year delay. The committee determined that if we were going to put the bill out and if it were going to be preferred to the Legislature that the only way it had any meaning was to have at least the E clause on it. For that reason the committee is now offering the emergency clause.

SPEAKER MARVEL: Senator Labedz, do you wish to speak to the emergency clause?

SENATOR LABEDZ: Thank you, Mr. Speaker. Just a few moments to say that it is important that the emergency clause be added. Senator DeCamp mentioned many of the contracts will be negotiated for the three years effective July 1st so it is important that the emergency clause be put on this bill so that the specifications or the guidelines for the new contracts can be put in before July 1st. Thank you.

SPEAKER MARVEL: Senator Fowler. We are on the emergency clause.

SENATOR FOWLER: Mr. President, I oppose adding the emergency clause to this bill that just mandates another program to local government. I don't see exactly what the emergency is. I think that we are going to disrupt not just the negotiations to state employees health contracts but several other health contracts across the state, in your cities, in your counties, in your school districts and I would be very surprised to see that this Legislature that normally says that we should not be involved in such local matters stand up and say, not only are we going to direct what should and shouldn't be in your insurance policies but we are going to direct it as an emergency that has to take effect immediately. Even if you are close to finishing those negotiations or perhaps even if you have already finished those negotiations we are going to say we want those changed before the plans go into effect. I don't see the need for the emergency clause. I think this is an example of overreaching into public policy matters that are better settled at the local level and I know that that is kind of a consistent theme in this Legislature and I am sure that no one really sees the need for us to go meddling in local affairs with such urgency.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: Mr. President and colleagues, I think Senator Fowler raised some good points. I think, however, that we'd better put the emergency clause in so they can negotiate knowing exactly what the rules are in the future.

As a matter of fact the state employees are living under this right now. We put this provision in the state employees' section of law last session and that, in fact, is in force now so it shouldn't have any implication under current negotiations. A second point is that looking down the future, they ought to know one way or the other what the intent of the people of Nebraska is to their elected representatives and for us to clearly and concisely demonstrate what the intent is, this legislation should pass emphatically with the emergency clause.

SPEAKER MARVEL: Senator Chambers, do you want to speak to the emergency clause?

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I don't think that we are really so far touching on what the concerns that led to this bill are or the concerns that would lead people to oppose it. The issue really is abortion and a person's attitude toward it. I think we ought to go ahead and strip the issue bare so that we can know what it is that we are talking about this morning and anybody who listens or would read the discussion, the transcription of the discussion will know what it is that we are talking about. The emergency clause is designed, I think, to strengthen the position of those who say that the Legislature composed primarily of men ought to be able to determine whether or not a woman can decide to have an abortion. That is what the issue is. The Legislature attempted in various other ways at other times to enact legislation that would restrict the right of a woman to get an abortion and those provisions by and large have been stricken down as unconstitutional. So what some people in the Legislature and some people outside the Legislature are trying to do by this bill is to say that despite the fact that abortion is recognized as a legitimate medical procedure, despite the fact that the Supreme Court has ruled that there are certain restrictions that cannot be imposed by the state, these people in the Legislature are going to force their will on other employees of the state. Do you know why I say other employees rather than all employees? Because there is only a certain category of employee that the senators want to deny medical coverage under these group plans. So to put the emergency clause serves no purpose really other than to say, this is a second punch that can be taken, it can be ramrodded through and there is nothing anybody can do about it. I don't think that Senator Dworak or anybody who supports this bill would say that the cost of the coverage itself has any influence whatsoever on their decision to proceed in this fashion but if they insist on doing this, I do have

an amendment that I am going to add to the bill and I think it has more validity and legitimacy than what is being offered here. This bill purely and simply is a way for the Legislature to go on record, those who will vote for it, as saying that they are opposed to abortions and I am going to tell you all something that may come as a shock to some of you. There are senators who are not opposed to abortion but they lack the courage to take that position publicly by way of registering a vote. I will never be in that group who are afraid to forthrightly state what his or her position is. I don't think that this Legislature, and it has been demonstrated, is in a position to declare an abortion a crime. They can call it a sin or whatever they choose to but it is kind of ironic that in other parts of the country they have had situations where some state legislators, I don't know if Kansas or Missouri was one of them, had helped a page obtain an abortion because there had been improper contact between the senator and the page and the senator was one of the strongest antiabortion persons on the floor of the Legislature. So with this issue, as with many others, hypocrisy reigns supreme. I would venture to say that there are people on the floor of every Legislature throughout the country doing things with members of the opposite sex which could result in an undesired pregnancy and should that occur, they would not hesitate to seek an abortion or to aid somebody in obtaining an abortion. So I think what we are going to have to do is talk frankly about what it is we are considering. Some people who are past child-bearing years will not be concerned. It is getting quiet now.

SPEAKER MARVEL: You have one minute.

SENATOR CHAMBERS: Those who have children who are past child-bearing years will not be concerned because it no longer is a matter of interest to them but if you could find some way to check the history of everybody, you would see that they are dealing with a symptom and not the cause because they engaged in the conduct that would have presented the symptom that would have produced it. We are not naive on this floor. We know how babies are made. We know where they come from. So I think what is being attempted here is to adopt the holier-than-thou attitude and say if you got caught, then that is tough but if you don't get caught it is alright to do the same thing. Mr. Chairman, I know my time is up for this point so I won't prolong what I am saying but I will speak again.

SPEAKER MARVEL: Senator Marsh, do you wish to speak to the emergency clause motion?

SENATOR MARSH: Yes, thank you very much, Mr. Speaker. How many of you are courageous this morning? How many of you will say, I will allow someone else the choice. I will allow the person who does not believe in abortion to refrain from ever having one. It will never be a forced procedure. That person has the choice they choose to make but will you take the choice away from everyone else who has a different religious point of view who comes from a different religious background that means equally much to that individual? Yes, I believe human life is very precious. I think each child born has a right to be wanted to be a child with two parents to help raise that child to maturity. Most of you have heard me say that as the mother of six children I think abortion is a very poor form of birth control but I do believe in birth control. I do not support this bill and I do not support the emergency clause.

SPEAKER MARVEL: Senator Higgins.

SENATOR HIGGINS: Mr. President, senators, I would first like to point out that Senator Fowler in his remarks stated that we should not get involved in local affairs and I would like to remind this body even though I wasn't here when it was voted upon, I was not yet elected, Senator Fowler voted for district elections in Omaha which put this body entering into local affairs. Senator Chambers and Senator Marsh both said they were going to speak to the emergency measure only and instead they spoke to the entire bill so I am going to say just a few words in rebuttal. I think all of you know because of the election of President Ronald Reagan, the mood of this country is not to be spendthrift any more. Under the present laws the state pays the insurance premiums for public employees and they will be paying for people who do not want an abortion and who are not in child-bearing years. It will be axiomatic that everybody will have it. I call this a tremendous waste of money and as pointed out in committee hearings, this is an elective normally medical procedure and we are speaking only to that type where it is an elective procedure, the same as cosmetic surgery, having a face lift or a nose job done. I don't think that the state should be paying for elective procedures. We are not saying that any woman who wants an abortion cannot have it. We are merely saying taxpayers should not have to pay for it. Thank you, senators.

SPEAKER MARVEL: We are still speaking as Senator Higgins indicated to the emergency clause. Senator Dworak.

SENATOR DWORAK: Mr. President, I call for the question.

SPEAKER MARVEL: The question before the House is, shall

debate cease. All those in favor vote aye, opposed vote no. Shall debate cease is what you are voting on. Have you all voted? Record the vote.

CLERK: 25 ayes, 10 nays to cease debate, Mr. President, on adoption of committee amendments.

SPEAKER MARVEL: Debate ceases. Senator DeCamp, it is your emergency clause.

SENATOR DeCAMP: Yes, Mr. President. Mr. President, this is about the ninth year we have had the very emotional subject of abortion legislation in one form or another before the Legislature and any time we get on abortion legislation, because it such an emotional topic, it is difficult to simply separate the facts and the issues sometime from the emotion. What I am going to try to do in closing on this is make that distinction and separation. The emergency clause basically says whether this bill is going to be operative or not for all practical purposes. If you are going to vote for the bill, if you are going to vote for the bill, then it is logical to put the E clause on rather than having a delay as I say, of anywhere from three to four years. That is why the committee chose to offer it to you. So completely separate from the issue of abortion, whether it should or should not be in contract, so on and so forth, is the issue of what is efficient legislation, what is the proper way to handle a particular piece of legislation. So let's say we are not talking about abortion. Let's say we have a bill on building a train trestle or some other thing and you had to meet a certain deadline to have your money in, state money and it required an E clause or otherwise you would miss the deadline. Whether you oppose that train trestle or favored that train trestle construction, the efficient way to legislate if you are going to take the time to pass the bill and process it and address the issue, is to have it in an operative fashion rather than passing a law that appears to do something and, in fact, doesn't. So if you support the proposal, if you do support the proposal, you are going to make it efficient and operative, you almost reasonably have to put on the E clause. Obviously if you oppose the proposal the best way to make it kind of a very, very wounded duck would be to keep the E clause off. Remember also that it does take 33 votes on final for that E clause and probably if you commit to put it on here, it only makes sense you should stick with it the rest of the way because it is going to take that 8 or 9 additional votes, let's see 25 and 8 is 33, 8 additional votes, and for that reason the committee

would urge you to put the E clause on and I think you can separate that issue from the abortion issue.

**SPEAKER MARVEL:** The motion before the House is the adoption of the emergency clause to LB 125. All those in favor of the motion vote aye, opposed vote no. Record.

**CLERK:** 27 ayes, 5 nays, Mr. President, on adoption of the committee amendments.

**SPEAKER MARVEL:** The motion is carried and the amendment is adopted. The Chair recognizes Senator Labedz to explain the bill.

**SENATOR LABEDZ:** Members of the Legislature, LB 125 as introduced by Senator Dworak, Senator Higgins and myself provides that no group health insurance or health maintenance agreement purchased in whole or in part with public funds shall include abortion and its basic or major medical coverage. This bill does not restrict coverage for an abortion necessary to prevent the death of the mother or coverage for medical complications arising from an abortion. LB 125 does not prevent a public employee from contracting for abortion coverage if the costs of such coverage are borne solely by that employee. Last year Senator Don Dworak and myself cosponsored LB 891. That bill is the same as the one we are considering today. LB 891 was heard by this committee, by this Legislature in 1980 and placed on General File. Because of the great number of bills which were before the Legislature and the short time available LB 891 was buried on General File and was never considered by the full Legislature. However, we did consider and pass an amendment introduced by Senator Dworak to LB 1004, an Appropriations bill, which stated it was the intent of the Legislature for the period of July 1, 1980, to June 30, 1981, that no funds appropriated to the Department of Personnel for purposes of purchasing a contract of group health insurance or health maintenance agreements shall be used to provide coverage for abortion except that the insurer may offer individual employees special coverage for abortion and the cost of such coverage shall be borne solely by the employee. This limitation did not apply to coverage for an abortion which was verified in writing by the attending physician as necessary to prevent the death of a woman or to coverage for medical complications that arise from an abortion. The difference between the intent language of LB 1004 and this bill, LB 125, is that the scope is broadened to all insurance groups paid for in whole or in part with public funds, and I might add that at the

committee hearing there was no objection by any city officials or county government. What this bill attempts to do is within the scope of a state's right to legislate in the area of abortion without infringing upon a woman's right to an abortion as enunciated in the Supreme Court case of Roe v. Wade. The Supreme Court of the United States in the case of Maier v. Roe decided the question of whether or not a state must provide Medicaid payments for abortions which are not medically necessary. An issue in this case was a Connecticut welfare regulation under which Medicaid recipients received payments for medical service incident to childbirth but not for Medicaid services incident to nontherapeutic abortions. The court explained in the case that an individual's right to an abortion did not prevent Connecticut from making a valued judgement favoring childbirth over abortion and implementing the judgement by the allocation of public funds. I really believe that the same basic issue is had here and it shall be the policy of the State of Nebraska that insurance provided by public employees with public funds shall cover expenses of childbirth and not those of elective abortions. This bill would allow those who want abortion coverage to pay for it on their own. I believe if individuals feel as though they need this type of coverage, they should pay for it themselves and not expect the state or any other governmental unit to do so and as Senator Higgins mentioned, we at this time don't cover the essential parts of an insurance policy that cover, say for instance, cosmetic surgery, eye care, dental care, hair transplants, several others, drug abuse, psychiatry, alcohol treatment, some of these are very necessary for the health and welfare of our children and of course the adults also. The total number of employees that we are talking about is approximately 108,000 government employees, the state with 33,000 and approximately 75,000 local government employees. These figures came from the Department of Labor. Senator Chambers mentioned the fact that it doesn't amount to that much money. At 108,000 employees with approximately \$6.00 a year amounts to \$648,000. I got the figures from Blue Cross - Blue Shield. The charges filed from 1978 to 1979 was \$37,187. The amount paid was \$28,000 and that is a very small amount compared to the amount that we are paying for 108,000 local and state employees. Senator Dworak did pass out to you three Attorney General's opinions. In every one of them if you will read them over carefully, you will find out that what we did last year on LB 1004 is constitutional. I urge the members of this Legislature to advance LB 125 to E & R initial. Thank you very much.

SENATOR CLARK PRESIDING

SENATOR CLARK: Before further continuing with the bill I would like to have the pleasure of announcing from Senator Warner's district, 26 eleven and twelfth grade students from Murdock Grade School, from Murdock Consolidated Schools from Murdock, Nebraska. Mr. Ken Glantz is the teacher with three assistants. They are in the North balcony. Will you stand and raise your hands please? Also on to the South balcony, guests of Senator VonMinden, Darrel and Betty Curry from Newcastle, Nebraska. Will you stand please? Welcome to the Legislature. I think we have an amendment on the desk.

CLERK: Mr. President, I have several. The first is offered by Senator Wesely. Senator Wesely moves to amend LB 125: "On Page 2, line 4 strike "public funds" and insert "state general funds". That is offered by Senator Wesely.

SENATOR CLARK: Senator Wesely.

SENATOR WESELY: Mr. President, members of the Legislature, this amendment I think deals with one of the key points to this legislation that needs to be discussed and which I think can lead to a compromise on this proposal. As Senator Labedz mentioned LB 1004, the intent bill, had provisions in it which suggested that the State of Nebraska not include coverage for our state employees which included coverage for abortion in their health package and I thought that when we deal with the issue of coverage for abortion, this State Legislature has a legitimate role in terms of what sort of coverage we provide for our state employees in the State of Nebraska. I didn't have too great of difficulty with dealing with that issue but I do have difficulty with the State Legislature mandating onto all subdivisions of government and covering all public funds and not allowing anyone in the State of Nebraska through negotiations or other processes on a local level to decide for themselves whether or not they want to include coverage for abortion or not. I think it is a local control argument that is a strong one in this body and I would certainly encourage those of you who have advocated local control to keep that in mind when deciding how to vote on this amendment but again I get back to the point that I would have no problem with this legislation. I would support this legislation if it applied to state employees and the state general funds and not allowing those to be used for abortion coverage. I think that is our legitimate role and one which we can assume and if that is a position that the majority of this body takes, I have no difficulty with that, but again I think we are imposing on local governments if we pass this bill as it presently stands and I could not

support it in its present form. I would encourage your support for the amendment. It is a serious attempt to try and deal with some of the controversy involved with this legislation and the key controversy being, do we have the right to dictate this sort of a policy statewide for all public funds and I say, no, it is more applicable for us to deal with state general funds and that would be the change in this bill.

SENATOR CLARK: Is there any further discussion on the amendment? I am going to call on those here to find out if they want to talk about the amendment. Senator Fowler, does not want to; Senator Marsh, Senator Landis. Senator Landis, do you want to talk on the amendment? He does. Go right ahead.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I support the Wesely amendment. If you noticed when Senator Labeledz was outlining the bill and when Senator Wesely was talking, the body for the most part was not paying attention. They really were not listening very carefully today. They were turning their backs on this issue and talking about the rest of the agenda for the rest of the day, committee hearings, other things that are going on. The Speaker's rostrum was filled with people. Even now they are clustered in groups and I think that is probably where we are with this bill. I think a lot of people understand where they are going to vote but the bill is going to skulk through and we are going to try to be not cognizant of the issues at hand. We are going to turn our backs on it and we are rather embarrassed by this argument precisely because of the Wesely amendment and the position it puts us in. This bill represents, in the event it passes, the near total collapse of the political philosophy of the majority of this body. How many times have we heard on this floor or in committee hearings the sacred shibboleth of local control? We were in the Government Committee yesterday, Rex. We heard it all day long, didn't we, by the county officials? We were there sitting as they said, hey, don't tell us the salaries to have us pay our sheriffs, our assessors. Last year on the district elections in Omaha Senator Labeledz said on the floor, let the people of Omaha decide. This is not a state issue. We have had time and time again people run for office saying, I think local decisions should be made by local decision makers. I don't want to go down to the Legislature and pass these coercive mandating state laws and in this moment LB 125, I have to say I have a rather perverse delight in watching my colleagues turn their backs on their political campaign rhetoric, the promises they made, I am

sure, in the halls of Chambers of Commerces throughout the state, the ringing speeches that they have made on this floor, the denunciations that they have made in committee sessions. I am fascinated by how powerful this bill is going to be, how many votes it is going to get and how many of those votes are from people who daily bow down to the idea of local control and the inherent superiority of local decision makers to make decisions close to home. Well what have we said with LB 125? We said to Grand Island, we said to Columbus, we said to Valentine, you can't decide. Your people don't get to come to you and argue this issue. We are going to tell you what to do. In the letters I have received I have heard time and time again, I don't want my tax dollars spent for an insurance program that has abortion coverage and that is fine. I respect that opinion. If, in the City of Lincoln, my constituents don't want the school board or the city council to have such a policy, they can go to the school board and the city council and argue for it and that is their right and I respect it and I will stand by it but that is not what is going on here. What they are saying now is, I don't want your tax dollars where you are in your political subdivision to go in a way that I find reprehensible with my moral convictions. It is the voters of Grand Island telling Columbus what they will not have in the Columbus health insurance policy. It is the voters of Valentine who are telling the Rushville School Board what they can and cannot write in their insurance policy and it is not at all the idea of somebody being in control of their own tax dollars and having those tax dollars spent according to their moral perceptions but, in fact, coercing other people into making moral decisions with tax dollars that they themselves support even though they are not a member of that political subdivision and that is what we are a party to today and I want everyone who makes a habit of using that magic term "local control" to remember that because I certainly will as I watch LB 125 dance across that board towards Final Reading. I am going to support Senator Wesely because I think he puts the hammer right on the issue and I know there will be at least two votes on that amendment.

SENATOR CLARK: Senator Dworak, do you want to talk on the amendment, the Wesely amendment?

SENATOR DWORAK: I wish to talk on the amendment. Mr. President and colleagues, Senator Landis gave a very, very elegant speech on local control and I am happy to see he is such a stalwart, such an advocate of that local control concept, however, I did note this morning on LB 81 on Final Reading, on LB 82E, on LB 140, on LB 141, on LB 65E, all measures that dictates something to local government, Senator

Landis supported. There seems to be an inconsistency in Senator Landis' philosophy of local control as to whether his particular persuasion, his particular point of view happens to be in agreement and he is using the local control argument very cleverly to perpetuate a point of view when, in fact, he is not really that stalwart of local control. The mere fact that Senator Landis' committee heard a bill yesterday about those local county supervisors and local county officials coming down and asking permission to set their own salaries or to have them set by the state, the mere fact that that was before this body, this tribunal indicates that it is the responsibility of this body. Now Senator Landis, as much as he would like to duck that responsibility, can't. The buck stops here. The people elected us to make these policy decisions that affect the State of Nebraska. It is our rightful authority and, as a matter of fact, it is our responsibility to make those decisions. So don't let the arguments of local control lead you astray on this particular issue. We are setting public policy plain and clear and it seems to me as some of the people strayed from the previous amendment and broadened the argument greater than the emergency clause, something at this point should be answered and that fact that it was brought up by Senator Marsh that this is a religious issue, this is a religious item, well so be it if it is. Then it should be out of the realm of taxpayers' money if Senator Marsh, in fact, truly believes that. Then taxpayers' dollars should not be used and that is what we are trying to eliminate, the usage of taxpayers' dollars for a particular function that in the opinion of many, taxpayers' dollars should not be used and I would think Senator Marsh would rally to this flag if, in fact, she firmly believes this is a matter of religious faith. I urge us to reject Senator Wesely's amendment. I think it is our proper role to set public policy. I think it establishes consistency across the state as to what the public policy in the State of Nebraska is. The bill is sound. The concept is pure and we should not be splitting off splintered groups picking away at this bill and we are going to see this in subsequent amendments coming up, picking up just little half truths to divert you from the overall broad picture. It has happened every year and it is a legitimate and it is a very effective legislative tool and I commend the opponents of this bill for so effectively using this tool but, please, don't become myopic. Please don't look at that tree so closely that you can't see the forest. Please don't narrow your vision so much...

