

January 18, 1990

LB 37, 50, 159, 259A, 409, 422, 465  
503, 503A, 543, 662, 742, 953, 1220-1242  
LR 8, 244, 245

not, the question is the advancement of the A bill. All those in favor vote aye...say aye. Opposed nay. It is advanced. Mr. Clerk, do you have anything for the good of the cause?

CLERK: Mr. President, I do. Mr. President, your Committee on Retirement Systems, whose Chairperson is Senator Haberman, to whom was referred LB 953, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File. That is signed by Senator Haberman. (See page 397 of the Journal.)

Mr. President, I have a series of hearing notices from Judiciary Committee, Appropriations Committee, Health and Human Services and Revenue, all signed by the respective chairs.

Mr. President, Senator Kristensen has amendments to LB 159 to be printed. Enrollment and Review respectfully reports they have carefully examined and reviewed LB 37 and recommend that same be placed on Select File; LB 742, LB 662, LR 8CA, LB 50, LB 543, LB 422, LB 409, LB 503, LB 503A, and LB 465 all to Select File, some of which have Enrollment and Review amendments attached. (See pages 398-408 of the Legislative Journal.)

Mr. President, new bills. First of all, Mr. President, two constitutional amendments, LR 244, offered by Senator Schmit. And LR 245 offered by Senator Hefner. (Read brief summary of resolutions. See pages 408-11 of the Journal.)

Mr. President, new bills. (Read LBs 1220-1242 by title for the first time. See pages 411-17 of the Legislative Journal.)

Mr. President, reminder, Reference Committee will meet at three-thirty today in Room 2102, Reference Committee at three-thirty in 2102. A final reminder, Mr. President. Chairmen's meeting tomorrow morning at nine...I'm sorry, at eight-fifteen in Room 2102, Chairmen's meeting, eight-fifteen, in 2102. That's called by the Speaker. That is all that I have, Mr. President.

PRESIDENT: I understand that we have 434 new bills introduced this year. This is the last day, of course. So you might be interested in that. Senator Baack, you're close to your microphone, would you like to adjourn us until nine o'clock tomorrow morning, please.

January 19, 1990

LB 272A, 1117, 1135, 1172-1242  
LR 242-245

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We are happy to have with us this morning as our Chaplain of the day, Mr. Gerry Harris, who is the Executive Secretary of the Gideons, and lives in Lincoln. Would you please rise for the invocation.

MR. GERRY HARRIS: (Prayer offered.)

PRESIDENT: Thank you, Mr. Harris. We appreciate your coming and giving us the benediction, not the benediction, the invocation this morning. Roll call, please.

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Thank you. Do you have any messages, reports, or announcements?

CLERK: Mr. President, I have a Reference Report referring LBs 1172-1242, and LRs 242-245, signed by Senator Labedz, as Chair of the Reference Committee. Senator Coordsen gives notice of hearing for the Business and Labor Committee for February 5 and January 29. (Re: LB 1135, LB 1117.)

I have a report of registered lobbyists for the week of January 18, and, Mr. President, an Attorney General's Opinion addressed to Senator Landis regarding LB 272A. (See pages 421-24 of the Legislative Journal.) That is all that I have, Mr. President,

PRESIDENT: We will move on, Senator Lamb, are you in position to handle that confirmation report. Okay.

SENATOR LAMB: Mr. President, and members, I would offer to the body the confirmation report for Mr. Myers.

CLERK: Senator, yeah, Lawrence Myers, the Nebraska Power Review Board.

SENATOR LAMB: Yes, Mr. Myers appeared before the Natural Resources Committee about two days ago and he is a reappointment. He was appointed, I believe, late last year and there was no opposition to his reappointment, and the committee voted unanimously to recommend that Mr. Myers be appointed to

February 15, 1990      LB 688, 855, 896, 918, 924, 930, 940  
969, 970, 972, 974, 1016, 1017, 1055  
1094, 1115, 1118, 1222

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning, as our Chaplain of the day, Pastor Sid Raymond of the Florence Presbyterian Church in Omaha. Would you please rise for the invocation.

PASTOR RAYMOND: (Prayer offered.)

PRESIDENT: Thank you, Pastor Raymond, we appreciate your being here and giving us the invocation this morning. Please come back. Roll call, please.

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Mr. Clerk, any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 896 and find the same correctly engrossed, LB 918, LB 924, LB 930, LB 940, LB 969, LB 970, LB 974, LB 1016, LB 1017 and LB 1118 all reported correctly engrossed, those signed by Senator Lindsay as Chair. (See page 799 of the Legislative Journal.)

Mr. President, an Attorney General's Opinion addressed to Senator Elmer regarding LB 1115. (See pages 800-06 of the Legislative Journal.)

Priority bill designations. Senator Lindsay has selected LB 688, Senator Hartnett LB 1222, Senator Haberman LB 1094, and Agriculture Committee, chaired by Senator Johnson, has selected LB 855 and LB 972 and Senator Goodrich has selected LB 1055. (See page 806 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Very good, thank you. We'll go on to the confirmation report.

CLERK: Mr. President, the Health and Human Services Committee, chaired by Senator Wesely, reports on the series of appointments

February 16, 1990      LB 159, 163, 594, 656, 854, 989, 1018  
1020, 1072, 1073, 1099, 1146, 1153, 1179  
1221, 1222

problem. Thank you.

SENATOR LABEDZ: Thank you, Senator Wehrbein. Senator Schmit. Senator Schmit, on the Hefner amendment. Mr. Clerk, do we have anything for the record before we adjourn?

CLERK: Madam President, your Committee on Banking, Commerce and Insurance whose Chair is Senator Landis, to whom was referred LB 1072 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; LB 1073, General File, with amendments; LB 1153, General File with amendments. (See pages 851-52 of the Legislative Journal.)

Madam President, a couple of announcements. The Revenue Committee will meet in Executive Session; Revenue Committee, Executive Session in Room 1520 upon adjournment; Revenue upon adjournment in Room 1520.

Mr. President, a series of priority bill designations. Senator Wesely has selected LB 989; Senator Lamb, LB 1020 as one of the Transportation Committee priorities; Senator Lynch, LB 1146; Senator Nelson, LB 656; Senator Abboud, LB 1018; Senator Lowell Johnson, LB 594; Senator Hannibal, LB 1221; Senator Schmit, LB 854 as his personal priority, and LB 1099 and LB 1179 as committee priorities.

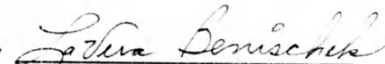
Mr. President, Senator Beyer would like to add his name to LB 159, an amendment; and Senator Beck to LB 1222. That's all that I have, Madam President.

SENATOR LABEDZ: Thank you, Mr. Clerk. Senator Langford, you have a motion up at the desk to adjourn. Would you like to make that motion, please.

SENATOR LANGFORD: Madam President, I move we adjourn until Tuesday, February the 20th at 9:00 a.m.

SENATOR LABEDZ: Thank you, Senator. We are...all those in favor say aye. Opposed. We are adjourned.

Proofed by

  
LaVera Benischek

February 23, 1990      LB 313, 664, 666, 757, 869, 925, 948  
949, 956, 980A, 1068, 1089, 1111-1113, 1132  
1162, 1222, 1233

motor vehicles, motor vehicle driver program by 30,000 for Fiscal Year 1990-1991. With that, I would ask your adoption.

PRESIDENT: Thank you. Any further discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 980A.

PRESIDENT: LB 980A is advanced. Something for the record, Mr. Clerk, please.

CLERK: Mr. President, thank you. Senator Wesely has amendments to LB 1113 to be printed; Senator Hall to LB 313. Health and Human Services Committee reports the following: LB 1222 to General File with amendments and LB 664, LB 666, LB 757, LB 948, LB 1068, LB 1089, LB 1111, LB 1112, LB 1132, LB 1162, LB 869, LB 925, LB 949 and LB 1233, all of those reported indefinitely postponed. Signed by Senator Wesely as Chair of the committee, Mr. President. That's all that I have at this time. (See pages 968-74 of the Legislative Journal.)

PRESIDENT: We'll move on to LB 956, please.

CLERK: Mr. President, 956 is on Select File. The first order of business are adoption of the...or consideration, I should say, of Enrollment and Review amendments.

PRESIDENT: Senator Landis, can you handle that, please?

SENATOR LANDIS: I move the adoption of the E & R amendments.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. They are adopted.

CLERK: Mr. President, the first amendment I have to the bill is by Senator Conway. Senator, this is your amendment that is on page 569 of the Journal.

PRESIDENT: Senator Conway, please. Do you wish to have it withdrawn? It is withdrawn.

