

January 19, 1981

LR 6
LB 311-356

read some bills in now, we will recess until 3:30 and come back and hopefully there will be more bills to process and then I would like to have a meeting with the chairmen in Room 1520 at 9:00 tomorrow morning. The Clerk now will....Senator Carsten.

SENATOR CARSTEN: Mr. President, I am hopeful to have a meeting of the Revenue Committee at 3:00. We may be a little late getting back in Exec Session, so I just wanted to alert you of that.

SPEAKER MARVEL: Okay. Senator Carsten is calling a meeting of the Revenue Committee for three o'clock this afternoon. In which room? 1520. Okay, Mr. Clerk, go ahead.

CLERK: Mr. President, first of all, Senator Marsh has an explanation of vote to be inserted in the Journal. (See page 244 of the Legislative Journal.)

New bills, Mr. President. Read by title LB 311-355 as found on pages 244 through 255 of the Legislative Journal.

Mr. President, new resolution. (Read LR 6 as found on pages 255 and 256 of the Legislative Journal.)

Mr. President, Senator DeCamp asks unanimous consent to have the names of all the members added as co-introducers to LR 6.

SPEAKER MARVEL: Okay, the motion before the House is the unanimous consent request that all names be added to the resolution which was just read. Is there objection to that motion? If not, the motion is so ordered.

CLERK: Mr. President, pursuant to our rules....

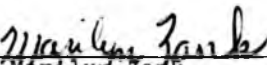
SPEAKER MARVEL: It will be in the Journal?

CLERK: Yes, sir, it will be taken up some time later.

Mr. President, LB 356. (Read title to LB 356 as found on pages 256 and 257 of the Legislative Journal.)

SPEAKER MARVEL: Okay, the motion by Senator Marsh to recess until 3:30 p.m. All those in favor of that motion say aye. Opposed no. We are recessed until 3:30 this afternoon.

Edited by:


Marilyn Zark

reach somebody's table. So I certainly hope you will support the bill at this time and we will try to work out some sort of a liability for those that distribute the food. I think that is where the problem should be faced and that way we get the food and have it for distribution and put the burden on those that distribute the food to see that it is wholesome when it is delivered to the constituent. I think that is all I have to say about it. I hope I have explained the bill and that you understand what we are trying to do. I hope you will support LB 38. Thank you.

SPEAKER MARVEL: The motion is the advancement of LB 38 to E & R for Review. All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 27 ayes, 1 nay, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is LB 345. Do you have some....

CLERK: Mr. President, LB 345 was introduced by the Judiciary Committee and signed by its members. (Read title.) The bill was read on January 19. It was referred to the Judiciary Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, the Judiciary Committee adopted four amendments to LB 345. These amendments were presented to the committee by the Child Support Enforcement Office and the Douglas County Attorney's office and are merely clarifying in nature. The amendments make it clear that the child support enforcement provision apply not only to the male gender, that is in the nonsupporting father or stepfather, but also against a nonsupporting parent or stepparent of either gender. The amendments also modify the language which speak in terms of an absent parent changing the language from absent parent to nonsupporting parent or stepparent. It should be noted that under the present law we currently have both criminal and civil penalties for nonsupporting parents and stepparents. These amendments are merely clarifying current procedure in regard to child support enforcement provisions so that they apply equally and across the board without reference either to gender or direct blood relationship. I move

for the adoption of the committee amendments.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. Adopting the committee amendments. Record the vote.

CLERK: 26 ayes, 0 nays on adoption of the committee amendments, Mr. President.

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Senator Nichol, what do we do with the bill?

SENATOR NICHOL: I will talk to the bill now briefly, sir. Mr. Speaker and members of the Legislature, the provision for federal funding for child support enforcement under Title 4(d) of the U. S. Social Security Act commenced in 1976 at which time some of the state statutes were originally adopted and earlier versions of others were amended to reflect the new federal program. Last summer federal funding for activities of states and local governments in nonwelfare child support enforcement cases was made a permanent part of the Social Security Act. As a result of this federal action, Nebraska amended its state welfare regulations to eliminate application fees for the Title 4(d) program for nonwelfare recipients and now allows county attorneys to directly accept such applications. These changes provide substantially more federal funding to county attorneys and clerks of the district courts offices for carrying out state statutory provisions relating to the collection of child support. The changes proposed by LB 345 clarify the statutes and take into account recent changes in federal law regarding the enforcement of child support orders and the collection of back child support. The problems that the proposed legislation is designed to fix and correct are as follows: One, the only direct reference to nonwelfare Title 4(d) applications is contained in somewhat vague terms in Section 43-512.03 at the present time. The proposed changes better define the application process for nonwelfare cases. Secondly, statutory provisions regarding who can file an application for child support collection or paternity determinations are clarified. Three, a problem currently exists which deals with the collection of arrearages in court orders and assignments of child support rights. Although an Attorney General's Opinion does make it clear that notices of assignment of child support rights by the Department of Welfare to a Clerk of the District should be adequate to implement the assignment without a subsequent order of the court, a few judges still

require such orders, and LB 345 clarifies this assignment process. LB 345 also clarifies that such assignments may be continuing in nature if there are still arrearages when Aid to Dependent Children payments have ceased. Once again, LB 345 is essentially a bill that clarifies current child support enforcement procedures in an attempt to make collection of child support a more orderly and swift process. It does this by incorporating into Nebraska law recent changes in federal law and by redefining the application process for nonwelfare cases in those sections dealing with the assignment process. I ask that you advance LB 345 to E & R Initial as amended.

SPEAKER MARVEL: Senator Johnson. Senator Nichol, do you yield?

SENATOR JOHNSON: Senator Nichol, I have just a couple of questions of you with respect to this bill. One of the things that is of interest to me is the fact that individuals may now, under the bill, individuals who are not welfare recipients, and by not being welfare recipients I assume that they have some assets and some money, may use the services of our County Attorney to establish paternity and in addition to collect child support, and that when they use the services of the County Attorney that means they are using tax supported services.

