

January 8, 1982

LB 264, 710-726

Mr. President, the Ag and Environment Committee gives notice of hearings on gubernatorial appointments. That is offered by Senator Schmit. (See page 170 of the Journal).

New bills. LB 710 offered by Senator Wiitala. (Read title). LB 711 offered by Senator Nichol. (Read title). LB 712 offered by Senator Fowler. (Read title). LB 713 offered by Senator Schmit. (Read title). LB 714 offered by Senator DeCamp. (Read title). LB 715 offered by the Judiciary Committee and signed by its members. (Read title). LB 716 offered by the Judiciary Committee. (Read title). LB 717 offered by the Judiciary Committee. (Read title). LB 718 offered by the Law Enforcement Criminal Justice Advisory Committee. (Read title). LB 719 offered by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 720 offered by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 721 offered by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 722 offered by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 723 offered by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 724 by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 725 offered by the Judiciary Committee. (Read title). LB 726 offered by Senator Vickers. (Read title). (See pages 170 through 174 of the Legislative Journal).

SPEAKER MARVEL: We are ready for LB 264 on General File.

CLERK: Mr. President, LB 264 offered by the Public Health and Welfare Committee and signed by its members. (Read title). The bill was first read on January 16 of this year, or last year, excuse me. It was referred to the Public Health and Welfare Committee for hearing. At that time it was advanced to General File, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. Speaker and members of the Legislature, this bill was brought to the committee by the Department of Welfare in terms of trying to make a conformity with the present age of majority statutes. It is a rather small technical change. All it would do basically at this time lower it from the age of 20 to the age of 19 the age at which a guardian would be appointed for a mentally retarded individual and then the possibility of placing them in a Department of Welfare local mental retardation facility would take place. I don't see much of a problem with it. There was very little testimony as you can see from the committee statement, and basically it is a technical change.

January 20, 1982

597, 714, 788
LB 375, 127, 127A, 347

SENATOR CLARK: The motion before the House is the advancement of 375 to E & R. All those in favor vote aye, opposed vote nay. I would like to announce to the Legislature while we are waiting for the vote, there are sixteen students from the Nebraska School for the Deaf. Their Senators are Senator Stoney, Wiitala, V. Johnson, Kilgarin, Newell, H. Peterson, Apking, Chronister, Cope, Warner, Fowler, Carsten, Johnson and Burrows. Welcome to the Legislature. Record the vote. Voting aye.

CLERK: Senator Clark voting yes. 29 ayes, 4 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced. I imagine in the intervening time, the Clerk has a lot of things to read in.

CLERK: Mr. President, your committee on Urban Affairs gives notice of public hearing for Wednesday, January 27.

Your committee on Business and Labor gives notice of hearing for Wednesday, January 27 and February 10.

And your committee on Public Works gives notice of hearing for Thursday, January 28. Those are all signed by their respective chairmen.

Senator Nichol would like to print amendments to LB 347; Senator Sieck to LB 127 and 127A. (See pages 381-384 of the Legislative Journal.)

Mr. President, your committee on Judiciary whose chairman is Senator Nichol reports LB 597 advance to General File with the committee amendments attached. (See page 384 of the Legislative Journal.)

Mr. President, I have a reference report referring LB 881-966.

Mr. President, Senator Koch would like to add his name to LB 788 and Senator Fenger to LB 714 as cointroducers. (See page 387 of the Legislative Journal.)

SENATOR CLARK: No objection, so ordered.

CLERK: Mr. President, your committee...oh, I have another hearing notice from Constitutional Revision and Recreation setting hearing for February 4, 5, 11, 18 and 19.

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed

February 16, 1982

LB 259, 335, 435, 679, 714,
725, 733, 770, 779, 781,
805, 866, 901

Your committee on Public Health reports LB 714 advanced to General File with committee amendments; 725 advanced to General File; 781 General File with amendments; 805 advanced to General File with amendments; 901 advanced to General File with amendments; 733 indefinitely postponed; 679 indefinitely postponed; all signed by Senator Nichol.

Your committee on Banking reports LB 866 advanced to General File with amendments.

Mr. President, Senator Fowler asks unanimous consent to add his name to LB 259 as co-introducer.

SPEAKER MARVEL: Hearing no objections, so ordered.

CLERK: Mr. President, Senator Schmit would like to print amendments to LB 779; Senator DeCamp to 335; Senator Landis to LB 435.

Mr. President, Senator Fenger would like to be excused Wednesday, February 17 at 10:30 a.m.