CLERK: Mr. President, the next amendment I have to the bill is by Senator Wesely and Schmit. I have a note on here, Senator,

March 1, 1990

LB 163A, 579, 642, 830, 831, 834, 888  
917, 932, 938, 946, 954, 978, 987  
987A, 989, 994, 994A, 1037, 1067, 1077  
1102, 1178, 1222

PRESIDENT: Okay, Senator Rod Johnson.

SENATOR R. JOHNSON: Mr. President and members, there was some confusion about whether the A bill or at least Senator Schimek's amendment was necessary. But I think, with the adoption of my earlier amendment this morning, it clarifies a lot of those problems. And, in talking with my legal staff who has talked with the Fiscal Office, they seem to feel there is no need for any amendments to the A bill and the A bill should stay as it's currently written. So I would just move for the bill's advancement.

PRESIDENT: Thank you. Senator Morrissey, please. No. Did you wish a closing, Senator Rod Johnson? The question is the advancement of the A bill. All in favor vote aye...say aye. Opposed nay. It is advanced. Things for the record, Mr. Clerk?

CLERK: Mr. President, Enrollment and Review respectfully reports they have carefully examined and reviewed LB 579 and find the same correctly engrossed; LB 830; LB 831; LB 834; LB 888; LB 917; LB 932 and LB 938, LB 946; LB 954; LB 978, LB 987, LB 987A, LB 994, LB 994A, LB 1037, LB 1067, LB 1077, LB 1102 and LB 1178, those all reported correctly engrossed, Mr. President.

Senator Ashford has amendments to LB 642 to be printed; and Senator Smith to LB 1222. (See pages 1074-78 of the Legislative Journal.)

Government Committee reports LB 989 to General File, Mr. President. That's all that I have.

PRESIDENT: Senator Byars, please.

SENATOR BYARS: I would move we would recess until one thirty this afternoon.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty.

RECESS

March 2, 1990

LB 1136, 1222

PRESIDENT: Thank you. The question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: 26 ayes, 0 nays on the motion to advance the bill, Mr. President.

PRESIDENT: The bill is advanced. LB 1222.

ASSISTANT CLERK: LB 1222 was introduced by Senator Hartnett and a number of other members. (Read title.) The bill was read for the first time on January 18th, was referred to the Health and Human Services Committee. That committee reports the bill back to General File with committee amendments, Mr. President. (Standing Committee amendments appear on page 971 of the Legislative Journal.)

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. President, members of the Legislature. LB 1222 deals with the Foster Care Review Board and their ability to have standing in court. The committee did hear the bill and found some need for some amendments. First off, Section 2 and Section 3 are stricken from the bill. It was felt that those particular sections caused some problems and were not necessary, and so it was felt that they needed to be stricken from the bill. We did....Those deal with access to domestic violence records, and there were some restrictions about that access that would have been violated by those sections of law. We also, on child abuse and neglect reports, and the access provided to the Foster Care Review Board would not include the names of the persons that made the reports. This is to protect those individuals that might turn in individuals for child abuse or neglect. And so we wanted the Foster Care Review Board to have access to those reports, but we didn't want them to necessarily know who it was that turned in those individuals, so we wanted to maintain that confidentiality. We also required guardian ad litem to file reports at disposition hearings, which would be every six months. Currently they aren't required to have any written report. And it was felt that it would be advantageous to, on that regular basis, have those reports to review. That particular element, I talked to Senator Hartnett with, and there are some concerns with. I'd prefer at this time to adopt that

as a worthy amendment that the committee, I believe, feels strongly about, and at the same time recognize that there may be some cost factors. So we'll work with Senator Hartnett perhaps in looking at that further with the judicial branch. We also require the Foster Care Review Board to provide reasons for its recommendations, whenever they make recommendations dealing with disposition of a foster care case. This would require them to provide some reasoning for that recommendation. In addition, the Department of Social Services is given the ability to access local subdivisions of government when those records they seek affect a child who is receiving services from the department, this is an equity issue that they requested that we put into the bill. I think they are good amendments, and I would move the committee amendments, Mr. President.

PRESIDENT: Mr. Clerk, you have an amendment to the amendment?

ASSISTANT CLERK: Yes, I do, Mr. President. The first amendment to the committee amendments is from Senator Wesely. Senator, this is AM2789. (Wesely AM2789 appears on page 1129 of the Legislative Journal.)

PRESIDENT: Senator Wesely, your amendment to the committee amendments.

SENATOR WESELY: Is that in the Journal?

ASSISTANT CLERK: No, sir.

SENATOR WESELY: I don't have a copy of that. Can I....

PRESIDENT: We'll bring it back to you.

SENATOR WESELY: Yes, thank you. This was brought to me by the Supreme Court, Judicial Administration Office. There was a technical question regarding, on page 3, lines 8 and 11, after "dispositional" they want to insert "or review". It merely is a clarification for them, and I would move its adoption as an amendment to the committee amendments.

PRESIDENT: Okay. Senator Hartnett, did you wish to talk about that amendment to the amendment?

SENATOR HARTNETT: I want to talk about the committee amendments.



PRESIDENT: Okay. The question at the moment is the adoption of Senator Wesely's amendment to the committee amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: 17 ayes, 0 nays on the amendment to the committee amendments, Mr. President.

PRESIDENT: The Wesely amendment to the committee amendment is adopted. Any other amendments to the committee amendments? If not, we're back on the committee amendments. Senator Hartnett.

SENATOR HARTNETT: Mr. President, members of the body, I rise to support the committee amendments. I think that I...that there are some questions about a couple amendments. And I think, like Senator Wesely said in his opening on the committee amendments, we'll look at those two parts, because it was simply brought to us at the last minute, and we may try to look at them and their costs and so forth as it affects county judges. And we'll look at them before it comes up on Select File. So, with that, I simply would support the committee amendments at this time. And I think it was something...I think what the Human Service Committee has done with this has been good to bring these amendments to the bill. So, at this time, I'll support the committee amendments.

PRESIDENT: Mr. Clerk, I understand we have an amendment from Senator Coordsen.

ASSISTANT CLERK: Mr. President, I do have an amendment to the committee amendments from Senator Coordsen. Senator Coordsen is temporarily excused.

PRESIDENT: Is anyone authorized to handle the Coordsen amendment to the committee amendment? Senator Wesely, would you like to...oh, here is Senator Coordsen. Excuse me, Senator Wesely, we'll back up just a notch here. Senator Coordsen, you have an amendment to the committee amendments.

SENATOR COORDSEN: I want to pass over that amendment at this time. I'll have it pulled and I'll reintroduce it on Select.

PRESIDENT: All right, thank you. Now we're back to the advancement of the committee amendment. Senator Wesely, again.

SENATOR WESELY: Thank you, Mr. President, members. Again, I appreciate very much Senator Hartnett and Senator Coordsen's interest. And we do plan to sit down and discuss some of there concerns. I move the adoption of the amendments.

PRESIDENT: Thank you. The question is the adoption of the committee amendments. All those in favor vote aye, opposed nay. Senator Wesely.

SENATOR WESELY: I think everybody has voted that is here, probably. Oh, good.

PRESIDENT: Senator Wesely, we need one more vote. I inadvertently pushed the aye button up here and I voted for Senator Barrett, and I'm trying to get one more, so...

SENATOR WESELY: Oh, either one of them would vote for it anyway.

PRESIDENT: ...that one doesn't count, and they can't take it off the board. (Laugh.)

SENATOR WESELY: Oh, shoot!

PRESIDENT: I'm awfully anxious to vote it looks like.

SENATOR WESELY: "Senator" Radcliffe wants to give us a vote here. (Laughter.) All right, I'll...I'll...I'll...geez, I'll move for a call of the house, I guess.

PRESIDENT: Okay, thank you. The question is, shall the house go under call? All those in favor vote aye, opposed nay. Call in votes are authorized. Please record your presen...all in favor....Okay.

ASSISTANT CLERK: Senator Beyer voting yes.

PRESIDENT: Okay, record, Mr. Clerk.

ASSISTANT CLERK: 25 ayes, 0 nays on the adoption of committee amendments, Mr. President.

PRESIDENT: Thank you. Raise the call. Now we're back on the advancement of the bill. Senator Hartnett.

