

January 19, 1989

LB 94, 247, 570, 576, 683-808

as yet, please contact Joanne immediately. If you don't have the bill that you are expecting, please contact the Bill Drafters Office immediately. Mr. Clerk.

CLERK: Mr. President, for the record, I have received a reference report referring LBs 496-599 including resolutions 8-12, all of which are constitutional amendments.

Mr. President, your Committee on Banking, Commerce and Insurance to whom we referred LB 94 instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File with amendments attached. (See pages 320-21 of the Legislative Journal.)

Mr. President, I have hearing notices from the Judiciary Committee signed by Senator Chizek as Chair, and a second hearing notice from Judiciary as well as a third hearing notice from Judiciary, all signed by Senator Chizek.

Mr. President, new bills. (Read LBs 683-726 by title for the first time. See pages 321-30 of the Legislative Journal.)

Mr. President, a request to add names, Senator Korshoj to LB 570, Senator Smith to LB 576, Senator Baack to 570 and Senator Barrett to LB 247.

SPEAKER BARRETT: Stand at ease.

EASE

SPEAKER BARRETT: More bills, Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. (Read LBs 727-776 by title for the first time. See pages 331-42 of the Legislative Journal.)

EASE

SPEAKER BARRETT: More bill introductions.

ASSISTANT CLERK: Thank you, Mr. President. (Read LBs 777-808 by title for the first time. See pages 343-50 of the Legislative Journal.)

CLERK: Mr. President, I have reports. Your Committee on

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LB 99, 183A, 227A, 260A, 278, 323, 329A  
355, 357, 357A, 386, 437A, 441, 447  
491, 511, 569, 678, 720, 724, 726  
755, 781

**SPEAKER BARRETT:** The A bill is advanced. Messages on the President's desk.

**CLERK:** Mr. President, your Committee on Education, whose Chair is Senator Withem, to whom was referred LB 447, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 386 indefinitely postponed, those signed by Senator Withem. Natural Resources Committee reports LB 755 to General File with amendments. That is signed by Senator Schmit as Chair. Banking Committee reports LB 99 to General File, LB 278 as indefinitely postponed, those signed by Senator Landis as Chair. Mr. President, Health and Human Services Committee reports LB 678 General File with amendments, LB 323 General File, LB 569 General File with amendments, LB 720 General File with amendments, LB 355 General File with amendments, LB 511 indefinitely postponed. Mr. President, Health and Human Services reports LB 491 to General File with amendments, LB 724 General File with amendments, LB 726 General File with amendments, those signed by Senator Wesely as Chair. Mr. President, Enrollment and Review reports LB 781 to Select File with E & R, LB 357 Select File with E & R, LB 357A Select File, LB 441 Select File with E & R amendments. (See pages 907-13 of the Legislative Journal.)

Mr. President, new A bills. (Read LB 329A, LB 260A, LB 437A and LB 227A by title for the first time. See pages 913-14 of the Legislative Journal.)

Mr. President, I have an appointment by the Governor to the Boiler Safety Code Advisory Board. That will be referred to Reference Committee.

Notice of hearing by the Revenue Committee; notice of room change by Health and Human Services Committee for hearings; and a cancellation of hearing by the Banking Committee, those three signed by the respective Chairs. That is all that I have, Mr. President.

**SPEAKER BARRETT:** Thank you. If the gentleman from Minden is so inclined, would he care to adjourn us?

**SENATOR KRISTENSEN:** Thank you, Mr. President, I'd move that we adjourn the body until tomorrow morning at nine o'clock.

now. So I know that there will be examples given of the department making mistakes. I don't deny the fact that they've made mistakes and I can cite a number of other examples in terms of the judicial branch making mistakes, we have made mistakes. It's a question of, who can do a better job and are there other solutions to the problem? To do a better job, it seems to me you will find that the department is doing a better job than was the case before, they've set up a team, mental health review team, that is there to provide some oversight to the department and their staff. There is a handout, I had given a position paper to the department on this bill. If you have a chance, you might look through it. It does indicate the improvements made under the current system versus the old system and their attempts to provide for the discontinuation of the warehousing of children in hospitals. As I mentioned before, the attempt to bring children together with their families or other circumstances that are more appropriate, less restrictive, there is, in some cases, less cost involved. But, again, that isn't particularly my concern, although at the same time, as I mentioned, the cost factor, you do, if you have a chance, note on the fiscal note this is a \$20 million bill. I understand there may be amendments that would reduce that perhaps in half by discontinuing the part of the bill that would add to the coverage, by the State Department of Social Services, juvenile offenders who aren't now under their authority. This bill would add them to the department's responsibility in addition to the dependent, neglected and status offenders we've always had responsibility for. So, clearly, a \$20 million price tag should concern us, and especially if it is inappropriately used in situations where it's not needed. But, in any event, again, what I'm saying is in terms of who can do the better job the Department of Social Services has improved in this situation and I hope can be continually pressed to improve further so we don't have any child ever misplaced or harmed by the system that we have. I am certainly willing to work with Senator Coordsen and Senator Smith and other individuals concerned about this issue who have expressed their concern to me. I very much would like to see a way in which we can provide for these children and care for their needs and, at the same time, not take this unconstitutional step and expensive step, I think, that would be very inappropriate. In addition, how can we help the department to do a better job? Well, one of the reasons we have the problems that we have is lack of staff right now under their responsibilities. I have a bill, LB 720, dealing with child protective custody workers, foster care workers. We did not

been working with us and we have had no problem. A small minority of schools have been a problem. They have restricted access. They have made it difficult for child protective custody workers to come in and interview the children to find out the situation, and just because we have a couple of dozen of these schools, I guess it is unfortunate, but that is why some laws are passed. When some people are unreasonable, it causes us to pass legislation. I don't think there is the problems that Senator Smith and Senator Nelson and Senator Chambers have raised, really. I think the lack of caseworkers and training is something we can address with LB 720, which we hope we will have a chance to vote for very shortly, but, again, the basic gist of this amendment is...it shouldn't be a problem. I still don't understand, the unrestricted access, for instance, again, it is related to the current problem with, yes, you can get access in some of these schools, but it is so restricted, you can't really utilize it, and so unless you say unrestricted, you really don't accomplish anything. That is the problem that we have. That is why we use it. It is not to say that you can come in any hour, hopefully, that wouldn't be the case. Yeah, the unrestricted is an attempt to hopefully you would make a contact and you would work with the local school. Usually the way it is handled now is you go into a school that is a cooperating school, like I said, most of them. You get a hold of the principal or whoever, and you don't want everybody in the world to know. I mean, you just can't do that, but you make the proper contact. The school nurse, perhaps, goes with the caseworker, whoever, and they pull the child at an appropriate time and pull them out and sit down with them in a comfortable setting and have a talk with them about what the allegations are, and that is really how it is handled. Now that is what we contemplate this doing but the reason "unrestricted" is in there is because we now have access in some cases, but it is so restricted that it just doesn't work, and so I think everything is fine here. I don't like to spring amendments up and surprise people, so I think rather than proceed, I will withdraw this motion to suspend the rules but let you know that we are going to have some kids out there in situations that we are not going to be able to help because we don't have this amendment passed, and I am sorry that that is the case, but I guess we will have to keep working on trying to address that problem, so I would move to withdraw my motion.

PRESIDENT: Okay, the motion is withdrawn. Mr. Clerk, do you have anything else?

to you, if you're really sincere you want the life of that child saved, then you ought to also be brave enough to sit here and press the green light that allows this amendment to be attached to that bill, because it is only fair that you allow that mother, it's always the mother in this case, we don't worry about the men, the father that created the child, but the teenage girl whose left caring for a child and herself not able to continue her own education. And I think the words that say it best is the completion of a high school education is a positive factor in realizing an increasingly productive, independent citizenry. We want this young girl to go on and become a productive citizen in our society. This will assist her to be able to do that. Now I'm going to see how you vote on this. I'm like Senator Ashford, I would be...I'm astounded to think that anyone would not support this, if they support the bill itself, how they could say they should have nothing to do with it. They're absolutely linked together. And I ask you to support this, if you're going to support the bill.

PRESIDENT: Thank you. Senator Ashford, please.

SENATOR ASHFORD: I would yield, I have nothing further, I've made my point on the bill.

PRESIDENT: Thank you. Senator Labedz, please, followed by Senator Bernard-Stevens.

SENATOR LABEDZ: Thank you, Mr. President. Senator Smith is right, we should provide day care services for a high school student. And I will read you part of the amendment. "Therefore, the Department of Social Services shall provide day care services to parenting students, 21-years of age and younger, who are working toward completing a high school education. The services shall be available to such students, regardless of income level or available resources." There are two bills that are priority bills for the Health and Human Services that are priority bills for the committee. They are LB 678 and LB 720. I'm one of the people that Senator Bernard-Stevens talked about that says, why on LB 769. I am totally convinced, Senator Bernard-Stevens, that, if this amendment gets on LB 769, there will be some support that I lose on the advancement of LB 769. I did tell Senator Bernard-Stevens that if he wants to amend LB 678 and 720, I would like to co-sponsor the amendment with him, because I do think it's our responsibility and especially mine to provide

education for teenage mothers that had decided not to have an abortion and to carry the child through their full pregnancy and, in some cases, decided to keep the child rather than put it up for adoption. I believe that LB 678 and LB 720 is the bill that we should do it on. I am definitely of the opinion that I've been told that if this amendment gets on I may lose support of LB 769. At this late date...late time of the day, I'm certainly worried that there will not be 25 votes to advance LB 769. What Senator Bernard-Stevens is doing and what Senator Schimek said, they're absolutely correct, we should provide day care service for teenage mothers. And I would like to see some day day care services for every mother, every mother, not just single mothers that want to get out and go to work, finish their education, or whatever, even go to college and maybe make a career for themselves. Whether they are married or unmarried mothers, I still believe that the education of that child or that woman is very important. And I will co-sponsor any amendment on LB 678 or 720 and wholeheartedly support that. But I don't believe LB 769 is the bill to do it on. And I commend Senator Bernard-Stevens for asking to suspend the rules to attach it. But I certainly don't want an amendment on LB 769 that may jeopardize the bill, but I totally support what he's trying to do. Thank you.

