CLERK: Mr. President, new bills. (Read LB 468-489 as found on pages 291-297 of the Legislative Journal.)

Mr. President, your committee on Urban Affairs gives notice of public hearing for February 4, 11 and 18, 1981.

Mr. President, the Business and Labor Committee would like to meet underneath the North balcony at 2:00 p.m.

Mr. President, Senator Chronister would like to have his name added to LB 3 as co-introducer.

SPEAKER MARVEL: No objection? So ordered.

CLERK: Mr. President, Senator Warner offers proposed rules change which will be submitted to the Rules Committee for their consideration. (See pages 298-300 of the Journal.)

Mr. President, Senator Wesely gives notice of Rules hearing scheduled for January 27.

Mr. President, Senator Hefner and Howard Peterson want to add their name to LB 278.

SPEAKER MARVEL: No objection? So ordered.

CLERK: Mr. President, I believe that is all that I have.

SPEAKER MARVEL: Senator Rumery, do you want to recess us until three-thirty?

SENATOR RUMERY: One-thirty?

SPEAKER MARVEL: Three-thirty. The motion is to recess until three-thirty. All those in favor say aye, opposed no. The motion carried. We are recessed until three-thirty.

Edited by:

Mary A. Turner

SPEAKER MARVEL: The motion is the adoption of the Beutler amendment to the committee amendment. All those in favor of the motion vote aye, opposed vote no. Have you all voted? Have you all voted? Shall the House go under Call, all in favor of that motion vote aye, opposed vote no.

CLERK: 13 ayes, 2 mays to go under call Mr. President.

SPEAKER MARVEL: The House is under Call. All Legislators should be in their seats. Record your presence. Unauthorized personnel please leave the floor. Senator Fenger, Senator Koch, Senator Cope, Senator Kilgarin, Senator Kremer, Senator Schmit, Senator Vard Johnson, Senator Sieck, Senator Landis, Senator Newell, Senator Chambers, Senator Pirsch. Do we have them all now? Senator Vard Johnson and Senator Sieck. Will all legislators please be in their seats before we start the roll call. Senator Beutler everybody is accounted except Senator Vard Johnson. He is across the street. This is a roll call vote on the Beutler amendment to the committee amendment. Are you all in your seats? Okay, call the roll.

CLERK: Roll call vote. 15 ayes, 28 nays, 1 present and not voting, 4 excused and not voting, and 1 absent and not voting. Vote appears on pages 940-941 of the Legislative Journal.

SPEAKER MARVEL: Motion lost. Do you have another item?

CLERK: Mr. President, I have certificates and letters accompanying certificates regarding the overrides of LB 206 and 206A. (See pages 941-42 of the Legislative Journal).

Your committee on Enrollment and Review respectively reports we have carefully examined LB 22 and find the same correctly engrossed, 50, 74, 89, 89A, 171, 194, 425, 475 and 500, all correctly engrossed. (Signed) Senator Kilgarin, Chair.

Your Enrolling Clerk has presented certain bills to the Governor on this day. (See page 943 of the Legislative Journal).

Have a reference report referring LB 550.

Government Committee will meet in Executive Session on Thursday at 1:30 in Room 1113.

Judiciary reports 328 to General File as amended and 477 to General File with amendment.

Public Works reports 35 to General File and LB 112 indefinitely postponed. (Signed) Senator Kremer, Chair.

relationship with all state, county and local criminal justice agencies. The reasons for this relationship is the Commissions ten years of grant activity within these agencies. Administration of their mandated training programs and that is with county attorneys, sheriff's and all other law enforcement agencies and there also is a diversified make up of commission members. The third is that this will comply with the Governor's task force recommendations which were....which you all have been given at the beginning of the year. I move that you advance LB 328.

SPEAKER MARVEL: Senator Schmit, do you have an amendment to the bill?

CLERK: Mr. President, Senator Schmit moves to amend the amendments, the request is 2281, I believe that you will find it in your bill books.

