

January 7, 1982

LB 679 - 686

CLERK: 33 ayes, 0 nays, Mr. President, on adoption of amended proposal number 16.

PRESIDENT: The motion carries and amended proposed Rule 16 is adopted. There are a few more rule changes but we will read some matters in, Mr. Clerk. Go ahead.

CLERK: Mr. President, I have some new bills. LB 679 introduced by Senators DeCamp, Kilgarin, Wesely, Labedz, Higgins, Haberman, Barrett, Rumery, Nichol, Stoney, Remmers, Kahle, Howard Peterson, Chronister, Hefner and Lowell Johnson. (Read title as found on page 137 of the Journal). LB 680 offered by Senator Cope. (Read title). LB 681 offered by the Government, Military and Veterans Affairs Committee. (Read title). LB 682 offered by the Government, Military and Veterans Affairs Committee. (Read title). LB 683 offered by Senator Beutler. (Read title). LB 684 offered by Senators VonMinden, Hefner, Pirsch and Stoney. (Read title). LB 685 offered by the Miscellaneous Subjects Committee. (Read title). LB 686 offered by the Miscellaneous Subjects Committee. (Read title). (See pages 137 through 138 of the Legislative Journal).

Mr. President, I have a report from the Committee on Committees. That will be inserted in the Legislative Journal. (See pages 138 and 139 of the Journal). That is all that I have now, Mr. President.

PRESIDENT: We are back on rules. I understand there are some more rules that have been proposed...rules that have been submitted. Do you want to read the next one?

CLERK: Mr. President, the next proposed rules change is offered by Senator DeCamp. Senator DeCamp would move to amend Rule 7, Section 7(c)(1) by striking "three-fifths" and inserting "majority of the elected members." That is offered by Senator DeCamp.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Well, Mr. President, it is a simple rule, just keeps conformity with our other reconsideration motions. At the present time if a bill fails on Final, it requires 30 votes to reconsider it. We have had occasion after occasion in here that I can recall and everybody in here has had a bill or two that is has happened to, I would guess, where because it was a tight issue and you had 25, 27, 29 votes, whatever, 4 or 5 people were excused that day. For one reason or another somebody had to go on a trip or somebody

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LB 69, 604, 604A, 662, 651,  
669, 684, 729, 782

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend Chris Brekke, Our Savior Lutheran Church, here in Lincoln.

REVEREND CHRIS BREKKE: (Prayer offered.)

PRESIDENT: Roll call. While we are waiting for all of you to register your presence this morning, the Chair takes pleasure in introducing some guests of Senator Goll from Burt and Washington Counties. They are up here in the South balcony, from the 16th Legislative District. Would you recognize about 30 of these guests of Senator Goll's, up here in the balcony. Welcome to your Legislature. Record the attendance, Mr. Clerk.

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

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

CLERK: (Read corrections as found on page 681, Legislative Journal.)

PRESIDENT: The Journal will stand corrected. Any messages, reports or announcements, Mr. Clerk.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 662 and recommend that same be placed on Select File; 729 Select File; 669 Select File with amendments; 782 Select File with amendments; 604 Select File; and 604A Select File. All signed by Senator Kilgarin.

Mr. President, your committee on Banking, Commerce and Insurance gives notice of a rehearing for Monday, February 22.

Your committee on Education whose Chairman is Senator Koch instructs me to report LB 651 advanced to General File.

Senator Marsh would like to print amendments to LB 69 in the Legislative Journal.

I have an Attorney General's opinion addressed to Senator Cullan regarding LB 684. (See page 683, Journal.)

Mr. President, I have received reports from the Department of Energy as well as the State Risk Management Program. Those will be on file in my office.

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LB 69, 259, 413,  
684, 967, 968

SPEAKER MARVEL: The motion is carried. The bill is introduced.

CLERK: Mr. President, new bills, LB 967 by the Business and Labor Committee and signed by its members. (Read by title for the first time as found on page 718 of the Legislative Journal. Also read LB 968.)

Mr. President, Senator Wiitala and Senator Kilgarin ask unanimous consent to add their name to 259 as cointroducers.