PRESIDENT: Thank you. Senator Bernard-Stevens, followed by Senator Langford.

SENATOR BERNARD-STEVENS: Thank you. I'd like to take just a minute to respond to Senator Labeledz and hopefully the world knows how much we all, in the body, love Senator Labeledz and we have great respect for her. But every once in awhile we just have a slight disagreement, this might be one of those. Senator Labeledz, it's the same format. Bless your heart, it's the same format. If I offer the amendment on another bill, or if I offer the amendment as it's here now, it's the same format. I need 25 votes. The amendment will not change your bill whatsoever. And I reemphasize, those people that signed on to 769, who said they believe in life, who will jump off the bill because of cost are, in fact, saying to this body and the State of Nebraska that money is more important than life. And I wouldn't think you'd want them on your bill. I wouldn't think you would want them. It's cheap support, and I doubt very seriously that they would abandon life for money. I also would like to point out that the bill will gain support. Many senators who are saying 769 is a concept that I don't really mind, it's okay, I've got some

adopt in the committee amendments will not completely address the problems. First the question about the CPS and foster care workers, Senator Smith, Senator Coordsen and Senator Morrissey co-sponsored the amendment to bring us up to 22 staff members, instead of the 9 that the committee calls for. The committee did move toward that and will increase it to 18 staff members for next year. But the problem is even whether it's 9, or 18, or 22, we need, if you look at one of the handouts I sent around, 102 more workers. We are 100 people short of having the staff to take care of our abused kids and our foster care kids to make sure that they are protected and cared for in safe and secure environments. So, although we're moving toward the goal of trying to increase staffing in this child welfare worker area, we are so far short of where we need to be that you can be assured that the bill that calls for us to meet those national standards will be brought to you next year, LB 720, and we will try to further address this issue, because what we're talking about here is the inadequacy of staffing to get out and investigate child abuse complaints, to investigate problems in our foster care homes, to make sure that our most vulnerable Nebraskans, our young people, our children are not being hurt around the state. And to a large degree you know how serious a problem this is. We've got something like 7,500 cases, on an annual basis, of abuse that are investigated, and over 4,000 of those cases are substantiated. That means there are 4,000 cases that we know of, of child abuse, in this state. And that doesn't count all the abuse and neglect that occurs that is never reported, and we know that there is a lot of that. Part of the reason people don't report is they're afraid that they won't get responded to, that the staff won't be there to care for them, that the services are not adequate. So, in my estimation I'm very pleased and grateful to the Appropriations Committee work, but we will have to further address that issue. Senator Coordsen and I worked on LB 182, we worked with the judges. You've probably gotten some letters from them. The judges and judicial system knows as well how inadequately we staff in this area and what a problem it is for families and children. So we're moving a step in the right direction. We need about four or five more steps before we actually reach the goal that I think we have for properly staffing child welfare workers. On the issue of Title XX, again I express my gratitude to the committee. The \$2.5 million solution to the problem, which was proposed by LB 678, and also by an amendment to the appropriations bill, is met by about a \$1.4 million proposal by the Appropriations Committee. Title XX, as you recall, is the

area of which low income individuals, and here we are talking about tremendously low income families, simply unable to afford child care. And we try to provide in this state some minimal assistance. Right now they're at 60 percent of the market rate, we would go up to 80 percent of the market rate. But they really should be at 100 percent of the market rate because the market right now is inadequate. We're talking about people that get \$1 an hour for watching for these children. Now, I know that we're trying to raise Medicaid reimbursements and we're looking at trying to help out in that regard. But there you're talking about \$20 for five minutes or ten minutes for a doctor to look at...

SPEAKER BARRETT: One minute.

SENATOR WESELY: ...low income individuals. I think we need to do far better for our children in child care situations. So, I'm going to accept these amendments and feel that we've done some good here. But I also want you to know that 678 will be back, and 720 will be back, and we need to do more. They won't have a chance to come up this year, but we'll move in the right direction and hopefully we will conclude this next session by passing those pieces of legislation so that we can ultimately try and help our children to have adequate child care, and in cases of abuse have adequate protection from abuse. So, again, I do appreciate the committee amendments and I would rise in support of them.

SPEAKER BARRETT: Senator Crosby.

SENATOR CROSBY: Thank you, Mr. Speaker and members. I'll speak about these two amendments. Concerning the caseworkers I think that Senator Scofield and Senator Wesely both stated it very well as to what we need. I won't dwell on that a whole lot, except to say that it is a problem that society faces these days, and this is one way we can help to address it. If you know social workers, I'm sure you all do, caseworkers suffer burnout. I don't believe I could do it, I don't believe I could go every day, and every day, and every day to the families that are having problems and try and look after the children and try to do something for them. Those who are there do a fine job. We've had cases in our office where they reacted very quickly and helped us when a child was having a problem, when we get a call from a school or somewhere. So the caseworker amendment I am all for, and hope that we can do better next year. The



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LB 678A, 720, 1037-1042

figures you're looking at?

SENATOR WESELY: Yeah, that's right evidently, yeah.

SENATOR HABERMAN: So what you have in the book then is the new fiscal note?

SENATOR WESELY: Yeah.

SENATOR HABERMAN: Okay, thank you, Senator Wesely.

SENATOR WESELY: Yeah, if it's incorrect, let's make that clear.

SPEAKER BARRETT: Any other discussion on the A bill? Senator Wesely, any closing statement?

SENATOR WESELY: No, just move the advancement of the A bill.

SPEAKER BARRETT: Thank you. Shall LB 678A be advanced? Those in favor of that motion vote aye, opposed nay. Shall LB 678A be advanced to E & R initial? Record, Mr. Clerk.

CLERK: 26 ayes, 2 nays, Mr. President, on the advancement of LB 678A.

SPEAKER BARRETT: The A bill advances to E & R. Anything for the record, Mr. Clerk?

CLERK: Mr. President, new bills, thank you. (Read LBs 1037-1042 by title for the first time. See pages 207-208 of the Legislative Journal.)

Mr. President, I have a hearing notice from the Transportation Committee, signed by Senator Lamb as Chair. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you, sir. Moving on to the next bill on General File, a committee priority bill from 1989, LB 720. Mr. Clerk.

CLERK: 720, Mr. President, introduced by Senator Wesely. (Read title.) The bill was introduced on January 19 of 1989, referred to the Health and Human Services Committee for public hearing. The bill was advanced to General File. I have committee amendments pending by the Health and Human Services Committee.

SPEAKER BARRETT: The Chair recognizes Chairman Wesely.

SENATOR WESELY: Thank you. Mr. Speaker, members, this bill would bring our number of caseworkers for child protective custody and foster care up to national standards. The desire of the committee, because of the fiscal impact, was to phase that in over a period of four years. That's what the committee amendment would do, it would phase in the move up to those national standards and I would move for its adoption.

SPEAKER BARRETT: Thank you. Discussion on the committee amendments. Seeing none, those in favor of the adoption of the committee amendments to LB 720 please vote aye opposed nay. Record, Mr. Clerk.

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of committee amendments as offered by the Health and Human Services Committee.

SPEAKER BARRETT: The committee amendments are adopted. To the bill, Senator Wesely, would you care to explain LB 720?

SENATOR WESELY: Thank you. Mr. Speaker, members, LB 720, another important bill dealing with children, attempts to address a problem we've had in this state with lack of what are called CPS and foster care workers in the Department of Social Services. The situation is that we have an incredible amount of domestic problems in Nebraska and elsewhere in this country where you have child abuse and other divisions in families that have resulted in placement of children outside of the home and you must try to, as best you can, investigate these complaints of child abuse and, number two, hopefully try to keep on top of the situation with those foster children so that they are not lost in the system. I know many of you are familiar with the Franklin case and that has brought a lot of attention to this sort of problem, but this whole concern is not new and limited to that. It is something that is before this body now for some time and this piece of legislation was introduced prior to any of the revelations on Franklin coming out to the general public and what we found was, according to the nationally recommended standards, Nebraska had far too few caseworkers, too few individuals to take care of child abuse complaints across the State of Nebraska, too few workers who try to keep track of our wards and foster care children so that they didn't get lost and