SENATOR NICHOL: Yes, but it does also mean that they get 75 percent federal money to pay for those services.

SENATOR V. JOHNSON: Okay, so....(interruption).

SENATOR NICHOL: Which they have been doing, Senator Johnson.

SENATOR V. JOHNSON: Okay, so that means simply that the cost to the County Attorney's office will in effect be defrayed out of federal income tax dollars, I take it.

SENATOR NICHOL: Well, 75 percent of it would be.

SENATOR V. JOHNSON: Okay. Now, secondly, there is no provision in this bill or in comparable legislation that would require the appointment of someone to represent a delinquent parent who is hailed before the court for a contempt action because he has not paid...I am going to use "he" because it is almost always a man, because he has not paid his child support.

SENATOR NICHOL: Yes.

SENATOR V. JOHNSON: That contempt action can result in jail time for that individual. The individual can go to jail as a result of being hailed before the court and found by the court to be in contempt of court for not paying child support. Do you have any opinion as to whether or not we should provide for the appointment of counsel, either the use of a public defender system, which we have in a number of cities, or appoint a counsel to represent that individual?

SENATOR NICHOL: Well, my own opinion is no that we should not appoint and pay for that. They have already been through court most likely and it has been established prior to this and at that time he should have had help if he needed help, but not now.

SENATOR V. JOHNSON: All right. Thank you, Senator Nichol. I don't believe that I have any other questions with respect to the bill. The questions I raised I find I am just a little troubled about it but I assume...I am particularly troubled I think about the fact that we will have men brought before the court on contempt charges because they have not paid their child support and they will stand without any representation whatsoever while at the same token the woman who is to receive the child support or the children who are to receive the child support will be represented out of tax dollars by our County Attorney. Now you may think that in a child support collection action the only issue is whether or not there is an arrearage, but in addition...in addition the question arises as to whether or not the individual had the ability to pay the child support that is now in arrears and knowingly failed in spite of that ability to pay the child support, and if you can find the second condition to exist, then the individual may very well be held in contempt of court and may go to jail. So it seems to me that in meeting some due process standards concerning the rights of people who are brought before the court who in turn can be put into jail for various and sundry violations or actions, that we probably ought to provide for the appointment of counsel in those cases. And I think what I will do at this juncture is to support the bill so that it can move off General File because I can appreciate the merit of the bill per se, but at the same token just lay the groundwork with this body for at least an amendment on Select File to see to it that in some circumstances we can have appointed a counsel for somebody who is broke but who has got a legitimate defense to a child support collection action so he won't go to jail. Thank you very much.

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LB 345, 500

SPEAKER MARVEL: Senator Rumery, do you wish to be recognized?

SENATOR RUMERY: Mr. President and members of the Legislature, I would like to ask Senator Nichol a question.

SPEAKER MARVEL: Senator Nichol, do you yield?

SENATOR RUMERY: How does this bill differ from the one that Senator Schmit carried through the Legislature a couple of years ago?

SENATOR NICHOL: Not too much, except that it adds non-welfare recipients and nonwelfare people, which....and they have been doing this incidently inasmuch as the... we will just take the father's paying the child support and the mother receiving it for the children, and this has been being run through the district court so that the mother gets her payment automatically at the time it is due. Now if the father is in arrears in his payments, then the county attorney goes after him to get it. Now, I think I have no objection to working with Senator Johnson in providing support for the father if he needs it. However, that was not in the bill and is not. But in answer to your question, it doesn't change anything that Senator Schmit had with the exception that it does include nonwelfare recipients.

SENATOR RUMERY: Thank you.

SPEAKER MARVEL: Senator Nichol, are you ready to close on 345?

SENATOR NICHOL: I move for the advancement of LB 345, and if Senator Johnson should need amending it between now and then, I will be happy to work with him.

SPEAKER MARVEL: All those in favor of advancing the bill vote aye, opposed vote no. Record the vote.

CLERK: 32 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Do you have some items to read in?

CLERK: Mr. President, your Committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp to whom was referred LB 500 instructs me to report the same back to the Legislature with the recommendation it be advanced

February 20, 1981

LR 17, 18
LB 9, 20, 21, 27-30, 37, 156,
38, 42, 43, 67, 77, 124,
186, 206, 206A, 244, 345, 354

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Father Dale Harges, Sacred Heart Catholic Church here in Lincoln.

FATHER DALE HARGES: (Prayer offered).

PRESIDENT: Roll call. Record the presence, Mr. Clerk.

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

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

CLERK: Mr. President, the Journal is without error this morning.

PRESIDENT: Ah, that is good news. The Journal stands correct as published. We go on to any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports it carefully examined and reviewed LB 21 and recommend that same be placed on Select File with amendments; 186 Select File with amendments; 124 Select File; 206 Select File; 206A Select File; 67 Select File; 77 Select File with amendments; 9 Select File with amendments; 38 Select File with amendments; and 345 Select File. Those are signed by Senator Kilgarrin as Chair.

Mr. President, I have an Attorney General's opinion addressed to Senator Haberman regarding delegation of legislative authority; and one addressed to Senator Beyer regarding LB 354.

Mr. President, I have a report from the Department of Administrative Services, State Building Division regarding the Request for Program Statement/Preliminary Plan Approval. It will be on file in my office.

Mr. President, a communication from the Governor. (Read: Re 244. See page 593, Legislative Journal.)

Mr. President, LBs 28, 42, 156, 20, 27, 29, 30, 37, 43, LR 17 and 18 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 28, LB 42, LB 156, LB 20, LB 29, LB 30, LB 37, LB 43, LR 18 and LR 17. We are ready then for agenda item #4, Final Reading. The Sergeant at Arms will make sure that all unauthorized personnel

February 25, 1981

LB 9, 345

SPEAKER MARVEL: Senator Maresh, do you want to move the adoption of the E & R amendments?