SPEAKER MARVEL: No objections, so ordered.

CLERK: Mr. President, I have a new resolution, LR 233. (Read as found on page 719 of the Legislative Journal.) The resolution is offered by Senator Newell. It will be referred to the Reference Committee for reference, Mr. President.

Mr. President, I have a notice of Revenue Committee Executive session upon adjournment today in Room 1520. That is Revenue Committee upon adjournment today in Room 1520

Senator Marsh would move to reconsider the Legislature's action in failing to pass LB 69 on Final Reading. That will be laid over. (See page 719 of the Journal.)

Mr. President, I have a motion from Senator VonMinden that LB 684 be placed on General File pursuant to Rule 3, Section 18(b). That too will be laid over.

SPEAKER MARVEL: The next item of business is LB 413.

CLERK: Mr. President, Senator Chambers pursuant to our rules has made a motion to reconsider the Final Reading vote on LB 413. The motion is found on page 592 of the Legislative Journal.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this bill on Final Reading failed to muster 25 votes so what I am asking that you do is vote to reconsider. It will take 30 votes to do so. Let the bill be brought back to Final Reading or revived on Final Reading, let it stay there until any questions you have can be answered because I think there has been a lot of confusion about exactly what this bill does. Now I wrote to Colonel Kohmetscher and pointed out to him that some statements he made in a letter to Senator Nichol go contrary to the training that the state patrol uses with reference to radar and in a letter that I got from Colonel Kohmetscher which I have circulated to you this morning, he says, "Naturally our training does

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LB 684, 816, 834

Mr. President, Senator Fenger would like to print amendments to LB 616 in the Journal. (See pages 805-806 of the Legislative Journal.)

The Speaker has a list of priority bills as designated by the Speaker. (See page 806 of the Legislative Journal.)

Senator Cullan would like to expedite LB 834.

SENATOR NICHOL: If there are no objections, so ordered.

CLERK: And again, Mr. President, a reminder that the Education Committee will have an executive session immediately following their public hearing this afternoon.

I have an Attorney General's opinion, Mr. President, addressed to Senator Cullan. That will be inserted in the Legislative Journal regarding LB 684. (See page 807 of the Legislative Journal.)

SENATOR NICHOL: Senator Marsh, for what reason do you rise?

SENATOR MARSH: I rise to ask the body to adjourn until tomorrow morning.

SENATOR NICHOL: Wait just a minute. I think the Speaker has something to say to us, Senator Marsh, and then I will call on you.

SENATOR MARSH: Thank you.

SENATOR NICHOL: We will be at ease for just a moment. The Speaker will be with us in a minute.

EASE

SENATOR NICHOL: The Speaker will be back with us momentarily so if you would just hang on we'd appreciate it. Mr. Clerk, do you have something to read in?

CLERK: Mr. President, just very quickly I have a list of priority bill designations by the Speaker to be inserted in the Journal. (See page 806 of the Legislative Journal.)

SENATOR NICHOL: Senator Marsh, would you please adjourn us until nine tomorrow.

SENATOR MARSH: Thank you, Mr. Chairman, I move that we adjourn until nine o'clock tomorrow, February 23rd.

SENATOR NICHOL: All those in favor signify by saying aye, opposed nay. We are adjourned.

EDITED BY:

Mary A. Turner

7878

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LB 770, 684

have the protection, the accountability that comes with written contracts and written records.

SPEAKER MARVEL: You have 30 seconds.

SENATOR BEUTLER: So, therefore, I would ask you to look carefully at the committee's rationale. Is it really an acceptable rationale to say, there is a person in the office now who has taken 8 months to get a job done and has not gotten it done? Even if that person is getting it done, is it enough to say that there is no need for a law then to put into place basic business concepts to be applicable to the Treasurer's office? I think it is not. I think we need to look at that area. Thank you.

SPEAKER MARVEL: The motion is to raise 770 notwithstanding the action of the committee. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Have you all voted? Record vote has been requested.

CLERK: (Read the record vote as found on page 810 of the Legislative Journal.) 17 ayes, 25 nays, Mr. President.