SENATOR SCHMIT: Mr. President, I want to withdraw that amendment. We are redrawing an amendment and we will offer it at a later time. I.....want to withdraw that amendment.

SPEAKER MARVEL: Any objection? Hearing none, so ordered. Do you want to move the advancement of the bill Senator Schmit? Did you move for the advancement of the bill?

SENATOR PIRSCH: I move for the advancement of 328 as amended.

SPEAKER MARVEL: All those in favor of the advancement of the bill vote aye, opposed vote no. Have you all voted? Record.

CLERK: 27 ayes, 0 mays on the motion to advance the bill Mr. President.

SPEAKER MARVEL: Okay, Senator Nichol, do you want to handle the committee amendments?

CLERK: Mr. President, LB 477 was introduced by Senator Carole Pirsch. Read title of bill. The bill was read on January 20th, referred to the Judiciary Committee and was advanced to General File. There are committee amendments pending Mr. President.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. President, members of the Legislature, in discussion on this bill Senator Pirsch requested that the Judiciary Committee attach a "victims and witnesses of crimes bill of rights". The amendment is essentially a public policy statement by the Legislature indicating the Legislature's concern for the victims and the witnesses of crimes. I move for the adoption of the committee amendment, Mr. President.

SPEAKER MARVEL: All those in favor of Senator Nichol's motion vote aye, opposed vote no. Record.

CLERK: 27 ayes, 0 mays on the motion to adopt the committee amendments, Mr. President.

SPEAKER MARVEL: Motion is carried, the amendment is adopted. Senator Pirsch, you have the floor.

SENATOR PIRSCH: Thank you Mr. Speaker. Regarding the bill 477, as many of you know I have been interested in the needs of victims and witnesses for a long time and I am a member of the national organization of victim assistance. LB 477 is a means of aiding these victims and witnesses by helping them through the criminal justice system. It does not take away any protection or safeguard that is provided the defendant under the criminal justice system. LB 477 would establish a crime victim and witness assistance fund to be administered by the Nebraska Commission of law enforcement and criminal justice. It would. . .it would use already existing centers as well as some new offices created. These centers would utilize a wide volunteer base. Where would these centers be? We have had requests and the people who testified in front of the committee were the Lancaster County Attorney, the Lincoln Police Department, the Kearney Police Department, those kind of agencies which are on the...in the forefront in dealing with victims. Who would be their wide volunteer base? I have passed out a letter from the National Jewish Council of Women who are very interested in this, incidentally this was an unsolicited letter that they sent to me, it would be these kind of groups as well as the Junior League has expressed interest in this. Statistics suggest that one in three Americans are criminally victimized each year. More than that are victimized by crims which lack precise statutory definition. Reported crime rose 9% during the first half of 1979, robbery rose 15%, forceable rape and aggrivated assault rose 11%, murder increased 9%. In a country where crime is a prevalent part of daily life and a growing source of fear and destruction, it is disturbing