SENATOR MARESH: Mr. Speaker, I so move.

SPEAKER MARVEL: All those in favor of the adoption of the E & R amendments to LB 9 say aye. Opposed no. The motion is carried. The E & R amendments are adopted.

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

SPEAKER MARVEL: Senator Maresh, do you want to move the advancement of the bill?

SENATOR MARESH: I move that LB 9 be advanced to E & R Engrossing.

SPEAKER MARVEL: All those in favor of that motion say aye. Opposed no. The motion is carried. The bill is advanced. The next is LB 345.

CLERK: Mr. President, there are no E & R amendments to LB 345. I do have amendments from Senator Johnson, however, Senator Vard Johnson. (Read the Johnson amendment as found on pages 658 and 659 of the Legislative Journal.) That is offered by Senator Vard Johnson.

SPEAKER MARVEL: Senator Johnson.

SENATOR V. JOHNSON: Yes, Mr. Speaker and members of the body, I thought the amendment was going to be in the Journal but it's not, so it is now being passed out. LB 345 is a bill that deals with the collection of child support and by and large makes the kind of changes that are necessary so that our child support collection program fully conforms to the child support collection requirements of the Department of Health, Education and Welfare. I guess that is now the Department of Health and Human Services. One of the things that LB 345 does is says that if any person wants to have the assistance of the local county attorney for the collection of child support, they may go to that county attorney, rich or poor, and that county attorney will provide assistance in the collection of child support. My amendment, my amendment is an amendment which says that if a defendant is haled before the court, is haled before the court, and is about to be imprisoned for nonpayment of child support, then the court at least has got to make, number one, an inquiry concerning the defendant not having an attorney with him, and the court cannot imprison that

individual unless that individual waives his right to counsel, and if the defendant be poor then somebody, then the public defender's office or appointed counsel will have to represent him. Now what I am doing with this amendment very simply is I am attempting to fulfill the requirements of decisional law. The United States Supreme Court over the last several years has held in a growing body of cases that when an individual faces incarceration, when they face imprisonment, and when they are poor, we have to appoint counsel to represent them. That issue in connection with child support collection cases has been litigated in several courts, and it has gone in several ways. Not every court has said that a nonsupporting individual should have counsel even though they are going to jail, but there are other courts that have held to the contrary. Now I don't happen to care for people who don't pay their child support. In fact, I get very angry about persons who can father children but can't pay their child support. On the other hand, on the other hand, I know that there are a number of men who cannot pay their child support because they are out of work and they are making conscious efforts looking for jobs and they can't find jobs, or because they are behind the eight-ball emotionally and mentally and in being behind the eight-ball emotionally and mentally just haven't quite got their act together in terms of developing a job and developing job skills and getting earnings and paying their child support, and yet they will be brought before the court, properly so because they have not paid their child support, and some of these men will go to jail. Some will go to jail in contempt of court actions. So what my amendment says simply that one of the prices that you and I pay for living in a civilized society and one of the prices that you and I pay for insuring full protection of the rights of individuals is to see to it, at least, that if somebody is facing a child support charge which could result in imprisonment, that that person cannot be imprisoned without first having had the assistance of counsel. It's as simple as that. We have an appointed counsel system in criminal cases throughout this state, if an individual is poor, that is we can use the public defender's office in those areas where there are public defenders and in those areas where there are not public defenders then there will be an appointed counsel that will be provided, and that counsel, believe it or not, will be paid for from public funds. But we should also be mindful of the fact that public funds, undoubtedly, will be paying for the child support collection action. LB 345 will ensure it. This is not, in a sense, this is not a very...this is not an easy amendment because

none of us particularly cares for the nonsupporting parent. On the other hand, it is a just amendment. We do not want to put our people in jail in this society without assuring them the rights to which they are constitutionally entitled. I would move this amendment.

SPEAKER MARVEL: Senator Schmit, do you wish to speak to the Johnson amendment?

SENATOR SCHMIT: Mr. President and members of the Legislature, I rise in strong opposition to the Johnson amendment notwithstanding the many articulate arguments that my colleague has presented in support of his idea. I think it has been evident to us all over the years that the area of the support or the collection of child support has been one of the most neglected areas of law enforcement that we have in this state, and it is very ironic that Senator Johnson would offer this amendment when according to the Douglas County records there is somewhere, and only the good Lord knows, between \$60 and \$100 million of uncollected child support in Douglas County alone. Now until we enacted...this Legislature enacted a series of bills which I introduced and some which the Judiciary Committee followed up on and introduced, the matter of child support collection just was totally neglected by county attorneys and every other individual who was supposed to be carrying out the law. The only way that we were able to get any kind of cooperation was by providing that those individuals who under contempt of court ignored the law would go to jail. Now it has been demonstrated many, many times and a number of our fine judges have demonstrated this that the nearer to jail an individual gets the greater his resources in regard to paying his child support, and usually about two inches from the jailhouse doors they find the resources to pay back child support. Now we have been talking about rights of children in many different areas on the floor of this Legislature, but if we are going to ignore the rights of children to be supported by those individuals who are their rightful natural fathers, then we are ignoring a most basic right. My heart doesn't exactly bleed, Senator Johnson, for the individual who is out of work. What about the mother of those children who has to feed those children? You can talk about right to counsel, you can talk about the Supreme Court and all of those other various arguments, but unless the individual who fathered the child supports that child, then the general taxpayer has to do it. There isn't any compelling argument, no reasonable person could possibly support this amendment and go back home and face their constituents with a straight face. I know that you can bleed all you

want to for the poor misguided father but I know something about supporting children and I know that it isn't easy for two people to support a family. It isn't easy for an ex-husband to pay child support, but it is doubly difficult for the mother of those children who has the responsibility, who has the day to day care, who has to sometimes go out and find a job and it is just as tough for that mother to find a job as it is for the father to find a job, and yet she has to find a babysitter, find transportation, pacify the boss and everything else and support those children. The one thing that Senator Johnson doesn't touch upon is who feeds the children if the ex-husband can't. Well, if the mother can't feed them, then you and I feed them, the county feeds them. Now I ask you, where should the responsibility be? If we adopt Senator Johnson's amendment, there will be the greatest exodus from the court of those individuals who are now paying child support that you have seen since we enacted these first bills more than six years ago. I suggest to you that there will be no one, there is no reason for anyone to pay child support if you adopt this amendment.