And Senator Labeledz announces a meeting of the Constitutional Revision and Recreation Committee for Wednesday morning at eight-thirty in Room 2102, Wednesday morning, 2102, Constitutional Revision and Recreation.

Mr. President, a motion from Senators Beutler and Fowler that LB 770 be placed on General File notwithstanding the actions of the Revenue Committee, and they say that is Senator Wesely and Beutler, Mr. President.

SPEAKER MARVEL: That bill will be laid over. Any other items, Mr. Clerk.

CLERK: Nothing further, Mr. President.

SPEAKER MARVEL: Okay, Senator Chronister, do you want to adjourn us until February 17th at nine o'clock?

SENATOR CHRONISTER: Mr. Chairman, I move that we adjourn until 9:00 a.m. Wednesday morning.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. We are adjourned until February 17th, 9:00 a.m.

Edited by


Mary K. Turner

7705

March 8, 1982

LR 244
LB 458, 520, 568, 605, 892,
629, 714, 799, 809, 817, 852

allowed to us by law. I move the advancement of 817.

SENATOR CLARK: The question before the House is the advancement of 817 to E & R. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Have you all voted on the advancement of the bill? Have you all voted, one more time. Record the vote.

CLERK: Mr. President, Senator Cullan requesting record vote. (Read the record vote as found on pages 1049 and 1050 of the Legislative Journal.) 26 ayes, 15 nays, Mr. President.

SENATOR CLARK: The bill is advanced. The next bill is 852. The Clerk wants to read some things in.

CLERK: Mr. President, a series of items to read in. New resolution, LR 244 offered by Senator Chambers. (Read LR 244 as found on page 1050 of the Legislative Journal.) That will be laid over, Mr. President. Mr. President, Senator Fenger would like to print amendments to LB 714; Senator Vard Johnson to print amendments to LB 520; Senator Koch to 629; Senator Koch to 892; Senator Koch to 799; Senator Koch to 605; Senator Haberman to 568; Senator Fowler to 458; Senator Stoney to 809. (See pages 1051 through 1055 of the Legislative Journal.)

Mr. President, LB 852 was a bill introduced by the Public Works Committee and signed by its members. (Read title.) The bill was read on January 18th of this year. It was referred to Public Works for hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending. In addition, I have an amendment to the committee amendments that is offered by Senator Kremer that is found on page 717 of the Legislative Journal.

SENATOR CLARK: Senator Kremer on the committee amendments.

SENATOR KREMER: Thank you, Mr. Chairman and members of the Legislature, I think I should first of all very briefly explain the bill and then you will understand the amendments. This is a bill submitted by the Public Works Committee and brought to us by the rural power people that would provide for joint financing simply because financing as in the past is being discouraged. The need for electrical energy in the rural areas continues to increase greatly and

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LB 591, 714, 870
LB 875, 889, 948

PRESIDENT: The motion carries and LB 875 is advanced to E & R initial. Yes, you may read some matters in, Mr. Clerk, go ahead.

CLERK: Mr. President, your committee on Public Works whose chairman is Senator Kremer instructs me to report LB 889 advance to General with committee amendments attached. Senator Pirsch would like to print amendments to LB 948, Senator Goodrich to print amendments to LB 591 and, Mr. President, Senator Beyer would move that the Legislature reconsider its vote on the indefinite postponement of LB 870. That will be laid over. (See pages 1164-1165 of the Legislative Journal.)

PRESIDENT: The next bill then is LB 714, Mr. Clerk.

CLERK: Mr. President, LB 714 offered by Senators DeCamp and Fenger. (Read title.) It was first read on January 8 of this year, referred to Public Health and Welfare for hearing. The bill was advanced to General File, Mr. President. There are Public Health and Welfare Committee amendments pending.

PRESIDENT: The Chair recognizes Senator Fenger for purposes of taking the committee amendments. Senator Fenger.

SENATOR FENGER: Thank you, Mr. President, fellow members, the committee amendment, that is the white copy in your bill book to LB 714 become the bill. In public hearing at the Health and Welfare Committee we heard some bizarre stories that concerned many of the children in our state. This bill is not submitted as a cure-all to the problem because frankly I lacked the necessary legal experience. I couldn't even estimate how far it will go toward solving the problem that it addresses. I would remind you there has been seven separate studies done regarding foster care and foster children the past seven years and it is obvious to me the studies alone haven't solved anything. An accurate figure is not available of the foster children of the state but the best estimate of use under the total foster care program number five thousand with eighteen hundred and fifty of them placed there as wards of the Department of Welfare. State funds involved in this area alone last year was \$13,600,000 not including administrative costs of the staff. I cite those figures to you only to show the magnitude of the problem. 714, as amended, provides for the establishment of a State Foster Care Review Board consisting of seven members, one member at large, two members from each of the three congressional districts. They are serving three year terms on a staggered basis. Appointments made by the Governor and the board is such it would be autonomous.