harmed in the system that was created to protect them. And we have had cases and examples of delays in investigations that have been...brought injury to children unnecessarily. Obviously, it's very important that in any case where a child is being abused that allegation be investigated as quickly as possible, and if it is, in fact, occurring, we need to intervene as soon as possible and remove the child from further injury. Obviously, we have a Family Policy Act that Senator Scofield sponsored and we're hoping to reconcile families where possible, but there are also those families that simply are abusing their children and we ought not to allow that situation to continue. Currently, because of the lack of staff, we are having delays and investigations that are far too long. They are unconscionable. We wait too long when somebody has been identified as possibly being injured and we should know this about children, if a child is being hurt and we wait days, weeks and even months to investigate, the evidence may not be there, the ability to prosecute, to follow through, to take care of that child may not be there, and in the meantime as those hours and days and weeks and months pass, that child can be hurt and abused even further. We shouldn't stand for it. We should have the ability to have the workers across the State of Nebraska able to intervene and step in and stop abuse of children. I've passed out for you a summary of the cases of child abuse in this state. Over the past four years or so, we've had a range of between 7,500 and 8,000 cases investigated. Of those that were investigated, we had between four and 5,000 substantiated. Of course, that's whatever number too many cases, and hopefully we can do some things to intervene and stop the abuse before it ever happens, but certainly one of the things that we must recognize is that if there is abuse we must bring justice to those individuals and stop that practice from occurring any further. We are dealing with a range of six or 7,000 children being abused in this state every year. That's hard to even imagine that anybody anywhere could ever abuse a child, but especially in Nebraska where you recognize family values and a desire, I think, to support families and still to have this number of children abused is pretty unbelievable to even me, who has dealt with this for so many years. We also have in legal custody of the Department of Social Services, as I've passed out, on a monthly average, about 3,000 children that this state is trying to watch out for in our foster system. That's 3,000 children that we're trying to make sure are protected and safe outside of their home. This is, of course, a great concern to us and anytime we take custody of a child we have a

responsibility to make sure that child is safe. If you do not have adequate workers making sure that the child is adequately protected, then, of course, I think we are not carrying out our responsibilities. The lack of staff, the case loads that are too large are hurting our efforts to protect children. In one of the letters that you should have received from Children's Hospital, which I passed out for you, goes through what happens as a result. This hospital and others that work with children are very frustrated with the problems they've had in getting child protective custody workers into the situations that they deem violent to children. They are frustrated by the lack of response by the system, but they recognize the system is overcrowded. It is overworked and unable to respond, not that they are insensitive, but that they simply don't have the ability to respond. I think furthermore, once we add the workers, hopefully through this legislation, we will also add the training and follow-through that we need to make sure that the work that is done is as very good as is possibly can and I think there have been some concerns about that, so it's not just an effort to increase the staff and the workers, but also we should increase their training and skills so that we don't have a high turnover and also that these individuals know their jobs well and do them well. That is a concern as well, but that's a follow-up later on with this legislation that we'll need to pursue. With that, it's a very simple issue, very simple concept, although a very important problem and I'd ask very much for your support despite the cost involved to do this. I think our children demand and deserve better than what they've received through the system at this point and with your support and passage of this bill, eventually, hopefully we will take better care of our children in very vulnerable situations, so I'd ask your support for the advancement of the bill.

PRESIDENT NICHOL PRESIDING

PRESIDENT: Senator Landis, please, followed by Senator Warner.

SENATOR LANDIS: Mr. President, members of the Legislature, my nighttime reading is just a little bit, and it puts me right to sleep, of Will Durant's history of civilization. I'm up now to about the Crusades. One of the stories that is told in the volume that I'm reading now is of a king in Sicily who, as an experiment, decided to bring into the castle 20 newborn infants and it was his belief that if the children were not taught to speak that they would, when it came time to speak naturally,

speaking the language that would have been used on the earth prior to the Tower of Babel, that was his belief. Now remember this is thirteenth century, so you can't think a lot of the scientific method of use here, but he brought these children in and they were pampered and cared for. That is to say, they were fed, warmed and cared for, but with two instructions, first, they were never to be spoken to and, secondly, they were never to be nurtured, picked up, held and talked to. They were to be kept in absolute perfect shape, if you will, but without any human contact to make sure that this opportunity to discover the first language would occur. The king started the experiment, and at the end of the year when it came time for children to speak, asked for a report because he was going to make his name in the catholic world by establishing this important biblical fact. He was surprised to learn that all of the 20 children had perished even though they had been cared for, fed and warmed. We know this today as what is called the failure to thrive syndrome, that is to say if there is no bonding to a parent, the child physically does not respond and grow. From that story I think it is critical to remember how important a child's well-being is in their relationship to a parent. It is far more critical than any of us can imagine. If you take that one step beyond just the infant and you go on then to the relationship of the parent to the child, we know, we know from psychological studies that the well-being of children, how they respond to authority and how they feel about themselves, which are lifelong characteristics, are determined by their relationship with their parents more than anybody else. If that relationship goes wrong, the costs are devastating. Take a look at any analysis of criminal behavior and there are two clear predictors of criminal behavior and they are child abuse in the home and drug or alcohol abuse in the home. Those two characteristics run an extraordinarily high percentage of the state pen when you examine those situations. Now, ask yourself, what, what is more important for us to spend money on than the avoidance of a Charles Starkweather, a John Joubert, a Michael Ryan, a Charles Erwin Simants because that is what this bill is about. You may not see it for anything other than a \$3 million A bill, but this bill is the biggest single opportunity we have to stem criminal and antisocial behavior in young people a generation from now. Child abuse and alcohol abuse in the home are the two greatest determinants of antisocial behavior by children that we know of in all of our scientific studies. You can build a million buildings on any campus on this state, you can put money into telecommunications courses that are done by satellite and the

time will have been too late, too late. Are things happening and going wrong? You bet they are.

PRESIDENT: One minute.

SENATOR LANDIS: I hope you took a look at your Foster Care Review Board annual report. The case listed on your executive summary was Sara, Sue and Sasha, (phonetic) 9, 5 and 2, placed in foster care in '86, left unattended for extended periods of times, numerous CPS referrals by school officials because they were not only dirty, but had head lice. When they were examined, they had...aware of alcohol abuse in the family as well as sexual abuse. They had been in foster care, but there are deeply disturbing indicators of abuse in the home. The children remain in the home, and even though there have been attempts at intervention by the Attorney General's Office, these children remain in this home with no actions filed against the father although there has been a pervasive evidence of sexual abuse and limited services being accepted by the family. We are overloaded in our system because we do not spend enough money on kids. Our Select Committee chaired by Sandy Scofield will tell you clearly that our services are fragmented, there is no organized planning for children in this state, we need to move to that, but most importantly, the intervention most critical...

PRESIDENT: Time.

SENATOR LANDIS: ...in their well-being is the stoppage of criminal child abuse by the intervention of our overworked CPS staff. This bill could not be more important than what it is. This is a critical, fundamental decision. I hope it doesn't get lost on a sleepy Tuesday afternoon.

PRESIDENT: Thank you. Senator Warner, please, followed by Senator Kristensen.

SENATOR WARNER: Mr. President, members of the Legislature, I'd rise to oppose advancing the bill. You may anticipate I'm going to say here my opposition rests in the 2.3 million or the additional five or 600,000 federal funds that the bill authorizes to be replaced with General Funds. That, however, is not my objection. My objection rests in the fact that we will place into statute a standard which is set by a couple, at least two, or other national organizations over which we have no control as to what those standards are going to be. Also, when

I looked at the fiscal note, it suggests at least to me, and I haven't checked it, but it would appear that there is other employees within Social Services, and I'm sure it's true in other agencies, to which you could apply certain national standards and say that is the one that would govern the amount or the number of people you will have employed. I think it's probably correct, without any question, that some additional number of protective workers are indeed needed. I think it's a mistake, as a matter of policy, to tie the state to some national standards which may or may not be appropriate for Nebraska. Certainly it may or may not be appropriate in certain areas in the state. Certainly I can see where you get outstate where large...long distance to travel, even the national standard may be in excess of what a caseworker could adequately cover and I understand it would be only average, but nevertheless, I believe it's a mistake as a matter of policy to put this into statute and those, you may have justification of doing just the A bill if you want to fund more. I don't think you ought to do it on the basis of some national standards over which the state would have relatively little control and, more importantly in my opinion, would lead to a number of other types of criteria being established for numerous areas of state employees or local government as well.

PRESIDENT: Thank you. Senator Kristensen, please, followed by Senator Morrissey.

SENATOR KRISTENSEN: Thank you, Mr. President, members, I somewhat agree with Senator Warner that it concerns me about tying ourselves to other national standards and so far this afternoon the discussion has really centered around the children. I'd like to take a different approach in that and look at the plight of the protective service worker in this state. From my experience in dealing with them, they, too, are at a breaking point. My experience also is from a protective service worker out in the rural areas and not one in Omaha and Lincoln and I quite frankly can identify with their caseload and how they may operate, but on a typical day we only have five caseworkers for a five-county area and what those people are required to do is almost impossible. Not only are they supposed to save the children's lives, they are supposed to stop them from being criminals but, quite frankly, they have very real day-to-day things that these workers must do. They are in the process of recruiting foster homes. In two counties we only have one licensed foster care home. Whose job is it to go find

those other foster care homes? It's these workers. They don't have time and so we have all these problems. We bring a child in, where are we going to put him? We don't have a group home out in Franklin County or Kearney County. We have to rely on somebody else's home whose been licensed or who will take them in. We don't have time to investigate them. We may be putting them into a worse situation. But also in that are some guidelines and they are guidelines handed down by the federal government and they say that we've got to go back in within the first 24 hours and make that initial investigation, but we're supposed to make a second contact as well. These workers don't have the time and they are placed with unreasonable demands. They also have to go through and do a fairly typical day of travel and I want to show you an example of a worker that is in Minden. She has been doing this for years. She is one of the most dedicated child protective service workers we probably have in the state. She drives 30 miles in the morning to go up to Kearney to check in and she gets a state car. Then she drives another 50 miles back through Minden, back down to Franklin for a ten o'clock hearing that she spends her time down there, then she drives all the way back to Kearney again to check back in. She may well drive back to Minden for court that afternoon. Then after she has had court in Minden that afternoon, she drives back to Kearney to check in so she can drive home. She spends most of her time on the road. She has a caseload of 29 kids right now and she is supposed to write a report every month on those kids; she's supposed to appear in five different courts and she can't do it. She's in a room that's less than the size of most of our offices with five other workers. They have no confidentiality. They are overworked, they are understaffed and the morale is zero. And we talk about all these lofty goals of going out and saving children. Well that's true, but quite frankly, there is a day to day problem, there's not enough of those workers. Those workers are burdened to pieces and we need to do something to relieve them. They also have some problems with numbers of hours. There's state requirements out there that they have to do all their work within the 40 hours of the week. If they do more than that, they are to quit. If they put their 40 hours in by Wednesday, they're done for the week. These workers are not nine to five workers. These child protective service workers are on 24 hours call. If there is a problem, they go out and investigate that night. They may spend half the night trying to find a home for a couple of kids that need some place right away. They can't wait until morning. They can't sit down at the police station.