SPEAKER MARVEL: You have one minute.

SENATOR SCHMIT: And it will not take very long for the word to get around. I could also touch upon the fact that this might be a slight conflict of interest, Senator Johnson, because it does provide work for the attorneys but I know that is not your motive for doing it. You are just looking out for the rights of the individual, but think about the individual child who deserves and needs to be supported and is not being supported. I ask for unanimous defeat of this almost ridiculous proposal, Senator Johnson.

SPEAKER MARVEL: We are speaking to the Johnson amendment to LB 345, Senator Newell. Senator Newell, do you wish to have the floor?

SENATOR NEWELL: Mr. Chairman, I would like to ask Senator....Mr. President, I would like to ask Senator Johnson a question if I could.

SPEAKER MARVEL: Senator Johnson.

SENATOR JOHNSON: Yes.

SENATOR NEWELL: Senator Johnson, I am going to admit right off that I don't fully understand this whole issue,

but I do have a bit of a problem that has come to me a number of times in recent years that I would like to discuss with you just very openly and for the record.

SENATOR V. JOHNSON: Sure.

SENATOR NEWELL: I have had a situation where because of the enforcement and I think that Senator Schmit's argument that there needs to be enforcement in this area and your agreement to that, but because of the enforcement and trying to collect this area I have had recently, just very recently, one of the best examples and a few other ones that weren't quite as good but this one was very good, an individual was \$4000 behind in their child support payments. This individual had been unemployed for a year and frankly they were incarcerated. The judge indicated that since they weren't making their payments, they would be sent to jail where they obviously couldn't do a very good job of getting a job or working, and some folks brought this to my attention. Now, I wondered about the efficacy of putting a man who is unemployed, who couldn't pay those payments because he was unemployed and he had tried, he had honestly made attempts to pay and they were admittedly token amounts, but they were good faith attempts to do what he could from the odd jobs that he had, etcetera. Now, how does this address...how does your amendment address the kind of process in which this individual might have received a little bit more understanding by the courts? Does it address it in any way?

SENATOR V. JOHNSON: Sure. Absolutely right, Senator Newell. What this amendment says simply is that this man, your friend, who couldn't support his children, when he is hailed before the court and the court begins to cajole him into making the payments and threatening him with going to jail, the court can talk and talk all it wants to and threaten him all it wants to, but the truth of the matter is the court can't put him in jail unless the court at least takes the steps to make sure the man has an attorney. So let me tell you, when the judge finally says to your friend, okay, Joe, you get an attorney, and if you can't afford one, Joe, we will appoint one for you. Joe now knows that the go to jail sign is turned on and that means simply that he is either going to come up with the four grand or that he is going to get himself a lawyer or a lawyer is going to be appointed and they are going to have a full hearing on it, and if he goes to jail at least when he goes to jail he will believe that justice had been done.

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LB 345

SENATOR NEWELL: All right, Senator Johnson, in part that helps in terms of this individual being represented and he was not represented by an attorney, so this deals with that, but what about the whole question of throwing a man....I mean this is almost like a debtor's prison here, a man could not pay, he was out of work for a year, he could not pay and he got behind in that year period of time, he still made honest attempts to try to pay, they were very token amounts. I am not going to try to indicate they were more than that, but this individual did not have a job, could not pay and they threw him in jail anyway. This does not... will this court appointed attorney assist in that area? Is there some way in which....I mean this looks a lot like debtor's prison to me.

SENATOR V. JOHNSON: Sure. Well, now in the first place a number of men do go to jail for nonpayment of child support and it does look like debtor's prison. It is an exception, incidentally, to the prohibition against imprisoning a person for debt. It is a constitutional exception. So we can place people in jail. Is jail very efficacious? I think that in some instances men who are in jail do start coming up with money and begin to make support payments more regularly. I think jail probably is the bottom line on a child support collection matter. I am not at this point in my life prepared to remove jail as one of the means.

SENATOR NEWELL: Senator Johnson, that's not....I'm talking about the basic...the fact that the man did not have a job for a year.

SENATOR V. JOHNSON: Right.

SENATOR NEWELL: He was without the means to pay the child support. His wife was on ADC at the time. What is this....?

SPEAKER MARVEL: You have 15 seconds left.

SENATOR V. JOHNSON: Senator Newell, a skillful attorney can take that...can assist that man in developing those facts with the court so that the court can't hold him in contempt because though he may have the willingness to pay he doesn't have the present ability to do so.

SENATOR NEWELL: Thank you, Senator Johnson. I support your amendment.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I am not a friend of those either who do not pay their child support. As a matter of fact, I am one of those paying child support myself and when my divorce unfortunately occurred, I was in favor of an amount being put into the decree. Now I think I am an honest, upstanding person. I know that my children are my responsibility and obligation and no judge could impose a greater obligation on me to take care of them than my personal principles place upon me. Nevertheless, the best of persons can go astray and turn into something else, so once the amount is in the decree, if I don't come up with it then to jail I go. So, I have supported every attempt by the Legislature to toughen child support collection procedures. It is obviously the obligation of all of us who bring children into the world to take care of those children regardless of anything that may happen between us and our spouse. So, I am looking at the amendment that Senator Johnson offers and I have deeply mixed emotions. I have intervened to help women obtain support for their children from their spouses who did not want to pay and were able to pay. I assisted a lady who was from Australia, not a citizen of this country, doesn't speak the language too....she is from Austria, pardon me, in tracing her husband all the way to Texas, a retired Air Force person who had the means to pay and was not paying. He is now paying according to what the decree said he should pay. So, I can look at it from both perspectives. I also have, in spite of how bad the law is, how it crimps along and often cranks out injustice, I do have a respect for what the law is supposed to be. The test of how much I believe in the principle of due process comes for me when it has to be applied to a person for whom I basically have contempt. Now if the only ones I think ought to have due process are those with whom I sympathize, there is no need for due process because we will always look out for the interests of our friends. Due process is established to ensure that those who are unpopular when they are brought into the court through the power of the state will be accorded every protection that the law accords to our friends and those that we have respect for. So when the prospect of jail is facing an individual, I am convinced that that individual is entitled to legal representation. Now, the wording of the language is not that much different from what would occur if somebody was accused of a very heinous crime. There is a criminal justice system in this country which is used for all types of things, and

