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Floor Debate
January 29, 2007

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PRESIDENT SHEEHY: Good morning. Welcome to the George W. Norris Legislative Chamber for the eighteenth day of the One Hundredth Legislature, First Session. Our chaplain for today is Pastor Owen Derrick, from the Christ Lutheran Church in Pickrell, Nebraska, Senator Wallman's district. Would you all please rise. []

PASTOR DERRICK: (Prayer offered.) []

PRESIDENT SHEEHY: Thank you, Pastor Derrick. I call to order the eighteenth day of the One Hundredth Legislature, First Session. Senators, please record your presence by roll call. Please record, Mr. Clerk. []

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

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Any corrections for the Journal? []

CLERK: Mr. President, no corrections for the Journal. []

PRESIDENT SHEEHY: Messages, reports, announcements on your desk? []

CLERK: Your committee on Enrollment and Review reports LB186 to Select File with Enrollment and Review amendments, LB95, LB150, LB64, LB63, LB74, all to Select File. Mr. President, I have an appointment to the Game and Parks Commission by the Governor. It will be referred to Reference for referral to standing commission for confirmation hearing. An amendment to be printed to LB166 by Senator Janssen. That's all that I had, Mr. President. (Legislative Journal pages 393-395.) [LB186 LB95 LB150 LB64 LB63 LB74 LB166]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We'll move to the first item, motion to withdraw. [LB158]

CLERK: Mr. President, Senator Heidemann would move to withdraw LB158. [LB158]

PRESIDENT SHEEHY: Senator Heidemann, you're recognized on your motion to withdraw LB158. [LB158]

SENATOR HEIDEMANN: Mr. Speaker, fellow members, I ask for your support in my motion to withdraw LB158. We had an issue that came up this summer that we worked on. We introduced two bills to address this issue. At this time, we would just like to move forward with LB159. We think it's the best way to approach it, and I would

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appreciate your support on this. [LB158 LB159]

PRESIDENT SHEEHY: Thank you, Senator Heidemann. The question before the body is the motion to withdraw LB158. All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB158]

CLERK: 42 ayes, 0 nays, Mr. President, on the motion to withdraw the bill. [LB158]

PRESIDENT SHEEHY: LB158 is withdrawn. Next item under General File, Mr. Clerk. [LB158]

CLERK: Mr. President, the first bill on General File this morning, LB341, introduced by Senator Schimek and others. (Read title.) The bill was introduced on January 11 of this year, at that time referred to the Judiciary Committee. The bill was advanced to General File. I do have Judiciary Committee amendments, Mr. President. (AM124, Legislative Journal page 389.) [LB341]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Schimek, you're recognized to open on LB341. [LB341]

SENATOR SCHIMEK: Thank you, Mr. President and members of the body. LB341 is a bill that was brought to me by a constituent who was experiencing a very difficult, if not terrible, problem. In short, my constituent has an eight-year-old daughter whose father is a citizen of Canada. The constituent was granted custody of the child by a court of British Columbia, Canada, and eventually, with the approval of the court, moved back to Nebraska with her daughter, and that was in 2000. She was ordered by the courts of Canada to provide visitation or days of access, which meant sending her daughter alone and by plane, or the other arrangement was to have the father or relatives come and get her by car and then the constituent would pick her up by car, to British Columbia, to spend periods of time with her father. The problem is that the possibility of abuse started surfacing in 2004, when the daughter would return home to Nebraska. Because of these allegations, a well-respected judge in Lancaster County issued emergency jurisdiction orders on two separate occasions. I believe that in matters of custody and visitation, the most important factor should always be the best interests of the child. But as I understand it, the problem is that because the state of Nebraska has enacted the Uniform Child Custody Jurisdiction and Enforcement Act, NRS 43-1201 through 43-1266, the court in Canada has jurisdiction before the courts in Nebraska. So while the authorities in Nebraska can express concern that the daughter is being abused by the father while she is in Canada for visitation, the Canadian court is unwilling, or at least hasn't to date taken testimony from this young girl, and to date has not relinquished jurisdiction. And I might add that we had a memo from the Uniform Laws office in Chicago that mentioned that they thought British Columbia actually had a law on its books that would have allowed the court to relinquish that custody. And

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because of the UCCJEA, the state of Nebraska has its hands tied and cannot stop the visits to Canada, except on a temporary basis. Essentially, what is happening in this situation is that a foreign court is dictating to a Nebraska citizen, the mother and/or the daughter, what the child...or, what must be done. After the introduction of LB341, we heard concerns from a few individuals regarding potential uniformity and constitutionality issues. An amendment was drafted to the bill, which was AM48, which you don't have to worry about, because again we heard concerns from key experts in this area. Larry Ruth, who serves on the Commission on Uniform State Laws, called my office on the day of the hearing and wondered if we wanted to talk about the concerns of the commission. We said, yes. The upshot is that a number of key, very knowledgeable individuals worked on language that will not only protect this child, but others who might be in the same circumstances. But the language is that...is such that both sides feel the language is not in violation of either UCCJEA or the Hague Convention. I've learned a lot of new issues working on this. I'd like to thank the following individuals for their hard work on this project: Richard Ducote, of Pittsburgh, who has done extensive work nationwide in the area of child advocacy law; and Sheri Wortman, of Lincoln, both of whom are my constituent's attorneys; Michael Kerr and Eric Fish, from the National Conference on Commissioners of Uniform State Laws, in Chicago; and Larry Ruth and Joanne Pepperl, who are both commissioners on the Commission of Uniform State Laws. It is extremely important to note that the language contained in AM124, which is the committee amendment which we will be discussing momentarily, is in compliance with the provisions of the Hague Convention, as implemented by the International Child Abduction Remedies Act, or ICARA, 42 U.S.C. 11601 et seq. This language has been carefully crafted to amend the UCCJEA in a way that will prevent situations like the one which my constituent has been faced, without drastic change to the act. The amendment has been crafted, and it has a very narrow application. This amendment also contains a new provision at the request of the National Conference of Commissioners on Uniform State Laws, which is found in Sections 1 through 12. This portion of the bill will help the state to deter domestic and international child abductions by parents and any person acting on behalf of parents. This act, known as the Uniform Child Abduction Prevention Act, is compatible, again, with UCCJEA. Other states, such as Connecticut, Kansas, South Dakota, Utah, and even the U.S. Virgin Islands, are currently in the process of adopting this act. Two colored handouts have been distributed to you this morning. One is a summary of the act, and the other explains why the act is necessary. Sections 13 through 15 are the sections that are most relevant to the situation in which my constituent has found herself. They state that if a Nebraska court finds that the child is a habitual resident of the state, as defined by the Hague Convention and ICARA, and that the child would be at risk of abuse, as defined in our statutes 28-710, under the child custody determination of the foreign court, a rebuttable presumption against recognition and enforcement of the child custody determination is created, and thereafter a court of the state may exercise child custody jurisdiction. This language will be deemed remedial and applies to all cases pending on or before the effective date of this act, and to all

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cases thereafter, in order to prevent possible abuse to the children of Nebraska in foreign countries. The language of the committee amendment completely replaces the green copy of the bill. I'd like to thank Senator Flood for expediting this bill. There was a reason for doing that, and the reason is that the last emergency jurisdiction order of the judge here in Lancaster County expires upon the findings of the court in British Columbia after it's held a hearing. And I might mention, if I haven't already, that that court in British Columbia has never heard from the child herself. And this is the second of the emergency jurisdictions. One was on March 14 of last year; one was on December 22. I would also like to express my thanks to the entire Judiciary Committee, and I might mention the committee counsel, which voted to advance the bill, as amended, 8 to 0. I believe that Senator Ashford will now speak to the specifics found in the committee amendment. Thank you, Mr. Chairman...Mr. President. [LB341]

PRESIDENT SHEEHY: Thank you, Senator Schimek. (Visitors and doctor of the day introduced.) Senator Ashford, you're recognized to open on the committee amendment, AM124. [LB341]

SENATOR ASHFORD: Thank you, Mr. President and members. And thank you, Senator Schimek, for your thorough analysis of this matter. For the record, I would like to go over the two components of this amendment, AM124 to LB341, which, as Senator Schimek correctly states, does replace the green copy. AM124 has two different components. First, it adopts the Uniform Child Abduction Act...Prevention Act. Secondly, it adds provisions to the previously enacted Uniform Child Custody Jurisdiction and Enforcement Act, known as UCCJEA. The first component, adopting the UCAPA is totally new language, and it's actually the adopting of a uniform law that is being worked on, as Senator Schimek correctly states, by a number of states around the country, to deal with abductions of children from a jurisdiction such as Nebraska. And my information is that this is a significant problem throughout the country, and that there are at least 1,000 abductions per month that this act is intended to address. The UCAPA would provide a mechanism to help Nebraska courts deter domestic and international abductions of children caught in the middle of custody disputes. The act sets guidelines for judges to determine when a child is at risk for abduction. The act also provides a range of remedies for courts to use in the protection of children from abduction. Petitions to trigger this act must be filed in a court with custody jurisdiction under the UCCJEA, and once a hearing is conducted and a credible risk is identified, the court can issue an abduction prevention order. And for the record, members, there are significant safeguards in these provisions in the UCAPA that protect both parties and the child in the litigation, in my opinion. The second component adds provisions to the UCCJEA. And the UCCJEA has been adopted by this state, with amendments over the years, and is settled law in Nebraska. Under the current UCCJEA, child custody jurisdiction is limited to one state/country in any given case, depending upon the case. This can be problematic if parents live in different states or different countries. The amendment addresses cases involving custody determinations made by courts of