They can't call back in the morning when we have time. These workers, at least in the Kearney area, are suffering a tremendous morale problem. Part of it is due to their local office administrator, but part of it is our problem, that there is just not enough workers. Senator Wesely, could you answer me just a couple questions and maybe I'm more concerned about our placement in workers.

PRESIDENT: One minute.

SENATOR KRISTENSEN: Thank you. Your staff has shown me where some of the workers have gone in the past and I believe one of them went to Hastings, one of them went to Grand Island. Columbus strikes me as another place. Are these geared and done on numbers of caseloads as well as the amount of travel involved? So if we're going to reallocate, where are these workers going to go?

SENATOR WESELY: I'll go ahead and respond. Senator Kristensen, I know there have been concerns about where the last increase went to in placements and how that was done and at this point we're not completely sure how that decision was made, but evidently was made on caseloads and hopefully on travel, as you made that point. That needs to be considered. My guess is that we need to sit down with the department and understand better how it is they plan to disperse these people because there have been some concerns about the last effort.

SENATOR KRISTENSEN: Would you give me some assurance that we would look towards taking into consideration the amount...

PRESIDENT: Time.

SENATOR KRISTENSEN: ...of miles that have to be traveled and the rural area needs and those things?

PRESIDENT: Time.

SENATOR WESELY: Can I answer that?

SENATOR KRISTENSEN: I think that's a good one to answer.

PRESIDENT: Quickly.

SENATOR WESELY: I, absolutely, as a matter of fact, would look

toward an amendment to work with you as they develop. See, right now the director is to establish those caseloads, we could include an additional mileage factor and I think that would be quite reasonable. I'll be willing to work with you on it.

PRESIDENT: Thank you. Senator Morrissey, followed by Senator Wesely.

SENATOR MORRISSEY: Thank you, Mr. President and members, I rise to support 720 and I really don't know what else can be said. Everything I wanted to say has been said. I'll agree with Senator Warner that maybe this national figure is something that we don't want to lock ourselves into, but I've done quite a bit of digging in my district, and just as in Senator Kristensen's district, my folks are definitely overworked, and this is not a job, as he said, not a nine to five job, this is not a job that is easy to leave at work like possibly my job or some of your jobs. These jobs are ones in which the people get very much involved. They have to get involved. They care very much for their clients and they really go out on a limb for these people and the people...the turnover in my district, because of that, because of the stress involved in these jobs and because of the hours and the frustrations that these folks are feeling, turnover in my district is very, very high. And simply, I couldn't believe when they told me, and I'm sure you've all heard it, too, that one of the way they prioritize these cases is the ability to flee. If someone can run and flee an abusive situation, they get moved to the bottom of the list because they barely have time to address the children that can't take it upon their own and leave. They must concentrate on the children that cannot flee and that just took me back. I could not believe it. This morning the Governor was talking about more money for prisons, more money for police, stronger drug laws. Well, I think if we really want to address these problems, we have to start addressing these problems by spending the money up front. Intervention and prevention at the cause of the problem will save us money in the long run. We can fill these prisons and build more and fill them again and again and again, but until we start addressing the problems at the root, it's just an unending cycle and I would urge you all to support LB 720.

PRESIDENT: Thank you. Senator Wesely, please, followed by Senator Coordsen.

SENATOR WESELY: Thank you. Mr. President, members, I

appreciate the support from Senator Landis, Senator Morrissey, Senator Kristensen. As I said earlier and will reiterate that I'd be willing to work with Senator Kristensen on a differentiation on these workers' placement recognizing the travel time problem for our rural areas and I think that would be definitely advisable, so I'm more than willing to do that. Senator Warner did raise an objection dealing with the national standards. We did look at other states and a number of states do follow those national standards, but I would be willing to look at modification of that language. The real gut to the bill says the director shall establish and maintain caseloads and then it references the national standards as something as a reference, but not necessarily absolute, and so I can see where his concern is there. The intent is to give some guidelines to the director, but it also isn't attempting to be a straitjacket so I could see where we could, I hope, alleviate Senator Warner's concerns with further amendment and, again, I pledge to work with him on that. In follow-up to that, the national standards that we have, it was raised I believe by Senator Scofield, she's back, Senator Scofield, I don't know if you recall, but when we had the Appropriations hearing on this measure, you raised the point on national standards, tied into Senator Kristensen's point, that because we're more rural, the caseloads may be inadequate for a rural state, that the travel time and the differentials that you just talked about, Senator Kristensen, may mean, in fact, that we may be holding ourselves back by tying into national standards instead of pulling ourselves up, although at this point, obviously, we'd have to increase staffing to meet those standards. They still may not be adequate, recognizing in the rural areas of the state, the problems that they have. And so I'm willing to look at that issue, Senator Warner, and recognize the unique character of Nebraska, but the bottom line is, as others have said so well, the bottom line is the children and the children are not being served. They are left in abusive situations, it's intolerable and we ought not to let it continue.

PRESIDENT: Thank you. Senator Coordsen, please, followed by Senator Schellpeper.

SENATOR COORDSEN: Thank you, Mr. President. Would Senator Wesely yield to a question, please?

PRESIDENT: Senator Wesely, please.

SENATOR COORDSEN: Senator Wesely, do you know what the training and/or education requirements are for a CPS worker under current regulation? I don't.

SENATOR WESELY: They are not particularly stringent, I know that.

SENATOR COORDSEN: Okay.

SENATOR WESELY: That's been a problem.

SENATOR COORDSEN: Well, the reason I asked that question, I noticed in the fiscal notes that we have current funding for 207 CPS workers. As of December something, there were 189 currently employed, and I believe this would call for 56 additional. My concern was whether or not...what the requirements were as it relates to the ability to, in fact, hire 56 more people which would be roughly a 30 percent increase over the current employment...people in employment in those positions. So...and I was wondering how stringent those requirements were, how difficult it might be to hire not only the 56 more, but I believe there would be another 18 to come up to current funding levels, so it would be looking at 84 more employees which is about a 50 percent increase and are those people going to be available, are we going to be able to accomplish the aims of this bill?

SENATOR WESELY: If I could respond, Senator Coordsen, those are excellent questions.

SENATOR COORDSEN: If you would, please.

SENATOR WESELY: The way the committee decided to handle that was to phase in instead of completely going to that immediately. So instead of adding the 80 some workers immediately, we'll phase in over a period of time. There are already a number of them added this last year and will add more over the course of the next few years and bring us up to that total. We do, I guess, just a few months ago new minimum requirements were established for training for these individuals and I hadn't seen them before just now. I will look at these and share them with you and assess how difficult that will be, but I should also share with you, Senator Coordsen, I've had individuals come in and talk to me about, yes, we're understaffed on child protective services workers and we're understaffed on foster

care workers, but we also, if we want to do the job right, they need to be trained. They need to know what they're doing and the turnover burnout rate that Senator Kristensen was talking about is really part of the problem. They come in, they have too big a caseload, they turn around, they just can't keep up. It's...what a terrible job to go in and investigate these terrible things to these children and it's difficult to maintain staff. If they had less of a workload, they'd stay longer, the training would not be as big a problem and I think we'd be better off all the way around. So hopefully there is some advantages to lowering the caseload and having people last longer with the training and experience that they have, but in any event, your questions are anticipated, I think we'll be able to deal with them and I will get you some information that hopefully will clarify it further.

SENATOR COORDSEN: Thank you. And it would appear from Senator Kristensen's comments that perhaps in order to make more effective use of CPS workers in outstate Nebraska where there is a significant geographic area that perhaps the department might well look at better organization of the use of those times to try to reduce the travel time, make more effective use of the people within whatever constraints they have. Thank you, Senator Wesely.

PRESIDENT: Senator Schellpeper, please, followed by Senator Haberman.

SENATOR SCHELLPEPER: Thank you, Mr. President and members, LB 720 I think is a bill that has a lot of far-reaching benefits. We need to look past the A bill. I think too many times people look at that A bill and think oh, gosh, it's going to be \$3 million. We need to look past that and just look at what it will do for the children of this state. This bill needs to compete with all the other bills out there. I think we need to move it on, get it up to Final Reading and then let it compete, but at the present time, this bill is very important. It needs to compete with all the other bills. Thank you.

PRESIDENT: Thank you. Mr. Clerk, we have an amendment.

CLERK: Mr. President, Senator Warner would move to amend LB 720 by striking lines 10 through 15 on page 2 of the bill. (See page 209 of the Legislative Journal.)

PRESIDENT: Senator Warner, please.