once child support collection is placed within the criminal justice system, all of the integrity, all of the safeguards of due process must come into play when we deal with any situation that is called upon to utilize the criminal justice system. So I think due process requires that the amendment being offered by Senator Johnson be accepted. This amendment is not saying people should not support their children. It is not saying that those who are able to support their children and refuse to should not be cited for contempt and jailed as other people are who are found in contempt of court.

SENATOR CLARK: You have 15 seconds.

SENATOR CHAMBERS: It is saying that before you reach the point of locking the person up, every due process safeguard accorded others facing this situation ought to be accorded these individuals, so reluctantly I must support his amendment.

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: Mr. President and fellow Senators, I have been to court several times with women who had been unable to collect their child support, and you Omaha Senators will remember Judge Sam Coniglia when the fellow appeared before him and when asked, why haven't you been making your child support payments? He said, your Honor, I have been saving my money for an operation. And the Judge said, what kind of an operation? And the father said, I have been saving money for a sex change operation. And Judge Coniglia said, the only thing you are going to change is your address, 30 days in jail. And before eight hours was up, he paid his back child support. I have a friend who I personally went to court with and her husband or ex-husband was \$1400 behind in child support. So while at the court we pointed out to the judge that he had just two months previous to that bought that year's new model Chevrolet. So the judge gave him 30 days, and within one hour and a half he was back with \$1200. All he did was pick up the phone and get the money. I am not an attorney but I have been told that when you go to court without an attorney you stand a heck of a lot better chance in most cases than the one who has an attorney because the court then becomes a friend of the one without an attorney. And I think we should recognize, Senators, that this amendment is going to propose a whole new bureaucratic program. We have a public defender's office in Douglas County and I don't know if all of the counties in

Nebraska have it, but it costs money to defend criminals, and if this amendment is adopted, then we are going to have to start paying attorneys to do what judges now do for free. When a man comes before a judge or a woman, and they are being asked, why didn't you pay your child support, I have yet to see a judge that will throw a man or a woman into jail who says, your Honor, you can check the records, I have been out of work for six months. Your Honor, I am doing the best I can, I am holding down two jobs, but I have got a family to support from the second woman I've married and I'm having a tough time to make it. My experience, and I have had a lot of it in these particular courts, is that judges are extremely lenient. One young woman whose husband was behind 12 months, he came up to the judge without an attorney, no attorney, and he plunked out \$200, and the judge looked at her and he said, well, will you accept this? She says, your Honor, I have used up Mastercharge. I am up to the maximum I can charge on that. I am paying 18 percent interest on it. He is \$1200 in arrears. I have got a \$100 a month to pay to support two children and you are asking me, will I accept \$200 in lieu of \$1200? And the judge said, what do you want me to do, put him in jail? He can't pay you from there. Now the judges have the discretion to put them in jail from five o'clock at night until seven o'clock in the morning. They don't use that discretion. But they could put a man or a woman in jail after working hours so they don't lose their job, but our judges don't do that. And, frankly, next year Senator Higgins is going to introduce a bill that is going to make it mandatory for the judges to do that if they keep letting these people off the hook. I am sick and tired as a taxpayer of supporting some other man's children or some other woman's children when they are perfectly capable of supporting them themselves. Someone mentioned here the other day about teenagers being taught sex instructions and responsibility for their actions, what about the people that get married and bring children into the world, then they get a divorce and say, hey, man, I need a new car; hey man, I've got another woman or another man to support, I can't take care of my first responsibilities.

SPEAKER MARVEL: You have ten seconds.

SENATOR HIGGINS: So I have to go against this amendment from a moral standpoint and also from the standpoint of I don't want to see a new bureaucracy created in the State of Nebraska. Thank you, Senators.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, I think we have gotten a little bit emotional here lately and this amendment while really not too relevant to the bill itself may have some merit or may not. I wish you really would think of this not so much from jeopardizing the bill or not because it really isn't that important to the bill. I think the bill is important, but as far as the amendment is concerned, the judges now really have the right to put the person in jail. They have the right to appoint counsel for them if they are going to put them in jail. And while the judges catch a lot of flak on this floor, I think for the most part most judges are quite reasonable. The only thing this says is what they already have in motion for them is that they may appoint an attorney for a man or lady if they are going to put them in jail because they haven't been making their child support payments. That is fine with me. They do it anyway. If you pass the amendment it is all right. If you don't, they will still do as they darn well please as far as this particular point is concerned. So regardless of which way this amendment goes, I hope you remain on board and support the bill because that part is important.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I echo everything that Senator Higgins has said. I want also to point out that Senator Nichol is entirely right that the judges do an excellent job of protecting the rights of that poor, defenseless, weak, hopeless, poor individual who can't pay his child support, who just desperately wants to take care of his children but for somehow or other they always appear before the judge well fed, well clothed. I would like to ask Senator Johnson except he will use up most of my time, these attorneys are not going to represent that individual for nothing. You know, the reason I became interested in this issue was because without exception in the old days when a wife tried to collect child support and she went to a lawyer, the first thing the lawyer said was, I want \$150 or I want \$300, and without exception the woman said, well, if I had \$300 I wouldn't be looking for my child support. So it was an endless chain and it was a trap in which the woman could not, from which she could not escape. But you can be darn sure that that individual who so desperately wants to feed his children is going to have the \$150 bucks or the \$300 bucks for the attorney, or that attorney is going to show him the door in one big hurry. You know, the thing that I can never understand, Senator Newell, is