SENATOR HARTNETT: Mr. President, members of the body, I'd like to introduce this bill, the Foster Care Review bill. This is kind of a time....I'm going around again with an issue, I think it's a good issue that we need to address within the state. I think a handout has been provided to you dealing with the different sections of LB 1222. Section 1 provides express statutory authority for the State Foster Care Review to access child protective services records on children in foster care placement. Section 2, and Section 3 were deleted by the committee amendments. Section 4 provides that the State Foster Care Review Board may participate in proceedings concerning juvenile and foster care placement, as provided in Section 11 of this bill. Also, in Section 4 provides that written findings or recommendation of State Foster Care Review are admissible in juvenile court proceedings involving a juvenile in foster care placement. Also, this section provides members of the state and local boards and their agents and employees participating in the...in an investigation of juveniles limited immunity from civil liability for other than maliciously false statements. Section 5 redefines the term "foster care placement" in the Foster Care Review Act to include children that are status offenders in foster care. Section 6 provides authority for the State Foster Care Review Board to contract for services as well as to employ people. Section 7 requires that the State Foster Care Review Board adopt rules and regulations to determine the appropriateness of requesting a review hearing. Section 8 provides an early review of children in foster care placement by eliminating the requirement that review be scheduled once every six months after the first six months of foster care review. Section 8 also requires that reports to the court include a finding as to whether there is a need for continued out-of-home placement, and whether the current placement is appropriate; provides basic statutory authority to the Foster Review Board. Section 9 provides the child...the right of the state board to require records regarding the child in foster care for any public official or employees of political subdivisions, such as schools. Section 10 provides that violation of rules and regulations of the State Foster Review Board and confidentiality requirement will constitute a Class III misdemeanor. And the key provision is number 11, provides that courts review of dispositional orders of a court regarding a child in foster care be made at least once every six months, instead of once a year. It requires that the review hearing in the foster care review case be made on record. Recommends that shall

include...recommendation of the state or local board shall be included in the record. Also, within this Section 11, a review hearing may be held once every...more than every six months, and may be held at any time after placement of the child, if it is requested in writing by the state board, with accompanying statement of reasons for calling the review. Members of the state board or its designated representative may attend and be heard in any hearing conducted, and may participate in a review through counsel, with the right to call and cross-examine the witnesses and present arguments in the case. The final section provides a notice of review hearing and the right to participate is to be provided to the State Foster Care Review Board. That is the substance of the bill. With that, I would answer any questions, or simply ask for the advancement of the bill.

PRESIDENT: Okay. Thank you. Mr. Clerk, I understand that we have an amendment.

ASSISTANT CLERK: Yes, Mr. President. The first amendment I have to the bill is from Senator Smith. That amendment is on page 1076.

PRESIDENT: Senator Smith, please.

SENATOR SMITH: Thank you, Mr. President. Members of the body, if you'll look in your books, on page 1076, Journal page 1076, you'll see a printed copy of what was originally LB 290. LB 290 was a bill which was heard last year in the Health and Human Services Committee. It was passed out of committee with no dissenting votes. It was supported by such groups as...in fact it was brought to me by Voices for Children. And it's been a long time priority for the Foster Care Review Board, and it was supported by the Department of Social Services. And I wanted to inform you that in addition to that, last year the Governor included, in her State of the State address, the concern about foster care training and included in her budget a funding proposal for that. What I would like to do is just give you a quick run down of what the bill originally had in it, and which it still does, except that now it would contain, of course, the provisions that were the committee amendment. So what the bill now becomes is a bill that would require persons licensed to provide foster care to receive foster parent training before they could be licensed, and they have to do that then on an annual basis thereafter. Presently, there are no training requirements. Then...and the amount of training that they would

need to have would range somewhere between 12 to 24 hours, and that would be based upon the requirement by the Department of Social Services. It would also require the Department of Social Services to adopt and promulgate rules and regulations regarding the provision of training for foster care. And the kind of training that we're talking about here would include, but it would not be limited to training in abused, neglected, dependent and delinquent children. And it also would then authorize the Department of Social Services to use department funds for the recruitment and the training and the recognition of foster care providers and volunteers. A little bit of the background about why we feel this is so necessary, it comes from the fact that there currently, as I've already mentioned, is no training requirement for a person to become a foster parent. We all know, because particularly in the last few years with the issues that have been brought to us about the extent of neglect, abuse and so on in the State of Nebraska, the concerns that we have for the kinds of children that are being placed in foster care situations. And those parents increasingly have a need for understanding how to deal with those children and their problems. There are other states that already require this, a number of other states. So we feel that this would be helpful for Nebraska to adopt the same type of thing. In fact, numbers of people that are foster providers in other states have provided training in Nebraska. I guess finally what I would just say is that we, in the last few years in Nebraska, have been losing more foster parents than we have picked up, and that is becoming an increasing problem as we have increasing numbers of children that are falling into these situations. We also wanted to address the fact that we want as least number of placements as we can for these children. If we have foster parents who are trained as to how to deal with the kinds of problems that these kids are experiencing, we feel that that turnover and that replacement rate will be much lowered. So, in the final analysis it really is the children who are going to benefit by this. I ask your support for the adoption of what was originally LB 290 as an amendment to this bill. If there are questions, I'll try to answer them. Thank you.

PRESIDENT: Thank you. Senator Schellpeper, did you wish to speak about the Smith amendment?

SENATOR SCHELLPEPER: Thank you, Mr. President and members. Yes, I'd like to ask Senator Smith a question, if I might.

PRESIDENT: Senator Smith, would you respond, please.

SENATOR SCHELLPEPER: Is there an A bill with this, Senator Smith?

SENATOR SMITH: Yes, there is.

SENATOR SCHELLPEPER: How much is it? Would you...

SENATOR SMITH: Last year the amount, the fiscal note was \$168,000, and they have also included then, the people that provided this to me told me that they have had a bid from a professional training institution that indicates that they could provide it for less than that amount of money.

SENATOR SCHELLPEPER: Thank you. Do you think then that with this bill and LB 1222 that it may be too much? You know, it was vetoed last year. Do you think it's going to put us over the edge again?

SENATOR SMITH: Senator Schellpeper, I can only hope that, as I mentioned a little earlier, last year the Governor did talk about the need for this and did include the amount of money in her budget proposal. And I am hopeful that she will continue to see the need as I do, and I hope other members of the floor see a need for this specific kind of training, and that she would be willing to include it in here budget and that she would not veto it.

SENATOR SCHELLPEPER: Thank you. I think, too, that's it's probably needed and that I will support it. Thank you.

SENATOR SMITH: Thank you very much.

PRESIDENT: Thank you. Senator Crosby, did you wish to speak about the Smith amendment?

SENATOR CROSBY: Thank you, Mr. President and members. Yes, I do support the Smith amendment. In our discussions, a week or so ago about the Foster Care Review Board and the appointments, that was one of the things that I had said that what we need to do is strengthen the Foster Care Review Board and put some money into the programs that they oversee and the training for any kind of...the training for people who look after other people is so important, especially with children. You simply cannot allow

people, who do not know what they're doing, to take in a foster child. They must know what is entailed, they must know what kind of psychological problems they might run into. They must have some kind of knowledge ahead of time and not just say, well, yes, fine, we'll take this child, we're going to get some money to do it and so on, on that basis. So, I'm just very pleased to support this amendment, and would urge everyone else to do so. Thank you.

PRESIDENT: Thank you. Senator Bernard-Stevens on the Smith amendment.

SENATOR BERNARD-STEVENS: Would Senator Smith yield to a question?

PRESIDENT: Senator Smith, please.

SENATOR BERNARD-STEVENS: Senator Smith, I, too, favor the amendment. But you said something that caused me to have a question, and that is, I, as you both, realize that there are fewer and fewer number of foster care parents out there. If I understand the amendment correctly, any foster parent now, who would have two or more children from different families, under the foster care program, that they would have to have specific training. Is that correct?

SENATOR SMITH: I don't know that this is a provision of this or not. But I can tell you that they...that numbers of those people are very supportive of this. I don't know whether that's actually, you're seeing...

SENATOR BERNARD-STEVENS: I know that, but maybe I'm looking at the wrong one. But maybe I'm looking at the wrong one. I'm looking at AM2741, on page 1076, is that...on the Journal?

SENATOR SMITH: Yes.

SENATOR BERNARD-STEVENS: Okay, and what it says is after the effective date of this act no license shall be issued pursuant to this section, unless the applicants has become...has completed the required hours of training in foster care. And then above that, in the section, it talks about no person shall furnish or offer to furnish child care for two or more children from different families. So I'm putting the two together and saying, if I have two or more children from different families,

I will not be given a license unless I have specific training. Is that...am I accurate, so far?

SENATOR SMITH: Yes.

SENATOR BERNARD-STEVENS: Okay. I guess my question is, if we have fewer and fewer foster care parents, which I know is correct, and you're absolutely correct on that, I'm assuming then that there must be some foster care parents out there, because of the shortage, that are having two or more children with them. And now my question is, if they have to now go to further expense or further time period of getting more training, will that, will that be the straw that breaks the camel's back even on some of those so that they'll say, I don't have time or the desire to do this, and I'm concerned, maybe we'll have even fewer foster care parents.

