

Commission for Postsecondary Education, again, filed pursuant to statute; a report from the Nebraska Games and Parks Commission filed pursuant to statute; the annual report of the Division of Telecommunications; a communication from a series of Natural Resources Districts, Mr. President, with respect to payment of attorneys fees incurred during this past year. (See pages 88-89 of the Legislative Journal.)

Mr. President, I have a series of appointment letters from the Governor, appointments to the Board of Health, to the Rural Health Manpower Commission, the Foster Care Review Board, the Job Training Council, the Oil and Gas Conservation Commission. Those will all be referred to Reference for referral to the appropriate Standing Committee, Mr. President. (See pages 89-97 of the Legislative Journal.)

Finally, I have received a communication with respect to the siting for the low-level radio active waste disposal facility. That communication was received from US Ecology, Mr. President. (See page 88 of the Legislative Journal.) All of those reports will be on file in my office subject to review by members upon their request. That is all that I have, Mr. President.

PRESIDENT: Thank you. (Gavel.) Ladies and gentlemen, we're ready to begin the introduction of bills and some of you I understand would like to hear what the bills are about, so while I don't wish to spoil your fun and visitation with each other, kindly hold it down so that those that wish to listen to the introduction of the bills may do so. We anticipate that this will probably go on until about noon and, of course, free to do whatever you would like to do. Thank you. Mr. Clerk, the introduction of bills.

CLERK: Mr. President, new bills: (Read by title for the first time, LBs 818-878. See pages 97-109 of the Legislative Journal.)

I have amendments to be printed from Senator Rod Johnson to LB 163, LB 39, LB 37. (See pages 110-14 of the Legislative Journal.)

Mr. President, new bills. (Read by title for the first time, LBs 879-922. See pages 114-23 of the Legislative Journal.)

Mr. President, I have new resolutions: (Read brief description

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LB 886
LR 232

in our system with overwork for our individuals examining child abuse complaints in foster care situations and trying to make sure that our children are safe and sound in our state, and we are trying to do something about that problem. Now that issue is going to be looked at but it, again, fundamentally points to a problem overall, not just with Franklin, but the Franklin case highlights it. In addition, another bill, LB 886 is a follow-up to a bill introduced last year by myself. This year LB 886 is introduced by myself and Senator Schmit and it changes the way we prosecute child abuse and other family domestic violence issues so that the Attorney General would take over that responsibility away from the county attorneys. Again, this problem was brought to light prior to the Franklin case just as the caseload was but the Franklin case highlighted it for us, made it apparent what the problem is and allowed us the chance to move forward with some reform in this area. Now I truly believe that further research in this area, the Franklin study, will help us better know what broke down, what the problem was and will help us find other problems and, hopefully, solutions to those problems to make the system we have in place work better. I think anytime we can try to find more information, have more knowledge to base policy on, we will make better policy. And at this point we have got some information, but more I think can be found and more value will be, I think, gained from having that than not having it. And the cost involved, I know a number of people have gotten up to talk about \$200,000, well that scares me as well. \$200,000 is a lot of money, but let me cite for you the cost of some of these other measures to reform the system. LB 720 dealing with the caseworkers would cost over \$2 million more a year to bring us up to standards and we already increased the caseworkers over a million dollars a year last year. The child protection division in the Attorney General's Office would cost over a million dollars a year and in addition, this is just additional expenditures we need to make to reform the system, there is already in place a multimillion dollar system trying to take care of our children and protect our young people in this state. But despite the expenditure, despite the need for additional expenditure, we still have serious problems. The system is still not working the way it should. We have about 8,000 reported cases of child abuse a year in this state. That is 8,000 too many cases of child abuse and we need to stop that. In addition, about 60 percent, over 4,000, maybe 5,000 cases are confirmed. We have four or 5,000 children abused a year in this state. Now that system in place is doing some good in

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LB 881-957, 997-1010
LR 229

If I may, Mr. President, I have a Reference Report referring LBs 881-957, and LR 229. (See pages 175-77 of the Legislative Journal.) And, Mr. President, new bills. (Read LBs 997-1010 by title for the first time. See pages 177-80 of the Legislative Journal.) Mr. President, that's all that I have at this time.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you. Proceeding to the next item on...from the Rules Committee. Chairman Lynch.

SENATOR LYNCH: Mr. President, members, the next one is number nine identified on your list. It specifies that a motion to suspend the rules is not divisible. The reason for this, without reading it all but putting it hopefully in laymen's terms so we can understand it, is that when a motion to suspend the rules is attempted it's intended to accomplish only one thing. You don't suspend the rules to accomplish three, four, five or six different things. But, if the amendment that would accomplish one thing would, for example, suspend Rule 1, Section 2, Rule 2, Section 3, Rule 3, Section 4, because it's necessary to do that to identify those sections of the rules that serve that single purpose, you cannot divide the question and take any one of those three rule changes independently. I think, Mr. President and members, that explains the purpose and intent of this rule change and would suggest that we support it.