how a man can live for a year without a job. He will starve to death. You know, I had a man working for me one time and someone said, how come you work so hard for Schmit, and he said, the doctor said it was good for my health to work, I would starve to death if I didn't. There is a lot of these guys that ought to learn that lesson. Those individuals aren't starving. They are finding resources. There isn't any person that can't find a job. I have got here a newspaper. There is two pages of Help Wanted ads in here. Now I admit there are not very many jobs there for bank presidents, not very many jobs there for pilots of 747s, not very many jobs there for judges. But there is a heck of a lot of jobs there that pay more than what we are getting here. I agree with Senator Chambers the rights of the individual need to be protected. I have always done that. But under the present law which this Legislature enacted, it should be impossible for any individual to be more than 30 days delinquent on his child support. If he is 30 days delinquent, the clerk of the court is supposed to report to the district judge and the district judge takes that and gives it to the county attorney, and the county attorney initiates that procedure. I have had long conversations with Judge Krivosha about this, and Judge Krivosha has instructed some of his rather negligent judges that either they are going to enforce the law or they will feel the heavy hand of the court upon them. We have many fine judges who are doing a good job. This amendment places into statute a clear signal, ignore the law, you have got to be represented by an attorney. The attorney, we know what happens when the attorney comes in, vacillate, procrastinate, delay. Who will feed the children that night, Senator Johnson? If it was a dog...if it was a dog, the Humane Society would throw you in jail. But it's an individual, it's a human being. They're children. We bleed on this floor every day for the rights of children, and we stand here and say a grown man, a grown man ought to be forgiven for that responsibility because he can't pay. I say, nuts. If it were as difficult...if it were as difficult to conceive children as it is to support them, there wouldn't be any problem.

SPEAKER MARVEL: You have 30 seconds.

SENATOR SCHMIT: But unfortunately it is easy to conceive but difficult to support. I want you to remember one thing when you vote on this amendment. If you vote for the Johnson amendment, you are not protecting the rights of the individual, you are ignoring the rights of thousands, of hundreds of thousands of children. Whose right is most

important, that minor child who has no one to speak for themselves or the right of that 21 plus year old man who is an overgrown baby and has neglected his responsibility? I say defeat the Johnson amendment and give a clear signal to the courts that this Legislature meant business, or I will never again support an issue where we are going to increase the ADC payments, etcetera, etcetera, because of the inability of someone to pay. I say defeat the Johnson amendment.

SPEAKER MARVEL: Senator Chambers. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, all I can say about Senator Schmit's last statement, that is what we call on the street a cold shot. He says that if I don't vote the way he wants me to vote, after all of this pontificating about children, he won't support an increase in ADC. At least, I am not trading on the welfare of children. I think that is a reprehensible thing to have said. I hope he stated it in the heat of debate and was not totally aware of the significance of his words. But I am going to vote for this amendment. I am going to do what I think is right on every bill that comes before me, and if it means that the rest of you vote against everything that I bring on this floor, so be it. My job is not to bargain and sell. I am not one of the king makers. I am not one of the power brokers. I am not one of those who cuts deals. But even if I were, there would be a line that I would draw someplace and some things would be so significant that they would not be the subject matter of deals or bargaining and selling. I think what Senator Schmit said should be a great index into the attitude that sometimes prevails on the floor of this Legislature. I am going to support this amendment. It is not easy for me to do it. But whatever support of this amendment makes me, that's what I have to be. We talk about law and order and justice. I have said before that the system that obtained in this state, in this country, was not put in place by me or even people like me because we were owned as property and not even recognized by the law except as property. To kill one of us was to be an act against another man's property. And now that I have come into this system and I have been convinced that there is certain aspects of it that have value because they protect people's rights who cannot protect themselves, I am told that those principles should go by the boards because it touches an issue that we are upset about. It is much like the lynching attitude where you say the accusation of the crime is so grave that we can dispense with a trial. The situation

we are dealing with is so contemptible and hateful that if the person did it, he should be castrated, hanged and burned, and a lot of my kind of people have that happen to us in cases where the alleged crime never even occurred. So I am sensitive about when we are going to say that the privileges and protections of the law are not to be accorded to certain individuals because what they do is so reprehensible to us. People accused of child abuse, which is worse than not giving support payments, have a lawyer. They are allowed out on bond. Those who beat and torture or are accused of these heinous crimes are allowed bond and are given lawyers. What Senator Johnson's amendment says is like in other situations of this kind where jail is being faced it is not going to be the discretion of the judge as to whether a person has a lawyer. This is why Supreme Court decisions have come down requiring counsel once the accusatory process begins because judges were not concerned about whether a person had representation or not. There are a lot of things we make mandatory on judges because we don't trust them. So we are looking at now the integrity of a system and we must divorce that from the individuals who will be acted upon. If we cannot make that distinction, then the purpose of the law is lost, and I, despite being a member of a group who often faces the law where the law is my enemy, it nevertheless, if it were properly administered be the best friend that I could have. Those who have no voice need a law. Those who have no friends and no political clout need some kind of guarantees and protections against the wrath of the majority. And although we are dealing with those today who are accused of not having paid their child support, it would be very easy to go to something else tomorrow which is far more hateful than this. I am going to support the amendment and I will say this one thing. The judge is not to be counsel for the defendant. In addition, I know people who have been allowed to go on work release while they are in jail for not having paid child support and part of the money goes for room and board, and part of it goes to pay their child support, and when they come out they try harder as Senator Schmit and others have said. Jail is a very sobering experience. I do have mixed emotions about this, but I think my best judgment tells me that now is the time for my intelligence to assert itself, bring my emotions in check and make me cast a vote based upon what my mind tells me is the right thing to do in disregard of how I personally feel and that is the way I intend to vote. And, Senator Schmit, I have an ADC bill which I am offering this year so you get a chance to vote against it.