SENATOR SMITH: You want me to respond?

SENATOR BERNARD-STEVENS: Yes, would you, please.

SENATOR SMITH: Yes, I understand where you're coming from on that, Senator Bernard-Stevens. The thing of it is, in my memory this has been a year ago, you know.

SENATOR BERNARD-STEVENS: Right, I understand.

SENATOR SMITH: There were numbers of people that did testify in support of this. We were talking about that, I was concerned about the same thing in looking back now, but the thing of it is, there...and I've met with foster care in Kearney, in fact it was a group of foster parents, one hundred and some people from across the state who were very, very supportive of this. What we're hopeful of is the fact, for one thing, that costs of this training will be, they're going to be helped the day that they have to take off to get this training, for instance. So it's not going to create a real problem for them to get away from the children to do this training. The other thing is what we're hopeful of is, that we're having all this really kind of a burn-out, because they don't know how to deal, they don't know how to cope with the problems that these kids are bringing to them. And that this is a way not only for them to be able to understand, but to be able to address those needs, that the burn-out rate will be less, they can deal with it better. Also, there's a feeling among them that was expressed which is that



foster parents coming together can be beneficial to each other and be supportive of each other. And that is something that they're thinking will be very favorable for them as a group.

SENATOR BERNARD-STEVENS: Senator Smith, would you be...I'm on now page 1078 of your...of the Journal, or Section 15 of your amendment...of the bill or the amendment, 1078. While you're looking for that, on Section 15 it says, funds of the department may be used to defray the reasonable expenses. Would you be amenable to just a quick amendment that would say, funds of the department shall be used to defray reasonable expenses?

SENATOR SMITH: I have no problem with that. I don't know if the department has one or not, but I don't.

SENATOR BERNARD-STEVENS: Well, when I get concerned is when the people say, well, we hope they'll be defrayed. And, of course, you and I both know that sometimes that may not happen. So now we're again mandating things, putting an extra burden on these people. I'd rather them, if we're going to say we're going to do the training, which they need, we should be willing to at least help them pay for that training.

PRESIDENT: One minute.

SENATOR SMITH: You want...could I...are you talking...I'll say yes, I would not be opposed to that. But could I just tell you one other thing that I think I forgot to mention earlier, and that is that LB 1036, which is Senator Crosby's bill dealing with the sale of lands, that money will be earmarked for this purpose. So we know that there will be \$100,000, I believe it was, that is going to go for this specific reason and purpose, to support this. So, for those that had a concern about where is the money going to come from, and how is it going to be funded, I didn't mention that earlier.

SENATOR BERNARD-STEVENS: Okay, thank you, Senator Smith.

PRESIDENT: Thank you. Senator Smith, would you like to close on your amendment.

SENATOR SMITH: Do you want me to keep talking for a little bit? Okay, let's see. I'll summarize for you the benefits that foster parent children...or foster children would receive from the bill itself. And these are some of the things that we've

summarized. Again, we all know about the increasing kinds of concerns we have for children that are going into foster situations, and the numbers of placements and replacements that these kids are going through. And we feel that very strongly the numbers of replacements that those kids go through, being replaced into another situation, from one situation to another is a very negative kind of thing for them. And, if we can do anything to decrease that number of I guess I call it displacement to another situation, I think we should be doing that. And we really are very, very hopeful that some of these problems could better be addressed if these parents, that are really, really at a very, very low pay, being giving of themselves for the care of these children, could have some kind of training which could help to help them be able to deal with their problems better, to cope, we would lessen the burn-out rate, and hopefully we would lower the numbers of those who decide to get out of that situation, and in the end assist the kids the most that we possibly can. Are you about ready? All right.

PRESIDENT: Senator Smith, I understand we have an amendment to your amendment.

SENATOR SMITH: Thank you.

PRESIDENT: Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator Bernard-Stevens would move to amend the Smith amendment. On page 3, line 22, strike "may" and insert "shall".

PRESIDENT: Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: I've already spoken to the amendment. It just would make sure that the...that the parents will be reimbursed for that. And, if for some reason, there would be a shortfall or some other thing would happen, that the department would still have to pay and/or come up with a deficit appropriation, I suspect. With that, I move the amendment.

PRESIDENT: Senator Smith, did you wish to speak about that?

SENATOR SMITH: I'd just say again to the people that might be listening in here, I'm supportive of that concept. It does...we have...it does say "may" in the bill. The money that is

earmarked in the A bill actually is for that purpose that he's talking about. So I see no problem with saying "shall" instead of "may". And I would support that.

PRESIDENT: Thank you. Did you wish to close, Senator Bernard-Stevens? The question is the adoption of the Bernard-Stevens amendment to the Smith amendment. All those in favor vote aye, opposed nay. Have you voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: 11 ayes, 0 nays on the Bernard-Stevens amendment to the Smith amendment.

PRESIDENT: The Bernard-Stevens amendment to the Smith amendment is adopted. Do you have any other amendments to the Smith amendment?

ASSISTANT CLERK: Nothing further to the Smith amendment, Mr. President.

PRESIDENT: Okay. Now we're back on your amendment, Senator Smith.

SENATOR SMITH: Thank you, Mr. President. I wish I had Ernie's gift for speaking when he gets on the floor here sometimes. What I would just like to do is remind all of you that this is a bill that was heard last year, was favorably reported out of committee by the members of the committee, and has had a lot of support from other individuals. I'm very hopeful that the Governor's support will be there again this year. And what it would do is now require that any person who becomes a foster parent would have to, before they can become a foster parent, receive between 12 to 24 hours of training, and then every year thereafter. There is an A bill attached to it. That money in that bill is earmarked, with a lot of the funding coming from the sale of some lands, which is being proposed through a bill by Senator Crosby, LB 1036. And they shall be reimbursed for the costs that are accrued to them to get this training. We're hopeful that this is going to result in fewer disruptions as far as placements are concerned in foster families, and that then those people will be better equipped to deal with the children that they are serving, because of the special needs that many of those children have. And the foster parents, themselves, come to understand the system that they find themselves in and can deal with the complexities of it and with caring for these

children in a better way, which can result only in better care of those foster children. I ask your support for this amendment. Thank you.

PRESIDENT: Thank you. The question is the adoption of the Smith amendment. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: 25 ayes, 0 nays on the adoption of the Smith amendment as amended, Mr. President.

PRESIDENT: The Smith amendment is adopted. Any other amendments on it, Mr. Clerk?

ASSISTANT CLERK: The next amendment I have is from Senator Crosby. (Crosby amendment appears on page 1130 of the Legislative Journal.)

PRESIDENT: Senator Crosby, please.

SENATOR CROSBY: Thank you, Mr. President and members. My amendment is only two and a half lines, I guess, two lines, and I will read it to you. I did not make 50 copies of it, I'll save that much paper, if you'll all listen to me and pay attention to what I'm saying, because it has a very strong point that I think we need to address this afternoon in this bill. On page 11, line 20, after the period, insert "At least one member shall be an attorney with legal expertise in child welfare." I bring this amendment to this bill because, I think from the discussion a week or so ago about the appointments, again, to the board, I feel that we need to strengthen that board. And, if we are going to give them status in court, which is what LB 1222 is about really, if the Foster Care Review Board does have that status, then they need continuing legal advice. Now, to go back to our discussion of a week ago, the avenging angel, Dennis Carlson, is the disciplinary officer for the Bar Association. As such, he cannot practice law, under the rules that he works under, and he may not go into court. So, even though he may be reappointed to the board, no matter what happens about that, they still need someone with this status in court that they want. And, even if they didn't have that, they do need someone to advise from the point of view of law and represent them, if they need be, or help the board choose someone to represent. So that's why I brought this particular amendment. The amendment is not aimed at anyone, it's not

concerned with any of the problems in Omaha. It is simply to strengthen the Foster Care Review Board in its work, and in the end result, remember, what we're doing with all these things that help further the Foster Care Review Board, we're helping children, and I think it is just very important that at least one member of that board, and I don't care if he or she comes from the First, Second, or Third Congressional District, or all the other parameters that are in this...that are already in this particular...the rules on selecting members for that board. That has nothing to do with it. A lot of lawyers out there who would full...fill the bill in this particular thing, men and women both who work in the field and who are qualified and who would bring to that board the legal knowledge and advice that they need so badly. So I hope that you'll vote for this amendment and let them see how it works. Thank you.

PRESIDENT: Thank you. Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. President. Senator Crosby, would you yield to a question, please.

