

Right: Sen. Roger Wehrbein of Plattsmouth reads a newspaper during the last day of the Nebraska Legislature's 92nd session.
Below: Sen. David Landis of Lincoln makes a call Tuesday from a phone booth in the legislative chambers.

Photos by
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Roundup

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violating the NCAA limitation rules. Another scholarship-based bill, sponsored by Sen. Merton Dierks of Ewing, would give athletes new scholarship protection. The bill died a quiet death when it was not passed out of Judiciary Committee hearings.

LB1185 would have granted student-athletes who have had their scholarships terminated the right to have legal counsel represent them at appeal hearings.

The bill also would have required that student-athletes facing the termination of their scholarships be notified in writing by April 1 of the preceding academic year and be heard in front of an impartial board.

The board is composed of the UNL vice chancellor for student affairs, director of scholarships and financial aid, president of the Academic Senate, the school's Big Eight and NCAA representative and the athletic director.

Dierks said he was motivated to propose the bill by a desire for greater

equity for students, not by a specific incident involving the athletic department.

Death penalty

When senators were not discussing taxes, the death penalty and abortion were hot issues.

Sen. Ernie Chambers of Omaha, along with 19 other senators, sponsored LB327, a bill that would eliminate the death penalty.

Chambers said the bill would replace the death penalty with a life sentence without parole, although the Nebraska Pardon Board still would have the authority to mitigate any sentence.

Chambers said he initiated the bill because he was "against the state killing anyone for any reason."

The death penalty in Nebraska, he said, needs to be replaced because it is administered in an arbitrary, random and unfair manner.

Chambers argued that the law was useless because no one had been executed in Nebraska since Charles Starkweather in 1959.

First-round approval was not obtained on LB327 because when it came up for a vote Feb. 4, Chambers

asked that the bill be passed over because many of the bill's co-sponsors were absent.

Although senators unanimously consented to pass over the bill and return it to the floor at an undetermined date, the bill failed to come up before the Legislature again.

Sen. Carol McBride Pirsch of Omaha said Chambers' bill was flawed because the Pardon Board could reduce the number of years served and reduce the severity of a sentence.

Pirsch said the only way to solve the issue was to repeal the death penalty and replace it with a life sentence through a constitutional amendment.

That is what her resolution, LR213CA, would have done. If the Legislature had repealed the death penalty, passage of the resolution would have passed the issue on to the people for ratification.

But LR213CA never passed out of the Judiciary Committee.

A third death penalty bill, LB874, was proposed by Sen. Elroy Hefner of Coleridge. The bill would keep the death penalty but change the means of execution to lethal injection.

"I believe some Nebraskans say that the electric chair is cruel and inhumane," Hefner had said. "I don't believe that. But to keep the death penalty, I'm willing to change the mode."

During a hearing on LB874 Feb. 20, Hefner said that out of 36 to 38 states that have capital punishment, 20 use lethal injection.

During the hearing, proponents touted lethal injection as more humane, but opponents argued that because it was less gory, death by lethal injection could be handed down more often.

LB874 also died quietly — it was never passed out of Judiciary Committee.

Abortion

Like the death penalty bill, the antiabortion priority bill of the 1992 session sponsored by Sens. John Lindsay of Omaha, Bernice Labedz of Omaha, Dierks and LaVon Crosby of Lincoln, also was not voted on before the 1992 session ended.

After nearly eight hours of debate April 2, senators adjourned without taking action on LB78, which would have required women seeking abortions to receive detailed information about the fetus' development and then wait one day before having the procedure performed.

The bill did not make it to the floor again before the session ended.

During debate, senators argued that antiabortion-protestors and abortion rights advocates alike wanted a legislative act to point to in rallying their forces for the 1992 election season.

"We are being used as an election tool today," said Sen. David Bernard-Stevens of North Platte at the time.

The bill, which had stalled in the

Judiciary Committee until the end of March, represented the swan song for Labedz, a 16-year veteran legislator and abortion opponent, who will retire this year.

Living will

Nebraska senators passed two bills Feb. 10 that recognized Nebraskans' rights to direct their own medical treatment.

LB671, the living-will bill sponsored by Sen. David Landis of Lincoln, passed by a vote of 34-9.

The bill recognizes living wills in directing medical treatment if a person becomes terminally ill or reaches a persistently vegetative state.

A living will gives the attending physician specific instructions on what medical treatment will be allowed or acceptable.

But state senators voted to axe the most controversial section of the bill before it was passed. Senators approved an amendment, proposed by Lindsay, which eliminated a section of the bill that provided for Nebraskans who were terminally ill and did not have living wills. In that case, the physician may be faced with having to decide on the patient's treatment.

According to the original bill, the doctor would follow a chain of command — the spouse, then children and parents — to make the decision to end a patient's life or let her or him live on life support.

Lindsay said the section surpassed what a living-will bill was supposed to mean.

LB696, sponsored by Lindsay, also passed by a vote of 46-0. The bill gave legal recognition to directing medical treatment through a durable power of attorney if a patient was in an incapacitated state.

A durable power of attorney, instead of instructing the physician like a living will, gives a third person the power to make the decisions of the direction treatment should take.

Stalking

Another bill senators passed this session was LB1098.

The bill passed by a vote of 44-10 Tuesday, despite some senators' concerns that the bill would not accomplish its intended goal.

The bill, sponsored by Sens. Jennie Robak of Columbus, Pirsch and DiAnna Schimek of Lincoln, makes the act of stalking a criminal offense.

But Chambers and Beutler were concerned that the conditions defining stalking would make the crime difficult to prosecute. They said Nebraskans already had simpler provisions to prosecute some forms of stalking as third-degree assault.

Robak said the third-degree assault provisions had been in place for 15 years and had not improved stalking prosecution. If further improvements needed to be made on the bill, she said, it could be picked up in next

year's session.

"This bill is not only needed for the protection of victims, it is an answer for the prayers of policemen who have been unable to help their victims," Robak said.

The passage of the bill made Nebraska one of only three states with laws defining and providing penalties for stalking.

If the governor signs the bill into law within five days, LB1098 would make stalking a Class I misdemeanor for the first offense and a Class IV felony for the second offense, including a penalty of up to five years in jail and a \$10,000 fine.

Multiculturalism

Another bill that reached a final vote was LB922. The bill, which would require Nebraska schools to develop and implement multicultural education into existing school programs, was reconsidered April 7.

The bill did not receive enough votes to pass the first time because many of the bill's proponents were not present, Chambers said.

Chambers was the bill's main sponsor.

On reconsideration, LB922 passed by a vote of 29-10.

Chambers said LB922 was not designed to add new classes or teachers to the schools, but instead would require schools to integrate multicultural education into existing programs.

The bill also would require school districts to prove to the State Department of Education that they were complying with the plan.

Several senators agreed that the Legislature should send the message to Nebraska schools that it expected them to deal with multicultural issues.

Chambers said senators represented the public, and the passage of the bill showed that "we want to eradicate racism, bigotry . . . and all the things that build up the walls between us."

Civil rights

A bill calling for equal treatment according to sexual orientation — the first of its kind in Nebraska — was stalled in committee this session.

Because LB1270 stalled in the second session, senators will have to reintroduce the bill next year for it to be considered.

Sen. Timothy Hall of Omaha introduced the bill, which calls for the adoption of the Nebraska Civil Rights Act of 1992.

The act would expand existing state law and enhance the protection of Nebraskans against any discrimination that infringes on a person's due process of equal opportunity rights.

The act provides protection against discrimination based on age, disability, family status, gender, marital status, national origin, race, religion and, for the first time, sexual orientation.