February 25, 1981

LB 345

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: 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: 26 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate has ceased. The Chair recognizes Senator Johnson to close on his amendment.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, without any question I have touched a very sensitive nerve. I think the sensitive nerve is in the form of Senator Schmit, and Senator Higgins, and everyone else in this body who has low toleration for men who don't pay their child support, and I, too, have low toleration for men who do not pay their child support. It has always seemed to me to be a disgrace when a man can father a child and somewhere along the line fall in arrears in his support and not make the payments. But notwithstanding my personal animosity, notwithstanding my personal feelings on the subject, recognizing the principle the law controls, ours is a society of law and not just of men and women. A society of law, I recognize simply that when we back up civil sanctions with a criminal penalty, when we say that we can take an errant father and put him in jail because he has not paid his child support, then we in our society must at least make certain that that individual has counsel, and if he doesn't have counsel that he has knowingly and intelligently waived his right to counsel. We may all gulp when we think that because you may say we should just put that man in jail and teach him a lesson and it will be a sobering experience that when he gets out surely he will do better. But it may well be that, number one, he won't go to jail. Why? Because maybe he will be able to show the court in the way that he couldn't show the court given his inarticulateness, given his artlessness, that he really was not capable of paying his support. Why? Let me tell you about some men that I have known. I have known Vietnam veterans who have come back shattered hulks of themselves, who kind of float through society, have a little affair here, a little relationship there, have a child or two. You know, they can't get their act together anymore. They can't make it. Now I don't know why they can't make it, but at least they ought not to go to jail with having that point presented to the court that they don't have the present

ability to pay. Secondly, if they have an attorney and are not by themselves, the attorney can say...the attorney can say to them, look, very clearly one of the reasons you are having difficulty over this whole issue is the fact that you haven't gotten your personal act together, and I am here to help you get your personal act together. You know, we have the Veterans Administration. They have psychiatric counseling. We have a Job Service. We have a variety of places where you can turn, and we are going to have to make those turns. You are going to have to get the job done because sooner or later if we don't get this child support issue resolved, you will face jail time. Now, again, I have done that in my own practice, and other attorneys have too. Attorneys, you know, aren't totally adversaries in a system. Attorneys can be good support figures and can help people, deal with problems that are very difficult to them. That is another reason why we need to have counsel in the area. You know, it's kind of interesting. Senator Schmit points out that I, personally, may have some conflict of interest because I am an attorney and because I obviously have represented some of these individuals and because maybe I might get appointed to some of these cases and make a greater fee. Well, the reason I bring it up is because I am aware of the problem. You know, that's one of the things that happens when you have a body such as ours with men and women from different occupations and different walks of life, each of us become acutely aware of some of the things that happen to occur in the kind of practices that we have. And I have seen a number of men who have at least had defenses that they could raise in the child support collections areas and have not been able to do so articulately for lack of counsel. And I personally have felt that our system of justice is wanting when someone goes to jail without the assistance of counsel and without the ability really to fully ventilate and articulate whatever his defense was, even though the defense may have been wanting. Thirdly, this will not create a huge bureaucracy. Do you realize right now we appoint lawyers to represent people in DWI cases, in misdemeanor cases, and the like? We have to. We have to do it because we have to accord them their constitutional rights to due process of law. That is the decision of Argersinger versus Hamlin. You know, somebody... think about it, somebody gets accused of a relatively minor offense which could result in jail time. They get a lawyer. On the other hand, if somebody doesn't meet his child support obligations, even because he doesn't have the present ability to pay though he is willing to do so, he could go to jail without the benefit of counsel.

SPEAKER MARVEL: 15 seconds.

SENATOR V. JOHNSON: This is a just bill. It is a difficult bill as Senator Chambers points out because very clearly this group of individuals are not popular in our society, and you and I do have to deal with an enormous social problem, too many unwanted children and too many fathers that don't want to pay the support. But just because it is an unpopular problem doesn't mean we should avoid an issue of due process of law.

SPEAKER MARVEL: The motion is the adoption of the Vard Johnson amendment to LB 345. Those in favor vote aye, opposed vote no. Have you all voted? Senator Johnson. Record the vote. Record vote has been previously requested.

CLERK: (Read the record vote as found on page 659 of the Legislative Journal.) 13 ayes, 22 nays, Mr. President, on adoption of the amendment.

SPEAKER MARVEL: The motion lost. Are we ready to advance the bill?

CLERK: Yes, sir, I have nothing further on the bill.

SPEAKER MARVEL: Senator Nichol, do you want to advance the bill?

SENATOR NICHOL: Yes, Mr. Chairman, I move that we advance the bill.

SPEAKER MARVEL: The motion is to advance LB 345 to E & R for Engrossment. All those in favor vote aye, opposed vote no. Record.

CLERK: 33 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. There is about 3 minutes left and in fairness to all involved, I think we will, unless there is a serious objection, skip over 125 and bring it back tomorrow or the next day. We do not have adequate time now. Senator Labedz.

SENATOR LABEDZ: Mr. Speaker, I don't understand, why wouldn't we have enough time, it is only ten till nine?

SPEAKER MARVEL: The agenda is set one hour and we got involved in 345 which took the time.

March 2, 1981

LB 9, 34, 110, 124, 178,
214, 345, 547

opposed nay. Record the vote.

CLERK: 31 ayes, 1 nay, Mr. President, on the motion to introduce the bill.

PRESIDENT: The motion carries. The bill may be introduced. Read the bill.

CLERK: Mr. President, LB 547 introduced by the Ag and Environment Committee. (Read LB 547 for the first time.)