SENATOR CLARK: You have one minute left.

SENATOR DWORAK: ...that you can't hear the broader issue. Please reject Senator Wesely's amendment.

SENATOR CLARK: Senator Labedz, do you wish to talk on the Wesely amendment?

SENATOR LABEDZ: Yes, just for a moment. I wanted to repeat for the members of the body that at the public hearing and I have received no mail from any city or county official stating that they should have the power or they should have the authority to decide as Senator Dworak covered most of the things that I was going to say, but I also have in front of me twenty-four thousand signatures that were received at the public hearing by myself and these signatures came from primarily the people from South Omaha which is my district. Now if twenty-four thousand people are supporting this issue, then I believe that we should feel very strongly about it and the city and county officials know that it is a strong feeling and therefore, it did not come up with any opposition whatsoever. Thank you very much.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I would simply like to rise and make one point in response to the speech that Senator Landis delivered a few minutes ago. I suppose there are not many people inside the Legislature who use the local control argument as much as I do but the local control argument is an argument that is based upon political science and an argument that is based on your political philosophy and I guess there are some things that are more important to me and more important to society than political science and the political structure in decision making process in the State of Nebraska and one of those is a basic fundamental right to life and I think that in this particular case this moral decision is one that we should make on this level and one that I certainly will make any time I have a chance to vote what I believe is a pro-life point of view. Then I think political science and political philosophy certainly takes a secondary role and so while I may be one of the people who argue as strong as anyone for local control, I am also one who realizes that political science takes a second seat to a right to life and on this occasion and on any other occasion that I have, I will certainly express on the floor verbally and through my actions in voting a strong right to life viewpoint in this Legislature and I think it would behoove all of us to realize that the right to life supersedes political philosophy and political science.

SENATOR CLARK: Senator Chambers, we are on the Wesely amendment.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I agree with Senator Landis' conclusion and I also agree with what Senator Cullan said about the use he will make of the position he finds himself in as a member of the Legislature. I have never made the local control argument except as a foil against those who are taking a position on an issue that I disagreed with in which case any argument that I feel is legitimate I will use to make my point of view prevail. Senator Cullan has finally put into perspective what it is we are voting on as I tried to earlier. We are voting on our attitude toward abortion and I would like to ask Senator Labeledz a question so I can totally clear the air. Senator Labeledz, can you say that your motivation in cosponsoring this bill was the cost of the coverage for this procedure in group policies?

SENATOR LABEDZ: I represent and myself feel very strongly about abortion. You know that from previous years. So I would say anything that I do on this floor for the cause of the pro-life issue is mine and my constituents and the thousands of people in the State of Nebraska.

SENATOR CHAMBERS: But here is what I am asking you, cost was not the motivating factor, was it? It was something much deeper and to you something much more significant than that.

SENATOR LABEDZ: Yes, it was much deeper. No one wants to use their tax dollars, that I represent, for abortions.

SENATOR CHAMBERS: Thank you. The point I want us to get to if we can is to a consideration of how we react to this issue and the issue is abortion, not the cost of the coverage. Were it to be the cost of the coverage we could go through all of the things that are covered in an insurance policy for a group of employees and determine that for the cost of the coverage it is not worth having it. So now that it is squarely before us, I have to let you know again that I don't feel the Legislature ought to do the thing that it is doing, not because it supplants local control or anything else, but we know the realities of this society, not only in terms of illicit sexual activities that result in unwanted pregnancies and children who will not be cared for but the penuriousness of legislative bodies whether we are talking about Legislatures at the state level or the Supreme Legislature at the national level, when children come into this world, although there are people who would fight and die, they say, to make sure that no woman would have an abortion they are the same ones who turn a very cold, flinty face to

those children once they are in the world and need some help to survive. Now when we talk about survival of human life we are dealing with a complex, highly emotional and a religious concept but what does life mean? I have been told that anything produced by two human beings at whatever stage of development when we are talking about procreation is a human being, not just human life. So does human life consist only in having all of the physical functions operational, you breathe, your blood circulates, your heart beats, your kidneys, lungs and so forth...

SENATOR CLARK: You have one minute left, Senator Chambers.

SENATOR CHAMBERS: ...human life means something much more profound than that. It means existing in a set of circumstances where you can have dignity, a feeling of decency and self-respect. To come into a world where nobody cares about you, where you are denied medical attention, the opportunity for an education, the chance to develop any and all of your abilities is not what I would call human life. So if you do decide to impose this restriction, you ought to also consider, those of you who operate from the standpoint of principle, show some concern for these babies after they come into this world.

SENATOR CLARK: Your time is up, Senator Chambers. Thank you. Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, far be it from me to accept plaudits from Senator Dworak for obfuscation and slick speech because his was a classic example of that and ironic and charming at the same time but not at all accurate. It is true, I don't stand up here time after time and defend local control and it is no dilemma that puts me into that situation. I am not the one who is saying this puts me into the problem. I don't use the local control arguments because, in fact, I would support much the idea that Dworak stated and that is that this state is the ultimate policymaker, the state Legislature is, and it delegates it under good faith to local political subdivisions. I didn't run on local control. I didn't have public statements defending it down the line. I haven't gone on record with that political philosophy and I haven't mouthed those phrases over and over on this floor. So I am not placed in a dilemma and I am not turning my back on a philosophy. The local control argument is not one that you hear from me often because that is not necessarily part of my political philosophy. It is, however, of the majority of this body. It is one that any observer hears over and over again and I am not the one who is placed in the situation of turning my back on a well-laid, clearly stated public policy. So,

I am not the one whose record has to be examined here, Senator Dworak. Perhaps yours and others and Senator Cullan who offers his in this case are worthy of examination. I will accept the idea if this is what you propose that the state is responsible. The buck stops here were your words, borrowed from President Truman, that the state is the ultimate public policymaker and if that is the case, I look forward to those proposals that you will be offering to have the state determine zoning, salaries, fringe benefits for local political subdivisions, housing codes, sanitation. I am going to be pleased to see you address the agenda with the level of concern that you have for local political subdivisions all the way down the line. I don't think it will be forthcoming. I think that you are caught in the middle here and, in fact, the policy that you enunciate today is one that you will renounce a week away from now as you return to the idea of local control. The issue squarely is, as Senator Chambers says, abortion. It is not insurance coverage. It is not the cost. It is not the very, very few tax dollars that can be identified in this one area. It is abortion and the proponents of LB 125 have found one segment of the population that they can zero in and restrict access to abortion. They know they can't do it across the board because that is unconstitutional but they have found a constitutional method to single out a certain segment of the population and penalize them. In the committee I was told privately and I believe it is available to anyone else in this body that no insurance company in this state will offer abortion only coverage which means then that if we knock out abortion coverage under a general package, that those 108,000 employees will have no way of insuring that risk. Senator Dworak has for years championed the idea of insurance, has championed the idea of using insurance as a way of covering your risks and now clearly states that a 108,000 employees in this state may not insure against the risk of abortion because, number one, they can't use it in a general health insurance policy and, number two, any insurance company in this state will tell you they are not going to start writing an abortion only coverage which means 108,000 people are being singled out and their....

SENATOR CLARK: You have twenty seconds.

SENATOR LANDIS: ...access to abortion is going to be limited by LB 125 and because we can play fast and loose in this way and still meet constitutional standards, we have restricted access to abortion for some because we can't get to all. I think that is a petty approach and I don't support it. I support the Wesely amendment. I hope it passes.

SENATOR CLARK: Your time is up. Senator Dworak.

SENATOR DWORAK: I call for the question.

SENATOR CLARK: Do I see five hands? I do. The question before the House is ceasing debate. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 2 nays, Mr. President, on the motion to cease debate.

SENATOR CLARK: Debate has ceased. Senator Wesely, do you wish to close?

SENATOR WESELY: Yes, I would love to close. Again, I know several people have asked me on the floor, what exactly does this amendment do? Well let me explain for you what it does. We now have in the bill the fact that under this legislation prohibiting insurance coverage for abortion, all public funds. What I would do is strike the "public" and replace it with "state General" funds. So what we would basically be doing is adopting a policy for the State of Nebraska for our state general funds that would not allow them to be used to contribute towards insurance coverage for state employees and for other public employees that would include coverage for abortion and by that I mean specifically the state employees but I think also state general funds are used to aid counties and schools and what have you and that money could not be used then to pay for insurance coverage for abortion. But what we would allow with this amendment is that local areas, local school boards, local city councils, local county boards with their own money collected locally could decide for themselves if there was public support and if there was a desire on the part of their employees to include coverage for abortion in their employee health insurance coverage plan. That would be negotiated locally. Now that would be a local decision and it would not be influenced with this amendment by this bill. I think that is reasonable. We have over 3,000 political subdivisions of government in this state, 3,000, and what we are doing is with the passage of the bill without the amendment is dictating policy to all 3,000 of those and saying basically that even though one area of the state or another may have the support there to do something in this area, we are not going to allow them to do that. We are not going to allow local control and I think that the majority of the members of this body would not support that philosophical position. I think it is philosophically supportable to limit the state employees and state general funds

through the State Legislature in the state legislation. I have no problem with that position. I will tell you though that I have gotten a number of calls and a number of letters from state employees who very much oppose any sort of restrictions that would be covered by this bill for state employees as well but because of my concern about abortion and my concern that we should not have public funds going toward the support of abortion, I will support the bill if this amendment is adopted but please keep in mind, I think there are a number of people in this body that can support a bill that would dictate so universally across this state no allowance whatsoever on the question of abortion coverage and insurance policies. So that is the explanation of the change and I urge your support for the amendment.

SENATOR CLARK: Senator Wesely has closed and the issue before the House is the Wesely amendment to LB 125. All those in favor vote aye. All those opposed vote nay. Have you all voted? Record the vote.

CLERK: 12 ayes, 27 nays on adoption of Senator Wesely's amendment, Mr. President.

SENATOR CLARK: Motion failed. Another amendment on the desk?

CLERK: Yes, sir. Mr. President, Senator Chambers now moves to amend the bill. (Read Chambers' amendment as found on page 605 of the Legislative Journal.)

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, in case you didn't hear the amendment it says in effect that no public funds will be used for any procedure that terminates any human life and I think that this puts right into clear focus what this bill is all about and the moral underpinnings of the discussions that we have had thus far. If, as a matter of fact, human life is as important and as precious as has been indicated by those who defend this bill, they should accept this amendment and with the adoption of this amendment I will vote for the bill, so you would have one more vote than ordinarily you would not have. Now with this amendment on the bill we will have taken a giant step toward humanizing and civilizing the entire system of the expenditure of public funds in this state. I hope that you will see this amendment as being a very serious offering. I am as serious as a heart attack when I offer it. I am as serious about this as anything than I have ever been in my life and I mean to push for its adoption. Now there comes a time when as Senator Cullan said, political considerations can

be put aside and we vote convictions, I do have a conviction about the issue that I am raising in this amendment and it would be difficult for me to understand how those who say that a human being exists at the point or instant of conception and, therefore, abortion should be disallowed because there is a destruction willfully of a human life, I don't see how anybody holding that position could be against this bill. Either you believe that human life is everything or you don't. I have told Senator Labeledz that with all of the reading that I have done and I haven't read everything ever written on the subject, about when an individual or a human being actually comes into existence, there is conflict and controversy among all of those who deal with the subject, whether they be theologians, philosophers, scientists, even lay people. But if she can convince me on that issue that at the instant of conception there is a human being, then she has got me. I have also said that after a certain stage of development in the life of a fetus, and I can't precisely pinpoint that stage in terms of days or hours, and I am convinced that a human being is in existence, my whole attitude and position on abortion changes and perhaps becomes more restrictive than that of some of the people who say they are opposed to abortion. So what we have to determine is whether all human life is precious or whether, because of a certain position of our church and certain aspects of human life are declared precious but others not, then we will follow the church line but not what you might call the natural law line that declares that all human life is important. I hope you will adopt this amendment but before I sit down let me add this because I didn't get to complete what I was saying a minute ago. I find it peculiar that the same ones who say they are opposed to abortion will applaud what Ronald Reagan and other people of his ilk are talking about doing, cutting food stamp programs, taking food out of the mouths of these people that you are so insistent will come into the world, cutting school lunch programs which can impact on nobody but children. So I have difficulty understanding this type of morality and these kind of positions, but so that the issue is clear as to what you will be voting on, my amendment says that no public funds will be used for any procedure that terminates a human life.

SENATOR CLARK: I have four lights on up here. Senator Dworak.

SENATOR DWORAK: Mr. President and colleagues, in the spirit that Senator Chambers offered this amendment I have great difficulty in opposing it because I totally and thoroughly share Senator Chambers' views on taking human life at any

stage or for whatever reason but the point of the matter is that the bill we have before us is frankly an insurance bill and even though I will join Senator Chambers in the future on another bill to preclude taking of human life in another form, I question the germaneness of this amendment to this particular piece of legislation. I, however, certainly have no problem with Senator Chambers drawing the parallels between the issue of abortion, the issue of euthanasia, the issue of capital punishment because I think that there are parallels but this amendment at this time on this bill is improper. The concept is good but it is the wrong vehicle and there is a proper legitimate vehicle of which I have added my name to that we will debate later to address the specific point that Senator Chambers is trying to make right now. So it is very difficult even though I agree in sentiment with Senator Chambers on this particular issue, to have to urge you to vote against this issue because of the germaneness as far as this particular specific insurance bill is concerned.

SENATOR CLARK: Senator Labedz.

SENATOR LABEDZ: Thank you very much, Mr. Chairman. In discussing this amendment with Senator Chambers a few minutes ago as we were walking down the aisle, I knew what was behind it all along. I mentioned the fact that he was introducing the amendment to get his point across on capital punishment. I just have one very short statement to make and I didn't want to bring pro-choice or abortion or killing babies or anything into this bill because if you have read the bill you will notice that there is nothing in there that says that the woman that has an abortion does not have the right or can cover herself with insurance coverage if she pays for it herself. Senator Chambers brought this amendment in because he wanted to get his two cents worth in on capital punishment and I don't blame him. He feels very strongly about it as I do about this issue but I would like to remind everybody that an innocent unborn child has committed no crime and as Nebraska lawmakers it is our duty to protect life, born and unborn. Thank you very much.

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: Mr. President, members of the body, first I would like to commend Senator Chambers for referring in his speech to the natural law which we as Christians all know is the God's law, so I am happy to see, Senator, that you are leaning more and more towards us Christians and referring to the natural law. Your second remark about those of us sponsoring this bill applauding Ronald Reagan's cutting of school lunch programs, I can assure you Senator

Higgins is not in favor of doing away with the lunch programs for needy children nor am I in favor of doing away with the nutrition sites for the elderly and I think my colleague, Senator Labeledz would say the same. Finally, the third point I would like to make, some of the senators have been saying the issue here is abortion and not state tax dollars. I would remind the senators who were here last year and voted for the amendment to LB 1004 which is the same as our bill, that that was an amendment to the appropriations bill, not a moral bill, not an abortion bill, but it was an appropriations bill that this body voted for last year when they voted for the amendment to LB 1004. So in order to keep everything in its proper perspective we are still voting on the same thing you approved last year, tax dollars not being wasted. As much as Senator Chambers and some of the other senators want to muddy the waters with the abortion issue, I think that we should recall last year you dealt with it as a money issue, as a tax issue and that is all we are doing again this year. Thank you, Senators and Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator DeCamp. The question has been called for. Do I see five hands? The question before the House is, shall debate cease? Do you wish debate to cease? That is the issue. If you do vote aye, if you don't vote no. Record.

CLERK: 25 ayes, 3 nays, Mr. President, on the motion to cease debate.

SPEAKER MARVEL: Okay, debate ceases. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, quickly to dispatch, I rejoined it to what Senator Higgins stated, the reason the budget bill was amended or the appropriations bill was amended last time, that was a parliamentary tactic because they couldn't get the bill they wanted acted on so they had to do that as a stratagem and money, like religion, serves all purposes for all people. As far as muddying the water with abortion, Senator Higgins, the bill mentions that word so it is hard not to discuss it and I think as canny and as cagey as you are, you do know we are talking about abortion. You're quite welcome. But on the amendment that I offered, first of all let me say this. A lot of the causes that I espouse in this Legislature are considered lost causes before they are even undertaken. Most people don't want to do the drudge work to face the hostility or the pressure or whatever else is involved in dealing with the issue even though they may have great

sympathy for that particular issue. I am not constructed tempermentally or any other way to avoid dealing with an issue that comes to my attention as an issue about which I should do something. This is one of those issues, the concept contained in my amendment about which I must do something. So however long and however difficult the task will be I have got to pursue it and, Senator Higgins, if you don't mind, I make a reference to the Bible to the person that the Christians worship. He and I feel the same way about this thing. Maybe He and I are the only ones who consistently do it besides Senator Dworak and a few others but a lady was brought to Jesus caught in the act of adultery. Again, men are the ones who initiated that as men are the ones who provide the preponderance of votes to deny women certain other considerations. So they said, the law says this woman should die and Jesus didn't deny it. He said, that is right. The law says she should die and one of them who were smart might have said, and you've been going around here saying that your job is to fulfill the law and He would say, that is right. That is my job. All right, then she should die and that is what the law says. So He said then let the one without sin among you cast the first stone and not a stone was cast. So what are we to learn from that? That Jesus himself was not sinless? Because he didn't cast the stone after stating the requirements for the stones to be cast and the law that He came to fulfill said that the stones should be cast. Is the message that Jesus was not sinless, Senator Higgins, or is the message that one who indeed is sinless would not cast a stone to take the life of one of the children that He supposedly came to save us? It is a rhetorical question and I don't have enough time to give you the answer but if it is another subject I will accept your answer. I want to use my time to the best advantage. Had I been around when they hung Jesus on the cross, He would have had at least one person, not like the religious people saying, crucify Him, crucify Him, because it was the religious people and the politicians, he would have had one person like an earlier black man who carried his cross for Him when it got too heavy for Him. Here is a little guy with the whole society arrayed against Him. They whipped Him. They brutalized Him. They degraded Him. Now they are going to make Him carry the means of His own execution and He couldn't take it. So He said, little fellow, at least I can lighten this burden and this load for you and for those of you who are religious, maybe Jesus said, yes, and the day will come when I will take a heavier load off you. So those things sound nice, don't they? But when time comes for us to apply it in our lives on a difficult issue where the only one whose ire we have to oppose is somebody who may cast a negative vote or who may say I don't like you for doing that,

we will fold if you truly believe, Senator Higgins, in the things that Christianity espouses. Then there is one greater than any person in this Legislature or out there in the world who is watching and judging conduct and if He had a Son who came down here, not to die for the religious people who are righteous, but for the murderers, then certainly as that song that is patriotic says, "As He died to make men holy, let us live to make men free," and women too, we have got to set a tone in this country. We have got to set it in this state by taking those positions that will underline what we say is really important. So I hope you will vote "aye" on this amendment.

SPEAKER MARVEL: The Clerk will read the amendment.

CLERK: (Read Chambers' amendment as found on page 605 of the Legislative Journal.)

SPEAKER MARVEL: A Call of the House has been requested. All those in favor of placing the House under Call vote aye, opposed vote no. A Call of the House. Record.

CLERK: 25 ayes, 0 nays, Mr. President, to go under Call.

SPEAKER MARVEL: The House is under Call. All legislators please return to your seats, record your presence. Unauthorized personnel please leave the floor. Senator Cope, Senator Maresh, Senator Higgins, Senator Goodrich, Senator Pirsch, will you please record your presence. Mr. Sergeant at Arms, we are looking for Senator Wesely and Senator Schmit. Mr. Sergeant at Arms, would you please locate Senator Schmit and Senator Wesely? Okay, all legislators please take your seats and record your presence if you haven't. Call the roll.

CLERK: Read roll call vote as found on page 605 of the Legislative Journal.) 9 ayes, 30 nays, Mr. President.

SPEAKER MARVEL: Motion lost. What is the next item?

CLERK: Mr. President, the next motion is offered by Senator Beutler. (Read Beutler amendment as found on pages 605-606 of the Legislative Journal.)