that we have not been more sensitive to the needs of victims who suffer the direct consequences of that destruction. The irony is that the term "criminal justice system" depicts precisely the facet of crime in which our society has chosen to place favored emphasis, providing justice to the criminal. I also passed out a chart which shows the rights accorded the criminal and the right that a victim does not have, the injustice to the victim. While crime may be the product of social injustices, and while prevention of crime and criminal rehabilitation are important efforts in the reduction of crime, the major impact of crime on our society can not be allogiated by the traditional functions of the criminal Justice system. When that prevention fails, the problem of crime becomes the problem of the victim. Victims of crime suffer a violation of individual privacy and dignity. They feel humiliated, violated and afraid. Their security is shattered. This trauma is often compounded by the treatment of the victim in the criminal justice system. 60% of all criminal case dismissals result from a loss of cooperation from key witnesses who become disenchanted with the criminal justice system. This was testified to at a public hearing. at our public hearing by both Mrs. Marele Young Rafi who is president of the Mational Organization of Victim Assistance and Ron Lahners the Lancaster County Attorney. LB 477 would promote cooperation and create more trust in the system by helping the victim and the witness through the process. Presently victims are not even informed of the course of the investigation by law enforcement agencies. They are not notified that the defendant has been released from custody. They are not told of the progress of a case or notified of any proposed plsa bargaining, which has become a way of life in our courts. Witnesses are often not informed of changes in the court calendar and they come to the courthouse for unnecessary trips. Then they are forced to find seats near the friends and relatives of the offender that they come to testify against. They must look at the offender throughout their stay in the court room. These witnesses should be able to wait in other rooms until their turn to testify. Volunteers would work with the criminal justice agencies as well as with the victims and witnesses. They will try to sensitize the personnel of the agencies to the needs of victims and witnesses. Victims and witnesses have been overlooked to long. For the reasons mentioned previously, LR 477 should be passed. People need to regain confidence in the criminal justice system. Until that happens, many crimes will either

go unreported or people will refuse to testify. These will cause, this will cause crime to increase and our problems to multiply. I ask you to please advance LB 477 as amended.

SPEAKER MARVEL: Senator Schmit, do you want the floor?

SENATOR SCHMIT: Mr. President and members of the Legislature I rise in support of LB 477. I think that this is a continuation of some of the work that was started some time ago. I think Senator Pirsch has taken a lot of trouble and gone to a certain...a lot of effort to put this bill together. I think it backs up the Crimes Reparations Act. I think it represents a new look towards the treatment of the victims of crime. All to often we find ourselves in a situation where the victim of the crime is the forgotten person. It seems to me, and I concur entirely with Senator Pirsch, that we as a society owe something to that victim of the crime and this, although it is a small step, it is a significant step in the right direction and hope that you will advance the bill and that it will become law.

SPEAKER MARVEL: Senator Wesely.

SENATOR WESELY: Mr. Speaker, I would like to ask Senator Pirsch some questions about the bill.

SPEAKER MARVEL: Senator Pirsch, do you yield?

SENATOR PIRSCH: Yes, I'm sorry.

SENATOR WESELY: I would like to know for instance the bill of rights for victims and witnesses, where did that originate? Is that model rights statement or is that something put together locally?

SENATOR PIRSCH: This is patterned after a model national victims and rights, but we did alter it slightly to fit Nebraska and what I believe Nebraska's wishes are.

SENATOR WESELY: Are other elements of the bill taken from other statutes in other states or have you looked at other states programs to try and identify what you are proposing here?

SENATOR PIRSCH: Yes.

SENATOR WESELY: So what you have could be considered drafted from model legislation?

LB 477, 291, 311, 355, 56, 157, 157A, 158, 200,243, 280, 371, 407, 4.7, 427A

SENATOR PIRSCH: Okay, ther are. . . .

SENATOR WESELY: Or based on what sort of effort did you. . . .

SENATOR PIRSCH: There are three states which presently have about the same thing, Wisconsin, California and I'll look up the other one, Connecticut.

SENATOR WESELY: Okay, thank you. I would just like to rise in support of the bill. I think that clearly this is an effort that needs to be undertaken by the State of Nebraska that for to long we have ignored the problems that have been experienced by our witnesses and victims of crime and certainly want to commend Senator Pirsch for her efforts in this area. It seems to me that the bill is a step in the right direction.

SPEAKER MARVEL: Senator Pirsch, do you wish to close?

SENATOR PIRSCH: Yes, thank you Mr. Speaker, I'll close just by saying that I am proud to have had Nebraska in the forefront in helping other victims and I think that this will be a continuation of our sincere desire to help those victims and witnesses in the criminal justice system. I urge your passage of 477.

SPEAKER MARVEL: The motion is to advance the bill, 477, all those in favor of advancing the bill vote aye, opposed vote no. Have you all voted? Record.