PRESIDENT: Senator Crosby, please.

SENATOR CROSBY: Yes.

SENATOR WESELY: What exactly was the wording again, I didn't quite catch it all.

SENATOR CROSBY: I'll get you a copy. "At least one member shall be an attorney with legal expertise in child welfare." Okay?

SENATOR WESELY: I guess I would rise in support of the amendment. My first reaction would be that makes sense. We are talking about legislation to give further authority, in the court system, to the Foster Care Review Board. Right now we have no...I don't know that we have any particular...I'm looking...I'm not sure we have any particular qualifications to be appointed to the board. As we discussed last week, it's a very valuable asset to have that sort of expertise. So, Senator Crosby, my first reaction is very positive, I think that probably makes sense.

SENATOR CROSBY: It's page 11, line 20, Senator Wesely. And that's where it's...

SENATOR WESELY: Yep, I'd rise in support. I think it's a good amendment.

SENATOR CROSBY: Yeah, thank you.

PRESIDENT: Senator Crosby, would you like to close on your amendment, please.

SENATOR CROSBY: Thank you. Just a very brief closing to remember, as I said as I finished, remember, we're here to help the children. Thank you.

PRESIDENT: The question is the adoption of the Crosby amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: 25 ayes, 0 nays on Senator Crosby's amendment, Mr. President.

PRESIDENT: The Crosby amendment is adopted. Anything further on the bill, Mr. Clerk?

ASSISTANT CLERK: The next amendment I have is from Senator Chambers. (Chambers amendment appears on page 1130 of the Legislative Journal.)

PRESIDENT: Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I've discussed this amendment with Senator Hartnett. It's found on page 9 of the bill, and it relates to the limited immunity that members and agents and employees of the Foster Care Review Board would have when they're participating in the preparation of reports. The way the bill writes, they are immune from civil liability, unless a false statement is maliciously made. I think that allows for too much carelessness. We're dealing with very sensitive matters, so I'm changing the standard to one of negligence. And negligence is the failure to exercise due or reasonable care. So, if a mistake is made, but a person makes a mistake while exercising ordinary or reasonable care, that mistake will not subject a person to liability. But, if it's made through negligence, meaning an absence of care, then they would face liability, and I would want there to be more caution than ordinarily is rendered when these kinds of reports are

being prepared. However, you shouldn't make a person liable for any statement that happens to be false. Only if the statement is false through negligence would there be liability. So, I'm asking that you adopt this amendment.

PRESIDENT: Thank you. Senator Hartnett, on the...

SENATOR HARTNETT: Mr. President, members of the body, Senator Chambers stated correctly that he did visit with me, and I think his amendment is very, very appropriate for this bill. So, I do support it.

PRESIDENT: Okay. Senator Chambers, you wish to close? The question is the adoption of the Chambers amendment. All in favor vote aye, opposed nay. Would anybody else care to vote, incidentally? Senator Hartnett, where are your friends?

SENATOR HARTNETT: I don't know. They went to...went some place. I don't have any, I guess. Only have 19. I need a couple more at the moment.

PRESIDENT: Senator Chambers.

SENATOR CHAMBERS: I would ask for a call of the house, and I'll take a ro...oh, a call in vote. Oh. Well...

PRESIDENT: Okay, record, Mr. Clerk. Thank you, though.

ASSISTANT CLERK: 25 ayes, 0 nays on Senator Chambers' amendment, Mr. President.

PPRESIDENT: The amendment is adopted. May I introduce some guests, please, of Senator Smith under the north balcony. We have Doug and Maurine Zuellner from Campbell, Nebraska. Would you folks please stand and be recognized. Thank you for visiting us today. No more amendments, Mr. Clerk?

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

PRESIDENT: Okay. Now we're ready for the advancement of the bill. Senator Hartnett.

SENATOR HARTNETT: Just ask the bill be advanced.

March 2, 1990

LB 96, 98, 118, 304, 307, 317, 428  
430, 473, 518, 536, 675, 677, 735  
770, 796, 797, 896, 898, 899, 905  
920, 998, 999, 1018, 1019, 1031, 1125  
1136, 1170, 1198, 1207, 1211, 1220, 1222

PRESIDENT: Okay, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: 26 ayes, 0 nays on the advancement of the bill, Mr. President.

PRESIDENT: LB 1222 is advanced. Mr. Clerk, anything for the record?

ASSISTANT CLERK: Mr. President, I have a series of items. Your Committee on Appropriations, whose Chairperson is Senator Warner, to whom was referred LB 1031, reports the bill to the full Legislature with committee amendments; LB 1125, to General File; LB 920, to General File; LB 1170, to General File with amendments; LB 536, General File with amendments; LB 1220, to General File; LB 896, to General File; LB 898, to General File; LB 899, to General File; LB 96, indefinitely postponed; LB 98, indefinitely postponed; LB 118, indefinitely postponed; LB 304, indefinitely postponed; LB 307, indefinitely postponed; LB 317, indefinitely postponed; LB 428, indefinitely postponed; LB 430, indefinitely postponed; LB 473, LB 518, LB 675, LB 677, LB 735, LB 770, LB 796, LB 797, LB 998, LB 999, LB 1198, LB 1207, all indefinitely postponed; and LB 1211 and LB 905, advanced to General File with committee amendments. (See pages 1131-37 of the Legislative Journal.)

Senator Landis would ask to print amendments to LB 1136 in the Journal. (See pages 1137-38 of the Legislative Journal.) Senator Warner has asked to announce an Executive Session of the Appropriations Committee in Room 1003, upon adjournment today. And I have a request from Senator Ashford to add his name to LB 1018 and LB 1019.

PRESIDENT: No objections, so ordered.

ASSISTANT CLERK: Then, Mr. President, I have a priority motion. Senator Hannibal would move that we adjourn until March 5, 1990, at 9:00 a.m.



March 5, 1990

LB 260, 594, 923, 953A, 955, 1059, 1080  
1094, 1222, 1238

CLERK: I have E & R, Senator, to 594.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 594.

SPEAKER BARRETT: Any discussion? Shall the E & R amendments to 594 be adopted? All in favor say aye. Opposed no. The ayes have it. They are adopted.

CLERK: I have nothing further, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I'd move that LB 594 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Thank you. Is there discussion? Seeing none, those in favor of the advancement of LB 594 as amended, please say aye. Opposed no. The ayes have it, carried. The bill is advanced. Mr. Clerk, have you matters for the record?

CLERK: I do, Mr. President. I have amendments to LB 1238 by Senator Dierks; Senator Landis has amendments to LB 953A; Senator Withem, amendments to LB 1059; Senator Conway, LB 1094; Senator Coordsen to LB 1080; Senator Byars to LB 1222. (See pages 1161-67 of the Legislative Journal.)

Mr. President, Government Committee gives notice of hearing, signed by Senator Baack. The Appropriations Committee reports LB 955 to General File, that is signed by Senator Warner as Chair of the committee. And Senator Abboud would like to add his name to LB 260 as co-introducer, Mr. President. And, Mr. President, a motion to reconsider adoption of the Wesely amendment, AM2825, to LB 923. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Wesely.

SENATOR WESELY: Yes, Mr. Speaker, I would move that we adjourn until tomorrow morning at 9:00 a.m.

SPEAKER BARRETT: You have heard the motion to adjourn until

March 7, 1990

LB 42A, 81, 220A, 369A, 579, 830, 831  
863, 880A, 888, 917, 922, 923A, 932  
938, 954, 956, 978, 987, 987A, 1013  
1022, 1037, 1050, 1067, 1077, 1090A, 1102  
1136, 1178, 1199, 1222

SPEAKER BARRETT: Thank you. You have heard the motion by Senator Wesely to recess until one-thirty. All in favor say aye. Opposed no. Carried. We are recessed. (Gavel.)

RECESS

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Roll call. Record, Mr. Clerk.

CLERK: I have a quorum present, Mr. President.

SPEAKER BARRETT: Thank you. Anything for the record?

CLERK: Mr. President, I do. Bills read on Final Reading, this morning, have been presented to the Governor as of 12:15 p.m. (Re. LB 1022, LB 81, LB 956, LB 1050, LB 863, LB 938, LB 932, LB 917, LB 888, LB 831, LB 830, LB 579, LB 1199, LB 922, LB 954, LB 978, LB 987, LB 987A, LB 1037, LB 1067, LB 1178, LB 1102, and LB 1077.)