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foreign countries. Under current law, if a foreign court issues the original custody determination, that court retains continuous and exclusive custody jurisdiction over the child, even if the child no longer lives in the foreign country. The amendments to AM124 provide that courts of this state that do not have continuing exclusive child custody jurisdiction over a particular child, the authority to disregard in specific cases the foreign custody determination, and to assume jurisdiction if the situation satisfies a two-pronged test. And this is very important. This is the new language. The child must be an habitual resident of Nebraska. And habitual residency is a term that is utilized in international treaties, specifically the Hague Convention, that addresses the issue of custody in an international setting. Generally, this is the place where the child lives and has lived for a significant period of time. Secondly, the child would be at significant and demonstrable risk of child abuse or neglect if the foreign custody determination is recognized and enforced. If these tests are satisfied, as Senator Schimek stated, a rebuttable presumption is created against recognizing and enforcing the foreign custody order. Accordingly, the Nebraska court can exercise custody jurisdiction in the case, under the UCCJEA, because Nebraska is the home state of the child, and there is no valid competing custody determination. If and when the bill is enacted, the remedial clause will make the provisions applicable to any case that is currently pending, as Senator Schimek has suggested. Two points. In my view, the language does meet the tests of the Hague Convention language, and it does...and is consistent with the UCCJEA. There are, within the UCCJEA, opportunities for both parties to be heard, both, in the case of child custody, the mother and the father. And there are adequate safeguards and protections for the child, as well. The key point to me is that this language has been worked out amongst experts in the area of conflicts law...conflicts rules, both internationally and within the United States. In my view, it does satisfy the requisite tests, it does provide sufficient due process safeguards to both parties, and that it is an appropriate response by this court. I might add that there are...by this body. I might add that there are other states, including New Jersey, specifically New Jersey, that has adopted similar language, that though there have not been a number of states adopt this language, it is clear to me in talking to the experts in this area that state legislatures across the country are beginning to deal with it, and that it is appropriate for us to act in a positive fashion on the committee amendments. Thank you, members. [LB341]

PRESIDENT SHEEHY: Thank you, Senator Ashford. You've heard the committee amendment, AM124. The floor is now open for discussion. Senator Chambers, followed by Senator Loudon, Senator Pirsch. Senator Chambers. [LB341]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I support the amendment, I support the bill, and I applaud Senator Schimek and the others who have signed on the bill, those members of the Judiciary Committee who worked hard to bring us to the point where we are now, and especially to the Speaker, who not only has brought the bill up and special ordered it, but he will, based on my understanding, order that it be expedited, which means it will not plod through the process as ordinarily is

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done, but as quickly as possible will be processed so we can move it right across the floor. But to acknowledge the good job done by Senator Ashford and Senator Schimek in laying out the technical aspects of the law, the amendment, and some of the factual background in this case. But I want to talk about it also. Under the existing treaty, if a state--meaning not just America, but any other country--has a child custody law which violates certain standards or rights of principles, then a court in Nebraska can disregard an order of that foreign court. But since there is nothing in Canada's laws related to child custody which violate that principle, that principle standing alone would not justify the Nebraska court in disregarding the order of the Canadian court, even though we're dealing with the case of a child where credible evidence was established and adduced that abuse is taking place. So what the amendment will do is tie into that general provision and not base it only on whether the court...that country's laws are inappropriate, but if you have the case of a child who is subject to abuse or the threat of abuse, when that is established by credible evidence, then a new basis for disregarding the foreign court order is brought into being. And that's what this amendment will do. There will have to be hearings. And in this case last year, Judge Merritt held what's called an evidentiary hearing. Both sides were represented by counsel. There were psychologists present who had treated, diagnosed, and worked with the child, and had reached the conclusion that she had been victimized, and it would not be in her best interest to be returned to the environment in Canada where she would be in the custody of the person who had created the abuse. So the reason it is necessary for us to act with dispatch is because under Nebraska law, when a judge, as Judge Merritt did, will enter a temporary emergency order to prevent the child from being returned to that foreign country, he is required by Nebraska law to immediately notify the foreign court which has jurisdiction of the case. Judge Merritt attempted to do this, but under Canadian law there is no basis, there is nothing in Canadian law that authorizes a Canadian judge to participate in such a conference. So that judge who had... [LB341]

PRESIDENT SHEEHY: One minute. [LB341]

SENATOR CHAMBERS: ...jurisdiction of the case did not communicate with Judge Merritt, so that part of Nebraska law cannot be complied with, because the Canadian law prevents, through its nonproviding of a means to do this, that conference from taking place. Judge Merritt is a careful, meticulous jurist. He has not bent the law, stretched the law, or in any other way tilted this case to favor the parent who lives in Nebraska. And as a matter of fact, if the Nebraska Legislature were not to act with due expeditiousness, that Canadian court could convene a hearing, rule that everything is as it should be, that the child has to be returned so that the father will have his parenting rights, and the child has gone back to that bad situation. [LB341]

PRESIDENT SHEEHY: Time, Senator Chambers. [LB341]

SENATOR CHAMBERS: We must act, and by doing this,...oh, I'll complete when I turn

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on my light again. Thank you, Mr. President. [LB341]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Louden. [LB341]

SENATOR LOUDEN: Yes, thank you, Lieutenant Governor, members of the body. I would like to ask Senator Ashford a question, if I may. [LB341]

PRESIDENT SHEEHY: Senator Ashford, would you yield? [LB341]

SENATOR ASHFORD: Yes, Senator Louden. [LB341]

SENATOR LOUDEN: Is this bill entirely for international uses? I mean, does any of this pertain to anything between states or anything like that? [LB341]

SENATOR ASHFORD: The first part of the bill, dealing with abduction of children, is...would be a uniform law that would apply to both states and foreign situations. The second part of the bill that Senator Chambers was talking about applies...is in the section of the law, Nebraska law, dealing with foreign judgments. So it does deal with both international and domestic laws, but when we're talking specifically about enforcing the order, in Canada in this case, we're talking about an international...a section of the law dealing with international law. [LB341]

SENATOR LOUDEN: Yeah, I guess my concern is, on...between states, if there's a situation where people perhaps think they have to get a child out of a situation. Can this...this abduction law can be used both ways, right, whether someone is trying to rescue a child or whether someone is trying to protect a child? [LB341]

SENATOR ASHFORD: That...Senator Louden, that's a very excellent question, and the answer is, yes. I think the abduction portion of these amendments, all new law, it's a uniform law that the states are now considering, I think is very timely, and we can address the concerns that you're raising under that statute. [LB341]

SENATOR LOUDEN: Okay, thank you, Senator Ashford. Thank you, Lieutenant Governor. [LB341]

PRESIDENT SHEEHY: Thank you, Senator Louden. Senator Pirsch, followed by Senator Chambers. Senator Pirsch. [LB341]

SENATOR PIRSCH: Lieutenant Governor and colleagues, thank you. I rise in support of both the amendment and the bill. And I won't belabor those points that have already been elaborated by other senators before me, but I think it is a good bill, and it focuses strongly what's in the best interest of children here in Nebraska. So I'd urge your support. Thank you. [LB341]

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PRESIDENT SHEEHY: Thank you, Senator Pirsch. Senator Chambers. [LB341]

SENATOR CHAMBERS: Mr. President, members of the Legislature, because this issue is such an important one, and Nebraska is cutting new ground on very firm footings, I want the record to be clear that we knew what we were doing, and that we had a valid reason as a Legislature to do what we're doing. When we enact this proposal into law, we are not ordering any court to do anything. This has no bearing on the underlying dispute between the mother and the father. It does not resolve the issue of whether there is abuse sufficient to justify a Nebraska court in ignoring the order of a Canadian court. All that it does is give a basis for a Nebraska court to review the evidence in the case pertaining to a given child, and if that evidence establishes that that child has been subjected to abuse or is in danger of being subjected to abuse, that Nebraska court can then disregard the order of a foreign court to send that child back to that foreign jurisdiction. In other words, the Nebraska court can then substitute its judgment for that of the foreign court. So all we're doing is creating a set of circumstances where, when a Nebraska court makes the findings that Judge Merritt made after interviewing the affected parties, including the child, when that judge arrives at the conclusion that this child is in danger, that judge here can then disregard the order from the foreign court that said, bring her back. Without this law, if Judge Merritt wanted to keep her here because it has been established that she's subject to abuse, he could not do so. International law, the law of Nebraska, which complies with that international law, ties his hands and he cannot keep her here. He could cry with her all the way to the airport, and cry bitter tears until the plane disappears into the distance, but it would mean nothing, because there is no basis for him, under the law, to disregard that foreign order. All we're doing is putting him in a position to handle this case as it should be handled on the basis of the evidence. And the reason I am...to borrow a word from my new young colleague, Senator Pirsch, the reason I am belaboring this point and these issues is so that if anybody has any question about any part of this bill or why we're doing it, you should ask those questions, so that they can be answered. And they will help make the record complete if you feel it is not complete at this time. Thank you, Mr. President. [LB341]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Engel, followed by Senator Lathrop. Senator Engel. [LB341]