PRESIDENT: Senator Landis, did you wish to....thank you. I thought you might want to speak. Ready for agenda item #5, Final Reading. The Sergeant at Arms will see that all unauthorized personnel are off the floor of the Legislature. All legislators are to be at their desks. We are ready to proceed with Final Reading. As soon as everyone is at your desk we will commence with LB 110.

CLERK: Mr. President, while we are waiting, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 9 and find the same correctly engrossed; 34 correctly engrossed; 124 correctly engrossed; 178 correctly engrossed, and 345 all correctly engrossed. (Signed) Senator Kilgarin, Chair.

PRESIDENT: All right, we are ready to proceed then with Final Reading. Mr. Clerk will proceed with the Final Reading of LB 110.

CLERK: (Read LB 110 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 110 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 704 of the Legislative Journal.) 35 ayes, 8 nays, 5 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 110 passes. The next bill on Final Reading is LB 214.

CLERK: (Read LB 214 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 214 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

March 5, 1981

LB 124, 178, 345

SENATOR CLARK: All provisions of law having been complied with, the question is, shall LB 124 pass. All those in favor vote aye, opposed no.

ASSISTANT CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? The Clerk will record the vote.

ASSISTANT CLERK: (Read record vote as found on page 756 of the Legislative Journal.) The vote is 43 ayes, 3 nays, 1 excused and not voting, 2 present and not voting, Mr. President.

SENATOR CLARK: LB 124 is declared passed. If we can get all the senators back in their seats we can continue with LB 178. Senator DeCamp, Senator Hoagland. It looks like a train station up here. The Clerk will read 178.

ASSISTANT CLERK: (Read LB 178 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall LB 178 pass. All those in favor vote aye, opposed no. Voting aye, Mr. Clerk.

CLERK: Senator Clark voting aye.

SENATOR CLARK: I am going to hold a vote on this until the people get a chance to get back in. Senator Marvel, you said no? Record the vote.

CLERK: (Read record vote as found on page 757 of the Legislative Journal.) 42 ayes, 6 nays, 1 excused and not voting, Mr. President.

SENATOR CLARK: LB 178 is declared passed. The Clerk will now read LB 345.

CLERK: (Read LB 345 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass. All in favor vote aye, opposed no. Voting aye, Mr. Clerk.

CLERK: Senator Clark, voting aye.

SENATOR CLARK: Record the vote.

CLERK: (Read record vote as found on pages 757-758 of the Legislative Journal.) 45 ayes, 0 nays, 1 excused and not voting, 3 present and not voting, Mr. President.

March 5, 1981

LB 345, 30, 206, 206A, 457

SENATOR CLARK: LB 345 is declared passed. We will now go to item #5, a motion by Senator Koch, LB 30.

CLERK: Mr. President, Senator Koch moves that LB 30 become law notwithstanding the objections of the Governor.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, I would ask unanimous consent to pass over item #5 on the agenda, both items.

SENATOR CLARK: Mr. Speaker, is that all right with you?

SENATOR KOCH: I am requesting, Senator Marvel, that we pass over item #5 on the agenda. We may pass over it indefinitely but we might take it up later this morning. I will advise you of that. Thank you.

SENATOR CLARK: We will pass over item #5 and go to item #6, Select File.

CLERK: Mr. President, if I may right before that, read a few things. Your Enrolling Clerk respectfully reports that she has presented to the Governor at 10:12 a.m. today, 206 and 206A.

Mr. President, Senator Stoney asks to be excused all day tomorrow and Monday.

Mr. President, Senator Koch asks to be excused through Friday, March 6.

SENATOR CLARK: LB 457.

CLERK: Mr. President, LB 457, there are no E & R amendments to the bill. I do have amendments from Senator Maresh, Mr. President.

SENATOR CLARK: Read the amendment. Senator Maresh, do you want to explain the amendment? It is two pages long.

SENATOR MARESH: Yes, Mr. Chairman, the amendment is very brief and simple and what it does, it adds waterways to the duties of the Transportation Advisory Committee. This is one area that is not covered by the Transportation Advisory Committee and I serve on this committee and I feel this is one of the duties we should include for this committee, to study what can be done to promote barge transportation on the Missouri River. Governor Thone has used some of the Old West Regional Commission money to establish a Missouri River Marketing Office and they are trying to promote the river with this. Last year this body passed

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

March 6, 1981

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.

March 11, 1981

LB 4, 9, 22, 24, 34, 38,
54, 124, 171, 178, 275,
276, 288, 292, 345,
368, 460, 475, 517

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Pastor David L. Erdman, Plains Baptist Church.

PASTOR ERDMAN: (Prayer offered.)

SPEAKER MARVEL: Record your presence.

CLERK: Mr. President, Senator Vard Johnson would like to be excused until he arrives; Senator Goll, Barrett and Waitala until they arrive.

SPEAKER MARVEL: Have you all recorded your presence? Record the vote. Yes. Senator Marsh, for what purpose?

SENATOR MARSH: I ask for this to be a recorded vote for those who are here at 9:05 a.m.

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

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

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 475 and recommend that same be placed on Select File with amendments; 171 Select File; 22 Select File with amendments. (Signed) Senator Kilgarin, Chair.

Mr. President, your committee on Government reports 292 to General File with amendments; LB 460 to General File; LB 276 Indefinitely postponed; 517 Indefinitely postponed. (Signed) Senator DeCamp, Chair.

Mr. President, LB 288, 275, 54, 38, and 24 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 24, LB 38, LB 54, LB 275, LB 288.

CLERK: Mr. President, a communication from the Governor addressed to the Clerk. (Read. Re: LB 9, 34, 124, 178 and 345.) (See page 844, Legislative Journal.)

Two Attorney General's opinions, a first to Senator Koch regarding LB 368. The second to Senator Beutler regarding LB 4. They also will be inserted in the Journal, Mr. President.

Finally, Mr. President, Senator Maresh asks unanimous consent