Your Committee on Enrollment and Review reports LB 1018, LB 1136, LB 1222, LB 42A, LB 220A, LB 369A, LB 880A, LB 923A, LB 1090A to Select file, some of which have Enrollment and Review amendments attached, Mr. President. (See pages 1233-36 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Perhaps a very brief announcement from the Chair regarding our deliberations tomorrow. It is my hope that we can work through the lunch hour tomorrow, with the thought in mind that we can adjourn a little early tomorrow for the long weekend. It's my intent, at the present time, to work through the noon hour tomorrow, and look toward an early adjournment tomorrow afternoon. Contrary to previous statements made by the Chair, it will not be my intent to schedule appropriations bills tomorrow, budget bills tomorrow. We will be looking at them, probably, Monday or Tuesday of next week. We will continue with the agenda tomorrow with some Final Reading, probably some Select File, and perhaps senator priorities on General File. Any questions? Mr. Clerk, would you bring us up-to-date.

March 8, 1990

LB 551A, 1031, 1113A, 1222

have anything to read in?

CLERK: I do, Madam President. Senator Coordsen has amendments to be printed to LB 1222; Senator Kristensen to LB 1031. (See page 1294 of the Legislative Journal.)

New A bill, LB 551A by Senator Lynch. (Read title for the first time. See pages 1294-95 of the Legislative Journal.) And LB 1113A by Senator Wesely. (Read by title for the first time. See page 1295 of the Legislative Journal.) That's all that I have, Madam President.

SENATOR LABEDZ: Thank you, Mr. Clerk. Senator Hall, the 34-year-old birthday boy, would you like to adjourn us until Monday morning at nine o'clock...

SENATOR HALL: No, I would rather stay here.

SENATOR LABEDZ: ...on March 12th?

SENATOR HALL: I would move we adjourn until 9:00 a.m. on Monday morning.

SENATOR LABEDZ: The motion is made to adjourn. All those in favor say aye. Opposed nay. The ayes have it. We are adjourned until Monday morning, nine o'clock, March 12th.

Proofed by: Debbie Smith  
Debbie Smith

March 22, 1990

LB 1136, 1222

SENATOR HALL: Thank you very much. Appreciate it.

SPEAKER BARRETT: And, with that, the question is the advancement of LB 1136 to E & R Engrossing. All in favor say aye. Opposed no. Carried. The bill is advanced. Mr. Clerk, LB 1222. And there is an A bill following 1222, ladies and gentlemen.

ASSISTANT CLERK: Mr. President, on 1222 I do have E & R amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 1222.

SPEAKER BARRETT: Any discussion? If not, those in favor of the adoption of the E & R amendments to 1222 please say aye. Opposed no. Carried. They are adopted.

ASSISTANT CLERK: Mr. President, the next amendment I have is from Senator Byars. I understand he wants to withdraw this amendment.

SPEAKER BARRETT: It is withdrawn.

ASSISTANT CLERK: In that case, Mr. President, the next amendment is from Senator Coordsen. That amendment is found on 1294.

SPEAKER BARRETT: The Chair recognizes Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. Speaker, members of the body, on 1222 the courts had a problem with some of the language and there was a meeting between the courts and the primary sponsors of the bill which I was a party to and the amendment would strike the requirement that the court shall conduct a dispositional hearing at least once every six months. The rationale behind this is that they're already required, as I understand it, to review the cases of wards of the state on a regular basis and this would include a load-in for the courts that they didn't feel that was necessary at this point in time. So I would move the adoption of the amendment.

SPEAKER BARRETT: Thank you. Discussion? Senator Wesely.

March 22, 1990

LB 1222A, 1222

SENATOR WESELY: Yes, Mr. Speaker, this provision was added as a committee amendment. I did participate in a meeting in Senator Hartnett's office with Senator Coordsen and felt that by retaining the written report by the guardian ad litem we could delete this measure and it shouldn't have any negative impact. So I would support the amendment.

SPEAKER BARRETT: Thank you. Senator Hartnett.

SENATOR HARTNETT: Just to reaffirm what Senator Wesely did. The three of us met and I think it was broader and would have caused more work for the courts and there is also already a review in Section 11, page 18. So with that I would move for the amendment.

SPEAKER BARRETT: Thank you. If there is nothing further, the question is the adoption of the Coordsen amendment to LB 1222. Those in favor vote yes, opposed no. Record.

ASSISTANT CLERK: 26 ayes, 0 nays on Senator Coordsen's amendment, Mr. President.

SPEAKER BARRETT: The amendment is adopted. The next item.

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

SPEAKER BARRETT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 1222, as amended, be advanced to E & R Final.

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of the advancement of LB 1222 to E & R Engrossing please say aye. Opposed no. Carried. The bill is advanced. As previously announced, there is an A bill. (LB 1222A.) Mr. Clerk.

ASSISTANT CLERK: Mr. President, I have no E & R amendments on the A bill.

SPEAKER BARRETT: The Chair recognizes Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1222A be

March 27, 1990

LB 42A, 923, 931, 1059, 1059A, 1063A, 1221  
1222, 1222A, 1241, 1244A  
LR 11

Mr. President, Enrollment and Review reports LR 11CA to Select File. That's signed by Senator Lindsay as Chair.

Mr. President, your Committee on Enrollment and Review reports LB 42A, LB 931, LB 1059, LB 1059A, LB 1063A, LB 1222, LB 1222A, LB 1241, LB 1244A, all reported correctly engrossed. (See pages 1648-53 of the Legislative Journal.)

Hearing notice from Business and Labor for confirmation hearing, signed by Senator Coordsen as Chair. (See page 1653 of the Legislative Journal.)

Mr. President, Senator Beck would like to add her name to LB 923 as co-introducer. That's all that I have, Mr. President.

SPEAKER BARRETT: Mr. Clerk, proceeding to LB 1221.

CLERK: Mr. President, LB 1221 was a bill introduced by Senator Hannibal. (Read title.) The bill was introduced on January 18, referred to the Urban Affairs Committee for public hearing, advanced to General File.

SPEAKER BARRETT: Senator Hannibal, would you care to open on your bill?

SENATOR HANNIBAL: Thank you, Mr. Speaker, and members of the Legislature, LB 1221 is a bill, as you heard, came through the Urban Affairs Committee and LB 1221 does two things basically. It deals with the Omaha Plumbing Board and most of you have been made familiar with the issue even though it doesn't affect anybody...anybody's district with the exception of the City of Omaha. I hope I have had a chance to talk with all of you and I have heard...and I imagine you have been talked to by those that are not necessarily in favor of the bill. But anyway LB 1221 does two things to the Omaha Plumbing Board and, for those of you who are not familiar, the Omaha Plumbing Board is a five-member board consisting of four members that are considered in the plumbing industry, a journeyman plumber, a master plumber, four members there, and one health officer. LB 1221 expands that to add two new members to it, to the plumbing board and those two members would be a mechanical engineer and an architect. The third...second thing it does with that plumbing board is it removes...the specific requirement that the health officer serve on the board and allows the mayor to appoint a person from the general public as the fifth...or the seventh

April 3, 1990

LB 1136, 1222A, 1222

personal privilege to point that.

PRESIDENT: I think you might be stretching it a little bit, Senator Landis, to have that as a point of personal privilege.

SENATOR LANDIS: So the Chair would be saying that I probably couldn't use a point of personal privilege...

PRESIDENT: Yeah, that would be the idea.

SENATOR LANDIS: Gotcha.

PRESIDENT: Thank you. Okay. Move on with the next bill, LB 1136, please.

CLERK: (Read LB 1136 on Final Reading. See pages 1844-1845 of the Legislative Journal)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is shall LB 1136 pass? All those in favor vote aye, opposed nay. Please return to your seats, ladies and gentlemen, so we can vote on this. Please return to your seats and vote so we can move on, please. The last bills are shorter than the one we just had so please stick around. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1845 of Legislative Journal.) 44 ayes, 0 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 1136 passes. LB 1222.

CLERK: (Read LB 1222 on Final Reading. See pages 1845-1846 of Legislative Journal.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is shall LB 1222 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1846 of Legislative Journal.) 42 ayes, 1 nay, 3 present and not voting, 3 excused and not voting.

PRESIDENT: LB 1222 passes. LB 1222A.

April 9, 1990

LB 42, 42A, 571A, 834, 843, 843A, 855  
855A, 880, 880A, 896A, 920, 1004, 1004A  
1019, 1019A, 1043, 1059, 1059A, 1030A, 1090  
1109, 1222, 1222A, 1241

Mr. President, I have received veto messages on the following bills: LB 1059, LB 1059A, LB 42, LB 42A, LB 880, LB 880A, LB 1004 and LB 1004A, LB 1019 and LB 1019A, LB 1080A, LB 1222 and LB 1222A, LB 571A, LB 834, LB 843 and LB 843A, LB 855 and LB 855A, LB 896A, LB 1043, LB 1090 has a line-item reduction, LB 920 has a line-item reduction, LB 1241 has a line-item reduction. (See Messages from the Governor as found on pages 1985-98 of the Legislative Journal.) All those, Mr. President, as I indicated, are available to the members on their desks. Have an Attorney General's Opinion addressed to Senator Schmit regarding LB 1059 and I believe that's all that I have, Mr. President.