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, let me speak first to what the amendment does. Basically it is saying that you can allow for abortion coverage for those circumstances where the pregnancy was caused by illegal sexual assault or incest. Sometimes I am surprised

how definite people's feelings seem to be on the floor of the Legislature and in our society. It seems like we have become so dichotomized, the pro-lifers, pro-life, right down the line. The pro-choice people pro-choice right down the line. Well for myself I would have to honestly say I really can't buy either position right down the line and when you get to the middle questions, the hard questions, it rips me up and I think it rips most people up in this society. There are hard, hard choices. One thing that I am not able to say, I am just not able to say that a woman who has been raped should be forced to bear the child. You know one of the fundamental concepts of fairness that we have in this society is that unless a person is to blame somehow, unless they are at fault, they should not be forced to bear consequences, especially serious consequences which are not of their own doing and which can be avoided. In any area of our law that you look at we look to fault and I think that in this circumstance I, personally, just cannot see where a woman should be forced to have the child. You know, we have done so much in this Legislature over the last year since society has been asking us to do so much with regard to stopping crime, with regard to making it tougher on criminals, with regard to doing everything we can to put an end to the rising criminal trends and we have reacted. We have been doing things in this Legislature to try to alleviate the problem and yet in a sense when we talk about rape, it seems to me that the state is almost perpetuating the crime, accepting the consequence of crime and saying that the victim of the crime who we have gone to great lengths to try to repair in terms of a Victims' Reparations Act and acts such as this and saying that the victim of the crime has to day after day for nine months suffer from the crime and in the end bear a child that was caused by a criminal act, and that to me, is just not acceptable. I would ask you to vote for the amendment.

SPEAKER MARVEL: Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. Speaker.

SPEAKER MARVEL: We have seven names down who want to speak.

SENATOR LABEDZ: I think, Senator Beutler, you are a little off base on your amendment. The bill itself does not state that any woman can have or cannot have an abortion. Abortion as we all know is legal because of the Supreme Court decision. The bill here simply states do we or don't we use public funds to pay for abortion coverage by insurance companies. The fact that your testimony was centered mostly on, in fact, all of it was on whether or not she should or could not have an abortion.

She can have an abortion if she wants to but I don't think and many of us here on the floor believe that public funds should be used, therefore, I don't see why this has anything to do with LB 125 and I would like to ask you that question. Does anything in the bill prevent this, anyone, on rape or incest from obtaining an abortion?

SPEAKER MARVEL: Who are you asking the question of?

SENATOR LABEDZ: Senator Beutler.

SPEAKER MARVEL: Senator Beutler, do you yield?

SENATOR BEUTLER: Yes. Senator Labedz, if the issue is not truly abortion then why do we have something in the bill about saving the life of the mother? There is nothing in the law. A woman can have an abortion to save her own life under the law, can she not? Why is that in the bill? Why do you make an exception for that?

SENATOR LABEDZ: Because as you know when we talk about abortion we talk about the destruction of human life and an unborn child is the destruction of a human life. When the life of the mother is involved, that also is human life and therefore we did put the life of the mother. Rape and incest, the woman can or cannot or will or will not have an abortion and there are alternatives for that which is adoption, if she doesn't have the abortion, but it has nothing to do with LB 125. We are just talking about funding, not whether or not she can or cannot have an abortion.

SENATOR BEUTLER: My point was simply that it has as much to do with the bill as does the other provision having to do with saving the life of the mother. They are two of a kind.

SENATOR LABEDZ: It also has that in there, the life of the mother.

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: Mr. President, members of the Legislature, as these amendments come up it seems that we develop some contradictions in the philosophy of those supporting this bill. Senator Higgins says abortion is not the issue in this bill, it is just a question of tax issue. It is tied to an appropriations bill. It is a tax issue. It is a question of whether tax dollars are being wasted, I think was the term that Senator Higgins used. So Senator Beutler puts up an amendment that deals with the question of reim-

bursement to victims of crime and the question before us, if all we are talking about is use of tax dollars, is, should there be support, tax support, for a victim of crime, a specific crime, rape or incest. But then Senator Beutler puts his amendment up and Senator Labeledz starts talking about abortion. Now if this is simply a tax issue, then the question is, does this Legislature believe that crime victims should receive some type of support, public support to aid them after they have been assaulted, sexually assaulted in this case. Now I would think that this Legislature which, like local control, has stood up time and time again and said, we should have some concern for the victims of crime, we should show some sympathy to the victims of crime, would this time want to join Senator Beutler and show some sympathy to a victim of a very horrendous crime, a crime that is personally devastating. I would think that there would be some sympathy unless perhaps there is some sort of feeling that a pregnancy caused by incest or rape should basically be carried as a sign of guilt. It is as if the victim may be, in fact, responsible for that pregnancy and we should show no sympathy for a woman who is pregnant because of rape. We should show no support to a woman who is a victim of rape, that that pregnancy must be carried, to use a Nathaniel Hawthorne analogy, like a scarlet A, as a symbol of the guilt and carried as a sign of blame and that it should be carried as if the victim is at fault and as if we are supporting the actions of the assailant. Now I would hope that this Legislature would not take that side, this Legislature would not be so insensitive to a victim of crime as to say, if you are raped or if you are pregnant due to incest and you wish to have a medical procedure to terminate the pregnancy and when it comes time to pay for that that the publicly supported, the group insurance plan that you have joined in provides you no support. The door is closed. People look the other way, say, that is your responsibility. We are walking away from that victim of crime. We are saying that we have no responsibility to aid them. We will aid collectively in other medical operations. We will provide collective protection for other illnesses even things like colds and flu but when it comes to a medical procedure that is the result of a crime, a criminal action, suddenly we say, well we are not going to help you with that, that is your responsibility, as if we are saying the woman is at fault, it is her responsibility, we share none of the responsibility for assisting her.

SPEAKER MARVEL: Your time is up. Senator Dworak.

SENATOR DWORAK: Mr. President, I call for the question.

SPEAKER MARVEL: Do I see five hands? Okay, the question

before the House is shall debate cease. Those in favor vote aye, opposed no. Have you all voted?

CLERK: 25 ayes, 11 nays on the motion to cease debate, Mr. President.

SPEAKER MARVEL: Senator Beutler, do you wish to close on your motion?

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, just a very short closing. As you decide what decision to make on this, I think I would ask just one thing of you. I think what you really have to do is reach down inside you and just ask yourself the gut question, is this fair to the woman. Can this possibly be fair? I think you have to get rid of these theories about when life begins and when it doesn't. You can argue it intellectually forever and beneath it all are some suppositions that you may or may not agree with. You can come to either conclusion logically I suppose but I think that the real answer to this question, the best answer is going to come just from your own experience of everything in your life that you learned about what is fair and what is unfair and I hope it leads you to the conclusion that the amendment should be adopted. Thank you.

SPEAKER MARVEL: Mr. and Mrs. Virgil Johnson, children, Kelly and Stacy from Harvard, Nebraska, guests of Senator Haberman and his aide are underneath, I assume, the South balcony. Would you raise your hands, show us where you are? Okay. The motion is the adoption of the Beutler amendment to the bill. All those in favor vote aye, opposed vote no. Have you all voted? Senator Beutler, for what purpose do you arise?

SENATOR BEUTLER: I would like to have a roll call vote and a Call of the House.

SPEAKER MARVEL: The Chair intends to keep going until we cover all the business for the morning. Shall the House go under Call? All those in favor of that motion vote aye, opposed no. Record.

CLERK: 27 ayes, 4 nays to go under Call, Mr. President.

SPEAKER MARVEL: Did you ask for a roll call vote, Senator Beutler? Okay, all legislators take your seats, record your presence. Unauthorized personnel leave the floor. Have you all recorded your presence? All legislators are to be in their seats and you are supposed to be recording your presence. While we are waiting for some legislators

to appear, underneath the South balcony it is my pleasure to introduce Cindy Hefner who is Senator Hefner's daughter. Where are you? Senator Burrows, would you record your presence? Senator Warner. He is excused. Senator Von Minden, Senator Kremer. Senator Kremer, we are looking for Senator Kremer. Senator Beutler, everybody is here but Senator Kremer. Can we proceed with the roll call? Okay, the Clerk will call the roll.

CLERK: (Read roll call vote as found on page 606 of the Legislative Journal.) 20 ayes, 24 nays, Mr. President.

SPEAKER MARVEL: Motion lost.

CLERK: Mr. President, Senator Chambers now moves to amend the bill. (Read Chambers amendment as found on pages 606-607 of the Legislative Journal.)

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, since this position that is being taken on this bill springs from religious motivations, I am speaking for some groups who have no representation on this floor, namely those who feel that it is actually a sin to take human blood in any form. This includes blood transfusions so I think that if the state is going to take the position that apparently it is going to be put on record as taking through this bill, there ought to be consideration and regard shown for the religious sensitivities of other people who are not on this floor. If there are going to be selective exclusions of coverage based on moral considerations, public money should not be spent for any coverage. Remember we are talking about public money and none of it should be spent in a way that would offend directly the religious convictions of people whose taxes help to create the pool of public money which is doing something that they have moral scruples against. So I am asking that you insert in the two places mentioned, after abortion or where the word abortion is used plus a section of statute mentioned, the words, "or blood transfusions". I think it would be consistent. I think it is considerate and it is appropriate, so if the bill goes, anybody who wants a blood transfusion can still get one but he or she would have to pay for it himself or herself or have individual coverage to take care of that particular situation.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? Okay, shall debate cease? Those in favor

vote aye, opposed no. State your point.

SENATOR MARSH: Mr. Speaker, I regret to inform the body that the motion by Senator DeCamp was out of order because we have heard no discussion except the introducer's and our rules provide that we will hear both sides of the question.

SPEAKER MARVEL: Senator Marsh, your point is well taken but we have been debating this issue for two to three hours and I think we have had adequate debate on both sides, therefore, the Chair does not sustain your point. What is the next order? Okay, the motion is, shall debate cease. Okay, record.

CLERK: 26 ayes, 6 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate has ceased. Senator Chambers, it is your motion. All those in favor of the Chambers' motion to LB 125 vote aye, opposed vote no. Have you all voted? Have you all voted? Clerk, record the vote.

CLERK: 4 ayes, 30 nays, Mr. President, on the adoption of Senator Chambers' amendment.

SPEAKER MARVEL: The motion lost. The Clerk will read the motion on the desk.

CLERK: Mr. President, the next motion I have is to suspend Rule 6, Section 3 and Rule 7, Section 3 and vote without further debate and without further amendments on the advancements of LB 125.

SPEAKER MARVEL: Thank you, Mr. Speaker. I know that this has been discussed since nine o'clock this morning or nine-thirty and I am not going to say much more on the suspension of the rules, but I think each and every one of us are ready to vote on the bill and, therefore, I requested the suspension of the rules, and let's advance LB 125 without any further amendments from General File to E & R initial. Thank you.

SPEAKER MARVEL: We are now speaking on the suspension of the rules to advance the bill. Senator Johnson, you are the next one in order.

SENATOR V. JOHNSON: Thank you, Mr. Speaker. The legislative process is a deliberative process and by being a deliberative process that means quite simply that each of us is here to speak, to think and to vote and when you and I have to deal with an issue which is as significant as is this issue, I do not personally believe that the suspension of the rules to

stop debate is appropriate. It may well be that you and I have talked this issue via the amendment process for the last two and a half hours but nonetheless, points that need to be made have yet to be made and it is for that reason that I would rise to oppose vehemently our suspension of the rules to stop debate. I personally have been troubled by this issue because I recognize how the question of abortion is a divisive question in our society and how taxpayers themselves are of several minds concerning the use of tax funds for abortion. On the other hand, I do know that all of us have to abide decisions made by our elected representatives concerning the use of tax dollars some of which we will not like but that is inherent in a democratic society. What strikes me in the main about this question about which we are asked to cease debate is the fact that we have not talked about the epidemic that is occurring in society today, an epidemic that could strike in my own family and that is the epidemic of teenage pregnancy. One out of ten teenage women will become pregnant this year and what we do as we continue to cut back and curtail discussion and deliberation on abortion is we continue to countenance this epidemic in society. Now abortion itself ought not to be an alternate to contraception, nor to self-restraint but the truth of the matter is my seventeen year old son and my twelve year old daughter are vulnerable to the ways of the flesh and these may be children who cause a girl to become pregnant, my seventeen year old boy, or who do become pregnant in their own right, my twelve year old daughter. We are talking here about ceasing insurance coverage to public employees. Now it may well be that the only kind of public employees that you and I have in mind are women in their twenties and early thirties who are the wives of somebody but we have to appreciate that we are also talking about family coverage. We have men and women who are in their forties and in their fifties and they have teenage children in their home who likewise would be covered by the insurance policies that are state rights, or our county government rights, or our school board's right, or our NRDs right or frankly, anyone who receives public funds rights and keeps. Now it seems to me for us to cease debate on what clearly is the greatest, one of the greatest issues in society today and that very simply is teenage sexuality and that very simply is the fact that our young people, one out of ten, one out of ten teenagers will become pregnant is wrong. This is an issue that requires a greatest deliberation on our part. It is not an issue that we should run away from out of fear, out of fear of voters wrath or voters disapproval but, in fact, you and I have got to discuss it. My seventeen year old son is the editor of the high school newspaper at Central High School in Omaha and he solicited an advertisement from Planned Parenthood which said simply, "February 14 is Love Carefully Day." It said, "If you are not ready to be a parent, be

responsible," and the school officials at Central High School would not allow that ad with that wording to run because they were afraid to deal with the issue of teenage sexuality and contraception and if you and I will sit here today and prescribe standards regarding abortion which may well be the end of the line for some teenager that is unwittingly caught with an unexpected pregnancy, then we are doing a disservice to our young people. And it is for that reason that from the bottom of my heart I would oppose Senator DeCamp's motion to cease debate. This is an issue that is too important for us to cease discussing.

SPEAKER MARVEL: Senator Beutler. You all are speaking on the motion to suspend the rules. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I feel that this is one of the abuses of the rule that allows us to suspend the rule. This is a perfect example, I think, of an abusive use of that rule. There has been no filibuster on this bill. There have been three amendments that were all very legitimate amendments. There was a fourth amendment which was dispatched quickly. There were no other amendments pending on the bill at the time it was moved to suspend the rules. Earlier this year I asked the Legislature to adopt a cloture rule. That cloture rule had the time limit of two and a half hours of debate before a motion for cloture could be requested. That proposed rule was rejected on the basis that two and a half hours of debate was not long enough. Twenty-five votes weren't there for that kind of a rule and today you are being asked to close off debate through a suspension of the rules in way less than two and a half hours. This debate hasn't even gone on that long. If twenty-five of you were not able to vote on a general principle like that on two and a half hours, I don't understand how more than twenty-five of you would be willing to vote for cutting off debate, for cutting off speech in the Legislature on a period considerably shorter than two and a half hours. Senator Dworak, I hope I don't see your green light up there on this. When bill limitations were up earlier this year it was Senator Dworak who was the great advocate of free speech of allowing us to file all the bills that we wanted because each one represented free speech and yet, on the bills that we have in here we can't even take the time to let everyone speak freely on them. I hope you will give some thought to what kind of a precedent this is. In fact, with one exception, in the three years that I have been in the Legislature this is the first time I have seen the suspension of the rules used in this manner. It was used, as you remember, on the 882 discussion of last year and I think

in that case legitimately used because we had gone through an extended period and because there was no other way in our rules to stop debate. That was a true filibuster situation but when you start crossing over the line of a true filibuster situation, then I think we are doing a bad thing in this Legislature. Then free speech in a very real sense is being curtailed and I hope you will reject this amendment. Let's finish the debate, stick around for a little bit over the lunch hour if it takes it, finish the debate in a legitimate manner and vote on the subject. Thank you.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I think Senator Johnson and Senator Beutler covered most of the issues that have to be dealt with on this matter and I simply want to say that I am opposed to suspending the rules for this purpose too. I had a speed limit bill which probably had more amendments than any bill we have considered so far this session and not once did I suggest that the debate ought to end on any amendment, not once did I try to suspend the rules so that amendments could not be offered and although I have been an advocate of increasing the speed limit, I would never say that it reaches the level of importance as the subject that is being discussed here this morning. So I hope you will consider what is entailed here and not just let your stomach rule your mind. There is a proverb that says, when the stomach is full, the head is empty, so maybe we will take the corollary and say, when the stomach is empty, perhaps the senses that reside in the head are a bit sharper and a bit more attuned to what is being presented to our minds. So I hope you will vote against this motion to suspend the rules.

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: Mr. President, I would echo the sentiments of previous speakers. There is only one motion up on the desk after this and that is a motion to indefinitely postpone, so essentially there is no lengthy list of amendments. There is no filibuster. All that is before us is to debate the bill itself which interestingly enough, we have yet to do. Now if we had suspended the rules earlier we would not have had the opportunity of Senator Johnson's speech which I think sheds light on another aspect of this issue and I think was an important contribution to the debate. If we suspend the rules now what we are saying is, it does not matter whether you conduct yourself in a responsible manner on an issue or whether you conduct yourself in an irresponsible manner with regards to floor procedure. If we want to push something through we will push it through whether or not all aspects have been discussed.

I think there are other issues that we have debated longer than this one. The speed limit is certainly one of those issues. I think this issue certainly deserves as much time as the speed limit. I think there are aspects of the bill that have not been discussed. I think that Senator Johnson has raised points that should be explored as other issues. I do not see a need to suspend the rules. I know that there are some banking lobbyists that would love to have us act on credit cards. I know that there is a motion to suspend the rules so Senator DeCamp can withdraw a few bills that he introduced earlier but those issues can wait until Monday. I don't think that there is such an urgency for bank credit cards or withdrawal of task force reorganization bills that we need to suspend the rules now. I think we have one issue left to discuss and that is the bill itself. We have not had the opportunity to do so. I would urge that the Legislature provide that opportunity.

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: I call the question.

SENATOR CLARK: The question has been called for. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? We are voting on ceasing debate. Record the vote.

CLERK: 27 ayes, 14 nays to cease debate, Mr. President.

SENATOR CLARK: Debate is ceased. Senator Labedz, do you wish to close?

SENATOR LABEDZ: Thank you very much. I will be very brief and I want to assure everyone they will have the opportunity on Select File to add any further amendments and for further debate. Thank you very much.

SENATOR CLARK: The question before the House is ceasing debate, pardon me, suspending the rules. It takes 30 votes. All those in favor vote aye. All those opposed vote nay. Have you all voted? Once more, have you all voted? A Call of the House has been asked for. All those in favor say aye, vote aye. Record the vote.

CLERK: 23 ayes, 1 nay, Mr. President, to go under Call.

SENATOR CLARK: All unauthorized personnel will leave the floor. All senators will be in their seats. Do you want

to take call in votes? Call in votes will be accepted.

CLERK: Senator Clark voting no.

SENATOR CLARK: Will you all record your presence please. Will you all record your presence please. Senator Burrows, Senator Newell, Senator Howard Peterson. Will everyone record your presence please and then I won't have to call out all the names. Senator Koch. Senator Carsten, will you record in please. They are all here. We will take call in votes at the present time. Let's have a little quiet so we can get this over with. A roll call vote has been requested. Call the roll.

CLERK: Mr. President, I have had a request to read the motion. The motion is to suspend Rule 6, Section 3, Rule 7, Section 3, and vote without further debate and without further amendment on the advancement of LB 125. (Read roll call vote as found on pages 607-608 of the Legislative Journal.) 25 ayes, 21 nays, Mr. President, on the motion to suspend the rules.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: What is the motion?

CLERK: Mr. President, the next motion I have on the bill is to indefinitely postpone and it is offered by Senator Marsh.

SPEAKER MARVEL: Senator Marsh.

SENATOR MARSH: Mr. President, this legislative body has an opportunity now to debate the bill. I personally am opposed to this. We talk about your tax dollars being spent. Are you aware it costs more to pay for childbirth? Are you aware there are more deaths from childbirth than there are from abortion? We really are talking about the issue of abortion. The tax dollars to buy insurance will cost more if you remove the coverage for abortion than if you leave it in, your dollars of your constituents being spent. You can use a coat hanger and then the state will pay for what is the result of the abortion. That is still in the bill. Why do you have that in it? Why do you let anybody have it? Talking about dollars, your dollars, your dollars aren't adequately paying for those you have forced through this vehicle perhaps without this vehicle, in fact, because of the way you individually feel. Are you aware that we do not make anyone have an abortion so someone who is opposed has their choice but the Methodist and some of the other religious groups which do not believe as the antichoice

forces are forbidden to have their choice. We have talked about this a little but mostly we have expressed feelings, not facts. We don't want to talk about the horrendous number of teenage pregnancies. We don't want to hear that there have been no deaths from the legal abortions in our state during the last two years which I had my staff check this past week. We want it to sound like it is a bad thing for someone to have a choice. You have an opportunity to vote on the kill motion for you really have gotten very tangled with the way the bill currently reads. The way the bill currently reads you are mandating double punishment for the woman who is the victim of sexual assault and unfortunately, gets pregnant in the process. You are mandating that the victim which you espouse protection for but, in fact, are not willing to provide. LB 125 is a proposal not on tax dollars but on the issue itself of abortion. Not everyone shares the view of the antichoice persons. The antichoice persons are not willing to allow the same religious choice as they choose for themselves. You say you are getting hungry. You want to go to lunch. What about that fourteen year old you are mandating must go through a pregnancy even if her health will be affected because it won't kill her in the process? Oh, yes, you will take the child off her hands because there are many people who would like to adopt children. Aha! Unless it happens to be a child that is mentally retarded or it happens to be a child of mixed race or it happens to be a child who is physically handicapped or deaf or blind or simply born without a heart that functions well. Try not to be overcome with the emotion of LB 125 but, in fact, offer choice to the citizens so each may choose, each may follow the religious view of that particular family, not the view of those who are only antichoice.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: Mr. President and colleagues, I call for the question on the indefinite postponement motion.