SENATOR WARNER: Mr. President, members of the Legislature, this is in keeping with Senator Schellpeper's suggestion that the bill could be advanced and compete with all the other things. My objection, I indicated, was tying to a couple of national organizations for criteria and the probability I suspect of that expanding to a whole host of other areas. It would seem to me that...what would be left in the bill is criteria developed by the Director of Social Services that would be in keeping with the kind of concerns that Senator Kristensen pointed out that are adapted to Nebraska which seems to me to make more sense and I would move the adoption of the amendment so that that director is still required to develop those standards and strike the reference to a national organization which either may or may not be appropriate for Nebraska.

PRESIDENT: Senator Haberman, did you wish to speak about the Warner amendment? Both? You're on.

SENATOR HABERMAN: Senator Warner.

PRESIDENT: Senator Warner, would you respond, please.

SENATOR HABERMAN: You're striking on this green sheet, the bill, legislative bill what lines, please?

SENATOR WARNER: Ten...the sentence in 10, lines 10 through line 15 on page 2.

SENATOR HABERMAN: So in essence what you're doing is you're taking out the federal standard, is that correct?

SENATOR WARNER: Well, they aren't federal standards, Senator Haberman, it's national, as I read it, national standards of a couple of organizations. It doesn't say that it has to be the same as those, but it's supposed to be a guidelines to those and I'm just suggesting that they ought to be state adopted and standards that are applicable to the state.

SENATOR HABERMAN: Members of the body, I'm going to support Senator Warner's amendment. As the information that I have gathered, really there is no way, as Senator Kristensen alluded to, that the southwest district is even going to be considered for those standards. Now they don't take into consideration

back in Washington, D.C., the possibility that some of these districts or these communities have a time zone change. They don't understand what windshield time is. They just don't understand that if you live in Lexington and your expert is there and you have to say come to Imperial, they can't do it at the drop of a hat. So these national standards and even the state standards, it's awfully hard according to the information that I have, to have the warm bodies to do the job. Now we have talked here that the bottom line is the children. That's absolutely right, and all children are equal. It doesn't make any difference what part of the state they're from. There are the same types of people possibly running foster care homes or what have you all over the State of Nebraska. So someone has to take into consideration, they have to take into consideration that some of these districts are 150, 200 miles in distance, not 25 or 30 blocks. So if we're going to do the job, if we're going to spend the money, which I am willing to do, I just feel that everyone should be on the same playing field. Thank you, Mr. President.

PRESIDENT: Thank you. Senator Nelson, please, did you wish to speak on the Warner amendment?

SENATOR NELSON: Yes, I guess really not the Warner amendment, on the bill itself. I don't know how I stand on count.

PRESIDENT: There is only one other speaker beside you, so you may go ahead.

SENATOR NELSON: All right. My concern, and this will probably be a real bombshell to Senator Wesely and so on, again, I agree with the need and I particularly know what the need is that Senator Haberman is talking about or in my area, and many of the outstate areas for additional social service workers and the merits of the bill. My suggestion is, let's close NCCY center with 142 employees, 11 residents out there, for over a \$3 million budget. Let's take those workers and move them. Are we sure that the workers are not available there in social services to do that? I had the opportunity to be out and I think they had 11 residents out there. In 1986, NCCY served 174 youth; 1987, 211 youths; 1982, 202 families and I think, in 1989, 179 families. And this is only consultation and so on. So I know that the Appropriations Committee has recognized this. They have cut the budget 200 or \$250,000 a year to try to make that shift. Let's see if we can't find these 200 workers within

the Social Services Department and let's move from that point. We need those. There are buildings out there, I think 532,000, I believe, spent on roofs, repairs of those buildings out there. Let's take those workers and move that shift out to the western or central Nebraska where they are needed, and I know that program. I know this is somewhat of a bombshell, but let's see within Social Services if those workers are not available, a better distribution of the workers and the service. That is my only suggestion on this, so at this time I probably won't be supporting it because of the fact that I somewhat have this NCCY problem that disturbs me very, very much for the number that are served out there and the amount of staff.

PRESIDENT: Thank you. Senator Wesely, please, followed by Senator Haberman.

SENATOR WESELY: Thank you, Mr. President, members, in getting back to Senator Warner's amendment, the standards, national standards are the signposts that we used in drafting the amount of money we needed to fund the workers, where we should be to adequately protect our children. I understand his concern about tying ourselves into the future in national standards, but it also is clear that I think it should be our intent to meet some guidepost of what adequate staffing should be. So, and recognizing Senator Kristensen has raised an issue about the travel time and perhaps we can come up with some language that would clarify where we're trying to go without binding us so closely to national standards, and so at this point I'm going to accept the Warner amendment with the understanding that I think we need to follow up on Select File with some clarity here that we can work on together in the meantime. So with that, I'd go ahead and accept the Warner amendment.

PRESIDENT: Thank you. Senator Warner, would you like to close on your motion? The question is the adoption of the Warner amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: The Warner amendment is adopted. Senator Haberman, do you wish to speak? Did you wish to speak on the bill? Okay. Senator Wesely, on the bill. Pardon me?



SENATOR WESELY: Am I going to close or...?

PRESIDENT: No, there is one other speaker beside you.

SENATOR WESELY: I'll wait till close.

PRESIDENT: All right. Senator Hartnett, please, on the advancement of the bill.

SENATOR HARTNETT: Mr. President, members of the body, I think I listened, if I can ask Senator Kristensen some questions. I listened with some interest to your comments about, you know, driving from Minden to Kearney to pick up a car and then back and so forth. Even if we pass this, will that change, I guess? Will they have to go from, if a worker is in Minden, they'll have to go to Kearney to check in, you know, we've got to punch the time clock, I guess what I heard when you were talking, a lack of trust on, you know, people being an agent unto themselves, you know, if they're going to go from Minden south some place, they don't have to go north. I think Minden is south of Kearney and vice versa, what, if we do add additional workers, will that help the situation? Because I listened to your scenario, I saw just lots of miles driving back and forth without getting to serving people or children, and I guess that is...I have some concern as I listened to your story, I guess, so maybe you want to respond to that.

SENATOR KRISTENSEN: Sure.

SENATOR HARTNETT: Or maybe Senator Wesely or somebody.

SENATOR KRISTENSEN: Well, if Senator Wesely would like to respond, I'm sure he will in his closing. I don't think the needs are going to go away in Franklin and Minden and someone is still going to have to travel from the Kearney office under our present system out to those places. That was just a part of what the problem is and it is a conglomerate problem, is that if this worker spends all of her time driving to and from, those are times that she's not able to do other work. She's not able to prepare maybe her court load, reports that she has to report to the court, the guardian ad litem, the attorney for the parents and so on. If we've got her running on so many cases, she is going everywhere. If we could limit the number of places that she goes, she's still going to have to be on the road or he's still going to have to be on the road. Given all the

travel time plus the regular work load, it's almost impossible for that worker to complete all that. With the additional worker out there that's just one caseload that she'll have to absorb. In other words, she may not be able to handle the 29 or 30 cases, but if she could share that and get down to 20, maybe she'd be able to better manage that. It's a matter of just sheer numbers and she's got too many places to be at one time.

SENATOR HARTNETT: I guess what I was bothered by that she had to go from Minden to Kearney to pick up the car, you know and then...

SENATOR KRISTENSEN: Oh, absolutely.

SENATOR HARTNETT: ...back to Minden and, you know, I think that's the part that bothered me.

SENATOR KRISTENSEN: And I think that that's all in somewhat of the local administration of that office as well, an. I think there's some real serious problems in that particular area in that office, but...

SENATOR HARTNETT: That's what I see a waste of state funds or waste of people's talents, just driving like that, so...

SENATOR KRISTENSEN: It's also real dangerous when you've got a worker thinking about 29 cases where she is on the road all the time, too.

SENATOR HARTNETT: Yeah.

PRESIDENT: Senator Haberman, further discussion.

SENATOR HABERMAN: Mr. President, members of the body, Senator Hartnett, I would like to explain to you a situation that happened in southwest Nebraska that I don't think possibly could happen in the more density areas of the State of Nebraska. The parents were having a dispute and they called the local sheriff. The sheriff has the authority to place children in a foster home if, in his opinion, they feel the children are in danger of being harmed. So the sheriff contacted the Social Services Department in this community and they said, we cannot make that decision, call such and such a community. So the county sheriff called that community and that community referred it to a third town. The third town says call Lincoln, let them make the

decision. Senator Hartnett, four and a half hours later, four and a half hours they were finally contacted by someone in Lincoln. They could not send anyone to this community that evening so here sat the sheriff, what was he supposed to do? Was he supposed to take those children home and keep them? No, you can't expect him to do that. Can he put them in a hospital, take them down, what's he going to do with them? He has declared an emergency, but the workers were not available, they were not available to take care of the situation, so we're talking about children, and when I stand up here and raise my voice and talk loud about we need help on this issue, it's a lot different than on highways, on the University of Omaha and et cetera and et cetera. This is a different type an issue. This is an issue that money really won't solve, warm bodies will solve. So we have to say, now I supported Senator Warner's amendment. When they start to draw up how many people we're going to hire, where they are going to be placed, I hope that I'm included because we have a different situation. I just wanted to express that to you, Senator Hartnett, to put a little frosting on what Senator Kristensen said. In the western part of Nebraska we do have a problem with this issue. Thank you, Mr. President.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you. Any other discussion on the advancement of the bill? Senator Wesely, perhaps you'd like to close.