CLERK: 27 ayes, 0 mays on the motion to advance the bill Mr. President.

SPEAKER MARVEL: Motion is carried, bill is advanced.

CLERK: Mr. President, you Enrollment Clerk respectfully reports that she has presented to the Governor LBs 291, 311, 355 and 56.

Committee on E & R respectfully reports that we have carefully examined and re-engrossed LB 290 and find the same correctly engrossed. 157, 157A, 158, 200, 371, 407, 280, 427 and 427A, all corrected engrossed. (signed) Senator Kilgarin, Chair.

Senator Schmit would like to print amendments to LB 243 in the Journal, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Chaplain for today is Edith Young, Assistant Minister of First Christian Church of Lincoln.

PASTOR EDITH YOUNG: Prayer.

SPEAKER MARVEL: Would you please record your presence? Okay record.

CLERK: Quorum present Mr President.

SPEAKER MARVEL: Okay, item number three.

CLERK: Mr. President your committee on Enrollment and Review respectfully reports that we have carefully examined LB 296 and recommend the same be placed on Select File, 328 Select File with amendments, 477 Select File with amendments, 35 Select File with amendments. (signed) Senator Kilgarin, Chair.

Mr. President, a letter from the Governor to the Clerk regarding LB 351. (See page 1365 of the Legislative Journal).

Mr. President LB 72 and 205 are ready for your signature.

STEAKER MARVEL: While the Legislature is session and capable of transaction business, I am about to sign and do sign re-engrossed Legislative Bill 72, re-engrossed LB 205.

The Clerk will read a letter from the Governor's office. Can I have your attention for just a minute. The Clerk will read a letter from the Governor's office. In order to have it distributed to you somebody's signature needed to be on the letter, my signature or initials are there. That does not necessarily mean an endorsement, it is simply a convenience for the members of the Legislature.

CLERK: Read letter from Governor Thone. See Legislative Journal pages 1366-68.

concern, again I would like to ask Senator Schmit a couple of questions, but we are shifting these functions now to the Nebraska Commission of Law Enforcement and Criminal Justice. I think that has been primarily federally funded, is that correct, to date, Senator Schmit?

SENATOR NICHOL: Senator Schmit, will you respond?

SENATOR SCHMIT: I am not an expert on that, certainly, but I would believe you are right, Senator.

SENATOR BEUTLER: I guess my question is this. It seems to me that that commission, if I am remembering correctly, is almost exclusively federally funded and we are going to go into a period now where a large amount of those federal funds may be at jeopardy. In other words, most of the functions of that agency may be ended in the next two or three years if those funds are cut off which there is a good chance they will be. If that is the case, then it appears to me that perhaps we are shifting functions to them which will have the effect of perpetrating a separate agency which may otherwise go out of being in a couple of years, and if it is true that most of these federal funds may disappear, might we not be wiser to leave these commissions and agencies where they are right now and see what happens with the federal funds so that we are not sitting there with an agency that has only one or two functions in three or four years?

SENATOR SCHMIT: If I may answer, the agency, regardless of what happens to the Crime Commission, you are going to have a Jail Standards Board and it exists as a board, an appointed board. You can wipe out the Crime Commission and you are still going to have a Jail Standard Board. You don't wipe that out along with it. At the present time, the location of the staff is all we are changing, its location. There is no jurisdiction of the Crime Commission over the Jail Standards Board. They are an independent board.

SENATOR BEUTLER: Okay, thank you, Senator Schmit.

SENATOR NICHOL: The motion is to advance the bill. All those in favor vote aye, opposed no...say aye, opposed no. Those in favor say aye, opposed nay. The bill is advanced. We will go on to LB 477.

CLERK: Mr. President, I have E & R amendments to LB 477.

SENATOR NICHOL: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 477.

SENATOR NICHOL: All those in favor say aye, opposed nay. They are adopted.

CLERK: I have nothing further on the bill, Senator.