SPEAKER MARVEL: The question has been called for. Do I see five hands? Okay, I do. The motion before the House is cease debate. Those in favor of that motion vote aye, those opposed vote no. Record the vote.

CLERK: 27 ayes, 9 nays to cease debate, Mr. President.

SPEAKER MARVEL: Okay, debate ceases. Senator Marsh, are you going to close on your motion?

SENATOR MARSH: Mr. President, I ask to withdraw the motion.

SPEAKER MARVEL: What is the next motion? Is there any objections? Hearing none, so ordered.

CLERK: I have nothing further on the bill, Mr. President.

SPEAKER MARVEL: Senator Koch, do you wish to speak to the Labedz motion?

SENATOR KOCH: Her motion is what?

SPEAKER MARVEL: The Clerk will read the motion.

CLERK: Her motion is to advance the bill, Senator, to E & R initial.

SENATOR KOCH: Well I thought we were still under debate. My button has been on since we got off the motion to suspend the rules. The bill is still under debate as far as I am concerned. What is the motion now, to cease debate?

SPEAKER MARVEL: No, it is open for discussion, Senator Koch. You may proceed.

SENATOR KOCH: Thank you. There is a fine proverb that is worth repeating this morning and that is, it is a man's privilege in his terror to reveal himself. What we are trying to do here this morning is to hide our terror and not reveal ourselves over this issue. It is a substantive issue that needs discussion. It is always easy for men who rule this country to make decisions for others who live in this country with us. It is easy for us to abuse those people and then forget them and I would submit to you it takes two people to tango and sometimes it is not the most uncomfortable thing that happens from that result. The Supreme Court has issued a decree to this nation. It said very clearly that abortion is legal and every time we try to circumvent this issue we really are saying, Supreme Court, we don't believe you. Under the supreme law of the land tax dollars have been used to support that endeavor and I submit to you Senator Johnson hit it very well. Those of you who keep your head hidden in the sand don't know the real issues in this country today, that every time the Education Committee deals with the issue, let's have instruction in the public schools and other schools on the issue of family living and sexuality, the people lose their minds. I submit to you that if we trained our engineers, we trained our astronauts, we trained our doctors as poorly as we train people who live together in a family, we would all be in chaos. We do the worst job there is of any nation of teaching people how to live together in the greatest institution of all and that is the family living condition and to accept the results of your

actions, either out of emotion or out of ignorance, and I believe for us to say we will not expend tax dollars for a medical need when it can be demonstrated, is foolhardy on our part. I have had a position on pro-life ever since I ran for this Legislature, was this and very clearly this, that any time the United States Congress puts an amendment to us which diminishes the Supreme Court decision which is the supreme law of the land, I will support it but I am never going to be a party to some law locally that wants to circumvent the supreme law of the land and this is the circumventing of that law. We are absolutely ignoring our responsibilities. I know how Senator Labeledz feels about this and I respect her expression but also people better know how I feel about it. Senator Marsh said there are those of us who come from other kinds of religions who happen to believe in freedom of choice what you can do with your life and you are going to suffer the consequences some day, either now or later, and if we believe in that great Creator like we all say we do then we ought to remember one thing. We ought to be able to forgive, we ought to be compassionate, we ought to be people of justice and we ought to be people of empathy and we ought to be trying to solve the problem instead of ducking it. If we really lived like we cloak ourselves to be, we would have very few problems with the issue of abortion. You know that as well as I do. That problem shouldn't even be around this nation so civilized and so religious but you ought to know that all people are not as Christian as we are, nor are they as disciplined as we are, nor do they live by the rules like we do, nor do they follow the Decalogue every day like we do, we are never hypocritical. We are always candid and we are always honest. We are always truthful. We are always above board and we are charitable. My foot, we're charitable. And we are courageous. We are only courageous when it is convenient to be courageous and I submit to you people on this floor a man and woman elected to public office better have more courage today because we are going to need it. The reason we are elected is to make tough decisions, not based upon emotion or not based upon some positions that people develop that are very one-issue oriented because this nation, you put it to a vote, I don't think it would be as popular as you think it is because I believe the man and woman on the street have a greater conscience and I am sorry that we tried to cease debate on this bill because many of us sat back thinking we were going to get to the point, we were going to get down to some tough decisionmaking and talking. And I think for us to pass this over so easily would be indeed not to our best interest. I want to submit to you we had a bill in the Education Committee and I will try to bring it out of there that tries to bring instruction to the public schools on what causes birth defects,

what causes other kinds of things to happen and I will bet you this body will reject it because immediately you are going to think it is sex education and when you talk about abortion you are talking about sex education and the reason we have had so many of them is we have had so little education and the reason we have so many of them is because we have had good models by the adults, damn good models by the adults of society and so we try to legislate morality. Don't we? Thank you.

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I appreciate Senator Koch, some of the comments that you made and I guess I would be one individual that would tell you that if you bring a good bill to the floor of the Legislature as far as sex education is concerned, I will be one person that will rise up to support it because I do believe that there has been an inconsistency in the State of Nebraska as far as that regard and I do appreciate your bringing that issue to this debate and to the floor of the Legislature. This is an important issue and it does need some discussion and I guess I would say to Senator Marsh who said a minute ago that no one has lost their lives in the State of Nebraska as a result of an abortion but it is my deep philosophical conviction that 6,000 people lost their lives in the State of Nebraska as a result of abortion last year because that is the number of abortions that were performed in the State of Nebraska last year and I guess I would tell Senator Marsh that about 1.4 million abortions were performed in this country last year and in my opinion and from my philosophical basis, 1.4 million lives were lost in this country last year as a result of that process. So I guess there is a difference of opinion and if you believe there is no life there, then that is fine. It is just a medical procedure as Senator Koch said but if you believe there is life there, then it is a no compromise issue and it is an issue upon which you should speak. But let's clarify the debate on this particular issue. We are not, through this bill, denying anyone an abortion. All we are saying, Senator Marsh, all we are saying, Senator Koch, is that you shouldn't use public monies to pay for those abortions. You shouldn't use my money as a taxpayer to take an innocent life and I guess that is the fundamental issue. I do want to make a correction, what I believe is a correction of a comment that Senator Koch made. Senator Koch said there has been a U.S. Supreme Court decision and he said a clear U.S. Supreme Court decision that says abortion is legal. I guess if you read it, it is not exactly the most clear decision that you could read. From a legal standpoint I think it is garbage but the result is,

of course, that abortion is legal in the State of Nebraska but Roe v. Wade did allow abortions in this country but that doesn't mean that the State of Nebraska is mandated to use public funds to pay for those abortions. Senator Koch, maybe you are not familiar with the Hyde amendment that was passed in the United States Congress that prohibited federal funds from being used for abortions. Well that Hyde amendment has withstood the court challenges that have been thrown at it. It is not required to be consistent with the Constitution of the United States that we use your money and my money to pay for someone else's abortion and that should be made clear. It is not a constitutional mandate. It has restrictions on the use of public funds for abortions have withstood constitutional challenges. There is no reason to use public money for abortions in my opinion and there certainly is no legal basis to say that we must use public funds for abortions and so it is a philosophical issue and so it is a budget issue but it is not a constitutional fight and let me say that I think it is wrong to use your money and my money for someone else's abortion. Now I don't think abortion is a religious issue. I think it is a fundamental right's issue, a right to life issue, but many people in here try to paint it as a religious issue and if that is your opinion, then you should be more inclined to support this bill because we shouldn't be forcing one religious point of view on all of society and forcing tax dollars to support one religious point of view.

SPEAKER MARVEL: You have one minute.

SENATOR CULLAN: So I guess I hope you consider those arguments but the one thing I want to make very clear is that restrictions, one thing I want to make very clear is that there is no constitutional mandate that requires that we use public funds for abortions and that is the issue here and I hope that we advance this bill and move on with it.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Call the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? All those in favor of ceasing debate vote aye, opposed vote no. Record.

CLERK: 27 ayes, 4 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate has ceased. Okay, Senator Dworak, do you wish to close on the motion to advance?

LB 14, 18, 20, 27, 28, 29, 30  
37, 41, 42, 43, 45, 46, 81  
110, 121, 125, 130, 140,  
143, 155, 164, 188, 188A,  
207, 207A, 214, 234, 82, 64  
234A

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SENATOR DWORAK: I wish to close, Mr. President. I just reiterate that LB 125 be advanced to E & R initial.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. Okay, record.

CLERK: 33 ayes, 9 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The Clerk has some items on the desk before we adjourn.

CLERK: Mr. President, before we leave Senator Kremer would like to remind the Public Works Committee that they have a hearing at noon today in Room 1517 on Gubernatorial appointments for the public roads classification for motor vehicle licensing board. That is in Room 1517.

Mr. President, I have legislative bills ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and I do sign LB 121, LB 64, LB 41, LB 18, LB 14 and engrossed LB 140, engrossed LB 130 and engrossed LB 82, engrossed LB 81, engrossed LB 46 and engrossed LB 45. Okay, Mr. Clerk.

CLERK: Mr. President, I have an Attorney General's opinion addressed to Senator Goodrich. It will be inserted in the Journal. (See pages 608-610.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 110 and find the same correctly engrossed; 188, 188A, 207, 207A, 214, 234 and 234A, all correctly engrossed.

Mr. President, your Enrolling Clerk respectfully reports she has at 10:37 a.m. presented to the Governor for his approval the following bills: 28, 42, 156, 20, 27, 29, 30, 37 and 43.

Mr. President, Senator Chambers moves to reconsider the action in voting to indefinitely postpone LB 143. That will be laid over.

I have explanation of votes from Senator Haberman and Senator Sieck. (See page 611 of the Journal.)

I have a report of registered lobbyists for February 12

**SPEAKER MARVEL:** The motion carried. The bill is advanced. Okay, the next order of business is LB 288.

**CLERK:** Mr. President, if I may, before that I would like to read in some matters. Your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 125 and recommend that same be placed on Select File with amendments. Your committee on Constitutional Revision and Recreation whose chairman is Senator Labedz to whom is referred LB 138 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 531 General File with amendments. Your committee on Constitutional Revision gives notice of cancellation of hearing and Revenue sets hearing for March 3, March 4, March 9, (Signed) Senator Carsten, Chair. (See pages 645-646 of the Journal.)

Mr. President, LB 288 was introduced by Senator Myron Rumery. (Read title.) The bill was read on January 19. It was referred to the Nebraska Retirement Systems Committee. The bill was advanced to General File. There are committee amendments pending by the Retirement Committee, Mr. President.

**SPEAKER MARVEL:** Senator Fowler.

**SENATOR FOWLER:** Mr. President, I move adoption of the committee amendments. The bill was brought in to enable members of commissions who are beyond the retirement age to receive a per diem. Now we are not talking about state employees as such. We are talking about people that serve on advisory boards and committees and so on. Because of an interpretation of state law, the Department of Administrative Services, although it would pay expenses to such commission members, would not pay a per diem even if it was authorized by law if the person was over 72 years of age which is the mandatory retirement age. Senator Rumery brought the bill to the committee based on a concern with regards to one commission but this could apply to any commission that pays per diems. The committee amendment basically picks what we think is the most appropriate section of the statute to provide the exception to the retirement age and basically what we are saying is that if you are a member of a commission, not a regular employee, but a commission member you can receive an authorized per diem even if you are over the mandatory retirement age, age 72. The committee amendment becomes the bill. It is essentially the same concept. It is just probably a more appropriate place in the statute, so I would move for adoption of that amendment.

**SPEAKER MARVEL:** Senator Rumery.

February 26, 1981

LB 125

CLERK: Mr. President, there are E & R amendments on LB 125.

SPEAKER MARVEL: Senator Kilgarin, do you want to move the E & R amendments to 125?

SENATOR KILGARIN: I move the E & R amendments to LB 125.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion carried. The E & R amendments are adopted.

CLERK: Mr. President, now I have an amendment from Senator Haberman. (Read Haberman amendment found on page 677, Legislative Journal.)

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: Mr. President, fellow legislators, six days ago with 33 yeses and 9 noes, 4 non voting and 3 absent, so some people might say, "Rex, what are you doing standing up there? You are fighting a losing battle." My answer is I have to do what I have to do. After the vote last week, I met a Senator at noon and he said, "Rex," he said, "Don't you want to be reelected to the Legislature?" And I said, "What do you mean?" And he said, "Well, you voted no." And I said, "Yes, I voted no." I said, "How about you?" He said, "Well, I am on the other side." And I said, "What do you mean, not be reelected?" He says, "Well, you could become a target", and he said, "You have a good chance of not being reelected." So I thought about that. In the four years that I will have served down here in the Legislature, I will have voted on a thousand bills, and if the people in my district do not wish to return me to this Legislature because of the vote on one of those thousand bills, so be it. Now what I want to talk about this morning and I am not going to talk about the fact that we are dictating and mandating to local governments, I want to talk about the Bobbys. Now you saw yesterday the Bobbys that I am referring to. You saw the picture of a little boy who had been beaten to death, who had been sexually assaulted. He was an unwanted child. You saw the pictures. I am personally familiar with this case. Now how do we get an unwanted child and how can this happen. Incest, this amendment covers incest which is sister and brother having intercourse. Now you can imagine maybe, here is a brother eighteen years old. There is his sister fourteen. They are home alone. They got into a little of Dad and Mom's booze. They are feeling kind of good. They have been out watching an R rated movie and Sis says, "Well, I have got a body as good as that gal does." And the brother and he is drunk and so he says, "Well, I don't believe it." So she undresses and pretty soon we have a problem and the girl gets

pregnant. Now what happens to this little girl? What is going to happen to her at school? She may have to drop out of school. Then let's go a step further. Let's say she has the child and she drops out of school. Some day she finds a man, they get married, and they have this child and the fellow she marries loses his temper like they did at little Bobby because Bobby was slow in potty training and this little child gets the same treatment. What about the uncle and the niece. The uncle is 25, 26 years old. He comes to visit or he lives in the same community as the niece who is 16. He takes her to school, drops her off and the rest of the girls see the uncle and they say, "Boy, he is a good looking fellow. I would like to meet your uncle." So the interest is aroused in the niece with the uncle and they happen to get together. They have intercourse and the girl is pregnant. What does the uncle do? He packs his suitcase and he puts his hat on and he leaves. Boy! He doesn't want to have anything to do with this anymore. What about the little girl that is in high school? What happens to her? We have another possible unwanted child. Uncles and nieces, aunts and nephews, and this does happen, fellow Senators. This does happen, more often than we think. I would like to go a step further. The amendment covers rape. It says those who are raped can be covered by the insurance. What about the fourteen year old or the fifteen year old or the twenty-two year old or the twenty-five year old that has been raped and has a child? What about her mental attitude? What about if she marries and some day the fellow comes home and he says, "You little bastard, get out of my way", and he gives him a kick and we have another Bobby. What about the little Bobbys that I showed you? The stepdad is in prison. The mother had to leave town and she has lost her child. He was murdered and beaten to death and Bobby is dead. Now the people who have the money, the three or four hundred dollars, and in a few years, the four and five hundred dollars, they don't have this problem but the people who are working for a salary, they can't afford the three or four hundred dollars. Let's say that the uncle and the niece are both working for the state or the county or one or the other and let's say that the little fourteen year old whose father decided to take advantage of her works for the state or the city or the county. They don't have the money. So all I am asking, you fellow Senators, is to have some compassion for the little Bobbys. They don't have to use it if they don't want to but I think we should give and have the opportunity that they have this coverage because it is not their fault. If a female is raped, it is not her fault. If a little fourteen year old is led astray by somebody older, it is not her fault. So all I ask and all I am trying to do

is let's try to help the people in that condition, and if we adopt this amendment, I will be glad to support LB 122 (sic). Thank you, Mr. President.

SPEAKER MARVEL: Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. Speaker. Some of the stories that Senator Haberman was telling us are horrendous crimes, I agree, and I tried desperately not to make this an emotional issue. LB 125 in no way prohibits the people that he or the women that he was talking about from obtaining an abortion. This is strictly whether or not public funds should be used to cover abortion for government employees. He mentioned also the fact about being reelected. I think that you will all notice that I have never once put anything on your desk, any pictures, any handouts whatsoever, trying to convince you to believe the way I do. I also have not gone to each one of you individually, and believe me, I have a lot of proof I can show you that abortion is the worst form of child abuse. He talked a lot about Bobby. Is it right to kill Bobby before he is even born because there may be a chance that there will be child abuse. As I said, I don't want to get emotional about this issue, especially on this bill, because it has nothing to do with whether or not these victims of crime are allowed to have an abortion or not. I could show you pictures of babies that were burned from a saline solution abortion. I could show you stories in our local newspapers where a baby was aborted alive at our own medical center and was left to die in a utility room, very painfully for an hour and a half to two hours. I could show you pictures from the Sun Times of an investigation with loads and loads of garbage cans full of babies, legs and arms. If we want to get emotional, I can also bring you the story of an Omaha Clinic where a garbage disposal was clogged up and the man that was fixing the garbage disposal reported it to the police, little arms and legs. I have many pictures, many reports and many stories. I didn't want this to be an emotional issue but Senator Haberman's stories would justify me standing up here and telling you some of the things that I have in my file. The lack of fault for being pregnant does not justify denying another human being his or her life. Where preservation of basic rights is at stake, society has the right to require of its members personal sacrifice. An individual would not personally be responsible for his country being attacked by an unjust aggressor but he is still bound to oppose that aggression at great personal sacrifice. No woman is forced to raise a child. While a woman may not willingly become pregnant, the child should be permitted to experience the love of one of the thousands of American couples who have been waiting years to adopt a child. This unborn baby is indeed wanted and should not be

denied his or her right to be loved and to live. Senator Haberman mentioned over and over again all the stories that you have heard today, and I agree they are the worst, but I want to repeat again, the worst form of child abuse in this country today is abortion. Thank you very much. I oppose the amendment.

SPEAKER MARVEL: Senator Dworak, do you wish to speak to the Haberman amendment?

SENATOR DWORAK: Mr. President, colleagues, I think I just want to touch on the election arguments that Senator Haberman very subtly dropped. We all feel these pressures from various special interest groups. There is the business pact, and I see we have got a compensation bill coming up this morning, where depending on your particular perspective and what type of district you represent you feel certain pressures as to whether they are going to support your next campaign from a business or a labor perspective, whether they are going to marshal their forces for and against. I think we have all sat through meetings with the NSEA, with the State School Board Association yesterday en masse. The school boards were down here I think visiting with each one of us, legions of people all proclaiming a certain special interest, and this is part of the system and there is nothing wrong with this. This is the way the public gets input into the legislative process and so this is not unique to the pro-life movement in any way. It is not unique to the pro-choice movement in any way. In fact, it may be even a citizen's responsibility to become involved through some type of organization to influence in effect legislation from their particular perspective and I think as long as there are two sides, as long as we are not stifling debate, as long as we are not discriminating in the organizational and the financing mechanism of one side or the other, as long as everybody has a conduit, an equal conduit, it is fitting, proper, and maybe even the responsibility of those citizens to tell you how they feel on issues. You know when, and I am always very...Senator Haberman happens to see this particular insurance issue differently. I always get very defensive when I see an issue differently and receive certain pressures from organized or unorganized groups back home. That is part of the turf down here and Senator Haberman knows it. I think the answers that Senator Labeledz gave to Senator Haberman's arguments on the specific heinous crimes of rape and incest are proper. I, when I saw the pictures that Senator Haberman was showing around yesterday, was shocked and appalled and thought about that even though that specifically isn't the direct issue we are debating today but my immediate reaction when I saw that pathetic child beaten abused, sexually assaulted in those photos, the answer wasn't

a legalized wasting of Bobby's life before this horrible thing would happen. That is not the answer. That doesn't do one thing against the person responsible for that heinous crime. In fact, as Senator Chambers elegantly has said over and over again, we need to find more mechanisms to protect and preserve those abused, underprivileged, helpless people. But I think again we don't want to lose sight of the issue that all this bill does, all this bill says is that public funds shall not be used for abortion. Thank you.