SENATOR ENGEL: Mr. President, members of the body, I totally believe in protecting the child. That's the main concern of all of this. And of course, in the past we've also heard that there's always the other side of the story. But what Senator Chambers has mentioned, and Senator Ashford, and Senator...and others here, that the judge that has heard most of this is very reputable, and he has probably a lot of facts that we do not have, and I'd certainly leave it up to his judgment, because the main thing is protecting that particular child. And with that, I'd return the rest of my time to the Chair. [LB341]

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PRESIDENT SHEEHY: Thank you, Senator Engel. Senator Lathrop, followed by Senator Schimek. [LB341]

SENATOR LATHROP: Thank you, Mr. President and members. I serve on Judiciary, and I participated in the hearing that brought this bill to the floor. And I think it's important for the members to know that while there may be one case, one situation of a child here in Lancaster County that is the impetus of this bill, it's important for the members to know that the bill was not crafted to take care of one child and one situation. I think there was an article in the paper this weekend that would suggest that perhaps we're being misguided if we use the Legislature to change every misdeed and every bad custody problem that comes up, and that's not what's being done here. And a little bit of a history may be helpful, so that you understand we're making a positive change to the Nebraska statutes on child custody that will be there for all parties to use, regardless of which side of the situation they find themselves on in the future. When this bill was introduced to the committee and put on the agenda, the folks from the Uniform Commission had objections about how it was crafted. There are complications with the Hague Convention which I don't even understand, and there are problems and principles that relate to crafting a uniform statute. And what took place last week immediately before our committee hearing was, we literally brought together the experts in the country, three or four of the experts in the country on child custody and uniform laws, and they crafted a bill, which is the amendment that we're going to vote on here shortly. And the folks from the Uniform Commission were very concerned that we not prepare a bill that only took care of one child's problem and then created many more. The result is the amendment that we'll vote on here shortly, and it is an amendment that takes care of a hole in our law that existed and allowed an injustice to take place, or nearly to take place. And so while we have one person's problem that brought us here, the problem will be there...or, the bill will be there and the law will be there for many more international custody fights. And so with that, I'll yield the balance of my time. [LB341]

PRESIDENT SHEEHY: Thank you, Senator Lathrop. Senator Schimek. [LB341]

SENATOR SCHIMEK: Mr. President, are there other lights on at this point? [LB341]

PRESIDENT SHEEHY: Not at this point. [LB341]

SENATOR SCHIMEK: May I use this as my closing? [LB341]

PRESIDENT SHEEHY: No, we're on committee amendments. [LB341]

SENATOR SCHIMEK: Oh, that's right. I'm sorry. Excuse me. Well, I will just wait then. Thank you. [LB341]

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PRESIDENT SHEEHY: Thank you. Further discussion on the floor on committee amendment AM124? Senator Nelson. [LB341]

SENATOR NELSON: Senator Schimek, a question. [LB341]

PRESIDENT SHEEHY: Senator Schimek, would you yield? [LB341]

SENATOR SCHIMEK: Yes. [LB341]

SENATOR NELSON: I'm just interested in the mechanics. You say that the committee bill here...the amendment is replacing the green sheet. Now, does this mean that we're doing away with the Uniform Child Custody Jurisdiction Act? Or are we putting this additional act into the middle. [LB341]

SENATOR SCHIMEK: We are striking the entire bill, everything that's in the green copy; not the existing language, of course. We're striking all the new language in the bill. [LB341]

SENATOR NELSON: Well, but that relates to 43-1230. You were originally just going to revise that,... [LB341]

SENATOR SCHIMEK: That is correct. [LB341]

SENATOR NELSON: ...that one section. So is this amendment then, is that going to replace just that section, or the entire Uniform Child Custody Jurisdiction Act? Do you understand what I'm saying? [LB341]

SENATOR SCHIMEK: Well, it does several things, and I think Senator Ashford mentioned that there's an entirely new development here, and that is the Abduction Act, which doesn't amend any current statutes. And then the amendment...the second part of the amendment actually amends Nebraska statutes that are already in existence. [LB341]

SENATOR NELSON: All right. Thank you. I relinquish my time to the Chair. [LB341]

PRESIDENT SHEEHY: Thank you, Senator Nelson. Further discussion on committee amendment AM124? Seeing none, Senator Ashford, you're recognized to close. [LB341]

SENATOR ASHFORD: Thank you, Mr. President, members. And thank you, Senator Schimek and all the members of the Judiciary Committee, because this is confusing. Conflicts of law is always a confusing area of the law for those of us who practice. And

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when you deal with international law, it adds another degree of complexity to it. I just...just to make absolutely clear here--Senator Nelson asked a good question--the two changes in AM124 do not delete the act. The UCCJEA remains. The changes that we talked about, that Senator Schimek talked about and Senator Chambers talked about, are amendments to 43-1230, by adding a section, subsection (d). The remainder of the UCCJEA remains in effect. The other part of the amendment is the amendment, rather lengthy amendment, that deals with abduction. And the question that was asked by Senator Loudon was an excellent question, and that is, does it apply to residents of this country as well as foreign residents? And the answer is that it does. It's new law. It is law that is being considered by at least, as far as I know, five other states. And I feel very strongly that it's good, solid law. It's on good, solid foundation. The changes that we're making and that the committee made, that were discussed by Senator Chambers, I think are also, I believe strongly, are on a solid foundation. The court in...courts in Nebraska can already take emergency jurisdiction over these cases. And what we are doing is adding an additional section which allows them to take further action if the court feels that the conditions have been met, that the child has resided in Nebraska for a period of time, is an habitual resident, and that there is significant evidence of abuse. And in both those cases, all parties will have an opportunity, under the UCCJEA, to be heard. And in the case that we have...and I appreciate Senator Lathrop's comment about making the law for everyone. We clearly are doing that. In the case that was described to us, clearly, both parties were represented by counsel here and would have an opportunity to be represented by counsel in the future. Mr. President, I appreciate the time and the work of the staff and of the committee in this matter, and I move advancement...or, the adoption of the committee amendment. [LB341]

PRESIDENT SHEEHY: Thank you, Senator Ashford. You heard the closing on Judiciary Committee amendment AM124 to LB341. The question is for adoption. All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB341]

CLERK: 47 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB341]

PRESIDENT SHEEHY: Committee amendment is adopted. The floor is... [LB341]

CLERK: I have nothing further on the bill, Mr. President, at this time. [LB341]

PRESIDENT SHEEHY: Thank you. The floor is now open for discussion on LB341. Senator Chambers. [LB341]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Ashford mentioned the service performed by Senator Lathrop in his comments, and I just want to underscore them. If a complex law is enacted, if it is one which other states agree to, if it is embodied in an international treaty, and it rocks along for years

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and years, there is no reason for anybody to examine it and speculate about possible problems that could develop. But when a problem does develop, it brings to everybody's attention the fact that there is a gap existing in the law, and the gap should be plugged, just as a tire on an 18-wheel rig--if it got a hole in it which allowed air to escape, that tire would go flat, no matter how big it is, no matter how powerful the rig. So you don't always have to have a nuclear strike against a law to show that there's a problem with it and a need to correct it. This places Nebraska in the forefront of improving a law which nobody, up to this point, realized was inadequate. So Senator Lathrop really did a great service this morning, and I hope what he did and what other new senators are doing will encourage everybody who has a comment to offer on any subject before us, will do so. Every senator here, whether you just got here, you just hatched out of the egg, or you've been here as long as I have and are deemed to be returning to the status, mentally, of one who just hatched out of the egg, you have as much legitimacy as I or anybody else has who has been here a long time. Your constituents sent you here to do a job. You're entitled to express any view that you choose on the floor, in any way you think is necessary to make your point. You're free to take issue with any person, with anything any person says. We are a glorified--although we don't get glory--debating society. And it is glorified because we don't just talk and then somebody is ruled by a third party to have won the argument; often, our talk will result in the enactment of legislation and the repealing of legislation. So very important consequences flow from what it is that we do. And when our work finds its way into the statute books, that work is not reviewed just by people in this state. Lawmakers in other states, maybe even in other countries, in view of the issue being addressed here today, will look at what the Legislature did. I think the debate was on a very high level. It was informative. Senator Schimek prepared the way. Then Senator Ashford, wearing those little slippers that ballet...or ballerinas use, so that he won't disturb anything, traipsed across that red carpet of explanation that Senator Schimek gave. And as a result, we have before us something that I believe everybody understands in its broad outlines. And if you have any specific questions, they can be brought up as we move. But since the Speaker has indicated that he's going to order this bill expedited, you must speak now--and that "now" includes while we're dealing with this bill--or forever hold your peace, insofar as what you're saying having anything to do with affecting this bill. Thank you, Mr. President. [LB341]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Further discussion on LB341? Seeing none, Senator Schimek, you're recognized to close. [LB341]

SENATOR SCHIMEK: Thank you, Mr. President and members. Senator Chambers, I'm kind of giggling to myself back here, because it almost sounded like you thought Senator Ashford was tiptoeing through the tulips. (Laugh) I appreciate the discussion today, and I appreciate the Judiciary Committee's vote to move this bill out of committee and to ask for the bill to be expedited. I think it's critical that we do something as soon as we can. The Nebraska judge really has his hands tied, unless we can do something