SPEAKER MARVEL: The motion lost. The next item concerns LB 684 and Senator VonMinden and Senator Wesely are on opposing sides.

CLERK: Mr. President, Senator VonMinden would move to place 684 on General File pursuant to Rule 3, Section 18(b).

SENATOR VON MINDEN: Mr. Speaker and members of the Legislature, LB 684 simply states that Nebraska no longer will pay ADC to the unborn. Back in our Special Session we could have adopted the plan that I am trying to adopt right now along with our three bordering states, Iowa, Missouri and South Dakota, and abolish payment to the unborn, or we could have adopted what the other three bordering states adopted, the federal standards and just commencing paying to the ADC the last trimester beginning the sixth month, but no we choose to adopt paying the ADC from the very beginning without any help from the federal government. On returning home from our Special Session we had down here, I grabbed the World Herald and the editorial of the 11/13/81 it said, "Lesson in Politics, State is More Generous Than Federal With ADC". Another editorial from a paper back home said, "Nebraska's Legislators Make a Mistake". At the same time in one of my local papers back home, Mildred Jurgeson, the Welfare Director from Dakota County, said Nebraska's

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legislators made a mistake. She said the month of July after Iowa abolished paying to the unborn, 14 cases came across into Nebraska to take advantage of our easy ADC payments. She also said it wasn't fair because after those 14 are over there a year, they can then apply for medicals for themselves and their children. And she said beings they live just strictly across from a state that abolishes to the unborn, they get more mothers over there. I, too, said, we made a mistake, and I wonder what I could do about it. So I put into my news release in my news column back home, our local paper, that I thought perhaps I would draft a bill prohibiting payment to the unborn. I immediately got phone calls from my board members from the three counties I represent saying it was a very good idea. So coming down here in January my aide and I drafted a bill saying we will no longer pay the unborn. It went to the committee. The committee did not advance the bill. In fact, one of the members told me before we advance the bill that we will kill it. This is the only alternative I had to bring this bill out with a committee such as we have there. I then proceeded to find out what I could do about it. I sent a press release out to my five local papers stating just exactly what my LB 684 says, and if they would write back to me and tell me whether they were for the bill or against the bill. I right here have here in my right hand one hundred and five letters for my bill and two opposing my bill. Now these are not letters where five and six people write on them. These are individual letters from individual people. Also, I think...now of these one hundred and five letters I have, they come from fourteen different communities. They are not chain letters where everyone calls everyone else up and says, write your Senator we don't like such and such a bill.

SPEAKER MARVEL: You have two minutes.

SENATOR VON MINDEN: So, and all you Senators know that this bill is much more important today than it was in November. It will be much more important a year from now. Last November no one thought that President Reagan would go through with his budget cuts and no one thought the unemployment would be as great as it is now. I say to you, President Reagan and Governor Thone both say we are not going to raise taxes, we are not going to take away the incentive for the people to work, we are not going to overtax them because pretty soon after a person is overtaxed he is going to say, well, heck, I might as well get on the Welfare rolls along with everybody else. I

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want to emphasize once more that Colorado, Wyoming, Kansas, adopted the federal standards that would pay the last...starting with six months pregnancy. Iowa, Missouri and South Dakota do not pay for the unborn at all. In fact, South Dakota didn't even leave in the medicals which I had left in. I think it is quite important that they get the medicals. Another cut out of the paper, the Lincoln Journal, said "State ADC cases rise to 164", and it goes on to say, "an official said the state ADC cases, Aid to Dependent Children rose in December 164." Larry Bare said some of these new clients apparently moved to Nebraska from neighboring states and no longer also benefit the two parent family. How much time have we got left?

SPEAKER MARVEL: You have 30 seconds left.

SENATOR VON MINDEN: Let me say to you, Senators, there simply will not be enough money to run this state. President Reagan says inside of four years he will pass on the food stamp bill, the ADC to the State of Nebraska. We will not be able to fund it. I would much rather pay to the children already here to clothe and house and feed them than to pay to the unborn. I want to say to you if you will turn to your books there, you will see the fiscal impact get a save on the State of Nebraska. Have I got ten seconds left, Dick? Virginia Duggan, I believe her name is, said that we would save a minimum of \$945,000 and a maximum of \$1,375,000. The Department of Public Welfare, Jerry Bare, says that we will save \$1,044,185. Also, I....