SPEAKER MARVEL: Before we proceed, I have guests first of all from Senator Maresh and Senator Sieck's District in the North balcony, nine students of State Government class from Exeter, Nebraska, with Lonnie Shafer, the teacher. Will you hold up your hand so we can see where you are? In the North balcony from Sidney, Nebraska, ten students and their sponsors, Mr. Dick Yahn and Mr. Bill Michie, and they will be here two days visiting the Unicameral. There are two seniors, two juniors, two sophomores, two ninth grade students and two eighth grade students. Do you want to hold up your hand so we can see where you are? And underneath the North balcony, it is my privilege to introduce Dorothy Beutler and Marie Beutler, mother and grandmother of Senator Beutler. Where are you folks located? We welcome all the guests to the Unicameral at this time. Let's see, we are still speaking to the Haberman amendment and Senator Cullan.

SENATOR CULLAN: Mr. President, I call the question.

SPEAKER MARVEL: Do I see five hands? All those in favor of ceasing debate vote aye, opposed vote no. Shall debate cease is the issue before the House? One last time, have you all voted? Record the vote.

CLERK: 12 ayes, 9 nays to cease debate, Mr. President.

SPEAKER MARVEL: Senator Higgins, do you wish to speak to the Haberman amendment?

SENATOR HIGGINS: Yes, Mr. President, and thank you. Senator Haberman has given some very persuasive talk this morning about child abuse and I would like to point out that we have laws on the books, and I think laws pending in this Legislature, that address the issue of child abuse, and, Senator Haberman, I would also like to point out that in your statement you said this is the result of unwanted children. Did you ever stop to think that anyone who has such a perverted mind and is such a sexual deviant might very well plan the birth of a child for this very purpose?

It can be worked both ways and I believe there are some people that are so perverted, so deviant that they would actually plan the birth of a child so that they would have someone to abuse. We also know of people who abuse and mistreat their own children because it gives them a feeling of power over these children and they, too, may have planned this child. You know, it is just as likely that a woman could plan to have a child because she wanted desperately someone to love and call her own as it is to conceive of a woman who would have a child so that she could have someone she could dominate, whom she could not only call her own, but use that child as a possession. I don't think any of the examples Senator Haberman presented really are germane to this bill but I did want to point out that what he is saying about unwanted children, there is another side of the coin and we are addressing the problem of abused children already in present laws and laws pending. Also when you talk about rape, insurance policies, to the best of my knowledge, would consider rape an assault, the same as if a woman or a child were walking down a street and got hit in the head by a mugger who just took their purse and ran. It is an assault and it would be covered under a policy, probably under the portion of accident insurance, but at any rate, it would be covered, and when you talk about incest, again, if it happens to a child who has not reached the age of consent, I think any insurance company would have to accept that also as an accident. But if it happens to a woman with her consent, she certainly is knowledgeable enough of what to do afterwards. So I don't think this amendment really applies to our bill, and I think that if necessary for the protection of those that want to buy that particular coverage with their own dollars, the insurance companies would probably be willing to do so. Someone else mentioned that no insurance company would provide abortion insurance all by itself. Let's face it, when you have got a group policy for all the state employees, that is not a single thing. It would just be an additional option to a group policy, and you tell me an insurance company that says, "We want to lose all the state employees insurance if we have to provide an option for them to buy abortion insurance." I guarantee you, gentlemen, I am in the business. You'd have too many companies scrambling to write the state employee insurance group policy or any other subdivision of government if they thought for one minute they had a chance, and I don't think the present company that writes it, and I don't even know who it is, I don't think they either would say, "No, we don't want the coverage if we have got to provide as an option for the employee to pay for at their own expense abortion insurance." Thank you, Mr. President.

SPEAKER MARVEL: Senator Marsh. We are speaking to the Haberman amendment and I would remind you of the one hour limit on time. Senator Marsh.

SENATOR MARSH: Mr. Speaker and members of the Legislature, I have some questions I would present to Senator Haberman please.

SPEAKER MARVEL: Senator Haberman, do you yield?

SENATOR HABERMAN: Yes.

SENATOR MARSH: Senator Haberman, Senator Dworak said, "Public funds should not be used for abortion", do you have some facts and figures about how many public funds have been used this past year for abortion?

SENATOR HABERMAN: Since July 1 of 1980 the Nebraska state employees have not been covered with abortion insurance and the premium has not been reduced.

SENATOR MARSH: Senator Haberman, how much was the cost then increased when there was abortion insurance?

SENATOR HABERMAN: From all of the fiscal agents that have been contacted, from Blue Cross through the state, from the county, City of Omaha, City of Lincoln, there would be no increase in cost if the abortion or if this amendment was adopted.

SENATOR MARSH: The persons who have presented this bill to the Legislature have emphasized and continue to emphasize that they do not want the public's money to be spent for the purpose of abortions, but in fact, there is no dollar difference as the information presented us in cost of coverage. So it is not the issue of spending public dollars for the coverage of abortion. I do not feel that an individual who has already been the victim of incest or rape should be denied what could be available in the way of health insurance. Senator Higgins mentions that a woman knows what to do but that still takes dollars. If that coverage were available that would be helpful. But the intent is very clear as to what the introducers of this proposal are trying to do, therefore, I urge since it appears to be moving rapidly forward in our body to please insert protection for those who are victims of incest or rape. Most persons agree they should not be punished twice as victims. Being a victim is bad enough in itself without having to go to a neighbor or a church or another organization to say, "Please help with my medical cost for something that is so very distasteful in the first place."

SPEAKER MARVEL: Senator Labedz, do you wish to speak or do you wish to...Senator Haberman, do you wish to speak on your amendment? There are about three others yet to speak. No, not close, there are still three that would speak before any closing.

SENATOR HABERMAN: Fellow legislators, Senator Higgins, the plan to have a child to abuse it was a good point but, you see, little Bobby was a stepchild, came with the mother and the stepfather didn't like him. So that, it kind of takes care of that argument, and if rape is covered, Senator Higgins, then don't fight my amendment because my amendment says rape and incest shall be covered. So you are saying that rape is already covered and I am saying I don't know whether it is or not. It isn't that clear, but if you think it is all right that rape is covered because you are in favor of 125, please support my amendment. Senator Labedz...no, I am just making a statement, in regards to your adoption of the children, children that come from incest, many, many, many of them, Senator Labedz, are deformed. This is one of the reasons they push the incest because of the bloodline, they come up short an arm, they come up short a leg, or mongolians. Physically and mentally a child born of incest the possibilities are tremendous that they will not be okay and people shy away from adopting this type of individual or this type of child. Thank you, Mr. President.

SPEAKER MARVEL: Senator Fowler, then Senator Vard Johnson.

SENATOR FOWLER: Mr. President, I would like to get some clarification from Senator Higgins, a couple of statements that she made.

SPEAKER MARVEL: Senator Higgins, do you yield?

SENATOR FOWLER: Senator Higgins, if I understood what you said, you felt that in the case of a rape that the victim could get coverage for an abortion under accident insurance, is that what you were trying to say, that there was coverage under accidental?

SENATOR HIGGINS: No, Senator, what I was saying was that in the event of a rape, you would go directly to a hospital or a physician, I am sure.

SENATOR FOWLER: Right.

SENATOR HIGGINS: And that would be covered under a policy by the same...I mean, the treatment that you would receive after the rape would be covered under generally good policies.

Now if the state has a policy that doesn't cover an assault which is also an accident, you might say, then it is not a very good policy, is it? But the policies that are written today with good companies and good coverage certainly would recognize rape as something that was more...it was an accident. It would not be determined as a disease. So any treatment that a woman would want to get after a rape should be covered.

SENATOR FOWLER: Including procedures that would be comparable to abortion, should that be covered?

SENATOR HIGGINS: I don't think immediately after a rape you need a procedure comparable to an abortion.

SENATOR FOWLER: Okay, suppose you are then...discover that you are pregnant from the rape, can you receive an abortion... payment for an abortion as part of the accidental coverage or not?

SENATOR HIGGINS: If the company offers abortion insurance and you have opted to pay the additional premium out of your own pocket, I would imagine you could, yes.

SENATOR FOWLER: Okay, Senator, so the group policy itself wouldn't provide that. You would have to purchase a supplemental.

SENATOR HIGGINS: What I am saying, Senator, is whoever writes the governmental group policies, they already cover a myriad of diseases and such, and accidents, and operations. The company that writes group insurance for any government body can add to that policy coverage for abortion, coverage for face lifts, coverage for anything, and make it an optional thing that all of the members can buy or just those who want to buy it. What I am saying is, they don't have to write a separate policy for abortion. It is true. No insurance company probably would do that.

SENATOR FOWLER: Okay, so if this bill passed, there would be a rider, it would be the option of the insurance company to provide a separate rider for abortion coverage?

SENATOR HIGGINS: I would assume that if I was an insurance company getting the premiums that they get from the state employees insurance policy, county employees, city employees, that they surely wouldn't refuse to offer that as an option and run the risk of losing the entire coverage, the whole thing.

SENATOR FOWLER: Okay, do you know, Senator Higgins....?

SENATOR HIGGINS: Does that answer your question?

SENATOR FOWLER: Do you know if this bill or bills like it have passed in other states or communities that have said that group health policies shall not cover abortion and allows an option for a rider? Do you know if this has passed in other...?

SENATOR HIGGINS: I haven't studied other states, Senator.

SENATOR FOWLER: All right. Thank you. Last year I asked Senator Dworak that question as to whether or not in fact this had passed in other states, and he indicated that it had, and then I asked him if he knew of any insurance company that offered this rider that Senator Higgins is talking about, whether or not they were willing to offer an abortion only rider. At that time Senator Dworak said he did not know of any insurance company that did or would offer such a rider. Now I think that one of the myths in this bill, and it is one that I think Senator Higgins believes, is that insurance companies are going to allow a separate rider for abortion coverage. That has not happened in other states, that has not happened in other communities that have passed this, and the State of Nebraska, we passed something that said for state employees this would be the case, that the group policy would not cover abortions but you could get a separate rider for abortion coverage if you paid a hundred percent of your cost. Neither Blue Cross nor Health Central offered that option, the two carriers. So in fact, there is no coverage. In fact, in the case of a rape or incest, there would be no abortion only coverage offered because, in fact, no insurance company is willing for either political or actuarial reason to offer such an option. It has not been offered as far as I can find any place in the United States. Now if Senator Dworak has more current figures, I would be interested in knowing that, but as of last year, and this has passed in other states, no insurance company offered that option.

SPEAKER MARVEL: You have seventeen seconds.

SENATOR FOWLER: So in the case of rape or incest, there is no coverage available if this bill passes, in fact, in reality.

SENATOR HIGGINS: Then, Senator Fowler, we probably ought to look at other companies to write the employees insurance and put it out for bid.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: A point of personal privilege. I absolutely want to correct the record.

SPEAKER MARVEL: Excuse me, you need to state your (interruption).

SENATOR DWORAK: Senator Fowler stated that I specifically made a statement last year and he is misinformed on and he is mistaken in what I said and I would like to correct the record.

SPEAKER MARVEL: Okay.

SENATOR DWORAK: Senator Fowler said that last year I said other states had passed this type of legislation. I don't know whether any other state has passed this legislation. I couldn't have last year or this year said that other states have or have not passed this type of legislation. That is a pure misstatement of fact because I don't even have that knowledge today. So I am sure I did not say other states passed this form of legislation. I may have said that I don't know of any companies offering this specifically because I don't know of any companies offering this specifically but I have never sampled the market and there are virtually thousands of insurance companies offering thousands of variations of coverages and there may well be a company that would be willing to offer this.

SPEAKER MARVEL: Senator Vard Johnson and then Senator Wesely and then Senator Chambers and then Senator Labedz. Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I think that heretofore the Haberman amendment has been cast in the terms of rape or incest, but as the amendment was being read, I believe that the expression used for rape was sexual assault. Is that not correct, Senator Haberman? Now in looking in my statute book as to the definition in the Criminal Code of sexual assault, our statutes provide this. "A person shall be guilty of sexual assault in the first degree when such person subjects another person to sexual penetration and overcomes the victim by force, threat of force, expressed or implied, coercion or deception, or knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or", and this is what is the most important to me, "the actor is more than eighteen years of age and the victim is less than sixteen years of age." That is an old statutory rape holdover. What it means very simply is that if we have a young child fifteen years or less who is seduced, who is seduced by a young man eighteen years or more, then that woman, that young child is a victim of a sexual assault and that young child under the Haberman amendment would be protected at least in terms of publicly funded group insurance coverage and I think that

is a good thing and that is one of the reasons why I support the Haberman amendment and it gets back very simply to the problem that exists in increasing numbers in our society and that problem very simply is that our young children are sexually active and our young children are not taking adequate precautions to prevent inception, to prevent fertilization and our young children are becoming more and more... more and more of our young children are becoming pregnant. This is from a September article in Newsweek magazine that deals with the subject of teenage pregnancy. The latest figures in a highly respected news study by Johns Hopkins University professor, Melvin Zelnik and John F. Kantner indicate that nearly 50% of the nation's 10.3 million young women age 15 to 19 have had premarital sex. The percentage has nearly doubled since 1971. One disturbing consequence of this advanced sexuality is that teenage pregnancies are epidemic. One million teenage girls, one out of every ten, get pregnant each year. Statistics in the 1977 study show that 600,000 unwed teenagers were giving birth each year with the sharpest increase among those under 14. Venereal disease is rampant among adolescents accounting for 25% of the one million reported gonorrhea cases every year. Now what we do today is we again put clamps on the abortion practice because we want nothing to do with human sexuality and the products and the fruits thereof, and the more we continue to be repressive with human sexuality and the products thereof in the name of morality, in the name of virtue, and in the name of every other good object, the more we continue to put in the closet what is a genuine problem to the young people in our society and I think that you and I as legislators have a responsibility to face this issue up front and to deal with it very honestly. Now as Senator Marsh and Senator Haberman pointed out in their colloquy a little bit ago, there really is no public fund issue involved here because the amount of public dollars that go to provide abortion coverage in group insurance programs either are negligible or nonexistent. So really this piece of legislation has little to do, little if anything to do, frankly, with the expenditure of public dollars for abortion coverage but has a lot to do again with its very symbolic issue that is dividing our society so dramatically and that is who can and who cannot obtain an abortion. I am not an advocate of abortion. I don't believe that abortion is an alternative to contraception. I don't believe that abortion is a legitimate alternative to self-restraint or discipline but I don't want to take an action that continues to put the lid on, so to speak, our dialogue and our development of measures and matters that will deal with human sexuality and what is happening. There are many young people's lives that are being tormented because of unwanted pregnancies and it seems

to me that we have a responsibility to see to it that our young people are able to wend their way through their teenage years with some degree of knowledge about the outcome of sexual practices, with some available contraception, and in addition understanding that abortion facilities at least will be available should they and their parents make the hard choice to have an abortion as opposed to an adoption.

SPEAKER MARVEL: Your time is up.

SENATOR V. JOHNSON: And I would support the Haberman amendment.

SPEAKER MARVEL: Underneath the North balcony as guests of Senator Lowell Johnson, it is my privilege to introduce the Superintendent of Fremont Schools, Dr. Robert Melick and Mrs. Melick, and daughters, Nancy Melick of Fremont and Anita Fonnes of Fonnes, Norway, and also Mrs. Alice Christensen of Fremont. Where are you folks? Will you hold up your hand so we can say "Good morning" to you? Senator Wesely. Shall debate cease? All those in favor of ceasing debate vote aye, opposed vote no. Were there five hands? I forgot to find out. Are there five seconds? Okay, sorry. Have you all voted? One last time, do you wish to cease debate? Okay, record.

CLERK: 27 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Senator Haberman, do you wish to close on your amendment?

SENATOR HABERMAN: Mr. President, members of the Legislature, the amendment says that incest and sexual assault or rape will be covered. That is what it says. But let's don't talk about that, we want to talk about dollars. Okay, we will talk about dollars. The state does not now have abortion coverage for its employees. There has been no reduction in the cost of the insurance to the state. If this bill fails, the state employees will still not have abortion coverage. The bill is aimed at other forms of government. It does not have any fiscal impact. The fiscal analyst for the state, no fiscal impact. The University of Nebraska of Omaha, no fiscal impact. Department of Insurance, no fiscal impact. City of Omaha, no fiscal impact. Nebraska Association of County Officials, no fiscal impact. No financial impact. So let's just talk dollars. If there is no financial impact, then there is no reason not to vote for my amendment because the opposition has said let's do not be emotional. I am off the emotional thing. I am on the fiscal impact. Let's stay where they want to stay. Let's

talk about what they want to talk about and that is, no fiscal impact. You look in your book under LB 125 on the Green Book and the rules say if there is a fiscal impact it shall be connected with the bill. There is no fiscal impact. So I say on that basis alone, I will forget the other parts of my arguments, and I will rest my case with you Senators. There argument is fiscal impact and tax dollars and I have proved to you, look in your book, prove to yourself, no tax dollars, no fiscal impact. The coverage isn't going to change. It is going to stay right where it is. So I ask that you adopt the amendment to cover incest and rape. Thank you, Mr. President.

SPEAKER MARVEL: The motion before the House is the adoption of the Haberman amendment to LB 125. All those in favor vote aye, opposed no. We are voting on the Haberman amendment to the bill. Have you all voted? One last time, have you all voted? Senator Haberman.

SENATOR HABERMAN: A call of the House and a roll call vote, please.

SPEAKER MARVEL: Shall the House go under Call? All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 8 ayes, 2 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please take your seats, record your presence and all unauthorized personnel please leave the floor. Senator Cullan, Senator Goll, Senator Cope, Senator Barrett, Senator Chronister, Senator Goodrich, Senator Landis, Senator Nichol, Senator Pirsch, Senator Haberman, Senator Hefner. Senator Goodrich, Senator DeCamp, Senator Kahle, Senator Landis, Senator Nichol. This is where the time goes and we need to try to determine how to bring the legislators in without taking so much time. Let's start over, Senator DeCamp, Senator Nichol, Senator Goodrich, Senator DeCamp. Mr. Sergeant at Arms, will you please find those three people? Underneath the South balcony, while we are waiting for the three, it is my privilege to introduce guests of Senator Wagner, Gladys Johnson, Nancy Olson, Pauline Hill, Laura and Donna Garwood, Sally Edghill and Laura Hughes from Garfield County. Will you please hold up your hand so we can see where you are and welcome you. Senator Haberman, we have three who are not accounted for. Do you want to...two...do you want to proceed with the roll call vote? Excuse me.

SENATOR HABERMAN: Have they been excused?

SPEAKER MARVEL: Senator Nichol and Senator Goodrich have not.

SENATOR HABERMAN: Have not? Let's look for them a little bit more.

SPEAKER MARVEL: The others are either present or have been excused. There are two excused. Okay, a roll call vote on the adoption of the Haberman amendment to LB 125. The Clerk will call the roll.

CLERK: (Roll call vote taken. See pages 677 and 678, Legislative Journal.) 21 ayes, 25 nays, Mr. President.

SPEAKER MARVEL: The call is raised.

CLERK: Mr. President, I now have a second amendment from Senator Haberman. The amendment reads as follows: (Read Haberman amendment found on page 678, Legislative Journal.)

SENATOR HABERMAN: Mr. President and fellow legislators, I will be brief on this. The bill says, "This section shall not prohibit the insurer from offering individual employees special coverage for abortion if the costs for such coverage are borne solely by the employee." The amendment says...will read that they shall provide the insurance for the individual employee for special coverage if the cost for such employee are borne solely by the employee. This is a choice that makes them offer it, because as it is now the insurance company does not have to offer it. So this will give the employee the choice of saying yes or saying no. It is my dollars. It is no longer tax dollars. With this amendment, I can support LB 125. I ask you to adopt the amendment that says the insurer shall offer the insurance and it shall be paid for by the employee out of his own money. Thank you, Mr. President.

SENATOR CLARK PRESIDING

SENATOR CLARK: We have about three minutes left on this bill. The next speaker is Senator Labeledz.