PRESIDENT: Thank you. We have a motion from Speaker Barrett. Speaker Barrett.

SENATOR BARRETT: Thank you, Mr. President and members. I offer the motion to suspend Rule 6, Section 7, subsection (b), and Rule 5, Section 6, to permit these bills to be read on Final Reading this morning. The first part, of course is to waive the two-day limitation, and the second is to allow the A bills to be read. I would urge the body to adopt the motion. Thank you.

PRESIDENT: Thank you. Any discussion? If not, the question is the adoption of the suspension of the rules motion. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 32 ayes, no nays, Mr. President, on the suspension of the rules to permit reading of the bills this morning.

PRESIDENT: The rules are suspended and we'll begin Final Reading. If you will find your ways to your own desk, why, we would start Final Reading. (Gavel.) Please return to your desks so we can begin Final Reading. Senator Haberman, would you come home, please? Mr. Clerk, LB 1109, please.

CLERK: Mr. President, I had amendments from Senator McFarland.

PRESIDENT: Is anyone prepared to handle Senator McFarland's motion on this bill? Senator McFarland, you had a motion on this first bill.

SENATOR MCFARLAND: Mr. President, could you read the motion for me?



Journal.) 34 ayes, 0 nays, Mr. President, on the override of 1004A.

SPEAKER BARRETT: LB 1004A becomes law notwithstanding the Governor's veto. Mr. Clerk, are we at LB 1222.

CLERK: Mr. President, Senator Hartnett would move that LB 1222 become law notwithstanding the objection of the Governor.

SPEAKER BARRETT: Senator Hartnett, please.

SENATOR HARTNETT: Mr. Speaker, members of the body, I introduced this bill, had this bill twice, last year as LB 603, this year as 1222. It was heard by two different committees, the Health Committee and the Judiciary Committee. The reason given for the Governor for vetoing the...the veto message is additional confrontation between (sic) the legal disputes between state agencies, but the A bill, as it is put in, only has little, around \$35,000 for this purpose. What it does, it allows the Foster Care Review Board to do the job it has been mandated to do, protect the interest of the foster children and see that they don't fall through the cracks in the system. It provides the Foster Care Review Board with access to child abuse records, requires written reports from guardianship...guardians ad litem at dispositional hearings, permits reports and recommendations of the board to be admitted into the evidence by...they can be considered by the judge, or a state board to have one member to be an attorney with legal expertise in child welfare, provide access to teachers and police officers so that the board can get better information on foster case. Requires review hearings to be conducted on the record, provides for additional training for foster parents. The bill does not attempt to broadly address the problem without a system deals with foster children. Children have become the responsibility of the state because of family problems. Finally, we need to keep the effectiveness of the child review board in serving (sic) money every time the child is removed from the system. Studies have shown that the board has saved the state over one-half million dollars every year, helps allow the Foster Review Board to expand their authority for the welfare of group children who are among the overlooked children in our system. With that, I would like to ask the body to overrule the veto.

SPEAKER BARRETT: Thank you. Discussion on that motion. Senator Smith, followed by Senator Moore.

SENATOR SMITH: Thank you, Mr. Speaker. Members of the body, I rise to support in this override attempt, and I would just add a little bit to what Senator Hartnett has already related to you. Given the situation that we are addressing in the State of Nebraska with our concerns about children and what is going on in other areas of child abuse, those sorts of things, I think that, you know, it behooves us to have a really good system of foster parents, and the Review Board can only add to this whole system. And if we believe very, very much that training must be a part of that process for those foster parents, I have had handed out to you on the floor a thing that is entitled "Fostering Ideas" and it relates the fact that as far as foster parent education is concerned, on November 21st, money was allocated and the increase in funds to assist will go from 50 to 75 percent for fiscal year '90 through '92, and then double in the state funds for foster and adoptive parent education. It is important that we have education for foster parents and it is important that we, not only because of the children, for the sake of the children, themselves, but also for the retention of parents. There is a high burnout rate. We are losing foster parents more rapidly than we are able to replace them, and the foster care parent program is in sort of a really crisis situation, you might say, given that concern. I would also ask your support for the override. Thank you.

SPEAKER BARRETT: Thank you. Senator Moore, followed by Senators Wesely and Labedz.

SENATOR MOORE: Yes, Mr. Speaker, and members, I need to enter into a brief dialogue with Senator Hartnett, if he would yield.

SPEAKER BARRETT: Senator Hartnett, would you respond to a question?

SENATOR MOORE: Senator Hartnett, I have received varying, different signals on this bill, and I guess I am just simply ask you is, I don't often...usually I feel that if you pass the bill, you should pass the A bill, but I want to know in this case what happens if the bill is passed and the funding is not, in your opinion. Some people have lobbied me, that we don't really need the money, we just need the bill, and I guess I want you to tell me, in your opinion, what happens if we do this?

SENATOR HARTNETT: I think that we could...Senator Moore, I

think we could probably get along without the A bill. I think that we probably could, you know, from the hand....I think Senator Wesely may have a different opinion but I think we could allow this, you know, the Foster Review Board, they can't go to court, that would be one thing they couldn't do, but I think they probably could do it without the A bill, I have been told, from the Foster Care Review people.

SENATOR MOORE: Is it your intent to override the A bill too, or just...

SENATOR HARTNETT: No, I think if we do the one, I would be satisfied.

SENATOR MOORE: And they can do...probably not do all the things in the bill, but you are saying (interruption)...

SENATOR HARTNETT: If we can get the intent language (interruption)...

SENATOR MOORE: ...standing is obviously the key ingredient in the bill.

SENATOR HARTNETT: Yeah.

SENATOR MOORE: That is the main thing.

SENATOR HARTNETT: Yeah.

SENATOR MOORE: How about, are there other requirements listed in the bill that would be a problem to do with existing funding. I understand the legal standings really wouldn't take money but are there other things in the bill that would be a problem if the A bill doesn't pass. I guess your answer is no.

SENATOR HARTNETT: Not that I know of, that I am aware of.

SENATOR MOORE: Okay, thank you.

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Thank you. Mr. Speaker, I have supported 1222 and I would support an override and an override of the A bill, but if the intent is simply to pass 1222 without the funding, I think I am going to oppose it, and so I would ask Senator

Hartnett, on what basis do you feel that you have the staffing, the ability to implement this bill without the A bill being...where would the staffing come from. You have four pre-review boards set up, you have additional responsibilities, you have an understaffing right now, who is going to provide the staff, where is it going to come from, what are they not going to do that they are doing now in order to do this?

SENATOR HARTNETT: I think, you know, as I understand it, Senator Wesely, I think they could do some of the important ingredients without additional funding, that is what I have been told. So...

SENATOR WESELY: They can do some of the...

SENATOR HARTNETT: Yeah, they can do the...you know, provide...they can get the records, they can get the written reports. The only thing they can't do mainly is go to court, I think is the main thing.

SENATOR WESELY: So they would have...okay, let me get this straight, so they would have the authority to intervene, but without the staffing, they wouldn't have the ability to intervene, so they just wouldn't do it?

SENATOR HARTNETT: Yeah.

SENATOR WESELY: Okay, now it is starting to come a little clearer. So you are looking at then perhaps in the future coming back for the staffing to actually carry out the rest of the bill.

SENATOR HARTNETT: Yeah.

SENATOR WESELY: You don't see any, and here is my fear and I want to make it legislative intent right here, Senator Hartnett, if this is overridden. You do not see utilizing additional department staff for this activity, right? You are not going to...

SENATOR HARTNETT: I don't see it, Senator Wesely.

SENATOR WESELY: Okay, like the additional caseworkers that we are putting in there wouldn't be diverted into this sort of activity, would they?

SENATOR HARTNETT: No, no.

SENATOR WESELY: No, right? Well, that eases my concern. I guess I can understand now what is being attempted here but I am again fearful. You don't want to add responsibilities without staff to carry them out or you divert people from other responsibilities, but there sounds like there is some reasoning because there are some access issues in that bill, I recall now, so there may be some virtue to that, but I want to make sure it is clear in the record what we are trying to do here.

SPEAKER BARRETT: Senator Labedz, followed by Senator Schmit and Warner.