Board members, as proposed, would be reimbursed for their actual expenses in the performance of their duty plus \$20 a day. The state board will establish local boards consisting of five members each. These boards are to be selected from volunteers who place their applications with the state board. After selection there will be established compulsory, initial and periodic inservice training programs. The local boards would review each child's case at least once every six months to determine what efforts have been made to carry out the plan for family and child rehabilitation or for the child's permanent placement. Local boards would then submit in thirty days its findings and recommendations to the court having jurisdiction over the child. These findings and recommendations would include reports on the efforts and progress made to carry out the plan for the individual child together with any other recommendation it chooses to make. Now the state board would annually review the judicial administrative data collected in foster care cases and would evaluate it. It would then disseminate this data to the judiciary, public and private agencies, Department of Welfare and to the public. The state board would also report and make recommendations to the Department of Welfare and county welfare offices. Although 714 provides lay ~~participation~~ to the judiciary, it doesn't determine who is right when those two entities have opposite opinions. When a proposed local board voices concern over the quality of administrative personnel, as I suspect they will, the solution will probably rest on the state board in some form of judicial review. Allegations have been made that some courts, having jurisdiction of foster care, are building case loads and overcrowded calendars simply by placing in their custody sons and daughters of good parents and good citizens whose only fault is a belief that parents still set household rules for their children. If this situation is prevalent and if a local review board calls attention to it, the entire state will benefit. Mr. President, I would urge the adoption of the committee amendments to LB 714.

PRESIDENT: The Chair recognizes Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, LB 714 and particularly its amended form is a valuable bill that should be passed this session. It is one of the best pieces of legislation that I've had a chance to vote on yet this far into the session because it addresses a very real need for oversight of children in the foster care system and, secondly, periodic evaluation of their continued status and their placement. I support the committee amendments and have had personal experience of children who have simply become lost in the foster care system and ultimately cannot be found with whom they reside, what their education is, what

their personal circumstances is lost to the state and is lost to the courts and hopefully LB 714 will bring this kind of situation to an abrupt and well deserved halt. I support the amendments.

PRESIDENT: The Chair recognizes Senator Marsh.

SENATOR MARSH: Thank you, Mr. President and members of the Legislature, I, too, rise to support the amendments and the bill. We need the review of foster care cases. Our concern for children, those in foster care as well as in other categories where the state has a concern and an interest, needs to have this overview mandated so that it is accomplished. No one wants to lose a child in the shuffle. No one wants a case to drift on and on but it has happened in our state. This is a piece of legislation which everyone in the State of Nebraska should welcome and certainly every member of the Legislature should support. The entire state needs this legislation, not just the big cities, not just the county seats, but all of Nebraska can benefit from this piece of legislation and it will help to ensure that our future citizens of our state are part of the ongoing answers and not adding to the problem. I urge your adoption of the committee amendments and the rapid advancement of LB 714.

PRESIDENT: The Chair recognizes Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I certainly support this bill wholeheartedly. I suspect there still needs some cleanup work on the amendments but that can be done in Select File but I want to call your attention to a couple of facts. The first thing I want to call your attention to is the fact that a senator that we normally think of as a conservative, fiscally tight senator, George Fenger, is carrying this measure and I think that that is a sign simply to all folk in the state of Nebraska that every member in this Legislature genuinely and deeply cares about the well-being of some persons in our society that are too easily forgotten and I have told a number of groups that are interested in human services who have come to me because they think I tend to support human services' issues, that they can go to any member in this body and they can tell the story of suffering and pain and travail and they will receive a sympathetic ear. And what has happened in this case quite simply is that persons who have cared for children in foster care have told their story and it is a terrible story. It is a story of how we, as a society, have tended to overlook little children who for one reason or another are removed from their parents and then brooded about a system that frankly is indifferent to their well-being. I have a

letter from a constituent, Cheryl Palmer. I know her. She and her husband have cared for foster children for a number of years. In a letter she states: "In two preschool children we had, one from district court and one from juvenile court, the frequency of moves was staggering. The juvenile court child was three and a half years old, had been in foster care eight months and we were his twelfth home. By the time we got him it was impossible to tell who had done the most damage, his parents or foster care." LB 714 is not a cure-all. It is a giant first step and I know that Senator Fenger will continue to make each giant step necessary to ensure the well-being of all children in our society.