SENATOR LABEDZ: Thank you, Mr. Chairman. I think this amendment is unneeded. I have in front of me some information on Blue Cross coverage and I would like to read it to you. "Information on Blue Cross based on 66 of a total 74 regional plans was supplied by the Blue Cross Association in response to a request for information. Information for 5 plans was not available and 3 did not provide coverage of abortion. Abortion may be covered under one of three mechanisms, a basic contract, a rider or a major medical contract. A general outline of each follows. Basic, 58 of the 66 Blue

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Cross plans cover abortion under their basic contract. However, various limitations make coverage less than universal. These include requiring family coverage, requiring that the contract already have maternity benefits, and providing coverage only where legal. Rider, 42 Blue Cross plans provide coverage under a rider as well as under the basic plan. The 8 plans that do not cover abortion in their basic plan have abortion coverage available under a rider only or under a rider in conjunction with major medical coverage. In one plan a rider is available to eliminate coverage of elective abortion." So I don't see any need for this. There is available to anyone a rider where they can pay it with their public funds. I don't think that we can force the insurance companies to cover it when Blue Cross already does and I am sure there are other insurance companies that do also.

SENATOR CLARK: The time is up on this bill at the present time. - I suppose the Speaker will bring it up later. I haven't any idea. We will now to to motion #6. Senator Chambers.

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LB 34, 58, 114, 125, 144,  
195, 205, 246, 272, 273,  
273A, 325, 355, 359, 388,  
409, 491, 546

the motion is the suspension of the rules to introduce a bill as explained by Senator Newell. All those in favor of suspending the rules vote aye, opposed vote no. Record the vote, Mr. Clerk.

CLERK: 30 ayes, 11 nays to suspend the rules and offer introduction, Mr. President.

SPEAKER MARVEL: The motion is adopted.

CLERK: Mr. President, a new bill, LB 546. (Title read.) While we are waiting, your committee on Urban Affairs whose Chairman is Senator Landis to whom we referred LB 58 reports the same back to the Legislature to General File with amendments; 359 General File with amendments; 491 General File with amendments. (Signed) Senator Landis.

Senator DeCamp would like to print amendments to LB 34 in the Journal.

Mr. President, your committee on Enrollment & Review respectfully reports they have carefully examined and reviewed LB 205 and recommend that same be placed on Select File with amendments; 409 Select File with amendments; 195 Select File; 272 Select File; 273 Select File with amendments; 273A Select File; 355 Select File with amendments; 114 Select File; 246 Select File, 325 Select File, 388 Select File with amendments. (Signed) Senator Kilgarin, Chair.

SPEAKER MARVEL: May I have your attention to discuss item #6 and item #6 has to do with the continuation of the discussion on LB 125. There is a request that the bill be laid over until Monday. I have contacted two of the introducers. They are amenable to laying it over until Monday. If we do this, I think we must do it with the understanding that we are not establishing a precedent. But anyway, is there objection to laying over 125 until Monday? Senator Higgins.

SENATOR HIGGINS: Mr. President, who requested that we lay it over?

SPEAKER MARVEL: Senator Haberman.

SENATOR HIGGINS: Thank you.

SPEAKER MARVEL: Any other discussion? Okay, the bill will be laid over until Monday. We now move to General File, LB 144, Mr. Clerk.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: On this agenda item #6, the Speaker has allotted 45 minutes which would take us over the noon hour but we will commence with it and see where it takes us. The Chair recognizes Senator Labedz.

SENATOR LABEDZ: No. I believe it is Senator Haberman's amendment. He may want to explain it.

PRESIDENT: All right. There is a Haberman amendment pending, is that correct? So Senator Haberman is the one that is up. Was there any speaking order that you know, Mr. Clerk? Okay, so, Senator Haberman, why don't you proceed then on it and this is an amendment by Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Nebraska Legislature, the bill as it now reads says that the insurer shall not be prohibited from offering abortion coverage if paid for by the employee. My amendment merely says that the insuring company shall offer the insurance, the cost of which to be borne solely by the employee. Now what we are doing is this amendment offers a choice that they may or may not take the insurance. Now let's stop to think that we are sticking our nose into every form of government, public power, ESUs, schools, city-county governments. We are getting involved in their wages as health benefits are a fringe benefit which are wages. If we have the "shall", it might take us off the hook, but if we don't pass this amendment, then when the county sheriffs come and say we want the Legislature to set the salaries, what are we going to say? They are going to say, "Well, you stuck your nose in and helped set the salaries on the employees. Now we want you to help set the salaries for us." This can happen. Now you probably will be told today that some Blue Cross-Blue Shield Companies do offer this as a side benefit but the Nebraska Blue Cross-Blue Shield people have told me they will not unless this says "shall". You probably will be told today that other insurance companies will offer this and I say to you, what if the lowest bidder of the insurance company does not offer it? What if the lowest bidder doesn't offer the coverage? Then the people who take the bids are in trouble. They won't be able to take the lowest bid, will they? Then if they say, "Well, we didn't take the lowest bid. We have to take the best bid." Oh, boy! Then you are in trouble. You are really in trouble. You can't take the lowest and you hadn't better take the best, but by this amendment "shall be offered", it takes care of all the problems. Now we are telling the insurance companies they can't offer the insurance. So we are already dictating to the

insurance companies what they can't and can't do. So there is nothing wrong in saying they shall offer the insurance, the cost to be borne solely by the employee. So I really can't understand the big fuss and the big fight and the hoopla over this amendment. It merely allows the local governments to make the choice. It merely allows the insurance companies that they shall offer the insurance. Nobody has to take it if they don't want to but they will have the privilege and the choice to take it if they wish. So we've debated this. That is what my amendment does. It says the insurance company shall offer the insurance. It does not say that anybody has to buy it. It says "shall be offered". And again I remind you, if you leave it as it is where it says "shall not prohibit", it doesn't mean a thing because we have already discovered that there is no difference in the premium whether you have it or not so the insurance company will just shrug their shoulders and let it go at that. So I see nothing wrong with adding the amendment "the insurance shall be offered" for those who wish to buy it. Thank you, Mr. President.

PRESIDENT: The Chair recognizes Senator Labeledz.

SENATOR LABEDZ: Thank you, Mr. Chairman. I spoke on this Friday so I don't want to take too much time. I did read into the record and I believe Senator Higgins sent out to each Senator a copy of what I read to you on Friday. There is also another section in there that says, "Of the 66 Blue Cross plans examined, 5 were selected that seemed to have the best abortion coverage. These 5 cover well over 2 million women eligible for abortion. All 5 plans cover abortion under the basic contract. 2 of them also include the procedure under major medical", and this is very important, "and one also includes it under riders to the basic contract", and I am sure, Senator Haberman, that if the State of Nebraska or any county or the cities submits specifications and in there they require a rider to be submitted, I am confident the insurance companies will not in turn refuse to offer a rider to any basic contract. Therefore, I oppose the amendment and don't want to take any further time because there is another amendment pending from Friday that we should consider this morning. Thank you very much.

PRESIDENT: The Chair recognizes Senator Dworak. Okay, the Chair recognizes Senator Fowler.

SENATOR FOWLER: Mr. President, I support the Haberman motion. Now Senator Labeledz says if included in the specifications she has no doubt that a responsible insurance company would offer this as a rider. I think that is a mighty big "if", and that perhaps we should insist legislatively that that be included

in the specifications. Now last year we passed an amendment to an intent bill that the Governor interpreted to mean that we should adopt this for state employees and Blue Cross-Blue Shield did not offer any sort of rider to state employees to allow abortion only coverage. So in fact we have tested this in Nebraska. No matter what statistics Senator Labeledz shows for other states, the insurance industry in Nebraska is either too insensitive or too scared to offer this option, and I think that may be some reasons that we see that Nebraska insurance companies are losing public employee contracts in this state and out of state companies are gaining some of the group policies, but that is another question. It seems to me that unless we specify in this bill that this option will be provided, we will not see in Nebraska the abortion only coverage rider available to our employees. So in fact it is a myth that this could be available or would be available to our public employees. I appreciate Senator Labeledz' statistics indicating that in other states there are insurance companies that are offering this. I think that, therefore, it shows that it is a practical alternative that could be available. All we have to do is ask that our insurance companies provide that, but it appears to me that if we do not ask for that, that, in fact, this abortion only coverage where the employee pays one hundred percent of the cost will not be available to Nebraska employees. Experience in Nebraska indicates that to be the case, that without Senator Haberman's amendment or some statement from this Legislature or the governing board that we want this option, the insurance industry will not offer it for its customers.

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, handed out this morning and placed on our desks was an editorial from the Lincoln Journal, the past Saturday's paper, I presume. I didn't get to see it until it was placed on my desk but I think it really deals with the actual issues that are being brought before us in the handling of this bill. There are those who have a certain imperiousness in trying to determine how other people will live their lives. There is, I would say, an inclination not to be concerned about the welfare of children after they come into this world despite all the shilly-shallying we are doing this morning pretending that we are concerned about the cost of an insurance rider. I think Senator Labeledz and Senator Dworak and the others who will probably lead an effort against this amendment and every other one should frankly state that money is not the consideration. Insurance policies, the concerns about the companies have nothing to do with it. They have determined that women who are public employees for the State

of Nebraska, and under this bill any subdivision of the state, will not have insurance coverage for abortions. However, and this needs to be underlined though it has been touched on earlier, the encouragement is for a woman to attempt to give herself an abortion or to have somebody else do it. Then the complications created thereby will be covered by the insurance policy. That is stupid. That not only is stupid, it is vicious, and let me tell you why I say it is vicious. Viciousness comes into a situation when people are aware of the evil that they are affirmatively creating but have no regard for it, will not do anything to mitigate it, but will continue after it has been brought to their attention to go for those kind of things that will encourage that evil. Now if the people who call themselves pro, well, I get them mixed up. The ones who are for this bill, antichoice...I was coached. If those who are antichoice say that they do not want insurance coverage for those who would seek an abortion but they have no objection to the insurance coverage for those who may be butchered as a result of going to some other person because they can't afford to pay for the abortion out of their pocket, that is all well and good. That is okay. As a matter of fact, that might be offered as one of the virtues of this program. If you run enough of these women to the butchers and they get killed, then that will be a deterrent. They will then have so much fear put in them of dying that they won't get an abortion at all. Then they will birth into the world a bouncing baby boy or girl who because of being brought here under the circumstance of the case will wind up like the little tyke pictured in the photographs handed around by Senator Haberman. I don't see any reason for us not to discuss any aspects of this ugly issue because it is ugly. There is no need for us to pretend that it can be divorced from emotion because the word that brings out the emotion, namely "abortion", is a part of the bill and it always boggles my mind how people who are sent down here to represent their constituents, they say, will on certain occasions be swayed by opinion polls in the newspaper, and on other occasions disagree with those polls and say they make no difference. It is a matter of personal prejudice that determines a lot of the statements made on this floor and the positions taken. I remember when I was attending Creighton, I used to ridicule the Catholic students because they wouldn't eat meat on Friday but they would commit fornication and they would laugh and admit it. Fornication is illicit sexual contact between unmarried adults. Now they would laugh at it but they would show me all of the psychological and metaphysical reasons why meat shouldn't be eaten on Friday. So I thought that was entrenched in Catholic dogma as much as the Virgin birth but, lo and behold, a decision was made that meat could be eaten on Friday and I think there was a run on the meat

markets by my stalwart Catholic fellow students who were showing me why meat could never be eaten on Friday. They were happy to be able to eat that meat. So when we deal with religious propositions, it ought to be frankly stated that I adopt this position because my church told me to, and if my church changes its position, I will change mine. If they say that you can have sex outside of marriage, hallelujah, bless the Lord, praise the pope or praise whoever the minister is that is in charge of the particular religion who says now it is all right. That is why some people join cults because they are allowed to do anything they want to do as long as they ante up the money and the support that the power hustler is after. When you can control people's basic appetites, and sex is one of them, then you have absolute and total control over those people. It is why during the Inquisition, which was presided over by the church, so many of the crimes were related to sexuality. Because you make people feel that before they can indulge in something that is normal and natural to them they have got to get permission from another person, then whoever gives that permission is the one who totally controls.

PRESIDENT: One minute, Senator.

SENATOR CHAMBERS: So in days to come, let me say, in times to come, you are going to see these churches alter their positions on the issue of abortion as they have softened them on contraception, and when you see those changes come at the top, it is going to trickle down and all of these rock-ribbed people who are unable to yield an inch will embrace those changes perhaps more wholeheartedly than those of us who admit that we are sinners, fallen from grace, doomed and damned forever, bound for a devil's hell where we are going to be boiled in oil, burned in fire and brimstone, to appease the anger of an all loving God who sent his child to die for us that we might live and then he is going to burn us in hell. The whole thing is ridiculous. So what we ought to do is forget all of this religious nonsense that can't control our lives and stop us from doing the things that bring babies here and create a situation where those who get caught will have the same opportunity to rectify that error in judgment as those who didn't get caught or who have doctors of their own religious persuasion who will secretly give them what the Legislature is being asked to deny every public employee.

PRESIDENT: The Chair recognizes Senator Higgins.

SENATOR HIGGINS: Thank you, Mr. President. I don't know if I am supposed to defend the Catholic church or abortion or insurance companies. Senator Chambers attacked just about

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everybody but I want to say this. Senator Chambers, I am not so sure you aren't a black reincarnation of Billy Sunday the way you preach. I have to tell you that is the best hellfire and brimstone sermon I have heard in many a year. I am glad to hear you believe in it because all I have been hearing is that you were an atheist. So once again, Senators, it looks like Senator Chambers is coming over to our side. Oh, excuse me. He doesn't believe in it.

PRESIDENT: Let's not have a colloquy between the two of you unless you want to go over and have a talk but, thanks.

SENATOR HIGGINS: I just want to point out, Mr. President and Senators, that insurance companies do provide coverage today for complications from an abortion, even if the abortion complication occurs at an unlicensed abortion clinic where there is no follow-up care for the prospective mother. I think we have belabored this fact so long and for so many days that I am not going to address the subject of insurance any more other than to say those who purport to be the experts on insurance coverage, none of them are experienced agents as I have been for sixteen years. Thank you, Mr. President and Senators.

PRESIDENT: Senator DeCamp, is he here? I don't see him. We will go back to Senator Haberman then. Senator Haberman.

SENATOR HABERMAN: Is this the close?

PRESIDENT: No, it is not. We have some other lights on.

SENATOR HABERMAN: I will pass to the next speaker.

PRESIDENT: All right. Senator Marsh, then.

SENATOR MARSH: Mr. President and members of the Legislature, Senator Labedz indicated that if an employee wanted to obtain the insurance it could be available. Then what is the purpose of LB 125, Senator Labedz?

PRESIDENT: Senator Labedz, will you respond?

SENATOR LABEDZ: It would be available, Senator Marsh, without the use of public funds because we would not cover it in the basic coverage plan. They would have to obtain a rider.

SENATOR MARSH: Senator Labedz, did the cost for insurance decrease when abortion coverage was removed last year?

SENATOR LABEDZ: The way I understand it, and I have a letter from Blue Cross-Blue Shield, they covered claims up to about \$40,000 for state employees last year. When the contract is due again, July 1, 1981, the renewal of the contract, if they don't, I am sure the DAS or whoever does submit the specification should no doubt take into consideration that Blue Cross-Blue Shield paid about \$40,000 for state employees to obtain abortions and the cost should go down if they are not going to have to put out \$40,000 again next year.

SENATOR MARSH: Senator Labeledz, is it possible that in fact the removal of the abortion coverage may increase the cost since childbirth costs considerably more than an abortion cost?

SENATOR LABEDZ: Childbirth will cost more, I am sure, every year because of inflation. We may not notice because every year, from what I understand, the hospitals are charging more for every type of surgery. So I am sure that the Blue Cross-Blue Shield coverage or the other plan that we have might be increased due to inflation but not because we have kept abortion coverage or deleted it. The cost is rising every year. So if there is an increase in coverage for our basic plan, it will not be because abortion has been deleted. It will be because of inflation and the cost of hospitalization today.

SENATOR MARSH: Senator Labeledz, as I understood your last remark, your purpose for bringing this bill was only to save state dollars, is that correct?

SENATOR LABEDZ: Not entirely, you know and I know it is to save human lives.

SENATOR MARSH: But, in fact, ladies and gentlemen, it may cost human lives, the lives of women who are pregnant who do not wish to be pregnant. Senator Labeledz has her choice, the choice of not having an abortion, but with this proposed bill, that choice is removed from other persons who have a different religious persuasion. In fact, that choice would be removed from persons who have supposedly Senator Labeledz' religious persuasion for we read not many weeks ago of the large number of Catholic women who were making use of the opportunity for abortions through a choice. Perhaps in fact this proposal is one more way for the church to try and control its people since when the freedom of choice was given some of them did not choose to do what some religious persuasions, at least the hierarchy say should be done. I do not want another religious persuasion telling me what my choice has to be

since they have decided "what is right". There are a number of religious groups who do not believe that a human is from the moment an egg which is hard to be seen is fertilized but rather that person to be becomes an individual at viability. Why should one religious group who has their choice try to force only that choice on the rest of us? The proposal which Senator Haberman brings to us now is to mandate that that choice, in fact, would be available for employees. If the persons who bring LB 125 are only trying to save "state and governmental dollars", they should wholeheartedly support Senator Haberman's amendment. I support Senator Haberman's amendment that would make it possible for the employee to have a choice. At the same time would allow the introducers of LB 125 to be sure that there are no...

PRESIDENT: One minute, Senator.

SENATOR MARSH: ..."governmental funds" involved, governmental funds which I do not believe are involved but both of us would have a perspective protected if Senator Haberman's amendment is adopted.

PRESIDENT: The Chair recognizes Senator DeCamp. The question has been called for. Do I see five hands? I do. The question then before the House is, shall debate cease on the Haberman amendment? All those in favor vote aye, opposed nay. Have you all voted? The question is to cease debate on the Haberman amendment to LB 125. Have you voted? Record the vote.

CLERK: 25 ayes, 0 nays to cease debate, Mr. President.

PRESIDENT: Debate ceases. Senator Haberman, you may close.

SENATOR HABERMAN: As the debate was going on, I was sitting here reading the bill, the bill introduced by Senator Dworak, Senator Labeledz and Senator Higgins, and when you read the bill, when you read what it says, it says that there is nothing wrong with abortions. Line 10, "This section shall not prohibit the insurer from offering individual employees special coverage for abortion if the costs for such coverage are borne solely by the employee." In their own bill it says, "from offering individual employees special coverage for abortion if the costs for such coverage are borne solely by the employee." So what is the fight? All I am saying is let's add the word "shall" be offered and that is all. Let's offer it. They say it is all right. In their own bill they say it is all right. So let's just say it shall be offered. If the employee wants to pay the extra premium, he may. If the employee does not wish to pay the extra premium, he may not. That is what the amendment says. Now I don't see why

this does so much damage to 125. They said they did not want to cover sexual assault. Fine, that got beat so we won't delay on that. So we had 21 votes for that, and incest we had 21 votes, so what I am asking for this morning is for 25 Senators to say the employee shall have the right to take the insurance if he wants it because it shall be offered to him. As Senator Fowler says, there is no guarantee it will be offered and all we are saying is it shall be offered. That is all. We are not touching the rest of the bill. So I ask you for 25 of you to vote for the amendment that the insurance shall be offered. Then we can go ahead with the bill and get on to some other business. Thank you, Mr. President.

PRESIDENT: The question before the House is the adoption of the Haberman amendment. All those in favor vote aye, opposed nay. All right, the motion is to have a Call of the House. Senator Haberman, all right. All those in favor of a Call of the House vote aye, opposed nay. Record the vote.

CLERK: 21 ayes, 1 nay to go under Call, Mr. President.

PRESIDENT: Motion carries. The House is under Call. The Sergeant at Arms will see to it that all legislators who are not here are returned for the vote on the Haberman amendment. All other personnel, all unauthorized persons will leave the floor. The House is under Call. All legislators will register your presence. Would all members please return to your desks so we know how many are here and where everybody is. Senator Barrett, will you show your presence please? Thank you. Senator Warner, Senator Schmit, Senator Goodrich, Senator Carsten. Just two members are excused. Senator Carsten, Senator Schmit and Senator Kremer, those three. Will all members be at their desks so we know who is here and who isn't here. Senator Haberman, are you ready to proceed? We have Senator Kremer and everybody else is excused so we just have one more that we are waiting for. Now we only have one unaccounted for. Do you want to wait for Senator Kremer to get here or do you want to proceed? Senator Haberman, what do you want to do? Proceed. You want a roll call vote. All right, proceed with the roll call vote, Mr. Clerk.

CLERK: (Roll call vote taken. See page 716, Legislative Journal.) 15 ayes, 29 nays, Mr. President.

PRESIDENT: Motion fails. As I understand it, Mr. Clerk, there is another motion on the desk but we have only about five minutes left on the forty-five minute time schedule. Senator Labedz, shall we just bring it to a halt at this time? There is no way you are going to get through as a practical matter.