SENATOR KILGARIN: I move LB 477 be advanced to E & R for engrossment.

SENATOR NICHOL: All those in favor say aye, opposed nay. It is advanced.

CLERK: Yes, sir, Mr. President.

April 23, 1981

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by Pastor Orin Graff, United Presbyterian Church, North Bend, Nebraska.

PASTOR GRAFF: Offered prayer.

SPEAKER MARVEL: Roll call. Would you please record your presence. Record.

CLERK: Quroum present Mr. President.

SPEAKER MARVEL: Do you have any items you want to . . .

CLERK: Mr. President, a communication addressed to the Clerk regarding LB 173. Letter appears on page 1527 of the Legislative Journal.

Mr. President, your committee on Enrollment and Review respectfully reports they they have carefully examined LB 95 and recommend the same be placed on Select File with amendments, 541 Select File, 360 Select File with amendments, 506 Select File with amendments, 266 Select File with amendments, 266A Select File, 545 Select File with amendments, all signed Senator Kilgarin, Chair.

Mr. President, your committee on Enrollment and Review respectuflly reports that they have carefully examined engrossed Legislative Bill 35 and find the same correctly engrossed, 249 correctly engrossed, 477 correctly engrossed and LB 132 correctly re-engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, a new resolution LR 60 by Senators Koch and Wagner. Read LR 60. That will be laid over.

Mr. President, finally LR 57, 58 and 59 are ready for jour signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LR 57, LR 58, and LR 59.

We have some guests visiting us today and before we get started on other business, from Sidney, Australia underneath the north balcony visiting the Legislature today, Mr. Mon Khamis, Will you please stand so that we can recognize you. Reading? Those in favor vote age, opposed vote no. Have you all voted? Have you all voted? Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 1607 of the Legislative Journal.) The vot is 41 ayes, nays, 2 excused and not voting and 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 243.

ASSISTANT CLERK: (Read Lb 249 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the till pass: Those in favor vote aye, opposed vote no. LF 249 on Final Reading. Have you all voted? Record the vote.

ASSISTANT CLERK: (Real the record vote as found on rase 1608 of the Legislative Journal.) The vote is 33 ayes, 11 nays, 2 excused and not voting, 3 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. There has been a request to lay over LB 477. Senator Pirsch, do you have any comments you want to make:

CENATOR PIRSCH: Thank you, Mr. Speaker, I do ask that we lay over 477. I have been informed that it does require an A bill, although it is not over the \$50,000 that I thought was necessary to require an A bill. So I will get that in the works immediately and ask you to indulge the lay-over of this cill at the present time.

SPEAKER MARVEL: Hearing no objection, we will pass over the bill. Okay, the Blerk has some items to read in and then we will go to Beleat File.

CLERK: Mr. President, Monator Carsten would like to print amendments to LB 284A. (See page 160) of the Legislative Journal.)

Mr. President, your Enrolling Clerk has presented to the Governor for his approval LB 486, 478, 298 and 241.

Mr. President, Miscellaneous Cubjects will have a meeting at twelve noon in Room 2102.

Mr. President, Senator Eurrows would like to print amendments to LB 184. (See page 1609 of the Legislative Journal.)

Since this was printed as a Final Reading bill and it has been returned now, it is going to have to be reprinted again. So I just call that to your attention and I want it made a matter of record. Thank you.

SPEAKER MARVEL: The motion is to readvance the bill. All those in favor of that motion say aye, opposed no. All in favor of the motion vote aye, opposed no. Have you all voted? Record the vote.

CLERK: 28 ayes, 7 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: Motion is carried. The bill is advanced. On Final Reading. LB 477. The Clerk will read.

CLERK: Mr. President, if I may right before that, Senator Warner would like to have a meeting of the Special Legislative Working Group on Federal-State-Local Fiscal and Program Policy.

Senator Beutler moves pursuant to Rule 6, Section 11, to override the Governor's veto of LB 12.