PRESIDENT: I just might caution, we have about six minutes left on the whole bill and we're still on the committee amendments and we have several speakers. So, govern yourself accordingly. The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. President, members of the Legislature, I have a question of Senator Fenger if he would yield.

PRESIDENT: Senator Fenger, would you respond to the question from Senator Wesely? Go ahead, Senator Wesely.

SENATOR WESELY: Senator Fenger, the question I have is, I understand you will be proposing an amendment on Select File. Could you confirm that, please?

SENATOR FENGER: That is correct, Senator Wesely. I will, if I may use your time, I am having an amendment printed in the Journal today or tomorrow which more properly addresses the concerns of the Bar Association and I would ask you and all other interested senators to fit that new amendment into the bill and advise me of any concerns that you may have so that we can take proper measures on Select File.

SENATOR WESELY: Thank you. Senator Fenger and members of the Legislature, I did not vote for the advancement of this bill and although we've had great praise bestowed on this legislation by several members already, I would like to add that I do support the intent of the Legislation. Let me also add that there are some concerns still with even the most noble pieces of legislation and the concerns were expressed by the Judiciary who came before the committee and contacted me and were concerned about some constitutional questions and some provisions that were contained in the amendments and in the original bill. The bill, as brought before the Public Health and Welfare Committee, was in terrible shape. It would not have passed constitutional muster. Senator Fenger spent a great deal of time in fixing the bill up and I

think we all owe a debt of gratitude to Senator Fenger for his work and made the bill much more palatable. Unfortunately his amendments came to the committee and we had only a few minutes to review them so we didn't really know what was contained and I decided I wasn't going to support the bill at that point because I wasn't familiar with the amendments and wanted to know what they did and further reflection evidently there are still some concerns by the judiciary concerning the bill and its impacts and so on, so I'm very pleased that Senator Fenger will be amending the bill on Select File. I think it is a great thing for this body to pass legislation that will help as this will a problem that we've had in the state but we cannot get into the rush of supporting what is obviously a good cause and be unconcerned about the technical aspects of legislation and that it is properly drafted and that was my concern with this legislation and it is quite clear with Senator Fenger's efforts that he is as well concerned about the proper drafting of the bill and I think his efforts ought to be commended. I think we should all make sure that this bill is passed, does what we say it is going to do. A lot of people are counting on it. A lot of people support it and I don't want to see them disappointed with the piece of legislation that doesn't accomplish its intent and I think Senator Fenger is working very well toward that goal. So I will support the committee amendments. I will support the bill with the understanding that amendments on Select File will further refine the legislation.

PRESIDENT: The Chair recognizes Senator Higgins. The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed nay. Record the vote.

CLERK: 30 ayes, 0 nays to cease debate, Mr. President.

PRESIDENT: Debate ceases and, Senator Fenger, do you want to close on the committee amendments? And you have present...

SENATOR FENGER: In the interest of time I would merely move that LB 714 as amended be advanced.

PRESIDENT: All right, the motion now is to adopt the committee amendments, Senator Fenger.

SENATOR FENGER: I'm sorry, I move the adoption of the committee amendments.

PRESIDENT: Those in favor of adopting the committee amendments vote aye, opposed nay. Record the vote.

CLERK: 29 ayes, 0 nays to adopt committee amendments.

PRESIDENT: Motion carries. The committee amendments are adopted. Now, Senator DeCamp, or which one of you wants to handle the discussion at this point? Senator DeCamp. You have two minutes for the bill.

SENATOR DeCAMP: Mr. President, are there any speakers on the bill?

PRESIDENT: Senator Pirsch, I believe wants to speak yet. Is that right, Senator Pirsch?

SENATOR DeCAMP: She says she is...okay then, I would make a closing if that's okay?

PRESIDENT: All right then, then you will be closing if Senator Pirsch does not care to speak.

SENATOR DeCAMP: Yes.

PRESIDENT: You are closing, so go ahead.