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under Nebraska law. And Senator Lathrop, in response to your comments, and maybe to take it even one step further, I think that the commission and everybody who sat in that room, in my office last Friday, did not want to craft legislation that would apply just to this case. And you made that point very well. But neither did they want to broaden coverage to anything past the child abuse laws. If you look at existing section of law, you will see that in section...oops, I don't have that right in front of me. In section (c) under Section 1, it says, a court of this state need not apply the act of child custody law of a foreign country if a foreign country violates fundamental principles of human rights. And originally, we thought about trying to use that section of law, but human rights is far broader than the child abuse portion of it. So they were careful when they put all of this together. I would ask you to move this bill. And I would mention to you that at the end of this bill is the emergency clause, which means that it would go into effect as soon as it is passed and signed by the Governor. That takes, as I recall, 33 votes for passage, not on General File, but on Final Reading. So I just wanted to mention that. And finally, I thanked everyone who worked on this bill but my own staff member, and I would really like to say thanks to him, because he put in a lot of hard effort on this bill. With that, Mr. President, I would just urge advancement of LB341. [LB341]

PRESIDENT SHEEHY: Thank you, Senator Schimek. You've heard the closing to LB341. The question before the body is, shall LB341 advance to E&R Initial? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB341]

CLERK: 47 ayes, 0 nays, Mr. President, on the advancement of LB341. [LB341]

PRESIDENT SHEEHY: LB341 does advance. Mr. Clerk, do you have a request on your desk? [LB341]

CLERK: Mr. President, Senator Chambers would ask unanimous consent to expedite LB341. [LB341]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Any objection to the request of Senator Chambers? So ordered. Items for the record, Mr. Clerk? [LB341]

CLERK: Thank you, Mr. President. Your Committee on Natural Resources reports LB263 to General File with amendments; LB291, General File with amendments; and LB313, General File with amendments; those reports signed by Senator Loudon as Chair. I also have a series of hearing notices from the Natural Resources Committee and the Urban Affairs Committee, signed by their respective Chairpersons. Amendments to be printed: Senator Friend to LB207; Senator Janssen to LB35. And I have a Reference report referring a gubernatorial appointee to Natural Resources Committee for confirmation hearing. That's all that I had, Mr. President. (Legislative Journal pages 396-400.) [LB263 LB291 LB313 LB207 LB35]

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PRESIDENT SHEEHY: Thank you, Mr. Clerk. We'll move to the first item under General File. [LB185]

CLERK: LB185, a bill introduced by the Health and Human Services Committee. (Read title.) The bill was introduced on January 9 of this year, at that time referred to the Health and Human Services Committee. The bill was advanced to General File. I have no amendments pending at this time, Mr. President. [LB185]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Johnson, you're recognized to open on LB185. [LB185]

SENATOR JOHNSON: Lieutenant Governor and members of the Chamber, LB185 is the annual, what we call the cleanup bill for the Nebraska Health and Human Services System. It is a bill that traditionally calls for technical matters in HHS statutes that don't involve significant changes in policy. The bill was heard in Health and Human Services Committee on the 18th of January, advanced from the committee unanimously. Indeed, there were no opponents at the hearing, and there is no fiscal impact. Let me tell you briefly what is in this bill. In Medicaid statutes, a bill...the bill updates a reference to federal law and makes technical changes to Medicaid estate recovery and impoverishment provisions. These changes are found in Sections 1-3, Section 10, and Section 13 of the bill. The change in reference to federal law would become effective with the emergency clause. The bill makes changes to statutes dealing with birth certificates and records. When a child is born out of wedlock, the parents of the child may later marry and request a new birth certificate for the child to legitimize the child's birth. Currently, the vital records division of HHSS cannot provide an explanation or evidence of the new birth certificate to such entities as the Social Security Administration or a passport agency. LB185 would allow HHS to provide a copy of relevant evidence for the new birth certificate to the parent of the child, or if the child is now 19 years of age or older. This change is found in Section 4 of the bill. In Sections 5 through 7, the bill changes provisions relating to nursing assistants and medication aides. If a licensed registered nurse or licensed practical nurse voluntarily surrenders their license in lieu of discipline, or if their license is revoked or suspended, he or she would be prohibited from acting as a nursing assistant in a nursing home or functioning as a medication aide. The bill also provides that a person's registration as a nursing assistant or medication aide becomes null and void when he or she becomes a licensed RN or LPN. The bill would permit a person listed on the Nursing Assistant Registry with a finding of a conviction to appeal after one year to have the finding removed. A person whose registration as a medication aide has been denied, refused renewal, or removed from the Medication Aide Registry, could reapply after one year to register, or to have the disciplinary action lifted. These changes are consistent with other provisions in the Uniform Licensing Law which you will hear about in a week or two. In Sections 8 or 9, the bill updates an existing reference to cancer registries located in other states to also

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include cancer registries located outside of the United States. There is a cooperative agreement at this time between states. This would allow cancer registries outside Nebraska to have access to data on our registry, either through written application or approved data exchange agreement. It would also allow the release of data to other registries located anywhere outside Nebraska, not just registries located in the United States. In 2006, for example, the U.S. Centers for Disease and Prevention Control endorsed cooperation with the International Association of Cancer Registries, an international data repository for research and publication of statistics. That concludes the introduction of my bill. I would ask for advancement of LB185. [LB185]

PRESIDENT SHEEHY: Thank you, Senator Johnson. You've heard the opening to LB185. The floor is now open for discussion. Anyone wishing to speak on this item? Senator Johnson, you're recognized to close. [LB185]

SENATOR JOHNSON: I waive closure, other than to ask for its advancement. Thank you. [LB185]

PRESIDENT SHEEHY: Thank you, Senator Johnson. The question before the body is, shall LB185 advance to E&R Initial? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB185]

CLERK: 38 ayes, 0 nays, Mr. President, on the advancement of LB185. [LB185]

PRESIDENT SHEEHY: LB185 does advance. Next item. [LB185]

CLERK: LB283, a bill by Senator Stuthman. (Read title.) The bill was introduced on January 10 of this year, referred to Health and Human Services Committee, advanced to General File. At this time, Mr. President, I have no amendments pending. [LB283]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Stuthman, you're recognized to open on LB283. [LB283]

SENATOR STUTHMAN: Thank you, Lieutenant Governor and members of the body. LB283 is introduced at the request of the Health and Human Services System. This bill eliminates credentialing licensure fees for medication aides, nursing assistants, and paid dining assistants. Currently, medication aides are covered by fees that are capped at \$20, nursing assistants are covered under Medicare, and dining assistants pay no fees. All three of these are covered under the Health Care Facility Licensure Act. LB283 would amend Section 71-6728 to allow medication aides to register biennially. Currently, medication aides register triennially. LB283 would allow the cost of medication aide credentialing to shift from a combination of General Funds and fees, moving eventually to be paying totally by fees. Medication aides are not...medication aides do not use the full scope of service as other professions and occupations that

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share equally in paying for base cost; therefore, should not be listed in Section 71-162(1)(a). Moving medication aides from this statute also allows for the department to more accurately assess the base cost portion of the credentialing systems. Those are my opening comments, and I truly ask for your support in moving this on. Realistically, we're just moving those three individual, medication aides, nursing assistants, and dining assistants, taking that out of the long list of people that are credentialed by the Health and Human Services credentialing fees. So with that, I ask for your support. Thank you. [LB283]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. You've heard the opening to LB283. The floor is now open for discussion. Anyone wishing to speak on this item? Senator Stuthman, you're recognized to close on LB283. [LB283]

SENATOR STUTHMAN: I would just ask for your support on this, because it is a request of the Health and Human Services System. So, thank you very much. [LB283]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. The question before the body is, shall LB283 advance to E&R Initial? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB283]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB283. [LB283]

PRESIDENT SHEEHY: LB283 does advance. Next item. [LB283]

CLERK: Mr. President, the next bill is a bill introduced by Senator Johnson at the request of the Governor. (Read title.) The bill was introduced on January 10 of this year, Mr. President. At that time, it was referred to the Health and Human Services Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending. (AM74, Legislative Journal page 368.) [LB296]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Johnson, you're recognized to open on LB296. [LB296]

SENATOR JOHNSON: Mr. Lieutenant Governor and members of the Legislature, those two easy bills are over. This one is a massive bill of needed and required changes. LB296 is legislation introduced at the request of the Governor to reorganize Health and Human Services System. I might say that the bill was advanced from committee unanimously. Indeed, there were 11 proponents for the bill at the public hearing, 4 neutral, and 1 opponent. Interestingly enough, the opponent's testimony was of his difficulties under the present system, where he had tried to access services for over three years with what he described as just getting the runaround. He actually turned out to be the best proponent for the bill. The bill is also endorsed by two past Chairmen of the Health and Human Services Committee. They are Senator Jim Jensen, of a more