SPEAKER MARVEL: Senator VonMinden, your time is up.

SENATOR VON MINDEN: Just ten more seconds, Dick. I would like to ask you to turn to your bill book and see who the opponents were on this bill. There was not one girl that came down and testified that if I wouldn't have received this ADC pay, I don't know what I would have done. It seems to me when I started back in November telling the people what I was going to do and it was in the World Herald and both Journal papers and all local papers that what was going to happen, any other time the Welfare people wanted to come to the State of Nebraska they would bus them down. There was not one girl down there.

SPEAKER MARVEL: Your time....I'm sorry, your time is up.

SENATOR VON MINDEN: Thank you.

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SPEAKER MARVEL: Senator Labedz. Senator Wesely, are you going to handle the opposition?

SENATOR WESELY: Yes. Well, I will speak for the committee and then I will defer to Senator Labedz for the last couple of minutes, Mr. Speaker.

SPEAKER MARVEL: Okay.

SENATOR WESELY: Mr. Speaker and members of the Legislature, as Vice Chairman of the Public Health Committee I would like to tell you why the committee has not acted on this bill and the background of the legislation. I will try to be brief. Obviously, Senator VonMinden feels strongly about the legislation but let me tell you there are also people who feel very strongly on the other side of the issue, and that is why the bill has been held in committee and that is why I believe it is important that we not lift the bill out of committee. Number one, let me tell you that this issue was discussed in Special Session last fall and we decided that it was the public policy of this state to care for mothers and their unborn children from the moment that they are identified as being pregnant because of our concern for their health and our concern that they not choose abortion, because of the fact that they don't have the money to support themselves. And I think that was good policy decision. It meant that the state would have to pick up what the federal government used to have to pay between the time that they were identified as pregnant and the six months after they had been pregnant. So it did cost the state additional money but I think it was money well spent. Now, the bill was reintroduced this year to go back to the system that was argued in the Special Session of not caring for the unborn and for the mother before the pregnancy has been terminated, and it seems to me that we made a number of mistakes by not...by following the proposal Senator VonMinden has, but we did look at the idea that dealt with this problem. That was in Iowa and South Dakota. They were talking about people coming to Nebraska to get these benefits. Number one, the Welfare Department says, that's not really so that we haven't seen any of this happening. Senator VonMinden argues the other way, but we felt that if there was some other people coming in from other states, we ought to do something about it so we asked for a one year residency on the benefits and we found that that was unconstitutional, so we held the bill for that. Now we are in the position to kill the bill, but we decided not to do that because Senator VonMinden wanted to discuss it on the floor and we wanted to give him....

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SPEAKER MARVEL: Senator Wesely, your time is up. Oh, I am sorry, go ahead. Go ahead.

SENATOR WESELY: I was just getting started.

SPEAKER MARVEL: That's what I was afraid of. Go ahead.

SENATOR WESELY: I was talking so fast I thought I would get it all in there. Now let me just tell you this that I have been getting letters ever since the bill came in opposing the bill. There is strong opposition across the State of Nebraska because they don't want to encourage abortion and they don't want to hurt pregnant mothers and keep them from getting benefits that they need. So I want you to know one last thing that the committee was concerned about and that was this. This bill doesn't go back to where the federal government allows states to go. It goes beyond that and makes it much more restricted than even the present policy is in other states. That is to say, federal policy, federal programs will provide assistance from six months pregnancy on. This bill will go back to the idea that when you have the child, at that point you will start to gain benefits. So this bill goes even farther back than what the federal policy would have you go. It is much more restrictive and we lose federal benefits and federal monies as a result and I think it is a bad policy decision on the part of the Legislature if we would do that. Our present policy is a good policy and I would defer the rest of my time to Senator Labedz.