SENATOR WESELY: Yes, Mr. Speaker, members, thank you again for an excellent discussion on a very important bill. I think all of us are very concerned about child abuse, about children in foster care, and with the passage of this legislation, I think we'll take a giant step forward in trying to adequately provide for their protection and safety. The Warner amendment takes out the specific reference to the national guidelines. I can understand his concerns, but the intent is clear. We have national standards that we understand that we need to meet in order to adequately staff our protection of children, and I plan to work with Senator Kristensen and Senator Warner to further clarify the bill, but I think the specific reference is not necessary to accomplish the task at hand. There are now presently about 259 workers involved in this area. We are short by national standards 102 staff positions that we need to add. Eighteen were added last year. That leaves us 84 short. This

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bill would add those 84 over a four-year period and that would be about 20 more staff a year. Hopefully, with that we would in four years' time have adequate workers and staff to protect the children in the different environments that we find them in, whether they are abused at the home or outside of the home and in foster care, but clearly, an intolerable situation must come to an end and the passage of this bill will help us accomplish that goal. With that, I appreciate your discussion and ask for your support for the advancement of LB 720.

SPEAKER BARRETT: Thank you. The question before the house is the advancement of LB 720. All in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB 720.

SPEAKER BARRETT: LB 720 is advanced. The A bill, Mr. Clerk.

CLERK: LB 720A, Mr. President, offered by Senator Wesely. (Title read.) The bill was first read on March 28 of last year, Mr. President, referred directly to General File as is our practice. Senator Wesely has amendments pending that are on page 157 of the Legislative Journal.

SPEAKER BARRETT: Senator Wesely, please.

SENATOR WESELY: Mr. Speaker, we've spent a lot of time together. It's been a pleasure. Members of the Legislature, this amendment would reduce the A bill down as it is a four-year phase-in. The committee amendments did not put all the workers in in one year, would put them in over a four-year period reducing the fiscal impact. So I would move for the adoption of the amendment.

SPEAKER BARRETT: Thank you. Any questions, any discussion on the amendment? If not, those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of Senator Wesely's amendment to the bill.

SPEAKER BARRETT: The amendment is adopted. Senator Wesely, let's proceed to the bill as amended.

Mr. President, I have a hearing notice from the Government, Military and Veterans Affairs Committee, for the Business and Labor Committee and for the Retirement Systems Committee, all signed by their respective Chairs.

Mr. President, Enrollment and Review reports LB 678 to Select File, E & R amendments; LB 678A, Select File with E & R; LB 720, Select File with E & R and LB 720A, Select File with E & R also, all signed by Senator Lindsay. (See pages 265-66 of the Legislative Journal.)

And I have a reference report, Mr. President, referring LBs 1049-1079. (Also LB 1034. See page 265 of the Legislative Journal.) That is all that I have.

SPEAKER BARRETT: Thank you, Mr. Clerk. Those in favor of the motion to recess until one-thirty please say aye. Opposed no. Ayes have it, motion carried, we are recessed.

RECESS

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you, sir. With a quorum present, we will proceed back to our discussion of LB 742 at which time we were discussing the committee amendments to LB 742. We will return to the speaking order. Correction, we're on a motion to advance the bill. The speaking order beginning with Senator Dierks, if you would care to discuss the motion to advance the bill to E & R, Senator Dierks, followed by Senators Landis, Moore, Smith, Schmit and Bernard-Stevens. Senator Dierks.

SENATOR DIERKS: Thank you, Mr. Speaker and members of the body, I just rise to support Senator Robak's LB 742. I think that... I think these people have a track record that is good and I think we need to honor that. I believe that we do allow people on our roads sometime that maybe shouldn't be there. I don't know how we can stop some of that, but this is some legislation that will allow people to drive again that their track record is proven, they can handle this situation. And they have been kept from this right by the bureaucracy and I think it's time for the bureaucracy to give the right back to them. So I would support 742 and I would urge other people here to do the same thing.

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1063, 1070

open to it certainly. In fact, it used to become an issue in confirmation, as I recall, on some of the various appointed boards as to which side they were on. I think, as I've said several times now I guess, that it's important to retain that responsibility with an elected official who does not initiate them, but only has that review authority to say no to a particular contract and I think that protection ought to be there for the state as well as for the employees who are covered by those plans.

PRESIDENT: Thank you. Senator Warner was closing on the indefinite postpone motion and the question is, shall LB 359 be indefinitely postponed? All those in favor vote aye, opposed nay. Simple majority. Have you all voted? Record, Mr. Clerk, please.

CLERK: 18 ayes, 2 nays, Mr. President, on the motion to indefinitely postpone the bill.

PRESIDENT: LB 359 is indefinitely postponed. Mr. Clerk, anything for the good of the cause?

CLERK: Yes, Mr. President, I do. Senator Wesely has amendments to LB 720 to be printed, and to LB 742. Senator Rod Johnson has amendments to LB 163 and Senator Labedz to LB 662. (See pages 542-45 of the Legislative Journal.)

Health and Human Services Committee reports LB 871 to General File, LB 1022 to General File, LB 1063 and LB 1070 to General File, those signed by Senator Wesely as Chair. (See page 545 of the Legislative Journal.) I believe that's all that I have, Mr. President.

PRESIDENT: Senator Emil Beyer, would you like to adjourn us until Monday, the 29th of January at nine o'clock, please.

SENATOR BEYER: How about adjourning sine die? No, I would move that we adjourn until nine o'clock on Monday.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are adjourned.

Proofed by:

  
Sandy Ryan

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LB 545A, 720, 956, 1004, 1075, 1077

advanced to General File, LB 1077 General File, LB 1075 General File with amendments. Senator Conway has amendments to LB 956; Senator Baack to LB 545A. Agriculture gives notice of cancellation of hearing; Agriculture reports LB 1004 with committee amendments attached. (See pages 567-71 of the Legislative Journal.) Mr. President, that is all that I have at this time.

SPEAKER BARRETT: Thank you, sir. Proceeding then to the next bill on Select File, LB 720.

CLERK: Mr. President, the first order of business on 720 are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 720.

SPEAKER BARRETT: You have heard the motion to adopt the E & R amendments. Those in favor say aye. Opposed no. Carried, they are adopted.

CLERK: Mr. President, Senator Wesely would move to amend the bill. The amendment is on page 542 of the Journal.

SPEAKER BARRETT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Thank you. Mr. Speaker, members, if you recall, LB 720 dealt with caseworkers to investigate child abuse and also to keep caseworkers to work with our foster care children. If you recall on General File, Senator Warner amended the bill deleting the direct tie to national standards that we had in the original bill for fear of having us tied directly to national standards, and so what we talked about at that time was coming back with some references for the Director of Social Services to develop caseload standards and have some guidance from this Legislature. You can't just completely delegate that authority. You need to give them some legislative guidance. So this amendment would provide that reference for the Director of Social Services in establishing the caseload work for these social caseworkers. The work that we did, Senator Kristensen, and I think Senator Morrissey, Senator Bernard-Stevens I think also raised questions about how you determine where these workers went to and we did put in some standards in here dealing

with timely response investigations and some other language that was an attempt to recognize, geographic responsibilities, office location, travel required, those sort of factors are included in the caseload so that they would better know how to establish where these workers should go to. So I hope that the amendment will deal with the concerns that some of you expressed on General File, help give some guidance to the department as they develop these caseload standards and would appreciate the adoption of the amendment. I would add one other note, Senator Warner had a question regarding the director, one line says, "The director shall consult with the appropriate bargaining unit employee representative in establishing such standards." The intent there is merely to have the director of the department just consult the employees in this work so that they have some input as well into the caseload standards. It is nothing more than advisory and it is not intended to be any part of the bargaining process. So with that, I would move the amendment and be glad to answer any questions, Mr. Speaker.

SPEAKER BARRETT: Thank you. Any discussion on the amendment offered by Senator Wesely? Senator Warner, please.

SENATOR WARNER: Mr. President, members of the Legislature, I had an amendment... I have no problem with I think as what Senator Wesely explains on line 21 of the amendment, "The director shall consult with the appropriate bargaining unit employee representative in establishing such standards." My concern is, I don't know if it is a viable concern, but I would not want to see this become part of a bargaining issue, and I don't know if that has the implication or not. If those words "bargaining unit employee representative" was stricken and something inserted so that it was... reflected employee rather than imply a bargaining factor, I would be much more comfortable. Yeah, that is all right. I am sending up an amendment Senator Wesely doesn't object to which would strike the words "bargaining unit" and there won't be any implication that it becomes something that is part of negotiations which I don't think it should be. Essentially what this amendment does, as I would interpret it, is a report which would become, in effect, a budget issue for the Legislature whether or not funding for this type of services in the department should be at a higher level, and more employees, or different distribution of employees, and so forth. And if the word "bargaining unit" is stricken, then there isn't any implication that that is to be a negotiable item even indirectly.



SPEAKER BARRETT: Mr. Clerk.

CLERK: Mr. President, Senator Warner would move to amend Senator Wesely's amendment. In line 21, strike the language "bargaining unit: and insert the word "employees".

SPEAKER BARRETT: Senator Warner, anything further on your amendment to the amendment?

SENATOR WARNER: I think we would then cross out...all it needs to do is strike the words...

CLERK: Strike "bargaining unit", okay.

SENATOR WARNER: ..."bargaining unit", and the rest of it, the insert part isn't needed because "employees" is there.

SPEAKER BARRETT: Thank you. Any discussion on the amendment offered by Senator Warner? Senator Haberman, would you care to discuss the amendment to the amendment? Senator Wesely.