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conservative bent; and Chairman Don Wesely, who I think would say that he represents a more liberal approach to problems. Senator Wesely, in fact, was the Chairman of this committee when the changes were made to the present system. Senator Wesely's comment in committee hearings was that this is the logical next step forward and strongly supported this in his testimony. Health and Human Services refers to three state agencies. And I would call your attention to the handout that has been placed to you, and you can follow along as to what is being attempted. These agencies are currently charged with administering publicly funded Health and Human Services programs in the state of Nebraska. These agencies, as you'll note in your handout, are the Department of Health and Human Services, the Department of HHS Regulation and Licensure, and the Department of HHS Finance and Support. The agencies are overseen and coordinated by a policy cabinet. The policy cabinet consists of three department directors, the state's chief medical officer if one is appointed, and is chaired by a policy secretary. Members of the policy cabinet are appointed by the Governor and confirmed by the Legislature in this current system. It was proposed by Senator...or, correction, then Governor Ben Nelson and adopted in 1996. LB296 would combine the three existing departments into a single state agency, Health and Human Services System, composed of six new departments. The departments would be the Department of Public Health, Department of Medicaid, Department of Children and Family Services, Department of Behavioral Health, Department of Developmental Disabilities, and Veterans' Homes. The system would have a single chief executive officer; the policy cabinet would be eliminated. Let me repeat that. The system would have a single chief executive officer. The bill provides qualifications and new and expanded duties for this CEO. Directors of the new departments and the agency's CEO would be appointed by the Governor and approved by the Legislature. The Governor must appoint a separate chief medical officer if the director of public health does not happen to be a physician. The chief medical officer must also be confirmed by the Legislature. Current law regarding the treatment of confidential information within the system and within each department is carried over and updated. There is no change in this area. The bill raises the number of HHS discretionary employment provisions not covered by the state personnel system from 17 to 25. You might ask, what's a discretionary employee? It is one who serves at...an at-will employee who serves at the pleasure of the Governor or an agency head who appoints him. They are not covered by the standard rules and protections of the state labor contract that would...for what are called classified employees. Currently, the three separate agencies making up the system are permitted 24 discretionary employees, in addition to those already specifically exempted. The new single agency would have 25. HHSS service administrators and the chief medical officer are added to the list of the specifically exempted or discretionary employees. The bill makes other technical changes to existing provisions, such as the Office of Juvenile Services, and requires the preparation of an amendment to harmonize provisions of the bill with numerous other sections of the law. Also, the name of the Board of Inquiry and Review is changed to Veterans' Home Board, and duties of the board are expanded regarding the approval of persons for admission to the state's veterans' homes. The bill

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outright repeals several sections of the law pertaining to the present or existing system. The bill would become operative July 1 of this year, with an emergency clause. LB296 is the further evolution of the 1996 legislation that established the current system; that is, LB1044. In the fall of 2002, Governor Johanns commissioned a task force to conduct an independent external review of HHS. The task force, among other things, recommended a single CEO for the system, which this bill specifies. In 2005, the Legislature passed LB467, which permitted the Governor to designate the policy secretary as the chief administrative officer of the system. Last year, the Health Committee considered LB844, which proposed a very similar reorganization of the system. This was introduced by Senator Byars and Senator Howard. In LB994 last year, the Legislature mandated the appointment of a chief administrative officer for the system, and eliminated the policy secretary position. In past years, various pieces of legislation have been introduced to shift personnel and budgets between the three agencies. This is important. Creating a single state agency for budgetary and administrative purposes will bring greater flexibility and efficiency. The primary goal of LB296 is to make this large and very complex system more accessible, more accountable, and effective for all Nebraskans. There is certainly more work that needs to be done. LB296 is a very important starting point in this process. It is the basis of change. [LB296]

PRESIDENT SHEEHY: One minute. [LB296]

SENATOR JOHNSON: There will need to be a very large amendment filed soon--it is over 1,800 pages in length--to harmonize the hundreds of sections of the law that refer to the existing system, to change the names of the agencies into a single agency; a similar amendment filed to LB1044 in 1996. Mr. Lieutenant Governor, this is the end of the introduction of my bill. I would ask for its advancement. [LB296]

PRESIDENT SHEEHY: Thank you, Senator Johnson. You've heard the opening to LB296. We will now move to AM74, offered by Health and Human Services. Senator Johnson, you're recognized to open on the amendment. [LB296]

SENATOR JOHNSON: Thank you. The...what this amendment is, Mr. President, AM74, it simply rewrites the first seven sections of the bill for greater completeness and clarity. It makes other technical changes to the bill as introduced. The amendment also changes the name of the Department of Medicaid to the Department of Medicaid and Long-Term Care. I would like to thank our committee counsel, Mr. Jeff Santema, for this amendment, because it clears up the language for all of us to understand. I would ask for its adoption. [LB296]

PRESIDENT SHEEHY: Thank you, Senator Johnson. You've heard the committee amendment, AM74. The floor is now open for discussion. We have Senator Howard, followed by Senator Dierks and Senator Schimek. Senator Howard. [LB296]

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SENATOR HOWARD: Thank you, Mr. Lieutenant Governor. I'm Senator Gwen Howard, and I rise in support of LB296 and the additional amendment. Governor Heineman has expressed his commitment to improving the way the state of Nebraska serves children and families, and the restructuring of Health and Human Services is a step in the right direction. I would like to take a moment to thank former Senator Dennis Byars for the tireless work that he put in to the initial bill that we submitted a year ago to address this. The intent of this plan is to provide much-needed clarity and transparency to the Health and Human Services System. It will combine the three separate agencies of Health and Human Services System into one agency with six clearly defined and focused departments. I especially support the privatization...or, the prior...(laugh) I especially support the separation of the Office of Children by creating a Department of Children and Family Services within this new organizational structure. I think it's important, however, that we as a body recognize that changing the structure of Health and Human Service Systems is only the beginning of what needs to be done to improve this complex system. Changing the structure alone, without changing the philosophy, will not change the way we do business. This revised structure will create a more efficient framework, but will not create a change in culture necessary to improve service delivery. As many of you know, we have recently been relieved of a costly federal lawsuit brought on behalf of Nebraska foster children. While I am thankful that we will not incur the expense of a lawsuit, I realize that we as policymakers have the responsibility to make wise decisions for over 7,000 children who are in foster care in Nebraska. I have talked with many of you and know that you have received the calls regarding foster children. These are not easy calls to take, and they never have simple solutions. I recently met with chief administrator Chris Peterson, and she spoke of her concern for these children, their families, foster parents, and child welfare staff. Two years ago, with the support of this body, I was successful in passing LB264, which puts in place an early intervention program with the intention of keeping babies and children from being hurt and from entering the foster care system. The Visiting Nurses Association, who are implementing this program, New Futures for Nebraska's Children, reported to me that not one baby they have worked with has suffered injury, abuse, or neglect. These were all infants at risk, and their cases were referred to the Visiting Nurses by Child Protective Services. Prevention works. Yet this critical service is not included in the child welfare list of priorities. I am concerned in equal measure that adoption services have been omitted. It is critical that children do not spend their childhood being identified as a foster child. Federal law requires that children who remain in the foster care system and are unable to be safely returned to their family home be moved forward to termination of parental rights. This calls for tough decisions, but it is necessary to move children to permanent homes. No child should spend years in foster care. No child should suffer multiple moves or the constant turnover of case workers every few months. Foster care was and still is intended to be a short-term solution... [LB296]

PRESIDENT SHEEHY: One minute. [LB296]

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SENATOR HOWARD: ...to a crisis situation. It should never be used as an alternative method of child-raising for Nebraska's children. And I will continue my discussion when I have the next opportunity to be on the mike. Thank you. [LB296]

PRESIDENT SHEEHY: Thank you, Senator Howard. Senator Dierks. [LB296]

SENATOR DIERKS: Thank you, Mr. President, members of the Legislature. I was one of the fortunate ones who was in the Legislature at the time that the Department of Health was reorganized the last time, and it was just...it was a very, very lengthy and time-consuming process. We felt at the time that it was going to be just the answer, and we had some great people that were working on it. I think it's...and I appreciate the Governor's efforts today to do it again. I think that it is proven that we really need to restructure the Department of Health. It's going to take a lot of patience on our part, because like this was mentioned a little bit ago, there's a huge amendment going to come along to define different things in there. It's a very complicated system. But I think it's vital that we go ahead with that. I'd like to ask Senator Johnson a question, if I could, please. [LB296]

PRESIDENT SHEEHY: Senator Johnson, would you yield? [LB296]

SENATOR JOHNSON: Certainly. [LB296]

SENATOR DIERKS: Senator Johnson, I noticed on the committee statement that there were several people that testified in a neutral capacity. I wonder if you could paraphrase their particular thoughts, what was going through their mind, why they were neutral on this issue. [LB296]

SENATOR JOHNSON: Senator Dierks, I believe the general tone was one of technical natures and so on. But there were also those people that just wanted to express their concern, as Senator Howard has. And we all have these very, I think we'd say well-based concerns about foster care, adoption, and so on, that Senator was talking about. And it was just, should these have a separate box or separate department? But the general consensus was, is that if they were all together, it allowed for complete wraparound services for these people, and so that's why this was chosen. [LB296]

SENATOR DIERKS: Thank you. Thank you, Mr. President. [LB296]

PRESIDENT SHEEHY: Thank you, Senator Dierks. Senator Schimek. [LB296]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I would like to make clear at the outset that I support the passage of LB296. I think there's some things that we can do that will improve the way HHS operates and that will improve the accountability. But I, in, of course, looking over the bill and reading the fine print, I got to