SENATOR DeCAMP: In my two minutes let me just say I introduced this bill because I got a letter in the mail one day from a young gal that said you wouldn't believe the problems with foster children and I just wish somebody would listen and look and find out the facts. So I wrote her a letter back and I said, come on in and talk. What I found out just shocked the living shorts off of me because it is serious. We have \$13 million being spent right now in Nebraska to pay people to take care of children. A similar piece of legislation passed in two other states in the first year cut that amount by about one-third. In other words, children that could be adopted, children that could be returned to their families, children that could be more properly handled simply get into the system are lost, not one or two or ten or a hundred or a thousand but several thousands of children and they are skyrocketing upwards. We apparently have a good system to get them into the funnel, into a courtroom. We don't have any system to get them out, to get them taken care of, to get them into families and what we've been doing is simply add millions more each year on the budget to pay people to go take care of them here, there or whatever. This legislation says, hey, you know this is a big problem from a social standpoint, it needs to be corrected, but from a monetary standpoint millions of dollars can be saved immediately but above and beyond that millions of dollars in the future, a child that might end up in prison, a child that might end up not going to college, not being trained properly will get into a system where they get these things done.

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LB 714, 790

PRESIDENT: Okay, time is up. Senator Fenger, just as a matter of clearing the decks, would you, the two amendments you had on General File, do you wish to withdraw those and then the rest...

SENATOR FENGER: I'd ask unanimous consent to withdraw both the amendments if you please.

PRESIDENT: Those amendments are withdrawn so we can clear the record of that. The time is up. The question now is the advance of LB 714 to E & R initial. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 34 ayes, 0 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: The motion carries. LB 714 is advanced to E & R initial. Next bill is LB 790.

CLERK: Mr. President, LB 790 offered by Senators Duda and Beyer. (Title read.) The bill was read on January 12, referred to the Government Committee. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Government, Military and Veterans Affairs Committee.

PRESIDENT: The Chair recognizes Senator Kahle.

SENATOR KAHLE: Mr. Speaker, there are committee amendments and I would move the committee amendments but I believe in order to understand it I should give you a little bit of an outline of what the bill does and then tell you what the committee amendments are. Current law allows the State Fire Marshal to issue a statewide open burning ban when atmospheric conditions warrant it. When a ban is in effect local fire chiefs can issue permits for fires. Recently this ban has been in effect during most of the year. While under the ban fire chiefs found that they experienced a decrease in the number of false alarms they were responding to. This occurred because the departments learned about planned bonfires and field fires when the property owner applied for a permit. Thus, when a neighbor called in about a suspicious smoke, the department, knowing that it was a planned and controlled fire, did not have to charge out to investigate. LB 790 would make the statewide open burning ban statutory and permanent, irrespective of atmospheric conditions. It would preserve the system of permits granted at the local level. Now the amendment would give the local fire department or his or her designee a way to waive the open burning ban in his or her district when conditions are acceptable

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LB 890A, 686, 714, 765,
971

SENATOR CLARK: The bill is advanced. Now we will go back and take 765. Yes, read it in.

CLERK: Mr. President, very quickly, Senator Fenger would like to print amendments to LB 686 in the Journal; Senator Warner to print amendments to LB 971 in the Journal; Senator Fenger to print amendments to LB 714 in the Journal.

Mr. Presiden , LB 765 was a bill introduced by the Business and Labor Committee and signed by its members. (Read title.) The bill was read on January 11 of this year. It was referred to the Business and Labor Committee for hearing. The bill was advanced to General File, Mr. President. I do have committee amendments pending.

SENATOR CLARK: Senator Warner, for what purpose do you rise?

SENATOR WARNER: Mr. President, I just wanted to indicate I filed on behalf of the Appropriations Committee a couple of amendments to LB 970 and 971 and they will be part of a public hearing on Wednesday and Thursday. It is my only way to give some previous notice that those amendments would be offered to those bills and I just wanted to indicate that to the members.

SENATOR CLARK: Thank you. Senator Barrett, on the bill, 765.

SENATOR BARRETT: Mr. President and members, I believe the committee amendment should be taken up first, a very small technical amendment. On page 2, line 18 of LB 765, an error or one penny, the \$400.01 should have been \$400.00, an error of one penny. I would move the adoption of the committee amendment.

SENATOR CLARK: We have an amendment to the committee amendments.

CLERK: Mr. President, Senator Vard Johnson would move to amend the committee amendment to LB 765 by adding a new Section 2 which would read as follows: Strike Section 4 of LB 765 and delete 48-628 found in Section 7.

SENATOR CLARK: Senator Johnson.

SENATOR V. JOHNSON: Yes, Mr. Speaker. Mr. President, members of the body, I will ask one question. Do the same rules obtain this afternoon to this bill as obtained this morning, that is there is only fifteen minutes time allowed?

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LB 573, 633, 668, 708, 751,
875, 714, 790, 766, 890A,
579, 662, 677

SENATOR CLARK PRESIDING

SENATOR CLARK: The prayer will be given this morning by Monsignor Charles Keenan, Blessed Sacrament Church, from Lincoln.