SPEAKER MARVEL: Okay, Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. President. If you recall in the Special Session, we went over this several times. In fact, I think there was two amendments that I can recall that the amendment was mine in the first place and then there was two amendments or motions made to strike my amendment and there was considerable amount of debate. A lot of time was spent and I would say wasted because the amendments did not pass, and now we are going through the same situation again. For the first time in five years that I have been here, this is the first time that I am not taking an abortion bill as my priority bill because of the fact of the short session and so many bills that have to be discussed. If this bill should come out on the floor, it is going to be long and lengthy debates and discussions. All we are asking...all we did ask in the amendment in the Special Session was that Nebraska continue the policy of helping to make ADC payments based

on a mother's pregnancy. What Senator VonMinden is doing is striking the whole program. That is what his figures call for. We are striking both the state and federal funding by not allowing a pregnant woman to receive ADC payments only if she qualifies, and I cannot stress that enough. It has got to be...she has got to be low income. I am speaking of unwed mothers that probably were kicked out of their home because they told their parents they were pregnant...she was pregnant rather, and would have to go on ADC to continue her pregnancy rather than go for an abortion, and then we are encouraging the....

SPEAKER MARVEL: One minute.

SENATOR LABEDZ: ....unwed mothers to obtain abortions if there is no financial help for them. We are talking about funding them with state funds, picking up the federal cost for about three months because of the fact the first three months most people will say, well, from the moment of conception she will receive payments. That isn't true. She has to be verified pregnant by the doctor which in most cases is not for eight weeks. This is the first time in the five years that I have been here that I consider this a pro-life, pro-choice bill. Both the pro-choice and the pro-life people believe that a low income pregnant woman that has no financial income whatsoever should be able to collect ADC payments because of her pregnancy. If we knock out this program, we are going to be more strict than any other state in the country.

SPEAKER MARVEL: Your time is up.

SENATOR LABEDZ: Thank you.

SPEAKER MARVEL: You are out of order, Senator VonMinden, you have not been recognized. You had six minutes to talk. I am sorry. I am sorry. I am sorry. The motion is to place the bill on General File. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Senator VonMinden, do you want a roll call vote?

SENATOR VON MINDEN: I want a roll call vote.

SPEAKER MARVEL: Okay. Clear the board.

SENATOR VON MINDEN: And a record vote. A Call of the House is what I want.

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LB 684, 773

SPEAKER MARVEL: All those in favor of placing the Legislature under Call vote aye, opposed vote no. Record.

CLERK: 16 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. There are two excused, Senator Vard Johnson and Senator Cullan. While we are waiting, also it is my privilege to indicate that Senator Cope's 71st birthday is today. Happy Birthday, Senator Cope. Senator VonMinden, will you please register your presence? We are looking for Senator Schmit, Senator Kahle, Senator Marsh. Kahle, Schmit and Marsh. Will all members please take your seats so we can proceed with the roll call vote as soon as we locate two legislators. Okay, we are now looking for Senator Kahle. The motion is to place the bill on General File, LB 684, and this takes 25 votes. Proceed with the roll call.

CLERK: (Read the roll call vote as found on page 813 of the Legislative Journal.)

SPEAKER MARVEL: All legislators will be in their seats.

CLERK: 25 ayes, 20 nays, Mr. President.

SPEAKER MARVEL: The motion carries. The Call is raised.

CLERK: Mr. President, Senator Newell would move to place LB 773 on General File notwithstanding the action of the Constitutional Revision and Recreation Committee.

SPEAKER MARVEL: The Chair recognizes Senator Newell.

SENATOR NEWELL: Mr. President and members of the Legislature, I rise to bring LB 773 to the floor for this Legislature's consideration. The bill is a constitutional amendment that would authorize the people of the state to vote on the question of whether or not food should be taxed. As you know, I brought this legislation in legislation as legislation to this body on numerous occasions because it is an ongoing and very drastic and serious need of the people of this state. More people have written and urged that this legislation be offered to them as an opportunity to end one of the most regressive and unfair taxes that this Legislature levies. Now simply the arguments are that the state...the Governor's office has indicated that there would be no fiscal impact to the