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the part on the veterans board, and we are changing the name, instead of the Board of Inquiry and Review, to the Veterans' Homes Board. And then I started reading a little further, and a little further, and I guess I need to ask of Senator Johnson a couple of questions about what that board does. And I'm particularly concerned about the fact that a member, somebody who lives at the veterans' home, may have a decline in their income. And when they go into the home, I think that's evaluated. But I'm wondering, Senator Johnson, what might happen to that member who cannot afford to pay the expenses of being in the veterans' home. Does the federal government kick in with something at that point? Does...and I'm thinking of the Veterans Administration. Or is it done through the Medicare, or whatever? I just...just because some of the language in here looked to me as if they could actually tell somebody they couldn't be in the home any longer. [LB296]

PRESIDENT SHEEHY: Senator Johnson, would you yield? [LB296]

SENATOR JOHNSON: Certainly. We've visited with perhaps the finest committee counsel here, in Mr. Santema. It's his opinion that, no, veterans would not be asked to leave the facilities if they become impoverished and they're...so. My guess is that there are ways, through the federal government, for this support. But we will check on that and get an answer to you. [LB296]

SENATOR SCHIMEK: Well, I appreciate that, and I...that's my supposition, as well. But yet, when I looked at some of the language in existing statute, and some of the new language, it made me start wondering, and I thought I'd better ask. So I would appreciate perhaps a little bit of expansion on that when we get to Select File. [LB296]

SENATOR JOHNSON: Certainly will. And I know that there are also bills in Congress right now dealing with Veterans Affairs,... [LB296]

SENATOR SCHIMEK: Yes. [LB296]

SENATOR JOHNSON: ...so they'll need to be monitored, as well. [LB296]

SENATOR SCHIMEK: And my second question, Senator, has anybody ever...has ever introduced an amendment that's any more lengthy than this one? Do you know? [LB296]

SENATOR JOHNSON: No, I think... [LB296]

SENATOR SCHIMEK: "No," you don't know; or "no," nobody ever has? [LB296]

SENATOR JOHNSON: I do not believe that there has been. And this one is 1,800 pages. And with the next bill dealing with HHS, it's only 946 pages, so it will be much

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easier to read. I must say again that there is a whole group of people that are going over this 1,800-page document, almost night and day. And again, Mr. Santema is up to about 1,500 in this. [LB296]

SENATOR SCHIMEK: Well, I do remember, once upon a time, when the Clerk was mandated by the constitution to read every bill, that there was a bill that began one day, went through the night, and finished up sometime the next day. I don't remember the particulars of it. And I'm kind of curious as to how that...how long that bill might have been. But... [LB296]

PRESIDENT SHEEHY: One minute. [LB296]

SENATOR SCHIMEK: ...I think 1,800 pages is pretty good, Senator Johnson. [LB296]

SENATOR JOHNSON: As a matter of fact, it's my understanding that that is what persuaded the body that not all bills had to be read in their entirety, because there was a succession of senators who were asked individually to stay here, and another group... [LB296]

SENATOR SCHIMEK: Exactly. But it also meant we had to convince the public, and I think that there were a couple of times that amendment went before the public, and they didn't right away say yes. So it just goes to prove that if at first you don't succeed, try, try again, right? [LB296]

SENATOR JOHNSON: Thank you. [LB296]

PRESIDENT SHEEHY: Thank you, Senator Schimek. Senator Wightman, followed by Senator Howard, Dubas, and Carlson. Senator Wightman. [LB296]

SENATOR WIGHTMAN: Thank you, Lieutenant Governor, members of the body. I rise as a member of the Appropriations Committee, and I have a question of Senator Johnson, if he would yield. [LB296]

PRESIDENT SHEEHY: Senator Johnson, will you yield? [LB296]

SENATOR JOHNSON: Yes, sir, Senator Wightman. [LB296]

SENATOR WIGHTMAN: I know that tunnel vision is mentioned a lot in this body, and probably, as a member of the Appropriations Committee, we all have somewhat tunnel vision. But I look at the fiscal note, and it doesn't show anything, and is that more a reflection that nobody knows what this is going to cost, or... [LB296]

SENATOR JOHNSON: (Laugh) No,... [LB296]

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SENATOR WIGHTMAN: ...is it a reflection that you can do it at the same amount?
[LB296]

SENATOR JOHNSON: No, Senator, what this is intended to be is strictly reorganization. It is meant to be budget-neutral. Hopefully, by rearranging this, we can end up spending the budget better to accomplish what we want. By doing it the way this is, there will be interdepartmental transfers of money as needed, but it is meant to be budget-neutral. [LB296]

SENATOR WIGHTMAN: One further question. Has there been any analysis of the number of employees it will take, under the new system with the six various departments, as opposed to the number of employees that we currently have? [LB296]

SENATOR JOHNSON: No, the only employee change that is contemplated is the discretionary employees and how they're employed. Again, in 1996, the estimate was that 400 employees would be eliminated. I don't know how many, if any, were eliminated, but here, no, everything is meant to be continued on, on a budget-neutral basis, and job-neutral basis as the starting point. [LB296]

SENATOR WIGHTMAN: Thank you, Senator Johnson. [LB296]

PRESIDENT SHEEHY: Thank you, Senator Wightman. Senator Howard. [LB296]

SENATOR HOWARD: Thank you, Mr. Lieutenant Governor. And I would add to Senator Johnson's information. I had talked to Chris Peterson earlier. I had an opportunity to meet with her, and she had assured me that direct line case managers would not be affected in this move. There would not be a change for those individuals, which I was very reassured by. But I'd like to continue to share the information with you that I have, and I'd like to refer you to two excellent reports. The first is the Voices for Children 2006 report, which will give you a picture of Nebraska's children, especially Nebraska's foster children. The second is Nebraska's Foster Care Review Board Report, 2005 annual report, which does an excellent job of suggesting an outline for improving services to Nebraska's foster children. I had hoped to have additional information to provide to you through LB264, the bill I referred to earlier. In that bill, Health and Human Services was required to provide a report to the body by September 2006. I will continue to request this information, and I apologize to Chief Administrator Chris Peterson, as I did not address this issue directly with her when we met, as I believe she would ensure that this report is produced. I want to stress to you that we cannot simply walk away from the critical and urgent problems that exist in the child welfare system. Reorganization is a first step. To be successful, we must address the issues of caseloads, the number of children that we expect each case manager to handle. We must be committed to providing the best child protective service worker training that is available, and we must

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be willing to commit resources to services that keep children from entering the foster care system. This is not the easy, feel-good path, but I know that Governor Heineman and this body are committed to making major improvements to Nebraska's foster care system. Accountability starts at the top. This structure will help us to identify where the top is and where the accountability begins. While the structure of the agency defines who is responsible for which tasks, it does not address the manner in which those tasks are to be performed. Without a philosophy that integrates the work of the departments and encourages communication and collaboration between the agencies and the personnel performing the work, the revised structure could result in increased fragmentation. Change for Health and Human Services cannot be just doing what's best for the bureaucracy. It must be about doing what is best for the people served by the system. That is why, in concert with this new structure, it is imperative that we continue to move the Nebraska Health and Human Services System forward to create a philosophy within our service delivery system that recognizes the state's responsibility to meet the human and social needs of Nebraska residents in a way that allows them to be as safe, as healthy, and as self-sufficient as possible, given their individual circumstances. We have to do business with a philosophy that recognizes that all consumers of Health and Human Services have the right to benefit from quality, culturally competent, timely, and accessible services. And I return the balance of my time to the Chair. Thank you. [LB296]

PRESIDENT SHEEHY: Thank you, Senator Howard. Senator Dubas, followed by Senator Carlson, Senator Fulton. Senator Dubas. [LB296]

SENATOR DUBAS: Thank you, Lieutenant Governor, members of the body. It's very apparent through the length of this bill and the amendment that has been attached that this is no small undertaking and needs to be considered very seriously. And I rise in cautious support of this overhaul of Health and Human Services. I do not want to minimize the work that has gone into this in the past. And as someone who is new to this situation, I don't want people to think that I have the answers, because I don't. But I do appreciate the work that's gone into it. People are looking for positive change. They are expecting some positive change to come out of this. And they will hold us, as members of this legislative body, responsible for what does come out of it. I don't want this to simply be a program that renames government, and I'm taking this rework very seriously. We have children and families who have been completely lost in this behemoth department, and that's not right. And we're providing taxpayer dollars, and we should be held accountable. We should be held accountable to the taxpayers who are footing the bill, and to those members of society who depend on the benefits from this reorganization. So I'm going to continue to seriously analyze this program, ask questions, seek out people who can help me understand it to the best of my abilities and their abilities. Again, I appreciate those who have done the work, put their time and energies into this, and who will allow me to use them as a resource. But I appreciate what they've done, and hope that this will be a big step in the right direction to helping

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us provide services that are so desperately needed, as well as responding to the taxpayers of the state. I yield the rest of my time. Thank you. [LB296]

PRESIDENT SHEEHY: Thank you, Senator Dubas. Senator Carlson. [LB296]

SENATOR CARLSON: Mr. President, members of the body, I would like to ask a question of Senator Johnson. [LB296]

PRESIDENT SHEEHY: Senator Johnson, would you yield? [LB296]

SENATOR JOHNSON: Certainly. [LB296]

SENATOR CARLSON: As a newcomer, I'm learning when I can ask a question, when it's appropriate, and I was encouraged last week by Senator Chambers, saying that we need to speak up when we do have a question, and that it's okay to ask for a simple explanation so I can understand it. I'm following up a little bit on Senator Wightman's question. In your statement of intent, it's indicated that the employment positions would increase from 17 to 25, and then the fiscal note indicates it is neutral. And I want to support this bill, so in a simple explanation, how is that feasible? [LB296]