MONSIGNOR KEENAN: Prayer.

SENATOR CLARK: Roll call.

RECORDER MALFUNCTION - (Inaudible)

The following information was taken from the Legislative Journal dated March 17, 1982.

LB 573 placed on Select File as amended. LB 633 placed on Select File as amended. LB 688 placed on Select File. LB 768 Placed on Select File as amended. LB 751 placed on Select File as amended. LB 875 placed on Select File as amended. LB 714 Placed on Select File as amended. LBs 790, 766, 890 All placed on Select File.

LB 579 was passed with the emergency clause. Vote appears on page 1211 of the Legislative Journal. 39 ayes, 0 nays, 3 present and not voting, 7 excused and not voting.

RECORDER NOW OPERATING

CLERK: Read LB 662.

SENATOR CLARK: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 43 ayes, 1 nay, 5 excused and not voting. Vote appears on page 1212 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will read LB 677.

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LB 726, 714

we have done enough now for this year and I think it is not timely to proceed with a further look at water management at this time. I think LB 375 will take care of a lot of the problems that are brought forth in LB 726. Thank you.

PRESIDENT: All right, that...we will break now for lunch, after the Clerk reads some matters in. I would just say that we have this speaking order. After lunch we are going to return to LB 726 and there are some three amendments from Senator Haberman which will be next on the discussion list. And then these names have been submitted that are in line of priority for speaking when we get back on the bill after the consideration of the amendments so that you know that the speaking order will be retained. Senator Kahle, Senator Hoagland....Senator Kahle, Senator Schmit, Senator Hoagland, Senator Howard Peterson, Senator Vard Johnson, Senator Cope, Senator DeCamp and Senator Koch. That will be the speaking order when we return to the bill after consideration of the three Haberman amendments. So we will return at that time. Mr. Clerk, do you have some matters that you would like to read into the record?

CLERK: Very quickly, Mr. President, Senator Fenger would like to print amendments to 714 in the Journal. That is all that I have. (See pages 1259 and 1260 of the Journal.)

PRESIDENT: Senator Lamb, would you tell us what time you want the Legislature to come back?

SENATOR LAMB: Mr. President, I move that we recess until 1:30.

PRESIDENT: Motion by Senator Lamb that we recess until 1:30. All those in favor of recess until 1:30 signify by saying aye. Opposed nay. We are in recess until 1:30.

Edited by Arleen McCrory.
Arleen McCrory

March 19, 1982

LB 751, 875, 714

CLERK: Mr. President, there are E & R amendment to 751.

PRESIDENT: Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendments to 751.

PRESIDENT: Motion is to adopt the E & R amendments to LB 751. Any discussion? If not, all those in favor of adopting the E & R amendments to 751 signify by saying aye. Opposed nay. The E & R amendments to 751 are adopted. Anything further?

CLERK: Nothing further, Mr. President.

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 751.

PRESIDENT: Motion is to advance LB 751 to E & R for Engrossment. Any discussion? All those in favor then of advancing LB 751 to Engrossment signify by saying aye, opposed nay. LB 751 is advanced to E & R for Engrossment. Next bill will be LB 875. Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 875.

PRESIDENT: Motion is to adopt the E & R amendments to LB 875. Any discussion? All those in favor of adopting the E & R amendments to 875 signify by saying aye, opposed nay. The E & R amendments to 875 are adopted. Anything further, Mr. Clerk?

CLERK: Nothing further, Mr. President.

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 875.

PRESIDENT: Motion is to advance LB 875 to E & R for Engrossment. Any discussion? All those in favor of advancing LB 875 to E & R for Engrossment signify by saying aye, opposed nay. LB 875 is advanced to E & R for Engrossment. The next bill is LB 714.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 714.

PRESIDENT: Senator Kilgarin moves we adopt the E & R amendment to 714. Any discussion? All those in favor of adopting

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LB 714

the amendments to LB 714 signify by saying aye. Opposed nay. The E & R amendments to 714 are adopted. Anything further, Mr. Clerk?

CLERK: Mr. President, I have, Senator, we need to treat these separately because they are printed on different pages of the Journal. Mr. President, the first amendment that I have is offered by Senator Fenger, it is on page 1174 of the Journal.

PRESIDENT: 1174? All right, the Chair recognizes Senator Fenger.

SENATOR FENGER: Mr. Chairman, fellow members, the first amendment that I offer to LB 714 is one that was promised when this bill was advanced from General File. It has been worked out between the Foster and Adoptive Parents Association and Larry Ruth, who is representing the interests of judiciary and the Bar Association. You were handed a passout shortly before noon with an explanation of them. I would move for the adoption of the amendment.