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LB 125, 288, 275, 154

SENATOR LABEDZ: No, I am sure there isn't. Hopefully it will be on the agenda tomorrow.

PRESIDENT: All right. The Speaker will have to deal with putting it on the agenda again then because there is still another amendment which we couldn't possibly get finished in five minutes. We are going to...pursuant to Speaker's order before he was excused he gave me a list of Select File bills to move on. Senator Kilgarin, you are getting a list here so we will proceed to quickly dispatch some of these bills on Select File. We will just proceed, Senator Kilgarin. So begin, Mr. Clerk, with LB 288.

CLERK: There are E & R amendments, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 288.

PRESIDENT: Motion to adopt the E & R amendments on LB 288. Any discussion? All those in favor of the E & R amendments to LB 288 signify by saying aye, opposed nay. The E & R amendments are adopted. Senator Kilgarin, do you want to move the bill.

SENATOR KILGARIN: I move that LB 288 be advanced to E & R for engrossment.

PRESIDENT: Motion to advance LB 288 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 288 is advanced to E & R for engrossment. LB 275.

CLERK: There is nothing on the bill, Senator.

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move LB 275 be advanced to E & R for engrossment.

PRESIDENT: Motion to advance LB 275 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 275 is advanced to E & R for engrossment. LB 154.

CLERK: There are E & R, Senator.

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 154.

PRESIDENT: Motion to adopt the E & R amendments to LB 154.

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LB 206A, 125

SENATOR CHAMBERS: Thank you, Senator Warner.

PRESIDENT: All right, we will proceed then on...we are still on Final Reading, members of the Legislature. We will proceed then with the Final Reading, Mr. Clerk, of LB 206A.

CLERK: Mr. President, LB 206A was introduced by Senator Chambers. (Read title.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 206A pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: (Read the record vote as found on page 725 of the Legislative Journal.) 30 ayes, 18 nays, 1 present and not voting, Mr. President.

PRESIDENT: Having failed to receive the constitutional majority for passage with the emergency clause on LB 206A, the question now is, shall LB 206A pass without the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record the vote.

CLERK: (Read the record vote as found on pages 725 and 726 of the Legislative Journal.) 30 ayes, 18 nays, 1 present and not voting, Mr. President.

PRESIDENT: The motion....LB 206A passes without the emergency clause attached. That will conclude Final Reading for today. Do you have some other matters to read in, Mr. Clerk? Ready then for agenda item 5, Select File. We are continuing with LB 120. All right, do you want to bring us up to date as to where we are?

CLERK: Mr. President....yes, sir. The bill has been before us a couple of different occasions. I now have pending, Mr. President, a motion from Senators Fowler, Marsh, Wesely and Landis. The amendment would read as follows: (Read the amendment as found on page 726 of the Legislative Journal.)

PRESIDENT: All right, the Chair recognizes Senator....is Senator Fowler going to discuss this? Who is....

CLERK: Yes.

PRESIDENT: The Chair recognizes Senator Fowler.

SENATOR FOWLER: This amendment is to exclude from LB 125 certain classes or categories of municipalities, school districts and county government. Basically, it is a statement of confidence by those who signed the amendment that our locally elected officials can handle a matter as sensitive and delicate as this without any sort of direction from the Legislature. If there are other Senators who have the belief that they must direct their county commissioners, their school board members and their city council members how to negotiate and how to arrive at what should be in group health insurance, that is up to you. But as Senators from Lancaster County, we are requesting that you allow the local elected officials in this community to be excluded from LB 125. We do not see any need for this legislation to be imposed on our local governments. We have a good deal of confidence and faith in their ability to deal with this issue and we would urge that those of you across the state allow those of us in Lancaster County to get these categories of political subdivisions removed from LB 125.

PRESIDENT: The Chair recognizes Senator Marsh.

SENATOR MARSH: Good morning, Mr. President and members of the Legislature. Since the Lancaster County delegation feels strongly that this is a local decision, we urge your acceptance of the proposed amendment which simply allows this county, this school district and this city to be excluded from the provisions of LB 125. As Senator Fowler has very clearly stated, we have a great deal of confidence in our local officials and would urge your acceptance of this proposed amendment.

PRESIDENT: The Chair recognizes Senator DeCamp. The Chair recognizes Senator Cope. Senator Cope. That is all that wish to speak, Senator Fowler. You may close on your amendment.

SENATOR FOWLER: Mr. President, as indicated by the signers of this amendment, the Senators from Lancaster County do not want this bill to be imposed on our local elected officials. We ask as a courtesy that you exclude these categories of subdivisions knowing that this Legislature firmly believes in the concept of local control. I would ask that you adopt this amendment.

PRESIDENT: The motion is the adoption of the Fowler, Marsh, Landis amendment. All those in favor vote aye, opposed nay. Senator Fowler.

SENATOR FOWLER: Just that there be a record vote on this issue.

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PRESIDENT: You would just ask for a record vote at this time. You are not calling for a Call of the House?

SENATOR FOWLER: Right.

PRESIDENT: A record vote, Mr. Clerk.

CLERK: (Record vote read. See page 726, Legislative Journal.) 15 ayes, 23 nays, Mr. President.

PRESIDENT: Motion fails. Any other amendments on the desk?

CLERK: I have nothing further on the bill, Mr. President.

PRESIDENT: All right. Senator Labedz, who wants to move the bill then?

SENATOR LABEDZ: Yes. Thank you, Mr. Chairman. I move LB 125 after five days of debate. I am not going to have any closing and I don't know whether Senator Higgins or Senator Dworak have anything to say but I move for the advancement of LB 125 to E & R engrossing. Thank you.

PRESIDENT: The Chair recognizes Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I rise to oppose LB 125. I understand that was not the closing but simply the motion to move the bill so I believe my statements are in order. It seems to me that the proponents of LB 125 fall in a phalanx of proponents of a series of bills and their concerns change depending on the bill. At one time they are claiming to support those oppressed taxpayers who have to support dollars being spent in other communities that they don't morally agree with. We can talk about the bill on the health clinic in Omaha and the concern for postoperative care. Having screamed and harassed at them going into the place, there is a great concern about their postoperative care later on. And we have had this bill in the past concerned about state employees who had to contribute against their will, last year we heard that argument. The arguments over and over again pose defenses and supports and logical debate on behalf of all kinds of people but, in fact, one point of view is being expressed. Let us find any and all means to end abortion. Let us find any and all means constitutional, unconstitutional, to restrict the choice for women. That is a policy represented at the heart of LB 125. It has been the thread, the common thread throughout all of the issues that have touched on this devious central moral, ethical and political question that faces us all and it is because there is one underlying question that I can find myself at all times clear with respect to these kinds of bills. There is at the heart of this the philosophical issue of what is life and it is a trick of the light. It is a trick of philosophical sophistry. It is a kind of question that is born by the same people who gave you such things as how many angels dance on the head of the pin; does the wine and the bread turn into the body of Christ in our mouth. It is a theological colloquy that goes back centuries. It is insoluble. It is personal in nature, and from which we have tried to create a political majority to force that point of view on a philosophical question on everybody. On the one hand then we have this philosophical colloquy on behalf of certain moralists, and on the other hand, and I understand that this may not be comfortable for you to listen to which is why perhaps you are not, you have a body of evidence of human misery that is absolutely unquestionable...

PRESIDENT: Let's have a little less noise. It is very difficult for anyone to hear the speaker. So please pay attention to Senator Landis who is trying to make some points for his argument. Senator Landis, proceed.

SENATOR LANDIS: Thank you, Mr. Speaker, I appreciate that. The question then again is, on the one hand the philosophical question of what is life, and the attempt to force one answer to that open-ended philosophical question. On the other you have clear evidence of suffering and misery. You have the evidence of coat hanger abortions. You have the evidence of battered unwanted children. You have the evidence of broken homes based on unwanted children. You have the evidence of Scandinavian countries that children born in these instances are more likely to have physical debilitation, more likely to have mental retardation, more likely to have birth defects, less likely to have good health, more likely to commit suicide, and a tremendously clear body of evidence of human suffering and misery that is brought about if there is an end to choice, all in the name of the answering of an open-ended philosophical question that each of us should be able to decide for ourselves. That is what lies at the heart of LB 125. It lies at the heart of all the abortion issues. No matter how remote they get away from that issue, that is the essential question and the evidence is tremendous at the amount of human suffering. It is overwhelming when women no longer have choice but the state informs them and compels them to do with their bodies that which they do not want to do. I am going to vote against 125 and every other bill like it that I see on the floor of the Legislature.

PRESIDENT: The Chair would like to take this opportunity to introduce a guest of Senator Don Wesely, Carl and Jane Ander from his District. Would Mr. & Mrs. Ander please stand and be recognized? Welcome to your Legislature. The Chair recognizes Senator Cope.

SENATOR COPE: Mr. President, members, I call for the question.

PRESIDENT: The question has been called for. Do I see...yes, Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I don't want to be argumentative at this point but it is a serious issue and we are about to take the most important vote on the bill and I don't think after one person has been able to speak, and I do have my light on and have had it on, that those who are tired of the issue should call for the question and terminate debate, and, Mr. Chairman, I would ask for a ruling from the Chair that in view of the seriousness of the issue and the brief amount of time that has been allowed on this motion that debate not be terminated and that the motion to cease debate at this point be ruled out of order.

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PRESIDENT: Well, Senator Chambers, I am going to rule the same way that I have always ruled on this question, that if there are twenty-five votes to cease debate, I am going to honor those twenty-five votes. We have had extensive debate on this particular issue and there has been one speaker for and against on this particular motion to advance in addition to all the other debates so I am going to rule that the motion is in order and call for all those in favor of ceasing debate to vote. So all those in favor of ceasing debate vote aye, opposed nay. The motion is to cease debate. Have you all voted? Record the vote.

CLERK: 14 ayes, 12 nays to cease debate, Mr. President.

PRESIDENT: Motion fails. The Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President, fellow colleagues, here I go again, fellow colleagues, members of the Legislature. I would like to call your attention to one thing before you vote on this bill and that out there in the State of Nebraska is a big giant and this giant has been sleeping. He hasn't been paying too much attention to what we are doing down here, but now he is becoming to wake up. I am getting phone calls and getting letters supporting my stand against LB 125. The silent majority is becoming aware is what is happening. So to all you Senators who are voting for this bill, remember, the silent majority is becoming aware of what it is, and when the bill passes as it is going to do as you can see from the activity on the floor this morning, the moving around and the talking, when this bill passes and when you get home and when the silent majority talks to you, remember, remember, Senators, that you were reminded of the silent majority, of the thousands and thousands and thousands of people out there who don't even know we are discussing this bill. And I can prove this point because it came up in a hearing yesterday, somebody asked the opposition to a bill, "Where were you last year?" and they said, "We didn't even know the bill was being introduced." Ya, there are a lot of people in the State of Nebraska that don't get daily newspapers. They don't know what bills we have down here but they are becoming aware of this one. So remember when you vote, the silent majority is becoming awake. Thank you, Mr. President.

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I would like to ask Senator Labedz to yield to a question.

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PRESIDENT: Senator Labeledz, will you respond?

SENATOR LABEDZ: Yes, Senator Chambers.

SENATOR CHAMBERS: Senator Labeledz, this is a question based on principle now. Do you favor abortions when the mother's life is in danger?

SENATOR LABEDZ: Yes, I do.

SENATOR CHAMBERS: Thank you. Senator Dworak, may I ask you a question?

PRESIDENT: Senator Dworak, will you respond to a question from Senator Chambers.

SENATOR CHAMBERS: Senator Dworak, do you favor abortions when the mother's life is in danger?

SENATOR DWORAK: Senator Chambers, in that instance, I see that as a principle of self-defense and I think the mother has every right to defend her own life and so in instances like that, if abortion is a solution, the mother has every right to abort because it is self-defense.

SENATOR CHAMBERS: That is a strange terminology, self-defense against as what we have been told is a helpless child but I will accept that. Senator Higgins, may I ask you the same question.

PRESIDENT: Senator Higgins, will you respond?

SENATOR HIGGINS: I am sorry. What is the question?

SENATOR CHAMBERS: Do you favor abortions being allowed when the woman's life is in danger?

SENATOR HIGGINS: Well, Senator, if you can predetermine if this is going to be an abusive mother or not, then I might be able to answer that question....

SENATOR CHAMBERS: I don't mean like that....

SENATOR HIGGINS: ...or if it is going to be an unwanted child such as you have been talking about. I mean, that is a difficult question for me to answer because I don't know if you are talking about a mother that is going to be abusive to her child or if you are talking about a mother that is going to have a child that is unwanted.

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SENATOR CHAMBERS: No, that is not the question. The question is, if carrying the pregnancy to term would endanger the mother's life, would you be in favor of allowing an abortion under those circumstances?

SENATOR HIGGINS: Well, that is the answer I am giving you.

SENATOR CHAMBERS: Well, thank you then. I don't want you to take all of my time.

SENATOR HIGGINS: The discussion that I have been hearing is that the reason for abortion is because of abused children and unwanted children (interruption).

SENATOR CHAMBERS: Thank you, Senator Higgins. I don't want you to take my time.

SENATOR HIGGINS: So taking your idea, I'll just put it back to you that way.

SENATOR CHAMBERS: Thank you. She didn't understand the question but here is what I will say even to those who understand the question. If you say that human life occurs at the instant of conception when the sperm fertilizes the egg and you have got to make a choice between the life of a hard running old sinner and what we have had described to us as an innocent unborn human being who has committed no wrong and harmed nobody in any way, I don't see how you could opt in favor of killing what you have told us is an innocent human being. You would have to say, "Let nature take its course", and since this is a concept with religious underpinnings, God, whoever that may be and wherever that person or whatever it is may be, would make the determination and the decision. For those who say that life begins at the instant of conception, to say that any human being ought to arrogate to himself or herself the right to make a decision as to who should live I think is a contradiction within itself. You should be against abortion under any and all circumstances. You should never knowingly and intentionally be in favor of the extinguishment of a human life. So it seems to me that there has been an inroad on this supposedly sacred principle anyway. Under some circumstances this innocent helpless being can be slaughtered, boiled, burned, ripped to shreds as we have had described to us. I don't understand principles which are that flexible. I have told you that if you can convince me of exactly the point when a person is in existence, then you have got a stronger antiabortionist than yourself. But I guess the principles are maintained and believed in until it reaches a crucial point and an actual choice has to really be made

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between two human beings. It is obvious that those who say they oppose abortions do not see the infant as quite a human being in the same way they see the potential mother as being a human being. The baby, as we have had it described, is somewhat less and has somewhat less right to live.

PRESIDENT: Thirty seconds, Senator.

SENATOR CHAMBERS: Remember, when you have an abortion, you are talking as the antiabortionists have told us of the deliberate and intentional extinguishment of a human life and I don't see how they can vote for this bill while it acknowledges that as a valid proposition. I am opposed to the bill but I think the antiabortionists ought to be opposed to it for that reason also because it contains language that goes directly contrary to all the principles they espouse.

PRESIDENT: The Chair recognizes Senator Labedz. In fact, there is no one else on. Do you want to just close at this point? This will be your closing.

SENATOR LABEDZ: Yes, as I mentioned before, I have no closing unless Senator Higgins or Senator Dworak would like to say anything.

PRESIDENT: Senator Higgins or Senator Dworak, do you have any close? Senator Higgins.

SENATOR HIGGINS: Mr. President, Senators, I hope this is the last amendment that is offered on this bill. I didn't know the man but they tell me Terry Carpenter always said, "Don't ever vote against a bill. Just amend it to death." I hope you will advance this bill so that we can get on to other things in the Legislature. Thank you.

PRESIDENT: Senator Dworak, do you have anything further? All right, the question then is the advance of LB 125 to E & R for engrossment. All those in favor signify by saying aye. A machine vote has been requested. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: Mr. President, a record vote has been requested by Senator Chambers. (Record vote read. See page 727, Legislative Journal.) 33 ayes, 11 nays, 5 present and not voting, Mr. President.

PRESIDENT: The motion carries and LB 125 is advanced to E & R for engrossment. The Chair recognizes Senator Wagner. For what purpose do you arise?

LB 9, 34, 51, 78, 91, 124,  
125, 133, 150, 178, 195,  
205, 223, 272, 273, 273A  
277, 317, 320, 321, 345  
363, 376, 409, 439, 459

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PRESIDENT LUEDTKE PRESIDING

REVEREND GERALD LUNDBY: (Prayer offered.)

PRESIDENT: Senator Higgins, do you want to put your light on and then we will make sure we have got enough. Thank you. Record the presence, Mr. Clerk.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: A quorum being present, is there any corrections to the Journal?

CLERK: I have no corrections to the Journal, Mr. President.

PRESIDENT: All right, the Journal will stand correct as published. Any messages, reports or announcements?

CLERK: Yes, sir, I do. Mr. President, first of all, your committee on Education whose Chairman is Senator Koch to whom was referred LB 78 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 317 General File with amendments; 320 General File with amendments; 321 General File with amendments; 91 Indefinitely postponed; 223 Indefinitely postponed; 363 Indefinitely postponed; 439 Indefinitely postponed. (Signed) Senator Koch, Chair.

Mr. President, your committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp to whom was referred LB 376 reports LB 376 to General File with amendments; LB 133 Indefinitely postponed; and 277 Indefinitely postponed. (Signed) Senator DeCamp, Chair.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 51 and find the same correctly engrossed; LB 125 correctly engrossed; 150 correctly engrossed; 195 correctly engrossed; 205 correctly engrossed; 272 correctly engrossed; 273 correctly engrossed; 273A correctly engrossed; 409 correctly engrossed; and 459 correctly engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, LB 9, 34, 124, 178 and 345 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 9, LB 34, LB 124, LB 178, and LB 345.

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SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. Ready for LB 125.

CLERK: Mr. President, I have a motion on the desk.

SPEAKER MARVEL: Read the motion.

CLERK: Mr. President, Senator Vard Johnson moves to return LB 125 to Select File for a specific amendment, that amendment being to strike the enacting clause.

SPEAKER MARVEL: Senator Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, yesterday we advanced Senator Beutler's constitutional amendment to eliminate Final Reading unless it was specifically requested by an individual member. Some of the arguments that were mustered against that particular amendment were that Final Reading per se gives members an opportunity and the time to again look at a bill and to again think about whether or not they wish to support or to oppose a bill. LB 125 is such a short bill that even though it will be on Final Reading it will be read and the few seconds it will take to read it we will not have adequate time to again reflect on the quality of our action. And it's for that reason, for that reason, that I have moved to return this bill to Select File for an amendment, the amendment being to strike the enacting clause, i.e. to kill the legislation. As you recall, LB 125 is a bill that tells all governmental units in this state, not only the State of Nebraska, but all governmental units in this state that they may not provide public dollars for insurance coverage for their employees and their employees' dependents for purposes of an abortion. Now you and I have discussed the legislation on General File and on Select File, and I have thought again today that there really are no new arguments that can be made either for or against the legislation. We have heard it all. But one of the things I have done is I have passed out a letter to you from a nurse that I have known for a number of years, an Omaha nurse. It seems to me a thoughtful piece on the subject and it seems to me that this nurse gets to what I think is one of the critical issues in the area of abortion legislation, and that issue very simply is whether our continuing expungement, so to speak of abortion from the public dialogue, that is our continuing attempt to make certain that in no way will public forums, public tribunals and public organizations provide any kind of support for abortion whether that in the

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end literally eliminates from our total public dialogue any conversations, any meaningful acts with respect to sexual practices. Now one of the things that I feel very strongly about is the fact that our young people, our children, our teenagers, are engaging time and time again unfortunately in sexual practices that wind up with young women becoming pregnant, and those young women, some women will have abortions, some will give live births. But by and large the studies that have been done of our society, American society, have shown a variety of things. First, an unplanned for pregnancy by a teenager will wreak educational and economic devastation on that teenager. Second, the poorest people in society today are female headed families, where there is one parent and it is the woman. It very clear that what's happening in our society today is that we have too many children coming into our world too early for their young mothers. And one of the things that you and I do by constantly sweeping under the rug the public discourse on sexual practices, and I look at this legislation as doing the same, is that we fail to reckon with the true social problem, and that true social problem is, are young women becoming pregnant too early. We ought to be living in Ireland where young men and young women just don't have these problems until much later in life, but we don't, and this is a major social phenomenon that we need to address. This legislation, by precluding any kind of publicly compensated abortion coverage, continues again as a beacon, as a symbol to those would want very simply for us not to provide any useful information in schools to teenagers, to those who would not want us to reckon with what is happening to our young people, to continue not to reckon with that problem. And I think that we shouldn't allow that to occur. Secondly, we all know in this issue that there are people on a lot of different sides. We all know that this has been a very divisive issue socially in our society. But it so happens that in some parts of Nebraska, such as Lincoln, for example, it could well be that a majority of taxpayers will be willing to see their public employees have insurance coverage which would allow for abortions where necessary. But this bill, LB 125, precludes those folk from having that kind of a choice. In other words, the State Legislature has literally made that type of choice for local people. Now we do that all the time. In fact, yesterday on my mobile home bill, one of the arguments that Senator Cope made against the bill was the fact that it tended to intrude on local option, on local control and local choice. Now I would agree with that. We do it all the time. But when you deal with an issue which frankly has seared the

consciousness of most Americans, as abortion really has, because it has been raised time and time again in our collective consciousness, it seems to me improper for this Legislature to make a decision which precludes any local autonomous kind of decision making. That's what LB 125 does. So those are two of the points that I felt were good points that were made during the General File and the Select File debate, good enough points that in my opinion warrant our returning this bill to Select File for the specific amendment which is to strike the enacting clause.