SENATOR JOHNSON: This...if you give me just a minute, the...one of the things that we mentioned was about the discretionary employment. And it's more a question of the Governor or the CEO being able to hire and fire people, as opposed to, you know, total number of people employed throughout the system. Let me see if I can find the exact...here. The bill raises the number of HHSS discretionary employment positions, etcetera, from...now, a discretionary employee is an at-will employee who serves at the pleasure of the Governor or the agency head who appoints him. It's really covered...these people do not go under the rules and protections of the other state employees. So it's more a question of hiring and firing these specific people at the will of the Governor, as opposed to becoming part of the system and protections afforded thereby. [LB296]

SENATOR CARLSON: Okay. I appreciate the response and appreciate the work that's been done on a massive project. And I yield the rest of my time. [LB296]

PRESIDENT SHEEHY: Thank you, Senator Carlson. We have Senator Fulton, followed by Senator Howard, Senator Wallman. Senator Fulton. [LB296]

SENATOR FULTON: Thank you, Mr. President, members of the body. Senator Johnson, would he yield to a question? [LB296]

PRESIDENT SHEEHY: Senator Johnson, would you yield? [LB296]

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SENATOR JOHNSON: Yes, sir. [LB296]

SENATOR FULTON: Thank you very much for taking this on and for your work. A couple of questions. In the restructuring, what happens to Regulation and Licensure? I didn't notice that in the...I may be wrong. I didn't notice that in the new six departments with Health and Human Services. So what would happen with that? [LB296]

SENATOR JOHNSON: It's under the Department of Public Health. And...yeah, and this...if you go to number...page 5 in the handout, you will see that licensing and health protection, and then it's got the other ones listed there, of environmental health, health protection and emergency preparedness, and licensing, and then public health and bioterrorism also are under that. Senator...Dr. Schaefer is the present...holds that position. [LB296]

SENATOR FULTON: Okay, thank you. Second and last question. Again, I'm speaking from the vantage of the Appropriations Committee. When we have requests for budgetary consideration, they come to us by way of agency and then program. I guess, how will this restructuring affect the appropriations process? If there are different...there may be a program that was under a certain agency at time A, and after time A, there is this bill that passes that restructures Health and Human Services; this same program may be under a different agency at time B. How will that affect the appropriations process? I guess I'm curious. [LB296]

SENATOR JOHNSON: All right. Hopefully, it will make it easier. And if you turn to page 3, you will see that we have the Governor at the top, and then the CEO, and not only the six agencies in their boxes below that, who would then work with the CEO to come up with their budget, but you also have the operations people off to the side, that would be of support agencies to the CEO, as well, in putting together this obviously massive budget. [LB296]

SENATOR FULTON: Would the...in the immediate time that we are...that Appropriations is considering budget requests, will there be a...if this bill is effected to indeed restructure Health and Human Services, will there be a time at which we say, the appropriations process applies to the old structure of Health and Human Services, and then...? [LB296]

SENATOR JOHNSON: No. No. This is meant to be one budget, submitted to you by the CEO, covering all agencies under one blanket. And that's...again, hopefully will be an improvement in accountability, that you will have one responsible person. [LB296]

SENATOR FULTON: Thank you. Well, ostensibly, that's what it sounds like. So from the Appropriations standpoint, it sure would be a lot easier to be able to streamline this. So it sounds good on its face, and I'll be looking forward to more discussion on the topic.

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So, thank you. I yield the remainder of my time. [LB296]

PRESIDENT SHEEHY: Thank you, Senator Fulton. Senator Howard, followed by Senator Wallman, Senator Synowiecki. Senator Howard, this is your third time. [LB296]

SENATOR HOWARD: Thank you, sir. Thank you, Mr. Lieutenant Governor. I would like to address Senator Dubas and tell her that I appreciate her concerns, and I appreciate her cautious support, which I think is very wise. I agree with her, and I, too, put cautions ahead of us and say, we can't accept this as the answer to the problems within Health and Human Services. We can look upon this as a step toward solving some of the issues that are in front of us. This must be a system that recognizes that providers and consumers of Health and Human Services programs and services have the right to timely and unbiased appeal and due process procedures regarding the provision of services and programs. And most importantly--and Senator Dubas, I hope this will provide additional information--we must have a system that promotes accountability among all its departments and recognizes that ultimate authority for the system resides with the agency director. The philosophy of Health and Human Services not only affects the consumers directly, but it has considerable impact on those who are doing this important work. As a caseworker within the system for more than 34 years, it has been my experience that the workers on the front line doing their jobs each and every day are committed to the principles of customer-oriented service delivery. However, in order to provide services in a way that demonstrates their commitment to that philosophy, the workers must have the support of an infrastructure that values the hard work and the tough decisions that they make on behalf of children and families. Simply put, Health and Human Services System has to give the employees the tools and the support that they need to do the job they are expected to do, regardless of the agency structure, if we want to have a productive work force and a successful system. Thank you, and I return the balance of my time. [LB296]

PRESIDENT SHEEHY: Thank you, Senator Howard. Senator Wallman. [LB296]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I would like to ask Senator Johnson a question. [LB296]

PRESIDENT SHEEHY: Senator Johnson, would you yield? [LB296]

SENATOR WALLMAN: Thank you. This looks...was the system broke before, the reason we're restructuring this? [LB296]

SENATOR JOHNSON: (Laugh) Well, I think maybe that's the best explanation, to put it simply. And I might say that your predecessor, who I know you have high regard for, strongly has supported this, as well. But yes, we think the system is broken. Senator Howard has pointed out many of the difficulties now in existence. And if I might, I would

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just say, what is being created here is what I like to call a pyramid of responsibility, where there is one person at top...on the top that's in charge, and this then spreads out, similar to what you might have a general in charge of a division, then colonels and sergeants and so on. But also, you have the access to the people cleared up, as well. [LB296]

SENATOR WALLMAN: Thank you. I appreciate your answer. And I guess I can...anything to help disadvantaged children or adults, mentally disabled or whatever. If we can help them in any way, I support it. I yield my time. [LB296]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Senator Synowiecki, followed by Senator Harms. Senator Synowiecki. [LB296]

SENATOR SYNOWIECKI: Thank you, Mr. President, members of the Legislature. I'll be very brief. I just wanted to make mention of the demonstrated leadership on this issue from the Governor, and also from Senator Joel Johnson, our Chair of the Health and Human Services Committee. Senator Johnson, I think you've demonstrated leadership here. I think you're bringing something to us that is needed. And for the new members here, you'll find as you continue in your work as a state senator, some of the most frustrating calls you will get are calls that have to do with child welfare issues and foster care system. And there has been a perception of a lack of transparency and a lack of accountability, and hopefully this will instigate a change, a change for the good and a change for responsiveness and transparency. Although, I also want to point out that Chris Peterson and Nancy Montanez have both been very, very responsive at the administrative level. And when Senator Johnson speaks of this pyramid approach, I just hope that this initiative and this new thinking and this reorganization extends to all aspects of the child welfare system, down to the very basic level, down to the CPS level, within the system. But Senator Johnson, I just wanted to congratulate you on your demonstrated leadership, you and the Governor, relative to this issue. And hopefully, successful outcomes will follow. Thank you. [LB296]

PRESIDENT SHEEHY: Thank you, Senator Synowiecki. Senator Harms. [LB296]

SENATOR HARMS: Mr. President and colleagues, thank you very much. I'd like to ask Senator Johnson some questions, please, if I may. [LB296]

PRESIDENT SHEEHY: Senator Johnson, would you yield? [LB296]

SENATOR JOHNSON: Yes, sir. I'll do my best. [LB296]

SENATOR HARMS: I'd first of all like to commend you on what you've done. I just think that this is a marvelous starting point. I know when I saw the structure change during the orientation program, I was impressed. But the real work is yet to come, and that's

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the thing that I'd like for us to focus on. The real work and the real effort is yet to come. The structure is going to be changed. We're saying that it's going to be cost-effective, and I'm sure it will be. But Senator Johnson, a question I have for you and for the rest of this body is, how will we judge, what benchmarks will we put in, and how will we know, how will we know whether we're doing a good job or not? I don't believe, and I have always said this, that when you make these kinds of major changes,...we need to find a way to evaluate those. We need to understand whether we're accomplishing what we have set out. And I don't believe you can do it internally, okay, because you get into "turfism," you get into battles and issues that then we don't help the clients that we want to assist here. And that's been the issue from the beginning--people falling through the cracks, no one taking...paying attention. I know the structure is designed appropriately, but we have to have a gauge, we have to have an evaluation tool. My question to you, do we have that implemented? Do we know how we're going to gauge this and evaluate this process, Senator? [LB296]

SENATOR JOHNSON: I think the answer to that is, not at this time. I would agree with you wholeheartedly, sir, in that we have to find ways to check on the effectiveness of this reorganization, just like we do many other things around here. But this is one that is critical. The comments made about foster care and other problems, particularly with our children, are well-founded, and we must do a better job. This is just the start. [LB296]