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. President, members of the Legislature, these were the concerns that I had on General File, I talked about the fact that I thought the judicial system had to be involved in this legislation, and as I understand it, these proposals do come from Larry Ruth and the judiciary and that they do represent some of the concerns that they have and so with the adoption of these amendments, which I urge you to support, the bill becomes very much an excellent piece of legislation and should be supported, so I do support the amendment

PRESIDENT: Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I didn't get a chance to see the handout and I just wondered if Senator Fenger could explain very briefly what the amendments do.

PRESIDENT: Senator Fenger, would you once again go over what the amendments do, he said he did not get a copy.

SENATOR FENGER: I'd be happy to.

PRESIDENT: Senator Fenger, proceed Senator Fenger.

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LB 714

SENATOR FENGER: There are two pages and I will see to it that you get a copy. My apologies if your desk was missed. The amendment. . .

PRESIDENT: Yes, page 1174 of the Journal, too.

SENATOR FENGER: The explanation. . .

PRESIDENT: Senator Beutler, we will give you a chance to take a look. Okay, any further discussion on LB 714? Okay, Senator Fenger, do you wish to close on your amendment? Motion is then the adoption of the Fenger amendment to LB 714. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 25 ayes, 0 nays on the adoption of the first Fenger amendment, Mr. President.

PRESIDENT: Motion carried. The Fenger amendment is adopted. Any other amendments?

CLERK: Mr. President, there is a second amendment offered by Senator Fenger. It is found on page 1258 of the Journal.

PRESIDENT: Page 1258. The Chair recognizes Senator Fenger.

SENATOR FENGER: Thank you, Mr. Chairman, fellow members, this second amendment deals with page 3, lines 7 and 10. This will take the registry out of the Department of Welfare and establish that registry in the office of the State Board. It will require that all agencies placing foster children report directly to the State Board. Hopefully this will eliminate one layer of bureaucracy. I would ask for your support in passing this amendment to enable this bill to be refined even farther so that we in the end can produce a workable piece of legislation. Thank you.

PRESIDENT: Any further discussion? Senator Beutler, did you wish to discuss this second amendment? All right, that will be your opening and closing, Senator Fenger. The question is the adoption of the second Fenger amendment to LB 714. All those in favor vote aye, opposed vote nay. Have you all voted? Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of Senator Fenger's amendment.

PRESIDENT: Motion carries, the second Fenger amendment is adopted. Any further amendments, Mr. Clerk?

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LB 714, 766, 790, 605

CLERK: Nothing further, Mr. President.

PRESIDENT: Senator DeCamp or Senator Kilgarin, do you just want to move the bill along? Senator Kilgarin, why don't you just. . .

SENATOR KILGARIN: I move we advance LB 714.

PRESIDENT: Motion is to advance LB 714 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 714 is advanced to E & R for Engrossing. Next bill is LB 790.

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

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 790.

PRESIDENT: Motion is to advance LB 790 to E & R for Engrossment. Any discussion? All those in favor of advancing LB 790 to E & R for Engrossment signify by saying aye. Opposed nay. LB 790 is advanced to E & R for Engrossment. Next bill is 766.

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

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 766.

PRESIDENT: Motion is to advance LB 766 to E & R for Engrossment. Any discussion? If not, all those in favor of advancing LB 766 to E & R for Engrossment signify by saying aye, opposed nay. LB 766 is advanced to E & R for Engrossment. Next bill is LB 605.

CLERK: Mr. President, I have no E & R amendments. Senator Koch had an amendment to the bill. I understand Senator Goodrich is going to handle it for him.

PRESIDENT: Senator Goodrich, you are handling the Koch amendment?

SENATOR GOODRICH: Yes, Mr. President.

PRESIDENT: All right the Koch amendment, Chair recognizes Senator Goodrich.

March 29, 1982

LB 522A, 605, 714, 753,
754, 760, 761, 942,
966, 967, 970, 970A

SENATOR CLARK PRESIDING

SENATOR CLARK: The Legislature will come to order. The prayer this morning by Father Edmund Placek of the Sacred Heart Catholic Church, Burwell.

FATHER PLACEK: (Prayer offered.)