SPEAKER BARRETT: Thank you, Senator Lynch. Discussion on the proposal...proposed change number nine? Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, let me tell you what the real purpose of this rule change is. There have been attempts at various times to suspend the rules so that there can be no debate or discussion or amendment on bills, and I have indicated that I would divide that question. So the purpose of the rule is to prevent that from happening. So however many things are put into a rule suspension will have to be taken as a package. In some instances you may have a situation where people will think and believe that you should be able to suspend the rules for the purpose of taking a vote without any additional debate, amendment and so forth. And maybe that is all right. Naturally, I'm opposed to it because

guts of what I call a crisis in the confidence of government institutions caused by the Franklin fiasco. We, today, must do our part to restore that confidence. The Judiciary amendments, in my opinion, will do that. The committee worked hard, colleagues, to frontally attack the root of this crisis that I bring you today. And this is the result of a consensus reached between Franklin Committee members, the Judiciary Committee members, Senator Wesely and other senators supporting LB 886, interested citizens groups, the county attorneys throughout the state and the Attorney General. The Judiciary Committee amendments to LB 1246 essentially gut the original provisions of LB 1246 and incorporates, generally, the provisions of LB 1243, LB 1246 and LB 886. The committee amendment also adds a severability clause and an emergency clause. First, the amendment provides that a special committee of the Legislature, upon the affirmative vote of the majority of the committee members, with permission of a district court judge, may order a subpoenaed witness to testify and provide use immunity to that witness. If the immunized witness nevertheless still refuses to testify, the special committee could ask the district court judge to hold the immunized witness in contempt and incarcerate or fine the witness until the witness testifies as ordered. This procedure is identical to the one now used by prosecutors. Use immunity means that any testimony ascertained as an indirect or direct result of the witness's testimony cannot be used against him or her in a subsequent legal proceeding. However, it is important, colleagues, to remember that use immunity would not prohibit the criminal prosecution of an immunized witness, if the prosecution of the immunized witness was based exclusively upon evidence in the hands of the prosecutor before the immunity was gathered, or evidence ascertained from a source or sources completely distinct and not connected in any way with or discovered as a consequence of the information provided in the witness's testimony before the committee. Second, the committee amendments extend the statute of limitations for sex related offenses against victims 16-years of age or younger. According to the testimony before the Judiciary Committee by Senator Schmit and Senator Labedz, many of the instances of crimes against children which the Franklin Committee became aware of were committed against children, and the Franklin Committee became concerned that the statute of limitations had already expired. I will let Senator Schmit address and explain this finding in more detail later. The statute of limitations, provided in the committee amendments, is seven years, or seven years past the time when the victim reaches the age of 16,

individuals, the young children sent back to be further abused. And it happens...if it happens once it happens too often, but it happens time and again in this state. We have to stop this cycle. We have to stop this incredible intolerable situation from continuing. I don't know that we have all the solutions obviously in this bill, as I said, but we certainly go a long way from where we are right now in helping the problem. The introduction of the bill, LB 886, this year with Senator Schmit, and then last year I had another piece of legislation very similar, indicated the frustrations with the county attorneys and the county attorney system not prosecuting, not following through, not helping these abused children. And we found that that wasn't, of course, universal. Every county did not have this problem. But much of the...many of the counties had some difficulty. It wasn't always their fault, it was a situation where we have underpaid, overworked county attorneys. They don't have the training, they don't have the salaries to put the time in, and they don't have the background in this area. And we found that they simply were unable to respond to this particular problem. And, frankly, they're having a difficulty responding to many other problems as well. So, we were suggesting the Attorney General take over this responsibility, have a special group of attorneys with the expertise and ability to deal with these cases. We found, of course, the county attorneys do not want to give up that authority directly to the Attorney General, and we also found that they were probably right, that giving all this authority just to one individual in the whole state may be too much of a delegation of authority to one individual. So, we came up with a compromise that I feel very, very good about. County attorneys will still have the front-line prosecution responsibility. They'll still be there to turn to, and hopefully they will respond with the better training and the assistance through the Crimes Against Children Fund that will bring in expert witnesses, that we will be able to have support from the Attorney General for these county attorneys to do the job that they are supposed to be doing in this area. But, if they should fail us still, if, despite the improvements in the system that I just outlined fail, the Attorney General would still be able to be contacted by individuals interested in a particular case, as in the one I just mentioned, or any other case where they feel that an individual has been abused, and the individual perpetrating that abuse was not prosecuted, they can go to the Attorney General. The Attorney General will have the responsibility, will have the authority, will have the staffing,...