SENATOR HARMS: Senator, thank you very much. I'm not being critical of what we've done. I'm just wanting to make sure that as a body we understand, it's just starting, folks. And we have to make sure that we work with Senator Johnson and whoever else we have to, so that we put in a way to evaluate this program and to make sure that our children and the people that need our services are actually getting those services at an appropriate time, and that we have looked at ways that we can be more cost-effective, because that's what people want, yet they want good services. And so I guess, as you look at this, Senator Johnson, and we get this thing though, you make all your amendments, and we're done at the end, I hope the next thing you will do, that you will start to put together a structure that will show us and help us understand that we are going to evaluate this, we are going to improve, and it's going to be better at the end. And I thank you. [LB296]

PRESIDENT SHEEHY: Thank you, Senator Harms. Senator Nelson. [LB296]

SENATOR NELSON: Mr. Speaker and members of the body, may I ask a question of Senator Johnson? [LB296]

PRESIDENT SHEEHY: Senator Johnson, would you yield? [LB296]

SENATOR JOHNSON: Yes. [LB296]

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SENATOR NELSON: Senator, I, too, appreciate the great volume of work that's been done on this and also the handout that you gave us here to help us better understand. If...referring to page 7, under Protection and Safety, there's the Office of Juvenile Services. And I note on the first page that the Governor appoints the chief executive officer and each of the department heads, but no longer will appoint the Office of Juvenile Services administrator as is under current law. To your knowledge, has he given up all appointments under this? Will everything now be under the provision of the CEO, as far as appointments? [LB296]

SENATOR JOHNSON: Well, you know, I think it would be a misstatement to assume that the CEO is going to run the show, shall we say, independently. I'm sure there will be constant working back and forth, not only with the CEO, but with the six areas or departments that we've talked about. But I cannot believe, with the interest that the Governor has expressed in this subject, that we won't have meetings, shall we say, for coordination of all of these, as well. [LB296]

SENATOR NELSON: Thank you, but my question still goes to the point, is the Governor pretty well out of the picture as far as appointments to the various subdivisions and areas here, and confining his appointments to the CEO, pretty much, and the directors? [LB296]

SENATOR JOHNSON: I cannot see where this would change as to what we have right now with these various ones. But you know, I see it being done as a...you know, a continuous program, with all of these various agency heads and so on working with the CEO, not independently. I don't know how better to answer the question. [LB296]

SENATOR NELSON: All right. Thank you very much, Senator. I yield the remainder of my time. [LB296]

PRESIDENT SHEEHY: Thank you, Senator Nelson. Further discussion on the committee amendment? Seeing none, Senator Johnson, you're recognized to close on AM74. [LB296]

SENATOR JOHNSON: Well, thank you very much for all the great comments around here, and comments of concern. There is no question, as Senator Dubas says, that this is just the start. Hopefully, this will be a system that we can work effectively in where we're at right now. We admittedly do not the best job we possibly can with particularly our children, but others as well. So yes, it's time to roll up your sleeves and go to work. So I would ask for the advancement of this amendment. [LB296]

PRESIDENT SHEEHY: Thank you, Senator Johnson. You've heard the closing to the committee amendment, AM74. The question before the body is, shall AM74 be adopted to LB296? All those in favor vote yea; opposed, nay. Have all voted who wish? Please

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record, Mr. Clerk. [LB296]

CLERK: 40 ayes, 0 nays, Mr. President, on adoption of committee amendments.
[LB296]

PRESIDENT SHEEHY: Committee amendment is adopted. The floor is now open for discussion on LB296. Senator Flood. [LB296]

SPEAKER FLOOD: Thank you, Mr. President, members. I want to thank and recognize the work of the Health and Human Services Committee, its Chairman, and certainly the folks over at the department that worked really hard on this bill. I have had a two-year relationship with some very significant Health and Human Services issues, most notably, behavioral healthcare reform, one of the issues that I've worked very closely with Senator Synowiecki on, primarily, in the last two years. Behavioral healthcare reform in Nebraska started in 2004 with the passage of LB1083. You may say, well, it affects you, Senator Flood, because you've got a regional center in your district. Well, that may be true; and so does Senator Burling, and certainly the Lincoln contingent. But it's bigger than regional centers. It's about making a real change in the way we deliver behavioral healthcare services. And through that issue, I've had the good fortune to get to know a lot of the folks at our Department of Health and Human Services, and have been impressed with what I've seen. At times, I've really questioned the direction that we've gone on specific issues. But I will say this, having one person in charge allows our state's largest agency to go in a coordinated direction, without having different opinions and running anything by committee. I think we can all agree that having one person in charge is the right direction to go. What I also like is that we have a number of deputy directors, or department heads for the different...the six different subdivisions of Health and Human Services. I think that, together with one person in charge, will allow us to respond more quickly to our constituents as legislators, but allow the department to respond to the citizens. I've had numerous issues, whether it be foster care, behavioral healthcare reform, veterans' services, veterans' homes, you know, healthcare related questions, Medicaid issues, all brought to my attention as a legislator, and I never knew exactly where to start, and I never knew if the decision that I got at a mid-management level could be overruled by somebody at an upper management level but not yet the director. So that being said, I think this is the right direction to go, and I really credit the work of the department, along with the Health Committee. Senator Johnson, Senator Howard, and I have had extended conversations. I think there's a lot more work to be done in the department, and we're going to have to work really hard to see that we deliver the right types of services. And that may be...you know, in behavioral healthcare, for example, there is a need for outpatient...an increase in outpatient services, there is a need for psych res rehab, there is a need for substance abuse. Think of a social issue that affects us. The folks in Columbus will tell you they need acute services for the people down there, because they've got a patient handcuffed in the back of a police car riding to Scottsbluff for

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services in an emergency room. That's unacceptable. And I think this is the direction to go if we want to hold the department accountable for the decisions that are made, so that we can also work with them to make the changes that are necessary. Senator Stuthman and I have talked at length about some of our concerns with the way behavioral health reform has gone, and I think that this is the right direction. The last thing I would add with regard to the agency is that I've gotten decisions back in a timely fashion since Director Peterson has been pretty much, more or less, at the helm of our state's largest agency. Right or wrong, I think what our citizens want is a decision, and a quick one, and a swift one, made based on the facts and the issues presented to the department, in a timely fashion. And I've seen that so far, and I hope that continues. That's a very important issue to me and to the citizens of my district. So I applaud this effort. I plan to vote for it. Thank you, Mr. President. [LB296]

PRESIDENT SHEEHY: Thank you, Senator Flood. Senator Howard. [LB296]

SENATOR HOWARD: Thank you, Mr. Lieutenant Governor. I rise to thank Speaker Flood for his comments. And he's absolutely on the money. He was very accurate. We can't afford to have situations where children are...come into the foster care and remain at risk because they're in a foster home that's less than adequate. We can't afford to have foster children who are riding around in police cars, as the example that Speaker Flood gave for adults, because there are no homes available to meet their needs. We have to be able to address the problems within the system. We have to be realistic. And we're going to have to do some hard work on this. It's not...there is no easy solution. This is not a quick fix. So I hope that I have your commitment, each and every one of you, to stay with me, to work with me as I bring bills forward that address the issues within Health and Human Services. And I thank you for your commitment, and I thank you for the time that you've spent on this with us. Thank you. [LB296]

PRESIDENT SHEEHY: Thank you, Senator Howard. Further discussion on LB296? Seeing none, Senator Johnson, you're recognized to close. [LB296]

SENATOR JOHNSON: Thank you, and thank everyone in the Chamber. One of the things that we did not mention is this, is the wonderful cooperation with Chris Peterson, who is the chief administrative officer. We've had numerous meetings at length about this to bring it to the place where we're at now. Also, people have been kind, have expressed kind words to me, but let me tell you, we have an excellent membership on the Health and Human Services Committee. So with that, I would ask for your advancement of LB296. Thank you. [LB296]

PRESIDENT SHEEHY: Thank you, Senator Johnson. You've heard the closing on LB296. The question before the body is, shall LB296 advance to E&R Initial? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB296]

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CLERK: 41 ayes, 0 nays on the advancement of LB296, Mr. President. [LB296]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Do you have any announcements on your desk? [LB296]

CLERK: Mr. President, your Committee on Government, Military and Veterans Affairs, chaired by Senator Aguilar, reports LB248 to General File; LB311, General File; LB39, General File with amendments; LB298, General File with amendments; and LB40 and LB87 indefinitely postponed; those reports signed by Senator Aguilar. Hearing notices from the Agriculture Committee, chaired by Senator Erdman. New A bill: Senator Stuthman offers LB283A. (Read LB283A by title for the first time.) Enrollment and Review reports they've examined and reviewed LB341 and recommend that it be placed on Select File. Mr. President, name adds: Senator Pahls would like to add his name to LB12; Senator Friend to withdraw his name from LB39; Senator Howard to add hers to LB143; Senator McDonald to LB341; Senator Friend to LB482. That's all that I had, Mr. President. I do have a priority motion. Senator Louden would move to adjourn until Tuesday morning, January 30, at 9:00 a.m. (Legislative Journal pages 400-406.) [LB248 LB311 LB39 LB298 LB40 LB87 LB283A LB341 LB12 LB143 LB482]

PRESIDENT SHEEHY: Have a motion by Senator Louden to adjourn until Tuesday, January 30, 2007, at 9:00 a.m. All those in favor say aye. Opposed, nay. We're adjourned. []