I have an Attorney General's opinion addressed to Senator Wesely on LB 561; and Senator Schmit on LB 184.

And I have a report, Mr. President, of session employee expense to be inserted in the Journal. (See page 2181.)

(Read LB 477 on Final Reading.)

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

CLERK: (Record vote read. See page 2182, Legislative Journal.) 43 ayes, 4 nays, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read LB 477A.

CLERK: (Read LB 477A on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 477A . Have you all voted? Record the vote.

May 21, 1981

LB 389, 396A, 548, 556A, 257, 257A, 273, 273A, 346, 477, 477A, 497, 529, 529A, 541, 541A, 561

389 and find the same correctly engrossed, 396A correctly engrossed, 548A correctly engrossed, 556A correctly engrossed. All signed by Senator Kilgarin.

Mr. President, your legislative bills 273, 273A, 346, 257, 477, 541, 541A, 497 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I'm about to sign, and do sign, LB 273, re-engrossed LB 273A, re-engrossed LB 346, re-engrossed bill 257, engrossed LB 257A, engrossed bill 477, engrossed LB 477A, engrossed LB 541, engrossed LB 541A, engrossed LB 497, engrossed LB 529, engrossed 529A.

We are still under item number five, motions, and the Clerk will read the next motion.

CLERK: Mr. President, Senator Newell has the next motion, but he has not yet arrived.

Mr. President, Senator Fowler and Vard Johnson have a motion I understand they want to withdraw.

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: There will be an effort to return the claims bill so I think we will try that avenue again. So, I'll ask unanimous consent to withdraw this motion to override the veto on public transit.

SPEAKER MARVEL: Hearing no objections so ordered.

CLERK: Mr. President, the next one I have then is from Senator Chambers. Senator Chambers would move to override the Governor's line item veto of the ADC appropriation contained in LB 561.

SPEAKER MARVEL: Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature this is an issue which we have discussed from time to time this session. It is one of those highly emotional matters and it is difficult to handle an emotional manner in an unemotional fashion. But on the chance that I Lay get carried away in trying to maintain my cool, I'm having sent around to you a one sheet statement of what it is that I am attempting to do. The amount of money which is involved and the

PRESIDENT: LB 360 passes and that will conclude Final Reading for today. Do you have any matters to read in, Mr. Clerk, at this point?

CLERK: Very quickly, Mr. President, I have two Attorney General's Opinions, the first addressed to Senator Beutler regarding LB 352, and one to Senator Howard Peterson on LB 512. Both will be inserted in the Journal. (See pages 2250 through 2253 of the Legislative Journal.)

Mr. President, I have a letter from the Governor addressed to the Clerk. (Read letter regarding LBs 477, 477A and 316 as found on page 2254 of the Legislative Journal.)

PRESIDENT: We are ready then, Mr. Clerk, for General File. Thirty minute limit. Mr. Speaker, do you want to say anything at this time about the limits on General File and General File position. I recognize Speaker Marvel.

SPEAKER MARVEL: I think that this is to encourage people to understand that we are practically down to the end of the line and that they should treat things accordingly. That's...in other words, we can't force that issue but we can encourage it.

PRESIDENT: All right, we are ready then, Mr. Clerk, for LB 448.

CLERK: LB 448 was introduced by the Performance Review and Audit Committee and signed by its members. (Read title.) The bill was originally read on January 20 of this year. At that time it was referred to the Public Health and Welfare Committee for hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending.

PRESIDENT: The Chair recognizes Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, first of all I guess I would not believe that this is a piece of legislation that has to be enacted in this session of the Legislature and I was quite surprised to see that the bill was place on the agenda. I personally would hope that we would simply pass over the bill until next year, and I guess at this point in time I would simply offer....well, I guess we will process it and see. But I really see absolutely no reason to process LB 448 in this session of the Legislature. But I should address at this point in time what the committee amendments do. The committee amendments to the bill delete the 16 hours of