SPEAKER MARVEL: Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. Speaker, I don't have too much to say because I know that most of you are just probably a little tired of hearing about the abortion issue, but I do want to say one thing. I respect Senator Johnson's opinion on...and I know he is a compassionate man as far as the poor, the unwed mothers and so forth, but not once in his testimony just now did he make any reference to the rights of the unborn child, and that is all I have to say about it. Thank you.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Labedz, like you say people may be tired of hearing discussion of this issue but it is one that is not going to go away and everytime it comes before us, we have no choice other than to meet it head on and discuss it. I am in favor of Senator Johnson's motion. Senator Johnson, we can be like twin Don Quixotes this morning because we are jousting at a windmill. But nevertheless when the windmill is there, somebody must joust with it. There has to be a thread of common sense and compassion flowing through a Legislature even when it seems that the vast majority of the members are of one mind, or rather than being of one mind, being mindless in supporting a particular point of view. The trouble with these kind of bills, Senator Labedz, and other members of the Legislature, is that it unfairly places the burden on one group. It does not properly distribute the burden. Women are not the only ones involved in the sexual encounter that produces an unwanted pregnancy. But women are the ones that this Legislature and legislatures all over the country are going to compel to bear the burden of it. I have sat on the Judiciary Committee. I have listened to people talk about the way husbands or boy friends abuse women. And the fact

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that the woman will be pregnant will not cause the man to show her any compassion. He will knock her around. He will show her no regard whatsoever and yet this might be one of those kind of men who will say, he is opposed to abortion. If being pregnant will not entitle a woman to special consideration that she should be entitled to because of her special condition, how can people pretend that they have so much concern for the so-called unborn? When we have hungry children and programs are to be cut, and the Legislature does not offer resolutions even in opposition to these cuts, I cannot believe there is sincerity in the conversation about concern for the unborn when there is no concern for the born. The Reagan Administration has said it is going to cut a nutrition program aimed specifically, Senator Labeledz, at pregnant women, infants and children. Yet there was no resolution while we are doing all of our posturing on the abortion issue to speak against those cuts. Suppose a pregnant woman cannot adequately provide nutrition for herself or the potential human being that she is carrying. Those are things we ought to be concerned about. But the lack of care for the young throughout this country will indicate that the subject of abortion is being viewed very superficially. It is not showing any concern for the unborn as a potential human being. It is upholding a point of view which people have either gotten from their church or from some fear of political repercussions if they would vote their principles. I have had it said to me lately that people who rate women do so not because of an urge of a sexual nature that needs to be satisfied, but because they hate these women and they want to hurt these women. That is what, it seems to me, is the attitude behind these so-called anti-abortion bills. It shows a basic hatred for women. There are many ways to cloak a very unwholesome attitude in self-righteous trappings so that it appears to be other than what it is. But I am looking also at an article that appeared in the World Herald February 24th. Rita Jenrette, the wife of one of the convicted Abscam Congressmen, mentioned that a female lobbyist has video-taped some sexual encounters she had with a number of Republican Congressmen and Senators, and that she had gotten pregnant by one of them, and this one who had impregnated her had voted for the Hyde amendment, which is to prohibit the use of federal funds for abortions, yet he paid for her abortion. So, we can see the hypocrisy that pervades this entire issue. And men who will never be in a position to understand what it means to carry a pregnancy to term, are nevertheless making these self-righteous and hypocritical pronouncements and judgments relative to the women who have been put in that position

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often by a man who cares nothing for her and after she is impregnated, he leaves her and wants nothing further to do with her.

SPEAKER MARVEL: You have 30 seconds, Senator Chambers.

SENATOR CHAMBERS: If we are not going to properly distribute the burden, then the least we can do is not make it any worse on these women than it already is. I think this bill is pernicious. I think it is one of the most unjust things that the Legislature will do. And this final thing....well, Mr. Chairman, I will stop here and maybe I will get a chance to speak again.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: Mr. President and colleagues, I think Senator Johnson stressed it best when he said all the arguments have been given. I think this bill has been adequately debated on General File and I think it has been adequately debated on Select File. I oppose bringing the bill back now and the most compelling reason Senator Johnson gave is that it is a short bill and it wouldn't give him time to reflect. I hope now with the additional debate on one side of the issue he has had that time to reflect. I never vote to shut off debate. I never vote to stifle debate on an issue, but there comes a time on all these issues when we vote up or down, and that time is now. So with the votes this bill has received on General File, on Select File, the collective wisdom of this body feels that the unborn also need protection, I think it is time to make that decision and go on with the other business, important business before the Legislature.

SENATOR KAULE PRESIDING

SENATOR KAULE: Senator Fowler, you are next.

SENATOR FOWLER: Mr. President and members of the Legislature, when this bill was first presented, it was claimed simply to be an insurance bill, a question of taxes, and not to be an abortion bill. Now that Senator Johnson has filed his motion we hear Senator Labedz and Senator Dworak, the true motives behind the bill, and that is that it is not an insurance bill, that, in fact, it is an anti-abortion bill, is one that they have brought in to make it increasingly difficult to have abortions to cut off the funding. I appreciate the fact that they are speaking with candor today. I only regret that they would

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not have spoken with the same candor when the issue was first presented. I think that you should realize today that this is not a question of whether group insurance is going to pay for abortion or not. The bill is designed to make it more difficult to have access to abortion. I think the sham has been revealed. This has nothing to do with public funds versus private funds. It is just part of a continuing effort to harrass people who feel for whatever personal reasons that they need an abortion.

SENATOR KAHLE: Senator Marsh.

SENATOR MARSH: Mr. Chairman and members of the Legislature, it should be perfectly clear to every member of this body that although the bill was introduced talking about saving public funds, no public funds...I repeat, no public funds will be saved by LB 125. It is nothing more than a continuation of the harrassment which has been presented and passed on previous dates and previous times in this legislative body. I would like to remind the members of this legislature that we pay the cost by having legislation after legislation go to court. We pay out of our dollars, the people of Nebraska pay for the error of passing unconstitutional provisions. This is not to save dollars but rather will cost the people of Nebraska additional dollars when it is taken to a court case again. Do you recall that the decisions made last year and the year before that, and the year before that went to court? Do you recall that the cost was astronomical and the people of Nebraska did not benefit but rather paid additional dollars because of the poor decisions made in this legislative body relating to the topic of abortion. Abortion is a legal procedure and to deliberately put stumbling blocks in the path is an illegal activity which this body seems intent on doing again, at what cost?

SENATOR KAHLE: Senator Chambers, do you wish to speak on this issue again?

SENATOR CHAMBERS: Yes. Mr. Chairman, I would like to ask Senator Dworak a question. Senator Dworak, in the bill it allows coverage for an abortion which is certified as being necessary to prevent death of the woman. Isn't that correct?

SENATOR DWORAK: Coverage would be available, I believe, under any circumstances. I don't believe the bill precludes coverage for an abortion.

SENATOR CHAMBERS: I am talking about the group insurance

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contract for the state that we are talking about in this bill. This group insurance paid for by the state will not prohibit coverage for an abortion certified as being necessary to save the life of the woman. Isn't that correct?

SENATOR DWORAK: The provisions of the bill allow the group insurance contract to have abortion coverage.

SENATOR CHAMBERS: Well, Senator Dworak, if you....

SENATOR DWORAK: Under all circumstances, Senator Chambers.

SENATOR CHAMBERS: So you are saying then that a woman who wants an abortion, who is a state employee, will be covered by the state's insurance group plan. Is that what you are saying, that the bill doesn't do what you told us it will do? I am confused.

SENATOR DWORAK: That is correct, Senator Chambers. The only thing we are saying is that that portion of coverage that the portion of the premium used to buy abortion cannot be paid for by state dollars.

SENATOR CHAMBERS: Can that portion of the premium paid for by the state be used for an abortion where the death of the mother might occur?

SENATOR DWORAK: Yes, Senator Chambers.

SENATOR CHAMBERS: So you are voting in favor of abortion under certain circumstances in this bill, aren't you?

SENATOR DWORAK: In a case where the mother's life is endangered, yes, Senator Chambers.

SENATOR CHAMBERS: Senator Dworak, if we are talking about what you and Senator Labeledz have called "the rights of the unborn", how can you weight one against the other in this instance and come down on the side of the woman? If the rights of the two are the same and they should be if both are total human beings, who are you and how do you make such a moral determination that abortion is right in this particular case?

SENATOR DWORAK: Well, in my opinion, Senator Chambers, we all have the right and the instinct to protect our own lives.

SENATOR CHAMBERS: So you believe that it is all right to kill the child, as you have defined "the unborn", in

order to save the life of the mother?

SENATOR DWORAK: If two lives are at stake, Senator Chambers, and it gets to that very unique situation, I believe that it is perfectly proper to preserve the life of the mother, yes, Senator Chambers.

SENATOR CHAMBERS: Which of the two would be more innocent in terms of having done bad things in the world?

SENATOR DWORAK: Well, I am not sure I am in a position to make that judgment other than the fact that I feel that when two lives are at stake, the balance between the two instinctively I believe that we preserve life and I see no problem with the...when the life of the mother is at stake.

SENATOR CHAMBERS: Senator Dworak, from these questions, you know very well what I am doing, don't you?

SENATOR DWORAK: Yes, Senator Chambers.

SENATOR CHAMBERS: All right. Members of the Legislature, if I were against abortion as I am against the death penalty, I would be against it in any and all circumstances...any and all circumstances. I could never justify abortion as I can never justify the death penalty. There are a couple of things that trouble me in the way that this bill and LB 466 yesterday was handled. Those who say they are so opposed to abortion will make compromises with that principle. If less than ten abortions are performed a week, that guy doesn't need to be regulated or licensed, yet abortion is being viewed by the anti-abortionists here as an evil, and if it is an evil, how can you compromise with it? How can you say there is such a thing as a little bit of abortion being all right....

SENATOR KAHLE: Senator Chambers, you have one minute, please.

SENATOR CHAMBERS: ...any more than you can say that there is such a thing as being a little bit pregnant, to use the hackneyed example. Either it is right or it is wrong from those who are making it a moral issue. There should be no way that Senator Labeledz or Senator Dworak or any of those who said they oppose abortion should be able to vote for this bill because you are voting for a coverage for abortions in this bill. But I know that won't make any difference because we are not operating

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from the standpoint of rationality or logic, but I had to get those things said for the record. I genuinely am in favor of Senator Johnson's motion to return this bill, and I think it ought to be killed, because by killing it, no harm will be done to anybody. But if you don't kill it, there is an incalculable amount, an indeterminate amount of harm, that could be befall the citizens of the state who would be affected by the operation of this bill. And I hope you will think deeply on the issue.

SENATOR KAHLE: Your time is up, Senator Chambers.

SENATOR CHAMBERS: And vote for Senator Johnson's motion.

SENATOR KAHLE: There are no more lights, so, Senator Johnson, would you like to close on your motion?

SENATOR V. JOHNSON: Yes, I would, Mr. Speaker. I want my closing to be short because I do know that we are very conscious of our time. Senator Labedz said in very short remarks that when I spoke I made no reference whatsoever to the rights of the unborn child. In the dialogue on abortion one of the things that has struck me over the years has been our use of language. It is interesting...I shouldn't say it is interesting, but when we use certain words, we pick with those words all the symbolism that comes with them. When, for example, the word "murder" is used, we clearly are connoting an illegal killing because that is the basic definition in our hearts of murder. On the other hand, if we use the word abortion as opposed to murder, we would be using a symbol that is not so value laden as is the word murder. When we speak of unborn child, our concept, I think, of child is a toddler, or the babe in arms, or the infant, and to use the word unborn child essentially emphasizes the concept of the child with the unborn being sort of a mere formality. Now a less value laden concept is the word fetus. If we use the word fetus we don't necessarily think of unborn child. But what am I even getting at? I don't mean to engage in sort of a metaphysical dialogue on the issue, but what I am saying simply is that we bring to this issue so many values and judgments and biases that it is difficult for us to really distinguish fact from fiction. Now I personally, I personally, respect the decision that the United States Supreme Court made in *Rowe versus Wade*, where in a sense the court began to carve out rights, so to speak, for a fetus, and what the court did was to provide some balancing tests, saying simply that during the first three

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months of a woman's pregnancy, the woman was at liberty to make whatever decision she wanted to make with respect to her own anatomy. In the next three months of the woman's pregnancy, the woman had a similar liberty. However, the state itself had the liberty to be able to regulate health care because the state would be rightfully concerned about the woman's physical well being. Only in the last three months of the woman's pregnancy when that fetus or unborn child, depending the value judgment that you bring to this issue, is a viable being, is more nearly recognized by all of us as a human, as a human, is in the process of life in being. During the last three months, then the state may fully, totally and completely regulate that area, and it is at that point in time when under our Constitution rights really do attach, rights really do attach to that unborn child, or to that fetus. I agree with that point of view. I think that is a responsible point of view. I have read the decision several times. I think the decision is a relatively well articulated decision, and I would not disagree with that point of view. I approach this subject too with what I hope to be an appropriate reverence of life. I think that is one of the hallmarks of western civilization, is a reverence for life, and the life that I feel strongly about is virtually all life, including, including the fetus at one month, or two months, or three months...

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: You have one minute.

SENATOR V. JOHNSON: ...but by the same token, I balance against that the situation in which the woman has found herself. She may have been raped, a step parent, brother or sibling may have had intercourse with her. She may be thirteen years old. She has to face a fairly significant...that's a trite expression, she has to face a monumental decision concerning herself. Our churches, our agencies, our organizations encourage her to carry that fetus to term and to give a live birth. Our values encourage that. On the other hand, her decision is a personal one to make. It seems to me that LB 125 continues to crowd her, continues to show in a sense disrespect for her decision making and her life, that I think LB 125 is the kind of legislation for all the reasons that have been articulated against it, both today and in preceding debates, genuinely ought to be killed. I would urge the bill be returned to Select File for the specific amendment striking the enacting clause.

SPEAKER MARVEL: Okay, the motion is to return the bill

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LB 125, 190

for the specific amendment. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Have you all voted? Senator Johnson.

SENATOR V. JOHNSON: Well, I guess we are on Final Reading. If we are under Call, Mr. Speaker, I don't think there is much I can do about this so the vote may be recorded.

SPEAKER MARVEL: Record. Okay, record.

CLERK: 11 ayes, 27 nays on the motion to return the bill, Mr. President.

SPEAKER MARVEL: The motion fails. Okay, read the bill.

CLERK: (Read LB 125 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: (Read the record vote as found on page 1276 of the Legislative Journal.) 34 ayes, 11 nays, 2 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. We will revert back for a moment to LB 190. There is a motion on the desk. If you will recall we passed over it temporarily.

CLERK: Mr. President, Senator Warner and DeCamp move to return LB 190 for specific amendment.

SENATOR WARNER: Mr. President, I would ask for unanimous consent to pass over the reading of the amendment, the Final Reading, have it pending in that I also have a thing up there, I think, to have my amendment printed in the Journal.

CLERK: Yes sir.

SENATOR WARNER: I would ask unanimous consent Mr. President to pass over the....the taking up of 190 on Final Reading for the reason that we should check specifically on the wording of the amendment that I have prepared. I can tell you it does two things. There is a question as to whether the collection of the funds should be designated as a tax or an assessment and maybe or may or may not be a significant difference, but I think there is. The other portion of the amendment deals with how the funds can be used and on what

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LR 50  
LB 40, 22A, 158A, 317A,  
298, 253, 253A, 271,  
132, 466, 174, 351, 125,  
167

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by  
Senator Rumery.

SENATOR RUMERY: Offered prayer.

SPEAKER MARVEL: Roll call. Please record your presence.  
While we are in the process of the roll call may I indicate  
to you that today is Senator Kahle's birthday. We wish you  
all the best. Record.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have anything under three?

CLERK: Mr. President, your committee on E & R respectfully  
reports that we have carefully examined and reviewed LB 40  
and recommend the same be placed on Select File. 22A, 158A,  
317A, 298, 253, 253A. . . .

SPEAKER MARVEL: Just a minute...(Gavel) okay.

CLERK: .....271, 132, 466 all placed on Select File, (signed)  
Senator Kilgarin, Chair.

Mr. President, LB 174, 351, 446, 125 and LR 50 are ready  
for your signature.

SPEAKER MARVEL: While the Legislature is in session and  
capable of transaction business, I am about to sign and  
do sign LB 174, 351, 446, 125, and LR 50.

CLERK: Mr. President, I have two communications from the  
Governor. (See page 1290-91 of the Legislative Journal).

Mr. President, Senator Newell moves to return LB 167 to  
Select File for a specific amendment. That will be printed  
in the Journal.

Your Enrolling Clerk respectfully reports that she has on  
this day presented to the Governor for his approval the  
following bill.

Mr. President, I have a report from the Department of  
Administrative Services from the State Building Division.

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LB 174, 351, 446, 125  
384, 407, 427, 427A,  
157, 157A, 200

Mr. President, your Enrolling Clerk has presented to the Governor LBs 174, 351, 446 and 125.

Mr. President, I have a report of certain Gubernatorial appointments from the Public Health and Welfare Committee that will require legislative approval.

Mr. President, finally Senator Beutler would like to print amendments to 384 in the Journal.

SPEAKER MARVEL: Senator Kilgarin, do you have a list of bills? The Clerk will announce to you and then we can go from there. 407 is the first one.

SENATOR KILGARIN: I move that LB 407 be advanced to E & R for Engrossment.

SPEAKER MARVEL: 407? All those in favor of advancing the bill say aye, opposed no. The motion is carried, the bill is advanced. Next, 427.

SENATOR KILGARIN: I move LB 427 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried, bill is advanced. 427A.

SENATOR KILGARIN: I move LB 427A be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried, bill is advanced. 157.

SENATOR KILGARIN: I move LB 157 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried, bill is advanced. LB 157A.

SENATOR KILGARIN: I move LB 157A be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried, bill is advanced. LB 200.

CLERK: Mr. President, I have a motion from Senator Carsten on LB 200.

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LB 113, 113A, 125, 174,  
LB 179, 291, 328A, 331,  
LB 257, 379, 392, 400,  
LB 478, 479

as previously explained. All those in favor of adopting the amendments vote aye, opposed vote no. Have you all voted? Senator DeCamp. Have you all voted?

SENATOR DeCAMP: Mr. President, how many are excused? And who might they be? I just wondered. Mr. President, I change from aye to nay for purposes of reconsideration.

CLERK: 16 ayes, 22 nays, Mr. President, on the adoption of the DeCamp, Fowler, Wesely amendment.

SPEAKER MARVEL: Motion lost.

CLERK: Mr. President, may I read some material in?

A communication from the Governor addressed to the Clerk. (Read. Re: LB 125, 174, 291. See page 1358, Legislative Journal.)

Senator Landis offers explanation of vote.

Senator Carsten would like to print amendments to LB 179.

A new A bill, LB 328A. (Read title. See page 1359, Legislative Journal.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 113 and find the same correctly engrossed; LB 113A correctly engrossed; 331 correctly engrossed; 379 correctly engrossed; 392 correctly engrossed; 478 correctly engrossed; and 479 correctly engrossed. All signed, Senator Kilgarin.

Public Works reports LB 400 to General File with amendments, Mr. President.

Mr. President, the next motion I have on LB 257 is to indefinitely postpone the bill and that is offered by Senator Beutler.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. President, I would like to withdraw that. I ask unanimous consent to withdraw that motion.

SPEAKER MARVEL: Hearing no objection, so.....

CLERK: I have nothing further on the bill, Mr. President.

SPEAKER MARVEL: Senator Warner, your light is on. Do you