SENATOR LABEDZ: Thank you, Mr. President. I rise to support the override of LB 1222. If at any time there is any way that I can help the Foster Care Review Board in doing their job, I certainly will be standing at this microphone to help. I can't understand where Senator Hartnett says it will not require any funds because I understand that the bill would allow the State Foster Care Review Board under guidelines to petition the court for a review hearing and to hire an attorney to represent the board at that hearing. This is not the full legal standing that was originally part of LB 603 last year. The Franklin Committee, that I am a member of, as I have said over and over, really appreciates the hard work and the dedication of the Foster Care Review Board. LB 1222 will be able to give them a lot more authority and certainly a lot better system with the Nebraska foster care children. They would give the Foster Care Review Board access to Child Protective Services, the school and police records. The name of the person making the report would remain confidential, and this would allow the board to make more thorough recommendations. So as a member of the Franklin Committee, I urge you to override LB 1222. It is essential to give the board more authority and a procedure to work with that this will never happen again. Especially, I want to tell you this, too, that the whole Franklin Committee was formed strictly because of what the Foster Care Board people brought to us, and I've said this before and I will say it again and again, if it wasn't for them, we would not have the Franklin Committee and you would not be viewing the tapes tomorrow. Thank you.

SPEAKER BARRETT: Thank you. Senator Schmit.

SENATOR SCHMIT: Well, Mr. President, I will be brief also. Senator Labedz made the arguments which I would have made. I want to reiterate again what has been said here before about the Foster Care Review Board. We need to give them the additional tools they need. It is important that they have the standing they need with the court system to do the job that we have assigned to them. I think it is unfortunate, in a way, that this needs to be there, but we did establish the Foster Care Review Board for a purpose. They have demonstrated the reasons why the Legislature was correct in creating the Foster Care Review Board. We now see a way whereby we can further improve the efficiency of that unit. I want to say also that if we do not do this, then I think that we are making a mistake. I think, also, just like Senator Labedz, I do not know how we can pass it without the money, but I think the authority is most important, and I would urge you to override LB 1222.

SPEAKER BARRETT: Thank you. Senator Warner.

SENATOR WARNER: Well, Mr. President, members of the Legislature, we are down to a 1,200,000 now, 1,286,000, and then you go below the 3 percent reserve. If you want to override the enabling legislation, then please plan to override the money. If a program is worth doing, it is worth funding. I hope we are about done with overrides because we are pushing it as far as we should have pushed it. There is not a thing left that is not meritorious, including this one. If you pass it, you can expect a deficit. It has never failed. It will not fail this time, they will be in for a deficit. We have the legislation, all we need is the money. The whole purpose of A bills when that was established a good many years ago was that you tied enabling legislation with the funding, that we wouldn't pass obligations, financial obligations onto the state for some future funding, we would fund them at that time. Whatever you wish to do on this one, obviously, you can do, but if you are going to pass it, then fund it. But I also repeat, we are about done, the money is about gone. If we look down two years from now with the 6 1/2 percent growth I thought about that we were projecting for receipts, on those assumptions, we are 5.8 million in the hole for June 30th, 1993, and I hope that in our desire to do much good this year, that you keep in mind you need some money to do a little good next biennium, and you will be making commitments for the state beyond which, in all probability, there will be ability to pay. At some point, you have to stop. This might be a very good time.

SPEAKER BARRETT: Thank you. Senator Smith.

SENATOR SMITH: Thank you, Mr. Speaker. I would definitely and strongly support what Senator Warner just has said to us, and that is that if it is worth legislating, it is worth funding. And I think, too, that we must remember that we are in a difficult period of time as far as we've talked about the Franklin situation. We know what we are finding with children that are going into the foster care situation. Those children, in many cases, are in trouble, they are becoming more difficult for the foster parents to work with and to take care of, and then that results in a higher rate of burnout, and we are not replacing those foster parents because they are not being reimbursed an amount of money, in the place, that it is even worth their taking children. But, secondly, if these parents could have an opportunity, and I worked on the other part of the bill, which is the foster training for two years, and have been out at a conference, a state conference, of foster care providers, and those people have talked about the fact that they are just now for the first time once in awhile being able to get together, and that training could provide them with the sense that they know how to cope with and they will understand the problems they are dealing with with these children, and it will make it easier for them in the end. They will be able to keep those children in their home, and it will result in less moves for those children, and, hopefully, resolve more problems, and in the end, at a much lower cost to society than if we didn't do this kind of thing. I think foster training has been a long time in coming. Senator, I am not going to try to address the other part of the bill, which the original bill was Senator Hartnett's, but on behalf of the training, itself, this is very, very important for us to maintain those foster parents that we have out there, and for their better care of the children that they are providing for. I ask your support for this. Thank you.

SPEAKER BARRETT: Thank you. Senator Korshoj.

SENATOR KORSHOJ: Question.

SPEAKER BARRETT: Senator Korshoj moves the previous question. I see five hands. Shall debate now cease? All in favor vote aye, opposed nay. Record, please.

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LB 1222A, 1222

CLERK: 25 ayes, 0 nays, Mr. President, to cease debate.

SPEAKER BARRETT: Debate ceases. Senator Hartnett.

SENATOR HARTNETT: Mr. Speaker, could I have everybody check in I guess before I close.

SPEAKER BARRETT: Certainly. Would members please record your presence, please check in. Senator Warner, Senator Wesely, Senator Lamb, Lynch, Landis. Senator Rod Johnson. Senator Withem. Senators Abboud and Hartnett. Senator Ashford. Senator Goodrich. Senator McFarland. Senator Rod Johnson. Senator Goodrich. Senator Wesely. Senator Hartnett, would you like to proceed with your close?

SENATOR HARTNETT: Yes, I will start. Mr. Speaker, and members of the body, I do appreciate the words, the wise, wise words of the Dean of the Legislature, Senator Warner, in that if we are going to pass the bill, we need the A bill, and so I really do think that we need this bill because I think it allows the Foster Review Board to expand and maybe we wouldn't have had something like the Franklin if we would have had this in place a few years ago. And so there is little money left so we are getting down to the short rows, but I think I would ask for people to override the veto on this, and also the A bill. Thank you.

SPEAKER BARRETT: Thank you. Senator Goodrich, would you check in. Thank you. The question is, shall the veto of LB 1222 be overridden? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See page 2049 of the Legislative Journal.) 35 ayes, 12 nays, Mr. President, on the override of LB 1222.

SPEAKER BARRETT: Motion prevails and LB 1222 becomes law notwithstanding the Governor's veto. The A bill, Mr. Clerk.

CLERK: Mr. President, Senator Hartnett would move that LB 1222A become law notwithstanding the objections of the Governor.

SPEAKER BARRETT: Senator Hartnett.



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LB 42, 42A, 163, 163A, 164, 164A, 503  
503A, 536, 834, 843, 843A, 1004, 1004A  
1031, 1043, 1059, 1059A, 1126, 1170, 1222  
1222A

employee is 21, State Patrol is 21, other school employees in Omaha, no age limit and the judges are no age limit. So, therefore, I would ask that you override the veto of 834. It doesn't cost any more money. It doesn't cost any money. It will keep young people in Nebraska. It will want them to help work for the state and do a good job for the state and I ask for your override. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Discussion? Senator Elmer, followed by Senator Schellpeper.

SENATOR ELMER: Thank you, Mr. Speaker. To be very brief, and Senator Haberman said it and said it well, all private businesses are required to allow their employees to participate when they're 19. I think the state should go at least as low as 20 to give consideration, allow these young people to accumulate a little more for retirement. It's not going to cost the state any money. I would urge your override. Thank you.

SPEAKER BARRETT: Thank you. Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker, and members, I also rise to support this override. We have some very dedicated employees in this state and I think this is just another thing we can do for the employees. So I think Senator Haberman said it all and I would just move for the override.

SPEAKER BARRETT: Thank you. Anything further, Senator Haberman? If not, the question is, shall LB 834 be overridden? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See pages 2054-55 of the Legislative Journal.) 31 ayes, 0 nays, Mr. President, on the override of LB 834.

SPEAKER BARRETT: LB 834 is overridden. And let the record show that the Chair is certifying that the Legislature has overridden the following vetoes, notwithstanding the objections of the Governor, LB 834, LB 1043, LB 1222 and LB 1222A, LB 1170, LB 1004 and LB 1004A, LB 843 and LB 843A, LB 1059 and LB 1059A, LB 1126, LB 11...excuse me, LB 536, LB 42 and LB 42A, LB 164 and LB 164A, LB 1031, LB 503, and LB 503A, LB 163 and LB 163A, and LB 834. Anything for the record at all, Mr. Clerk?