SENATOR CLARK: The state officers of the Knights of Columbus are here for the occasion of the centennial of the Knights of Columbus. I think they are going to see the Governor and have him declare it that. We also have three visitors from Australia. They are under the South balcony. David McConnell, Helen McConnell, and Marilyn Handley. Would you stand and be recognized please. Senator Lamb has 7 students from Newport, Nebraska grade school, Pam Peterson, the teacher, and they are in the North balcony. Would you stand and be recognized please? Welcome to the Legislature, all of you. Roll call. Could we all check in, please. We have the Benson Republican Women's Club in the North balcony. Would you stand and be recognized please? Welcome to you to the Legislature. The Clerk will record.

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

SENATOR CLARK: Are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR CLARK: Do you have any messages, reports, or announcements?

CLERK: Yes, sir, I do, a series of things. Mr. President, your committee on Enrollment and Review respectfully reports they have examined and reviewed LB 754 and recommend that same be placed on Select File; 522A Select File; LB 942 Select File with amendments; LB 966 Select File with amendments; LB 970 Select File; LB 970A Select File with amendments; LB 761 Select File with amendments; LB 967 Select File; LB 760 Select File; LB 753 Select File. Those are all signed by Senator Kilgarin as Chair, Mr. President.

Mr. President, your committee on Public Health and Welfare offers a report on gubernatorial confirmation hearing.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 605 and find the same correctly engrossed; and LB 714 correctly engrossed.

April 14, 1982

LB 609A, 669, 669A, 714

SENATOR CLARK: That is right. I am merely following the rules of the Legislature and the Chairman of the Appropriations Committee brings me up the information which takes 25 and which takes 30. That is all up there.

SENATOR V. JOHNSON: I understand.

SENATOR CLARK: The Clerk will now read LB 669 with the emergency clause.

ASSISTANT CLERK: (Read LB 669 on Final Reading.)

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

ASSISTANT CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Record the vote.

ASSISTANT CLERK: (Record vote read. See page 1927, Legislative Journal.) The vote is 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading with the emergency clause attached. The Clerk will now read LB 669A.

ASSISTANT CLERK: (Read LB 669A on Final Reading.)

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

ASSISTANT CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Record the vote.

ASSISTANT CLERK: (Record vote read. See page 1928, Legislative Journal.) The vote is 45 ayes, 0 nays, 3 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading with the emergency clause attached. The Clerk will now read LB 714.

ASSISTANT CLERK: (Read LB 714 on Final Reading.)

April 14, 1982

LB 714, 714A, 764, 89

SENATOR CLARK: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote nay. Have you all voted? Record the vote.

ASSISTANT CLERK: (Record vote read. See pages 1928 and 1929, Legislative Journal.) The vote is 44 ayes, 2 nays, 3 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will read LB 714A.

ASSISTANT CLERK: (Read LB 714A on Final Reading.)

SENATOR CLARK: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote nay. It takes 30 votes.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: (Record vote read. See page 1929 and 1930, Legislative Journal.) 41 ayes, 4 nays, 3 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. I understand that LB 764 is to be passed over. Is that all right with you, Senator Lamb? Unanimous consent from Senator Barrett to lay it over.

SENATOR LAMB: This bill is not going to be read at all, is that correct, Senator Barrett?

SENATOR BARRETT: Yes, Senator Lamb, as far as I am concerned, the bill will not be read this year. This is not a devious effort to hold it over for any particular reason. I am surprised it is on Final Reading today. I asked the Speaker's Office that it be held earlier because of a possible flaw in the bill. It would not be in the public interest as far as I am concerned as Chairman of the committee to have the bill read today. I would like to have the interim to take another good look at this issue.

SENATOR CLARK: All right, the bill will be passed over then. LB 89.

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

SENATOR CLARK: Read the motion.

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I mean a roll call vote.

SENATOR CLARK: (Interruption) a record vote and a roll call vote.

SENATOR NEWELL: You know, I have changed my mind. I would like to have people vote for this resolution. The more I think about it, Senator Chambers has a good point.

SENATOR CLARK: Well, we are talking about a roll call vote. The Clerk will call the roll if he don't want anyone else in here.

CLERK: (Roll call vote taken. See page 1937, Legislative Journal.)

SENATOR CLARK: We can't hear anything up here at all, gentlemen, please. I just say gentlemen because the ladies are not talking. When you quiet down, then we will go ahead and call the roll. (Gavel) That helped some. Go ahead and call the roll.

CLERK: (Roll call vote continued.) 16 ayes, 12 nays, Mr. President.

SENATOR CLARK: The motion lost.

CLERK: Mr. President, the bills read on Final Reading this morning are now ready for your signature.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 89, 714, 714A, 669, 669A, 609, 609A, 604, 604A, 278, 629, 629A, 480, 568, 909, 854, 854A, 835, 757, 753, 708, 688, and 966.