SENATOR WESELY: Yeah, Mr. Speaker, I understand Senator Warner's concern and it wasn't intended to elevate this in any fashion. We just merely wanted to reference that employees are very concerned about this and should have input, and I think with the amendment we deal with that, so I would support the amendment.

SPEAKER BARRETT: Thank you. Senator Bernard-Stevens. Thank you. Any other discussion on the amendment to the amendment? If not, Senator Warner, anything? Thank you. The question is the adoption of the Warner amendment to the Wesely amendment to LB 720. Those in favor vote aye, opposed nay. Record, please.

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

SPEAKER BARRETT: The amendment is adopted. Back to the Wesely amendment, for discussion purposes, Senator Haberman, followed by Senator Bernard-Stevens.

SENATOR HABERMAN: Well, Mr. President, and members of the body, would Senator Wesely yield to a question, please.

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Yes.

SENATOR HABERMAN: Senator Wesely, in your amendment, lines 16 and 17, you make reference to the travel required to provide timely response in investigation of abuse and neglect, could you explain what a timely response is, please?

SENATOR WESELY: Well, being able to get to a situation as rapidly as necessary to intervene. You have different levels of abuse and neglect, you have those that require immediate action and there you need to be able to get to whatever location you can within a very quick fashion. More generally you have less emergency situations and more time than having to be there immediately, but you do want to be able to get there as quickly as necessary.

SENATOR HABERMAN: Would 4 1/2 hours be a timely response?

SENATOR WESELY: Right now there are children waiting for months and months to get any response, so...

SENATOR HABERMAN: Well, now wait a minute, Senator Wesely, do you mean to stand there and tell me that if social services was called on a child abuse investigation or neglect and the children are in danger that it would take months to get a response?

SENATOR WESELY: There are...

SENATOR HABERMAN: If somebody receives a...if they received a phone call in Lincoln from a county sheriff that there is a problem, a potential child abuse or damage, physical damage, it would take a month to get a result or to get an answer?

SENATOR WESELY: In some cases, it will take, in fact, months before people are even...any investigation occurs. If there is an emergency circumstance, if they feel that there is an immediate threat to that child, hopefully, they will get there as soon as possible, but the casework problem is there, Senator Haberman, and they are not even investigating some of these cases for months.

SENATOR HABERMAN: Well, Senator Wesely, the reason I am raising

this point is I have been informed by Social Services, they are concerned about windshield time. Do you know what windshield time is?

SENATOR WESELY: Yes.

SENATOR HABERMAN: And they have to take that into consideration when they respond. Well, from Imperial, Nebraska to North Platte, Nebraska, where the headquarters is and where it seems you have to go to get any kind of a decision, it is 100 miles and a time zone change. So if it is four-thirty in Imperial, it is five-thirty in North Platte and nobody is available because it is after five o'clock, the problem can keep until tomorrow, maybe. Is that what you mean by timely response? I guess I am a little confused here. You are asking for more money for more people, for more everything, but I don't see anything that says we are going to receive where we have a problem in western Nebraska, especially in the southwest district, where we have already had the office shut down, people transferred, the wheel has already been broken, where we are going to get any benefits out of this legislation.

SENATOR WESELY: Senator Haberman, your problem is exactly what we are trying to address.

PRESIDENT NICHOL PRESIDING

PRESIDENT: One minute.

SENATOR WESELY: That the lack of staff have led to lack of response to people in your area, to people in my area, to people everywhere in the state. Once you get the caseworkers back up to a level where they can respond, then the idea is that you don't have to wait, that you don't have the problems that you have.

SENATOR HABERMAN: Well, Senator Wesely, I am going to interrupt you because I don't have too much time. The same people who you are saying are going to maybe see we have more staff are the same people who cut the staff in the first place. Now if you bring the staff up to the level before they cut it, we are right back to square one. So I just...I think it is too loose. It is not pinpointed enough and I don't like the amendment at all. Thank you, Mr. President.

PRESIDENT: Thank you, sir. May I introduce a guest, please, of Senator Weihing under the south balcony. We have Mr. Clint Morrison who is from the Gering/Scottsbluff area and serves on the County Board of Commissioners out there. Would you please welcome him to the Legislature. Thank you, Mr. Morrison. Mr. Clerk, do you have an amendment?

CLERK: Mr. President, Senator Bernard-Stevens would move to amend Senator Wesely's amendment. (See page 571 of the Legislative Journal.)

PRESIDENT: Senator Bernard-Stevens, please.

SENATOR BERNARD-STEVENS: Thank you, Mr. President. The amendment is a very easy amendment. It is on line 14 of the Wesely amendment, AM2259. It simply would change the word "consider", strike that, and insert the new word "include". So, in essence, it would say, "In establishing the standards for such caseloads, the director shall include the workload factors...", rather than consider. Mr. President, the concern that I have, and first of all, I appreciate Senator Wesely in coming back with this amendment in trying to deal with some of the concerns that we had out in the western part of the state. One of the difficulties I had in working with Social Services is when we talked about windshield time and we talked about the distance and the geographic areas that the response would come back saying, well, we have considered those, we have looked at those, we evaluated that, and this is the way that we have decided to do it. I don't want to have just a consideration so they can keep the status quo, and keep what they have, and have them be able to say, yeah, we considered it but we rejected it immediately. I want them to include, and so when they, on the first part of the amendment, in each of the even-numbered years when they do provide a report to the Legislature and Governor outlining the caseloads and the factors considered, those factors will include such areas as geographic responsibilities, office location, travel requirements, time zones, and so on, and that is the nature of the amendment, and I urge its adoption.

PRESIDENT: Thank you. Senator Kristensen, please.

SENATOR KRISTENSEN: Thank you, Mr. President, and members. I, too, have looked through the...particularly, the Wesely amendments and find those to be something that we had some concerns about, the number of workers, and I think I gave an

example earlier about how much time we actually had to spend going back and forth with our workers, and where actually they are spending just as much time, and probably have just as many cases, I think these amendments speak to that and they certainly solve many of the problems, and I thank Senator Wesely for his work in doing these amendments for us, and I think it will be helpful and I, too, would ask for their adoptions. Thank you.

PRESIDENT: Were you through, Senator Kristensen? Senator Nelson, please. I don't see her at the moment but, Senator Wesely, would you like to speak about this?

SENATOR WESELY: Yeah, I just would support the Bernard-Stevens amendment. He is trying to make it even more clear how concerned we are about the distribution of these workers. Senator Haberman has raised the issue, Senator Kristensen, Senator Bernard-Stevens. I hope the department hears us and recognizes that there is a real concern in rural Nebraska for some of these staff to be located there, and I think this amendment would help to deal with that. So I would support it.

PRESIDENT: Okay, thank you. Senator Bernard-Stevens, would you like to close on your...if not, the question is the adoption of the Bernard-Stevens amendment to the Wesely amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Bernard-Stevens' amendment to Senator Wesely's amendment.

PRESIDENT: The Bernard-Stevens amendment to the Wesely amendment is adopted. Anything further on it, Mr. Clerk?

CLERK: Nothing further pending.

PRESIDENT: Now we are back to the advancement of the bill, back to the Wesely amendment, rather. Senator Wesely, there are no other lights on.

SENATOR WESELY: Well, then, Mr. President, I would just move advancement of the bill, appreciate everyone's support for this, okay. Oh, we need the amendment, don't we? I move the amendment.

PRESIDENT: Yeah, we are speaking about the adoption of the

January 30, 1990

LB 720, 720A  
LR 8

Wesely amendment.

SENATOR WESELY: Never mind, I'd like the amendment adopted, please.

PRESIDENT: Okay, ladies and gentlemen, the question is the adoption of the Wesely amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator Wesely's amendment.

PRESIDENT: The Wesely amendment is adopted. Now we are on the advancement of the bill, Senator Wesely.

SENATOR WESELY: Let me try it again. I'd move the advancement of the bill, Mr. President.

PRESIDENT: Any further discussion? If not, the question is the advancement of the bill. All those in favor say aye. Opposed nay. It is advanced. Move on to LB 720A, the A bill.

CLERK: Senator, I have E & R amendments pending.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 720A.

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

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

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: I move that LB 720A as amended be advanced to E & R for engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LR 8CA.

CLERK: Mr. President, LR 8, the first order of business are Enrollment and Review amendments.

February 2, 1990

LB 50, 143, 369, 503, 503A, 720, 720A  
821  
LR 8

**SPEAKER BARRETT PRESIDING**

**SPEAKER BARRETT:** Welcome to the George W. Norris Legislative Chamber. Our opening prayer this morning by Pastor Harry Wallles of the Faith United Methodist Church here in Lincoln. Pastor Wallles.

**PASTOR WALLE:** (Prayer offered.)

**SPEAKER BARRETT:** Thank you, Pastor Wallles. Please come back and be with us again. Roll call.

**CLERK:** Quorum present, Mr. President.

**SPEAKER BARRETT:** Thank you. With a quorum present, are there corrections to the Journal?

**CLERK:** I have no corrections to the Journal.

**SPEAKER BARRETT:** Any messages, reports or announcements?

**CLERK:** Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LR 8 and find the same correctly engrossed; LB 50, LB 143, LB 503, LB 503A, LB 720, LB 720A all reported correctly engrossed, those signed by Senator Lindsay as Chair of the Enrollment and Review Committee. (See pages 630-32 of the Legislative Journal.)

Mr. President, Senator Elmer would like to print amendments to LB 369 in Journal. I have hearing notice from Senator Smith as Chair of the General Affairs Committee. (See pages 632-33 of the Legislative Journal.)

Mr. President, report of registered lobbyists for this past week. And the last item, Mr. President, is a report from the Department of Social Services filed pursuant to statute. That report will be available in my office. That's all that I have, Mr. President.

**SPEAKER BARRETT:** Thank you. Chair is announcing that we will begin Final Reading with LB 821, followed by 822, and then come back to LB 399. We'll begin Final Reading with LB 821. Will members please return to their seats for Final Reading. Those unauthorized persons please leave the floor. Proceed with the reading of LB 821, Mr. Clerk.

issue at hand. It is of the most serious nature. Gradually, I can tell you, that the gaps are being narrowed between the information we have received and new information, which ought to make it easier for prosecutors to secure convictions.

SPEAKER BARRETT: Time.

SENATOR SCHMIT: I will talk again. Thank you.

SPEAKER BARRETT: Thank you. Senator Wesely.

SENATOR WESELY: Thank you. Mr. Speaker, members, I'd like to rise also in support of the committee amendments and recognize the good work of the Judiciary Committee, chaired by Senator Chizek, good work of the Franklin Committee, chaired by Senator Schmit, and feel that this Legislature itself, as an institution, as a body, has done excellent work on this very important problem. My hope is that this legislation will pass and will be signed and will become law, and we will see some improvement in the system. Certainly we need to have that. I must admit at this point, however, that I'm certain that we will not solve all the problems. They are so rampant in the current system that our efforts here will go a long way, I think, to helping some of the concerns. But there are so many out there yet to be addressed and we need to keep that in mind. We do have the caseworker bill, LB 720, still pending on Final Reading that would help get the staffing out there to investigate these cases. But once you investigate them, what happens to these individuals and how do we follow up? It is in that area that we have a failure, as well, in the system. I've passed out for you an article that I hope you had a chance to read, and, if you haven't, you'll look at. It's a July 2, 1989, article. In one of the...on the box on that front page of that handout it talks about a 16-year-old girl and what's happened to her in the system as she came forward and exposed a boyfriend living with her mother who had abused her, and went into the system and talked about the abuse. And, unfortunately, the system did not believe her, and ended up sending her back into that home and into that abusive situation. It's a horrible story, but it's a story repeated time and again in this state, of young children abused and not protected by our society, not protected by our system, sent back into horrible circumstances which they fled from and did not find the protection that they so richly deserved. And instead of having these individuals perpetrating this abuse, prosecuted, punished, we have the victims, the



April 5, 1990

LB 720, 720A, 834, 851

your seats for Final Reading. Mr. Clerk, will you proceed with the reading of LB 720.

CLERK: (Read LB 720 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 720 pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See pages 1928-29 of the Legislative Journal.) 34 ayes, 4 nays, 7 present and not voting, 4 excused and not voting.

SPEAKER BARRETT: LB 720 passes. LB 720A.

CLERK: (Read LB 720 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 720A pass? Those in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: (Read record vote. See pages 1929-30 of the Legislative Journal.) 34 ayes, 3 nays, 9 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 720A passes. LB 834.

CLERK: (Read LB 834 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 834 become law? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1930 of the Legislative Journal.) 44 ayes, 0 nays, 2 present and not voting, 3 excused and not voting, Mr. President.,

SPEAKER BARRETT: LB 834 passes. LB 851.

CLERK: Mr. President, I have a motion on the desk. Amendments from Senators Withem and Lindsay printed, I have a note that they wish to withdraw those amendments, Mr. President.

April 5, 1990

LB 720, 720A, 834, 851, 855, 855A, 896  
896A, 923, 960, 960A, 980A, 1183

business, I propose to sign and I do sign engrossed LB 720, LB 720A, LB 834, LB 851, LB 855, LB 855A, LB 896, LB 896A, LB 923, LB 960, and LB 960A. Mr. Clerk, LB 980A.

ASSISTANT CLERK: Mr. President, I have a motion on the desk. Senator Schmit would move to return the bill to Select File for specific amendment.

SPEAKER BARRETT: Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members, I had hoped very earnestly that this bill would come up yesterday. I believe that this is one example of why perhaps we ought to seriously consider abolishing consent calendar. I was not on the floor at any time during the period of time that LB 1183 was discussed, either on General File or on Select File. I came on the floor during the reading of LB 1183 and was somewhat shocked to follow the reading and discover that this Legislature was in the process of making it a felony, a Class IV felony if any corporation or company failed to pay its taxes on time, and I discussed it just briefly with some of my fellow legislators, and they said, well, this is just personal taxes. But upon a very close reading of the bill, it did not appear to me to be that it only applied to personal taxes, and even then, I would have been opposed to it. My deep concern is that we have by the passage of this bill made it a felony, punishable by a \$10,000 fine and each day is a new offense, ladies and gentlemen, punishable by a similar type of fine, if you do not pay your taxes when due. Now there may be some of us in here who believe that it is easy to pay taxes, either personal or real, but that is not true. It is frequently true that we are not able to pay our taxes on time, and for that reason, we have required that a 14 percent interest charge be assessed against delinquent taxes. That, in itself, is a serious enough penalty in my estimation. What is even more concern to me is that we would indicate by this bill that there is a decision process left up to the local county attorney, I would...I suppose, if the situation is to be prosecuted or not because it says that if such officer willfully fails to pay the tax due to the county treasurer when so notified, he or she shall be guilty of a Class IV...felony, changed from a misdemeanor. It also says that he may be prosecuted. Now, ladies and gentlemen, we have seen enough of the preferential treatment that can happen to certain individuals in the commission of crimes without extending it to this kind of an act. I would suggest that if anyone of us in

April 9, 1990

LB 220, 220A, 315, 369, 369A, 551, 551A  
571, 56, 720, 720A, 799, 851, 896  
923, 953, 958, 960, 960A, 980, 980A  
994, 994A, 1018, 1063, 1063A, 1064, 1064A  
1080, 1090, 1136, 1146, 1184, 1184A, 1244

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber for the last day of the Second Session of the 91st Legislature. We're especially happy to have with us this morning our own Harland Johnson for our prayer of the morning. Would you please rise?

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Harland, and may I say, on behalf of all the members of the Legislature, we have truly appreciated your prayers during the session. They have been very meaningful because you understand us so well, so thank you again. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal?

CLERK: No corrections this morning, Mr. President.

PRESIDENT: Any messages, reports, or announcements today?

CLERK: Mr. President, a series of messages. First, communications from the Governor. Engrossed...well, before that, Mr. President, bills read on Final Reading as of late last Thursday were presented to the Governor on Thursday evening as of 8:15 p.m. Communications from the Governor, Mr. President, and I might indicate to the members that copies of messages I have received have been distributed and you should have a copy on your desk. Communications to the Clerk: Engrossed LB 1080, LB 1184, LB 1184A, LB 656, LB 1146, LB 799, and LB 1136 were received in my office on April 3 and signed by me on April 6 and delivered to the Secretary of State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) A second communication: Engrossed LB 220, LB 220A, LB 315, LB 369, LB 369A, LB 551, LB 551A, LB 571, LB 720, LB 720A, LB 851, LB 896, LB 923, LB 953, LB 958, LB 960, LB 960A, LB 980, LB 980A, LB 994, LB 994A, LB 1018, LB 1063, LB 1063A, LB 1064, LB 1064A, LB 1090, and LB 1244 were received in my office on April 3 and signed by me on April 7, delivered to the Secretary of the State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) In addition to those items,

SENATOR WESELY: Thank you, Mr. President, members. LB 678 is the omnibus child care bill, which I want to extend my appreciation to this body for passing last week. It was a major initiative to try and do a number of things to improve child care in the State of Nebraska and this Legislature took the action of passing it and sending it to the Governor. Unfortunately the Governor decided to veto the bill. As you know, we worked long and hard on that issue. And in general the issue of children in this state and different matters that concern children have been of high priority to this Legislature this session. We did pass LB 567, dealing with an early childhood training support center, and that was passed, and I thank the Governor for signing that bill. LB 662 was a bill that would have provided for different family support services across the state and the Legislature passed but had that bill vetoed by the Governor. That will be coming up later perhaps. LB 663 was passed in the Juvenile Services Act, that did get signed by the Governor. Again, appreciate it. And LB 720, a bill that increased caseloads for those caseworkers working with children in foster care and also for child abuse, was passed by this Legislature and signed by the Governor. Again, I extend my appreciation to this Legislature and the Governor for taking that action. So we did do some things and the Governor did sign some bills. So I feel good about that. Unfortunately one of the biggest pieces of the issue is the child care issue. There we have not seen the support of the Governor in signing the bill that we had hoped for. The Governor talked about, in her veto message, that the Lamb amendment, which I didn't particularly care for but did get adopted and provided an exclusion for those counties with 15,000 or fewer residents, was one of the concerns she had and raised constitutional questions with the bill. I agree, it raised constitutional questions. We have a severability clause. We could have dealt with that matter, and I had accepted that despite my reservations about it. So I think that's unfortunate. The other concern she expressed in her veto message, talked about coordination in the Department of Education. Clearly, that could have been done and done quite easily, and we expected it to be done. The Title XX day care rate increase, which is the big portion of the cost of the bill, the 1.2 million dollars, is a big ticket item, but we are talking about low income trying to move off of welfare, trying to get into the job...into jobs and trying to get training. These are the kind of folks we want to help. We want to provide them adequate child care to help them do that. But that costs money, and we need to do that. Unfortunately, this bill being